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S E N A T E
Proposed Senate Resolution No. ___ 736

Introduced by Senator Aquilino "Koko" Pimentel III

A RESOLUTION
DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE KILLING OF JERHODE JEMBOY BALTAZAR BY SIX POLICE OFFICERS IN NAVOTAS CITY

1   **WHEREAS,** it is the Constitutionally ordained responsibility of the
2   local police agencies to preserve peace and order within the regions[1];
3
4   **WHEREAS,** pursuant to this Constitutional mandate, it is the
5   policy of the State to promote peace and order, ensure public safety and
6   further strengthen local government capability aimed towards the
7   effective delivery of the basic services to the citizenry through the
8   establishment of a highly efficient and competent police force that is
9   national in scope and civilian in character[2];
10
11   **WHEREAS,** on August 2, 2023, around 2:45 a.m., six Navotas
12   policemen were on a follow-up operation after a shooting that killed a
13   certain Cristelo Mahinay in Barangay NBBS Kaunlaran, Navotas City. A
14   suspect had been arrested but another escaped and was reported to be
15   hiding in a boat[3];
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[1] Article X Section 21. 1987 Constitution
[2] Section 2. Department of the Interior and Local Government Act of 1990, Republic Act No. 6975, [December 13, 1990]
[3] Dexter Cabalza. ***Cops in teen slay admit mistake, won't go scot-free – PNP***. Philippine Daily Inquirer. August 10, 2023. <https://newsinfo.inquirer.net/1814619/pnp-cops-in-teen-slay-admit-mistake-wont-go-scot-free>

1　　　**WHEREAS,** upon arriving at the scene, the policemen saw Jerhode
2　Jemboy Baltazar and a friend on a boat preparing to go fishing—and
3　suddenly fired at them. The teenager's friend, who survived unharmed,
4　said they tried to surrender but the officers kept shooting, prompting
5　Baltazar to jump into the river[4];

6

7　　　**WHEREAS,** according to Baltazar's mother and sister, the bullets
8　hit the teenager in the face, giving him "no chance to live."[5];

9

10　　　**WHEREAS,** PNP public information chief Col. Redrico Maranan
11　said that all six had been disarmed and would be placed under restrictive
12　custody at the Northern Police District headquarters in Caloocan City.
13　Withholding their names, he said the six had undergone inquest
14　proceedings in the Navotas prosecutor's office on charges of "reckless
15　imprudence resulting to homicide"[6];

16

17　　　**WHEREAS,** as defined in Article 365 of the Revised Penal Code,
18　reckless imprudence consists in voluntarily, but without malice, doing or
19　failing to do an act from which material damage results by reason of
20　inexcusable lack of precaution on the part of the person performing or
21　failing to perform such act, taking into consideration his employment or
22　occupation, degree of intelligence, physical condition and other
23　circumstances regarding persons, time and place;

24

25　　　**WHEREAS,** according the Revised Philippine National Police
26　Operational Procedures, the use of firearm is justified only if the offender
27　poses imminent danger of causing death or injury to the police officer or
28　other persons. The use of firearm is also justified under the doctrines of
29　self-defense, defense of a relative, and defense of a stranger. However,
30　one who resorts to self-defense must face a real threat on his life, and the
31　peril sought to be avoided must be actual, imminent and real. Unlawful
32　aggression should be present for self-defense to be considered as a
33　justifying circumstance[7];

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[4] *Ibid.*
[5] *Ibid.*
[6] *Ibid.*
[7] REVISED PHILIPPINE NATIONAL POLICE OPERATIONAL PROCEDURES (2013)
<https://www.pro5.pnp.gov.ph/sorsogonppo/index.php/downloads/send/3-manuals/7-revised-
philippine-national-police-operational-procedures>

WHEREAS, a policeman is never justified in using unnecessary force or in treating the offender with wanton violence, or in resorting to dangerous means when the arrest could be affected otherwise[8];

WHEREAS, the events as reported show no indication of any justification for the use of firearms by the six policemen;

WHEREAS, this incident in Navotas is only one of the many operational lapses committed by the Philippine National Police which resulted in death. On June 16, 2021, 16-year-old Johndy Maglinte in Laguna was allegedly shot by police even as he was wearing handcuffs[9]. On December 9, 2022, 34-year-old Gilbert Dalogdog Ranes was allegedly mauled by a police officer and experienced difficulty in breathing before he was pronounced dead while under custody[10];

WHEREAS, leaving this matter uninvestigated amounts to permitting wanton abuse of police authority, sanctioning selective justice which unduly favors police personnel, and standing by as public trust towards our police force is eroding;

NOW, THEREFORE, BE IT RESOLVED as it is hereby resolved, to direct the appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the killing of Jerhode Jemboy Baltazar by six police officers in Navotas City.

Adopted,

AQUILINO "KOKO" PIMENTEL III

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[8] *Cabanlig v. Sandiganbayan*, G.R. No. 148431, [July 28, 2005]

[9] Neil Arwin Mercado. Eleazar: *PNP not ignoring alleged lapses in police operations*. INQUIRER.net. June 21, 2021 < https://newsinfo.inquirer.net/1448853/eleazar-pnp-not-ignoring-alleged-lapses-in-police-operations>

[10] MARIE TONETTE MARTICIO. *Cop charged for death of theft suspect in Maasin City*. Manila Bulletin. Dec 14, 2022. <https://mb.com.ph/2022/12/14/cop-charged-for-death-of-theft-suspect-in-maasin-city>