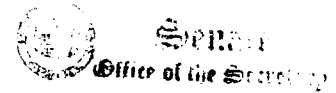


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



23 SEP 11 P4:31

SENATE
P.S. RES. No. 789

RECEIVED BY:

Introduced by SENATOR JOSEPH VICTOR G. EJERCITO

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ALLEGED IRREGULAR SERVICE OF SEARCH WARRANTS BY THE PHILIPPINE NATIONAL POLICE -CRIMINAL INVESTIGATION AND DETECTION GROUP-REGIONAL FIELD UNIT-NATIONAL CAPITAL REGION AGAINST MABINI, BATANGAS MAYOR NILO VILLANUEVA AND HIS BROTHERS

WHEREAS, Article III, Section 3 of the 1987 Philippine Constitution guarantees "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized";

WHEREAS, the Supreme Court in *People of the Philippines v. Amador Pastrana and Rufina Abad*¹ declared: "The sacred right against an arrest, search or seizure without valid warrant is not only ancient. It is also zealously safeguarded. The Constitution guarantees the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. Any evidence obtained in violation of said right shall thus be inadmissible for any purpose in any proceeding. Indeed, while the power to search and seize may at times be necessary to the public welfare, still it must be exercised and the law implemented without contravening the constitutional rights of the citizens; for the enforcement of no statute is of sufficient importance to justify indifference to the basic principles of government";

WHEREAS, around 4:15AM to 9:02AM of June 17, 2023, operatives of the Philippine National Police-Crime Investigation and Detection Group-Regional Field Unit-National Capital Region (PNP-CIDG-RFU-NCR) under the control and supervision of Police Colonel Hansel Marantan, forcibly entered the home of Mabini, Batangas, Mayor Nilo Villanueva, breaking doors, in the process of serving a search warrant for an alleged violation of Republic Act (R.A.) No. 10591, otherwise known as the Comprehensive Firearms and Ammunitions Regulation Act;

¹ G.R. No. 196045. February 21, 2018

WHEREAS, according to Mayor Nilo Villanueva, the firearms seized during the raid conducted on their compound were licensed. He also categorically denies that the grenade allegedly found in his home belong to him. Further, Mayor Nilo Villanueva alleges that the above mentioned grenade was planted;

WHEREAS, it must be noted that, even though the crimes allegedly committed by Mayor Nilo Villanueva and his brothers were in Batangas, multiple search warrants were applied for by the PNP-CIDG-RFU-NCR with Honorable Mary Josephine Dela Peña Lazaro, Executive Judge of Regional Trial Court, Branch 74, in Antipolo City;

WHEREAS, the trumped-up charges filed against Mayor Nilo Villanueva and his brothers were dismissed due to lack of probable cause and they were eventually released from detention;

WHEREAS, the public must be assured that they are protected from malicious searches and seizures from law enforcement agents tasked to protect their basic constitutional rights;

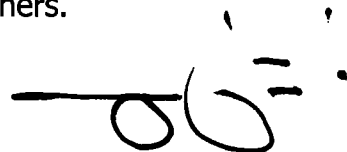
WHEREAS, Department of Justice Secretary Jesus Crispin Remulla, last July 2023, criticized the anti-trafficking raid of the police in Las Piñas. Though the said raid have rescued more than two thousand (2,000) individuals, the suspects were released because of technicalities. According to DOJ Secretary, there appears to be a "culture of arrest" among the police. He further stated in Filipino: "Before, police would just keep arresting even without a case. If there is no case, they plant evidence. They can no longer do that. We will not allow that. That's why they're having problems."²

WHEREAS, search warrants and the power to conduct searches and arrests should not be weaponized to harass or persecute another for any ill political motive;

WHEREAS, elected officials who were given mandate by their constituents to serve and protect their general welfare but are seemingly not safe from illegal searches and seizures from law enforcement agents sends out a chilling effect among ordinary members of our society;

RESOLVED BY THE SENATE, as it is hereby resolved, to direct the appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the alleged irregular service of search warrants by the Philippine National Police-Crime Investigation and Detection Group-Regional Field Unit-National Capital Region against Mabini, Batangas Mayor Nilo Villanueva and his brothers.

Adopted,



JOSEPH VICTOR G. EJERCITO

² <https://news.abs-cbn.com/amp/news/07/10/23/doj-hits-ntp-anti-trafficking-raid-suspects-released-for-further-probe>