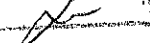


THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

5 DEC. 12 P 3 28

SENATE
P S R No 404

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

RESOLUTION
DIRECTING THE SENATE COMMITTEE ON JUSTICE AND HUMAN RIGHTS
TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION,
ON THE ALLEGED HUMAN RIGHTS VIOLATIONS OF THE MILITARY
IN THEIR OPERATIONS IN PALO, LEYTE

WHEREAS, the Constitution, Article 2, Section 3 provides that, "Civilian authority is, at all times, supreme over the military. The Armed Forces of the Philippines is the protector of the people and the State. Its goal is to secure the sovereignty of the State and the integrity of the national territory",

WHEREAS, the 24 November 2005 issue of the *Philippine Daily Inquirer* reported that members of the Philippine Army's 19th Infantry Battalion descended on Brgy San Agustin, Palo, Leyte on 21 November 2005, responding to a report on the presence of armed men in the area,

WHEREAS, seven farmers were killed and more than ten others were injured in the said attack, all of them suspected by the military to be members of the communist New People's Army (NPA);

WHEREAS, Richard Margallo, chair of the San Agustin Farmer Beneficiaries Multipurpose Cooperative, survived the military attack, and claimed that the soldiers went on the offensive against unarmed farmers and not members of the NPA;

WHEREAS, Margallo recounted the incident, saying that 46 farmers converged at the barn in his grandfather's farm on the night before the attack, in preparation for a cooperative planting activity, the soldiers attacked the next morning, approached the barn, and shouted at the farmers to come out and fight; the soldiers lobbed grenades and continuously fired at Margallo and his companions despite their shouts that they were unarmed civilians,

WHEREAS, Margallo asserted that the soldiers kicked the wounded and hit with rifle butts those who tried to look at their attacker's faces; the soldiers threatened to kill the farmers if they did not surrender their firearms, which the farmers do not have,

WHEREAS, Margallo insinuated that the soldiers planted rifles and handguns when they found no firearms in the farmer's possession,

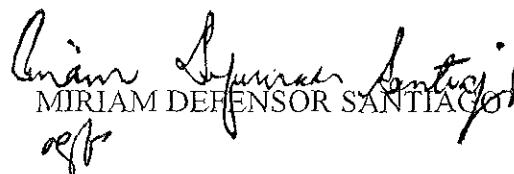
WHEREAS, the military maintained that the encounter was a legitimate operation, and that it was a group of NPA guerrillas that had fired at the soldiers first, prompting the latter to retaliate,

WHEREAS, in addressing the threats of terrorism and rebellion, it is perfunctory for the military to dutifully observe the rules of engagement and internationally recognized human rights protocols;

WHEREAS, similar incidents are detrimental to the military's campaigns against rebels and terrorists because the Armed Forces should not only win their campaigns through the might and firepower, but also win the hearts and minds of Filipinos in the countryside, especially the peasants and the poor;

WHEREFORE, be it resolved, as it is hereby resolved by the Philippine Senate, to direct the Senate Committee on Justice and Human Rights to conduct an inquiry, in aid of legislation, on the alleged human rights violations of the military in their operations in Palo, Leyte.

Approved,


MIRIAM DEFENSOR SANTIAGO
df

/ptmt