

SECRETARY

THIRTEENTH CONGRESS OF THE REPUBLIC)
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Second Regular Session)

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SENATE
P.S.R. No. 420

RECEIVED BY

Introduced by Senator Miriam Defensor Santiago

RESOLUTION
DIRECTING AN INQUIRY, IN AID OF LEGISLATION,
ON THE KILLINGS OF LAWYERS AND MEMBERS OF THE JUDICIARY

WHEREAS, the Constitution, Article 2, Section 5 states that "the maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy";

WHEREAS, the Philippine government is required to protect lawyers under Paragraph 16 of the Basic Principles on the Role of Lawyers, adopted by the Eight United Nations Congress on the Prevention of Crime and Treatment of Offenders (1990) which declares that "governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and consult with their clients freely; (c) shall not suffer, or be threatened with, prosecution or administrative, economic and other sanctions for any action taken in accordance with recognized professional duties, standards and ethics";

WHEREAS, on 31 December 2005, Judge Hentick Gingoyon of the Pasay City Regional Trial Court Branch 117 was ambushed by two unidentified motorcycle-riding assailants near his residence in Soldier's Hills Village in Bacoor, Cavite;

WHEREAS, according to the Counsels for the Defense of Liberties (CODAL), Gingoyon was 10th judge to have been murdered since 1999; three other Regional Trial Court judges, namely Judge Paterno Tiamson, Judge Milnar Lammawin and Judge Voltaire Rosales were brutally killed in 2004;

WHEREAS, CODAL recorded 15 violent attacks against lawyers in 2005 alone; seven human rights lawyers were killed and others were seriously wounded;


WHEREAS, according to Atty. Jose Manuel Diokno, Chairperson of the Free Legal Assistant Group (FLAG), Judge Gingoyon's brutal murder illustrates the complete breakdown of law and order in the Philippines, and that the killing of any judge is an attack on the independence and integrity of the judiciary, jeopardizing the conditions under which justice may be dispensed;

WHEREAS, these brazen attacks undermine the practice of law and the ability of lawyers to fulfil their sworn obligation to serve their clients to the fullest; these acts of violence threaten the independence and integrity of judges thus making the effective administration of justice even more difficult or elusive;

WHEREAS, in a press statement, the Integrated Bar of the Philippines (IBP) has declared that the killings are "no longer just a matter of concern. This is appalling. These killers are becoming more daring everyday, doubtless emboldened by what appeared to be a continued failure, if not sheer ineptness, of the law enforcement authorities to put a stop to the murderous rampage;"

WHEREFORE, be it resolved that the proper Senate committee shall conduct an inquiry in aid of legislation on the killings of lawyers and members of the Judiciary.

Adopted,


MIRIAM DEFENSOR SANTIAGO
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