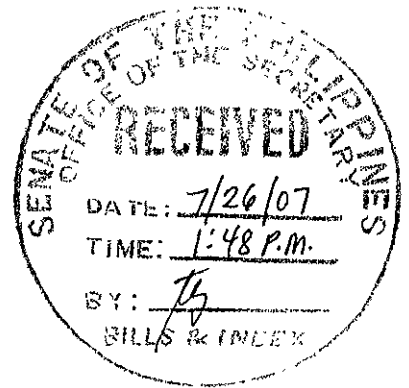


FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

SENATE
PSR No. 43



Introduced by Senator Loren Legarda

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE DISAPPEARANCE OF JONAS BURGOS AND OTHER CASES OF MISSING PERSONS

WHEREAS, on 28 April 2007, newspaper reports stated that Mr. Jonas Burgos, the son of the late journalist and press freedom fighter Jose Burgos, was abducted by three men and a woman from the Ever Gotesco Mall in Fairview, Quezon City;

WHEREAS, Jonas Burgos, who had not been seen since April 28, 2007, was allegedly dragged by gunmen from Hapag Kainan restaurant in Ever Gotesco Mall along Commonwealth Avenue, Quezon City, to a waiting Toyota Revo which license plate was traced to another vehicle that was impounded last year at the 56th Infantry Battalion camp in Bulacan;

WHEREAS, at the time of incident, Burgos, who is a graduate of agriculture from the Benguet State University, had been giving agricultural technology training for members of the Alyansa ng Magbubukid sa Bulacan (AMB), a chapter of the Kilusang Magbubukid ng Pilipinas (KMP or Peasant Movement of the Philippines) for the past nine years;

WHEREAS, according to reports, Mr. Burgos is an active member of Alyansa ng Magbubukid ng Bulacan, a local chapter of Kilusang Magbubukid ng Pilipinas. The AMB and KMP are peasant organizations lobbying for the solution of agrarian issues in Central Luzon;

WHEREAS, on 09 July 2007, the Presidential Task Force Against Media Harassment led by its Chairman, Senior State Prosecutor Emmanuel Velasco, identified six soldiers believed to be linked in the abduction of 37-year-old activist Jonas Joseph Burgos, T/Sgt. Jason Roxas, Corporal Maria Joanna Francisco and M/Sgt. Aaron Arroyo and a certain TL, who are all from the Intelligence Service of the Armed Forces of the Philippines. The two others are First Lt. Jaime Mendaro and Lt. Col. Noel Clement of the 56th Infantry Battalion.

WHEREAS, according to the Pamilya ng Desaparecidos Para sa Katarungan, from the year 2001 until May of 2007, 199 have been victims of enforced disappearance. From January to May this year, 16 persons were abducted and had remained missing, among them, Jonas Burgos. The year 2006 recorded the highest number of disappeared, with 75 victims;

WHEREAS, on December 2006, the United Nations General Assembly, taking note of Human Rights Council resolution dated 29 June 2006, by which the Council adopted the International Convention for the Protection of All Persons from Enforced Disappearance adopted and opened for signature, ratification and accession said Convention;

WHEREAS, the International Convention for the Protection of All Persons from Enforced Disappearance states that no one should be subjected to enforced disappearance and that the widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law. Under the Convention, each State party should take appropriate measures to ensure that enforced disappearance constitutes an offence under its criminal law;

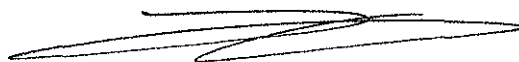
WHEREAS, for the purposes of the Convention, "enforced disappearance" is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law. To date, the Philippines has not ratified the Convention;

WHEREAS, such efforts of the international community and the past Philippine Congress to enact a bill on involuntary disappearance underscores the necessity of inquiring into the rising number of cases of missing persons and involuntary disappearances in the country;

WHEREAS, there is an urgent need to look into the disappearance of Jonas Burgos and other cases of missing persons in the country to determine whether remedial measures must be introduced to make our laws relevant and applicable to distinct cases of involuntary disappearance;

WHEREAS, likewise, it is also essential to provide greater deterrence to perpetrators of said disappearances by enacting legislation that would impose stiffer penalties not only to the actual perpetrators but also to the persons responsible over them to ensure that justice is truly served;

NOW BE IT RESOLVED, AS IT IS HEREBY RESOLVED, TO DIRECT THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE DISAPPEARANCE OF JONAS BURGOS AND OTHER CASES OF INVOLUNTARY DISAPPEARANCES IN THE COUNTRY



LOREN LEGARDA
Senator