


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

6 AUG -9 P4:18

SENATE

RECEIVED BY: 

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**COMMITTEE REPORT NO. 87**

Submitted by the Committee on Public Order and Illegal Drugs on **09 AUG 2006**

Re: P. S. Res. No. 184.

Recommending the adoption of the recommendations and their immediate implementation.

Sponsors: Senator Villar and the Members of the Committee on Public Order and Illegal Drugs.

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**MR. PRESIDENT:**

The Committee on Public Order and Illegal Drugs to which was referred Proposed Senate Resolution No. 184, introduced by Senator Villar, entitled:

**“RESOLUTION  
DIRECTING THE SENATE COMMITTEE ON PUBLIC ORDER  
AND ILLEGAL DRUGS TO CONDUCT AN INVESTIGATION, IN  
AID OF LEGISLATION, INTO THE VALENTINE’S DAY  
BOMBINGS IN MAKATI, DAVAO CITY AND GENERAL SANTOS  
CITY, WITH THE END VIEW OF RECOMMENDING POLICY  
MEASURES TO ENSURE PUBLIC SECURITY IN AREAS OF  
CONVERGENCE LIKE BUS TERMINALS, AIRPORTS,  
COMMERCIAL ESTABLISHMENTS AND VITAL  
INSTALLATIONS NATIONWIDE”**

has considered the same and has the honor to submit the report on its investigation, in aid of legislation, back to the Senate recommending the adoption of the recommendations as contained in this report and their immediate implementation.

**I. PREFATORY**

On the evening of 14 February 2005, three (3) explosions almost simultaneously rocked the nation. The first blast occurred at around 6:30 o'clock in the afternoon just outside the Gaisano Mall in General Santos City. Instantly killed three (3) persons and wounded thirty-three (33) others. A boy died instantly when the second bomb exploded almost simultaneously in a bus

terminal in Davao City. The third bomb exploded in a fully packed passenger bus along Epifanio Delos Santos Avenue near the Hotel Intercontinental in Makati City. The bus exploded in flames that scattered debris that hit two (2) other buses.<sup>1</sup>

The notorious Abu Sayyaf has claimed responsibility through its leader Abu Solaiman, calling the bombings a “gift” to President Gloria Macapagal Arroyo.<sup>2</sup> This was the work of elements of a terrorist group aimed only in wreaking terror in the hearts of innocent civilians. This has prompted the Committee on Public Order and Illegal Drugs on conducting an investigative hearing in aid of legislation with the end view of recommending measures to better ensure the safety of the general public in areas of convergence.

A hearing was held on 1 March 2005, at 1:36 o'clock in the afternoon. The following resource persons were present: Fire Chief Supt. Rogelio F. Asignado; Usec. Abraham A. Purugganan (Task Force for the Security of Critical Infrastructure); Major Gen. Pedro C. Ramboanga, Jr. J3 AFP; Vadm. Ariston V. Delos Reyes, Jr. AFP; General Victor Mayo, National Security Council; Brig. Gen. Cesar P. Garcia, Jr. (Ret.), NICA; S/Supt. Florante Baguio, PNP-COC; Dir. Avelino Razon, Jr., NCRPO; P/C Supt. Antonio Billones, Police Regional Office XII; and P/C Supt. Simeon P. Dizon, Jr., Police Regional Office XI.

## II. FINDINGS

### A. *Intelligence & Police Action- Before and After the Bombings*

The bombings were not a surprise to the law enforcement agencies. As testified by S/Supt. Baguio, the Philippine National Police (PNP) already received some intelligence reports as early as December 2004 on suspected bombings within Metro Manila, Zamboanga, General Santos City, and Davao City. He further stated that action was taken to pre-empt the reported planned bombing, despite the fact that no specific place or time was ever given by intelligence sources. On 11 February, the PNP disseminated intelligence reports in an effort to intensify operations to prevent attacks on populated areas. After the bombings, the PNP was put on full alert and was geared mainly in preventing other attacks, and was augmented by PNP elements from neighbouring regions and the Armed Forces. The following exchange took place:

#### MR. BAGUIO

Yes, sir. Your Honor, sir, ladies and gentlemen, good afternoon. I am Police Senior Superintendent Florante Baguio of the Operations Center of the PNP representing our director for operations of the PNP.

Now what happened last February 14, separate bombing incidents occurred in three major cities in the country—one in General Santos City, followed by the bombing in Davao City and in our investigations, we found out that there were similarities of these three incidents. The bombings were committed by suspected terrorists

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<sup>1</sup> Philippine Star, “Valentine’s Day Bombing Spree, Abu Claims Responsibility” by Edith Regalado, John Paul Jubaleg, and Evelyn Macairan – February 15, 2005

<sup>2</sup> *Ibid.*

using improvised explosive device and we have some actions taken even before the ...

**THE CHAIRMAN**

So, improvised, you mean not a sophisticated type?

**MR. BAGUIO**

Yes, sir. It was improvised explosive device used by criminal elements or terrorists.

The PNP, sir, has taken some actions even before the bombing, a few days before even as early as December, we have been receiving informations that terrorists will bomb the city of Manila, Zamboanga, Davao and General Santos City. So last February 11, we have disseminated intelligence information to our field commanders to intensify police operations and intelligence information to thwart or preempt the bombing plan of the terrorists and although we did not receive specific time and specific target, but there was persistent report that the terrorists will create terrorist activities like bombing in populated areas. So before the bombing, sir, we have disseminated these informations and immediately after the bombing incidents, we have performed the following: the different field commanders have activated their incident management committee and the PNP has declared full alert nationwide. Post blast investigations were conducted and follow-up operations were likewise conducted by the different police units. The NCRPO was augmented by some police elements from the nearby regions and from the national headquarters of the PNP. Likewise the national command of the Armed Forces of the Philippines, National Regional Command has also augmented the NCRPO for additional uniformed personnel to ensure that.../has

*B. Jemaah Islamiyah, Abu Sayyaf as a Front for the MILF*

Despite the admission of the Abu Sayaf that they were responsible for the bombings, members of the PNP and the AFP believe that the Mindanao separatist group MILF is actually behind the bombings to divert the attention of the government from on-going operations against the MILF. S/Supt. Baguio reported that since the MILF cannot openly admit to the bombings,<sup>3</sup> the next logical group to admit the same will be the ASG. This admission will actually bolster the credibility of the ASG as a terrorist group. However, the ASG does not have the operational capability to conduct such an attack due to the lack of operational funding. This report was based on the fact that a key figure (Kair Munduz) instrumental to the funding by middle eastern sources was arrested in Basilan in 2004. According to the PNP, this led to the depletion of several Abu Sayyaf financial accounts.

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<sup>3</sup> Due to the on-going peace negotiations and to prevent from being labelled as a terrorist group

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**MR. BAGUIO** The suspects, sir, were Mindanao separatists.

**THE CHAIRMAN** Abu Sayyaf?

**MR. BAGUIO** The Abu Sayyaf which is linked with the Qaeda and the JI ...

Yes, sir. In fact the spokesman of the Abu Sayyaf, sir, has admitted ...

**THE CHAIRMAN** And you believe them?

**MR. BAGUIO** *Their admission*

*The recent bombings could have been a spillover of the retaliatory acts of the JI-MILF-ASG in the bombing operations conducted by the government forces at the suspected hideout of Khadaffy Janjalani, Abu Solaiman and the Jemaah Islamiyah leaders on January 27 of this year in Liguasan Marsh, Datu Pyang, Maguindanao. It could also be diversionary tactic against the ongoing operations in the Jolo area against the MNLF breakaway group. The ASG claim responsibilities for the recent bombings because the MILF could not openly make similar claims owing to the ongoing peace negotiations with the Philippine government. The ASG (Abu Sayyaf Group) readily admitted responsibility to bolster their capability. They had been marginalized for sometime now because of the lack of operational funds. Middle East funds were cut off when Kair Munduz (?) was arrested in Basilan in October 2004 resulting to the backsliding of three ASG accounts. Based on the recent developments, the Jemaah Islamiyah-ASG and maybe faction of MILF will continue to sow terror in the urban centers in its effort to create a negative impact on the economy and political stability of the country. Furthermore, the conduct of bombings could be in response to the JI's offer for cash reward to every successful bombing operation and this could have attracted the terror groups to broaden their operations not only in Mindanao but also in any other urban centers in the country.*

Further, it was disclosed during the hearing that there was no factual basis for the notion that the Jemaah Islamiyah (JI) was offering rewards for terrorist attacks within Philippine Territory. Law enforcement agencies do not have any reports that JI has been offering rewards. However, JI has been funding terrorist operations in the Philippines, specifically money has been sent to the Philippines

to finance the bombing operations of the ASG.<sup>4</sup> It was further disclosed that there are no reports to what extent the JI has been funding terrorist activities in the Philippines, no information was offered except for funds confiscated from members of the JI (who came from Sabah and Indonesia) during an operation conducted on December 14, 2004.<sup>5</sup>

### *C. Counter Terrorist Agencies*

The Committee hearing then delved into the various agencies that have taken the lead in preventing and investigating bombings and other terrorist attacks. General Mayo explained that the Anti-Terrorism Task Force (ATTF), which is composed of 46 government agencies, is directly under the Office of the President, and chaired by the Executive Secretary under the National Security Council. The ATTF's main operating agencies are the PNP and the Armed Forces of the Philippines (AFP). Senator Rodolfo Biazon inquired as to how the ATTF defines terrorism, General Mayo based his definition on the pending anti-terrorism bill, the exchange went as follows:

**SEN. BIAZON** Okay now. The first policy that you have to make clear to everyone is a definition of what is terrorism. Do you have a definition?

**MR. MAYO** May I now read it?

Section 3. Terrorism defined. Terrorism is the premeditated, threatened, actual use of violence, force or by any other means of destruction perpetrated against persons or properties or the environment with the intention of creating or sowing a state of danger, panic, fear or chaos to the general public, group of persons or particular person or of coercing or intimidating the government to do or to abstain from doing an act.

The exchange between the Committee Chairman, Senator Biazon, Vice Admiral Delos Reyes, and General Mayo revealed a confusion on who are considered terrorists. It was revealed that the Moro Islamic Liberation Front (MILF) and the Moro National Liberation Front (MNLF) are not considered terrorist organizations but the ASG and the New People's Army were considered as terrorists. It was established that the resource persons were not the policy makers regarding who or may not be considered a terrorist.<sup>6</sup>

### *D. ATTF Action Before and After 14 February*

Director Razon explained the levels of alert and the preventive measures taken by the PNP and the AFP based on intelligence reports received prior to 14 February 2005.

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<sup>4</sup> Testimony of Mr. Rafanan, on the financing by JI of the ASG's terrorist attacks and operations within the Philippines. Page 42, Hearing on Proposed Resolution 184- Committee on Public Order and Illegal Drugs, Philippine Senate. March 1, 2005.

<sup>5</sup> Ibid.

<sup>6</sup> Exchange between Senator Villar, Senator Biazon, General Mayo and Vice Admiral Delos Reyes, Hearing on Proposed Resolution No. 184. Pages 25-26. March 1, 2005. Philippine Senate.

**SEN. BIAZON** Okay. Anyway, I don't think you can clarify this. I think we will have to go higher up above you. Superintendent Baguio, Director Avelino Razon, Jr.

There was a mention of intelligence report as early as February 11 that the terrorists - -

February 11 right?

**MR. RAZON** In the report, it is said that the ASG will launch operations in cities - - in Mindanao and in Metro Manila.

**SEN. BIAZON** Two cities in Mindanao, were they mentioned?

All right.

What did you do after?

**MR. RAZON** First, we made some verifications to the Intelligence Coordinating Committee meetings.

Second, we placed NCRPO on heightened alert, with the emphasis on the guarding of vital installations and key economic points.

We also intensified our police visibility points in Metro Manila and the establishment of 37 checkpoints starting 12:00 midnight to 6:00 a.m. in the morning.

**SEN. BIAZON** All right. What level of alert was directed after the receipt of this intelligence report on February 11?

**MR. RAZON** On the part of the NCRPO, Mr. Chairman, I placed my command on heightened alert.

**SEN. BIAZON** "Heightened alert," meaning 50 percent?

**MR. RAZON** Yes, Mr. Chairman

**SEN. BIAZON** Right. That heightened alert, was it raised as the days went by? Let's say, for example, on February 14, what was the level of alert obtaining in your area?

**MR. RAZON** Before the bombing, Mr. Chairman, it was heightened; after the bombing, it was full alert.

Senator Biazon further made inquiries to the existence of standard operating procedures (SOPs) of the ATTF upon receiving intelligence reports or in their efforts to prevent terrorist attacks. Director Razon clarified that there are certain levels of mobilization which involves not only the ATTF but also the local communities.

**SEN. BIAZON** Okay, fine. Now, do we have SOPs? Because here, according to the President, itong aawayin natin sa terorista, hindi lamang pulis at military ang involved, lahat tayo. Di ba, sabi niya? Di ba?

All right. Now, question. Do the local government units have roles to play in each of those level of alert?

**MR. RAZON** Yes, Mr. Chairman, they have a role to play, particularly in the full alert or when already an incident has happened. It is the local chief executive who is the chairman...

**SEN. BIAZON** Yes.

**MR. RAZON** ...of the Crisis Management Committee in that locality.

**SEN. BIAZON** What do they mobilize? For example, in heightened alert, what do they mobilize?

**MR. RAZON** Well, they make preparations for any impending crisis or disaster...

...these units that are supposed to respond to this crisis are already mobilized and they are established.

**SEN. BIAZON** May kakulangan pa iyan, ano.

**MR. RAZON** They also continue to monitor the situation by establishing their own crisis management centers, Mr. Chairman.

**SEN. BIAZON** When the heightened alert was declared starting February 11, what did they do?

**MR. RAZON** Well, they were precisely assisting the PNP, Mr. Chairman, monitoring the situation. The tanods were mobilized to act as force multipliers of the PNP. We have information dissemination campaigns being done already to generate public support and public awareness on the prevailing situation, Mr. Chairman.

**SEN. BIAZON** Whenever alert status is raised, what sectors of concern do you focus attention, and, therefore, may begin-relate to them, conduct training to them dish out information? For example, what are the probable targets of terrorists—buses, 'no, LRT.

**MR. RAZON** Transport sector, Mr. Chairman

**SEN. BIAZON** Transport sector.

**MR. RAZON** Seaports, airports

**SEN. BIAZON** Yes.

**MR. RAZON** Then commercial centers, malls...

**SEN. BIAZON** ...shopping ...movies?

**MR. RAZON** That's also included, Mr. Chairman.

**SEN. BIAZON** Church.

**MR. RAZON** Yes, Mr. Chairman.

**SEN. BIAZON** Yes, okay.

**SEN. BIAZON** Now, is there any mobilization in all of those, for example...By the way, do the drivers and the conductors of buses know how they can assist our security forces, the PNP and the AFP maintain security, maintain vigilance in their particular area.

Meaning, the total mobilization of the community in the different levels of alert, do we have this?

**MR. RAZON** We have that, Mr. Chairman. In fact, we have that on document that there is supposed to be an area-integrated area comprehensive security plot.

It was disclosed that a *comprehensive procedure* involved information dissemination and briefings to the community sectors most likely to become targets of terrorist attacks.

#### *E. Legal Infrastructure for Anti-Terror Operations*

The resource persons present were of the consensus that the present laws are not enough to empower any serious attempt to curb terrorism within the State's territory. It was disclosed that the methods of the terrorists are evolving with the advances in information technology and telecommunications. It was disclosed that the security services do not have the legal capability to detect, track, monitor and pre-empt any conspiracy to conduct terrorist activities.<sup>7</sup>

The Anti-Wire Tapping Law was also mentioned in so much as the said law was already out-moded and obsolete in the light of technological advances made in telecommunications and that a new law be passed to address digital technology in telecommunications. According to the resource persons, warrants to track and monitor communications between suspects have been rejected by service providers simply because the law does not empower the government to do so.<sup>8</sup>

<sup>7</sup> Testimony of Mr. Garcia, on the legal capacity of the State's security services to prevent terrorist attacks. Page 48, Hearing on Proposed Resolution 184- Committee on Public Order and Illegal Drugs, Philippine Senate. March 1, 2005.

<sup>8</sup> Testimony of Mr. Garcia, on the legal capacity of the State's security services to prevent terrorist attacks. Page 49, Hearing on Proposed Resolution 184- Committee on Public Order and Illegal Drugs, Philippine Senate. March 1, 2005.



Several relevant points were taken up during the hearing, these dealt with the measures that may be taken to prevent similar attacks, capacity of the security services to prevent terrorist attacks, and the legal infrastructure enabling a more effective campaign against terrorism. It was revealed that there were intelligence reports concerning an intended terrorist attack months prior to the 14 February bombing. Although the security services sought to prevent the attacks through a heightened alert status and information dissemination to the transport and commercial sectors of the community, the resource persons pointed to the lack of legal capability to detect, track, monitor and pre-empt any conspiracy to conduct terrorist attacks. The PNP further emphasized that the terrorists have evolving and sophisticated methods of operations which out-moded laws and legal infrastructure.

### III. RECOMMENDATIONS

Based on the foregoing premises, the hearing conducted has made clear the urgent and important need for new legislation that shall ensure:

1. The formulation of the State's policies against terrorism, whereby an anti-terrorism law should be contemplated upon for enactment;
2. The thorough training for the members of security services in detecting, monitoring and preventing possible terrorist attacks, especially those assigned in public places; and
3. The capacity-building of the law enforcement agencies of the government against terrorist activities through manpower and technological capability.

As pointed out by members of the Committee, these matters will also be taken up during the deliberations on the anti-terrorism bill. However, based on the discussions made in the hearing, the focus of security services is more on their legal capacity to act on terrorists rather than to make policy measures to ensure the safety of transport terminals, commercial centers, and other vital installations. This focus may be attributable to the fact that most of the resource persons, even those representing the ATTF are not involved in policy formulation but are tasked to operations.

### IV. CONCLUSION

Terrorism threatens human security and has become a devastating impact on development. The destructiveness of terrorist acts is on the rise and the terrorist threat creates unprecedented dangers.<sup>9</sup>

Based on facts and circumstances, it is apparent that there is a need for a new legislation in order to ensure the safety of the general public against inhumane and cruel deeds of the terrorist groups. The expeditious enactment and effective implementation of a law combating terrorism should be recognized as an urgent priority.

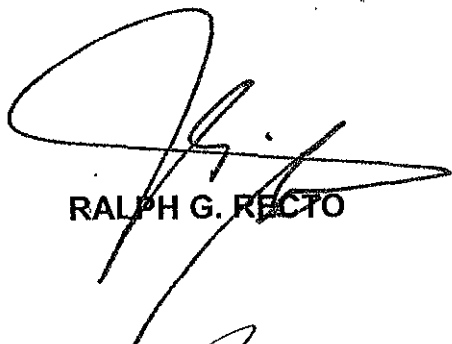
Respectfully submitted:

  
**MANNY VILLAR**  
*Chairman*

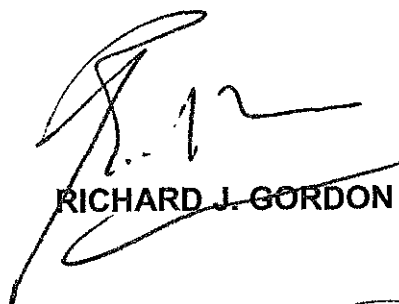
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<sup>9</sup> *Delivering Counter-Terrorism Assistance*, United Nations Office on Drugs and Crime, March 2006

Members:



RALPH G. RECTO




RICHARD J. GORDON



RAMON BONG REVILLA JR.



MANUEL "LITO" M. LAPID



JUAN PONCE ENRILE



JINGGOY EJERCITO ESTRADA

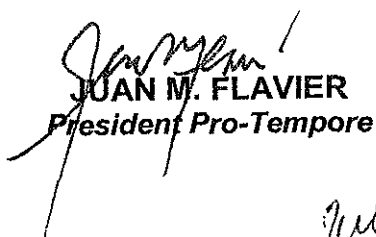


PANFILO M. LACSON




ALFREDO S. LIM

Ex - Officio Members :

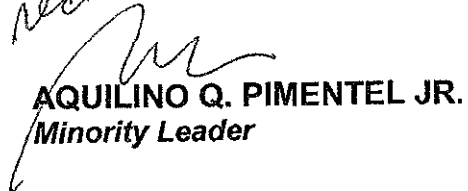


JUAN M. FLAVIER  
President Pro-Tempore



FRANCIS N. PANGILINAN  
Majority Leader

*Where is the  
recom re bill to be  
enacted?*




AQUILINO Q. PIMENTEL JR.  
Minority Leader

Hon. FRANKLIN M. DRILON  
President  
Senate of the Philippines  
Pasay City

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

15 FEB 2005

RECEIVED BY: 

SENATE

P.S. Res. No. 184

Introduced by Senator Manny Villar

RESOLUTION

**DIRECTING THE SENATE COMMITTEE ON PUBLIC ORDER AND ILLEGAL DRUGS TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, INTO THE VALENTINE'S DAY BOMBINGS IN MAKATI, DAVAO CITY, AND GENERAL SANTOS CITY, WITH THE END VIEW OF RECOMMENDING POLICY MEASURES TO ENSURE PUBLIC SECURITY IN AREAS OF CONVERGENCE LIKE BUS TERMINALS, AIRPORTS, COMMERCIAL ESTABLISHMENTS, AND VITAL INSTALLATIONS NATIONWIDE**

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

**WHEREAS**, at least 12 persons were killed and 136 wounded in three bomb explosions in a span of one hour in the Makati financial district in Manila, in Davao City, and in General Santos City on the evening of February 14, 2005;

**WHEREAS**, the first blast took place outside the Gaisano Mall in General Santos City at around 6:40 p.m. killing five (5) persons and wounding 33 others. The bomb was stashed in a bag at a stand for three-wheel pedicabs about 30 meters away from the mall entrance;

**WHEREAS**, another bomb went off almost simultaneously at the Ecoland bus terminal in Davao City. The explosion took place just beside a Muslim Halal Eatery right at the main gate of the Davao City Overland Terminal along Quimpo Boulevard in the Ecoland Subdivision area. A 12 year old boy died on the spot and nine (9) were injured;

**WHEREAS**, a third bomb ripped through the RRCG Transport bus during rush hour at around 7:45 p.m. along the EDSA southbound lane near the Metro Rail Transit (MRT) Ayala station. The blast set two (2) nearby buses on fire. Three (3) people were killed on the spot, three (3) people died later at a hospital, and 94 were injured;

**WHEREAS**, the extremist group Abu Sayyaf claimed responsibility for the attack, saying it was their "Valentine's gift" to President Arroyo whom they accused of committing "atrocities" against Muslims. Abu Sayyaf spokesman Abu Solaiman warned, "We will find more ways and means to inflict more harm to your people's lives and properties, and we will not stop until we get justice for the countless Muslim lives and properties that you people have destroyed;"

**WHEREAS**, the police and the military were placed at their respective highest alert levels after the attacks;

**WHEREAS**, the bombings are condemnable acts of terror. The Philippine National Police (PNP) should identify and arrest the suspects immediately, improve intelligence information gathering, and ensure public security to prevent the occurrence of similar acts;

**NOW, THEREFORE, BE IT RESOLVED**, as it is hereby resolved, to direct the Senate Committee on Public Order and Illegal Drugs to conduct an investigation, in aid of legislation, into the Valentine's day bombings in Makati, Davao City, and General Santos City, with the end view of recommending policy measures to ensure public security in areas of convergence like bus terminals, airports, commercial establishments, and vital installations nationwide.

Adopted,

  
**MANUEL B. VILLAR, JR.**  
Senator