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OF THE PHILIPPINES)
Second Regular Session)

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SENATE

RECEIVED BY: 

COMMITTEE REPORT NO. 150

Submitted jointly by the Committees on Public Order and Illegal Drugs; Justice and Human Rights; and Public Information and Mass Media on **12 OCT 2006**

Re: Privilege Speech of Senator Richard J. Gordon and the interpellations thereon delivered on August 9, 2004, entitled "Justice for Journalists and Judges"; and P. S. Res. Nos. 28, 50, 90, 181, 233, 252, 257, 267, 305 and 420.

Recommending the adoption of the recommendations and their immediate implementation.

Sponsors: Senators Villar, Arroyo, Revilla, Gordon, Pimentel, Madrigal, Lim, Defensor Santiago, Roxas, and the Members of the Committees on Public Order and Illegal Drugs; Justice and Human Rights; and Public Information and Mass Media.

MR. PRESIDENT:

The Committees on Public Order and Illegal Drugs; Justice and Human Rights; and Public Information and Mass Media to which was referred the Privilege Speech of Senator Richard J. Gordon and the interpellations thereon delivered on August 9, 2004, entitled:

"JUSTICE FOR JOURNALISTS AND JUDGES";

Proposed Senate Resolution No. 28, introduced by Senators Aquilino Q. Pimentel Jr., M.A. Madrigal, and Alfredo S. Lim, entitled:

**"RESOLUTION
CALLING FOR THE INVESTIGATION, IN AID OF LEGISLATION,
BY THE APPROPRIATE SENATE COMMITTEE ON THE
MURDER OF BROADCASTER ROGER MARIANO AND TO
INSTITUTE REFORMS TO PROTECT MEDIA PRACTITIONERS
IN THE EXERCISE OF THE FREEDOM OF THE PRESS";**

Proposed Senate Resolution No. 50, introduced by Senator Miriam Defensor Santiago, entitled:

**“RESOLUTION
EXPRESSING THE SENSE OF CONDOLENCE OF THE SENATE
ON THE DEMISE OF KALINGA RTC JUDGE MILNAR LIMAWEN
AND DIRECTING THE SENATE COMMITTEE ON JUSTICE TO
CONDUCT AN INQUIRY IN AID OF LEGISLATION ON THE
SERIES OF DEATHS OF MEMBERS OF THE JUDICIARY IN
ORDER TO PROVIDE LEGISLATION THAT WILL PROMOTE
THEIR SAFETY AND PROTECTION”;**

Proposed Senate Resolution No. 90, introduced by Senator Miriam Defensor Santiago, entitled:

**“RESOLUTION
DIRECTING AN INQUIRY, IN AID OF LEGISLATION, ON THE
SERIES OF HARASSMENT CASES AND DEATHS OF
JOURNALISTS IN THE PHILIPPINES”;**

Proposed Senate Resolution No. 181, introduced by Senator Mar Roxas, entitled:

**“A RESOLUTION
URGING THE COMMITTEE ON PUBLIC INFORMATION AND
MASS MEDIA TO CONDUCT AN INQUIRY, IN AID OF
LEGISLATION, INTO THE FINDINGS OF AN INTERNATIONAL
MEDIA ORGANIZATION THAT THE PHILIPPINES WAS THE
SECOND MOST DANGEROUS PLACE FOR JOURNALISTS IN
THE YEAR 2004”;**

Proposed Senate Resolution No. 233, introduced by Senator Aquilino Q. Pimentel Jr., entitled:

**“RESOLUTION
DIRECTING THE SENATE COMMITTEES ON PUBLIC
INFORMATION AND MASS MEDIA AND PUBLIC ORDER AND
ILLEGAL DRUGS TO INVESTIGATE, IN AID OF LEGISLATION,
THE KILLING OF JOURNALIST MARLENE GARCIA-ESPERAT,
AND TO INSTITUTE MEASURES TO PROTECT MEMBERS OF
JOURNALISM PROFESSION WHO EXPOSE MISDEEDS IN THE
GOVERNMENT”;**

Proposed Senate Resolution No. 252, introduced by Senator Manny Villar, entitled:

**“RESOLUTION
DIRECTING THE SENATE COMMITTEE ON PUBLIC ORDER
AND ILLEGAL DRUGS TO CONDUCT AN INQUIRY, IN AID OF
LEGISLATION, INTO THE FINDINGS OF THE NEW YORK-
BASED COMMITTEE TO PROTECT JOURNALISTS WHICH
IDENTIFIED THE PHILIPPINES AS THE MOST MURDEROUS
COUNTRY FOR JOURNALISTS, WITH THE END VIEW OF
RECOMMENDING POLICY MEASURES TO PROTECT PRESS**

FREEDOM AND TO CARRY OUT THE RESOLUTE IMPLEMENTATION OF JUSTICE IN THE COUNTRY”;

Proposed Senate Resolution No. 257, introduced by Senator Ramon Bong Revilla Jr., entitled:

**“RESOLUTION
DIRECTING THE APPROPRIATE SENATE COMMITTEES TO INVESTIGATE, IN AID OF LEGISLATION, THE SERIES OF DEATHS OF JOURNALISTS IN THE COUNTRY, FOR THE PURPOSE OF FORMULATING POLICY MEASURES TO SOLVE AND END THESE KILLINGS TO RESTORE PEACE AND ORDER IN THE COUNTRY”;**

Proposed Senate Resolution No. 267, introduced by Senator Manny Villar, entitled:

**“RESOLUTION
DIRECTING THE SENATE COMMITTEE ON PUBLIC ORDER AND ILLEGAL DRUGS TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, INTO THE FINDINGS OF THE NETHERLANDS-BASED INTERNATIONAL ASSOCIATION OF PEOPLE’S LAWYERS WHICH LABELED THE PHILIPPINES AS THE MOST DANGEROUS PLACE FOR LAWYERS AND JUDGES, WITH THE END VIEW OF RECOMMENDING POLICY MEASURES TO PROTECT THE MEMBERS OF THE LEGAL PROFESSION AND TO PREVENT THE SPATE OF VIOLENCE AND INTIMIDATION DIRECTED AGAINST THEM”;**

Proposed Senate Resolution No. 305, introduced by Senator Miriam Defensor Santiago, entitled:

**“RESOLUTION
DIRECTING THE SENATE COMMITTEE ON JUSTICE AND HUMAN RIGHTS TO CONDUCT AN INQUIRY IN AID OF LEGISLATION ON THE INCREASING INCIDENCE OF HARASSMENTS AND KILLINGS OF LAWYERS AND JUDGES”;**

and Proposed Senate Resolution No. 420, introduced by Senator Miriam Defensor Santiago, entitled:

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

have considered the same and have the honor to submit the report on their inquiry/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

The Committee on Public Order and Illegal Drugs, jointly with the Committees on Justice and Human Rights and Public Information and Mass Media, has conducted an inquiry/investigation, in aid of legislation and in the exercise of its oversight functions, into the privilege speech of Senator Richard J. Gordon delivered on August 9, 2004 entitled "Justice for Journalists and Judges" and the related proposed resolutions filed by different senators who are members of the Joint Committees.

The privilege speech of Senator Gordon centered on how the rampant killings of judges and mediamen strike at the very heart of not only peace and order but also the freedom of expression.

He presented various recommendations to curb the problem, primary of which is the creation of an oversight committee that will monitor prison management, vehicle and firearms registration, kidnapping and the use of intelligence and confidential funds by the police.

Ten proposed resolutions – P.S. Resolution Numbers 28, 50, 90, 181, 233, 252, 257, 267, 305 and 420 – were likewise filed calling for the investigation on the murders of journalists and members of the judiciary.

Hearings were held on 1 September and 23 November 2004 and 24 May 2005. A technical consultation meeting was also conducted at Camp Crame on 30 November 2004.

This is the report of the Committee after it conducted hearings and collected materials.

II. STATEMENT OF FACTS

The following essential facts are not in dispute. They are based on public records and documents.

When this Committee conducted its first hearing on this issue on 1 September 2004, the Philippine National Police (PNP) records showed fifty one (51) media practitioners have been there murdered since 1984, broken down as follows: thirty-two (32) from radio, eighteen (18) from the print media and one (1) from television.¹

By the last hearing date on 24 May 2005, PNP adjusted its reckoning period to 1986 and reported sixty (60) dead journalists. Of this, thirty-two (32) cases were filed with the remaining twenty-eight (28) under investigation. It also noted that 2004 registered the highest number of incidents at thirteen (13).²

As of 16 May 2006, the death toll has risen 30% to seventy-eight (78), with Saksi Ngayon reporter Albert Orsolino as the latest casualty.

¹ TSN, September 1, 2004, 2:30 pm, p. 20.

² TSN, May 24, 2005, 1:35 pm, p.10-11.

According to the National Union of Journalists of the Philippines (NUJP), 42 of the 78 killings occurred in the last five (5) years, under President Gloria Macapagal-Arroyo's government, and only three (3) have been solved.³

Due to the alarming rate, international media organizations – foremost of which are the Paris-based Reporters Without Borders and the New York-based Committee to Protect Journalists – have dubbed the Philippines as the most dangerous nation for journalists outside war zones.

In response, President Arroyo in July 2004 directed the PNP to closely investigate the spate of killings. On 22 July 2004, the PNP issued the Letter of Instruction 1-04 forming Task Force Newsmen under the Criminal Investigation and Detection Group (CIDG). It then set the direction for the conduct of investigation geared towards the identification, prosecution, and arrest of the suspects in the killing of newsmen.⁴

Ten (10) judges have been killed from 1999 to date while in the performance of their official duties. Controversial Pasay City Regional Trial Court Judge Henrick F. Gingoyon, who ordered the government to pay P3 billion to a private consortium that built the Ninoy Aquino International Airport's new terminal, was the latest victim. He was shot by two (2) motorcycle-riding gunmen in January 2006 near his residence in Cavite.

Concerned about the security of the nation's judges, the Supreme Court issued Resolution A.M. No. 04-6-18-SC on 24 August 2004 abolishing heinous crimes courts due to the relatively low case load and because the "set-up makes a heinous crime court judge easily identifiable, making him/her an easy prey to vindictive litigants." Heinous crimes are now tried by various regional trial courts.

Through the same resolution, the High Court authorized judges facing imminent threats on their lives to have at least two (2) escorts – one provided by the Supreme Court and another by the PNP.

It also issued guidelines for the carrying of firearms by judges outside their stations.

III. FINDINGS

A. *Journalists and Media Practitioners*

The hearings conducted by the Committee on this issue established three (3) major points. First, there is a huge pool of guns-for-hire in the country that can be tapped at whim to silence hard-hitting journalists. Second, the policing and prosecution systems in the Philippines still leave a lot to be desired. In cases of media killings, former law enforcers were even involved. Third, the media does not want to be considered a privileged class and bats for better investigation, better collation of proof and better prosecution in lieu of class legislation.⁵

In order to curb the growing incidence of waylaid journalists, the Committee believes that the state of the Philippine press should first be analyzed before any possible solution could be laid out. The root causes of the problem must be studied before changes could be instituted.

³ NUJP website

⁴ TSN, September 1, 2004, 2:30 pm, pp. 19-20.

⁵ TSN, November 30, 2004, 9:52 am. P. 34.

In a statement made during the hearing, the Freedom Fund for Filipino Journalists (FFFJ) vividly describes the plight of local media practitioners.

Formed in 2003, FFFJ united six organizations – the Center for Media Freedom and Responsibility (CMFR), the Philippine Center for Investigative Journalism (PCIJ), the Center for Community Journalism and Development (CCJD), the Philippine Press Institute (PPI), Kapisanan ng mga Broadkaster ng Pilipinas (KBP) and the California-based Philippine News – to raise funds for beleaguered journalists and the families of victims.

“Journalists killed in the line of duty, the shame of a democratic society. – Journalists are vulnerable in many parts of the world. In the Philippines, the risks are varied ranging from poor working conditions, lack of job security, low salaries and pressures from all kind(s) from those wanting to use the press for private and personal purposes.

“But the Philippines also stands out as among the world's dangerous assignments with the record of journalists killed to rival a country like Colombia where war and insurgents and drug lords have raged for decades. Since 1986 when the democratic peace of a new regime allowed media watchers to count victims, the record shows a total of 49 killed in the line of duty. The qualification reflects the assessment of factors showing the motive or cause as connected to work. This have included the peril of reporting in battle zones as well as investigating corruption and scandal which powerful people would rather keep hidden from the public eye.

“This year, the 10 killings so far marked an unprecedented level of attacks against the press. It is a rate that cannot be ignored or brushed aside in a country that proudly proclaims the credential as a democracy including the commitment to press freedom.

“There are no official policies or repression to intimidate or silence the press. There is no one group that is involved in a national crusade to be rid of journalists they do not like. Indeed, the press continues to be a vibrant presence despite the threats and attacks; and the numerous newspapers, radio and TV stations attest to a level of autonomy from government control.

“The Center for Media Freedom and Responsibility which started up a database on the killings in 1991 has found that the risk to life for members of the press are not much different from those affecting other development workers who have had challenged powerful forces. Human rights activists and community forest guards have been killed in the course of their work, often without even the benefit of press reports. To a certain extent, the reasons for the killings inhere in the national landscape of violence and lawlessness. As the media (is) everywhere, it is not surprising for journalists to become objects of the violence they report.

“These killings are a scandal and a shame and they must stop. A culture of impunity has allowed so many killers to go unpunished, so many killers to go unpunished, so many cases to remain unsolved. Such lawlessness stands in the way of democracy and the required growth of institutions that make up the democratic system. Where the press is silenced, communities are deprived of

the means to create a public forum that connects them with one another. Where the press is weak or afraid, the people cannot complain about the lack of public services, about abusive or erring public officials.

"There is not one factor that will break this tragic pattern of press attacks. The lack of understanding of the roll of the press plays its part in this situation as the poor appreciation for the value of free expression so strongly protected by the Constitution. But killings and violence will not solve the problems of irresponsible journalists.

"For now, the commitment of the police and the courts must demonstrate that culture change is possible. For one, it is imperative that the prosecution of the case of Edgar Damalerio be moved from Pagadian where the vital witnesses (have) been threatened to be prosecuted instead in Cebu, as his widow has petitioned the high court to allow. This one step is critical and necessary.

"We call on the highest officials of the land to lead in the protection of the press and in building a free press that Filipinos deserve. We begin by going after the killers and those behind the killings who profit from the silence of dead journalists."⁶

The CMFR released a recent study on the murder of journalists after fifteen (15) years of media monitoring. Entitled "In Search of Solutions: A Study of Journalists Killings in the Philippines," the paper is instructive as it gives an incisive look at the killings committed between 2000 and 2005.

The following are some of its findings,⁷ which are consistent with the statements given by resource persons who attended the Committee hearings:

- a. Most of the victims worked in the provinces and were killed either near their place of work or home. News organizations do not give safety guidance to their staff.
- b. Some of those slain were working both in print and radio or television but broadcasters are more vulnerable to attack.
- b. The lack of "professionalization" in the conduct of the press, which affects news quality and commentary service. Among the factors that reflect the weaknesses of the press as an institution are lack of institutional identification or credentials, the dependence of broadcast organizations on freelancers or "block timers," failure of accreditation with the KBP and the lack of formal education and formal training in journalism.
- c. The failure of media owners to supervise broadcast press responsibility

Of the four major findings, Senator Richard J. Gordon said the issue of professionalization should be immediately addressed by the sector. In particular, broadcast journalists should be licensed before they are allowed to go on air.⁸

⁶ TSN, November 23, 2004, 2:49 pm, pp. 30-32.

⁷ PJR Reports, September 2005 issue, pp. 12-15

⁸ TSN, November 23, 2004, 3:09 pm, p 46.

The Committee agrees that professionalizing media is crucial in improving the lot of the whole organization.

The CMFR report noted that none of the waylaid journalists were affiliated with any national news organization and a combined 70% were freelance journalists and radio block timers. Only 25% were regular employees of provincial news organizations while 5% were correspondents.

The results of the study also showed that the majority of the victims were not trained journalists.

B. Judges and Members of the Legal Profession

The murder of the members of the bar and the bench represents an ominous trend that forms part of the attack against the people's democratic rights and civil liberties.

Based on the official Supreme Court list, the following judges have been waylaid:

1. Judge Henrick F. Gingoyon, 53, of Pasay City Regional Trial Court (RTC), Branch 117, was shot by two motorcycle-riding gunmen at 12:45 a.m. near his residence in Soldier's Hills Village, Barangay Molino, in Bacoor, Cavite on December 31, 2005. He is the 10th judge to be killed in a span of six years.

2. Judge Milnar T. Lammawin, of RTC Branch 25 in Tabuk, Kalinga, died of nine gunshot wounds after he was shot by two unidentified men in front of a bakeshop in Tabuk on August 9, 2004.

3. Judge Voltaire Y. Rosales, of RTC Branch 83 in Tanauan City, Batangas, was ambushed on June 10, 2004.

4. Judge Paterno G. Tiamson, of RTC Branch 69 in Binangonan, Rizal, died as a result of stab wounds on February 21, 2004.

5. Judge Pinera A. Biden, of the Municipal Circuit Trial Court of Kabugao, Apayao, died of gunshot wounds on May 17, 2003.

6. Judge Oscar Gaby M. Uson, of RTC Branch 52 in Tayug, Pangasinan, was gunned down by assailants on September 27, 2002.

7. Judge Eugenio R. Valles, of RTC, Branch 3, Nabunturan, Campostella Valley, died due to multiple gunshot wounds on April 25, 2002.

8. Judge Ariston L. Rubio, of RTC Branch 17 in Batac, Ilocos Norte, died as a result of multiple gunshot wounds on October 31, 2001.

9. Judge Hassan T. Ibnohajjil, of RTC Branch 45, San Jose, Occidental Mindoro, died as a result of a fatal head injury he suffered from his assailants on February 5, 2001.

10. Judge Celso F. Lorenzo, Sr., of RTC Branch 1 in Borongan, Eastern Samar, died of gunshot wounds on November 1, 1999.⁹

⁹ Supreme Court website and TSN, September 1, 2004, 2:40 pm, pp. 24, 28-29

Such brazen attacks undermine the administration of justice and the practice of law.

When Judge Gingoyon was killed, Supreme Court Chief Justice Artemio Panganiban's statement struck a chord.

How can judges, said Chief Justice Panganiban, give justice to the people when they themselves are the victims of injustice?

The alarming number of murdered magistrates had prompted the Supreme Court to also authorize its Court Administrator to create a Committee on Security for Lower Court Judges.¹⁰

But the killings have not been limited to men in robes.

The escalation in violence committed against other members of the legal profession is likewise disturbing, targeting especially those servicing the poor and the oppressed.

Numerous members of the legal profession, mostly human rights lawyers, were killed in cold blood. Among the 15 victims in 2005 were Teresita Vidamo of the Public Attorneys Office, who was shot while in the thick of trial of a controversial land and labor disputes; human rights lawyer Felidito Dacut, Chairman of the Legal Aid Committee of a local chapter of the Integrated Bar of the Philippines was assassinated while handling cases involving human rights and labor disputes and Ambrosio Matias, counsel of peasant organizations, was gunned down.¹¹

Notably, most of the lawyer-victims were defenders of the poor and the oppressed.

Just as journalists are duty-bound to expose the truth, judges have sworn to perform his duties honestly, and with impartiality and diligence.¹² Lawyers, too, are bound by the Code of Professional Responsibility to serve their clients to the best of their ability.¹³ In either case, they should not be threatened or killed for doing their job of adjudicating controversies without fear or favor or defending legal causes or issues.

From the list of judges killed, all except for Pasay's Judge Gingoyon were assigned in the remotest judicial areas established by Batas Pambansa 129 or the Judiciary Reorganization Act.

Thus, during the November 23, 2004 hearing, Judge Doroteo N. Caneba, president of the Retired RTC Judges Association of the Philippines, raised the question on whether the allocation of regional trial court branches in the remotest municipalities could be the culprit assassination lower court judges. It must be noted that at the time he made the statement, there were Judge Gingoyon was still alive.

To quote part of the proceedings:

MR. CANEBA. X x x Batas Pambansa 129 x x x establishes the different regional trial courts all over the country. The said law

¹⁰ Resolution A.M. No. 04-6-18-SC dated August 24, 2004

¹¹ Counsels for the Defense of Liberties website

¹² Canon 3, Code of Judicial Conduct

¹³ Canon 18, Code of Professional Responsibility

allocated RTC salas or branches even to the remotest municipalities. X x x There is not doubt that the object of Batas Pambansa 129 is very much laudable. However, recently, there are around nine RTC judges who were assassinated while in the performance of their officials duties. It should be noted that all of them were assigned in the areas established by Batas Pambansa 129 which are the remotest municipalities not in the capitals of provinces. On the other hand, the honorable Committee will probably take note of the fact that not even one incumbent RTC judge assigned in Metro Manila became a victim of assassination while in the performance of official duty.

X x x

Your Honors, this representation is not advocating that we go back to the creation of RTC branches in the respective capitals of provinces only. What will be the immediate remedy in order to prevent assassination by criminal elements against incumbent RTC judges?

If your Honors please, we respectfully suggest that this honorable Committee may immediately recommend to the Supreme Court to the effect that heinous crimes should be raffled to RTC salas in the capital of a province not in the ordinary remote municipalities.

THE CHAIRMAN (SEN. VILLAR). So, you are saying that – can you not do something about it, judges the one who were killed or judges assigned to areas not in the capital region – not in the capital of the province?

MR. CANEBA. There is only one judge, Your Honor, please, only Judge Solis of Vigan. He was killed in Vigan, the capital of the province of Ilocos Sur.

THE CHAIRMAN (SEN. VILLAR). All the others were killed not in the capital. So what are you saying now? Are you saying that all of the RTC should be in the capital?

MR. CANEBA. With respect to the trial of heinous offenses wherein the penalty is death, the Supreme court is doing that. In the case of the Yap brothers in Misamis Oriental, the Supreme Court transferred the venue of hearing from Misamis Oriental to Manila. Then, the RTC judge of Manila, Judge Ponferrada sentenced these Yap brothers to death. Judge Ponferrada is now a justice of the Sandiganbayan. He is still alive.

X x x

THE CHAIRMAN (SEN. VILLAR). But that is an interesting theory and if he is right, then the solution would call for the transfer of cases to capital...

MR. CANEBA. Of a province.

THE CHAIRMAN (SEN. VILLAR)...of a province.

X x x

THE CHAIRMAN (SEN. VILLAR). Then the solution lies with the Supreme Court.

MR. CANEBA. Precisely, if Your Honor please.

THE CHAIRMAN (SEN. VILLAR). Because they're the ones assigning judges.

MR. CANEBA. This honorable Committee may recommend by virtue of a resolution to the Supreme Court that in the event of a heinous crime, the said heinous crime should be tried by RTC judge stationed in the capital of a province not in the remotest...

THE CHAIRMAN (SEN. VILLAR). That seems to be a very good suggestion. Can you put that in writing...

MR. CANEBA. Yes, Your Honor, please.

THE CHAIRMAN (SEN. VILLAR)...and submit to the Committee so that we can take a look at it and then if need be, we'll take it up with the Supreme Court justices.

MR. CANEBA. We will do that.

THE CHAIRMAN (SEN. VILLAR). It could be interesting. It could be an interesting theory. However, that's only for judges.

During the consultative meeting at Camp Crame on November 30, 2004, the reactivation of mobile circuit criminal courts was likewise proposed. It was recommended that mobile courts should be assigned in Cagayan de Oro City to try cases in Mindanao, in Cebu to try cases in Visayas, and in Manila to try cases in Luzon.¹⁴ The main objective of these mobile courts is to protect both the judge and the witnesses.

Not long after, the Supreme Court responded.

In December 2004, the Supreme Court implemented the Justice on Wheels Project where mobile courts were initially assigned to hear cases initially involving juveniles in conflict with the law. Hopefully, heinous crimes will be next in the agenda.

It was reported that in just 66 days of operation within the period December 20, 2004 to November 11, 2005, the Justice on Wheels was able to hear a total of 1,126 cases and secure the release of 391 detainees, or around 35% of the total number of cases heard.¹⁵

In line with the suggestion of members of the legal profession, the Supreme Court has procured more buses to be used as mobile courts to be deployed all over the country.

Laudable programs such as this are what it takes to increase judicial branch efficiency and consequently, raise public confidence in the judiciary.

¹⁴ TSN, November 30, 2004, 10:12 am, p. 49

¹⁵ Justice on Wheels of the Philippines, speech delivered by Justice Adolf Azcuna during the *International Conference and Showcase on Judicial Reforms* held at the Shangri-la Hotel, Makati City, Philippines on 28-30 November 2005

Hopefully, this will also lessen the number of vindictive litigants who opt to take the law into their own hands.

The Committee also notes that the nine-year old Republic Act 8493 or The Speedy Trial Act has not been effectively implemented.

Section 5 of RA 8393 provides:

SECTION 5. Time limit for trial — In criminal cases involving persons charged of a crime, except those subject to the Rules on Summary Procedure, or where the penalty prescribed by law does not exceed six (6) months imprisonment, or a fine of One thousand pesos (P1,000.00) or both, irrespective of other imposable penalties, the justice or judge shall, after consultation with the public prosecutor and the counsel for the accused, set the case for continuous trial on a weekly or other short-term trial calendar at the earliest possible time so as to ensure speedy trial. In no case shall the entire trial period exceed one hundred eighty (180) days from the first day of trial, except as otherwise authorized by the Chief Justice of the Supreme Court pursuant to Section 3, Rule 22 of the Rules of Court.

IV. RECOMMENDATIONS

A. Journalists and Media Practitioners

1. Accreditation of journalists and media practitioners

The Committee recognizes that an independent media is essential to a free society. However, equal stress must be given to media's duty to remain fair. As FFFJ said, responsibility is the media's best protection.

Sadly, ever as its ranks slowly dwindle, there have been no efforts on the part of media to turn things around and they content themselves to badgering law enforcers for their incompetence.

All things considered, it will take major institutional changes before citizens could reliably bank on the police and justice systems to give them the relief they truly deserve. It will take years before the criminal justice system could provide the panacea for the woes of the nation's fourth estate.

Thus, it is well wise for different media groups to considering joining forces to find workable ways to professionalize its ranks, its first line of defense from harassment and abuse. Professionalizing the press is only one of the many possible changes that could be implemented to improve the state of the local media.

Accreditation is the first major step.

To this end, there is a need for the KBP and the PPI to strictly implement its accreditation programs and rules.

The KBP must ensure that only accredited broadcasters are allowed go on air. Only accredited blocktimers should be permitted to enter into blocktime contracts with broadcast companies. For non-KBP members, media owners themselves should supervise broadcast press responsibility.

For print journalists, the PPI should sustain the accreditation program it has already started. It must ensure that only legitimate working print journalists are properly recognized.

Practitioners must, at all times, adhere to the basic tenets of balanced and responsible journalism. Abuses should be penalized accordingly by their respective media organizations

2. Workshops and ethics training programs

More workshops and ethics training programs should be offered to professionalize on-air personalities and print journalists to minimize abusive and inaccurate commentaries and reports, which in turn result in threats, harassments, and murders.

The lack of formal education and formal training¹⁶ of most media practitioners should be at least compensated with workshops and briefings on what is good and responsible journalism. The CMFR and the PPI have started to conduct workshops all over the country, mainly to educate the community press. These workshops stress that press freedom has a concomitant responsibility.

If these could be done on a massive scale, on a regular basis and involving other groups such as the KBP, marked improvement could be seen in the long run.

3. Close monitoring by NTC.

NUJP records showed some of those slain were working both in print and radio or television but broadcasters are more vulnerable to attack.

Although KBP and media owners should call the shots in disciplining erring broadcast journalists, the National Telecommunications Commission should closely monitor radio stations to deter abusive commentaries. Flagrant infringements of the rules should be brought to the attention of franchise owners for proper action, if left unaddressed.

Sec. 15 of Executive Order 546 provides for the functions of the NTC.

Sec. 15 Functions of the Commission – The Commission shall exercise the following functions:

a. *Issue Certificate of Public Convenience for the operation of communications utilities and services, radio communications systems, wire or wireless telephone or telegraph systems, radio and television broadcasting system and other similar public utilities;*

X x x

e. Establish and prescribe rules, regulations, standards, specifications in all cases related to the issued Certificate of Public convenience and administer and enforce the same;

f. Coordinate and cooperate with government agencies and other entities concerned with any aspect involving communications with a

¹⁶ PJR Reports, September 2005 issue, pp. 12-15

view to continuously improve the communications service in the country.

g. Promulgate such rules and regulations, as public safety and interest may require, to encourage a larger and more effective use of communications, radio and television broadcasting facilities, and to maintain effective competition among private entities in this activities whenever the Commission finds it reasonably feasible.

h. Supervise and inspect the operation of radio stations and telecommunications facilities;

X x x

k. Perform such other functions as may be prescribed by law.

Since supervision of operation of radio stations is within the functions of NTC, monitoring broadcast companies for unethical practices is well within its purview. It must be vigilant in its monitoring to ensure that commentaries are factual, not libelous and subjects are given the equal opportunity to be heard.

4. Safety and security training

Most of the victims murdered media practitioners were killed either near their place of work or home. This means that journalists who were threatened merely threw caution to the wind and did not take steps to protect themselves.

Since human resource is its best resource, news organizations should be able to at least give safety guidance to their staff.

NUJP's Inday Espina-Varona said journalists could not afford bodyguards with their meager salaries. This cannot be contested. Bodyguards may not be needed if media companies and their umbrella organizations could train their staff on basic security precautions.

5. Assistance

Government institutions should not legislate against the press. Intrusion may affect the independence of the institution, which is its very heart and soul. However, they must be pro-active in giving assistance to the industry.

We laud the formation of the FFFJ and its dedication to raise funds for the assistance to journalists under siege and their heirs. Filing cases in court and seeing them through are expensive. Quality legal service comes at a price.

The Committee therefore recommends the establishment of similar funds under the supervision of the PPI and the KBP to help media practitioners being harassed and the families of those who have been slain.

The Department of Justice must likewise direct the Public Attorney's Office to prioritize the cases of murdered media practitioners. If the families cannot afford the services of private counsel, full assistance must be given.

B. Judges and Members of the Legal Profession

1. Transfer of trial of heinous crimes cases to city or provincial capitals

During the hearings, it was recommended that the Supreme Court should promulgate rules for heinous crimes cases to be raffled to trial courts in the capital of cities or provinces and not in ordinary remote municipalities. The Committee supports and recommendation and is inclined to issue a resolution to this effect and closely coordinate with the Supreme Court to work for its implementation.

The Supreme Court, which has control and supervision over all courts and the power to promulgate rules on the practice of law and enforcement of the rights of persons, should be pro-active in acting on petitions for change in venues for this is crucial in expediting the resolution of cases.

2. Tighter security for judges

Preventing the killing of anybody is impossible but judges should not be made easy targets.

Judges remain poorly paid, overburdened, and susceptible to the influence of the powerful. Lawyers cannot be enticed to apply for judgeship, proven by the many vacant salas nationwide. The least the Supreme Court and the law enforcement agencies can do to keep good magistrates to continue servicing the nation is to protect them from vindictive litigants.

The security detail of one PNP member and one court staff should be reviewed periodically to determine if it is adequate.

Moreover, the application for licenses to carry firearms of judges with threats to the their lives must likewise be facilitated.

3. Stricter implementation of at Republic Act 8493 or The Speedy Trial Act

Prolonged adjudication of cases in courts is indeed a serious problem. Suspects continue to be detained without trial and delays still hound the adjudication of cases. The rule on continuous trial should be strictly enforced and deadlines for resolution of pending cases should be religiously observed because if litigants feel that their cases get the proper attention from unbiased judges, the incidence of murders could be curbed.

The Committee could only hope that by promoting a justice system geared to achieving the goal of delivering fair, impartial, and swift justice by strengthening the capacity of the Supreme Court to administer the judiciary; improving case adjudication and access to justice; and enhancing the integrity infrastructure of the judiciary – the attacks will stop.

V. CONCLUSION

The failure of the policing and prosecution systems in the country is completely undermining the protection of individuals tasked to publicize the truth and dispense justice.

The possibility of amending Article 248 of the Revised Penal Code was thoroughly discussed during the consultation meeting led by former PNP Chief Edgardo Aglipay on 30 November 2004. It was proposed that the killing of judges and journalist by any means be made an attendant circumstance to qualify the crime as murder.

Without this provision, there is a need to prove the attendant circumstances to qualify the crime as murder. If that is amended, then the police and the NBI will no longer have to worry about gathering attendant circumstances because it automatically qualifies as murder.

But whether this is indeed a good deterrent to the commission of the crime that is not violative of the rule against class legislation is something that must be presented to the plenary for serious consideration.

A comprehensive analysis must be made to determine if there is a need to conduct a threat assessment of all the mediemen and judges, especially hearing heinous crimes and to maintain a databank containing the names of possible victims and assailants. The probable invasion on the privacy of those involved must be specifically determined, as noted by the NUJP.

Despite the high-profile cases, the government has not responded adequately to the situation. It has failed to deliver justice. Of the 78 cases of murdered journalists, only five suspects have been convicted to suffer for their atrocities. The solution rate among waylaid judges is even lower.

But after all is said and done, improving police investigation should also be accompanied by government's commitment in prosecuting the suspects. The police and the courts must be committed to demonstrate that culture change is possible.

As the NUJP said, there are no shortcuts to successfully effecting changes. But at least the initial steps must be made, and soon – before hard-hitting, hard-working, dedicated and resilient journalists and judges are wiped out from our midst.

Respectfully submitted:

Chairmen :



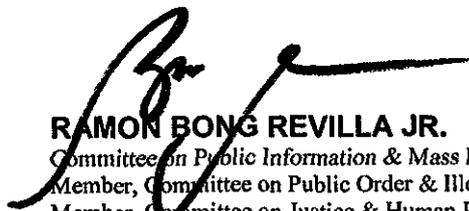
MANNY VILLAR

Committee on Public Order & Illegal Drugs
Member, Committee on Justice & Human Rights
Member, Committee on Public Information & Mass Media



JOKER P. ARROYO

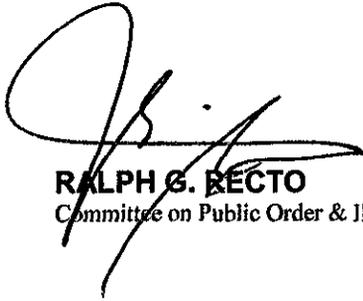
Committee on Justice & Human Rights



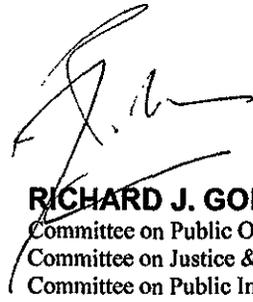
RAMON BONG REVILLA JR.

Committee on Public Information & Mass Media
Member, Committee on Public Order & Illegal Drugs
Member, Committee on Justice & Human Rights

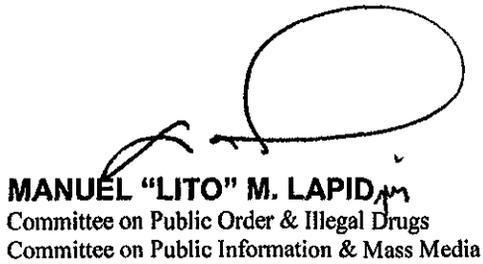
Members:



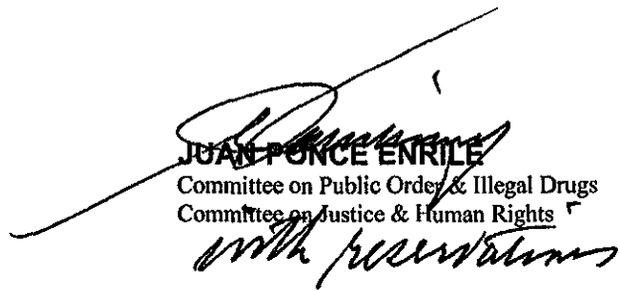
RALPH G. RECTO
Committee on Public Order & Illegal Drugs



RICHARD J. GORDON
Committee on Public Order & Illegal Drugs
Committee on Justice & Human Rights
Committee on Public Information & Mass Media



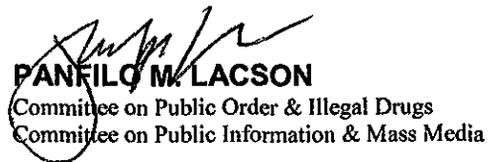
MANUEL "LITO" M. LAPID
Committee on Public Order & Illegal Drugs
Committee on Public Information & Mass Media



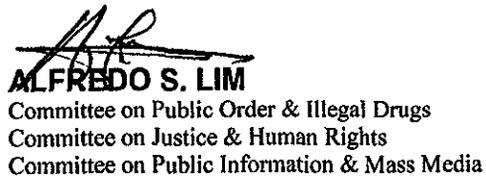
JUAN PONCE ENRILE
Committee on Public Order & Illegal Drugs
Committee on Justice & Human Rights
with reservation



JINGGOY EJERCITO ESTRADA
Committee on Public Order & Illegal Drugs
Committee on Public Information & Mass Media



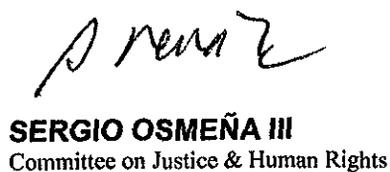
PANFILO M. LACSON
Committee on Public Order & Illegal Drugs
Committee on Public Information & Mass Media



ALFREDO S. LIM
Committee on Public Order & Illegal Drugs
Committee on Justice & Human Rights
Committee on Public Information & Mass Media



COMPANERA PIA S. CAYETANO
Committee on Justice & Human Rights

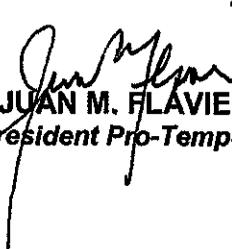


SERGIO OSMEÑA III
Committee on Justice & Human Rights

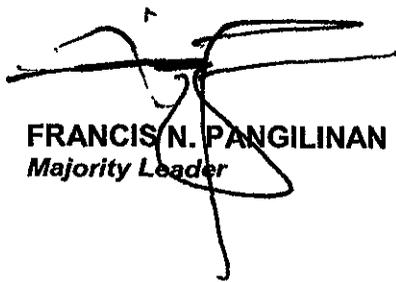


M.A. MADRIGAL
Committee on Justice & Human Rights

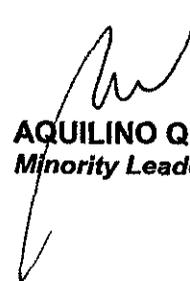
Ex - Officio Members :



JUAN M. FLAVIER
President Pro-Tempore



FRANCIS N. PANGILINAN
Majority Leader



AQUILINO Q. PIMENTEL JR.
Minority Leader

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

13th Congress of the Republic)
of the Philippines)
First Regular Session)

NOV 2 1951

SENATE

S.R. _____ 28

Introduced by Senators Aquilino Q. Pimentel, Jr. and M. A. Madrigal and FRED LIM

RESOLUTION CALLING FOR THE INVESTIGATION, IN AID OF
LEGISLATION, BY THE APPROPRIATE SENATE COMMITTEE ON THE
MURDER OF BROADCASTER ROGER MARIANO AND TO INSTITUTE
REFORMS TO PROTECT MEDIA PRACTITIONERS IN THE EXERCISE
OF THE FREEDOM OF THE PRESS

Whereas, dzJC-Aksyon Radyo Broadcaster Roger Mariano of Ilocos Norte was brutally gunned down by unknown assailants last Saturday, July 31, on his way home after his radio program;

Whereas, Mariano was known for his hard-hitting comments against the rampant and continuing jueteng operations, and corrupt practices of public officials, late of which was his denouncement of the alleged mismanagement of a local electric cooperative;

Whereas, Mariano is the third Filipino journalist killed this year, following the slaying of newspaper publisher and radio commentator Ruben Endrinal in Legazpi City in February, and of Ely Binoya, a radio commentator of Radyo Natin in South Cotabato province last June;

Whereas, according to a combined list of the National Union of Journalists in the Philippines and the Center for Media Freedom and Responsibility, Mariano was the 53rd journalist killed in the country since 1986 when democratic institutions were restored;

Whereas, there is an imperative need for the government to look into this alarming situation that seeks to restrain and stifle the freedom of the press;

Now therefore, be it resolved, as it is hereby resolved, that an investigation, in aid of legislation, by the appropriate Senate Committee on the murder of broadcaster Roger Mariano and to institute reforms to protect media practitioners in the exercise of the freedom of the press

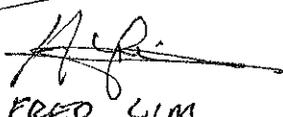
ADOPTED,



M. A. MADRIGAL



AQUILINO Q. PIMENTEL, JR.



FRED LIM

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

'04 AUG 18 P2:53

SENATE 50
P. S. R. No. _____

RECEIVED BY: _____

Introduced by Senator Miriam Defensor Santiago

RESOLUTION

EXPRESSING THE SENSE OF CONDOLENCE OF THE SENATE ON THE DEMISE OF KALINGA RTC JUDGE MILNAR LIMAWEN AND DIRECTING THE SENATE COMMITTEE ON JUSTICE TO CONDUCT AN INQUIRY IN AID OF LEGISLATION ON THE SERIES OF DEATHS OF MEMBERS OF THE JUDICIARY IN ORDER TO PROVIDE LEGISLATION THAT WILL PROMOTE THEIR SAFETY AND PROTECTION

WHEREAS, the Constitution, Article III, Section 1 provides that: "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws";

WHEREAS, last 8 August 2004 a prominent judge was gunned down by two assailants in the capital town of Tabuk, Kalinga while he was in a store in Barangay Magsaysay in the same province;

WHEREAS, according to an article on the *Manila Times* published 11 August 2004, Judge Limawen was declared dead on arrival at the Almora General Hospital;

WHEREAS, Lammawin was the second judge to be killed in the Cordillera Administrative Region in the past two years;

WHEREAS, Judge Limawen is the ninth judge killed in the country during the last five years;

WHEREAS, last June 10, 2004 Batangas Executive Judge Voltaire Rosales was on his way to Makati when he was shot at close range;

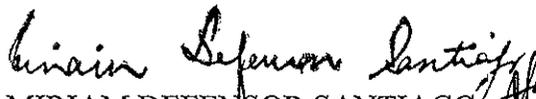
WHEREAS, among the other fatalities include Binangonan, Rizal RTC Executive Judge Paterno Tiamson; Cabungao, Apayao MTC Judge Pinera Biden; Tayug, Pangasinan RTC Presiding Judge Oscar Gaby Uson to name a few;

WHEREAS, these series of deaths are alarming and should be dealt with seriously;

WHEREAS, for our judges to perform their duties properly it is necessary that they be given the necessary protection and assurance of safety;

WHEREFORE, be it resolved, as it is hereby resolved by the Senate to direct the Senate Committee on Justice to conduct inquiry in aid of legislation into the reported series of deaths of the members of the judiciary.

Approved,


MIRIAM DEFENSOR SANTIAGO

Introduced by Senator Miriam Defensor Santiago

RESOLUTION
DIRECTING AN INQUIRY IN AID OF LEGISLATION ON THE SERIES OF
HARASSMENT CASES AND DEATHS OF JOURNALISTS IN THE PHILIPPINES

WHEREAS, freedom of the press is one of the rights enshrined in the Constitution;

WHEREAS, in order for the members of the media to be able to perform their vital role as watchdogs of society against unlawful activities including corruption of politicians and public officers, they must be provided with a safe environment;

WHEREAS, numerous articles have been published reporting cases of harassment and deaths of journalists in the Philippines;

WHEREAS, according to a report by Jeff Lovitt, Director of Communications of Transparency International, the Philippines is one of the most dangerous countries, alongside Columbia and Russia, for journalists investigating corruption;

WHEREAS, in an article by Carlos Conde: "The main reason for the Philippine press's failure to cover human rights issues substantially...is the fact that the Philippine press itself is a victim of various human rights violation";

WHEREAS, the death toll for journalists in 2003 alone has reached seven;

WHEREAS, various articles in print reported that:

- (1) On 12 August 2004 Fernando Consignado, a Radio Veritas Volunteer, was found dead with gunshot wound in his head;
- (2) On 9 August 2004 Jonathan Abayon, a radio reporter for dx-BB RGMA's Super Radio, was reported to be under critical conditions after being shot;
- (3) On 5 August 2004 Manalo was shot in Bauan, Batangas;
- (4) On 2 December 2003, broadcaster Nelson Nadura of radio station DYME in Masbate was shot dead by gunmen;
- (5) Since President Gloria Macapagal-Arroyo came into power in 14 January 2001, 14 journalists have been murdered;
- (6) Ruel Endrinal, a blocktimer and political commentator on radio station DZRC in Legaspi City, Albay was killed on 11 February 2004;

- (7) On an annual basis, the murder rate of journalists under the Arroyo administration is 4.6;
- (8) Edgar Damalerio, managing director of The Zamboanga Scribe, was allegedly murdered by a policeman in 2002;

WHEREAS, because of these physical attacks, harassment, and intimidation, most Filipino journalists live in dire conditions aside from being overworked;

WHEREAS, in order for a democratic society to thrive well journalists should be provided a climate free of fear and intimidation;

WHEREAS, it is now time for the government to take serious actions to investigate the violations against Filipino journalists and provide measures to assure their safety and freedom in practicing their profession;

WHEREFORE, be it resolved, as it is hereby resolved by the senate, to direct the Senate Committee on Public Information to conduct an inquiry in aid of legislation into the numerous instances of harassment and deaths of Filipino journalists.

Approved,



MIRIAM DEFENSOR SANTIAGO

RPC

INTRODUCED BY HONORABLE MAR ROXAS

**A RESOLUTION URGING THE COMMITTEE ON
PUBLIC INFORMATION AND MASS MEDIA TO CONDUCT AN INQUIRY,
IN AID OF LEGISLATION, INTO THE FINDINGS OF AN INTERNATIONAL
MEDIA ORGANIZATION THAT THE PHILIPPINES WAS THE SECOND MOST
DANGEROUS PLACE FOR JOURNALISTS IN THE YEAR 2004**

WHEREAS, Section 4, Article III of the 1987 Philippine Constitution provides for freedom of speech, expression, and of the press;

WHEREAS, the media has always played a vital role in our history and has been instrumental in ensuring good governance and the rule of law in our country's state of affairs;

WHEREAS, the National Union of Journalists in the Philippines and the Center for Media Freedom and Responsibility revealed that since 1986, sixty-one (61) journalists have been killed allegedly due to their profession and that the cases arising from these killings have not yet been resolved;

WHEREAS, according to the International Federation of Journalists (IFJ), the world's largest organization of journalists representing around 500,000 members around the world, there is a widespread culture of violence which is allegedly being tolerated and condoned by Philippine government officials;

WHEREAS, also according to the IFJ, there is strong evidence that public officials are behind the deaths of thirteen (13) journalists in the year 2004 alone, making the Philippines second only to Iraq, which was alleged to have the highest number of journalists killed in the same year;

WHEREAS, the Philippines is now allegedly the second most dangerous place for journalists around the world based on these findings of the IFJ;

WHEREAS, there is a need to look into the killings of Filipino journalists to ensure the free and unhampered practice of their profession and their enjoyment of freedom of speech, expression and of the press in the country;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, to urge the Committee on Public Information and Mass Media to conduct an inquiry, in aid of legislation, into the findings ^{of} an international media organization that the Philippines was the second most dangerous place for journalists in the year 2004;


MAR ROXAS
Senator

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

5 MAY -3 P4:10

RECEIVED BY: _____

SENATE

P.S. Res. No. 252

Introduced by Senator Manny Villar

RESOLUTION

DIRECTING THE SENATE COMMITTEE ON PUBLIC ORDER AND ILLEGAL DRUGS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE FINDINGS OF THE NEW YORK-BASED COMMITTEE TO PROTECT JOURNALISTS WHICH IDENTIFIED THE PHILIPPINES AS THE MOST MURDEROUS COUNTRY FOR JOURNALISTS, WITH THE END VIEW OF RECOMMENDING POLICY MEASURES TO PROTECT PRESS FREEDOM AND TO CARRY OUT THE RESOLUTE IMPLEMENTATION OF JUSTICE IN THE COUNTRY

WHEREAS, Article III, Section 4 of the Constitution provides for the freedom of speech, of expression, and of the press;

WHEREAS, the Committee to Protect Journalists (CPJ), an international nonpartisan, nonprofit organization dedicated to defending press freedom worldwide, conducted a study tracking world-related deaths of members of the media since January 1, 2000. Its study identified the Philippines as the most murderous country for journalists, followed by Iraq, Colombia, Bangladesh, and Russia;

WHEREAS, CPJ said murder is the leading cause of work-related deaths among journalists and most of those killed on the job were not caught in cross-fire in conflict zones but hunted down and murdered;

WHEREAS, the report found that journalists were murdered in response to reporting on corruption, crime, drug trafficking, and the activities of rebel groups;

WHEREAS, 121 of the 190 journalists killed in the past five years were murdered in retaliation for their work;

WHEREAS, in the Philippines, 18 journalists were killed in response to their work since the year 2000. Many of the victims were rural radio commentators or reporters who were ambushed in drive-by assassinations;

WHEREAS, CPJ found that in more than 85-percent of these slayings, the killers have gone unpunished;

WHEREAS, the report said some gunmen were arrested and charged in a handful of cases, but that no charges were brought against those who directed any of the killings;

WHEREAS, CPJ Executive Director Ann Cooper said that "by failing to investigate and punish the killers, the governments of these five countries embolden all those who seek to silence the press through violence;"

WHEREAS, Philippine journalists attribute the violence to a nationwide breakdown in law and order, wide circulation of illegal arms, and the failure to convict a single person in the murders;

WHEREAS, the Philippines' distinction as "the most murderous country for journalists" is embarrassing. The climate of violence and impunity should be put to a stop by strengthening the government's will to solve crimes particularly against journalists;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved, to direct the Senate Committee on Public Order and Illegal Drugs to conduct an inquiry, in aid of legislation, into the findings of the New York-based Committee to Protect Journalists which identified the Philippines as the most murderous country for journalists, with the end view of recommending policy measures to protect press freedom and to carry out the resolute implementation of justice in the country.

Adopted,

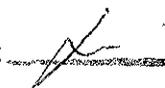

MANUEL B. VILLAR, JR.
Senator

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

5 MAY 11 P3:43

SENATE

Resolution No. 25

RECEIVED BY: 

Introduced by Senator Ramon Bong Revilla, Jr.

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEES TO INVESTIGATE, IN AID OF LEGISLATION, THE SERIES OF DEATHS OF JOURNALISTS IN THE COUNTRY, FOR THE PURPOSE OF FORMULATING POLICY MEASURES TO SOLVE AND END THESE KILLINGS TO RESTORE PEACE AND ORDER IN THE COUNTRY

WHEREAS, it is the policy of the state as enshrined in the Constitution to guarantee freedom of speech, expression and of the press and to maintain peace and order in the country;

WHEREAS, even with the country's espoused policy on press freedom, journalists continue to die in the country without prosecution;

WHEREAS, recent reports indicate that for this year alone, 6 journalists – namely: Arnulfo Villanueva, Marlyn Esperat, Alberto Martinez, Nestor Seguismundo, Klein Cantoneros, and Philip Agustin - were hunted down and murdered;

WHEREAS, most of the reasons for these killings were reported to have been in relation to their work particularly as watchdogs of the country against corruption, crime, illegal gambling and drug trafficking;

WHEREAS, while most of these murder cases have not been solved leaving their perpetrators scot-free, the lives of our practicing journalists remain under threats and in danger;

WHEREAS, as a democratic country, it does not live up to its advocacy of press freedom with the findings of the Committee to Protect Journalists (CPJ), an international, non-partisan, nonprofit organization dedicated to protecting freedom of the press, that the Philippines is already "the most murderous country for journalists" topping the war-torn Iraq;

WHEREAS, in the light of maintaining a democratic society, there is an immediate need for the government to take full responsibility by initiating actions to solve these murder cases, prosecute and punish the perpetrators and by providing concrete measures to assure the freedom and safety of journalists in the practice of their profession.

Now, therefore be it

Resolved by the Senate of the Philippines, TO DIRECT THE APPROPRIATE SENATE COMMITTEES TO INVESTIGATE, IN AID OF LEGISLATION, THE SERIES OF DEATHS OF JOURNALISTS AND POLITICIANS IN THE COUNTRY, FOR THE PURPOSE OF INSTITUTING POLICY MEASURES TO SOLVE AND END THESE KILLINGS TO RESTORE PEACE AND ORDER IN THE COUNTRY

Adopted,


RAMON BONG REVILLA, JR.
Senator

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

5 MAY 25 P5:17

RECEIVED BY: _____

SENATE

P.S. Res. No. 267

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 FINDINGS OF THE NETHERLANDS-BASED INTERNATIONAL ASSOCIATION OF PEOPLE'S LAWYERS WHICH LABELED THE PHILIPPINES AS THE MOST DANGEROUS PLACE FOR LAWYERS AND JUDGES, WITH THE END VIEW OF RECOMMENDING POLICY MEASURES TO PROTECT THE MEMBERS OF THE LEGAL PROFESSION AND TO PREVENT THE SPATE OF VIOLENCE AND INTIMIDATION DIRECTED AGAINST THEM

WHEREAS, the 8th United Nations' Congress on the Prevention of Crime and Treatment of Offenders includes the basic principles of the role of lawyers and mandates the protection of the rights of legal professionals;

WHEREAS, the Netherlands-based International Association of People's Lawyers (IAPL) labeled the Philippines, together with Colombia, as the most dangerous place for lawyers and judges due to the very alarming increase of violence committed against the members of the legal profession;

WHEREAS, since January this year, three lawyers and a law student were killed, namely Felidito Dacut (March 2005), Teresita Vidamo (February 2005), Ambrosio Matias and law student Leonard Matias (May 2005);

WHEREAS, on top of the said killings, a total of 11 cases of harassments and attacks against lawyers were documented this year by the Committee for the Defense of Lawyers. The attacks include the assassination attempt on the life of United Nations judge *ad litem* Romeo Capulong in March 2005, as well as attempts on the lives of human rights lawyers, members of the Public Attorneys Office and the inclusion of human-rights lawyers group Protestant Lawyers' League and Free Legal Assistance Group in the so-called "enemies of the state" document compiled by the military entitled "Knowing the Enemy;"

WHEREAS, the IAPL said that last year, seven members of the legal profession were reported killed including three judges. They were lawyers Juvy Magsino, Arbet Yongco, Victoria Mangapit Sturch, Edgar Calizo, Regional Trial Court judges Paterno Tiamson, Milnar Lammawin and Voltaire Rosales;

WHEREAS, these attacks against lawyers and judges are attacks against the legal profession as they impact on the independence and integrity of the practice of law;

2. Victoria Mangapit Sturch was killed by a lone gunman in Baguio City last 14 April 2004;
3. Arbet Yongco was killed in her office in Cebu City last 11 October 2004;
4. Edgar Calizo was shot dead by two unidentified armed men in front of his apartment in Kalibo, Aklan last November 2004,
5. Binangonan RTC Judge Paterno Tiamson was stabbed to death on 21 February 2004,
6. Tabuk RTC Judge Milnar Lammawin was gunned down on 9 April 2004; and
7. Tanauan RTC Judge Voltaire Rosales was gunned down by two men aboard a motorcycle in Tanauan City last 9 June 2004;

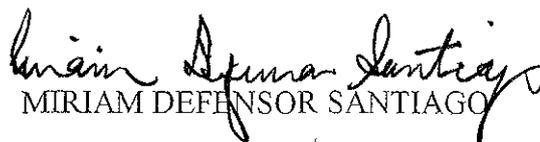
WHEREAS, most of these lawyers and judges are handling or have handled sensitive and controversial cases involving land and labor disputes and human rights violations;

WHEREAS, there have been numerous reports of similar killings of lawyers and judges in the past decades;

WHEREAS, it is imperative for the government to conduct thorough investigations on the increasing incidence of violence and harassment against lawyers and judges, and to provide measures to assure their safety and freedom to practice law.

WHEREFORE, be it resolved, as it is hereby resolved by the Philippine Senate, to direct the Senate Committee on Public Order and Illegal Drugs to conduct an inquiry in aid of legislation increasing incidence of harassment and killings of lawyers and judges.

Approved.


MIRIAM DEFENSOR SANTIAGO

/ptmt

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
agt

/mrm

13th Congress of the Republic)
of the Philippines)
First Regular Session)

5 APR 13 P1:17

SENATE

RECEIVED BY: _____

PS Resolution No. 233

Introduced by Senator Aquilino Q. Pimentel, Jr.

Resolution

Directing The Senate Committees on Public Information and Mass Media and Public Order and Illegal Drugs to Investigate, In Aid of Legislation, the Killing of Journalist Marlene Garcia-Esperat, and to Institute Measures to Protect Members of Journalism Profession who Expose Misdeeds in the Government

Whereas, Marlene Garcia-Esperat was a columnist in a provincial newspaper the Midland Review and a former radio commentator, who was gunned down inside her home in Tacurong, Sultan Kudarat in late March;

Whereas, in the 1990s, Esperat, a chemist by profession, headed a chemical analysis laboratory of the Department of Agriculture in Central Mindanao, where she was first exposed to malpractices in handling public funds. She fought graft and corruption as an action officer of the in-house Ombudsman in the said department;

Whereas, Esperat filed dozens of graft cases involving smuggling of agricultural products, including the purchase of overpriced fertilizers worth more than a billion pesos;

Whereas, in a letter to President Gloria Macapagal-Arroyo dated February 14, 2005, a month before her murder, Esperat asked for protection from death threats, and appealed to the President to show sincerity in the anti-corruption campaign and not to intercede on behalf of certain agricultural officials against whom she filed graft cases with the Ombudsman;

Whereas, in that letter, Esperat may have intentionally or unintentionally identified her own killers by naming certain personalities who may have an axe to grind against her after she filed graft cases in court;

Whereas, it is unfortunate that such a tragic fate has befallen a journalist like Esperat who took the risk of exposing corrupt deals and misdeeds in the government, and in the course of her work, stepped on the toes of local warlords and powerful people;

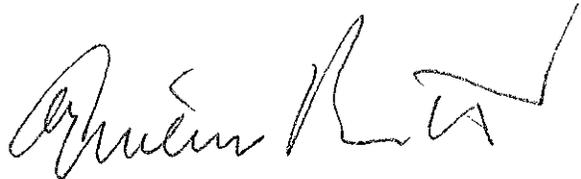
Whereas, Esperat was the third journalist to be killed in the country this year. Of the 66 Filipino journalists killed since 1986, only one case has been successfully prosecuted;

Whereas, there is an imperative need to solve this murder case and other cases involving the killing of journalists, in order to restore public faith in the country's criminal justice system;

Whereas, there must be a resolute action on the part of the Government and law enforcers to solve these killings in the light of the assessment of the Brussels-based International Federation of Journalists that the high death toll could be blamed on a "tolerance of a culture of violence, encouraged by Government inaction".

Now therefore, be it resolved, as it is hereby resolved, to direct the Senate Committees on Public Information and Mass Media and Public Order and Illegal Drugs to investigate, in aid of legislation, the killing of Journalist Marlene Garcia-Esperat, and institute measures to protect members of journalism profession who expose misdeeds in the Government.

Adopted,



AQUILINO Q. PIMENTEL, JR.

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DOJ to PNP: You're wrong

2 sets of suspects in Esperat slay

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CONTRARY to the claim of the Central Mindanao police, the case of the murder of crusading journalist Marlene Esperat is far from solved, Justice Secretary Raul Gonzalez said yesterday.

Gonzalez told reporters there could be an entirely new set of people behind the killing of Esperat other than the four men earlier tagged by police and the National Bureau of Investigation.

"Our prosecutor in Sultan Kudarat said they had gotten an extrajudicial

confession from a suspect who recruited the four arrested for the killing of Esperat," Gonzalez said, adding that a Department of Agriculture (DA) "budget officer" and another unnamed employee were the possible masterminds.

Esperat's alleged assassins were

presented to the media yesterday at Camp Crame.

Chief Supt. Antonio Billones, head of the Central Mindanao Police, personally accompanied them on Philippine Airlines flight PR 454 from General Santos City, which arrived at the Centennial Terminal shortly after noon.

The handcuffed suspects, along with their police escorts, emerged from the aircraft after all the other passengers had disembarked.

Interior Secretary Angelo Reyes
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identified the gunman as Jerry Cabayag. He said the two men who had earlier surrendered to authorities and led investigators to the other suspects—Estanislao Vismanos Jr. and Randy Grecia—served as lookouts.

He said it was Rowie Barua, a soldier, who had hired the other three and who had given them the money.

"They were paid P120,000," Reyes said.

"What we have are the executioners. The investigation is ongoing, and we are confident that we would be able to identify the masterminds later on," he said.

According to Billones, Barua (not Owen Bancare, as earlier reported) is a sergeant in the Army.

Not part of probe

Quoting Grecia, NBI Director Reynaldo Wycoco had named Sumail Sekkak, a former DA regional director in Central Mindanao, as being behind Esperat's murder.

But Philippine National Police Director General Arturo Lomibao neither confirm nor deny this, saying the NBI was not part of the investigation.

"The participation of the NBI is in the autopsy," Lomibao said. "They were not part of the investigation. So I do not know where that NBI officer or personnel got that information."

Told that it was Wycoco who had disclosed the information, Lomibao said: "I don't know how the information got to him. I'm sorry to say that he was not part of the investigation."

Even Gonzalez said he had "reservations" about police state-

ments naming Sekkak as the mastermind.

"Our state prosecutor says it's not Sekkak," he said, adding that the one who had tagged Sekkak was only a lookout.

On the other hand, their new suspect is the one who hired the four alleged killers, Gonzalez said. He said this new suspect was hired by "somebody else."

Reminded by reporters that Esperat had filed about 15 cases against local and national officials, Gonzalez phoned Wycoco and instructed him to "look deeper into the case."

He also told Wycoco to "clarify all the discrepancies" involving the masterminds.

Among those sued by Esperat before the Office of the Ombudsman were Agriculture Secretary Arthur Yap, Undersecretary Cesar Drilon, former Undersecretary Jocelyn Bolante, Surigao del Sur Rep. Prospero Pichay, Mindanao Deputy Ombudsman Antonio Valenzuela and Rep. Lino Montilla.

The charges against them involve overpricing and juggling of funds in connection with the purchase of fertilizer, smuggling of chicken quarters, and electoral fraud, among other things.

"Maybe all these things should be looked into," Gonzalez said.

Easy confession

Police said it did not take long before Cabayag, the alleged gunman, confessed to the crime.

"We were surprised ... He started confessing on the night we arrested him," said Supt. Danilo Galapon, one of the investigators who picked up Cabayag from a house in Panabo City on April 8.

"The next day, that's when he really confessed it all. He said he did it, and he was bothered by his conscience," Galapon said.

Billones said Grecia had confirmed Cabayag's statements.

At the presentation yesterday, Cabayag wore a smirk on his face as he faced cameramen and reporters.

"We're happy to say that we took a special interest in this case [because] it was a member of the media [who was killed]," Secretary Reyes said. "We have reasons to believe the crime was committed ... in [connection with her] pursuit of her profession."

Murder charges filed

Reyes also said Esperat's murder was "an attack not only on an individual, but [also] on press freedom."

Lawyer Nena Santos, private prosecutor for the Esperat family, said murder charges were filed yesterday against the four suspects before the sala of Judge Francis Palmones of the Regional Trial Court Branch 20 in Tacurong City, Sultan Kudarat.

Santos said that at the inquest, the four requested that they be put in the protective custody of the PNP Criminal Investigation and Detection Group while awaiting a commitment order from the court.

She said the four feared for their lives.

On March 27, Maundy Thursday, Esperat's killer casually walked into her house in Tacurong, wished her a good evening, and shot her in the head.

She died on the spot.

Inday Espina-Varona, chair of the National Union of Journalists of the Philippines, yesterday said the killing of Esperat and other members of the media could only be considered solved with the conviction of the masterminds and others involved.

"In the first place, [authorities] would not even say who the mastermind was. Uncovering the mastermind is the most important thing at this time," Varona said.

Personal involvement

Representatives of the group Reporters Without Borders said "it helped a lot" that Lomibao had taken a personal interest in Esperat's case.

"When the PNP chief visited Tacurong, he showed that he was

personally involved. It helped a lot because it put pressure on the investigators," Vincent Brossel told the INQUIRER. "Let us see if he can do the same for all the other cases [involving the killing of journalists]."

The media in Manila have also put pressure on the police, according to Julliard Jef.

The two Frenchmen flew to Tacurong last weekend and spoke with members of Esperat's family, her friends and investigators.

They made a "very long" list of possible masterminds.

"She filed so many cases, and wrote critical articles about many persons, so we only concentrated on what she had written recently," they said. *With reports from Nikko Dizon in Manila; Aquiles Z. Zonio and Edwin O. Fernandez, PDI Mindanao Bureau*