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SENATE  
P.S. Res. 227

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Introduced by Senator Villar

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RESOLUTION

URGING THE SENATE COMMITTEES ON PUBLIC ORDER AND ILLEGAL DRUGS, NATIONAL DEFENSE AND SECURITY, ECONOMIC AFFAIRS AND OTHER APPROPRIATE COMMITTEE/S TO CONDUCT AN IMMEDIATE INQUIRY AND ASSESSMENT, IN AID OF LEGISLATION, ON THE NOVEMBER 29, 2007 TAKEOVER OF THE PENINSULA MANILA HOTEL, TAKING INTO CONSIDERATION THE MASS ARREST OF CITIZENS INCLUDING MEDIA MEN, THE CURFEW DECLARED, THE PERCEIVED INEFFECTIVENESS OF GOVERNMENT INTELLIGENCE GATHERING AND THE ECONOMICS OF THE ISSUE AND ITS IMPLICATIONS ON HUMAN RIGHTS WITH THE END-IN-VIEW OF FORMULATING REMEDIAL MEASURES AND TO PROVIDE THE CITIZENS THE SO-CALLED "TEACHING FUNCTION" OF THE OCCURRENCE

I. Preliminaries.

Whereas, the 1987 Philippine Constitution is a landmark as it is a genius of rule of law as manifested in the following provisions:

- "The Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them."<sup>1</sup>
- "The prime duty of the government is to serve and protect the people. x x x"<sup>2</sup>
- "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."<sup>3</sup>

Whereas, on November 29, 2007, a takeover of The Peninsula Manila Hotel by Senator Antonio Trillanes IV, Brig. Gen. Danilo Lim and their supporters ended in six hours after a combined group of militia and police crashed

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<sup>1</sup> Art. II, Sec. 1  
<sup>2</sup> Art. II, Sec. 4  
<sup>3</sup> Art. II, Sec. 5

an armoured personnel carrier into the front entrance and lobbed tear gas into the foyer;

II. *The Arrest of Members of the Press.*

Whereas, as an aftermath of the standoff, the police arrested more than thirty (30) reporters and cameramen and herded them to the PNP headquarters in Camp Bagong Diwa in Bicutan, Taguig City where they were “processed” and then released;

Whereas, media groups have roundly condemned the alleged illegal arrests of journalists who covered the Makati standoff citing that the actions by the government posed a serious threat to press freedom and the public’s right to information;

Whereas, the government has expressed “regret that police procedures has become a problem for media”;

III. *The Curfew.*

Whereas, the 12 midnight to 5 a.m of November 30, 2007 curfew declared by the government covering all citizens in Metro Manila and all the provinces, cities and municipalities in Central Luzon and Southern Tagalog except those responding to emergencies or who had valid reasons to be out of their homes during the covered period is accordingly illegal and unconstitutional;

Whereas, while the government is anchoring its declaration as a mechanism of police power, substantial sectors of the Philippine population are complaining that it is an excessive exercise of power;

Whereas, the curfew took effect without considerable notice to the public;

IV. *The Economics of Curfew.*

Whereas, the larger issue of economy, the diminution to individual’s livelihood and employment must be assessed vis-à-vis the five-hour curfew;

V. *The Perceived Failure of Government Intelligence*

Whereas, the Thursday standoff is perceived by many as a failure of government intelligence and clear cut policy on effective governance;

Whereas, the appropriations allotted for intelligence gathering and its utilization must be checked;

VI. *The Larger Issue of Reforms and Governance for the Country.*

Whereas, the occurrence in the Manila Peninsula will claim no victor as it is a manifestation of the people’s yearning for change and reform and in fact, should serve as a wake-up call for true government by and for the citizens;

Whereas, in our jurisdiction, the courts render decisions even if the occurrence and the events have been resolved already and considered “moot and academic” based on the principle that it wants to dissect the matter and for the people to learn knowledge from it, under the aegis of what is called “teaching function” and the same must be adopted and utilized by the Senate in this regard;

Whereas, the totality of The Peninsula Manila occurrence and the issues accompanying it must be reviewed, assessed and studied to serve as lamp-post in what jurisprudence may call as “teaching function” --- to provide lessons and learning in governance, to ferret out the truth, and to advance reforms in accordance with constitutional, peaceful and legal methods: Now therefore be it

Resolved, by the Senate of the Philippines, To urge the Senate Committees on Public Order and Illegal Drugs, National Defense and Security, Economic Affairs and other appropriate committee/s to conduct an immediate inquiry and assessment, in aid of legislation, on the November 29, 2007 takeover of The Peninsula Manila Hotel, taking into consideration the mass arrest of citizens including media men, the curfew declared, the perceived ineffectiveness of government intelligence gathering and the economics of the issue and implications on human rights with the end-in-view of formulating remedial measures and to provide the citizens the so-called “teaching function” of the occurrence.

Adopted,

  
MANNY VILLAR