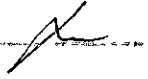


SENATE

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P.S. RES. NO. 233

Introduced by Senators Francis N. Pangilinan, Manny Villar, Jinggoy Ejercito Estrada, Aquilino Q. Pimentel Jr., Rodolfo G. Biazon, Benigno S. Aquino III, Alan Peter "Compañero" Cayetano, Francis "Chiz" Escudero, Richard "Dick" J. Gordon, Gregorio B. Honasan II, Panfilo M. Lacson and Loren Legarda

RESOLUTION EXPRESSING THE SENSE OF THE SENATE THAT THE CURFEW IMPOSED FROM 12 MIDNIGHT UNTIL 5 IN THE MORNING OF NOVEMBER 30, 2007 IS WITHOUT LEGAL AND CONSTITUTIONAL BASIS AND THAT THE APPROPRIATE COMMITTEE IS BEING DIRECTED TO CONDUCT AN INVESTIGATION IN AID OF LEGISLATION TO PROVIDE REMEDIAL LEGISLATION TO PREVENT THE REPEAT OF THIS VIOLATION OF THE CONSTITUTION

WHEREAS, on November 29, 2007, Senator Antonio Trillanes IV and Brig. General Danilo Lim, together with some Magdalo soldiers walked out of the Makati Regional Trial Court where hearing for the Oakwood Mutiny case was taking place and marched toward the Manila Peninsula and took over the hotel;

WHEREAS, after government ~~has~~ assaulted the hotel and captured Senator Trillanes IV and his supporters, including former Vice President Teofisto Guingona, former UP President Francisco Nemenzo, Bishop Julio Labayen, Bishop Antonio Tobias, Father Robert Reyes, and media personnel covering the Manila Peninsula standoff, it imposed the curfew on November 30, 2007 from 12:00 midnight to 5:00 am;

WHEREAS, DILG Secretary Ronaldo Puno justified the imposition of the curfew last 30 November 2007 as an exercise of the broad police powers of the state. Further, the executive branch offered the explanation that the curfew was to aid the government (PNP/military) to go after the other persons behind the siege at the Manila Peninsula;

WHEREAS, the imposition of the curfew has *no legal basis* since police power of the state is generally exercised by the Legislature and the exercise of this power by the executive must be through a valid delegated legislative authority;

WHEREAS, the curfew is violative of the fundamental rights of the people under the Freedom Constitution's Bill of Rights and cannot be justified under the factual circumstances then obtaining. The scope of the curfew was ridiculously broad (Metro Manila, Central Luzon provinces of Aurora, Bataan, Bulacan, Nueva Ecija, Pampanga, Tarlac, and Zambales and the Calabarzon provinces of Cavite, Laguna, Batangas, Rizal and Quezon) and had whimsically impeded/violated the right of the people to travel freely. Section 6, Article 3 of the Constitution partly states:

“Neither shall the right to travel be impaired except in the interest of national security, public safety, or public health, as may be provided by law.”

WHEREAS, since there is no law authorizing the restraint on the people’s right to travel, the imposition of the curfew is unconstitutional, even causing unnecessary troubles to more than 15 million people who were astonished by the government’s imposition of the curfew;

WHEREAS, the curfew was unnecessary since there was no serious threat to the lives of the Filipinos in Metro Manila more so to those living in nearby provinces;

WHEREAS, the government should not abuse its power and trample on the rights of people, thus depriving them of their freedom to move around and express themselves as guaranteed by the Constitution;

RESOLVED, to express, as it hereby expresses, the sense of the Senate, to direct the appropriate committee to conduct an inquiry, in aid of legislation, into the illegal imposition of curfew last 30 November 2007 with the end-in-view of enacting remedial legislation that would fully protect the rights of the people as enshrined in the Constitution.

Adopted.



A collection of handwritten signatures in black ink. The signatures are arranged in two main columns. The left column contains four distinct signatures. The right column contains a series of signatures, with the top one being a large, stylized signature that appears to be 'Aquino'. Below it are several other signatures, some of which are more legible, including 'Sison', 'Alfonso', and 'Monserrate'. The bottom of the right column features a signature that looks like 'Jesse' and another smaller signature at the very bottom.