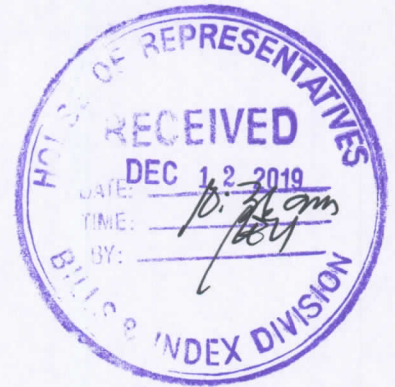


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE RESOLUTION No. 603



Introduced by
BAYAN MUNA Representatives CARLOS ISAGANI T. ZARATE,
FERDINAND R. GAITE and EUFEMIA C. CULLAMAT,
ACT TEACHERS Party-List Representative FRANCE L. CASTRO,
GABRIELA Women's Party Representative ARLENE D. BROSAS and
KABATAAN Party-List Representative SARAH JANE I. ELAGO

RESOLUTION

URGING THE COMMITTEE ON HUMAN RIGHTS AND COMMITTEE ON JUSTICE TO CONDUCT A JOINT INVESTIGATION, IN AID OF LEGISLATION, ON THE ROLE OF SPECIFIC GOVERNMENT POLICY ACTIONS AND AGENCIES, PARTICULARLY THE NATIONAL TASK FORCE TO END LOCAL COMMUNIST ARMED CONFLICT (NTF-ELCAC), IN THE INCREASING REPRESSION AND HARASSMENT OF POLITICAL PRISONERS AND THE FURTHER VIOLATIONS OF THEIR RIGHTS

WHEREAS, a political prisoner is generally defined in international law as a person imprisoned because of their political beliefs or activities that are in opposition to and critical of the ruling order, which is in turn responsible and accountable for their arrest and detention;

WHEREAS, political imprisonment contravenes the constitutional injunction of Section 18 of the Bill of Rights that "no person shall be detained solely by reason of his political beliefs and aspirations";

WHEREAS, political prisoners significantly differ from persons detained for common crimes, as political offenses (e.g., rebellion, sedition) are alleged acts committed in pursuit of one's political beliefs and are motivated by a political objective. This is opposed to common crimes that are impelled by personal interests or motivations, and as such are penalized as crimes under the Revised Penal Code;

WHEREAS, political prisoners, however, are falsely criminalized because of what the National Union of Peoples' Lawyers (NUPL) defines as the practice of filing, charging, prosecuting or convicting persons with common crimes rather than political offenses. Authorities resort to this practice to denigrate the nobility of a political act and demean it as a mere crime, and to reduce the political actor into a common criminal. In this manner, easier convictions could be attained through trumped-up charges and with less stringent standards of evidence, and put away or immobilize the political offender with a non-bailable charge, among others;

WHEREAS, there are currently 629 political prisoners as of end-November 2019, spread in several jails across the country, according to the human rights alliance Karapatan. Of this number,

1 382, or about 60 percent, were arrested under the Duterte administration;

2
3 **WHEREAS**, KAPATID, an organization of families and friends of political prisoners says that
4 the rising number of people jailed for political reasons emanate from the Duterte administration's
5 intolerance of criticism and its systematic employment of tyrannical measures against all forces of
6 the opposition;

7
8 **WHEREAS**, the NUPL also pointed out that the vast state apparatus is being employed, led by
9 military-police agencies, to weaponize laws and subvert the criminal justice system to suppress
10 dissent, as exhibited by government issuances and the manipulation of government agencies;

11
12 **WHEREAS**, in this regard, the Duterte administration has revived the shady quasi-judicial body
13 of the Gloria Macapagal government, the Inter-Agency Legal Action Group (IALAG), and
14 renamed it the Inter-Agency Committee on Legal Action (IACLA) to support its
15 counterinsurgency initiative, Oplan Kapayapaan. The IACLA appears to be the body tasked with
16 churning out fabricated cases versus members of progressive organizations, activists, and other
17 political actors;

18
19 **WHEREAS**, the IACLA is buttressed by Executive Order No. 70, which institutionalized the so-
20 called whole-of-nation approach of the government to end communist insurgency in the country
21 under the command of the National Task Force to End Local Armed Conflict (NTF-ELCAC);

22
23 **WHEREAS**, the NTF-ELCAC is seen by human rights groups as the body directing the
24 suppression drive versus activists, such as the "crackdown" last October 31–November 2 in
25 Bacolod and Escalante cities in Negros Occidental and in Tondo, Manila, which resulted in the
26 mass arrests of 59 activists. While 50 of those arrested have been released, the NTF-ELCAC
27 demonstrates how the legal process is being used to persecute and harass activists, particularly
28 those who are still imprisoned because of trumped-up possession of multiple unlicensed firearms
29 and the non-bailable charge of illegal possession of explosives;

30
31 **WHEREAS**, the NTF-ELCAC is also seen to have a hand in the further repression and
32 harassment of political prisoners, particularly in the ongoing forcible transfer of political prisoners
33 out of Camp Bagong Diwa in Bicutan, Muntinlupa. This is being orchestrated through the seeming
34 legal process of court motions in order to move political prisoners to harsher and less secure
35 conditions in local jails mostly outside Metro Manila;

36
37 **WHEREAS**, in less than a month, seven (7) court motions have ensued from requests by the
38 Bureau of Jail Management and Penology (BJMP) National Directorate and the Department of
39 National Defense for the transfer of twelve (12) political prisoners from Bicutan. The list includes
40 National Democratic Front of the Philippines (NDFP) consultants Frank Fernandez and Cleofe
41 Lagtapon; Confederation for Unity, Recognition, and Advancement of Government Employees
42 (COURAGE) member Oliver Rosales; NDFP consultant Adelberto Silva and companions Edisel
43 Legaspi, Ireneo Atadero, and Julio Lusania; Quezon farmer Maximo Reduta (transferred already
44 to Gumaca, Quezon); NDFP consultant Rey Casambre; Archie Salvan; Rocky Torres and
45 Avelardo Avellaneda;

46
47 **WHEREAS**, these calculated transfers of political prisoners would in effect obliterate the entire
48 political prisoner's section at Camp Bagong Diwa, Bicutan, which runs counter to the historical
49 fact that the practice of recognizing and segregating political prisoners from common criminals

has existed since the Marcos dictatorship and even dates back to the Spanish period;

WHEREAS, the detention of political prisoners in common facilities is a recognition of their category as such, and is in accordance with the Standard Minimum Treatment of Prisoners (Mandela Rules), adopted by the United Nations General Assembly in 2015, which states that, “The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment”;

WHEREAS, it should further be noted that the segregation of political prisoners in a common section or facility is no different from the standard prison administration practice of clustering inmates on the basis of prison gangs (e.g., Sigue-Sigue, OXO, Batang City Jail), religious affiliation (e.g., Muslim, INC), ethnic identification (e.g., Chinese), military/police membership, etc., as these “brigada” or “pangkat” institute rules for self-governance that make for the easier management, monitoring and control by prison authorities;

WHEREAS, the contrived transfers of political prisoners stemmed from the recommendation of Defense Secretary and NTF-ELCAC key member, Delfin Lorenzana, which the BJMP used as basis for its “request” in the court motion to transfer NDFP consultants Frank Fernandez and Cleofe Lagtapon to the Laguna provincial jail. The BJMP action also invoked Executive Order No. 70 and the “whole-of-government” approach “to prevent opportunities for Communist Terrorist Groups (CTGs) to conduct organized activities while under detention and (for) the timely resolution of criminal cases against CPP-NPA personalities pending before the regular courts”;

WHEREAS, in a statement, the political prisoners at Bicutan rapped the claim regarding conducting “organized activities” because “under current conditions in the Bicutan detention center where our movements are naturally limited and our activities are closely controlled, monitored and observed, whatever ‘organized activities’ we may and could conduct cannot be anything but legitimate and justified. These include political discussions among ourselves and with visitors, social gatherings and celebrations, handicrafts and other livelihood projects, sports, and health and wellness activities”;

WHEREAS, to also rebut the DND and BJMP claim regarding the “timely resolution of cases” as basis for transfer, according to KAPATID, (1) many of the cases sited in the provinces have in fact been transferred to Taguig courts; (2) many of the imprisoned NDFP consultants also have so many trumped-up cases being heard across the Philippines that their detention area in Bicutan, ironically, provides a central location; and (3) most of the political prisoners detained in Bicutan were transferred there upon the court motion of local jail wardens worried about security risks in keeping them;

WHEREAS, the mere existence of political prisoners languishing in the country’s jail system is an affront to basic constitutional guarantees, and the further acts of repression committed against them while incarcerated compound such violations and inherent injustices that should not be allowed to continue;

WHEREAS, political prisoners are a mirror of a government’s respect or lack of it for the most basic rights and freedoms of its citizens. It behooves upon Congress, the House of Representatives in particular, to ensure that all the repressive measures against political prisoners and their continued detention will have no place in a country that prides itself as Asia’s first constitutional

republic.

NOW THEREFORE BE IT RESOLVED, that the House of Representatives through the Committee on Human Rights and the Committee on Justice, conduct a joint investigation, in aid of legislation, on the the role of specific government policy actions and agencies, particularly the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), in the increasing repression and harassment of political prisoners and the further violations of their rights.


Approved,


REP. CARLOS ISAGANI D. ZARATE
Bayan Muna Partylist

REP. FERDINAND R. GAITE
Bayan Muna Partylist


REP. EUFEMIA C. CULLAMAT
Bayan Muna Partylist


REP. FRANCE L. CASTRO
ACT Teachers Partylist


REP. ARLENE D. BROSAS
GABRIELA Women's Party


REP. SARAH JANE I. ELAGO
Kabataan Partylist