

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session
566
HOUSE RESOLUTION No. _____



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-List Representative ARLENE D. BROSAS,
and KABATAAN Party-List Representative SARAH JANE I. ELAGO

RESOLUTION
DIRECTING THE COMMITTEE ON HUMAN RIGHTS AND COMMITTEE ON
JUSTICE TO CONDUCT AN IMMEDIATE JOINT INVESTIGATION, IN AID OF
LEGISLATION, ON THE ESCALATING TREND OF SYSTEMATIC REPRESSION
THAT IS GENERATING POLITICAL PRISONERS IN GREATER NUMBER DESPITE
THE CONSTITUTIONAL BAN ON POLITICAL IMPRISONMENT AND POLITICAL
PERSECUTION

WHEREAS, the declaration of every third day of December as International Day of Solidarity with Political Prisoners and Prisoners of War, initiated by the International League of People's Struggles' (ILPS) in 2004, flashes the spotlight on the Philippines which now counts 629 political prisoners as of end-November 2019, 382 of whom or about 61 percent were arrested within three years of the Duterte administration;¹

WHEREAS, there has been an alarming increase by 86 percent in the number of political prisoners from 540 in November 2018² despite the Philippine Constitution's expressed prohibition on political imprisonment and political persecution under Article 3, Section 18 (1) of the Bill of Rights: "No person shall be detained solely by reason of his political beliefs or aspirations," which exists alongside constitutional safeguards on equal protection of the law, due process, presumption of innocence, and other basic rights of the accused;

WHEREAS, a "political prisoner" is generally defined as a person imprisoned because of their political beliefs and actions, the concrete criteria of which were specified in 2012 by the Parliamentary Assembly of the Council of Europe, the first major intergovernmental organization to approve what

¹ Data based on tally of Karapatan (Alliance for the Advancement of Human Rights).

² <https://www.philstar.com/nation/2018/12/04/1873978/kin-call-political-prisoners-release>.

1 defines a political prisoner:
2

- 3 a. if the detention has been imposed in violation of one of the fundamental guarantees set out
4 in the European Convention on Human Rights and its Protocols (ECHR), in particular
5 freedom of thought, conscience and religion, freedom of expression and information,
6 freedom of assembly and association;
7 b. if the detention has been imposed for purely political reasons without connection to any
8 offence;
9 c. if, for political motives, the length of the detention or its conditions are clearly out of
10 proportion to the offence the person has been found guilty of or is suspected of;
11 d. if, for political motives, he or she is detained in a discriminatory manner as compared to
12 other persons; or,
13 e. if the detention is the result of proceedings which were clearly unfair and this appears to be
14 connected with political motives of the authorities;³

15
16 **WHEREAS**, political prisoners significantly differ from common prisoners charged with common
17 crimes that are impelled by personal interests or motivations, while the alleged acts committed by
18 political prisoners are in pursuit of political beliefs and motivated by a political objective;
19

20 **WHEREAS**, political prisoners in the Philippines from the time of Rizal and Mabini during the
21 Spanish and American colonial occupation to Amado V. Hernandez during the Huk rebellion to
22 Ninoy Aquino during the martial law era and the current crop of political prisoners have been slapped
23 with trumped-up crimes to demean the political nature of their struggle. The National Union of
24 People's Lawyers, which handles a significant number of cases of political prisoners, defines the
25 "criminalization" of political offenses as the practice of filing, charging, prosecuting or convicting
26 persons with common crimes for alleged acts in pursuit of one's political beliefs;
27

28 **WHEREAS**, government authorities, despite the Hernandez doctrine which absorbed common
29 crimes into the main offense of rebellion, seem to have resorted to the practice of criminalization to
30 denigrate the nobility or justness of a political act and demean it as a mere crime; reduce the political
31 actor into a common criminal; attain easier convictions through fabricated charges, perjured witnesses
32 and less stringent standards of evidence; and indefinitely put away or immobilize the political offender
33 with a non-bailable charge, among others;
34

35 **WHEREAS**, the raids executed in offices of people's organizations in Negros and Manila last
36 November 2019 seem to exemplify the pattern of how the vast state apparatus, particularly the
37 judicial system, is being used to persecute and harass government critics and activists as evident in the
38 issuance of search warrants from a Quezon City court that rendered these offices vulnerable to the
39 planting of evidence. While 50 out of the 57 arrested in the Negros raids have been released due to
40 lack of legitimate charges against them, 7 remain detained, facing a variety of contrived charges of

³ <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=19150&lang=EN>.

1 illegal possession of firearms and explosives;
2

3 **WHEREAS**, a proximate cause that seems to be engendering more political prisoners is the practice
4 of “red-tagging,” defined by Philippine jurisprudence as “the act of labelling, branding, naming and
5 accusing individuals and/or organizations of being left-leaning, subversives, communists or terrorists
6 (used as) a strategy...by State agents, particularly law enforcement agencies and the military, against
7 those perceived to be ‘threats’ or ‘enemies of the State’”;⁴
8

9 **WHEREAS**, the “weaponization” of laws, already evident in trumped-up legal criminal cases, is
10 further sharpened through the employment of Republic Act 10591 on illegal possession of firearms
11 and Republic Act 9516 on illegal explosion of explosives, which are both used to plant evidence
12 especially explosives, a non-bailable charge, and Republic Act 9372, the Human Security Act, which is
13 additionally used to invent charges against targeted activists by lumping them as “terrorists” to
14 proscribe them like the Communist Party of the Philippines (CPP) and the New People’s Army
15 (NPA);
16

17 **WHEREAS**, these “legal” moves allegedly combine with presidential directives such as Proclamation
18 No. 216 on martial law and the suspension of the writ of habeas corpus in the whole of Mindanao;
19 Executive Order 70 on its “whole-of-nation approach” to go after the CPP/NPA; Memorandum
20 Order 32 which declared a “state of lawlessness” in Negros, Samar and Bicol; and the latest national
21 internal security plan Kapanatagan, which as with previous counter-insurgency plans, makes no
22 distinction between armed individuals and civilians, considering almost everybody a target of arrests, if
23 not killings and other forms of human rights violations;
24

25 **WHEREAS**, the corresponding quasi-judicial arm to support this is the PNP/AFP-led Inter-Agency
26 Legal Action Committee (IALAC), a continuation of the Arroyo government-initiated Inter-Agency
27 Legal Action Group (IALAG), which is buttressed at the local government level under Executive
28 Order 70 by the National Task Force to End the Local Armed Conflict (NTF-ELCAC);
29

30 **WHEREAS**, part of this plethora of state measures versus political prisoners is the new scheme now
31 reportedly underway through court motions orchestrated by the NTF-ELCAC lead agencies, the
32 Departments of Defense and Interior and Local Government, for the forcible transfer of political
33 prisoners from Bicutan to far-flung local jails to further restrict their rights and expose them to greater
34 physical danger, although historically, including during the Marcos dictatorship, political prisoners
35 have been detained in segregated quarters for practical reasons, including easier monitoring and
36 control by state authorities;
37

38 **WHEREAS**, the detention of political prisoners in separate quarters is a recognition of their
39 category as such, and goes in accordance with the Standard Minimum Treatment of Prisoners

⁴ Dissenting opinion of Supreme Court Associate Justice Marvic Leonen in *Zarate vs. Aquino III*, citing the definition of the International Peace Observers Network in a 2011 journal: <https://ipon-philippines.org/medien/publikationen/>.

1 (Mandela Rules), which states that, "The different categories of prisoners shall be kept in separate
2 institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason
3 for their detention and the necessities of their treatment";
4

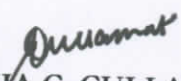
5 **WHEREAS**, political prisoners are a manifestation of how the state treats political dissent and a
6 mirror of long festering societal ills that make dissent necessary, which the hammer and tongs
7 approach of the NTF-ELCAC will not extinguish because it only exacerbates instead of directly
8 addressing and resolving the roots of social conflict;
9

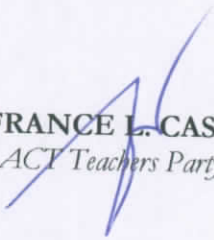
10 **NOW, THEREFORE BE IT RESOLVED**, that the House of Representatives, through its
11 Committee on Human Rights and Committee on Justice, investigate, in aid of legislation, the
12 escalating trend of systemic repression that is generating political prisoners in greater number despite
13 the constitutional ban on political imprisonment and political persecution.
14

15
16 *Approved,*
17
18

19
20 
21 **REP. CARLOS ISAGANI T. ZARATE**
22 *Bayan Muna Partylist*
23

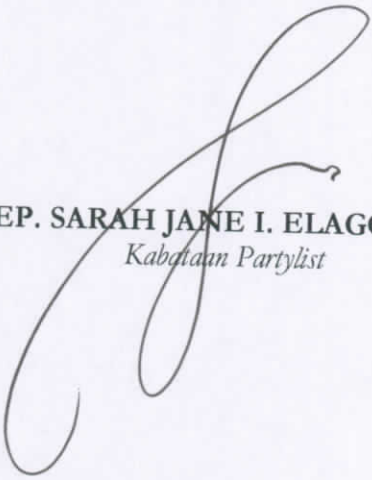
24
25 
26 **REP. FERDINAND R. GAITE**
27 *Bayan Muna Partylist*
28
29

30
31 
32 **REP. EUFEMIA C. CULLAMAT**
33 *Bayan Muna Partylist*
34

35
36 
37 **REP. FRANCE L. CASTRO**
38 *ACT Teachers Partylist*
39

40
41 **REP. ARLENE D. BROSAS**
GABRIELA Women's Party

1
2



REP. SARAH JANE I. ELAGO
Kabataan Partylist