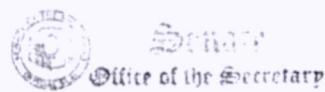


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



19 JUL 25 A11 :04

SENATE

P.S. Res. No. 33

RECEIVED BY:

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Introduced by SENATOR LEILA M. DE LIMA

RESOLUTION

**DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT
AN INQUIRY, IN AID OF LEGISLATION, ON THE TARGETED AND
SYSTEMATIC ATTACKS AND CONTINUED ASSAULT AGAINST
LAWYERS, PROSECUTORS AND JUDGES, WITH THE END VIEW OF
UPHOLDING THE RULE OF LAW, PROMOTING JUSTICE AND
ACCOUNTABILITY, AND PROTECTING DEMOCRACY AND HUMAN
RIGHTS**

1 WHEREAS, Article II, Section 4 of the Constitution states in part that “[t]he
2 prime duty of the Government is to serve and protect the people”;

3 WHEREAS, Article III, Section 1 of the same states that “[n]o person shall be
4 deprived of life, liberty, or property without due process of law, nor shall any person
5 be denied the equal protection of the laws”;

6 WHEREAS, paragraph 16 of the Basic Principles on the Role of Lawyers
7 adopted by the Eighth United Nations Congress on the Prevention of Crime and the
8 Treatment of Offenders, provides, in part, that “[g]overnments shall ensure that
9 lawyers (a) are able to perform all of their professional functions without intimidation,
10 hindrance, harassment or improper interference”;

11 WHEREAS, paragraph 17 of the same provides that “[w]here the security of
12 lawyers is threatened as a result of discharging their functions, they shall be adequately
13 safeguarded by the authorities”;

14 WHEREAS, in his November 28, 2016 speech, President Rodrigo R. Duterte
15 publicly blamed human rights as one of the factors that enabled the proliferation of
16 the drug problem in the Philippines and further bred and multiplied the number of

1 drug users and pushers. As a result thereof, human rights advocates and defenders
2 have also become subjected to attacks in the state-waged bloody drug war;

3 WHEREAS, this policy pronouncement created a culture of terror and violence
4 – a culture further strengthened by state-sponsored impunity, and an environment
5 deplete of protection while replete with fear of reprisal;

6 WHEREAS, President Duterte's words hit the gas pedal in the assaults that
7 were subsequently carried out against all those who stood firm in the fight to defend
8 and uphold human rights in a time when life and liberty are so easily whisked away in
9 thoughtless dismissal and disregard. His public declaration against human rights
10 defenders was nothing less than a foreshadowing of how the fate of those who would
11 stand for the right of all accused to be presumed innocent until otherwise proven, and
12 who would speak out to uphold the rights of the accused as enshrined in the
13 Constitution, would be determined¹;

14 WHEREAS, from the time President Duterte commenced the "War on Drugs",
15 figures reveal that an average of thirty-three (33) people are killed daily nationwide.
16 Chilling reports released to the public by the Philippine National Police (PNP) for the
17 period of July 1, 2016 to Feb. 4, 2019 further divulged an alarming estimate of at least
18 29,000 cases categorized as deaths under inquiry (DUI) were recorded nationwide²;

19 WHEREAS, various reports would later unveil that, while initially hunting
20 down drug users and drug lords,³ the killings would spread across sectors – with one
21 pillar of defense after another being toppled down in brazen impunity. When
22 journalists⁴ used their quill and parchment to expose the horrors – they too were

¹ ABS CBN News (30 November 2016) *Duterte threat to kill rights defenders alarms groups*. Retrieved from: <https://news.abs-cbn.com/news/11/30/16/duterte-threat-to-kill-rights-defenders-alarms-groups>

² Philippine Star (6 March 2019) *29,000 deaths probed since drug war launched*. Retrieved from: <https://www.philstar.com/nation/2019/03/06/1898959/29000-deaths-probed-drug-war-launched>

³ The Guardian (19 December 2018) *Duterte's Philippines drug war death toll rises above 5,000*. Retrieved from: <https://www.theguardian.com/world/2018/dec/19/dutertes-philippines-drug-war-death-toll-rises-above-5000>

⁴ Philippine Center for Investigative Journalism (23 November 2018) *Case Files: The 12 Journalists Killed Under the Duterte Administration*. Retrieved from: <https://pcij.org/stories/case-files-the-12-journalists-killed-under-the-duterte-administration/>

1 jailed,⁵ humiliated,⁶ and murdered.⁷ When the people ran to sacred temples for
2 succor, and their churches rallied behind them, not even the priests and clergymen
3 were spared from the attacks.⁸ They too were repeatedly slandered and dishonored,⁹
4 threatened,¹⁰ even ordered slayed.¹¹ When human rights advocates and defenders¹²
5 stood their ground, they were likewise caught in the middle of Duterte's merciless and
6 preposterous warpath.¹³ It would not take long before the equation is completed:
7 attack the last standing stronghold – that once destroyed could give the war on drugs
8 the go signal for overdrive; those who vowed to uphold, defend and protect the rule of
9 law: the lawyers, prosecutors and judges;

10 WHEREAS, the roll of lawyers is rapidly transforming into a list of names of
11 casualties caught in the middle of the administration's deadly war.¹⁴ Atty. Rogelio
12 Bato, lawyer of alleged narco-politician Mayor Rolando Espinosa ambushed¹⁵;
13 environmental lawyer Atty. Mia Manuela Mascarinas-Green, who handled property
14 disputes and criminal cases shot dead by four (4) motorcycle-riding gunmen in the

⁵ The Diplomat (24 September 2018) *Duterte's media war in the Philippines*. Retrieved from: <https://thediplomat.com/2018/09/dutertes-media-war-in-the-philippines/>

⁶ Manila Times (03 September 2018) *Abusive or Abused press in the time of Duterte*. Retrieved from: <https://www.manilatimes.net/abusive-or-abused-press-in-the-time-of-duterte/437557/>

⁷ Rappler (21 December 2018) *Philippines deadliest country for journalists in Southeast Asia – IFJ*. Retrieved from: <https://www.rappler.com/nation/219393-philippines-deadliest-country-journalists-southeast-asia-ifj>

⁸ PhilStar Global (30 December 2018) *Duterte to continue attacks until Church 'corrects itself'*. Retrieved from: <https://www.philstar.com/headlines/2018/12/30/1881049/duterte-continue-attacks-until-church-corrects-itself>

⁹ ABS CBN New (26 November 2018) *Duterte: People should stop going to church*. Retrieved from: <https://news.abs-cbn.com/news/11/26/18/duterte-people-should-stop-going-to-church>

¹⁰ ABS CBN News (11 March 2019) *3 priests claim receiving threats after criticizing Duterte policies*. Retrieved from: <https://news.abs-cbn.com/news/03/11/19/3-priests-claim-receiving-threats-after-criticizing-duterte-policies>

¹¹ Al Jazeera (06 December 2018) *Philippines Duterte: 'Kill those useless bishops'*. Retrieved from: <https://www.aljazeera.com/news/2018/12/philippines-duterte-kill-useless-catholic-bishops-181205132220894.html>

¹² Worldwide Movement for Human Rights (28 February 2019) *Philippines: Casualties on the rise in President Duterte's war on human rights defenders*. Retrieved from: <https://www.fidh.org/en/issues/human-rights-defenders/philippines-casualties-on-the-rise-in-president-duterte-s-war-on>

¹³ Rappler (07 February 2019) *Human rights defenders also killed under Duterte administration*. Retrieved from: <https://www.rappler.com/newsbreak/iq/222796-human-rights-defenders-killed-under-duterte-administration>

¹⁴ Rappler (08 November 2018) *LIST: Judges, prosecutors, lawyers killed under Duterte gov't*. Retrieved from: <https://www.rappler.com/newsbreak/iq/216239-list-judges-prosecutors-lawyers-killed-under-duterte-government>

¹⁵ CNN Philippines (24 August 2016). *Lawyer of Albuera town mayor killed in ambush* Retrieved from: <http://cnnphilippines.eom /regional/2016/08/23/Lawyer-Albuera-tow nmayor-killed-am bush.html>.

1 view and presence of her children¹⁶; half-paralyzed stroke patient Davao Oriental
2 Prosecutor Rolando Acido whose life was ended when two (2) motorcycle-riding
3 gunmen fatally shot him as he was alighting from his vehicle; “balik-islam” Assistant
4 City Prosecutor Diosdado Azarcon was locking the gate of his house in May 22, 2017
5 when he was shot in the forehead and left leg at close range by two (2) motorcycle-
6 riding gunmen – making him the fourth prosecutor attacked since October 2016;¹⁷ 68
7 year-old Judge Godofredo Abul Jr. who was leaving his house when motorcycle-riding
8 gunmen open fired at his vehicle leaving him dead on the site and his wife wounded¹⁸;

9 WHEREAS, the shooting of Prosecutor Rogelio Alfiler Velasco who was
10 handling an illegal firearms and drug case against the brother of PO1 Jose Lunar
11 Mercado was even caught by CCTV cameras – one footage shows Mercado and his co-
12 accused police officers: Senior Police Officer (SPO) 2 Rodante Sicat Lalimarmo and
13 PO3 Arthur Yasonia Lucy, drawing their short firearms towards the direction of
14 Velasco’s vehicle and firing their weapons thereto in “strategic fashion”¹⁹;

15 WHEREAS, Atty. Benjamin Ramos who represented a number of political
16 prisoners, and took on the case of *Mabinay 6* – a group arrested in Mabinay, Negros
17 Oriental following an alleged clash with government troopers, was shot dead by
18 motorcycle-riding gunmen shortly after working on the case of nine farmers who were
19 massacred in a sugar plantation in Sagay, Negros Occidental.²⁰ The most recent
20 fatality, Atty. Rex Lopoz, who, on March 13, 2019 was killed by a sniper in front of a
21 shopping mall in Tagum City – the 38th lawyer to have fallen in the targeted attacks²¹;

22 WHEREAS, in relation to the killings, an international delegation of lawyers
23 that had conducted a fact-finding mission into the attacks against Philippine lawyers,

¹⁶ Rappler (17 February 2017). *Environmental Lawyer murdered in the Philippines* Retrieved from: <http://www.rappler.com/nation/161782-environmental-lawyer-murdered-philippines>.

¹⁷ PhilStar Global (22 May 2017) *Prosecutor, cop gunned down*. Retrieved from: <https://www.philstar.com/metro/2017/05/22/1702603/prosecutor-cop-gunned-down>

¹⁸ Sun Star Philippines (05 August 2017). *Judge killed in Butuan City*. Retrieved from: <https://www.sunstar.com.ph/article/157012/>

¹⁹ Rappler (28 January 2019). *DOJ starts probe into cops’ alleged role in prosecutor slay*. Retrieved from: <https://www.rappler.com/nation/222123-doj-starts-probe-rogelio-velasco-ambush>

²⁰ Manila Standard (07 November 2018) *Lawyer in Sagay massacre shot dead*. Retrieved from: <http://manilastandard.net/news/top-stories/279974/lawyer-in-sagay-massacre-shot-dead.html>

²¹ GMA News (18 March 2019) *HRW: Lopoz slay linked to Duterte’s drug war*. Retrieved from: <https://www.gmanetwork.com/news/news/nation/688306/hrw-lopoz-slay-linked-to-duterte-s-drug-war/story/>

1 judges, prosecutors and paralegals, were themselves subjected to surveillance and
2 received threats on Monday, 18 March 2019²²;

3 WHEREAS, on 17 February 2017, recognizing that the “spate of killings
4 victimizing members of the Bar declares it imperative for the government to enact
5 measures for the personal and professional safety of Filipino lawyers and to effectively
6 prevent attacks on their independence and safety”, Senate Resolution No. 300 was
7 filed and referred to the Committees on Public Order and Dangerous Drugs and
8 Justice and Human Rights, and remains pending before the said Committees;

9 WHEREAS, on 18 March 2018, emphasizing the role of legal professionals as
10 “guardians of justice”, and recognizing that lawyers “are advocates of the litigants” who
11 “act to facilitate the administration of justice”, Senate Resolution No. 668 was filed
12 and referred also to the Committees on Public Order and Dangerous Drugs and Justice
13 and Human Rights. The Resolution, which likewise remains pending, stressed that the
14 spate of killings perpetrated against legal professionals “pose a serious threat to
15 democracy and the rule of law” – for “to threaten or endanger the lawyers is to subvert
16 the effective functioning of our justice system;”

17 WHEREAS, on February 2018, the Integrated Bar of the Philippines (IBP)
18 passed a resolution creating a task force to investigate, document and provide support
19 for the prosecution of cases involving members of the Bar. “The apparent continued
20 attacks on the members of the Bar, none of which had been successfully resolved or
21 prosecuted, create an impression of impunity, wherein State forces appear indifferent
22 and helpless, or, worse, in one case, even involved in such violent assaults”, the
23 resolution read²³;

24 WHEREAS, on 15 November 2018, following the death of Benjamin Ramos, the
25 International Commission of Jurists (ICJ), together with the Alternative Law Groups
26 (ALG), called on the Government of the Philippines to take immediate and effective
27 action to addressing his apparently unlawful killing. The ICJ, through Emerlynne Gil,
28 its Senior International Legal Adviser, said that, “[i]t is essential for the proper and

²² Inquirer.Net (20 March 2019) *Int'l delegation of lawyers: We were tailed, threatened.* Retrieved from https://newsinfo.inquirer.net/1097728/intl-delegation-of-lawyers-we-were-tailed-threatened?utm_expid=XqNwTug2W6nwDVUSgFJXed.1

²³ GMA News (23 February 2019). *IBP forms task force to probe violence vs. lawyers.* Retrieved from: <https://www.gmanetwork.com/news/news/nation/644440/ibp-forms-task-force-to-probe-separate-ambushes-on-2-lawyers/story/>

1 effective functioning of the administration of justice that lawyers are kept safe as they
2 fulfill their duties to protect the rights of their clients and promote the cause of justice.”
3 For its part, the ALG stressed that, “[t]he rising number of killings of lawyers is very
4 concerning and alarming; it is an attack not only on individual lawyers but on the
5 justice system as a whole. The Philippine government must take immediate and
6 proactive measures to ensure the safety of lawyers as they conduct their professional
7 duties”²⁴;

8 WHEREAS, on 07 November 2018, in the wake of the slaying of human rights
9 lawyer Atty. Benjamin Ramos, former Chief Justice Maria Lourdes Sereno in a
10 statement said that, “any government that does not act to stop the rampant killing of
11 defense lawyers, by such inaction, kills not only its citizens and their defenders, but
12 also the rule of law, and thereby, extinguishes hopes for a just and humane future”²⁵;

13 WHEREAS, on 19 March 2019, when the number of casualties reached its
14 record-high of 38, the IBP in a statement through its President Abdeil Dan Elijah
15 Fajardo said, “[w]e thus renew our call for the Supreme Court to initiate a thorough
16 and impartial investigation into all the killings of Filipino lawyers by convening a
17 dialogue among the Supreme Court, the IBP, State security forces, and other relevant
18 organizations, in order for the parties to engage in open and constructive discussion
19 on ensuring the safety and security of lawyers”. “Lawyers, prosecutors, and judges are
20 being targeted with surging frequency and impunity,” he lamented. “This series of
21 unsolved crimes against lawyers has germinated a dark halo of fear that has paralyzed
22 the most important pillars of the justice system,” he pointed out²⁶;

23 WHEREAS, last May 17, 2019, another lawyer in the person of Atty. Val
24 Crisostomo was shot by a lone gunman at Dagupan City Justice Hall in Pangasinan,
25 adding to the growing list of relentless killings against Lawyers²⁷. Atty. Crisostomo is

²⁴ ICJ.Org (15 November 2019). *Philippines: Government must act to ensure justice in killing of lawyer Benjamin Ramos*. Retrieved from: <https://www.icj.org/philippines-government-must-act-to-ensure-justice-in-killing-of-lawyer-benjamin-ramos/>

²⁵ Inquirer.Net (07 November 2018) *Sereno says inaction on lawyers' slayings shatters hopes for 'humane future'*. Retrieved from: https://newsinfo.inquirer.net/1051533/sereno-says-inaction-on-lawyers-slayings-kills-hopes-for-humane-future?utm_expid=.XqNwTug2W6nwDVUSgFJXed.1

²⁶ Manila Bulletin (16 March 2019) *IBP asks SC to probe continued killing of lawyers*. Retrieved from <https://news.mb.com.ph/2019/03/16/ibp-asks-sc-to-probe-continued-killing-of-lawyers/>

²⁷ Gonzales, C (17 May 2019) *Lawyer shot dead in front of Dagupan City Justice Hall*. Retrieved from: <https://newsinfo.inquirer.net/1120201/lawyer-shot-dead-in-front-of-dagupan-city-justice-hall#ixzz5oRpxO0EM>

1 one of the lawyers of the Gaming technology firm Globaltech Mobile Online
2 Corporation who filed cases against several agents of the National Bureau of
3 Investigation for allegedly conducting illegal raids in the Peryahan ng Bayan games in
4 Pangasinan²⁸;

5 WHEREAS, New York-based human rights group Human Rights Watch (HRW)
6 stated how the spate of killings poses a threat to the Philippines' justice system. "The
7 government has subjected journalists, activists, priests, and religious leaders who have
8 been critical of the 'drug war' to a withering campaign of vilification and harassment,
9 including through social media. "The killing of lawyers who represent members of the
10 poorest, most marginalized parts of Philippine society, including many of the victims
11 of the 'drug war' and their families, has a devastating impact on access to justice in the
12 Philippines,"²⁹ it added;

13 WHEREAS, the targeted and systematic attacks against the members of the bar
14 is detrimental not only to the legal profession but also to those who run towards them
15 for relief. As the HRW puts it, "[b]y silencing a lawyer, many victims are also silenced.
16 But then perhaps that is the purpose"³⁰;

17 WHEREAS, this escalating and alarming trend and spate of attacks and killings
18 of members of the Bar makes it imperative for the government and law authorities and
19 institutions to conduct a thorough investigation and ensure that the perpetrators are
20 swiftly brought to justice as well as to provide adequate measures to address and
21 ensure the personal and professional safety of Filipino lawyers and to effectively
22 prevent any further attacks on their independence and security: Now, therefore, be it

23 RESOLVED BY THE SENATE, as it is hereby resolved, To direct the
24 appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the
25 targeted and systematic attacks and continued assaults against lawyers, prosecutors

²⁸ Manila Standard (19 May 2019) Globaltech hits brazen killing of lawyer in Peryahan ng Bayan case. Retrieved from: <http://manilastandard.net/news/national/295149/globaltech-hits-brazen-killing-of-lawyer-in-peryahan-ng-bayan-case.html>

²⁹ PhilStar Global (16 March 2019). *HRW: 38th lawyer killed since Duterte admin possible 'drug war murder' victim*. Retrieved from: <https://www.philstar.com/headlines/2019/03/16/1901988/hrw-38th-lawyer-killed-duterte-admin-possible-drug-war-murder-victim>

³⁰ Inquirer.Net (16 March 2019) *HRW: Killing pro-poor lawyers is silencing the voice of poor people*. Retrieved from: https://newsinfo.inquirer.net/1096476/hrw-killing-lawyers-is-silencing-the-voice-of-poor-people?utm_expid=XqNwTug2W6nwDVUSgFJXed.1

- 1 and judges, with the end view of upholding the rule of law, promoting justice and
- 2 accountability, and protecting democracy and human rights.

Adopted,

Ireila M. de Lima
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