

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
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House Resolution No. 242

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Introduced by REP. KAKA BAG-AO, REP. GABRIEL BORDADO,
and REP. TOMASITO VILLARIN

**A RESOLUTION DIRECTING THE CONGRESSIONAL COMMITTEE ON JUSTICE TO
CONDUCT AN INQUIRY, IN AID OF LEGISLATION,
ON THE STEEP UPSURGE IN THE EXTRA-LEGAL KILLINGS
AND ARBITRARY OR SUMMARY EXECUTIONS IN THE COUNTRY**

WHEREAS, it is the policy of the State to value the dignity of every human person, and guarantee full respect for human rights (*Section 11, Article II of the 1987 Philippine Constitution*);

WHEREAS, the right to life is enshrined in our *Constitution*, in that Section 1, Article III states that "[n]o person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied the equal protection of the laws";

WHEREAS, the right to due process is further emphasized by Section 14, Article III of the *Constitution*, which affirms that "[n]o person shall be held to answer for a criminal offense without due process of law," and that "[i]n all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved";

WHEREAS, the right to life, liberty and security of each individual are fundamental human rights, as declared under Article 3 of the *Universal Declaration of Human Rights (UDHR)*;

WHEREAS, as a State Party to the *International Covenant on Civil and Political Rights (ICCPR)*, the Philippines is bound to uphold, promote and protect all civil and political rights and freedoms;

WHEREAS, Article 6 of the ICCPR recognizes that every human being has an inherent right to life, that such right is protected by law, and that no one should be arbitrarily deprived of this right to life;

WHEREAS, pursuant to Article 2 of the UDHR and Articles 2 and 26 of the ICCPR, each person is entitled without any discrimination to the equal protection of the law;

WHEREAS, in valuing the right to life as the most ancient and basic human right, Article 4 of the ICCPR provides that even instances of public emergencies cannot be invoked to justify the derogation of the right to life of any person;

WHEREAS, the term "extrajudicial killings", as used in international instruments, is defined as killings committed without due process of law, i.e., without legal safeguards or judicial proceedings, which include the illegal taking of life regardless of the motive, summary and arbitrary executions, and "salvagings" even of suspected criminals;¹

WHEREAS, the 1st Principle under the *Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Principles)*, as adopted by the United Nations Economic and Social Council in 1989, establishes that all extra-legal, arbitrary and summary executions "shall not be carried out under any circumstances including, but not limited to, situations of internal armed conflict, excessive or illegal use of force by a public official or other person acting in an official capacity or by a person acting at the instigation, or with the consent or acquiescence of such person, and situations in which deaths occur in custody";

WHEREAS, the *Principles* also obligates governments to guarantee effective protection through judicial or other means "to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who shall receive death threats";

WHEREAS, in 2007, the Supreme Court issued *Administrative Order No. 25-2007* as a means to address the unabated killings of political activists and members of the media, by designating special courts to hear, try and decide cases involving the same;

WHEREAS, the Philippines is considered to be one of the worst offenders globally when it comes to impunity, having been reported to be one of the countries with the highest impunity rates based on a 2015 Global Impunity Index, as majority of extrajudicial cases remain unsolved;

¹ Rule on the Writ of Amparo: Annotation, p.48

WHEREAS, the recorded number of victims of extrajudicial killings from 2001 to 2010 is 1254,² while news reports have shown that from the day of the 2016 National Elections (10 May 2016) up to the 15th of August 2016, around 1036³ individuals, already at 82.6% of the total recorded figure for 10 years, have been killed simply for being tagged as *suspected* drug users and pushers;

WHEREAS, the sudden and continuing surge in cases of extrajudicial executions is a cause for alarm, as security forces and vigilantes alike have been seemingly incited to take matters into their own hands with a blatant disregard for due process, the rule of law and one's right to life, killing those who are merely suspected of having committed a crime;

WHEREAS, the government's drive to eliminate crime in the soonest possible time is recognized as part of its efforts to promote public safety and security and safeguard public welfare, but such should be done within the context of due process and recognition of each and every person's inherent rights;

WHEREAS, tolerance, for what is now known as "cardboard justice", is unacceptable in a society that is supposed to adhere to the rule of law;

WHEREAS, actions must be taken now, to seek accountability from the perpetrators of these human rights violations and to end the violence and abuse of power that is slowly creeping its way into establishing do-it-yourself justice as a societal norm;

WHEREAS, it is incumbent upon the members of Congress to urgently investigate on this matter to ensure that even those who are in a position of power and authority respect the rule of law, and those who are accountable are brought to justice;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved, that the Congressional Committee on Justice and other appropriate committees of the House of Representatives, conduct an inquiry, in aid of legislation, on the recent steep upsurge in extra-legal killings and arbitrary or summary executions in the country.

Adopted,



REP. KAKA BAG-AO

Lone District, Dinagat Islands



REP. GABRIEL BORDADO

3rd District, Camarines Sur



REP. TOMASITO VILLARIN

Akbayan Partylist

² Commission on Human Rights. (July 2011). Philippine Trends on Human Rights Violations.

³ ABS-CBN News. (15 August 2016). MAP, CHARTS: The Death Toll of the War on Drugs. Retrieved from www.news.abs-cbn.com.