

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

EIGHTEENTH CONGRESS
First Regular Session



HOUSE RESOLUTION NO. 95

Introduced by

REP. ARLENE D. BROSAS (Gabriela Women's Party);
REPS. CARLOS ISAGANI T. ZARATE, FERDINAND R. GAITE, EUFEMIA C. CULLAMAT
(Bayan Muna Partylist); REP. FRANCE L. CASTRO (ACT Teachers Partylist);
and REP. SARAH JANE I. ELAGO (Kabataan Partylist)

A RESOLUTION DIRECTING THE COMMITTEE ON HUMAN RIGHTS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE MILITARY OPERATIONS OF THE ELEMENTS OF THE 39TH AND 72ND INFANTRY BATTALION OF THE PHILIPPINE ARMY (IBPA) IN NORTH COTABATO AND BUKIDNON THAT LED TO DOCUMENTED CASES OF HUMAN RIGHTS VIOLATIONS OF THE CIVILIANS THEREIN UNDER THE CIRCUMSTANCES OF MARTIAL LAW AND SUSPENSION OF THE PRIVILEGE OF THE WRIT OF HABEAS CORPUS IN MINDANAO

WHEREAS, the 1987 Philippine Constitution gives primacy to the protection and promotion of human rights thereby dedicating the entire Article III thereof as the Bill of Rights;

WHEREAS, it is the policy of the State that "*Civilian authority is, at all times, supreme over the military. The Armed Forces of the Philippines is the protector of the people and the State. Its goal is to secure the sovereignty of the State and the integrity of the national territory*";

WHEREAS, the Constitution gave discretionary power to the President to declare martial law or suspend the privilege of the writ of habeas corpus "*in case of invasion or rebellion, when public safety requires it*". However, "*a state of martial law does not suspend the operation of the Constitution, nor supplant the functioning of the civil courts or legislative assemblies, nor authorize the conferment of jurisdiction on military courts and agencies over civilians where civil courts are able to function, nor automatically suspend the privilege of the writ*";

WHEREAS, President Duterte placed the entire Mindanao under Martial Law and suspended the privilege of the writ of habeas corpus on the 23rd of May 2017 through Presidential Proclamation 216;

WHEREAS, military atrocities committed by some two hundred forty (240) elements of the 39th IBPA against Moro communities in Barangays Salat and Tuel in President Roxas, North Cotabato and Barangays Tangkulan and Anggaan in Damulog, Bukidnon have been documented on the 25th of May year 2017;

WHEREAS, the 39th IBPA conducted aerial bombardments, mortar shelling, and indiscriminate firing, targeting the aforementioned areas;

WHEREAS, on May 25, 2017, at around 6:00 in the morning, a series of gunfire was heard in Barangay Salat, President Roxas, North Cotabato forcing residents of several communities in the village to evacuate at the village center to seek refuge. The gunfire lasted for three (3) hours;

WHEREAS, accounts from the residents also revealed that around 10:00 in the morning of May 25, 2017, military choppers were found hovering and thereafter dropped around six (6) bombs in the communities. The military also strafed the civilians using its attack helicopter (mg20) for four (4) times and launched six (6) 105 cannons. Another four (4) bombs were dropped, six (6) 105 cannons were launched and strafing resumed at around 3:15 in the afternoon;

WHEREAS, at around 7:30 in the evening, another six (6) 105 cannons were launched, which resulted to the death of Abdullah Marnansag, and caused severe injuries to five (5) more individuals. Among those severely injured is a minor, who was hit in his stomach;

WHEREAS, reports from affected residents further revealed that about four (4) houses were burned down by the military on the 27th of May year 2017;

WHEREAS, on the morning of May 28, 2017, another report was received by the mission team from the Moro leaders in the village that at least 10 civilian houses were burned by the military. However, this report is yet to be verified;

WHEREAS, Barangay Captain Abdillah Makalang of Salat claimed that around 260 families in the following areas were forced to evacuate and are presently seeking refuge in the multi-purpose cooperative building:

Sitio	No. of Affected Residents
Pedtobawan	23
Kampo	67
Pedalawan	50
Minara	53
Sentro Salat	67
TOTAL	260

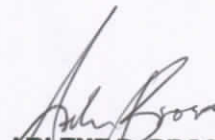
WHEREAS, the aerial bombardments and intense military operations caused the forcible evacuation of more than 1600 Moro people:

Barangays	Affected
Sitio Apulan, Brgy. Salat	200 individuals
Sitio Centro Salat, Brgy. Salat	500 individuals
Sitio Libpas, Brgy. Tual	200 individuals
Brgy. Tangculan, Damulog	700 individuals
Brgy. Anggaan, Damulog	2 villages

WHEREAS, the Congress, pursuant to its mandate to give life to the spirit of the Constitution in upholding the primacy of human rights at all times, should investigate documented cases of abuses and excesses of the military;

NOW, THEREFORE, BE IT RESOLVED, that the Committee on Human Rights conduct an inquiry, in aid of legislation, on the military operations of the elements of the 39th and 72nd Infantry Battalion of the Philippine Army (IBPA) in North Cotabato and Bukidnon that led to documented cases of human rights violations of the civilians therein under the circumstances of martial law and suspension of the privilege of the writ of habeas corpus in Mindanao.

Adopted,



ARLENE D. BROSAS
Gabriela Women's Party



CARLOS ISAGAN/T. ZARATE
Bayan Muna Partylist



FERDINAND R. GAITE
Bayan Muna Partylist



EUFEMIA C. CULLAMAT
Bayan Muna Partylist

FRANCE L. CASTRO
Act Teachers Partylist



SARAH JANE T. ELAGO
Kabataan Partylist