Republic of the Philippines

HOUSE OF REPRESENTATIVES

Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE RESOLUTION No. 1427

Introduced by

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

RESOLUTION

URGING THE HOUSE OF REPRESENTATIVES, THROUGH THE COMMITTEE ON JUSTICE, TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE ALLEGED IRREGULARLY-ISSUED SEARCH WARRANTS RESULTING TO ARRESTS AND FILING OF TRUMPED-UP CHARGES AGAINST RED-TAGGED ACTIVISTS AND PROGRESSIVE ORGANIZATIONS

WHEREAS, on December 10 International Human Rights Day, the Philippine National Police-Criminal Investigation and Detection Group (PNP-CIDG), launched a series of early morning raids operations on four different homes, which led to the arrests of a journalist and six (6) trade unionists;

WHEREAS, the series of Gestapo-style raids resulted to the arrests of Lady Ann Salem, journalist and editor of Manila Today; Dennise Velasco, Mark Ryan Cruz, Romina Raiselle Astudillo, Jaymie Gregorio, Joel Demate and Rodrigo Esparago, all union organizers and members of the labor group Defend Jobs Philippines;

WHEREAS, the raiding teams later claimed to have recovered assorted firearms, explosives and several ammunitions from the raided homes. The activists, however, vehemently claimed that the weapons were planted by the police to justify their mass arrests;

WHEREAS, CIDG-PNP acquired the questionable search warrants from Quezon City-Regional Trial Court (QC-RTC) Executive Judge Cecilyn Burgos-Villavert, over trumped-up charges of illegal possession of firearms, ammunition and explosives;

WHEREAS, the Commission on Human Rights expressed alarm over these string of arrests done by the police on International Human Rights Day, and called on authorities to address the irregularities and errors in the police operations, including the fact that the arrests were made in the

midst of red-tagging of activists and human rights workers.\textsuperscript{12}

WHEREAS, the Human Rights Watch also condemned the arrests as highly questionable as it noted that it is not the first time for the PNP to face allegations of planting evidence to justify arrest;\textsuperscript{7}

WHEREAS, records show that this is not the first time that police and military officers conducted series of raids on offices of legitimate people’s organizations and residences of their leaders and members, and later charged with possession of illegal firearms and explosives. The arrested activists and the organizations they belong to, were all previously tagged as ‘terrorists’ and ‘terrorists groups’ by the police and military;

WHEREAS, in October 2019, the combined forces of the police and military have raided the regional offices of Bayan Muna, Gabriela, and the National Federation of Sugar Workers (NFSW) in Bacolod, Negros Occidental. Elements of the military and police wrongly alleged that at least 57 persons, including 13 minors were undergoing firearms and explosive training in the offices;\textsuperscript{4}

WHEREAS, few days after the Bacolod raids, five (5) more activists were also apprehended in another series of raids in Tondo and Paco, Manila. Apprehended were BAYAN Manila campaign director Ram Bautista, Manila Workers Unity secretariat member Alma Moran, Gabriela-NCR spokesperson Cora Agovida, and Kadamay Manila officers Reina Nacino and Michael Bartolome. Charges of illegal possession of firearms, ammunition and explosives were also filed against the five;\textsuperscript{5}

WHEREAS, the raids in Tondo and Paco, Manila and Bacolod late last year, just like the recent simultaneous police operations were conducted under the authority given by the questioned search warrants issued by QC-RTC Executive Judge Cecilyn Burgos-Villavert;

WHEREAS, based on past incidents it appeared that Executive Judge Burgos-Villavert is being favored by the PNP in the issuance of multiple search warrants founded on fabricated facts, which specifically target human rights defenders, labor and community organizers, activists and other government critics. Thus, Executive Judge Burgos-Villavert’s court is now being cited by activists as a factory of baseless search warrants;

WHEREAS, the independence and impartiality of Executive Judge Burgos-Villavert has also been questioned, when she was reportedly visited a day before the Bacolod raids by then NCRPO Acting Regional Director, General Debold Sinas;\textsuperscript{6}

WHEREAS, the series of questionable search warrants issued by Judge Burgos-Villavert have a noticeable pattern, and probably not coincidental, were served simultaneously by the raiding teams on several locations, and targeted activists and members of progressive organizations previously redtagged as ‘terrorists’ and ‘enemies of the state’ by the authorities. According to the reports of the victims, families and their witnesses, the service of the search warrants violated several longstanding procedures provided by law to ensure the protection of Constitutionally enshrined

\textsuperscript{2} \url{https://www.philstar.com/headlines/2020/12/13/2063521/chr-arrests-intl-human-rights-day-cause-concern}
\textsuperscript{3} \url{https://www.philstar.com/headlines/2020/12/13/2063521/chr-arrests-intl-human-rights-day-cause-concern}
\textsuperscript{4} \url{https://newsinfo.inquirer.net/1184300/bayan-muna-gabriela-offices-in-bacolod-raided-by-military-police-zurate}
\textsuperscript{5} \url{https://www.rappler.com/nation/police-raid-bayan-muna-office-206363569}
\textsuperscript{6} \url{https://newsinfo.inquirer.net/1184747/bayan-muna-questions-arpos-sinas-talks-with-judge-who-issued-search-warrant}
rights of the people;

WHEREAS, while executive judges of Manila and Quezon City are authorized to issue search warrants that may be served nationwide in certain instances, activists and human rights defenders are doubtful that the applications have met the stringent legal requirements provided by the rules of court;

WHEREAS, Bayan Muna Chairman Neri Colmenares has demanded Judge Burgos-Villavert to publicize her special docket book, wherein the details of the applications and the results of the searches and seizures pursuant to the warrants issued were listed, as mandated by SC Circular A.M No. 03-8-02-SC;

WHEREAS, the National Union of People’s Lawyers, through its President Atty. Edre Olalia, pointed out that search warrants “may be abused and weaponized by any branch of government to forum shop, to silence dissent and criticism, [and to] slow down legitimate advocacies.” The lawyers group have respectfully called on the Supreme Court to look into the seemingly irregular issuance of search and arrest warrants essentially based on political designs;

WHEREAS, the pattern of acquiring search warrants to raid homes and offices of redtagged individuals and organizations, and later on charging the arrested activists with illegal possession of firearms, ammunitions and explosives based on planted pieces of evidence, is seen to be carefully designed by the police and military officers to silence dissenters and critics of the Duterte administration;

WHEREAS, the redtagging, multiple raids, planting of evidence, and illegal arrests, among others, are attacks apparently calculated to intimidate and harass activists and members of progressive organizations advocating for the rights and interests of the people. The questionable application and issuance of search warrants up to the subsequent filing of trumped-up charges could have been premeditated so that the arrested activists will face non-bailable cases keeping them in jail while the trumped up cases are being tried in court;

WHEREAS, these allegedly baseless warrants and arrests are seen to be part of the administration’s plan to repress any criticism and opposition as implemented primarily by the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC). Created by President Rodrigo Duterte through Executive Order No. 70, the national task force has since unmasked itself as a tool to silence any form of dissent from activists and progressive organizations, human rights workers, civil rights defenders and critical media outfits, by maliciously and wrongly tagging them as ‘enemies of the state’ and ‘terrorists’. Using government funds and resources, NTF-ELCAC officials are actively engaged in red tagging individuals and organization as proven by their social media posts and official statements. NTF-ELCAC Spokesperson Lorraine Badoy in a Facebook post, redtagging the 7 individuals arrested on Human Rights Day;

WHEREAS, the Constitution guarantees the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. The stringent requirements on limited and reasonable search and seizure, should not in any way, be used against activists and dissenters on their legitimate exercise of equally Constitutionally-protected freedoms on speech, assembly and association. The wanton and malicious politically-designed use of search warrants to

repress the people should not be allowed in a democratic society;

WHEREAS, it is crucial for the House of Representatives to ensure that the Constitutional rights of its constituents are upheld. There is a need to check on excesses and violations committed against the people as part of its oversight function. The safeguards and procedures laid down by our laws should be strictly respected and followed by the authorities, and should not be weaponized to suppress dissent and violate basic human rights;

NOW, THEREFORE BE IT RESOLVED, that the House of Representatives, through the Committee on Justice, conduct an investigation, in aid of legislation, on the alleged irregularly-issued search warrants resulting to arrests and filing of trumped-up charges against red-tagged activists and progressive organizations.

Adopted,

REP. FERDINAND R. GAITE
Bayan Muna Partylist

REP. CARLOS ISAGANI T. ZARATE
Bayan Muna Partylist

REP. FRANCIS L. CASTRO
ACT Teachers Partylist

REP. ARLENE D. BROSAS
Gabriela Women’s Party

REP. SARAH JANE I. ELAGO
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REP. EUFEMIA C. CULLAMAT
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