



SENATE
P.S. RES. No. 884

'18 SEP 10 P2:59

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Introduced by Senator Paolo Benigno "Bam" A. Aquino IV

RESOLUTION
DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN
INQUIRY, IN AID OF LEGISLATION, INTO THE KILLING OF MINORS IN
POLICE OPERATIONS AND ENCOUNTERS TOWARDS REVIEWING
GOVERNMENT POLICY, REFORMING POLICE PROCEDURES, AND
ULTIMATELY PROTECTING THE LIVES OF FILIPINO
CHILDREN AND YOUTH

1 **WHEREAS**, according to the United Nations Declaration of Human Rights,
2 "everyone has the right to life, liberty, and security of person;"

3 **WHEREAS**, the right to life and other human rights especially for a child is
4 further protected in the United Nations Convention on the Rights of the Child. Article
5 4 of the Convention provides that the State has the responsibility to make sure that
6 all measures are taken to ensure that all the rights of the child are respected,
7 protected, and realized. Given that the Philippines is a party to the Convention, the
8 State has agreed to review existing laws related to children, assess and take the
9 needed steps to guarantee that all related services meet the minimum standards set
10 forth by the Convention, assist the family in safeguarding these rights, and create an
11 environment conducive for the proper growth and development of children;

12 **WHEREAS**, under Article II, Section 4 of the 1987 Philippine Constitution, it
13 is the prime duty of the Government to serve and protect the people;

14 **WHEREAS**, Article II, Section 5 of the Constitution declares that the
15 maintenance of peace and order, the protection of life, liberty, and property, and

1 promotion of the general welfare are essential for the enjoyment by all the people of
2 the blessings of democracy;

3 **WHEREAS**, in accordance with Article II, Section 13 of the Constitution, the
4 State recognizes the role of the youth in nation-building and shall promote and
5 protect their physical, moral, spiritual, intellectual, and social well-being;

6 **WHEREAS**, under Republic Act No. 9344 Section 2 (b) or the Juvenile Justice
7 and Welfare Act of 2006, it is the policy of the State to "protect the best interests of
8 the child through measures that will ensure the observance of international
9 standards of child protection, especially those to which the Philippines is a party;"

10 **WHEREAS**, it is also stated under Republic Act No. 9344 Section 2 (c) that
11 "The State likewise recognizes the right of children to assistance, including proper
12 care and nutrition, and special protection from all forms of neglect, abuse, cruelty
13 and exploitation, and other conditions prejudicial to their development;"

14 **WHEREAS**, according to a report on *Interaksyon*, on 17 August 2018, Joshua
15 Laxamana, 17 years old, was shot during an alleged shootout with police on the
16 Tarlac–Pangasinan–La Union Expressway (TPLEX) access road;

17 **WHEREAS**, according to the police, Joshua was carrying drugs and firearms,
18 and was an *Akyat Bahay* gang member, who supposedly ignored a police checkpoint
19 and fired shots at manning police officers in Barangay Poblacion, Balungao.
20 However, Joshua's mother and friends maintain that Joshua was simply on his way
21 home from Baguio City to his home in Tarlac City with two friends after participating
22 in a Defence of the Ancients 2 (DOTA 2) tournament;

23 **WHEREAS**, one of his two companions, Julius Sebastian, 15 years old, is
24 reported to still be missing while their third companion, who has not been named by
25 media, made it home safely after getting separated from Joshua and Julius along
26 TLPEX, where he stopped for a rest before continuing the journey home;

27 **WHEREAS**, it has also been reported that on 29 July 2018, 18-year old
28 Christian Dhel Braganza along with friends, 17-year old Lee James Burgos and 20-
29 year old Ramil Sabalboro, were shot dead by police in Panay Avenue in Quezon City

1 in what was reported by the police to be a shootout with the police. The latter
2 claimed that they had stumbled upon the three robbing a woman. There was a
3 fourth victim, 57-year old George Marcelino, who was caught in the crossfire and
4 died on the way to the hospital;

5 **WHEREAS**, there have been other reports of the death of minors during
6 police encounters and investigations especially in the last two years;

7 **WHEREAS**, as of April 2018, the Children's Legal Rights and Development
8 Center (CLRDC) said that at least 74 minors, including 56 boys and 18 girls, have
9 been killed in police operations and vigilante-style attacks from July 2016 to
10 December 2017;

11 **WHEREAS**, most widely reported were news about the deaths of 17-year old
12 Kian Loyd delos Santos, who was killed by police officers on 16 August 2017 during
13 a drug raid; of 19-year old Carl Arnaiz who was also killed by police officers
14 supposedly following a shoot-out on 18 August 2017; and of 14-year old Reynaldo
15 de Guzman, Carl's companion on the night of August 18, who was found dead in a
16 creek in Barangay San Roque, Gapan, Nueva Ecija on 6 September 2017. One year
17 later, their cases remain unresolved;

18 **WHEREAS**, on 22 August 2017, the Senate adopted Senate Resolution No.
19 471 to fully express their concern and condemnation of the series of deaths
20 especially that of children at the hands of the police during various encounters and
21 operations;

22 **WHEREAS**, on 25 September 2017, the Senate also adopted Senate
23 Resolution No. 516 to conduct an inquiry into these deaths and to urge the
24 government to carry out the needed actions to reduce the series of deaths,
25 especially of minors, in police operations;

26 **WHEREAS**, with continued reports coming in of minors killed by the police,
27 there is an evident need to pursue the Senate's earlier call to investigate these
28 senseless killings of Filipino children and youth, and to identify immediate and
29 concrete policy actions to avert these;

1 **NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED** by
2 the Senate of the Philippines, to direct the appropriate Senate Committees to
3 conduct an inquiry, in aid of legislation, into the killing of minors in police operations
4 and encounters towards reviewing government policy, reforming police procedures,
5 and ultimately protecting the lives of Filipino children and youth.

Adopted,

A handwritten signature in black ink, appearing to read "Ben Aquino", is positioned below the word "Adopted,".