

SENATE
P.S. Res. No. 1272

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Introduced by Senator Raffy T. Tulfo

RESOLUTION

DIRECTING THE SENATE COMMITTEE ON JUSTICE AND HUMAN RIGHTS TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE GATHERING AND HANDLING OF EVIDENCE BY LAW ENFORCEMENT, WITH THE END VIEW OF STRENGTHENING LAWS ON THE PROSECUTION OF CRIMINAL CASES

1 WHEREAS, on January 26, 2025, at approximately 4:00 PM, Romelito Del
2 Castillo, 54 years old, was shot and killed in front of their barbeque stand in Bangkal,
3 Morong, Rizal;

4 WHEREAS, alias "Buboy," the minor son of the victim, witnessed the incident
5 and recounted seeing two men on a motorcycle, with the back rider shooting Romelito
6 Del Castillo to death;

7 WHEREAS, Buboy identified the motorcycle, which had no plate, as visually
8 similar to one owned by his father's employer and landlord, Roger Malinag of Romer
9 Realty, and further identified the voice of a man pointing out Romelito as the target
10 of the attack;

11 WHEREAS, two tricycle drivers who were present near the scene also witnessed
12 the shooting incident;

13 WHEREAS, despite the gravity of the crime, the closed-circuit television (CCTV)
14 camera in the area was not operational at the time, limiting the availability of critical
15 visual evidence;

16 WHEREAS, during the investigation, police investigators led by PSMS Michael
17 Española visited the residence of the prime suspect and questioned his sibling;

18 WHEREAS, while investigators were present, the prime suspect's partner called
19 the sibling, and upon the urging of the police, the call was placed on speaker, during

1 which the prime suspect's partner instructed the sibling to "not worry anymore, do not
2 be obvious because the problem's over";

3 WHEREAS, despite this, the prosecutor handling the case disregarded the call
4 as evidence, citing the exclusionary rule and the "fruit of the poisonous tree" doctrine,
5 which excludes improperly obtained evidence from being admissible in court;

6 WHEREAS, this case, like many similar ones, highlights the need to review
7 existing laws and procedures on the handling of evidence, capability of our prosecutors
8 to pursue criminal complaints, the application of the exclusionary rule, and the balance
9 between the rights of the accused and the interest of justice in the prosecution of
10 criminal cases;

11 WHEREAS, just last year, the Department of Justice (DoJ), through Department
12 Circular 015 (DC 15), the "2024 DoJ-NPS Rules on Preliminary Investigations and
13 Inquest Proceedings" introduced new rules aimed at streamlining criminal
14 investigations and inquest proceeding;

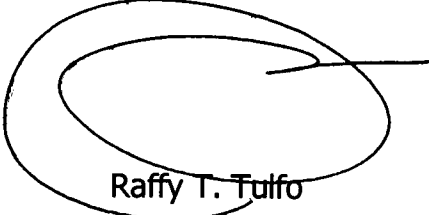
15 WHEREAS, these rules significantly impact the handling of criminal cases in the
16 Philippines by providing updated standards for evidence, increased prosecutor
17 involvement and improved access to virtual and electronic processes;

18 WHEREAS, the Quantum of Evidence provided in Section 5 of DC 15 required
19 that prosecutors must evaluate all presented evidence, ensuring it is (a) admissible,
20 (b) credible, and (c) capable of proving the crime and the accused's responsibility;

21 WHEREAS, given that the DoJ raised the standards of evidence needed to be
22 appreciated in court, it is imperative that the law enforcement also ensure that they
23 gather the evidence that will be admissible;

24 NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved, that the Senate
25 of the Philippines direct the Senate Committee on Justice and Human Rights to
26 conduct an investigation, in aid of legislation, on the handling of evidence by law
27 enforcement, with the end view of strengthening laws on the proper handling of
28 evidence and ensuring the effective prosecution of criminal cases.

Adopted,



Raffy T. Tulfo