PHILIPPINES

- **PHL-08**: Leila de Lima (Ms.)
- **PHL-13**: Sarah Jane I. Elago (Ms.)
- **PHL-02**: Saturnino Ocampo
- **PHL-09**: Antonio Trillanes
Philippines

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 170th session (Geneva, 21 January to 2 February 2023)

PHL-08 – Leila de Lima

Alleged human rights violations

- Threats, acts of intimidation
- Arbitrary arrest and detention
- Lack of due process in proceedings against parliamentarians
- Violation of freedom of opinion and expression

A. Summary of the case

Ms. Leila de Lima served as Chairperson of the Philippines Commission on Human Rights from May 2008 to June 2010. In that capacity, she led a series of investigations into alleged extrajudicial killings linked to the so-called Davao Death Squad in Davao City, where Mr. Duterte had been long-time mayor, and concluded that Mr. Duterte, former President of the Philippines, was behind the Davao Death Squad.

In 2010, Ms. de Lima was appointed Secretary of Justice. She resigned from this position in October 2015 to focus on her campaign for a senate seat in the May 2016 elections, a bid that was successful. In August 2016, as Chair of the Senate Committee on Justice and Human Rights, she launched an inquiry into the killings of thousands of alleged drug users and drug dealers, which had reportedly taken place since President Duterte took office in June 2016. Since becoming senator, she has been the target of acts of intimidation and denigration, including by the then President Duterte himself.

Case PHL-08

- Philippines: Parliament affiliated to the IPU
- Victim: Female opposition member of parliament
- Qualified complainant(s): Section I.(1)(d) of the Committee Procedure (Annex I)
- Submission of complaint: September 2016
- Recent IPU decision: May 2021
- Recent IPU mission: May 2017
- Recent Committee hearing(s): - - -

Recent follow-up:
- Communication from the authorities: Letter from the Director General of the Office of International Relations and Protocol of the Senate and Secretary of the IFU Group of the Philippines (April 2021)
- Communication from the complainant: November 2020
- Communication to the authorities: Letter to the President of the Senate (December 2022)
- Communication to the complainant: January 2023
On 7 November 2016, Ms. de Lima had filed a petition for writ of habeas data against the then President Duterte before the Supreme Court, requesting that the Court, inter alia, order President Duterte and any of his representatives to cease: seeking details about her private life outside the realm of legitimate public concern or making statements maligning her as a woman and injuring her dignity as a human being; discriminating against her on the basis of gender; describing or publicizing her alleged sexual conduct; engaging in psychological violence against her; and otherwise violating her rights or engaging in acts that are contrary to law, good morals, good customs, public policy and/or public interest. On 18 October 2019, the Supreme Court dismissed the petition for writ of habeas data on the grounds that the President is immune from suit during his incumbency and tenure.

Ms. de Lima was arrested and detained on 24 February 2017 over accusations of receiving drug money to finance her campaign for a senate seat. The charges, in three different cases, were brought in the wake of an inquiry by the House of Representatives into drug trading in New Bilibid Prison, and Ms. de Lima’s responsibility in such trading while she was Secretary of Justice. The House-led inquiry was launched one week after she initiated her inquiry in the Senate into the extrajudicial killings.

Since July 2018, Ms. de Lima has been charged in the three cases before Branches 205 and 256 of the Regional Trial Court (RTC) – Muntinlupa City. On 17 February 2021, RTC Branch 205 granted Ms. de Lima’s demurrer to evidence in case No. 17-166, technically acquitting her, in the absence of sufficient evidence.

The complainant points out that during the presentation of the Prosecution’s evidence in the first of the two remaining cases (case No. 17-165), not only was there no physical evidence of the alleged illegal drugs, or the money allegedly delivered to Ms. de Lima as her share in the alleged illegal drug trade, but even the Prosecution’s own witnesses, mostly criminals serving sentences in the New Bilibid Prison, denied any involvement or even any personal knowledge of the alleged illegal drug trade. Instead, the Prosecution spent most of its time attempting to prove the guilt of its own witnesses, including Mr. Peter Co, Mr. Hans Tan and Mr. Vicente Sy, all of whom repeated denied any involvement in the illegal drug trade, and whom the Prosecution, to this date, has failed to indict as co-conspirators. Conveniently, the only person who was consistently singled out by these witnesses as having personal knowledge of the New Bilibid Prison drug trade and the role of Ms. de Lima died on 26 September 2016. That person, Mr. Tony Co, was an inmate who was stabbed to death in a staged prison riot that targeted inmates who initially refused to testify against Ms. de Lima before the House of Representatives Justice Committee’s hearing on the New Bilibid Prison drug trade. Most importantly, the complainant points out that, the Prosecution’s foremost witness in the case, Mr. Rafael Ragos, former National Bureau of Investigation Deputy Director and former Bureau of Corrections Officer-in-Charge, who had been the sole witness to testify that he had delivered money to Ms. de Lima’s house on two occasions, recanted all his testimonies and statements against Ms. de Lima on 30 April 2022. In his retraction, Mr. Ragos said that he had been forced to testify against her by the then Secretary of Justice Vitaliano Aguirre II, who led the witch hunt against Ms. de Lima in the Philippines’ House of Representatives Justice Committee’s hearings in 2016.

In the second remaining case (case No. 17-167), the complainant underscores that at least two witnesses, Mr. Joel Capones and Mr. Herbert Colanggo, claim to have engaged in illegal drug trading. Despite these admissions made under oath and in open court, to this day the Prosecution has actively refused to charge them, whether as co-conspirators in the same case or in a separate case. According to the complainant, this consistent and conspicuous refusal by the Prosecution to indict the persons that the State itself alleges have committed the crime of illegal drug trading raises doubts as to the veracity of their testimony, as they are clearly benefiting from the State’s failure to prosecute them, despite not being discharged as state witnesses. The complainant states that the State may deny giving them any immunity in exchange for their testimony but, nevertheless, they have undeniably been enjoying that benefit.

On 30 November 2018, the United Nations Working Group on Arbitrary Detention concluded, echoing the conclusions of an earlier IPU mission to the Philippines, that Senator de Lima’s detention was arbitrary and that her immediate release was in order.

Ms. de Lima ran for re-election to the Senate from detention in the elections held in May 2022 but was not re-elected.
B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Expresses grave concern* that six years after she was first charged, Ms. de Lima continues to languish in detention, even after the key witness against her in one of the two remaining cases stated that he had been forced by the former executive authorities to testify against her;

2. *Is ever more convinced* that the steps taken against Ms. de Lima came in response to her vocal opposition to the way in which the then President Duterte was waging a war on drugs, including her denunciation of his alleged responsibility for extrajudicial killings; *points out* in this regard the inexplicable length of the criminal proceedings with no clear end in sight, the repeated violation of the principle of the presumption of innocence, the dubious choice of jurisdiction to present the accusations against her, the timing of the criminal proceedings, the amendment of the charges and the reliance on testimonies of convicted drug traffickers, who were either given favourable treatment in return, subjected to physical intimidation, including death, in prison, or have an axe to grind against Ms. de Lima as a result of her efforts to dismantle their drug trafficking operations when she was Secretary of Justice;

3. *Renews it call*, in light of the foregoing, for Ms. de Lima to be released immediately and for the legal proceedings against her to be dropped; *urges* the authorities to take the necessary action forthwith;

4. *Requests* that, should charges not be dropped, an IPU trial observer continue to monitor and report on respect for fair-trial standards in the cases before Branches 205 and 256 of the Regional Trial Court in Muntinlupa City, including in order to assess if and how existing concerns about the legality and fairness of the proceedings are properly reviewed;

5. *Regrets once more* that it was not possible for the Supreme Court to rule on the public campaign of vilification of Ms. de Lima by the highest state authorities, thereby missing an important opportunity to condemn and end the public degrading treatment to which she has been subjected as a woman parliamentarian;

6. *Requests* the Secretary General to convey this decision to the relevant parliamentary authorities, the complainant and any third party likely to be in a position to supply relevant information;

7. *Decides* to continue examining the case.
Philippines

*Decision adopted unanimously by the IPU Governing Council at its 207th session (Virtual session, 25 May 2021)*

![Ms Elago's official portrait during the 18th Congress @ Wikipedia](image)

**PHL-13 – Sarah Jane I. Elago**

**Alleged human rights violations**

- Lack of due process at the investigation stage
- Violation of freedom of opinion and expression
- Failure to respect parliamentary immunity

**A. Summary of the case**

Ms. Sarah Jane I. Elago is a member of the Philippine House of Representatives. The complainants state that Ms. Elago has faced continuous harassment due to her opposition to President Duterte’s policies.

Ms. Elago has been directly and indirectly labelled in social media posts by the police and army as a terrorist. She currently has a complaint filed against six senior officials who have allegedly “red-tagged” her on a number of occasions, something which, according to the complainants, has put her life at serious risk. Red-tagging in the Philippines is understood to refer to the malicious blacklisting of individuals or organizations critical or not fully supportive of the actions of a sitting government in the country. These individuals and organizations...
are "tagged" as either communist or terrorist, or both, regardless of their actual political beliefs or affiliations.

As part of the alleged harassment, Ms. Elago was also targeted by an amended complaint, originally submitted on 24 July 2019, to which her name was added as a respondent. It concerns a complaint from a mother against the youth group “the Kabataan Party List” in which she accused the latter of kidnapping and abusing her daughter. On 10 November 2020, the Supreme Court upheld its earlier decision to dismiss the petition submitted by the daughter’s parents. In so doing, the Supreme Court concluded that the daughter was reportedly of legal age and that she had denied having been subjected to coercion and had voluntarily chosen to join the youth group. Shortly before, on 15 October 2020, prosecutors at the Department of Justice dismissed two of the five charges in connection with this situation against Ms. Elago for lack of probable cause, while a determination of the three other charges was pending with the Department of Justice.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. Notes that the complaint concerning Ms. Sarah Jane I. Elago, a member of the Philippine House of Representatives, was declared admissible by the Committee on the Human Rights of Parliamentarians under its procedure at its 161st session (January 2020);

2. Thanks the parliamentary authorities for the latest information provided and for their spirit of cooperation;

3. Is deeply concerned that official communications are published online that contain baseless accusations against Ms. Elago, which not only discredit her but also put her physical integrity at risk; calls on the Filipino authorities to prevent such claims from being made and to hold those responsible to account; wishes to know what steps are being taken for this purpose, including any progress made with regard to the complaint that Ms. Elago brought against six senior officials;

4. Strongly believes that it is in the interests of the Congress of the Philippines to ensure that its members can exercise their parliamentary mandates without fear of reprisal; calls on Congress, therefore, to carry out its oversight function so as to ensure that Ms. Elago is not hindered by state entities and officials in fulfilling her parliamentary duties; wishes to know what steps, if any, Congress is taking in this regard;

5. Trusts that the determination of the pending charges against Ms. Elago will soon be concluded and that such determination will take full account of the conclusions reached by the Supreme Court on the petition pertaining to the same facts; wishes to be kept informed in this regard;

6. Requests the Secretary General to convey this decision to the relevant authorities, the complainants and any third party likely to be in a position to supply relevant information;

7. Requests the Committee to continue examining this case and to report back to it in due course.
Philippines

Decision adopted unanimously by the IPU Governing Council at its 204th session (Doha, 10 April 2019)

Saturnino Ocampo

PHI02 - Saturnino Ocampo
PHI04 - Teodoro Casiño
PHI05 - Liza Maza
PHI06 - Rafael Mariano

Alleged human rights violations:

- Arbitrary arrest and detention
- Lack of due process at the investigation stage
- Failure to respect parliamentary immunity

A. Summary of the case

The persons concerned were elected to the House of Representatives in May 2007 under the Philippine party-list system, which is designed to ensure the representation of underprivileged groups in parliament. In the May 2010 parliamentary elections, Mr. Ocampo and Ms. Maza stood for the Senate but were not re-elected, whereas Mr. Casiño and Mr. Mariano were elected. Since the 2013 elections, the persons concerned have no longer occupied parliamentary posts.

All four victims claim to have been subjected to continuous harassment since May 2007, due to their opposition to the policies of the President of the Philippines at the time, Ms. Gloria Macapagal Arroyo. The rebellion charges brought against them in February 2006 were dismissed with final effect by the Supreme Court on 2 July 2007, and the writ of amparo case against Mr. Ocampo was also dismissed in February 2014.

In March 2008, multiple murder charges were filed against Mr. Ocampo (Leyte Murder Case). In February 2014, the Supreme Court dismissed Mr. Ocampo’s petition to have the case rejected, ruled
that the trial against him should proceed and granted him bail. A subsequent omnibus motion by Mr. Ocampo to quash more recent information brought forward by the prosecution was dismissed by the Regional Trial Court, the Court of Appeals and, finally in 2017, by the Supreme Court. Hearings are ongoing before the Regional Trial Court, Branch 32, City of Manila. In July 2010, Mr. Ocampo was charged with murder in a related case, which has not advanced even though the Supreme Court has long ruled that the trial in the main Leyte murder case should proceed. Mr. Ocampo’s petition, which he filed in August 2010 asking for the case to be dropped for lack of probable cause, is still before the Regional Trial Court, Branch 18, of Hilongos in Leyte.

Mr. Ocampo, Ms. Maza, Mr. Casiño and Mr. Mariano were charged with murder in December 2006 (Nueva Ecija case). On 8 August 2018, the case against them was dismissed for lack of probable cause.

A charge of obstruction of justice was filed against Mr. Casiño in May 2007 with the City Prosecutor’s Office in Ormoc City, Leyte (Investigation Slip No. 07-238). No action has been taken in the case. It can be argued that, since the case is punishable under special law, the prescriptive period has already lapsed.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. **Thanks** the Senate President for his cooperation and the information provided;

2. **Notes** that the charges in the Nueva Ecija case against Ms. Maza, Mr. Casiño and Mr. Mariano were finally dismissed; **decides** to close further examination of their cases in line with section 25(a) of its Procedure for the examination and treatment of complaints (Annex I of the revised Rules and Practices of the Committee on the Human Rights of Parliamentarians), while deeply regretting that it took 12 years to establish that there was not enough evidence to bring the case to trial; **recalls** in this regard that the right to be tried without undue delay is an element of the right to a fair trial enshrined in the International Covenant on Political and Civil Rights, to which the Philippines is a party, and that it is designed to ensure that people are not kept in a prolonged state of uncertainty about their fate; **notes** that, with respect to the obstruction of justice charge against Mr. Casiño, no further information from him has been forthcoming, there is no indication that the charge has been pursued in the past and it is very likely that it can no longer be pursued under Filipino law;

3. **Takes note** that the judicial proceedings against Mr. Ocampo in connection with the multiple murder charges in the main Leyte case have progressed in recent years, albeit very slowly, which can be largely attributed to the multiple objections raised by the defence counsel for Mr. Ocampo; **sincerely hopes** that, now that the hearing of witnesses is well under way, the trial proceedings will advance speedily; **wishes** to be kept informed in this regard; **is concerned**, however, that the related Leyte case is at a complete standstill; **calls on** the Regional Trial Court to finally rule on Mr. Ocampo’s petition; **wishes** to be kept informed of progress in this regard;

4. **Requests** the Secretary General to convey this decision to the relevant authorities, the complainants and any third party likely to be in a position to supply relevant information;

5. **Requests** the Committee to continue examining the case of Mr. Ocampo and to report back to it in due course.
Decision adopted unanimously by the IPU Governing Council at its 204th session (Doha, 10 April 2019)

PHL09 – Antonio Trillanes

Alleged human rights violations:
- Arbitrary arrest and detention
- Lack of due process at the investigation stage
- Violation of freedom of opinion and expression

A. Summary of the case

In July 2003, the then Navy Lieutenant Antonio Trillanes was arrested and charged with staging a coup d’état for his participation in what is known as the “Oakwood Mutiny”, which took place in July 2003, when more than 300 soldiers took over the Oakwood Premier Hotel in Makati to make known their grievances over bribery and corruption within the army. While in detention, he was allowed to stand in the Senate elections held in May 2007. He was duly elected to the Senate, having received the eleventh highest number of votes. In November 2007, he led another uprising, after walking out of a court hearing and subsequently occupying the Peninsula Hotel in Manila, reportedly calling for the ousting of the then President, Ms. Gloria Macapagal-Arroyo.

In November 2010, President Benigno Aquino III issued Proclamation No. 75, which was approved by both houses of Congress, regarding an amnesty for Senator Trillanes and others for their participation in these events. Senator Trillanes’ release was finalized in January 2011, when he applied for and was subsequently granted amnesty under the above-
mentioned proclamation. In September 2011, the Makati Regional Trial Court (RTC) Branches 148 and 150 therefore dismissed the coup d’état and rebellion charges that were pending against Senator Trillanes.

However, on 31 August 2018, President Duterte, through Proclamation No. 572, decided that Senator Trillanes had not fulfilled the amnesty conditions and ordered his arrest. Senator Trillanes sought protective custody in the Senate until 25 September 2018, when RTC Branch 150, which had dealt with the original rebellion charges, issued a warrant for his arrest, basically reviving those charges. Senator Trillanes has challenged this decision before the Court of Appeal, where the matter is pending.

The police subsequently escorted Senator Trillanes out of the Senate building. He was released on bail that same day in this case.

On 22 October 2018, RTC Branch 148, which had handled the original coup d’état case, dismissed the motion from the Department of Justice to issue an arrest warrant against Senator Trillanes, saying that the same court had already dismissed those charges in September 2011 and that that decision "has become final and executory". In reaching its decision, RTC Branch 148 established that there was only one application form given to each of the 277 amnesty applicants at the time. This single form, once completed, was immediately submitted to the DND Amnesty Committee and kept by the relevant authorities, without giving the applicants a copy of their fully completed form. The RTC Branch 148 also concluded that several witnesses, along with photo evidence, attested to the fact that Senator Trillanes had duly filled out the form, which included a section recognizing admission of participation/involvement and guilt, and that the due completion and submission of the form had been properly verified and validated at the time. The Department of Justice has challenged the decision of RTC Branch 148 before the Court of Appeal, where the matter is pending.

According to the complainant, President Duterte’s Proclamation No. 572 is politically motivated and comes solely in response to Senator Trillanes’ vocal opposition to the current administration. Mid-term elections will take place in the Philippines in May 2019, which means that half of the seats on the Senate will be up for election. Having served two terms on the Senate, Senator Trillanes is not eligible to stand again.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. Remains deeply concerned that Senator Trillanes is facing a renewed charge of rebellion with regard to the same incident and offence for which he, together with all others involved, was subsequently amnestied in 2011, and which charge runs counter to the legal principle that no one shall be tried twice for the same offence; points out in this regard that the RTC 148, on the charge of coup d’état, has heard, unlike the RTC 150, extensive evidence on the facts related to Senator Trillanes’ completion and submission of his amnesty application form, including his admission of guilt; concurs with the analysis of the RTC 148 that this evidence shows that Senator Trillanes fulfilled the conditions for amnesty and that his inability to produce the original, or a copy, of his completed form is due to no fault of his own; is concerned to learn in this regard that the Filipino authorities are not able to locate the completed forms for any of the 277 individuals who applied for and were granted amnesty at the time;

2. Considers that the sudden calling into question of his amnesty, more than seven years after the amnesty procedure was properly completed, and the exclusive preoccupation of President Duterte’s Proclamation No. 572 with Senator Trillanes’ situation, when many other individuals were likewise amnestied in connection with the same events, give serious weight to the allegation that this is a targeted attempt to silence Senator Trillanes;

3. Sincerely hopes that the Court of Appeal will duly examine the legal issues that have arisen in this case; decides to send a trial observer to closely monitor and report on the appeal proceedings with regard to their compliance with international fair-trial guarantees;

4. Requests the Secretary General to convey this decision to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;

5. Requests the Committee to continue examining this case and to report back to it in due course.