

PHILIPPINES

- **PHL-02:** Saturnino Ocampo
- **PHL-08:** Leila de Lima (Ms.)
- **PHL-09:** Antonio Trillanes
- **PHL-COLL-02:** 2 parliamentarians



Inter-Parliamentary Union

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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

Case PHL-COLL-01

Philippines: Parliament affiliated to the IPU

Victim(s): Opposition members of parliament (three men and one woman)

Qualified complainant(s): Section I(1)(a) of the [Committee Procedure](#) (Annex I)

Submission of complaint(s): March and April 2006

Recent IPU decision: [April 2015](#)

IPU mission: [April 2007](#)

Recent Committee hearings: - - -

Recent follow-up:

- Communication from the authorities: Letter from the Director General and Secretary of the IPU Group of the Philippines (April 2019)
- Communication from the complainant: March 2019
- Communication addressed to the authorities: Letter addressed to the President of the Senate (March 2019)
- Communication addressed to the complainant: January 2019

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.



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Philippine Senator Leila de Lima is escorted by police after her arrest at the Senate in Manila on 24 February 2017 © Ted Aljibe/AFP

PHL08 – 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 Commission on Human Rights of the Philippines from May 2008 until 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 long been mayor, and concluded that Mr. Duterte, now 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 to gain a seat in the Senate in the elections of May 2016, in which she was successful. In August 2016, as Chair of the Senate Committee on Justice and Human Rights, she initiated an inquiry into the killings of thousands of alleged drug users and drug dealers said to have taken place since President Duterte took office in June 2016. Since the start of her term as senator, she has been subjected to widespread intimidation and denigration, including by President Duterte directly.

Case PHL08

Philippines: Parliament affiliated to the IPU

Victim(s): Female opposition member of parliament

Qualified complainant(s): Section I(1)(d) of the [Committee Procedure](#) (Annex I)

Submission of complaint(s): September 2016

Recent IPU decision: [October 2018](#)

IPU mission: [May 2017](#)

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from the authorities: Letter from the Director General and Secretary of the IPU Group of the Philippines (April 2019)
- Communication from the complainant: Meeting at the IPU Secretariat (March 2019)
- Communication addressed to the authorities: Letter addressed to the President of the Senate (March 2019)
- Communication addressed to the complainant: March 2019

Senator de Lima was arrested and detained on 24 February 2017 on the basis of accusations that she had received drug money to finance her senatorial campaign. The charges, in three different cases, which were subsequently amended, were brought in the wake of an inquiry by the House of Representatives into drug trading in New Bilibid Prison and Senator de Lima's responsibility in that regard when she was Secretary of Justice. The House inquiry was launched one week after she initiated her inquiry in the Senate into the extrajudicial killings.

On 10 October 2017, the Supreme Court dismissed Senator de Lima's petition to recall the arrest warrant issued against her and on 17 April 2018 denied her motion for reconsideration of its ruling. In addition to questioning the lack of probable cause, the petition also argued that it was for the Ombudsman, not the criminal courts, to examine the accusations brought against her in connection with alleged events that took place when she was Secretary of Justice.

On 27 July and 10 August 2018, Senator de Lima was arraigned in two of the three cases that are now before Branches 205 and 256 of the Regional Trial Court – Muntinlupa City. Hearings to present prosecution witnesses in the two cases before Branch 205, mostly convicted drug traffickers, are due to take place until the end of May 2020, with hearings in each case scheduled to be held twice a month on average.

A mission of the IPU Committee on the Human Rights of Parliamentarians to the Philippines in May 2017 concluded that there was no evidence to justify the criminal cases against Senator de Lima. Since then, the IPU has called for Senator de Lima's release and for the legal proceedings against her to be abandoned should serious evidence not be forthcoming soon. On 30 November 2018, the UN Working Group on Arbitrary Detention concluded that Senator de Lima's detention was arbitrary and that the appropriate measure would be to release her immediately.

Although Senator de Lima remains very politically active from detention and receives newspapers, journals and books, she has no access to the Internet, a computer, TV, radio or to an air-conditioning unit, despite a doctor's order. The Director General of the Philippine National Police (PNP) has denied her request to use electronic gadgets and have an air-conditioning unit installed as recommended by the Director of the PNP General Hospital.

The Senate of the Philippines has taken measures to ensure that the rights and privileges of Senator de Lima related to her position are upheld and that she is able to fulfil her duties as Senator despite her detention. In this regard, the current President of the Senate has also asked the Chief of the National Police for Senator de Lima to be allowed to conduct hearings at her place of detention in order to facilitate the work of the Senate Committee on Social Justice, Welfare and Rural Development, which she chairs. He has also requested that she be allowed to monitor Senate proceedings from her detention cell via live streaming on a tablet device. It appears that both requests have been denied.

Requests from Senator de Lima's defence counsel to the courts that she be granted a leave of absence from detention to participate in certain Senate sittings have remained unanswered.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the President of the Senate for his letter and for his efforts, and those of the Senate, to facilitate Senator de Lima's work in the Senate;
2. *Remains deeply concerned* that, more than two years after her arrest, Senator de Lima remains detained in the absence of any serious evidence to justify the charges; *considers* that the current calendar of scheduled hearings in two of the cases against her raises serious questions about the willingness of those in charge to proceed with the required swiftness; *recalls* in this regard the principle that justice delayed is justice denied;
3. *Recalls* that there are multiple, strong signs that the steps taken against Senator de Lima come in response to her vocal opposition to the way in which President Duterte was waging war on drugs, including her denunciation of his alleged responsibility for extrajudicial killings; *points out* in this regard 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 promised favourable treatment in return, subject to physical intimidation in prison, or have an axe to grind against Senator de Lima as a result of her efforts to dismantle their drug trafficking operations when she was Secretary of Justice;

4. *Considers* that, in light of the foregoing, Senator de Lima should be released immediately and the legal proceedings against her dropped; *calls on* the authorities to take the necessary action forthwith;
5. *Requests* that, should charges not be dropped, an IPU trial observer monitor and report on respect for fair-trial standards in the cases before Branch 205 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;
6. *Remains disturbed* that before and during the criminal proceedings against Senator de Lima she has been subject to a public campaign of vilification by the highest state authorities, portraying her as an “immoral woman”; *regrets* that the Supreme Court has yet to rule on this matter, thereby missing an important opportunity to condemn and end the public degrading treatment to which she has been subjected as a woman parliamentarian; and *strongly hopes* that it will do so without any further delay;
7. *Urges* the Supreme Court, in the event that Senator de Lima is not immediately released, to grant her occasional leave of absence from detention to participate in Senate sittings, as it has done on previous occasions in other similar cases; *wishes* to be kept informed on this point;
8. *Regrets* that Senator de Lima is still not allowed access to the Internet, TV and radio nor allowed to use a tablet or laptop, nor is she allowed to conduct at her place of detention hearings of the Senate committee that she chairs, since this would greatly facilitate her parliamentary work; *regrets* furthermore that the authorities have also yet to provide her with an air-conditioning unit, as ordered by her doctor; *sincerely hopes* that the relevant authorities will take the necessary steps to address these matters for as long as she remains in detention; and *wishes* to be kept informed in this regard;
9. *Requests* the Secretary General to convey this decision to the relevant authorities, including the Secretary of Justice, the Prosecutor’s Office and the relevant courts, the complainant and any third party likely to be in a position to supply relevant information;
10. *Requests* the Committee to continue examining this case and to report back to it in due course.



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Senator Trillanes arrives at the Senate building in Manila on 25 September 2018. Senator Trillanes, a vocal critic of President Duterte, was arrested but posted bail in proceedings that the lawmaker decried as a "failure of democracy" | NOEL CELIS/AFP

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-

Case PHL09

Philippines: Parliament affiliated to the IPU

Victim(s): Male opposition member of parliament

Qualified complainant(s): Section I(1)(a) of the [Committee Procedure](#) (Annex I)

Submission of complaint(s): September 2018

Recent IPU decision: [October 2018](#)

IPU mission: - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from the authorities: Letter from the Director General and Secretary of the IPU Group of the Philippines (April 2019)
- Communication from the complainant: Meeting at IPU Headquarters (March 2019)
- Communication addressed to the authorities: Letter addressed to the President of the Senate (March 2019)
- Communication addressed to the complainant: March 2019

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.

Philippines

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 161st session (Geneva, 20–30 January 2020)



© Castro, Francisca, 17th Congress of the Philippines

PHI-10 - Francisca Castro
PHI-11 - Antonio Tinio
PHI-12 - Ariel Casilao
PHI-13 - Sarah Jane I. Elago

Alleged human rights violations:

- ✓ Arbitrary arrest and detention
- ✓ Lack of due process in proceedings against parliamentarians
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Violation of freedom of movement
- ✓ Failure to respect parliamentary immunity

A. Summary of the case

Ms. Francisca Castro and Ms. Sarah Jane I. Elago are current members of the Philippines' House of Representatives, whereas Mr. Antonio Tinio and Mr. Ariel Casilao are former members.

The complainants affirm that all four individuals have faced continuous harassment due to their opposition to the policies of President Duterte. This alleged intimidation includes being subject to charges that have no legal or factual merit and that run counter to the individuals' right to a fair trial and to their rights to freedom of expression, assembly and movement.

CASE PHL-COLL-02

Philippines: Parliament affiliated to the IPU

Victim(s): Current and former opposition members of parliament (Two women and two men)

Qualified complainant(s): Section I.1(a) of the [Committee Procedure](#) (Annex I)

Submission of complaint(s): December 2019

Recent IPU decision(s): - - -

IPU mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from the authorities: - - -
- Communication from the complainant: - - -
- Communication addressed to the authorities: - - -
- Communication addressed to the complainant: - - -

In this regard, the complainants affirm that Ms. Castro was briefly detained and arrested on 28 and 29 November 2018 on a charge of "child abuse" in connection with an initiative, which appears to be legitimate and laudable, in which she took part to save a group of school children in conflict-ridden Mindanao. The matter is still pending before the court.

Mr. Tinio and Mr. Casilao were allegedly subject to a legal complaint with regard to their lawful participation in a protest held in Davao City on 23 October 2018 against the ongoing militarization in Mindanao and other human rights violations committed during martial law. The Prosecutor dismissed the complaint in April 2019.

Ms. Elago was targeted by a modified 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 "Kabataan Party List" in which she accused the latter of kidnapping and abusing her daughter. The mother, however, had never accused Ms. Elago of anything. Moreover, the daughter is reportedly of legal age, has denied having been subject to any human rights violations and has explained that she wanted to become a youth activist and that her refusal to go home was the result of a family misunderstanding. The matter has been submitted for resolution by the Department of Justice.

B. Decision

The Committee on the Human Rights of Parliamentarians:

1. *Notes* that the communication was submitted by qualified complainants under section I.1(a) of the 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);
2. *Notes* that the communication concerns current and former members of parliament at the time of the alleged facts;
3. *Notes* that the communication was submitted in due form;
4. *Notes* that the communication concerns allegations of arbitrary arrest and detention, lack of due process in criminal proceedings, violations of freedom of opinion, expression, assembly and movement and failure to respect parliamentary immunity, allegations which fall within the Committee's mandate; *considers*, however, with regard to Mr. Tinio and Mr. Casilao, that there is no clear need for action by the Committee, given that the legal complaint against them was dismissed; and *considers* that this may change should other allegations about ongoing harassment that are directly related to their previous parliamentary mandate be made available;
5. *Considers*, therefore, that the complaint appears to be *prima facie* admissible under the provisions of section II of the Procedure inasmuch as Ms. Castro and Ms. Elago are concerned and declares itself competent to examine the case.