

Republic of the Philippines
SUPREME COURT
Manila

SR. MA. JUANITA R. DAÑO,
RGS, RSW, VICTORIA F.
FACTOR, ELIZABETH G.
OPLIDA, CORAZON B.
ESTELA, AVELINA L.
FELICIDARIO, EDNA
VILLANUEVA JULLAR,
ROSALINDA C. AGUILAR,
JOSEPHINE L. LITANG,
ABELLA B. MATIN-AO,
ELEONA C. MARTINEZ,
MARILYN M. POBOCAN, MA.
LOURDES FREIRES, MARIA
ELSA J. IBARRA, ROSIE J.
MATIONG, ANGELINA G.
MUÑOZ, REMEDIOS G.
ESPINA, MARIETTA B.
RODRIGUEZ, LUCILA A.
CAMULO, ANAFE MENDOZA,
VALERIE AGUILAN, ANGEL
EDER, BELLA S. EDER, MARIEL
SUPNET, RUSSEL SALVADOR,
ABBY S. EDER, FRANCISCO
BLANCO, JR., MARIE
TAMAYO, ZHAYCA
ESTRELLER, MARILYN
ESTRELLER, MICHELLE
ESTRELLER, MARY JANE
ESTRELLER, ZENAIDA T.
JAVIER, ROSALINDA N. TAN,
MARY LUV JAVIER,
EMILIANO M. RODRIGUEZ,
HAIDEE O. SUELEN, PAZ R.
OREGAS, MARY ROSE B.
TONDO, FRANKLIN L.
ORFILLA,

Petitioners,

-versus-

Civil Case No.: _____
For: The Privilege of the Writ of
Amparo

THE PHILIPPINE NATIONAL
POLICE (PNP), represented by
PDG RONALD DELA ROSA,
Chief, Philippine National
Police, PSSUPT. JOEL
NAPOLEON M. CORONEL,
Manila Police District (MPD)
Director, PSUPT. OLIVIA
ANCHETA SAGAYSAY, MPD
Police Station 6 Station
Commander, PSUPT. JERRY B.
CORPUZ, former MPD Police
Station 6 Station Commander,
PSUPT. ROBERTO C.
DOMINGO, former MPD Police
Station 6 Station Commander,
PO2 RHAFANEL RODRIGUEZ,
PO2 PRINCETON FELIA, PO1
HARRY ALLAN R. CRUZ, PO1
KENNITH A. GAA, PO1 EFREN
G. GUITERING, PO2 JOCELYN
M. SAMSON, PO3 ALLAN
ESCRAMOSA, PO2
FRANCISCO MENDOZA, PO2
ROESTRELL OCAMPO, PO3
RODOLFO OCAMPO, JR, PSI
CON-CORCIO PANGILINAN,
AN ALIAS "HARRY," AN
ALIAS "JR," AN ALIAS "IVAN,"
POLICE OFFICERS JOHN AND
JANE DOES, and THE
PHILIPPINE DRUG
ENFORCEMENT AGENCY
(PDEA),

Respondents.

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**PETITION
FOR THE GRANT OF THE PRIVILEGE
OF THE WRIT OF AMPARO
FOR INDIVIDUAL PERSONS AND FOR ALL THE
RESIDENTS OF 28 BARANGAYS IN SAN ANDRES
BUKID, MANILA**

PREFATORY STATEMENT

Everyone has the right to recognition everywhere as a person before the law.

- Art. 6, Universal Declaration of Human Rights (UDHR)¹; Art. 16, International Covenant on Civil and Political Rights (ICCPR).²[italics supplied]

No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

- Art. III, Sec.1, 1987 Constitution [italics supplied]

Let us now observe the life of *homo sacer*... He has been excluded from the religious community and from all political life: he cannot participate in the rites of his *gens*, nor (if he has been declared *infamis et intestabilis*) can he perform any juridically valid act. **What is more, his entire existence is reduced to a bare life stripped of every right by virtue of the fact that anyone can kill him without committing homicide; he can save himself only in perpetual flight or a foreign land.** And yet he is in a continuous relationship with the power that banished him precisely insofar as he is at every instant exposed to an unconditioned threat of death. He is pure *zoē*, but his *zoē* is as such caught in the sovereign ban and must reckon with it at every moment, finding the best way to elude or deceive it. In this sense, no life, as exiles and bandits know well, is more “political” than his. [emphasis supplied]

¹ GA. res. 217A (III), U.N. Doc A/810 at 71 (1948).available at: <http://www.refworld.org/docid/3ae6b3712c.html> <last visited April 25, 2017>.

²G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* Mar. 23, 1976 available at: <http://www.refworld.org/docid/3ae6b3aa0.html> <last visited April 25, 2017>.

- GIORGIO AGAMBEN, HOMO SACER,
103 (1998)

A person is of more value than a world.

- ST. MARY EUPHRASIA PELLETIER,
*Foundress of Our Lady of Charity of the Good
Shepherd*

1. Many of the Petitioners in this case **voted for candidate Rodrigo R. Duterte with the hope** that with his assumption of the functions of the Office of the President of the Philippines, the **people will be served and protected and their welfare assured.**³ Never in their wildest dreams did they imagine that their lives, liberty and security, as well as the lives of their loved ones, will be sacrificed literally on the altar of peace and order in what is packaged to be a fight against the proliferation of illegal drugs.

2. This Petition tells of the **systematic violence perpetrated** by or wrought in conspiracy with the Respondents through the members of the Manila Police District Police Station 6 over the urban poor community of San Andres Bukid, Manila and its adjacent areas in general, and the dead victims, the Petitioners and their families, in particular.

3. Specifically, **it tells of the police cordoning off the perimeters of slum communities and disabling closed circuit cameras; of armed men entering these areas in the dead of night, barging into houses no better than oversized boxes, shooting their victims and leaving; of police standing guard, training their flashlights on houses and windows and shouting harsh warnings at the neighbors not to look while armed men break down doors and gun down the victims inside their own homes; of police appearing in the scene shortly after, carting off the bodies of the victims and directing that the bodies be brought to the police's authorized funeral parlors.**

4. It tells of the **arrest of the innocent wives, partners, mothers, brothers, sisters, relatives or/and even neighbors** of the

³ The Constitution under Article II, Section 4 mandates that "The prime duty of the Government is to serve and protect the people" while Section 5 declares that, among others, "the protection of life, liberty and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy."

victims and **falsely charging** them with illegal possession of drugs or conspiracy with the persons killed.

5. As regards the killings perpetrated, there are **no cases filed against the perpetrators**. Many times, **no crime scene investigation** is conducted, nor reports submitted.

6. This is how the residents in the slum communities in and around San Andres Bukid have been **terrorized and cowed into fearful submission** not to seek redress for the threats to and violation of their rights to life, liberty and security. But as one lawyer put it, "while fear is contagious, so is courage." By **banding together**, Petitioners, though fearful still, have found their courage and are now **asking this government to recognize and respect the dignity of their persons** as human beings.

7. **Petitioners are suing individually and collectively as a community whose rights to life, liberty and security were threatened and continue to be at risk by the unlawful acts or negligence of the Respondent law enforcement officers.** Some of the Petitioners are also suing as immediate family members or relatives of the aggrieved parties.

8. This Petition is supported by **39 sworn statements and judicial affidavits which detail the circumstances behind 35 deaths and the illegal arrest and detention of at least eight (8) innocent individuals.**

9. By the novelty of this joint Petition for the grant of the privilege of the writ of *amparo*, Petitioners hope that the killings of their loved **ones will not become a template for their own violent deaths**. The unabated killings in San Andres **must not evolve into a culture of passive tolerance and defeated resignation** over the seeming ordinariness and banality of the taking of human life in the war on drugs. With the awareness and meaning this case may generate, Petitioners may give face to the anonymity of the victims who have been sacrificed in the current administration's war on the poor and the powerless.

PETITIONERS

10. Petitioner **SR. MA. JUANITA R. DAÑO, RGS, RSW**, is fifty-two (52) years old, a nun of the Religious of the Good Shepherd,

a licensed social worker, and a resident of RGS Tahanan, Units 41-42 Holy Family Housing, Sagrada corner Oro-A Streets, San Andres Bukid, Manila. Petitioner Daño is suing for herself, as a member of the community of 28 barangays of San Andres Bukid, Manila, and as a concerned citizen with respect to the other Petitioners herein. Petitioner Daño is also filing this case as a concerned citizen with respect to the killings of all the other victims⁴ in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

11. Petitioner **VICTORIA F. FACTOR** is of legal age, a lay partner of the Religious of the Good Shepherd and a resident of 1858 Oro-B St., Sta. Ana, Manila. Petitioner Factor is suing for herself, as a member of the community of 28 barangays of San Andres Bukid, Manila, and as a concerned citizen with respect to the other Petitioners herein. Petitioner Factor is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

12. Petitioner **ELIZABETH G. OPLIDA** is of legal age, a lay partner of the Religious of the Good Shepherd and a resident of 2372 Oro-B St., San Andres Bukid, Manila. Petitioner Oplida is suing for herself, as a member of the community of 28 barangays of San Andres Bukid, Manila, and as a concerned citizen with respect to the other Petitioners herein. Petitioner Oplida is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

13. Petitioner **CORAZON B. ESTELA** is of legal age, a lay partner of the Religious of the Good Shepherd and a resident of 2510 Eloriaga St., Sta. Ana, Manila. Petitioner Estela is suing for herself, as a member of the community of 28 barangays of San Andres Bukid, Manila, and as a concerned citizen with respect to the other Petitioners herein. Petitioner Estela is also filing this case as a concerned citizen with respect to the killings of all the other victims in San Andres Bukid whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

14. Petitioner **AVELINA L. FELICIDARIO** is of legal age, a lay partner of the Religious of the Good Shepherd and a resident of Block 19, Lot 6, Eloriaga St., Sta. Ana, Manila. Petitioner Felicidadario is suing

for herself, as a member of the community, and as a concerned citizen with respect to the other Petitioners herein. Petitioner Felicidadario is also filing this case as a concerned citizen with respect to the killings of all the other victims in San Andres Bukid whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

15. Petitioner **EDNA VILLANUEVA JULLAR** is of legal age, a lay partner of the Religious of the Good Shepherd and a resident of 2515 Radium St., San Andres Bukid, Manila. Petitioner Jullar is suing for herself, as a member of the community, and as a concerned citizen with respect to the other Petitioners herein. Petitioner Jullar is also filing this case as a concerned citizen with respect to the killings of all the other victims in San Andres Bukid whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

16. Petitioner **ROSALINDA C. AGUILAR** is of legal age, a lay partner of the Religious of the Good Shepherd and a resident of 2460 Oro-A St., San Andres Bukid, Manila. Petitioner Aguilar is suing for herself, as a member of the community of 28 barangays of San Andres Bukid, Manila, and as a concerned citizen with respect to the other Petitioners herein. Petitioner Aguilar is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

17. Petitioner **JOSEPHINE L. LITANG** is of legal age, a lay partner of the Religious of the Good Shepherd and a resident of 2337 Chromium St., Barangay 771, Sta. Ana, Manila. Petitioner Litang is suing for herself, as a member of the community of 28 barangays of San Andres Bukid, Manila, and as a concerned citizen with respect to the other Petitioners herein. Petitioner Litang is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

18. Petitioner **ABELLA B. MATIN-AO** is of legal age, a lay partner of the Religious of the Good Shepherd and a resident of 1858 Estrada St., San Andres Bukid, Manila. Petitioner Matin-ao is suing for herself, as a member of the community of 28 barangays of San Andres Bukid, Manila, and as a concerned citizen with respect to the other Petitioners herein. Petitioner Matin-ao is also filing this case as a concerned citizen with respect to the killings of all the other victims

in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

19. Petitioner **ELEONA C. MARTINEZ** is of legal age, a lay partner of the Religious of the Good Shepherd and a resident of San Andres Bukid, Manila. Petitioner Martinez is suing for herself, as a member of the community of 28 barangays of San Andres Bukid, Manila, and as a concerned citizen with respect to the other Petitioners herein. Petitioner Martinez is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

20. Petitioner **MARILYN M. POBOCAN** is of legal age, a lay partner of the Religious of the Good Shepherd and a resident of 1858 Oro-B St., Barangay 770, Sta. Ana, Manila. Petitioner Pobocan is suing for herself, as a member of the community of 28 barangays of San Andres Bukid, Manila, and as a concerned citizen with respect to the other Petitioners herein. Petitioner Pobocan is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

21. Petitioner **MA. LOURDES FREIRES** is of legal age, a lay partner of the Religious of the Good Shepherd and a resident of San Andres Bukid, Manila. Petitioner Freires is suing for herself, as a member of the community of 28 barangays of San Andres Bukid, Manila, and as a concerned citizen with respect to the other Petitioners herein. Petitioner Freires is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

22. Petitioner **MARIA ELSA J. IBARRA** is of legal age, a lay partner of the Religious of the Good Shepherd and a resident of 2515 Radium St., San Andres Bukid, Manila. Petitioner Ibarra is suing for herself, as a member of the community of 28 barangays of San Andres Bukid, Manila, and as a concerned citizen with respect to the other Petitioners herein. Petitioner Ibarra is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

23. Petitioner **ROSIE J. MATIONG** is of legal age, a lay partner of the Religious of the Good Shepherd and a resident of 1858 Oro-B St., Barangay 770, Sta. Ana, Manila. Petitioner Mationg is suing for herself, as a member of the community of 28 barangays of San Andres Bukid, Manila, and as a concerned citizen with respect to the other Petitioners herein. Petitioner Mationg is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

24. Petitioner **ANGELINA G. MUÑOZ** is of legal age, a lay partner of the Religious of the Good Shepherd and a resident of Barangay 774, Sta. Ana, Manila. Petitioner Muñoz is suing for herself, as a member of the community of 28 barangays of San Andres Bukid, Manila, and as a concerned citizen with respect to the other Petitioners herein. Petitioner Muñoz is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

25. Petitioner **REMEDIOS G. ESPINA** is of legal age, a lay partner of the Religious of the Good Shepherd and a resident of 1882 Estrada Ext., Barangay 770, Sta. Ana, Manila. Petitioner Espina is suing for herself, as a member of the community of 28 barangays of San Andres Bukid, Manila, and as a concerned citizen with respect to the other Petitioners herein. Petitioner Espina is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

26. Petitioner **MARIETTA B. RODRIGUEZ** is of legal age, a partner of the Religious of the Good Shepherd and a resident of 2406 Chromium St., San Andres Bukid, Manila. Petitioner Rodriguez is suing for herself, as a member of the community of 28 barangays of San Andres Bukid, Manila, and as a concerned citizen with respect to the other Petitioners herein. Petitioner Rodriguez is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

27. Petitioner **LUCILA A. CAMULO** is of legal age, a lay partner of the Religious of the Good Shepherd and a resident of 1858 Estrada Ext., Barangay 770, Sta. Ana, Manila. Petitioner Camulo is

suing for herself, as a member of the community of 28 barangays of San Andres Bukid, Manila, and as a concerned citizen with respect to the other Petitioners herein. Petitioner Camulo is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

28. Petitioner **ANAFE MENDOZA** is of legal age and a resident of 2368 Pasig Line St., Barangay 780, Sta. Ana, Manila. Petitioner Mendoza is suing for herself, as the **mother of Tokhang victim** ALVIN MENDOZA and also as a lay partner of the Religious of the Good Shepherd. Petitioner Mendoza is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

29. Petitioner **VALERIE AGUILAN** is of legal age and is currently **detained in the Manila City Jail Female Dormitory**. Petitioner Aguilan is suing for herself, as the **live-in partner of Tokhang victim** RYAN EDER. She is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

30. Petitioners **ANGEL EDER** and **ABBY S. EDER** are both of legal age and both residents of 1661 Estrada St., Barangay 767, Zone 83, San Andres Bukid, Manila. They are suing for themselves, as the **sisters of Tokhang victim** RYAN EDER. They are also filing this case as concerned citizens with respect to the killings of all the other victims in San Andres Bukid whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

31. Petitioner **BELLA S. EDER** is of legal age and is currently detained in the Manila City Jail Female Dormitory. She is suing for herself, as the **mother of Tokhang victim** RYAN EDER. She is also filing this case as a concerned citizen with respect to the killings of all the other victims in San Andres Bukid whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

32. Petitioner **MARIEL SUPNET** is of legal age is currently detained in Manila City Jail Female Dormitory. She is suing for herself, as the **cousin of Tokhang victim** RYAN EDER. She is also filing this case as a concerned citizen with respect to the killings of all

the other victims in San Andres Bukid whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

33. Petitioner **RUSSEL SALVADOR** is of legal age, a lay partner of the Religious of the Good Shepherd and a resident of 2515 Radium St., San Andres Bukid, Manila. He is suing for himself, as the **father of Petitioner Angel Eder's live-in partner**. Petitioner Salvador is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

34. Petitioner **FRANCISCO BLANCO, JR.** is of legal age and a resident of 2483 Mercurio St., Barangay 772, Zone 84, San Andres Bukid, Manila. He is suing for himself, as the **brother of Tokhang victim EMILIANO BLANCO**. Petitioner Blanco is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

35. Petitioner **MARIE TAMAYO** is of legal age and is currently detained in the Manila City Jail Female Dormitory. She is suing for herself, as the **live-in partner of Tokhang victim EMILIANO BLANCO**. Petitioner Tamayo is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

36. Petitioner **ZHAYCA ESTRELLER** is of legal age and a resident of 1661 Estrada St., Barangay 767, Zone 83, San Andres Bukid, Manila. She is suing for herself, as the **wife of Tokhang victim JERRY ESTRELLER, JR.** Petitioner Estreller is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

37. Petitioner **MARILYN ESTRELLER** is of legal age and a resident of 1661 Estrada St., Barangay 767, Zone 83, San Andres Bukid, Manila. She is suing for herself, as the **mother of Tokhang victim JERRY ESTRELLER, JR.** She is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

38. Petitioner **MICHELLE ESTRELLER** is of legal age and a resident of 1661 Estrada St., Barangay 767, San Andres Bukid, Manila. She is suing for herself, as the **sister-in-law of Tokhang victim JERRY ESTRELLER, JR.** She is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

39. Petitioner **MARY JANE ESTRELLER** is of legal age and a resident of 1661 Estrada St., Barangay 767, Zone 83, San Andres Bukid, Manila. She is suing for herself, as the **sister of Tokhang victim JERRY ESTRELLER, JR.** She is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

40. Petitioner **ZENAIDA T. JAVIER** is of legal age and is currently detained in the Manila City Jail Female Dormitory. She is suing for herself, as the **mother of Tokhang victim REYNALDO T. JAVIER, JR.** She is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

41. Petitioner **ROSALINDA N. TAN** is of legal age and a resident of 4008 Kalayaan St., Barangay Singkamas, Makati City. She is suing for herself, as the **aunt of Tokhang victim REYNALDO T. JAVIER, JR.** She is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

42. Petitioner **MARY LUV JAVIER** is of legal age and a resident of Lot 1, Block 8-B, San Isidro Labrador 2, Dasmariñas, Cavite City. She is suing for herself, as the **sister of Tokhang victim REYNALDO T. JAVIER, JR.** She is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

43. Petitioner **EMILIANO M. RODRIGUEZ** is of legal age and a resident of 2406 Chromium St., San Andres Bukid, Manila. He is suing for himself, as the **twin brother of Tokhang victim RAMON**

RODRIGUEZ. Petitioner Rodriguez is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

44. Petitioner **HAIDEE O. SUELEN** is of legal age and a resident of 2346 Arellano St., Barangay 777, Sta. Ana, Manila. She is suing for herself, as the **niece of Tokhang victim RAMON RODRIGUEZ**. She is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

45. Petitioner **PAZ R. OREGAS** is of legal age and a resident of 2341 Int., Pasig Line St., Sta. Ana, Manila. She is suing for herself, as the **sister of Tokhang victim RAMON RODRIGUEZ**. Petitioner Oregas is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

46. Petitioner **MARY ROSE B. TONDO** is of legal age and a resident of 2515 Radium St., Barangay 775, Sta. Ana, Manila. She is suing for herself, as the **wife of a Tokhang target**. Petitioner Tondo is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

47. Petitioner **FRANKLIN L. ORFILLA** is of legal age and a resident of 2485 Radium St., San Andres Bukid, Manila. He is suing for himself, as a **drug surrenderee and a Tokhang target**. He is also filing this case as a concerned citizen with respect to the killings of all the other victims in the San Andres Bukid community whose relatives are not able or unwilling to join in this Petition for fear of retaliation by the police.

48. All the Petitioners may be served with court processes and pleadings through their undersigned counsels who hold offices at the Center for International Law (Centerlaw), Unit 1105 Antel 2000 Corporate Center, 121 Valero St., Salcedo Village, Makati City 1277 Metro Manila.

49. In addition to the personality, capacity, and interest that have been identified as constituting the standing of each Petitioner, they are also collectively filing this petition as a class suit for and in behalf of all the residents of 28 barangays of the San Andres Bukid community. These barangays (collectively referred to as the “San Andres Bukid community”), and their respective Punong Barangays, are as follows:

SAN ANDRES BUKID BARANGAYS (28)
& PUNONG BARANGAYS

- a. Barangay 770 - Lourdes Delgado
- b. Barangay 771 - Zenaida Castaneda
- c. Barangay 772 - Orlando Macuja
- d. Barangay 773 - Ricardo Palileo
- e. Barangay 774 - Rogelio Reynaldo
- f. Barangay 775 - Bernardita Raganit
- g. Barangay 776 - Hanz Alonzo
- h. Barangay 777 - Franco Espiritu
- i. Barangay 778 - Virgelio Dacara
- j. Barangay 779 - Rafael Palisoc
- k. Barangay 766 - Ladinez Arnulfo
- l. Barangay 767 - Abrito Hospicio
- m. Barangay 769 - Ansary Alawiya
- n. Barangay 786 - Bautista Luis
- o. Barangay 787- Eduardo Dungao
- p. Barangay 788 - Juanito Vestil
- q. Barangay 789 - Lorenzo Tabura
- r. Barangay 790 - Hectoroctavo
- s. Barangay 789 - Lorenzo Tabura
- t. Barangay 790 - Hector Octavo
- u. Barangay 791 - Carmelita Dunanan
- v. Barangay 792 - Aquino Asuncion
- x. Barangay 780 - Vener Collao
- y. Barangay 781 - Jason San Juan
- z. Barangay 782 - Margarita Nabablit
- aa. Barangay 783 - Emilio Caña
- bb. Barangay 784 - Franklin Demontaverde
- cc. Barangay 785 - Esmeralda Rontalo

50. With the alarming killings relating to the drug war that have plagued their community, and given that the right to life, liberty, and security are basic human rights that everyone should respect and protect, the Petitioners also have the interest of securing,

protecting, and in seeking redress in order to protect the rights of their community members from threats of violations by the Respondents. By the implementation of CMC 16-2016 and the Tokhang operations of Respondents, the Petitioners and their community members are being exposed to threats or have been threatened with violations of said rights.

51. Despite the lingering fear of retaliation, the named Petitioners in this action have courageously brought this action to seek redress for the threatened violation and actual violation of their rights and the rights of their families, relatives, and community members.

RESPONDENTS

52. Respondent **PHILIPPINE NATIONAL POLICE (PNP)** is a government entity, with offices at Camp Crame, Quezon City, herein represented by its head, **PDG RONALD DELA ROSA**, the PNP Director-General.

53. Respondent **POLICE SENIOR SUPERINTENDENT JOEL NAPOLEON M. CORONEL** is the District Director of the Manila Police District (MPD), with offices at MPD Headquarters, United Nations Avenue, Manila.

54. Respondent **POLICE SUPERINTENDENT OLIVIA ANCHETA SAGAYSAY** is the Station Commander of MPD Police Station 6, with office address at Plaza Hugo, Sta. Ana, Manila.

55. Respondent **POLICE SUPERINTENDENT JERRY B. CORPUZ** may be served with writs and pleadings at address c/o Philippine National Police headquarters, Camp Crame, Quezon City;

56. Respondent **POLICE SUPERINTENDENT ROBERT C. DOMINGO** may be served with writs and pleadings at address c/o Philippine National Police headquarters, Camp Crame, Quezon City.

57. The following Respondents are all police officers, all of legal age, Filipino citizens, and with uniform office address at Manila Police District (MPD), Police Station 6, Sta. Ana, Manila:

- a. **PO2 RHAFANEL RODRIGUEZ**
- b. **PO2 PRINCETON FELIA**
- c. **PO1 HARRY ALLAN R. CRUZ**

- d. PO1 KENNITH A. GAA
- e. PO1 EFREN G. GUITERING
- f. PO2 JOCELYN M. SAMSON
- g. PO3 ALLAN ESCRAMOSA
- h. PO2 FRANCISCO MENDOZA
- i. PO2 ROESTRELL OCAMPO
- j. PO3 RODOLFO OCAMPO, JR.
- k. PSI CONCORCIO PANGILINAN
- l. Police Officer known as ALIAS "HARRY"
- m. Police Officer known as ALIAS "JR"
- n. Police Officer known as ALIAS "IVAN"
- o. Police Officers JOHN AND JANE DOES are the other police officers of Manila Police District (MPD) Police Station 6, Sta. Ana, Manila;

58. Respondent **PHILIPPINE DRUG ENFORCEMENT AGENCY PHILIPPINE DRUG ENFORCEMENT AGENCY (PDEA)** has been designated by President Rodrigo Duterte in an October 10, 2017 Memorandum Circular as the sole agency in charge of the anti-illegal drugs campaign. It maintains offices at EDSA, Barangay Pinyahan, Diliman, Quezon City, 1100 Metro Manila.

59. Respondents PNP, PDEA, and the above-named officers may be served with summonses, court processes and pleadings in their specified addresses. They may also be served with the same documents through the Office of the Solicitor General, with address at No. 134, Amorsolo Street, Legaspi Village, Makati City, Metro Manila.

VIOLATIONS OF AND THREATS TO LIFE, LIBERTY AND SECURITY

60. The deaths described in this Petition have occurred over a period of thirteen (13) months – from the time President Rodrigo Roa Duterte launched *Tokhang*, his vicious and unrelenting drug war in July 2016, until the most recent "One Time, Big Time" push of the Philippine National Police in Metro Manila and Bulacan in August 2017.

61. The killings and the violations suffered all happened in the San Andres Bukid district and adjacent surroundings. Located at the eastern and western sectors of Sergio Osmeña Highway in Manila,⁵

⁵ See

https://en.wikipedia.org/wiki/San_Andres,_Manila#/media/File:Ph_fil_manila_san_andres.pn

San Andres Bukid was, in an earlier, idyllic time, a quiet bucolic district of ricefields during the Spanish era, hence the name.

62. Today, it is a **collection of shanty communities second only to Tondo in population density**. With unchecked urban migration after the Second World War, the **population of San Andres Bukid in the year 2007 has swelled to almost 117,000, with a little over 69,000 residents per square kilometer**.⁶

63. San Andres Bukid, which is part of the 5th District of Manila, is divided into twenty eight (**28**) **barangays**,⁷ each consisting of two (2) to three (3) street blocks that are often home to a profusion of slum communities sprawling in all directions.⁸

64. These slums have borne the brunt of President Duterte's drug war and have become a veritable "killing field," in the words of Petitioner Sr. Ma. Juanita R. Daño, RGS, RSW,⁹ also known as Sr. Nenet, whose religious congregation had established a mission area in San Andres Bukid.

65. Sr. Nenet's group has **documented at least 35 drug-related deaths** in the area. In the first few months of the launching of *Tokhang*, the **killings happened in the context of police anti-drug operations**, which were usually **carried out in the dead of night** until the wee hours of the morning, **between 10 p.m. and 3 a.m.**

66. In more recent months, Sr. Nenet's group as well as the families of victims, other witnesses, and residents have noted a **rise in vigilante-style killings by unidentified men**.

67. The following allegations constituting substantially the ultimate facts for this Petition were taken from the detailed sworn

[g](https://en.wikipedia.org/wiki/San_Andres_Manila) <last visited October 5, 2017>. See also https://en.wikipedia.org/wiki/San_Andres_Manila <last visited October 5, 2017>

⁶ See

https://books.google.com.ph/books?id=SIvGXaUR1uAC&pg=PA20&lpg=PA20&dq=population+san+andres+bukid&source=bl&ots=mloApqGPHZ&sig=WsP9Adpr2-EJnQETrMECSEldZIw&hl=en&sa=X&ved=0ahUKewjN1_aeptnWAhXDPjQKHRI_DM8Q6AEIYzAJ#v=onepage&q=population%20san%20andres%20bukid&f=false <last visited October 5, 2017>

⁷ See https://en.wikipedia.org/wiki/San_Andres_Manila (last visited October 5, 2017).

⁸ See

<https://www.google.com.ph/maps/place/San+Andres+Bukid,+Manila,+Metro+Manila/@14.5730655,121.0006644,16z/data=!4m5!3m4!1s0x3397c99b8bed7ed9:0xed8eb2891f6ed261!8m2!3d14.5724642!4d121.0034046> <last visited October 5, 2017>

⁹ Judicial Affidavit of Sr. Ma. Juanita R. Daño, RGS, RSW, ANNEX A.

statements or judicial affidavits of the Petitioners attached to this Petition.

*The Killings, the Deceased and Their Relation to Petitioners
and Other Notable Circumstances*

68. With the exception of Sr. Ma. Juanita R. Daño and the Good Shepherd Mission Partners, the Petitioners in this case are related to the dead victims of the drug operations or vigilante-style killings. The documented killings, the place and time these were perpetrated, the personal circumstances of the victims and, in some instances, a short description of the notable circumstances of the killings follow in the paragraphs below.

Police killing of Conrado Berona

69. On July 6, 2016, **police gunned down** in one of the slums in the area 36-year old **CONRADO BERONA**, said to be a robber and drug dealer, in an **alleged shootout** following a claimed buy-bust operation.¹⁰

70. Reuters, an international news organization, made a pertinent news account on Berona's killing:

Police said they shot dead Conrado Berona, 36, who was wanted for robbery and drug dealing, in a gunfight on July 6, and that shabu was found on his body. But a CHR investigation into his death, reviewed by Reuters, noted that the bullet wound in Berona's chest showed "tattooing." This distinctive skin abrasion is caused by partially burned or unburned gunpowder and indicates the victim was shot at close range.

In its report, based in part on sworn witness testimony, CHR found that "the alleged shootout never happened," and that Berona was unarmed and surrendering when plainclothes and uniformed police shot him. CHR said it recommended filing criminal and administrative cases against the police who killed Berona.¹¹

71. Berona is not related to any of the Petitioners but his case is espoused by Petitioner Sr. Nenet and the Good Shepherd Mission

¹⁰ See <http://newsinfo.inquirer.net/794763/five-cities-jack-up-suspects-body-count>. See also Judicial Affidavit of Sr. Ma. Juanita R. Daño, RGS, RSW, ANNEX A.

¹¹ See [Clare Baldwin](#), [Andrew R.C. Marshall](#) and [Damir Sagolj](#), *Police rack up an almost perfectly deadly record in Philippine drug war*, Reuters, December 5, 2016, available at <http://www.reuters.com/investigates/special-report/philippines-duterte-police/> <last visited September 15, 2017>

Partners as concerned citizens. Petitioners are not aware whether inquest or preliminary investigation proceedings were conducted with respect to this killing.

*Triple killings of
Jefferson Bunuan,
Mark Anthony Bunuan,
and Jomar Manaois*

72. Several days later, on July 18, 2016, **JEFFERSON BUNUAN**, his cousin **MARK ANTHONY BUNUAN** and their friend, **JOMAR MANAOIS**, also known as “Tutong,” were killed at 1799 Raymundo Street.

73. The Bunuans were residents of Oro-B Street while Manois was a resident of the Raymundo Street address stated. Jefferson and Mark Anthony left their house – a single room no bigger than the size of a car – in nearby Oro-B Street so that their sister Lovely, who has just given birth, can have it all by herself. They ended up in the house of Tutong Manaois.

74. In a special report, the grisly scene of the three youths’ death as captured in a photograph was described as follows:¹²

It is a picture of a room, seven feet wide, roughly ten feet deep. A metal bunk bed stands flat against the back wall. A foam mattress takes up most of the floor, covered with a grimy sheet that might have once been white.

Mark Anthony Bunuan lies dead on the lower bunk. His feet are on the ground, bony knees bent under the black shorts as if he had been sitting at the edge of the bed before he fell back. His hands rest lightly on his chest. A gun is cupped under his skinny fingers.

Tutong Manois is curled on his side on the floor, just beside the mattress. His back is tucked against the right wall, his head pointing to the door, his knees folded under his elbow. There is a pool of blood under his head. A gun glows blue beside his hand.

¹² See Andrew Katz, *Local photographers on the frontline of Duterte’s drug war reflect on the images that moved them most*, Time magazine, available at <http://time.com/philippines-rodrigo-duterte-drug-war-local-photographers/> <last visited September 17, 2017>. See also Judicial Affidavit of Sr. Ma. Juanita R. Daño, RGS, RSW, ANNEX A.

Jeffrey Bunuan lies sprawled on his stomach, like a large boy asleep, his feet spattered with blood. There is a purple polka-dotted Hello Kitty pillow beneath him. The red soaks through the back of his orange shirt.¹³

75. The Bunuans and Manaois are not related to any of the Petitioners but their case is espoused by Petitioner Sr. Nenet and the Good Shepherd Mission Partners as concerned citizens. Petitioners are not aware whether inquest or preliminary investigation proceedings were conducted with respect to these killings.

Police killing of Ryan Eder

76. **RYAN EDER**, 29 years old, alias “Buwaya,” a resident of Estrada Street, alleged drug dealer and siga-siga of Barangay 767, was killed on August 28, 2016. He was **killed by police** in an alleged shootout.

77. Witnesses saw otherwise. Sr. Nenet Daño summarizes the incident:

Ryan and his partner Valerie were sleeping at the third floor of their house when men in civilian clothes knocked down the door. The men dragged Valerie out of the room, and then they shot and killed him.

Ryan was already surrendering. He even started to strip naked to show he had no drugs or firearm on his body. He said, “*Sir, malinis po ako, maghuhubad ako Sir!*” And still without mercy, the men shot him!¹⁴

78. Petitioners Valerie Aguilan, Bella Eder, Angel Eder, Abby Eder, Russel Salvador, and Mariel Supnet are respectively the live-in partner, mother, sister, sister, family friend, and cousin of the victim Ryan Eder.

Police falsified non-bailable charges against Valerie Aguilar, Bella Eder, and Mariel Supnet

79. **Ryan Eder’s partner Valerie Aguilar** was brought to Manila Police District Police Station 6 and **charged with a non-bailable offense** under RA 9165. **Appallingly, Ryan’s mother Bella Eder and**

¹³ Patricia Evangelista, The Drug War: Legendary, Rappler, October 10, 2016, available at <https://www.rappler.com/nation/148653-the-drug-war-legendary> <last visited September 7, 2017>. Note that Evangelista spelled Jefferson’s name as “Jeffrey.”

¹⁴ Judicial Affidavit of Sr. Ma. Juanita R. Daño, RGS, RSW, ANNEX A.

cousin Mariel Supnet, who rushed to the police station after they learned of the incident, were **also detained and charged**.

Ryan's sister Angel and her partner Raymund and their baby Fay were also brought to Manila Police District Police Station 6. However, because the baby was crying nonstop, Angel, Raymund and Raymund's parents Russel and Marie Salvador left the police station. They were able to leave without the police noticing.¹⁵

Shockingly, Ryan's mother Bella and cousin Mariel, who just went to the police station when they learned that Valerie, Angel, Raymund and the baby were brought there, were not allowed to leave. The police were furious when they discovered Angel and the others had left. So they charged and jailed Bella and Mariel. They were, not even in the place where the police killed Ryan!¹⁶

80. Ryan's sisters Angel Eder and Abby Eder were able to secure **CCTV footage from the barangay**. The **footage shows the policemen not conducting any buy-bust and entering the house all at the same time**. It also shows that **Bella Eder and Mariel Supnet were not in the place of the incident**.

Killing of Willy De Leon

81. **WILLY DE LEON**, 46 years old, a resident of Oro-B Street, was killed on September 30, 2016. He was assaulted and killed inside the house of Gerry Torres, a Barangay Kagawad of Bgy. 770, at around midnight. He was staying at the house of Kagawad Torres at the time only because a feud with his family had driven him to look for a temporary dwelling.¹⁷

82. De Leon is not related to any of the Petitioners but his case is espoused by Petitioner Sr. Nenet and the Good Shepherd Mission Partners as concerned citizens. Petitioners are not aware whether inquest or preliminary investigation proceedings were conducted with respect to this killing.

Killing of Alvin Mendoza

83. **ALVIN MENDOZA**, the son of one of the Good Shepherd Mission Partners, Anafe Mendoza, was killed on October 11, 2016.

¹⁵ Judicial Affidavit of Sr. Ma. Juanita R. Daño, RGS, RSW, ANNEX A.

¹⁶ Judicial Affidavit of Sr. Ma. Juanita R. Daño, RGS, RSW, ANNEX A.

¹⁷ Judicial Affidavit of Sr. Ma. Juanita R. Daño, RGS, RSW, ANNEX A.

84. Feeling hungry at 1:00 in the morning of said date, Alvin went to a *lugawan*. While eating, he was gunned down by two men in masks. To stage the crime scene, the killers threw plastic sachets of white powder that looked like “shabu” at Alvin’s body. Bizarrely, people present at the scene took an interest in the thrown sachets and quickly snatched them up and disappeared. Alvin was only 23 years old when he died.

85. Alvin’s killing landed in the news. Alvin was a delivery boy, with no record of any illegal activity. He was not in the drug watch list. A witness, Gilbert Beguelme, said there was a known pusher who also entered the eatery at the time. The pusher was wearing a shirt with same color as what Alvin was wearing. Sr. Nenet, Anafe and the Good Shepherd Mission Partners believe it was a case of mistaken identity.¹⁸

86. Petitioner Anafe Mendoza is the mother of victim Alvin Mendoza. Petitioners are not aware whether inquest or preliminary investigation proceedings were conducted with respect to this killing.

*Police killings of Jerson Colaban,
Jossing Colaban and Joseph Baculi*

*Police dropped from the second floor
a gunshot-injured body that cried “Aray!”*

87. Policemen of the Manila Police District Station 6 claim they killed brothers **JERSON M. COLABAN** and **JOSSING M. COLABAN** and their friend **JOSEPH BACULI** in a shootout. The three allegedly fired at the policemen who came to the Colaban home in 2264 Oro Extension to serve a search warrant, prompting the police to shoot them.¹⁹

88. But **neighbors say the three did not fight back**. The **killings happened on October 23, 2016, at 1:40 in the morning**, when the neighborhood was in deep slumber. Most horrifying to the neighbors was the **macabre treatment of Joseph Baculi**. **Joseph’s bullet-ridden body was brought out from the second-floor window and dropped to the ground because the police could not bring it out through the doorway. When the body hit the ground, neighbors**

¹⁸ Judicial Affidavit of Sr. Ma. Juanita R. Daño, RGS, RSW, ANNEX A. See also _____

¹⁹ See <http://www.philstar.com/psn-metro/2016/10/24/1636645/magkapatid-1-pa-todas-sa-pulis> <last visited October 6, 2017> See <http://www.philstar.com/psn-metro/2016/10/24/1636645/magkapatid-1-pa-todas-sa-pulis> <last visited October 6, 2017>

recoiled at hearing it emit a cry, “Aray!” Joseph was still alive, but the police just left him to bleed to death.²⁰

89. The victims are not related to any of the Petitioners but their case is espoused by Petitioner Sr. Nenet and the Good Shepherd Mission Partners as concerned citizens. Petitioners are not aware whether inquest or preliminary investigation proceedings were conducted with respect to these killings.

Killing of Gilbert Buguelme, who previously surrendered to barangay officials as a confessed drug user, and a witness to a previous killing

90. **GILBERT BEGUELME**, 30 years old, a construction worker and a resident of 2340 Pasig Line Street, was a witness in the killing of Alvin Mendoza. On November 9, 2016, almost a month later, he was also shot and killed. He was killed in the wee hours of the morning in a jeepney that served as his resting place for the night. Like Alvin, he was shot by two unidentified men wearing bonnets over their faces who arrived in a motorcycle.²¹ Gilbert had confessed as a drug user and had turned himself in earlier to barangay officials.²²

91. Sr. Nenet Daño and the Good Shepherd Mission Partners believe Gilbert was killed for a special reason – to make sure he would not point to the killers of Alvin John Mendoza. Apparently, Gilbert saw the shooters of Alvin arrive in two motorcycles – at that time they were not wearing masks. He recognized one of them as a policeman he knew.

92. Beguelme is not related to any of the Petitioners but his case is espoused by Petitioner Sr. Nenet and the Good Shepherd Mission Partners as concerned citizens. Petitioners are not aware whether inquest or preliminary investigation proceedings were conducted with respect to this killing.

Killing of Emiliano Blanco by men in civilian clothes while uniformed police lingered outside.

²⁰ Judicial Affidavit of Sr. Ma. Juanita R. Daño, RGS, RSW, ANNEX A.

²¹ See <http://news.abs-cbn.com/news/11/09/16/construction-worker-pinagbabaril-sa-maynila> <last visited October 6, 2017>

²² See <http://news.abs-cbn.com/news/11/09/16/construction-worker-pinagbabaril-sa-maynila> <last visited October 6, 2017>

Blanco is also a barangay drug list surrenderee.

Illegal police arrests of Marie Tamayo and Hilario Miravive

Police extortion on Francisco Blanco and Raul Zapanta

93. EMILIANO BLANCO, 36 years old, alias “Jack Lord,” **surrendered** to authorities in July last year at the onset of *Tokhang* operations after he was **listed in the barangay drug list**. A few months later, on November 30, 2016, at around 10:30 in the evening, **men in civilian clothes stormed his house and shot him in cold blood, while uniformed police officers lingered outside**. He was a resident of 2464 Mercurio Street.

94. Jack Lord’s partner, Marie Tamayo, saw the killing. The **men in civilian clothes just barged in and shot Jack, who was sleeping** on the bed. They brought her and the baby she was nursing to Police Station 6 in Sta. Ana and detained her. They also arrested Jack Lord and Marie's boarder Hilario Miravive, also known as "Larry."²³

95. Francisco Blanco, Jr., Jack Lord's brother, witnessed the incident from the window of their other brother's house across the street. He says that **while men in civilian clothing were the ones who entered Jack Lord's house and killed him, policemen in uniform guarded the perimeter**. They **told all the store owners along the street to close shop and turn off their lights**. Francisco also noted that after the incident, **no SOCO came**.

96. In May 2017, police passed by Francisco's house and warned him to “stop his activities.” On May 9, 2017, Francisco and his friend Raul Zapanta were **picked up by policemen and brought to Manila Police District Station 6**. Again, Francisco was given a “warning.” The **police also extorted Php1,000 from him, and from his friend Raul, Php 40,000 and USD400**. Brazenly, the police went to the condominium unit of Raul to get the money. On June 11, 2017, policemen went to the area again and passed by Francisco’s house.

²³ Sinumpaang Salaysay of Marie Tamayo, ANNEX AA.. See also <http://www.philstar.com/police-metro/2016/12/02/1649529/3-dedo-5-tiklo-sa-buy-bust> <last visited October 6, 2017>

97. Francisco narrated some of the details of these incidents below:

Mas natakot pa ako para sa buhay ko. Kahit sa sarili kong bahay ay hindi ako sigurado na matatahimik ako. Ang alam ko ngayon ay pwede akong hablutin kahit kailan ng mga pulis at dalhin sa presinto. Ako ay na-harass at natatakot. Hindi na ako nabubuhay anng tahimik. Lagi na akong takot sa kung ano ang pwedeng gawin sa akin ng mga pulis.

(I became more fearful for my life. I cannot feel secure even in my own home. What is clear to me is that the police can just grab me anytime and bring me to the police station. It made me feel harassed and threatened. I cannot live my life peacefully anymore. I am constantly afraid of what the police can do to me)²⁴

98. Petitioner Francisco Blanco, Jr. is the brother of Emiliano while Petitioner Marie Tamayo was Emiliano's live-in partner. Inquest proceedings were conducted against herein Petitioner Marie Tamayo. However, as far as the killing of Emiliano is concerned, no charges were filed against the killers.

Police killings of Jerry Estreller, Jr. and Randy Concordia

Residents lived outside their houses and stayed at a nearby market at night for two months because of grave fear over police killings

99. Thirty (30) year-old **JERRY ESTRELLER, JR.**, also known as JR, together with **RANDY CONCORDIA**, were killed in a **midnight Tokhang operation** on December 15, 2016 in the former's home at 1661 Estrada Street. Apparently, JR was **mistaken by Sta. Ana police as engaging in a pot session after he lit up a piece of paper to ward off an ant infestation at his family's sleeping quarters.**

100. **Inside the house, JR was blowing smoke from lit paper to drive away ants crawling near his sleeping sons, Naithan, 8, and Nigel, 7. He and his wife Zhayca were startled when the door was kicked open and men in civilian clothes streamed in. They had guns, which they pointed at JR and his family. One of them flashed**

²⁴ Judicial Affidavit of Francisco Blanco, Jr., ANNEX Z.

a police badge. The family held each other in a tight embrace: Jerry, Zhayca, and the two young sons Naithan and Nigel.

101. The gunmen **did not show any search warrant or warrant of arrest.** They wrenched the sobbing Zhayca and children from JR and took them to a waiting car in the street. Zhayca and the children were taken to Manila Police District Station 6 and released only after several hours.

102. JR was killed with **RANDY CONCORDIA**, a friend who happened to visit and was sleeping at the second floor of the house. Neither of them were in the drug watchlist. Barangay CCTV footages of the actuations of the gunmen and their cohorts outside the victims' house were shown to Zhayca.

103. After the killing, policemen came back and told JR's relatives not to enter the house because Scene Of the Crime Operatives (SOCO) will arrive shortly. **No SOCO came.**

104. **For two months, out of sheer terror, the residents along the stretch of JR's house padlocked their houses at night and trooped to the Dagonoy market one block away. There, under the glare of fluorescent lights, they spent the night sleeping on top of tables. When it rained, they would ask that they be allowed to sleep inside the jeepneys parked on the street. They would go back to their houses at 4:00 in the morning to prepare for work, and the children, to go to school.**

105. The residents who stayed at the market for two months were Jerry Estreller, Sr., Naithan Estreller, Nigel Estreller, Mark Anthony Estreller, Michelle Estreller, Michaela Anne Estreller, Marlyn Jeykka Estreller, Mayumi Mae Estreller, Juliet Pablo, Zenaida Pablo, AJ Arevalo, Danica Gonzales, Wilfredo Pablo, Roberto Pablo, Onofre Gutierrez, Jr., Edvic Paul Garcia, Riena Senador, Quinn Ashantie Senador, and Paul Cyrus Garcia.

106. Petitioner Mary Jane Estreller, sister of JR, recounts as follows:²⁵

Sa loob ng dalawang buwan, natulog kami sa ibabaw ng mga mesa sa palengke. Kung umuulan naman, nakikitulog kami sa loob ng mga pampasaherong jeepney na nakaparada sa labas.

²⁵ Sinumpaang Salaysay of Mary Jane Estreller, ANNEX EE.

Sa mga panahong iyon, ito lamang ang naisip naming paraan upang masiguro ang aming kaligtasan, pati ang kaligtasan ng aming mga anak at iba pang mahal sa buhay.

107. Petitioners Zhayca Estreller, Marilyn Estreller, Michelle Estreller and Mary Jane Estreller are the wife, mother sister-in-law and sister of JR. Petitioners are not aware whether inquest or preliminary investigation proceedings were conducted with respect to this killing.

Police killing of Delfin Sicson

108. **DELFIN SICSON**, 59 years old, a resident of 2364 Oro-B Street, was **killed at around two o' clock in the morning** of December 18, 2016. **Police say it was another case of a shootout after a buy-bust.** Sicson sustained two gunshot wounds in the chest after being shot by P01 Joey Ganap. Ganap allegedly posed as a buyer in the buy-bust operation conducted by Manila Police District Police Station 6. Case investigator P03 Ryan Jay Balagtas said Sicson pulled out a gun and pointed it at Ganap after sensing that the latter was a police officer.²⁶

109. Sr. Nenet and her group do not believe Sicson died in a shootout. Sicson is the son-in-law of a member of the Basic Ecclesial Community of San Andres. Sicson is not related to any of the Petitioners but his case is espoused by Petitioner Sr. Nenet and the Good Shepherd Mission Partners as concerned citizens. Petitioners are not aware whether inquest or preliminary investigation proceedings were conducted with respect to this killing.

Killing of Ramil Gallo

110. **RAMIL GALLO** was only twenty-two (22) years old when he was killed on January 4, 2017. From his house in 1953 Dagonoy Street, he **tried to run away from the gunmen.** The killing was witnessed by the grandmother. The mother told Sr. Nenet Daño that she is leaving the fate of Ramil up to God - "Ipinapasa-Diyos na lang."

111. Gallo is not related to any of the Petitioners but his case is espoused by Petitioner Sr. Nenet and the Good Shepherd Mission

²⁶ See <http://newsinfo.inquirer.net/854468/2-dead-as-drug-war-rages-in-manilas-lantern-lit-slums> <last visited October 6, 2017>. See also <http://www.philstar.com/metro/2016/12/18/1654414/cop-3-other-drug-suspects-slain> <last visited October 6, 2017>

Partners as concerned citizens. Petitioners are not aware whether inquest or preliminary investigation proceedings were conducted with respect to this killing.

Killing of Eduardo Gores

112. **EDUARDO M. GORES**, twenty-nine (29) years old and a resident of Arellano Street, was killed on January 18, 2017.

113. Gores is not related to any of the Petitioners but his case is espoused by Petitioner Sr. Nenet and the Good Shepherd Mission Partners as concerned citizens. Petitioners are not aware whether inquest or preliminary investigation proceedings were conducted with respect to this killing.

Police killings of Joshua Merced, Leo Geluz, and Bimbo Merced

114. **JOSHUA MERCED, 22, LEO GELUZ, 25, and BIMBO MERCED, 37**, were killed on January 25, 2017. At around 3:00 a.m., **four tall, burly, masked men in black entered their house** in 2565 Pasig Line Street. Inside, Leo and Bimbo **were sleeping**, while Joshua was in the bathroom taking a bath. Neighbors who saw said Leo was the first to be gunned down, then Joshua in the bathroom, who was naked. Bimbo, who was at the second floor, was the last one to be killed. **Neighbors heard him pleading for his life**. The men, dubbed by the neighbors as **“ninja cops,”** without saying a word, finished him off.

115. Once more, policemen for Manila Police District Station 6 in Sta. Ana Manila claimed that the suspects were killed in a shootout following a buy-bust operation.²⁷ But eyewitness accounts and irregularities in police documents secured by Amina Merced, the mother of Joshua and Leo and sister of Bimbo, belie this. There are **disparities as to the time of the operation in the documents**. The Authority to Operate was submitted after the operation and was not approved. The **markings of illegal drugs allegedly seized vary at every point in the chain of custody**. There is **evidence of connivance and extortion** between the Manila Police District and “authorized funeral parlors.”

²⁷ See <http://www.gmanetwork.com/news/video/unangbalita/399497/3-miyembro-ng-merced-gang-patay-sa-buy-bust-operation-sa-maynila/video/> <last visited October 7,2017>

116. Sr. Nenet Daño states the following relevant factual observations in her judicial affidavit:²⁸

Q54. You mentioned that the guns, bullets and illegal drugs were planted. Why do you say so?

A54. Because of the many inconsistencies in the official documents of the police. For example, the Memorandum requesting ballistics examination is stamped "Received" at 12:20AM of January 25, 2017, but the Receipt/Inventory of Items of Property Seized indicates the date and time of arrest as "DOA: 3:00AM 25 JAN. 2017, AT #2656 BENITA COMPOUND STA. ANA MANILA." How come the police already had a list at 12:20AM, before the so-called buy-bust even took place at 3:00AM? This means the guns and ammunition were not really seized at the crime scene at 3:00AM.

Q55. What are other inconsistencies, if any?

A. It is indicated in the Receipt/Inventory of Items of Property Seized that a Cal. 22 revolver with serial number 57025, two (2) pieces of live ammunition and two (2) empty shells were seized. The revolver was marked CM 1/25/17, the live ammunition were marked CM-1 1/25/17 and CM-2 1/25/17 respectively, and the empty shells were marked CM-3 1/25/17 and CM-4 1/25/17 respectively. But in the Memorandum requesting ballistics examination, the revolver marked CM 1/25/17 and the live ammunition marked CM-1 1/25/17 and CM-2 1/25/17, and the empty shells marked CM-3 1/25/17 CM-4 1/25/17 do not appear. Instead, items not in the Receipt/Inventory of Items of Property Seized appear in the Memorandum requesting ballistics examination. Out of nowhere, there is a Cal. 22 revolver without serial number marked BM 1/25/17, and two (2) live ammunition marked BM-1 1/25/17 and BM-2 1/25/17, and two (2) empty shells of Cal. 22 marked BM-3 1/25/17 and BM-4 1/25/17.

Q56. What other inconsistencies did you observe, if any?

A56. There are glaring inconsistencies in the illegal drugs allegedly seized. In the Receipt/Inventory of Items of Property Seized, none of the sixteen (16) plastic sachets of suspected shabu allegedly seized from Joshua were marked. But in the Chain of Custody and the Chemistry Reports, the sixteen (16) plastic sachets were marked each as JM-1 1/25/17, JM-2 1/25/17, JM-3 1/25/17, JM-4 1/25/17, JM-5 1/25/17, JM-6 1/25/17, JM-7 1/25/17, JM-8 1/25/17, JM-9 1/25/17, JM-10 1/25/17, JM-11 1/25/17, JM-12 1/25/17, JM-13 1/25/17, JM-14 1/25/17, JM-15 1/25/17 and JM-16 1/25/17! Why were there no markings for the shabu in the Receipt/Inventory of Items of Property Seized,

²⁸ Judicial Affidavit of Sr. Ma. Juanita R. Daño, RGS, RSW, ANNEX A.

and then suddenly there were markings of the shabu in the Chain of Custody and the Chemistry Reports? Worse, why are the markings for the shabu in the Chain of Custody and the Chemistry Reports the same markings for totally different items in the Receipt/Inventory of Items of Property Seized – in particular, the six (6) live ammunition marked JM-1 1/25/17, JM-2 1/25/17, JM-3 1/25/17, JM-4 1/25/17, JM-5 1/25/17, JM-6 1/25/17?

Q57. What other inconsistencies or irregularities did you observe, if any?

A57. Amina and neighbors believe that the real target of the police is Crisanto, the other brother of Amina. When Crisanto was nowhere to be found, the police killed Joshua, Leo and Bimbo instead. It was a case of “*palit-ulo*,” or one head substituting for another.

Q58. What is your basis for saying that this is a case of “*palit-ulo*”?

A58. The July Drug Watchlist contains only the names of Crisanto Merced a.k.a. “Titin” and Joshua Merced. The names of Leo Geluz and Bimbo Merced are not included. Also, in the Receipt/Inventory of Items of Property Seized, the persons arrested are stated to be “Joshua Merced, Leo Merced and Crisanto Merced.” Even in the Joint Affidavit of Complaint of the police, the alias “Cris” was wrongly ascribed to Bimbo Merced.

Q59. What other irregularities did you notice, if any?

A59. I observed that in the letter addressed to Dr. Jesus C. Sison, OIC Hospital Director of Santa Ana Hospital dated January 25, 2017 and signed by PSINSP. Pernildo R. De Catro, CAPIS, CIDU of the Manila Police District, there was mention of an “authorized funeral parlor” and a superimposed copy of the calling card of Lea G. Botones, the proprietress of Saint Rich Funeral Homes. This letter confirms the story of Amina Merced that the bodies of Joshua Merced, Leo Geluz and Bimbo Merced were “held ransom” by Saint Rich Funeral Homes, the funeral parlor where Manila police bring *Tokhang* victims.

Q60. How were the bodies of Joshua Merced, Leo Geluz and Bimbo Merced held for ransom by Saint Rich Funeral Parlor?

A60. Amina told me she did not choose the services of Saint Rich Funeral Homes. She wanted to take out the bodies from Saint Rich because she could not afford the funeral cost of Php 66,100 per body. But to take out the bodies, she had to pay Php 40,000 ransom for each body. Thus, contrary to what is stated in the contracts, the Php 40,000 is not a discounted

payment for funeral services, but payment to redeem each of the bodies of Joshua Merced, Leo Geluz and Bimbo Merced.

117. Amina Merced having left San Andres Bukid, the Merceds are represented herein by Sr. Nenet and the Good Shepherd Mission Partners as concerned citizens. Petitioners are not aware whether inquest or preliminary investigation proceedings were conducted with respect to these killings.

Police killing of Ryan Dimacali

118. **RYAN DIMACALI**, thirty-one (31) years old, was killed by cops in his residence in 1934 Dagonoy Street at past one o' clock in the morning of May 6, 2017. He allegedly pulled out a gun after sensing that he was dealing with an undercover agent, Dimacali reportedly shot but missed Police Officer 2 Rhafael Rodriguez of the Manila Police District (MPD) Station 6, triggering a firefight.²⁹

119. Relatives tearfully refute the police version of the killing. Said Ryan's niece to Sr. Nenet: "**Paano po 'yun manlalaban, e takot nga po humawak ng kutsilyo?**"³⁰

120. Ryan is represented herein by Sr. Nenet and the Good Shepherd Mission Partners as concerned citizens. Petitioners are not aware whether inquest or preliminary investigation proceedings were conducted with respect to this killing.

Police Killing of Reynaldo T. Javier, Jr.

Illegal police arrests of pregnant woman and victim's mother

121. On May 25, 2017, at 1:00 in the morning, **REYNALDO T. JAVIER, JR.**, more familiarly known as "JR," was killed with a single shot in the sternum at point-blank range. **Six (6) men bearing short firearms and in black civilian clothing barged inside his home. The men did not introduce themselves. They did not explain why they were there, nor did they show any search warrant or warrant of arrest. The CCTV of the barangay was turned off.**

²⁹ See <http://www.philstar.com/metro/2017/05/07/1697366/metro-drug-war-leaves-4-dead> <last visited October 7,201>. See also <http://www.philstar.com/police-metro/2017/05/07/1697377/3-drug-pushers-bulagta-sa-shootout> <last visited October 7,201>

³⁰ Judicial Affidavit of Sr. Ma. Juanita R. Daño, RGS, RSW, ANNEX A.

122. At the time the men arrived, JR was with his mother, Zenaida, and Elaine, his eighteen-year old partner who was nine months pregnant. They were preparing to go to the hospital because Elaine had started labor.

123. The gunmen peeled off the crying women from JR and forcibly took them outside the house. They brought them to Manila Police District Station 6 in Sta. Ana, Manila. They were detained and charged under RA 9165.

124. Elaine gave birth a day after JR was killed. After giving birth, she was brought back to jail immediately. Zenaida asked to attend the funeral of JR to see her son one last time. She was told by police her request would be granted if she pays them P5,000. She did not see her son brought to his final resting place.

125. Elaine and Zenaida are currently detained at the Manila City Jail Female Correctional.

126. JR is represented herein by his mother, aunt and sister, Petitioners Zenaida T. Javier, Rosalinda N. Tan and Mary Luv Javier. Petitioners are not aware whether inquest or preliminary investigation proceedings were conducted with respect to this killing.

Killing of Dennis Padpad

127. The 47-year old retired policeman SPO3 DENNIS PADPAD was killed at 6:00 in the evening of May 29, 2017. He was gunned down by two (2) unidentified men while working out in a gym along Augusto Francisco Street. The gunmen sped away in a motorcycle. Padpad was suspected of being a "ninja cop," a term used to describe a policeman involved in drugs. Padpad was last assigned in Sulu after an internal cleansing by the Philippine National Police.³¹

128. Padpad is not related to any of the Petitioners but his case is being espoused by Petitioners Sr. Nenet and the Good Shepherd Mission Partners as concerned citizens. Petitioners are not aware whether inquest or preliminary investigation proceedings were conducted with respect to this killing.

Killing of Ramon M. Rodriguez

³¹ See <http://www.gmanetwork.com/news/news/metro/612604/gunmen-kill-retired-ninja-cop-in-manila/story/> <last visited October 7,201>. See also <http://www.manilatimes.net/9-qc-policemen-sacked-for-recycling-shabu/275407/> <last visited October 7,201>

129. On June 10, 2017, at around 2:00 in the morning, men in civilian clothes broke down the door of the one-room residence of locksmith **RAMON M. RODRIGUEZ** and shot him several times. A few minutes later, the **gunmen uttered in surprise: "Mali 'yan, mali 'yan!"** The commotion, shots and statements made by the gunmen were heard by Emiliano M. Rodriguez, the twin brother of Ramon who lived in the adjacent room.

130. Before the shooting, Ramon's sister Paz R. Oregas and niece Haidee O. Suelen were roused by the sound of a commotion and barking dogs. **Looking outside their house which is a few meters away from Ramon's, they saw many men - some in police uniform, some in civilian clothes - in their alley.** Haidee describes the scene:

Q15. What were the men doing?

(Ano ang ginagawa ng mga kalalakihan?)

A15. Itinututok nila 'yung mga flashlight nila sa mga bahay at bintana at sinisigaw: "Walang sisilip! Pumasok kayo, walang manonood! Bawal lumabas! Walang titingin, walang lalabas!"

(They were training their flashlights on the houses and windows and shouting: "Don't peep! Go inside, don't watch! No one is allowed to go out! Don't look, don't go out!")³²

131. After the commotion had died down, Paz and Haidee went outside their house. **They saw two policemen in uniform standing outside the front door of the house of her brother Ramon. They recognized them as police regularly stationed at the Police Community Precinct (PCP) in Dagonoy Street. The policemen mumbled: "Hindi kami ang gumawa 'nun, pinagbantay lang kami."**

132. **No SOCO came to the crime scene.** When the two PCP Dagonoy policemen left, no police came back to coordinate with them or conduct any investigation.

133. Ramon Rodriguez is represented herein by Petitioner Haidee Suelen, his niece, Paz Oregas, his sister and Emiliano Rodriguez, his twin brother. Petitioners are not aware whether

³² Judicial Affidavit of Haidee O. Suelen, ANNEX JJ.

inquest or preliminary investigation proceedings were conducted with respect to this killing.

Killing of Edwin Eduardo

134. At 4:00 in the afternoon of July 7, 2017, two men riding a motorcycle shot **EDWIN D. EDUARDO** at close range. He had just bought halo-halo at a stand along the street when he was killed.

Shooting of Jeffrey Degala who is in the watchlist

135. Early this year, Edwin's brother-in-law named Jeffrey Degala was also **shot by men riding a motorcycle**. He survived the shooting. **Jeffrey is in the police drug watchlist**.

136. Eduardo and Degala are not related to any of the Petitioners but their cases are espoused by Petitioner Sr. Nenet and the Good Shepherd Mission Partners as concerned citizens. Petitioners are not aware whether inquest or preliminary investigation proceedings were conducted with respect to this killing and the shooting incident.

Police killing of John Paul Michael Enrera

137. **JOHN PAUL MICHAEL ENRERA**, 28, was **killed at 1:10 in the morning** on July 20, 2017 in an **alleged shootout with poseur-buyer PO3 Rodolfo Ocampo Jr.** of the Manila Police District Station 6 in a buy-bust operation.³³

Police killings of Rolly and Ronnie Veros

138. **Brothers ROLLY and RONNIE VEROS** were killed at **2:40 in the morning** on August 11, 2017 in an **alleged shootout with police after an alleged buy-bust operation** of the Manila Police District Station 6 headed by P/Sr. Insp. Concorcio Pangilinan.³⁴

Police killing of Crisente Baquial

³³ See <http://www.philstar.com/police-metro/2017/07/21/1719994/3-drug-suspects-utas-sa-buy-bust> <last visited October 7, 2017>

³⁴ See <http://m.pstarngayon.com/metro/show/e19227aac5598cba58e93d5e153b6e1f?t=gco4m9rail6mh5inldospvds6> <last visited October 7, 2017>

139. **CRISENTE BAQUIAL** was “neutralized” in Manila Police District’s **one-time big time anti-drugs and criminality operations** on August 17, 2017 from 7:00a.m. to 7:00a.m. of the following day.³⁵

*Killings of Ernesto Martinez Cruz
and Elmer Cayubit Lagunzad*

140. The other recent killings this year are that of **ERNESTO MARTINEZ CRUZ** on June 21 and **ELMER CAYUBIT LAGUNZAD** on July 26.

*Police killing of Manuel Roy Manalac
and killings of John Paul Martinez,
Rollyn Frias, and a “Patricia”*

141. Petitioner Sr. Nenet and the Good Shepherd Mission Partners monitored some deaths that they were not able to document, such as that of **MANUEL ROY MAÑALAC**, a resident of San Andres Bukid who was killed in an alleged buy-bust in Makati,³⁶ **JOHN PAUL MARTINEZ** and **ROLLYN C. FRIAS**. There is a certain “Patricia” who was killed in Dagonoy market, who is allegedly from Del Pan, Makati.

Respondents and death incidents

142. Respondent **POLICE SUPERINTENDENT OLIVIA ANCHETA SAGAYSAY** is the current Station Commander of MPD Police Station 6, and she was the superior officer of policemen involved in killings that transpired from the commencement of her term as station commander.

143. Respondent **POLICE SUPERINTENDENT JERRY B. CORPUZ** was the Station Commander of MPD Police Station 6 in the first three quarters of 2017. He was the superior officer of policemen involved in killings that transpired during his term as station commander.

144. Respondent **POLICE SUPERINTENDENT ROBERT C. DOMINGO** was the Station Commander of MPD Police Station 6 at the start of the implementation of *Tokhang* in July 2016 until the latter

³⁵ See <https://www.rappler.com/nation/179057-manila-overnight-operation-25-dead-70-arrested> <last visited October 7, 2017>

³⁶ See <http://balita.net.ph/2016/09/15/huli-sa-aktong-bumabatak-binistay/> <last visited October 7, 2017>

part of the said year. He was the superior officer of policemen involved in killings that transpired during his term as station commander.

145. Respondent **PO2 RHAFANEL RODRIGUEZ** is a police officer assigned at the Station Anti-Illegal Drugs Special Operation Task Unit (SAID-SOTU) of the Manila Police District (MPD) Police Station 6, Sta. Ana, Manila on August 28, 2016 and a member of the police team that killed victim Ryan Eder on the same date.

146. Respondent **PO2 PRINCETON FELIA** is a police officer assigned at the Station Anti-Illegal Drugs Special Operation Task Unit (SAID-SOTU) of the Manila Police District (MPD) Police Station 6, Sta. Ana, Manila on August 28, 2016 and a member of the police team that killed victim Ryan Eder on the same date.

147. Respondent **PO1 HARRY ALLAN R. CRUZ** is a police officer assigned at the Station Anti-Illegal Drugs Special Operation Task Unit (SAID-SOTU) of the Manila Police District (MPD) Police Station 6, Sta. Ana, Manila on August 28, 2016 and a member of the police team that killed victim Ryan Eder on the same date, with office address at Plaza Hugo, Sta. Ana, Manila.

148. Respondent **PO1 KENNITH A. GAA** is a police officer assigned at the Station Anti-Illegal Drugs Special Operation Task Unit (SAID-SOTU) of the Manila Police District (MPD) Police Station 6, Sta. Ana, Manila on August 28, 2016 and a member of the police team that killed victim Ryan Eder on the same date.

149. Respondent **PO1 EFREN G. GUITERING** is a police officer assigned at the Station Anti-Illegal Drugs Special Operation Task Unit (SAID-SOTU) of the Manila Police District (MPD) Police Station 6, Sta. Ana, Manila on August 28, 2016 and a member of the police team that killed victim Ryan Eder on the same date.

150. Respondent **PO2 JOCELYN M. SAMSON** is a police officer assigned at the Station Anti-Illegal Drugs Special Operation Task Unit (SAID-SOTU) of the Manila Police District (MPD) Police Station 6, Sta. Ana, Manila and Investigator-on-Case of the operation that killed victim Ryan Eder on August 28, 2016. She also conducted a body search on and arrested Petitioners Valerie Aguilan, Bella S. Eder and Mariel Supnet without a warrant.

151. Respondent **PO3 ALLAN ESCRAMOSA** is a police officer assigned at the Station Anti-Illegal Drugs Special Operation Task Unit (SAID-SOTU) of the Manila Police District (MPD) Police Station 6, Sta. Ana, Manila on January 25, 2017 and a member of the police team that killed victims Joshua Merced, Leo Geluz and Bimbo Merced on the same date.

152. Respondent **PO2 FRANCISCO MENDOZA** is a police officer assigned at the Station Anti-Illegal Drugs Special Operation Task Unit (SAID-SOTU) of the Manila Police District (MPD) Police Station 6, Sta. Ana, Manila on January 25, 2017 and a member of the police team that killed victims Joshua Merced, Leo Geluz and Bimbo Merced on the same date.

153. Respondent **PO2 ROESTRELL OCAMPO** is a police officer assigned at the Station Anti-Illegal Drugs Special Operation Task Unit (SAID-SOTU) of the Manila Police District (MPD) Police Station 6, Sta. Ana, Manila on January 25, 2017 and a member of the police team that killed victims Joshua Merced, Leo Geluz and Bimbo Merced on the same date.

154. Respondent **PO3 RODOLFO OCAMPO, JR.** is a police officer assigned at the Manila Police District (MPD) Police Station 6, Sta. Ana, Manila and identified as the shooter of victim John Paul Michael Enrera killed on July 20, 2017.

155. Respondent **PSI CONCORCIO PANGILINAN** is a police officer assigned at the Manila Police District (MPD) Police Station 6, Sta. Ana, Manila and identified as the head of the police team that killed victims Rolly and Ronnie Veros on August 11, 2017.

156. Respondent **ALIAS "HARRY"** is a police officer assigned at the Manila Police District (MPD) Police Station 6, Sta. Ana, Manila and identified by Petitioner Marie Tamayo as one of the shooters of victim Emiliano N. Blanco killed on November 30, 2016.

157. Respondent **ALIAS "JR"** is a police officer assigned at the Manila Police District (MPD) Police Station 6, Sta. Ana, Manila and identified by Petitioner Marie Tamayo as one of the shooters of victim Emiliano N. Blanco killed on November 30, 2016.

158. Respondent **ALIAS "IVAN"** is a police officer assigned at the Manila Police District (MPD) Police Station 6, Sta. Ana, Manila

and identified by Petitioner Marie Tamayo as one of the shooters of victim Emiliano N. Blanco killed on November 30, 2016.

COMMONALITIES IN THE KILLINGS

The "Kill" Time

159. From the killing incidents involved in this case, it appears that the **killings were usually perpetrated at about ten o'clock in the evening to three o'clock in the early morning of the following day.** The following table shows the killings Sr. Nenet and her group were able to place inside this time window.

DATE KILLED	PERSON KILLED	TIME KILLED
08/11/17	Ronnie S. Veros	2:40a.m.
08/11/17	Rolly S. Veros	2:40a.m.
07/20/17	Paul John Michael Enrera	1:10a.m.
06/10/17	Ramon Rodriguez	2:00a.m.
05/25/17	Reynaldo T. Javier	1:00a.m.
05/6/17	Ryan Dimacali	past 1:00a.m.
01/25/17	Bimbo Merced	3:00a.m.
01/25/17	Joshua Merced	3:00a.m.
01/25/17	Leo Geluz	3:00a.m.
12/18/16	Delfin Sicson	2:00a.m.
12/15/16	Randy Concordia	12:00a.m.
12/15/16	Jeffrey R. Estreller, Jr.	12:00a.m.
11/30/16	Emiliano N. Blanco	10:30p.m.
11/9/16	Gilbert Beguelme	Past 12:00a.m.
10/23/16	Jerson M. Colaban	1:40a.m.
10/23/16	Jossing M. Colaban	1:40a.m.
10/23/16	Joseph Baculi	1:40a.m.
10/11/16	Alvin John Mendoza	1:00a.m.
9/30/16	Willy De Leon	12:00a.m.
08/28/16	Ryan Eder	2:00a.m.
07/18/16	Jomar Manaois	11:30p.m.
07/18/16	Jefferson Bunuan	11:30p.m.
07/18/16	Mark Anthony Bunuan	11:30p.m.
07/06/16	Conrado Berona	11:40p.m.

160. The "kill time" window is one among many indications and manifestations which show that this spate of killings is not random and unplanned but part of a systematic design and organized strategy.

Uniformed Policemen Established Perimeter Checkpoints and Served

As Guards and Lookouts

161. **In eight (8) of the documented killing incidents involving thirteen (13) deaths, uniformed police officers were seen in the vicinity of the killings stationed at or near the entrances to these communities where the killings happened.**

162. These **uniformed police officers were at the said stations before and during the incidents** and were most probably the same officers who responded to and arrived at the scenes of the killings. In many instances, **they train flashlights at the houses of neighbors and shout harsh warning against watching or peeping** through any window.

163. After the killings and the carting off of the bodies of those killed and, in some instances, the arrests of the members of the family or relatives of the victims, the police officers were no longer seen in the vicinity or in the perimeters of the kill zones.

164. The presence of policemen in the vicinity of vigilante killings before and during the killings is one among many indications and manifestations which show that the police killings, and most if not all of the vigilante killings, are not random and unplanned but part of a systematic design and organized strategy.

Killings Perpetrated by Armed Men in Plainclothes Who Suddenly Barge into the Houses of the Victims Unannounced

165. The killings were likewise perpetrated mostly by **armed men in plainclothes who suddenly barge into the homes** of the victims without announcing whether they have any legitimate intentions or were there to serve warrants to the residents of the places where the killings happened.

166. While Petitioners were already apprehensive about the actual intention of the armed men in barging into the homes of the victims but at the same time still hopeful that what they feared most would not happen to them and the members of their families, none of them were informed by the armed men of the intention for the forcible entry into their homes.

167. The armed men, numbering from two to four, aside from the lookouts outside the homes of the victims would, with arms

drawn, suddenly kick the doors in and order those present to not move. In most cases, the armed men wore civilian clothes, mostly black. A few wore bonnets or masks.

168. The consistent impunity and persistent audacity of armed men who forcibly enter and barge into houses, without fear of policemen, are among the many indications and manifestations which show that the police killings, and most if not all of the vigilante killings, are not random and unplanned but part of a systematic design and organized strategy.

*Detention and Charges Filed
Against Family Members,
Relatives, Neighbors Or Friends*

169. After the target or targets have been killed, in numerous instances, **anyone found in the home of the suspect who witnessed the killing or anyone who might complain is carted off by police to Manila Police District Station 6.** Many times, they were accused of being involved in illegal drugs, detained and charged. Thus, **the victims were not just those killed, but family members, relatives, neighbors or friends who were detained or threatened.**

170. The armed men tried to separate the women and children from the men who were their intended targets. The women and children were separated despite the women and men's pleas to the contrary and for the police not to kill the men. In the case of refusal by the women, they were **forcibly dragged out of the house.** These **persons dragged out of the house were then brought to the police station and would later find out that their male family member/s were already dead.** Apparently, this was **done in order that there would be no witness to the actual killing** of the male inhabitants of the house who could then dispute the claim of the police that these persons fought back.

171. What happened in the houses of the victims are known only to the police officers who perpetrated the actual killings. But even then, there were witnesses to some of the killings who, in one instance, heard that the police killed the person who is not the intended target.

172. The numerous instances where witnesses to the killings were detained and/or threatened by policemen are among the many indications and manifestations which show that the police killings

are not random and unplanned but part of a systematic design and organized strategy.

*Guns, Drugs and Drugs
Paraphernalia Were Planted*

173. In all of the killings where the police claimed that those killed fought them, the **guns were all planted** by the authorities. **Drugs and drug paraphernalia were likewise planted by the police** and made to appear as having been found in the houses where the victims were killed.

174. One notable example is the killing of Alvin Mendoza in front of a *lugawan* where he was eating. Two men who alighted from a motorcycle gunned him down. While he was lying on the pavement on a pool of his own blood, the armed men threw sachets of white substance on him and casually drove away. The sachets of white substance were immediately picked up by the patrons of the *lugawan* who immediately left the scene with, supposedly, the planted evidence of shabu intended to make it appear that it was in possession of the victim.

175. **The numerous instances where guns and drugs were planted and made to appear as having been found where the victims were killed are among the many indications and manifestations which show that the police killings are not random and unplanned but part of a systematic design and organized strategy.**

*Previous Surrenderes to the Barangays
Under Oplan Tokhang*

176. **Many of the victims were also previous surrenderes to the Barangay under Oplan Tokhang who were made to submit their names and other personal circumstances. Their pictures were also taken and these were, according to the barangay officials, submitted to the Respondents.** Some of them have relatives who surrendered or were noted as drug users in the community.

177. **Sometime thereafter, violence were visited upon them and their families** resulting in their death or those of their relatives and even those who were merely at the wrong place at the wrong time.

178. It appears that the Respondents have generated a list that they have apparently pressured barangay officials to make and to submit to them. Such list has become what has been referred to as the kill list.

179. The numerous instances where the victims of police and vigilante killings were previous surrenderees under Oplan Tokhang are among the many indications and manifestations which show that the police and vigilante killings are not random and unplanned but part of a systematic design and organized strategy.

*Barangay Closed Circuit Cameras
Were Disabled or Rendered Useless
Hours Before the Killings*

180. Aside from the foregoing, whether by design, conspiracy or collusion with barangay authorities, or the simple expedient of members of the police simply training their flashlights on the closed circuit television cameras installed by the barangay authorities in the communities, these sources of leads and evidence were **rendered inutile in the most inopportune times in relation to the killings involved in this case. This happened in the cases of Emiliano Blanco and Reynaldo T. Javier.**

181. The exceptions to the foregoing are the the killings of Ryan Eder and, in a single incident, Jerry Estreller, Jr. and Randy Concordia. There was a recording of the armed men entering the house where the victims were killed and leaving the same sometime after.

182. Otherwise, what was supposedly designed by barangay officials to monitor the community and at the very least, provide a record of any crime committed therein, either intentionally or conveniently, failed at the most opportune moment to achieve its purpose.

183. The instances where barangay CCTVs were disabled or rendered inutile during the time of several killings are among the many indications and manifestations which show that the police and vigilante killings are not random and unplanned but part of a systematic design and organized strategy.

*No Scene of the Crime Operatives
that Conducted an Investigation
of the Killings and Released Reports*

to Families of those Killed

184. In many cases, **no Scene of the Crime Operatives arrived at the crime scene to do proper investigation and evidence gathering.** Most of those killed were readily brought out of their houses and were either sent to a hospital morgue or to the funeral parlor unilaterally preferred by the police but which charge fees and rates that are beyond the means of the victims' families.

185. As there were **no investigations conducted by the SOCO,** understandably, **no reports were given to the families of the victims.**

186. The instances where **no SOCO investigations were undertaken and no SOCO reports were generated** are among the many indications and manifestations which show that the police and vigilante killings are not random and unplanned but part of a systematic design and organized strategy.

No Police Reports Released to the Families of the Persons Killed

187. Considering that the killings by themselves, regardless of any justifying or exempting circumstances, constitute crimes punishable under the law, **the police authorities have not given the families of the victims any report as regards the investigation, gathering of evidence and prosecution of perpetrators.**

188. Those who were able to get reports and documents from the police were those who were charged with alleged conspiracy with those killed by the police. However, these relate to their alleged arrests, bookings, medical certificates and other documents in connection with the cases filed against them by the police.

189. There was one instance involving the killing on January 25, 2017 of Joshua Merced, Leo Geluz and Bimbo Merced where the police diligently filed a few months after a case against the dead suspects before the City Prosecutors' Office, complete with attachments in support of the charges.

190. The many instances where **the police authorities have not given the families of the victims any report as regards the investigation, gathering of evidence and prosecution of perpetrators** are among the many indications and manifestations which show that the police and vigilante killings are not random

and unplanned but part of a systematic design and organized strategy.

*Continuing Threats to Petitioners
and Their Families*

191. Despite the killings having occurred in the past, Petitioners and their families continue to feel threatened by the presence of armed men, most in civilian clothes, who routinely conduct foot patrols in their communities. These patrols happen most during the night where these armed men would train their lights on the windows of the houses and warn people not to go out of their houses.

192. The most vicious of these threats to life, liberty and security were visited upon and as they are still being visited upon the Petitioners who were imprisoned and accused based on trumped up charges. They were warned that their cases will eventually be dismissed as the police will not be attending the hearings unless they cause trouble for the police. Thus, these trumped up charges were done to silence the families of the victims and make them abandon their right to seek justice for themselves and the members of their families.

193. Petitioners could not even request for copies of police reports or blotters for fear that such efforts will lead to further harassment and incarceration on their part, or worse. As a matter of fact, everyone of the Petitioners and their families are afraid to even make requests for copies of relevant documents, much more question the legality of the killings and arrests.

194. The fact that armed men, in civilian clothes, can brazenly conduct foot patrols at night, train their lights on the windows of houses and warn people not to go out of their houses are among the many indications and manifestations which show that the police and vigilante killings are not random and unplanned but part of a systematic design and organized strategy.

POLICE INVESTIGATIONS AND REPORTS

195. To begin with, *Tokhang* as it is raises grave human rights concern because it involves visiting drug suspects in their homes,

persuading them to “voluntarily surrender” in writing³⁷ and under oath,³⁸ and summoning them to the police station for interview, documentation, and other action³⁹ – a process that already involves custodial investigation, and therefore tends to violate the constitutional right against self-incrimination.

196. Moreover, there is no lack for legal or procedural safeguards against abuse by police in anti-drug operations. **Pre-operational clearances and coordination with the Philippine Drug Enforcement Agency (PDEA) are required in CMC 16-2016⁴⁰ as well as in the PNP Operations Manual.⁴¹**

³⁷ CMC 16-2016, 4(a): All suspected drug personalities who shall voluntarily surrender shall be required to fill out a Voluntary Surrender Form.

³⁸ CMC 16-2016, 4(b): Personalities who voluntarily surrendered shall be urged to subscribe under oath before a notary public, to be assisted by a counsel, and witnessed by parents/guardians and/or barangay officials.

³⁹ CMC 16-2016, 4(c): All suspected drug personalities who shall voluntarily surrender themselves to the visiting team shall be referred/invited to the local police station for interview, documentation and other alternative actions.

⁴⁰ **Coordinating instructions:**

- a. Strictly implement the protocol of anti-illegal drug operations.
- b. As far as practicable, all unit commanders must ensure that all anti-illegal drug operations shall be coordinated with PDEA in accordance with the PNP Manual on Anti-Illegal Drug Operation and Investigation.
- c. No PNP personnel shall be allowed to conduct a planned anti-illegal drug operation (i.e. buy-bust, search warrant, MJ eradication) unless he is a member of AIDG, Regional, Provincial, District, City and Station AIDSOTG.
- d. The pre-operations clearance form for planned operations must be accomplished, submitted to and approved by the unit commander or his designated action officer prior to the conduct of anti-illegal drug operations. All activities relative to this must be recorded in the blotter.
- e. All operations shall conform with the provisions of R.A. No. 9165, the rules of Court, and strictly observe the rights of the accused enshrined in the Bill of Rights under the Philippine Constitution, other allied laws, rules and regulations, as well as the internationally accepted principles of international laws, public policy, and with due observance of human rights.
- f. All concerned personnel shall strictly observe the rights of persons arrested, detained or under custodial investigation pursuant to R.A. No. 7438 and other existing rules and regulations of the PNP in the promotion of human rights.

⁴¹ **Rule 4. Pre-operational Clearance**

No police operation shall be conducted without the approval of the Chief/ Commander/ Head of the concerned Police Unit/Office. A pre-operational clearance shall be filed by the Team Leader of the operating team/s prior to the conduct of the operation and shall be approved by the concerned Police Unit Commander. This clearance shall be submitted to the operations section/division of the concerned police unit for record purposes.

Rule 37.2 Coordination Requirements

- a. PNP Units, prior to any anti-drug operations shall, as far as practicable, coordinate with the PDEA;

197. In line with the criminalization of the act of killing a person and in consonance with their requisite training and specialized occupation, the **police officers are prohibited from the use of excessive force but are only allowed to use necessary and reasonable force** proportionate to the danger he is faced with.⁴²

198. Moreover, **in cases where the deaths of suspects in drug operations occur, each of these cases is required to be properly investigated through an inquest proceeding before the Office of the Prosecutor, as provided for under Chapter 3, Rule 15.4 of the Revised Philippine National Police Operational Procedures (PNP-OP).**⁴³

199. Aside from the requisite inquest proceedings, a number of **reports are likewise required to be prepared, filed and submitted** to ensure that such drug operation has been carried out with due regard to due process.⁴⁴

200. It appears that in many of the killings, **these preparations, precautions, procedures, documents and reports provided for and required under the relevant regulations were not properly and diligently observed, submitted or presented** before the appropriate authorities.

b. In any case, the PNP anti-drug units shall coordinate/inform the PDEA of the anti-drug operation within 24-hours from the time of the actual custody of the suspects or seizure of said drugs and substances as well as paraphernalia and transport equipment used in illegal activities involving such drugs and/or substances and shall regularly update the PDEA on the status of the cases involving the said anti-drug operation. (Section 86(a) IRR of RA 9165)

⁴² PNP Operations Manual, Rules 7.1 and 7.5:

Rule 7.1 Use of Excessive Force Prohibited

The excessive use of force during police operation is prohibited. However, in the lawful performance of duty, a police officer may use necessary force to accomplish his mandated tasks of enforcing the law and maintaining peace and order.

Rule 7.5 Application of Necessary and Reasonable Force

During confrontation with an armed offender, only such necessary and reasonable force should be applied as would be sufficient to overcome the resistance put up by the offender; subdue the clear and imminent danger posed by him; or to justify the force/act under the principles of self-defense, defense of relative, or defense of stranger.

⁴³ The provision reads:

15.4 Inquest Proceeding Necessary When the Suspect Dies

In cases of armed confrontation wherein the suspect dies, the Team Leader of the operating unit shall submit the incident for inquest before the duty Inquest Prosecutor prior to the removal of the body from the scene, except in areas where there are no Inquest Prosecutor. In which case, the territorial police unit can proceed with the investigation.

⁴⁴ Based on these very same procedural and documentary requirements, the Center for International Law (CENTERLAW) has submitted to this Honorable Court a proposal through a Letter-Petition filed on 26 April 2017 to craft a new set of rules for the investigation and prosecution of unlawful deaths of suspects in the hands of the police, including a *Writ Contra Homo Sacer*.

201. Records show that the operating **police officers or their agents have all become the judges over their own criminal actions** whose justifying circumstances have yet to be proven before the prosecutorial and judicial authorities. And **Respondents have been complicit in the actions of the said police officers by their failure, at the very least, to bring such officers and/or their agents before the proper prosecutorial and judicial authorities** to answer for their crimes.

ACTIONS BY PETITIONERS

202. It was only because of the continued and constant support and encouragement by Petitioner Daño and her co-workers, and the fact that all the other Petitioners herein have expressed their willingness to file a case for protection of their rights, that Petitioners have found the courage to push through with the filing of this case.

203. Nevertheless, because of the times that the killings were perpetrated, the circumstances of their execution and the manner in which Respondents, through their officers, have systematically managed to ward off other possible witnesses to the killings, Petitioners are generally unable to identify the perpetrators by name. If at all, they can only be identified if Petitioners and their witnesses see them in person.

204. Only those who were accused of trumped up charges and who are now in detention may be able to identify by name those who arrested them and only because of the affidavits of arrest submitted as part of the charges against them. Even then, these cannot be conclusively relied upon as evidence against the actual perpetrators of the killings.

RECENT EVENTS

205. In a Memorandum Circular dated October 10, 2017, President Rodrigo Duterte directed all government agencies involved in the government's anti-illegal drugs campaign "to leave to the PDEA (Philippine Drug Enforcement Agency), as sole agency, the conduct of all campaigns and operations against all those who, directly or indirectly, and in whatever manner or capacity, are involved in or connected with, illegal drugs. All information/data received by the NBI, PNP, AFP, Bureau of Customs, Philippine Postal office and all other agencies or any and all ad hoc anti-drug task

forces shall forthwith be relayed, delivered or brought to the attention of the PDEA for its appropriate action.”

206. The President further directed that “(t)he PNP shall, at all times, maintain police visibility, as a deterrent to illegal drug activities leaving to the PDEA however the conduct of anti-illegal drug operations as aforestated.”

207. Even with the designation of the PDEA as lead government agency in the anti-drug campaign, the PNP, especially the Respondents herein who are part of the police organization, have not been totally stripped of total, crucial, and indispensable involvement in drug operations in the barangays and communities in San Andres Bukid.

208. PDEA chief Aaron Aquino has publicly declared that his agency does not have the budget and the number of personnel that can handle the nationwide anti-drug campaign, and that the police are still needed. In a news article that appeared in a news online⁴⁵, Interaksyon, on October 13, 2017, the PDEA chief stated that the “PDEA has about 2,000 personnel, 1,100 of which are agents, compared to about 175,000 police nationwide.” He went on to state that he hopes that the removal of the PNP as lead organization will only be “a temporary arrangement, we need the police.” He further warned that he would not guarantee less bloodshed.

209. In previous incidents, the President has likewise suspended the involvement of the PNP in the anti-drug campaign – as what happened after Korean executive Jee Ick Joo was killed by policemen inside Camp Crame – but only to abruptly restore the PNP’s authority thereafter again.

210. The memorandum circular issued by President Duterte has not also stopped the practices of the Respondents complained of in this Petition. And it does not guarantee that the PDEA, as assisted by the police, will not continue to perpetuate the practices adopted by the police and which are complained of in this petition.

211. More importantly, the Petitioners and the barangay residents of San Andres Bukid are still entitled to protection under a writ of amparo, and they continue to have vested interest in the various relief prayed for in the instant petition.

⁴⁵ <http://www.interaksyon.com/we-need-the-police-says-pdea-chief/>

NATIONAL LAWS AND INTERNATIONAL LAWS VIOLATED

212. The conduct of the anti-illegal drugs campaign of the Respondents violates the following constitutional, statutory, and administrative provisions:

- a. 1987 Constitution, Art. II, Sec. 11 on the state policy on human rights;
- b. 1987 Constitution, Art. III, Sec. 1 on the right to life and liberty;
- c. 1987 Constitution, Art. III, Sec. 2 on the right against unreasonable searches and seizures;
- d. 1987 Constitution, Art. III, Sec. 12 on the rights of persons under investigation or persons arrested;
- e. 1987 Constitution, Art. III, Sec. 14 & 17 on the rights of the accused;
- f. Republic Act No. 7438 or the Act Defining Certain Rights of Persons Arrested, Detained or Under Custodial Investigation as well as the Duties of the Arresting, Detaining and Investigating Officers, and providing penalties for violations thereof;
- g. The case law in *People vs. Doria* (G.R. No. 125299, January 22, 1999) which laid down tests to determine whether or not a buy-bust operation has been properly conducted;
- h. The case laws on “stop and frisk” as laid down in *Malacat vs. CA* (G.R. No. 123595, December 12, 1997) and *People vs. Chua* (G.R. Nos 136066-7, February 4, 2003 adopting *Terry vs Ohio*, 392 US 1 (1968));
- i. Revised Penal Code, Art. 125 on inquest/delivery of detained persons to the proper judicial authorities;
- j. Revised Philippine National Police Operational Procedures (PNP-OP), Chapter 3, Rule 15.4 on the submission of incidents of armed confrontation wherein the suspect dies to the prosecutor for inquest proceedings;

- k. DOJ Circular No. 61 (December 21, 1993) on the duty of inquest prosecutors to take the initiative of making a procedural investigation whenever a dead body is found and there might be foul play;

213. The conduct of the Respondents in the drug war in the San Andres Bukid community violates many of country's international legal obligations such as the International Covenant on Civil and Political Rights (ICCPR)⁴⁶, among other human rights instruments under which the Philippine State is a party. The ICCPR under Art. ⁴⁷ 6 (1) guarantees the Right to Life, which the Philippine State has the obligation under international law⁴⁸ to protect, respect, and fulfil.⁴⁹

214. The Philippines also has the duty not to provide impunity, especially where its own agents, or persons acting at their behest are concerned. This obligation includes the duty to "afford remedies and reparation to victims,"⁵⁰ and the duty to provide effective prevention and investigation of ELKs.

215. The international standards for the effective investigation of extralegal killings were codified by the United Nations⁵¹ in what subsequently became known as the **Minnesota Protocol**, or the *United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary, and Summary Executions*,

⁴⁶ The provisions states thus: " Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."

⁴⁷ This section discussing international legal aspects of the case draws from the Letter-Petition filed by the Centerlaw with the Supreme Court for the issuance, among other things, of a Writ Contra Homo Sacer, earlier referred to.

⁴⁸ See RESTATEMENT OF THE LAW THIRD: 2 RESTATEMENT OF THE LAW: THE FOREIGN RELATIONS LAW OF THE UNITED STATES, sec. 701, comment, p. 152 (May 14, 1986).

⁴⁹ See ICCPR, art. 6(1)

⁵⁰ Women's International War Crimes Tribunal on Japan's Military Sexual Slavery, Judgement, The Hague, The Netherlands, 4 December 2001, para. 1021, citing the Vn Boven Principles, 1996, Principles 1 &2, and the revised set of basic principles and guidelines on the right to reparation of victims of gross violations of human rights and humanitarian law prepared by Mr. Theo van Boven pursuant to Sub-Commission decision 1195/117, 24 May 1996, Annex, Basic Principles and Guidelines on the Right to Reparation for Victims of Gross violations of Human Rights and Humanitarian Law, principles 1 & 2, also known as the Revised Basic Principles, van Boven, 1996.

⁵¹ See the Letter-Petition filed by Centerlaw for the issuance of a Writ Contra Homo Sacer referred to earlier. For an account of its development, see the blog of The Advocates for Human Rights, The Advocates Post, *The Minnesota Protocol: Creating Guidelines for Effective Investigation*, February 26, 2016, available at https://theadvocatespost.org/2016/02/26/minnestota_protocol/ <last visited, April 17, 2017>.

formally adopted by the UN in 1991.⁵² The Minnesota Protocol prescribes a set of investigative procedures for ELKs⁵³ to be followed by government whenever law enforcement or persons acting at its behest, like herein Respondents, are suspected to be behind unlawful deaths. It covers deaths resulting from police operations, where these deaths happened under conditions of excessive use of force and includes summary executions or executions without due process, whether or not the perpetrators were state agents or actors acting on orders from the former. It also lists factors as triggers for a special inquiry for impartial investigation on suspicions of government involvement in extralegal killings, provides principles for the effective prevention and investigation of extralegal killings, among others.

216. State-sponsored killings, whether through its own agents, or through persons acting under the behest or acquiescence of state agents, are particularly pernicious, precisely because the state is supposed to be an entity charged under the constitution and the international legal system with the duty to enforce and uphold the Rule of Law. The State also fails to discharge this duty faithfully when it stands idly by while masked men and women “riding-in-tandem” gun down citizens without due process. Without impartial and prompt investigation and prosecution of these questionable deaths, the State becomes complicit in the killings. The State sets the killers loose by not prosecuting them.

217. The investigative and documentary procedures described in this Petition and sought as part of the relief asked for by Petitioners provide ample assurance that every drug-related death will be properly investigated by the State under the standards set by the *Minnesota Protocol*.

RELIEF

Given the foregoing, Petitioners respectfully pray to the Honorable Court for the following:

Provisional Relief

⁵²A copy of the Manual is available at <http://hrlibrary.umn.edu/instree/Annexes%20for%20UN%20Manual.pdf> <last visited April 25, 2017>.

⁵³U.N.Doc.E/ST/CSDHA/.12 (1991), available at <http://hrlibrary.umn.edu/instree/executioninvestigation-91.html> <last visited April 17, 2017>. The Minnesota Protocol is currently being revised with the assistance of The Advocates for Human Rights.

a. Immediately upon the filing of this Petition, a writ of *amparo* be issued directing Respondents to file within seventy-two (72) hours from receipt thereof, a Verified Return together with supporting affidavits and documents containing the relevant information required under Section 9 of the Rule on the Writ of Amparo;

b. Immediately upon the filing of the Petition, that a Temporary Protection Order under Section 14 (a) of the Rule on the Writ of Amparo be issued prohibiting Respondents, their officers and any of their agents from threatening to commit or committing, personally or through another, any acts violative of the right to life, liberty and security of Petitioners, their immediate families and members of their households, the victims' families and members of their households, and the detention prisoners' families whose rights are advocated in this case (herein collectively referred to as "**affected parties**"), including but not limited to:

- i. Prohibiting Respondents, their officers and agents from entering within a radius of one kilometer from the residence, work addresses of the affected parties;
- ii. Prohibiting Respondents from harassing, annoying, telephoning, contacting or otherwise communicating with the affected parties, directly or indirectly;
- iii. Directing Respondents PDG Dela Rosa and C/Supt Joel Napoleon Coronel to relieve or cause the relief of Respondents Domingo, Corpuz, Sagaysay and the entire MPD Station 6 and to transfer or cause their transfer to another territory outside of Metro Manila so that the instant proceedings, and the investigation of the killings, can be conducted without any impediment, harassment or interference by the latter;
- iv. Directing Respondents to stay away from the affected parties, and to stay away from the residence, school, place of employment, place of detention or any specified place frequented by the affected parties;

c. Directing the Commission on Human Rights, the Department of Health and the Department of Social Welfare and Development to conduct twice a month visitation of the detained Petitioners, namely, Bella Eder, Valerie, Aguilan, Mariel Supnet,

Marie Tamayo and Zenaida Javier for the purpose of checking on their physical and psychological well-being and to submit reports within ten (10) days from such visits.

Relief for the Affected Parties

d. Directing the Respondents to submit to the relevant Office of the City Prosecutor or Office of the Ombudsman, all the necessary documents, reports, and evidence in connection with all the deaths subject of this case which resulted from police operations, for the purpose of preliminary criminal investigation, including but not limited to the following as may be relevant and authorized:

- Warrant of Arrest or Search Warrant, if any
- Affidavits of the Complainant and Witnesses⁵⁴
- Intelligence Reports
- Intelligence Plan
- Summary of Information on the Targets⁵⁵
- Surveillance Reports⁵⁶
- Intelligence Estimate
- Pre-Operational Clearance⁵⁷ containing full names, respective ranks and official assignments of the team leader and team members
- Accomplished Coordination Form prior to operation filed with barangay within whose jurisdiction the operation is to be conducted, except in cases where coordination cannot be made due to the nature or urgency of the situation
- Accomplished Coordination Form prior to operation by team leader of local police units operating outside their territorial jurisdiction and national support units filed with the provincial or city police office within whose jurisdiction the operation is to be conducted, except in cases where

⁵⁴Required to be submitted to the Inquest Officer by law enforcement authorities under Section 3 of Department of Justice Circular No. 61.

⁵⁵Required to be prepared by the Team Leader prior to the buy-bust operation under Chapter 3, Section 3.1.a.1 of the Revised PNP Manual on Anti-Illegal Drugs Operations and Investigations, PNPM-D-0-2-14, 2010, Revised 2014.

⁵⁶Required to be prepared by the Team Leader prior to the buy-bust operation under Chapter 3, Section 3.1.a.1 of the Revised PNP Manual on Anti-Illegal Drugs Operations and Investigations, PNPM-D-0-2-14, 2010, Revised 2014.

⁵⁷Required to be filed by the Team Leader of the operating team prior to the conduct of the operation under Chapter 2, Rule 4 of the Revised Philippine National Police Operational Procedures, PNPM-DO-DS-3-2-13, 2010, Revised December 2013.

coordination cannot be made due to the nature or urgency of the situation⁵⁸

- Affidavit of Arrest⁵⁹, with Explanation if there is no written prior coordination owing to the nature or urgency of the situation
- Accomplished Incident Record Form (IRF)⁶⁰ immediately after the operation
- Certified true copy of Police Blotter Entry⁶¹
- List of Crime Scene Investigators
 - First Responder
 - Investigator-on-Case/Duty Investigator
 - Scene of the Crime Operatives (SOCO) Team Leader and Members
- SOCO Reports⁶²
 - First Responder's Form
 - Persons Present at the Crime Scene Form
 - Evidence Log
 - Scene of Crime Examination Worksheet (Sketch Details and Measurement)
 - Inventory of Evidence Collected
 - Release of the Crime Scene Firm
- List of all firearms and their serial numbers, cartridges and slugs recovered
- Photographs of all firearms and their serial numbers, cartridges and slugs recovered⁶³
- Receipt issued by the local Crime Laboratory Office (CLO) for the firearms, cartridges and slugs recovered⁶⁴
- Certified true copy of the Certificate of Death of the deceased⁶⁵

⁵⁸Required to be accomplished by the Team Leader of the operating team prior to the conduct of the operation under Chapter 2, Rule 5.2 of the Revised Philippine National Police Operational Procedures, PNPM-DO-DS-3-2-13, 2010, Revised December 2013.

⁵⁹Required to be submitted to the Inquest Officer by law enforcement authorities under Section 3 of Department of Justice Circular No. 61.

⁶⁰Required to be accomplished by the Duty Officer under Chapter 3, Rule 17.4 of the Revised Philippine National Police Operational Procedures, PNPM-DO-DS-3-2-13, 2010, Revised December 2013.

⁶¹Required to be accomplished by the Duty Officer under Chapter 3, Rule 17.1 of the Revised Philippine National Police Operational Procedures, PNPM-DO-DS-3-2-13, 2010, Revised December 2013.

⁶² Required to be accomplished under Chapter 3, Rule 22 of the Revised Philippine National Police Operational Procedures, PNPM-DO-DS-3-2-13, 2010, Revised December 2013.

⁶³ Required to be submitted by the field investigator or the investigator-on-case under Chapter 3, Rule 15.2 of the Revised Philippine National Police Operational Procedures, PNPM-DO-DS-3-2-13, 2010, Revised December 2013.

⁶⁴ Required to be submitted by the field investigator or the investigator-on-case under Chapter 3, Rule 15.2 of the Revised Philippine National Police Operational Procedures, PNPM-DO-DS-3-2-13, 2010, Revised December 2013.

- Necropsy Report⁶⁶
- Certificate of Post-Mortem Examination⁶⁷
- Accomplished Coordination Form prior to operation filed with the Philippine Drug Enforcement Agency (PDEA)⁶⁸
- Accomplished Chain of Custody Form⁶⁹
- Chemistry Report⁷⁰
- Certificate of Laboratory Examination duly signed by the forensic chemist or other duly authorized officer⁷¹
- Machine Copy or Photograph of the Buy-Bust Money⁷²
- Affidavit of the Poseur-Buyer⁷³

e. Directing the Office of the relevant City Prosecutor or Office of the Ombudsman to conduct preliminary criminal investigation on the subject deaths;

f. Directing the Respondents to furnish all the documents, reports, and evidence (specified in subparagraph d above) in connection with all the deaths, as well as the arrests, subject of this case, to the victims' next of kin who are Petitioners in this case, or the Petitioners who are advocating their interest in this case;

g. Directing the Respondents to furnish all the documents, reports, and evidence (specified in subparagraph d above, as may be applicable and available) in connection with all the deaths subject of this case and which were perpetrated by vigilantes, to the victims' next of kin who are Petitioners in this case, or the Petitioners who are advocating their interest in this case;

⁶⁵Required to be submitted to the Inquest Officer by law enforcement authorities under Section 4 of Department of Justice Circular No. 61.

⁶⁶Required to be submitted to the Inquest Officer by law enforcement authorities under Section 4 of Department of Justice Circular No. 61.

⁶⁷Required to be submitted to the Inquest Officer by law enforcement authorities under Section 4 of Department of Justice Circular No. 61.

⁶⁸Required to be undertaken prior to the buy-bust operation under Chapter 3, Section 3.1.a.4 of the Revised PNP Manual on Anti-Illegal Drugs Operations and Investigations, PNPM-D-0-2-14, 2010, Revised 2014.

⁶⁹Required to be prepared after the buy-bust operation under Chapter 3, Section 3.1.c.1 of the Revised PNP Manual on Anti-Illegal Drugs Operations and Investigations, PNPM-D-0-2-14, 2010, Revised 2014.

⁷⁰Required to be submitted to the Inquest Officer by law enforcement authorities under Section 4 of Department of Justice Circular No. 61.

⁷¹Required to be submitted to the Inquest Officer by law enforcement authorities under Section 4 of Department of Justice Circular No. 61.

⁷²Required to be submitted to the Inquest Officer by law enforcement authorities under Section 4 of Department of Justice Circular No. 61.

⁷³Required to be submitted to the Inquest Officer by law enforcement authorities under Section 4 of Department of Justice Circular No. 61.

h. Directing the Respondents specifically to divulge the names of all police officers who were involved in each of the operations resulting in the subject deaths, and more specifically the police officers who fatally shot the victims;

i. Directing the Respondents to furnish all the documents, reports, and evidence (specified in subparagraph d above) in connection with all the deaths and arrests subject of this case to the Office of the Ombudsman and other relevant investigating bodies, for the purpose of administrative investigation;

j. Directing Respondents to specifically submit to the Honorable Court and the Petitioners, a detailed inventory of all the firearms allegedly used by the victims in the killings during Tokhang operations and the killings and/or arrests subject of this case in San Andres Bukid;

k. Directing the Respondents to submit to the Honorable Court and the Petitioners the names of all police operatives detailed at the police precincts in the 28 barangays of San Andres Bukid;

l. To render judgment granting the privilege of the writ of *amparo* in favor of the affected parties by making permanent, as may be appropriate, the provisional relief and temporary protection order prayed for and issued by the Court;

***Relief for the Barangay Residents of
the Entire San Andres Bukid Community***

m. Prohibiting Respondents, their officers or agents, whether personally or through another, from soliciting, forcing or coercing any Barangay officials, tanod and employees of all twenty eight (28) barangays in San Andres Bukid from coming up with or submitting a list of any alleged drug users, pushers or trouble-makers within the community until the Respondents have shown full compliance with constitutional and statutory requirements of due process, the requirements of the Data Privacy Act, and regulatory assurance against arbitrariness, bias, and criminal machination;

n. Prohibiting the Respondents, their officers or agents, whether personally or through another, from maintaining a drug list in all the twenty eight (28) barangays in San Andres Bukid without proof of full compliance with constitutional and statutory requirements of due process, the requirements of the Data Privacy

Act, and regulatory assurance against arbitrariness, bias, and criminal machination;

o. Prohibiting Respondents from conducting any anti-illegal drugs or anti-criminality operations in San Andres Bukid without the required coordination and presence of representatives from the Barangay, the Philippine Drug Enforcement Agency, the media and such other persons required to be notified or having the authority to be present at and observe such operations;

p. Directing the Respondents to comply with the pre-operations and post-operations requirements under the Philippine National Police Manual of Operations, the Revised Philippine National Police Operational Procedures and the Revised PNP Manual on Anti-Illegal Drugs Operations and Investigations in connection with all future anti-illegal drugs police operations in all the barangays in San Andres Bukid;

q. Directing the Respondents to submit to the relevant Office of the City Prosecutor or Office of the Ombudsman, all the necessary documents, reports, and evidence in connection with all the deaths which result from police operations HENCEFORTH in the barangays in San Andres Bukid, for purposes of preliminary criminal investigation and administrative investigation;

r. Directing the Respondents to mandatorily and promptly furnish - without need of demand - all the documents, reports, and evidence in connection with deaths, as well as arrests, which results from police operations which may HENCEFORTH happen in the subject barangays, to the victims'/detainees' next of kin; The information should disclose the names of all the police officers who were involved in the operations, and more specifically the police officers who fatally shot the victims. The reports shall also include a detailed inventory of any firearm allegedly used by each victim, and the chain of custody, the SOCO report, autopsy report, and the like;

s. Directing Respondents to file the necessary and proper charges before the Department of Justice, the Office of Ombudsman or the City Prosecutors' Office against the responsible police officers and/or armed men who perpetrated the killings and caused the filing of criminal cases against the concerned Petitioners submitting therewith all the necessary documents and reports required to be submitted under the Philippine National Police Manual of

Operations, the Revised Philippine National Police Operational Procedures and the Revised PNP Manual on Anti-Illegal Drugs Operations and Investigations, including but not limited to the evidence and reports specified in subparagraph f above;

t. Directing the City Prosecutor of Manila to furnish this Honorable Court and Petitioners with copies of all inquest proceedings conducted by his office in the killings described in this case, and which proceedings are required under the PNP Manual of Operations;

u. Directing the Respondents to strictly adhere to and follow Rules 7.1 and 7.5 of the PNP Operations Manual on the prohibition on the use of excessive force and the use of proportionate, necessary and reasonable force in any and all anti-drug and/or police operations;

v. Directing the Respondents to obtain the written consent of the next of kin of any victim to deliver the cadaver to a particular funeral parlor;

w. Such other forms of relief as the court may deem necessary or proper to protect and provide for the safety and security of and protection and promotion of the liberty of the Petitioners, their family and household members subject to the consent of the latter.

x. Petitioners pray for such other relief as may be just and equitable under the circumstances.

Makati City for Manila City: 18 October 2017.

**JOEL RUIZ BUTUYAN, ROGER R. RAYEL
GILBERT TERUEL ANDRES, GEEPEE A. GONZALES
ETHEL C. AVISADO, ZHARMAI C. GARCIA
CRISTINA I. ANTONIO, GIL ANTHONY E. AQUINO
CRISPIN FRANCIS M. JANDUSAY
KIMBERLY ANNE M. LORENZO**

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Makati City 1227**

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JOEL RUIZ BUTUYAN

Roll No. 36911
PTR No. 5916291 | Jan. 9, 2017 | Makati
IBP No. 01742 | Lifetime
MCLE Compliance No. V-0013082 | Jan. 12, 2016

ROGER R. RAYEL

Roll No. 44106
PTR No. 3804125/ Jan. 4, 2017- Quezon City
IBP No. 02159 / Lifetime
MCLE Compliance No. V-0013140 | Jan. 12, 2016

GILBERT TERUEL ANDRES

Roll No. 56911
PTR No. 3176091/ / Makati City
IBP No. 877499/Jan. 3, 2012/ Negros Occidental
MCLE Compliance No.III-0013698,
April 22, 2010

GEEPEE A. GONZALES

Roll No. 59686
PTR No. 5916299 | Jan. 9, 2017 | Makati
IBP No. 1060903 | Jan. 10, 2017 | Oriental Mindoro.
MCLE Compliance No. V-0013167 | Jan. 12, 201

ETHEL C. AVISADO

Roll No. 56254
PTR No. 5916293 | Jan. 9, 2017 | Makati
IBP No. 1060902 | Jan. 10, 2017 | Davao City
MCLE Compliance No. V-0022681 | June 29, 2016

ZHARMAI C. GARCIA

Roll No. 62891

PTR No. 5916297 | Jan. 9, 2017 | Makati

IBP No. 013345 | Lifetime | RSM

MCLE Compliance No. V-0013105 | Jan. 12, 2016

CRISTINA I. ANTONIO

Roll No. 64154

PTR No. 7115606 / Jan. 6, 2017 / Cagayan

IBP No. 1008162 / Lifetime / Cagayan

MCLE Compliance: N/A (Admitted to the Philippine Bar in 2015)

GIL ANTHONY E. AQUINO

Roll No. 65698

PTR No. 5916294 / Jan. 9, 2017 / Makati

IBP No. 014871 / Lifetime/ Makati

MCLE Compliance: N/A (Admitted to the Philippine Bar in 2016)

CRISPIN FRANCIS JANDUSAY

Roll No. 68298

PTR No. 6270490/ 2 June 2017 / Makati City

IBP No.002496/ May 10, 2017/ Marinduque

MCLE Compliance: N/A

CRISPIN FRANCIS M. JANDUSAY

Roll No. 68298

PTR No. 6270490 / 2 June 2017/ Makati City

IBP No. 002496/ May 10, 2017 - Marinduque

MCLE Compliance: N/A