

ON VIOLATION OF FREEDOM OF RELIGION AND RIGHT TO PEACEFUL ASSEMBLY

Now, finding that the Philippine National Police, through herein respondents, did not comply with the clear provisions of Batas Pambansa 880 and related Rules, the Commission on Human Rights hereby resolve, in unqualified terms, that the Philippine National Police should be held liable for the human rights violations committed.

Firstly, the PNP's actions and lack of preparation contravene state obligations which the Philippine Government itself unequivocally committed to respect, protect and fulfill pursuant to the International Covenant on Civil and Political Rights (ICCPR), Article 21 of which provides, thus:

"The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others."
(Article 21 of the ICCPR.)

Also, the actions by the PNP run counter to Article 20, paragraph 1, of the Universal Declaration of Human Rights which provides, thus:

"Everyone has the right to freedom of peaceful assembly and association."
(Art. 20, par.1)

We give emphasis on the established doctrine that the rights of free expression, religion, free assembly and petition are not only civil rights but also political rights essential to man's enjoyment of his life, his happiness and to his full and complete fulfillment. The citizen is accorded these rights so he can appeal to appropriate government officers or agencies for redress and protection as well as for the imposition of the lawful sanctions on erring public officers and employees. (*Bernas, Constitutional Rights and Social Demands Part II, 1996 Edition*)

The Commission finds that the PNP failed, as the agency mandated to protect the people's rights, to uphold basic liberties in accordance with law. It also failed to give attention as to the safety and sufficiency of the means employed in the exercise of its duties and functions.

Clearly, the respondents violated international human rights instruments to which the Philippines is a state party specifically Art. 21 of the International Covenant on Civil and Political Rights and Art. 20, par.1 of The Universal Declaration of Human Rights, which is a universal customary law, in relation to Art. III Sec.4 of the 1987 Constitution, Sec. 11 of the Batas Pambansa 880 and Rule 21, Section 3 of the PNP Operational Procedures.

WHEREFORE, the Commission hereby resolves, based on the principle of command responsibility, and on the basis of glaring violations of the BP 880 as well as the provision of the International Convention on Civil and Political Rights which requires that "*no restrictions may be placed on the exercise of the right to assembly other than those imposed in conformity with the law*", to endorse its findings to the Office of the Ombudsman for consideration in the criminal charges, pending before said office, against the respondents CPNP, PD Arturo Lomibao, Vidal Querol, in his capacity as Chief of the PNP National Capital Region, Pedro Bulaong, in his capacity as Chief of the Manila Police District and PSUPT Florencio Ortila in his capacity as the Deputy Ground Commander of the 14 October 2005 incident which is the subject of this complaint. This resolution is also endorsed to the National Police Commission for consideration in the administrative charges against the Police Officers involved pending before said office.

Done this 27 th day of October 2006, Quezon City, Philippines