

SEVENTEENTH CONGRESS OF THE REPUBLIC }  
OF THE PHILIPPINES }  
Third Regular Session }



Senate  
Office of the Secretary

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SENATE  
P.S. RESOLUTION NO. 1037

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Introduced by SENATORS VICENTE C. SOTTO III, PANFILO  
M. LACSON, GREGORIO B. HONASAN II

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#### RESOLUTION

EXPRESSING THE STRONG SENSE OF THE PHILIPPINE SENATE TO REBUKE, FOR BEING AN AFFRONT TO THE SOVEREIGNTY OF THE REPUBLIC OF THE PHILIPPINES AND AN UNDUE INTERFERENCE ON ITS JUDICIAL PROCESS, PROPOSED RESOLUTION NOS. 233 AND 142 FILED BY SOME MEMBERS OF THE UNITED STATES CONGRESS

**WHEREAS**, on two separate occasions, both Houses of the U.S. Congress filed two Resolutions "condemning the Government of the Philippines for its continued detention of Senator Leila De Lima, calling for her immediate release, and for other purposes.";

**WHEREAS, House Resolution No. 233**, filed on March 14, 2019, was authored by Representatives Karen Lorraine Jacqueline Speier of California's 14<sup>th</sup> Congressional District, James Patrick McGovern of Massachusetts' 2<sup>nd</sup> Congressional District, Hank Calvin Johnson, Jr. of Georgia's 4<sup>th</sup> Congressional District, Jamin Ben Raskin of Maryland's 8<sup>th</sup> Congressional District, Bradley James Sherman of California's 30<sup>th</sup> Congressional District, and Lloyd Alton Dogget II of Texas' 35<sup>th</sup> Congressional District;

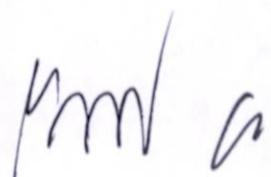
**WHEREAS**, on the U.S. Senate's part, **Resolution No. 142** was filed on April 4, 2019 and was signed by United States Senators Edward John Markey of Massachusetts, Marco Rubio of Florida, Richard J. Durbin of Illinois, Marsha Blackburn of Tennessee, and Christopher Andres Coons of Delaware. In addition thereto, it also included the call to guarantee the right of press freedom and to drop all charges against Ms. Maria Ressa and Rappler;

**WHEREAS**, both U.S. Resolutions stated that Senator De Lima is a "prisoner of conscience, detained **solely** on account of her political views and the legitimate exercise of her freedom of expression";

**WHEREAS**, it is submitted that the said Resolutions are highly inappropriate and unbecoming considering that the Philippines is no longer a vassal or a colony of the United States of America but a sovereign state and a member of the family of nations governed by its own municipal laws and the generally accepted principles of international law;

**WHEREAS**, the Philippines, regardless of its flaws and weaknesses, has a Constitution that provides for three independent, co-equal branches and a judicial system where due process is followed;

**WHEREAS**, contrary to the assertions of the members of the U.S. Congress in their respective Resolutions, the Philippine Government adheres to the observance of the principle that ours is a nation governed by laws and not of men as stated and guaranteed by no less than the Preamble of the 1987 Philippine Constitution;

A handwritten signature in black ink, appearing to be 'MML' followed by a flourish.

**WHEREAS**, in adherence to said principle, the Honorable Supreme Court in the case of *Villavicencio vs. Lukban*<sup>1</sup> ruled that no official, no matter how high, is above the law. The courts are the forum which functionate to safeguard individual liberty and to punish official transgressors. "**The law**," said Justice Miller, delivering the opinion of the Supreme Court of the United States, "**is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives.**" (Emphasis supplied) (U.S. vs. Lee [1882], 106 U.S., 196, 220.);

**WHEREAS**, being governed by our own municipal law, the Resolutions of both Houses of the U.S. Congress calling on the government to release Senator De Lima and to drop the charges against her, Ms. Maria Ressa, and Rappler cannot be made without encroaching and interfering on the exercise by the Judiciary of its judicial power as provided for in Article VIII Section 1 of the 1987 Constitution which reads:

"Section 1. The judicial power shall be vested in one Supreme Court and in such lower courts as may be established by law.

Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.";

**WHEREAS**, considering that criminal cases against both Senator Leila De Lima and Ms. Maria Ressa are already filed in court and the judicial process against them are underway, the

<sup>1</sup> G.R. No. L-14639, 25 March 1919, 39 Phil. 778 (1919)

government cannot do anything but to let the wheels of justice take its course pursuant to the Supreme Court ruling in the case of **Crespo vs. Mogul**<sup>2</sup> that "once a criminal complaint or information is filed in court, any disposition of the case or dismissal or acquittal or conviction of the accused rests within the exclusive jurisdiction, competence, and discretion of the trial court". To reiterate, "the trial court is the best and sole judge on what to do with the case before it.";

**WHEREAS**, in recognition of her being elected Senator of the Republic of the Philippines, Senator De Lima, despite her being incarcerated, is still allowed to function as a Senator. While she cannot participate in person in the deliberations of the Senate and vote on certain measures, she has filed bills and resolutions which were read and made part of the record of the Senate;

**WHEREAS**, as stated by the Supreme Court in the case of **Trillanes vs. Hon. Oscar Pimentel**<sup>3</sup>, no less than the *ponente* former Supreme Court Justice Conchita Carpio-Morales declared that:

"...it is opportune to wipe out the lingering misimpression that the call of duty conferred by the voice of the people is louder than the litany of lawful restraints articulated in the Constitution and echoed by jurisprudence. The apparent discord may be harmonized by the overarching tenet that the mandate of the people yields to the Constitution which the people themselves ordained to govern all under the rule of law."

"The performance of legitimate and even essential duties by public officers has never been an excuse to free a person validly in prison. The duties imposed by the mandate of the people are multifarious. The

<sup>2</sup> G.R. No. L-53373, 30 June 1987, 151 SCRA 462

<sup>3</sup> G.R. NO. 179817, 27 June 2008

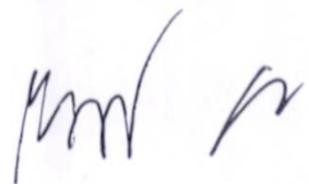


accused-appellant asserts that the duty to legislate ranks highest in the hierarchy of government. The accused-appellant is only one of 250 members of the House of Representatives, not to mention the 24 members of the Senate, charged with the duties of legislation. Congress continues to function well in the physical absence of one or a few of its members. x x x Never has the call of a particular duty lifted a prisoner into a different classification from those others who are validly restrained by law.”;

**WHEREAS**, in the case of Ms. Maria Ressa and Rappler, contrary to the statement that the filing of the cases against her are because of her being critical of the administration, the charges are filed against her for violating certain laws of the Republic of the Philippines, to wit: **RA 10175** otherwise known as the Cybercrime Prevention Act of 2012, **RA 8424** otherwise known National Internal Revenue Code as amended, and **Commonwealth Act 108** as amended otherwise known as the Anti Dummy Law of the Philippines. She was even allowed to post bail on these cases to debunk the allegations that these were politically motivated cases;

**WHEREAS**, considering the tenor of the Resolutions of Both Houses of the U.S. Congress, the same can be considered an interference and intervention on a purely domestic matter within the authority of the Republic of the Philippines, a sovereign state and equal in stature to that of the United States of America. **NOW THEREFORE BE IT RESOLVED**

**AS IT IS HEREBY RESOLVED**, to direct as it hereby directs, the Philippine Senate to rebuke the Proposed United States Congress' Resolutions condemning the Government of the Philippines for its continued detention of Senator Leila De Lima, calling for her immediate release, and for other purposes for

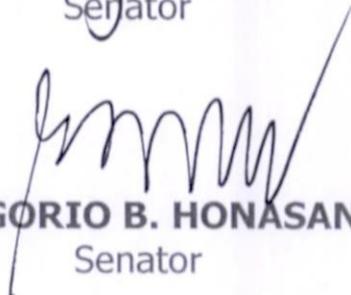
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undermining the independence of the Philippine Government and being an undue interference to the sovereignty of our nation.

Adopted,

  
**VICENTE C. SOTTO III**  
Senate President

  
**PANFILO M. LACSON**  
Senator

  
**GREGORIO B. HONASAN II**  
Senator