

FIFTEENTH CONGRESS OF THE }
REPUBLIC OF THE PHILIPPINES }
FIRST REGULAR SESSION }

SENATE
OFFICE OF THE SECRETARY

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SENATE

P.S. RES. NO. 186

RECEIVED BY 

Introduced by Senator Francis N. Pangilinan

***RESOLUTION EXPRESSING THE SENSE OF THE SENATE THAT THE
MAGUINDANAO MASSACRE TRIAL SHOULD BE MADE PUBLIC THROUGH
RADIO AND TELEVISION COVERAGE OF THE COURT PROCEEDINGS***

WHEREAS, on November 23, 2009, the massacre of 57 people in Maguindanao province in the southern Philippines shocked the whole world. According to the Committee to Protect Journalists (CPJ) which is an independent non profit organization based in New York City, the Maguindanao massacre has been called the single deadliest event for journalists in history;

WHEREAS, the trial for murder began on September 8, 2010, before Judge Jocelyn Solis-Reyes of the Quezon City Regional Trial Court in Taguig, Metro Manila. The accused include the principal suspect, Andal Ampatuan, Jr., then mayor of the town of Datu Unsay and the son of the former Maguindanao governor, Andal Ampatuan, Sr., 16 police officers, and two alleged members of a paramilitary force. 196 people were charged for the perpetration of the crime, but more than 100 of the alleged gunmen remain at large;

WHEREAS, it is settled in jurisprudence that Philippine courts recognize the constitutionally embodied freedom of the press and the right to public information. Even US jurisprudence approves of media's exalted power to provide the most accurate and comprehensive means of conveying the proceedings to the public and in acquainting the public with the judicial progress in action;

WHEREAS, under the 1987 Philippine Constitution the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to have a speedy, impartial and public trial. Considering the gravity of the offense and the degree of violence used against the victims, the transparency of the court proceedings is of utmost importance and very critical to the determination of the innocence or the guilt of the accused. Needless to state, those involved in the commission of the crime come from the powerful clan in Maguindanao. The victims' right to a speedy and public trial should also be recognized;

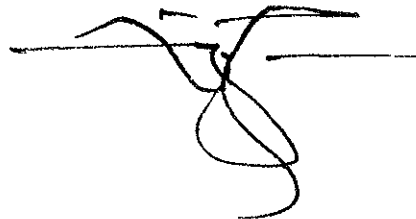
WHEREAS, the public should be able to witness the unveiling of the truth behind the massacre. Records show that the convoy of the victims was stopped by 100 armed men. There was evidence that at least five of the female victims were raped before being killed and most of the female victims were shot in their genitals. Two of the female victims were pregnant at the time of their murders. While these sensitive issues may be held in closed doors, the search for truth should not be hampered by technical rules of court procedure. Live video and/or television and radio coverage of the court proceedings may be limited and restricted by the court without prejudice to the impartiality and transparency in the judicial process;

WHEREAS, the Constitution also recognizes the right of the people to public information on matters of public concern. Moreover, all persons shall have the right to a speedy disposition of their cases before all judicial bodies. Based on records, the prosecution has 227 witnesses while the defense has 373 witnesses. In this light, as responsible citizens of the country, the vigilance of the public in the trial proper of the Maguindanao massacre should not waiver just because it will take several years to reach a verdict;

WHEREAS, the government should uphold the rights guaranteed by the Constitution. While the accused is entitled to due process, the victims, their families and more importantly, the public also have the right to be informed of the actual, transparent and impartial court proceedings of the Maguindanao massacre;

RESOLVED, to express, as it hereby expresses, the sense of the Senate, that the Maguindanao massacre trial should be made public through radio and television coverage of the court proceedings.

Adopted.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned below the text.