

Resolution No. 2016-01

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**RESOLUTION CALLING FOR THE RELEASE OF THE MANIFESTO ON THE
RECENT DAVAO BLAST INCIDENT**

A Resolution calling for the release of manifesto on the recent Davao Blast Incident

Whereas, the Legislative Assembly is the highest policy--making body of the University Student Government (University Student Government Constitution, Article XIV, Section 1);

Whereas, the USG shall have the power of which emanates from the student body. It shall be the sole, unified, autonomous and democratic representative body of the students (University Student Government Constitution, Article III, Section 1);

Whereas, the National Affairs Committee shall discuss national and sectoral issues and present recommendations on such to the Legislative Assembly (University Student Government Constitution, Article V, Section 11);

Whereas, an explosion due to an improvised explosive device occurred in Roxas Night Market, Davao City on Septemeber 2, 2016 (Rappler, 2016);

Whereas, at least 15 people were killed and 71 were injured (Inquirer, 2016);

Whereas, President Rodrigo Duterte declared a state of lawlessness on September 3, 2016 (Rappler, 2016);

Whereas, the President shall be the Commander-in-Chief of all armed forces of the Philippines and whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion or rebellion. (The

1987 Constitution Of The Republic Of The Philippines – Article VII, Section 18);

Whereas, “Malacañang has issued the guidelines for the Armed Forces of the Philippines and the Philippine National Police on the state of national emergency on account of lawless violence...” (See Appendix B) (ABS-CBN news, 2016);

Whereas, narco-terrorism is being considered by the PNP as a possible motive for the blast, which could have been intended to hinder the administration’s efforts on the ongoing anti-drugs campaign (GMA News, 2016);

Whereas, Presidential Spokesperson Peter Lavina expressed in a Facebook post (See Appendix C) the possibility of the involvement [in the Davao Blast] of political opposition that is out to disrupt the progress of the administration (Roxas, 2016);

Whereas, Senator Richard Gordon expressed his intention on September 8, 2016 to file a resolution that would allow President Rodrigo Duterte to suspend the writ of habeas corpus to support the anti-drug war (The Inquirer, 2016);

Whereas, 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. (The 1987 Constitution Of The Republic Of The Philippines – Article III, Section 1);

Whereas, the right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law. (The 1987 Constitution Of The Republic Of The Philippines – Article III, Section 7);

Wherefore, be it resolved that this manifesto (See Appendix A) be the official stand of the students of De La Salle University on the said bill;

Wherefore, be it further resolved that this manifesto be presented, and approved by the Legislative Assembly;

Wherefore, be it finally resolved that this manifesto be approved and be publicized through official USG social media accounts;

Wherefore, be it finally resolved that this manifesto be approved and forwarded to all necessary offices in the University and the Government.

Adopted, September 16, 2016

APPENDIX A

MANIFESTO ON THE RECENT DAVAO BLAST INCIDENT

Frustrations can only be kept up to a certain limit. But against nuances of terrorism confronting the nation, we are of the opinion that citizens, in good conscience, must stand undivided in the face of adversity. The students of De La Salle University - Manila stand in solidarity with all the victims of the Davao Blast. We join the Nation in offering a prayer for them and their families in these trying times.

Although sometimes based on legitimate grievances, acts of terror have no place in a civilised democracy. These actions, meant to instil fear and have the state blindly obey to the interests of the perpetrators, do nothing to advance whatever legitimate political interests behind them and must thus be discarded.

As our leaders enter into the process of restoring a regime of justice and peace amidst a state of lawless violence, it is necessary that we civilians, in whom sovereignty rests, remind our leaders of their obligations:

Extra care must be taken in the use of the President's emergency power. We fully respect the decision of the President to use his calling-out powers but we urge him to be mindful of its limits. We note that the declaration of a state of lawless violence does not allow the Armed and Police Forces to perform actions beyond what is normally permitted under law. We call upon our leaders to ensure that all armed officers are continuously held to account under this standard. We know too well that in hot pursuit of justice, several injustices may be committed. We urge our leaders to learn from history and ensure that the "protection of the people" may no longer be used to excuse the violence visited upon the innocent.

In the same way, we feel citizens must take extra care in discussing the events of the Davao explosion. In this time of great confusion, it is imperative that the public remain calm and cooperate with the Authorities in resolving the case. While we urge all citizens to be vigilant amidst all rumors and unconfirmed statements, we condemn in the strongest possible terms all attempts to use the explosion in forwarding political agenda. These pernicious speculations do nothing but to add to the fear, bitter division and confusion the perpetrators have surely intended to happen in the aftermath of the event.

We strongly remind the press, in a country where people hold the fundamental right to adequate, accurate, and relevant information, to strictly adhere to its roles and responsibilities. We humbly request the press to convey information that is verified to be true so as to liberate the citizens viewpoints. This empowers them to be more aware of their surroundings and actively make clever decisions in their community and their lives.

Moreover, the press and the media should utilize the influence they have over the mass to cultivate a culture wherein people, despite being in a state of tragedy, stand in solidarity amidst the existence of division fuelled by political colors and ideologies.

We therefore call on all Filipinos to unite as our nation struggles to keep the peace. So often, the Filipino people have been forced to deal with tough situations. As always, we succeed when we choose to stand together through trying times. Should everyone in the country do their roles properly, we have no reason to doubt that the Filipino people will win through to absolute victory.

Appendix B

Memorandum Order No. 3, s. 2016

Signed on September 7, 2016

Office of the President

Of the Philippines

Malacañang

**PROVIDING GUIDELINES FOR THE ARMED FORCES OF THE PHILIPPINES AND
THE PHILIPPINE NATIONAL POLICE IN THE IMPLEMENTATIONS OF
MEASURES TO SUPPRESS AND PREVENT LAWLESS VIOLENCE.**

WHEREAS, on 04 September 2016 President Rodrigo Roa Duterte promulgated Proclamation No. 55 declaring a state of national emergency on account of lawless violence in Mindanao and calling out the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) to undertake all necessary measures to suppress any and all forms of lawless violence in Mindanao and prevent the spread and escalation thereof elsewhere in the country;

WHEREAS, there is a need for an effective and expeditious implementation of the President's directive in order to prevent further loss of innocent lives and destruction of property and bring the whole country back to a state of complete normalcy as quick as possible;

WHEREAS, to ensure respect and protection of the fundamental civil and political rights of our citizens, there is also a need to define and delimit the measures that the AFP and PNP can undertake during the state of lawless violence.

NOW, THEREFORE, I, SALVADOR C. MEDIALDEA, by the authority and order of the President, do hereby promulgate the following directives and guidelines to be observed during the subsistence of a state of lawless violence;

SECTION 1. The Department of National Defense (DND) and the Department of Interior and Local Government (DILG) shall coordinate the immediate deployment of additional forces of the AFP and the PNP to suppress lawless violence and acts of terror in Mindanao and prevent such violence from spreading and escalating elsewhere in the country. To the extent possible, the DND and the DILG shall deploy AFP and PNP personnel on major streets and thoroughfares, as well as near crowded places such as malls and train stations, in order to increase troop and military visibility for deterrence and quick-response purposes, without causing undue alarm to the general public.

SECTION 2. The AFP and the PNP shall intensify their local and transnational intelligence operations against individuals or groups suspected of, or responsible for, committing or conspiring to commit acts of lawless violence in the Philippines, and may draw on budgetary funds duly appropriated for this purpose.

SECTION 3. The Department of Justice (DOJ) shall closely coordinate with the PNP and other law-enforcement agencies for the prompt investigation and prosecution of all individuals or groups apprehended for committing, or conspiring to commit, acts of lawless violence.

SECTION 4. All local government units are enjoined to give their full support and utmost cooperation to ensure the effective implementation of this Memorandum Order.

SECTION 5. At all times, the constitutional rights of every individual shall be respected and given due regard by the AFP and the PNP in the implementation of this Memorandum Order. No civil or political rights are suspended during the existence of a state of lawless violence.

In particular, no warrantless arrests shall be effected unless the situation falls under any of the following circumstances, among others:

(i) when the person to be arrested has committed, is actually committing, or is attempting to commit an offense in the presence of the arresting officer;

(ii) when an offense has just been committed and the arresting officer has personal knowledge of facts indicating that the person to be arrested has committed the offense;

(iii) when the person to be arrested is a prisoner who escaped from a penal establishment or place where he is serving final judgment or temporarily confined with his case is pending;

(iv) when the person arrested, or to be arrested, has voluntarily waived his rights against warrantless arrests.

Similarly, existing rules and jurisprudence shall be strictly observed in effecting warrantless searches and seizures, such as in the following instances:

(i) when the person to be searched has consented to the search or has voluntarily waived his right against warrantless searches and seizures.

(ii) as an incident to a lawful arrest and the search is made contemporaneous to the arrest and within a permissible area of search;

(iii) search of vessels and aircraft for violation of immigration and customs laws;

(iv) search of automobiles at borders of “constructive” borders for violation of immigration or smuggling laws;

(v) where the objects and effects to be seized are in plain view;

(vi) stop-and-frisk situations; and

(vii) search arising from exigent and emergency circumstances.

In the case of police/military checkpoints, inspection shall be limited to a request to roll down vehicle windows, search for things in plain view only, and production of identification and vehicle registration papers. No further intrusive actions shall be taken, such as demanding the opening of trucks or lids or asking person(s) on board to step out, unless the subject individual consents or agrees thereto.

In stop-and-frisk situations, search shall be limited to light patting on the outer garments of the subject individual to detect the possession of weapons or similar effects.

SECTION 6. Any AFP/PNP personnel found violating any of the foregoing constitutional rights shall be held administratively and civilly/criminally liable therefor.

SECTION 7. This Memorandum Order shall take effect immediately.

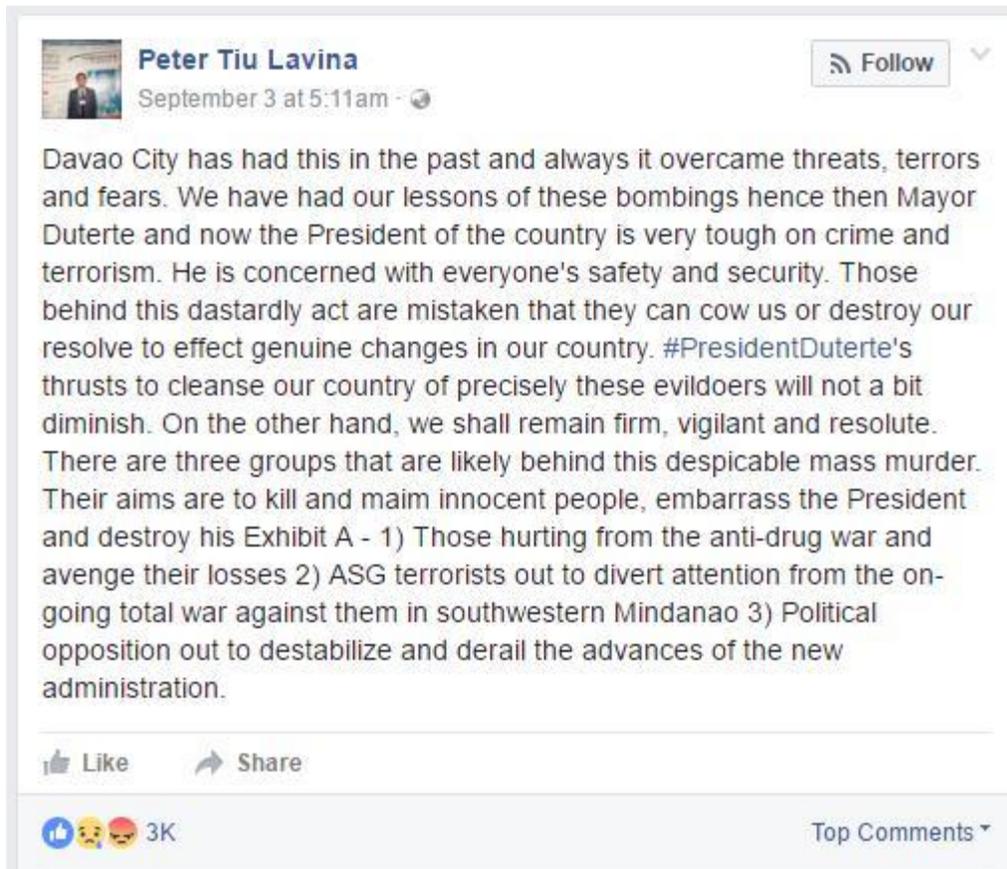
By Order of the President:

(Sgd.) **SALVADOR C. MEDIALDEA**

Executive Secretary

Appendix C

Presidential Spokesman Peter Lavina's Facebook post:



Peter Tiu Lavina Follow

September 3 at 5:11am · 🌐

Davao City has had this in the past and always it overcame threats, terrors and fears. We have had our lessons of these bombings hence then Mayor Duterte and now the President of the country is very tough on crime and terrorism. He is concerned with everyone's safety and security. Those behind this dastardly act are mistaken that they can cow us or destroy our resolve to effect genuine changes in our country. #PresidentDuterte's thrusts to cleanse our country of precisely these evildoers will not a bit diminish. On the other hand, we shall remain firm, vigilant and resolute. There are three groups that are likely behind this despicable mass murder. Their aims are to kill and maim innocent people, embarrass the President and destroy his Exhibit A - 1) Those hurting from the anti-drug war and avenge their losses 2) ASG terrorists out to divert attention from the ongoing total war against them in southwestern Mindanao 3) Political opposition out to destabilize and derail the advances of the new administration.

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