



**PERMANENT MISSION OF THE REPUBLIC OF THE PHILIPPINES
TO THE UNITED NATIONS AND OTHER INTERNATIONAL
ORGANIZATIONS, GENEVA**

LT-EPG-23-2019

The Permanent Mission of the Republic of the Philippines to the United Nations and Other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, with reference to the letter dated 27 August 2018 from Ms. Beatriz Balbin, Chief of the OHCHR Special Procedures Branch, has the honor to provide the annexed detailed information in response to joint communication AL PHL 8/2018 on the case of a US citizen, Mr. [REDACTED] who was allegedly tortured during arrest by police officers in Daraga, Albay.

The detailed information was provided by the Philippine National Police (PNP)-Directorate for Investigation and Detective Management and the Department of Justice of the Philippines in coordination with concerned regional offices in Legazpi City, Albay such as the Police Regional Office V Headquarters, the Office of the Regional Prosecutor, National Bureau of Investigation, and the Commission on Human Rights Region V.

The Philippine National Police-Criminal Investigation and Detection Group, the Provincial Internal Affairs Office of the PNP, and the Albay Provincial Office conducted an investigation relative to the allegations of Mr. [REDACTED]. The results of all these investigations cleared the Philippine National Police-Daraga Municipal Police Station of any wrongdoing.

The Permanent Mission of the Philippines hopes that the detailed information attached in this Note Verbale would address the concerns of the Special Rapporteur on the Rights of Persons with Disabilities and the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on the case of Mr. [REDACTED].

The Permanent Mission of the Philippines wishes to convey to the Office of the High Commissioner for Human Rights that fully functioning accountability mechanisms are well in place to ensure that respect for human rights of individuals is integral in the conduct of law enforcement. Further, the Philippine Mental Health Act of 2017 guarantees the protection and the promotion of the rights of persons with psychiatric, neurologic and psychosocial health needs as well as their families.

The Permanent Mission of the Republic of the Philippines to the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 30 April 2019

OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS
Palais des Nations
52 Rue des Paquis
CH-1201 Geneva
ATTN: Special Procedures Branch

Enclosure: Annex 1- Detailed information on the case of Mr. [REDACTED]



- 3 MAY 2019

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DETAILED INFORMATION ON THE CASE OF MR. [REDACTED]

- 1) On 21 August 2017, Mr. [REDACTED] and his Filipino girlfriend, [REDACTED] boarded a Philtranco bus in Catarman, Northern Samar, going to Manila. In the course of their journey, Mr. [REDACTED] suddenly became unruly. It was later known that Mr. [REDACTED] had been diagnosed with a mental health disorder and had failed to take his prescribed medications. At that time, Mr. [REDACTED] was presenting threats to himself and to others consistent with a psychiatric emergency condition. Mr. [REDACTED] needed to immediately take his prescribed medications to calm down. Thus, upon reaching a Shell Gasoline Station in San Roque, Daraga, Albay, at around 7:00 p.m. of even date, Mr. [REDACTED] and [REDACTED] alighted the bus to purchase the needed medication. However, they were not able to purchase the same at the nearest drugstore. The Philippine Medical Act and the Pharmacy Law regulate the prescription, dispensing, and use of psychotropic drugs. Since Mr. [REDACTED] was then already suffering from periods of alternating calmness and aggressiveness, [REDACTED] decided to walk further to look for another drugstore.
- 2) At around 9:00 p.m. of the same date, while walking along Rizal Street, near Sagpon Bridge in Sagpon, Daraga, Albay, Mr. [REDACTED] created trouble and even attempted to jump off the bridge, prompting [REDACTED] to already seek police assistance at the Philippine National Police-Daraga Municipal Police Station (PNP-DMPS). The policemen at the PNP-DMPS immediately responded to the incident. But, upon their arrival, Mr. [REDACTED] was already pacified. Mr. [REDACTED] and [REDACTED] then voluntarily went to the PNP-DMPS with the responding policemen. While thereat, Mr. [REDACTED] acted unruly, arrogantly and violently, prompting the policemen to restrain him but on the process he smashed his head on the concrete pavement and was injured. Mr. [REDACTED] was then brought to the Bicol Regional Training and Teaching Hospital (BRTTH) in Legazpi City for medical treatment but he refused to be confined thereat. This incident was recorded in the police blotter as Blotter Entry No. 1903.
- 3) Mr. [REDACTED] was brought back to the PNP-DMPS and he, once again, became unruly and even shouted unsavoury/vulgar words to the policemen. When the police officers tried to pacify him, Mr. [REDACTED] repeatedly hit his head on the wall and table. With the aforesaid acts and behaviour of Mr. [REDACTED] a certain Police Officer [REDACTED] and a certain [REDACTED] were prompted to arrest him for Alarms and Scandals. They then informed Mr. [REDACTED] of the nature and cause of his arrest, and apprised him of his constitutional rights in a language/dialect known to and understood by him. Thereafter, at around 1:45 a.m. of 22 August 2017, Mr. [REDACTED] was brought at the BRTTH for medico-legal examination and was finally examined at around 2:30 a.m. This incident was similarly recorded in the police blotter as Blotter Entry No. 1905.
- 4) Then at 1:30 p.m. of even date, Mr. [REDACTED] was released from the custody of the PNP-DMPS safe, unharmed and unmolested by any of its member, contrary to the allegations in the joint communication. This was equally entered in the police blotter as Blotter Entry No. 1915 and Mr. [REDACTED] affixed his signature thereon.
- 5) A case for Alarms and Scandals was later on filed on 31 August 2017 against Mr. [REDACTED] before the Municipal Trial Court (MTC) of Daraga, Albay, docketed as Criminal Case No. 7999-17, and is still pending with the said court.

- 6) Based on the records of the NBI-Bicol from August 2017 to 16 September 2017, no report or complaint was filed in their office by Mr. [REDACTED]
- 7) The Commission on Human Rights-Region V (CHR-Region V), on the other hand, only discovered during the course of their investigation/interview that Mr. [REDACTED] sent complaints to several investigative bodies/agencies as regards the alleged abuse, neglect and torture he experienced while in the custody of the police officers at PNP-DMPS, which were already acted upon by the latter and by other government agencies tasked to investigate the same.
- 8) In fact, on 11 September 2017, the PNP-DMPS already forwarded, through email, a copy of the incident report regarding Mr. [REDACTED] case to the US Embassy in Manila, as per request of a certain Mr. [REDACTED] [REDACTED] an investigator at the PNP-DMPS, stated that they already submitted similar reports to the Presidential Action Center, Malacañan, Manila.
- 9) An investigation was also conducted by the Philippine National Police Criminal Investigation and Detection Group (PNP CIDG) and by the Provincial Internal Affairs Office of the PNP relative to the allegations of Mr. [REDACTED]. Similarly, per Memorandum from the Police Regional Office 5 (PRO 5), which was endorsed on 18 September 2017 by Legazpi City Mayor [REDACTED] the Albay Police Provincial Office (Albay PPO) also conducted an investigation regarding said incident. **The results of all these investigations cleared the Philippine National Police-Daraga Municipal Police Station of any wrongdoing.**
- 10) The CHR-Region V noted that Mr. [REDACTED] submitted neither corroborating evidence in support of his email complaint nor his affidavit and that of his girlfriend [REDACTED]. CHR-Region V was already able to obtain on 8 May 2019 printed copies of the PNP-DMPS Blotter Entry No. 1903 dated 21 August 2017, 9.00 p.m., Blotter Entry No. 1905 dated 22 August 2017, 2.00 a.m., and Blotter Entry No. 1905 dated 22 August 2017, 1.30 p.m., duly certified by Police Inspector [REDACTED] Operations Officer. *END.*