



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

NV-EPG-407-2020

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 (Attn: Special Procedures Branch) and, with reference to joint communication UA PHL 5/2017 dated 27 March 2017 on information received concerning the alleged intimidation, persecution and threats, as well as the judicial harassment, arrest and detention of Senator Leila M. De Lima, has the honor to enclose the response from the Philippine Government.

The Philippine Government informs that Senator De Lima is presently facing several criminal cases filed against her, including from private complainants, pending trial. In the course of the disposition of these complaints, Senator De Lima was lawfully detained under the exclusive power of the Court to issue warrants of arrest upon finding of probable cause. Her fundamental right to due process has never been impaired and she has the full opportunity to be heard, disprove the accusations against her and present her arguments in Court.

The Permanent Mission of the Philippines requests the assistance of the OHCHR Special Procedures Branch in publishing the Philippine Government's response on to the SPMH communications website.

The Permanent Mission of the Republic of the Philippines to the United Nations and other International Organizations in Geneva avails itself of the opportunity to renew to the Office of the United Nations High Commissioner for Human Rights (Attn: Special Procedures Branch) the assurances of its highest consideration.

Geneva, 19 October 2020

OFFICE OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR)

Attn: Special Procedures Branch

Palais Wilson

52 Rue de Paquis

CH-1201 Geneva, Switzerland



Enclosure: The Philippine Government's Response to UA PHL 5/2017 dated 27 March 2017

The Philippine Government's Response to UA PHL 5/2017 dated 27 May 2017 on information received concerning the alleged intimidation, persecution and threats, as well as the judicial harassment, arrest and detention of Senator Leila M. De Lima

Joint Communication UA PHL 5/2017 of 27 May 2017 conveyed concerns over information received on the alleged intimidation, persecution and threats, as well as the judicial harassment, arrest, and detention of Ms. Leila M. De Lima, a senator, in connection with her criticism of government policies.

Lawful detention

The Philippine government maintains that Senator de Lima is lawfully detained pending trial. She is presently facing several criminal cases filed against her, including from private complainants. In the course of the disposition of these complaints, Senator De Lima was detained under the exclusive power of the Court to issue warrants of arrest upon finding of probable cause.

Her fundamental right to due process has never been impaired and she has the full opportunity to be heard, disprove the accusations against her and present her arguments in court as part of her right to due process guaranteed under Section 1, Article of the 1987 Philippine Constitution.

As ruled by the Supreme Court, the mere fact *“That the petitioner is a senator of the republic does not also merit a special treatment of her case. The right to equal treatment before the law accorded to every Filipino also forbids the elevation of petitioner’s cause on account of her position and status in government.”* (Senator Leila M. De Lima v. Hon. Juanita Guerrero in her capacity as Presiding Judge, Regional Trial Court of Muntinlupa City, Branch 204, et.al, G.R, No. 229781, 10 October 2017).

Cases involving Senator Leila De Lima

In July 2016, the 17th Congress of the House of Representatives issued House Resolution No. 105 Calling for an Investigation, In Aid of Legislation, On the Proliferation of Drug Syndicates at the National Bilibid Prison (NBP)¹.

In October 2016, the House of Representatives Committee on Justice submitted Committee Report No. 14 informing the House of its findings and recommendations² based on House Resolution No. 105.

Subsequently, four (4) complaints with the Department of Justice, three of which are from private complainants:

- [REDACTED] vs. Senator Leila M. De Lima, et. al.
- [REDACTED] vs. Senator Leila De Lima, et. al.
- [REDACTED], represented by [REDACTED] vs. Senator Leila De Lima, t. al., and
- [REDACTED] vs. Leila De Lima, et. al.

¹ http://congress.gov.ph/legisdocs/basic_17/HR00105.pdf

² http://congress.gov.ph/legisdocs/first_17/CR00014.pdf

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The four (4) cases were consolidated pursuant to Department of Justice Department Order No. 790 and a panel of prosecutors constituted under Department Order No. 414 conducted preliminary investigation.

Senator Leila de Lima's detention on 24 February 2017 was made pursuant to a Warrant of Arrest issued against her and her co-accused by Branch 204 of the Regional Trial Court of Muntinlupa City in connection with Criminal Case No. 17-165 for violation of Section 5 in relation to Sections 3 (jj), 26 (b) and 28 of Republic Act No. 9165 (RA 9165) or the Comprehensive Dangerous Drugs Act of 2002 which was filed on 17 February 2017.

On 17 February 2017, two (2) other criminal cases were filed against Senator de Lima and her co accused for violations of RA 9165, docketed as Criminal Case No. 17-166 where a Warrant of Arrest was also issued and Criminal Case No. 17-167 where the judge also found probable cause for the issuance of a Warrant of Arrest. These cases are pending before Branch 205 and 206 of the Regional Trial Court of Muntinlupa City, respectively.

Under Sec. 1, Article VIII of the Philippine Constitution, judicial power is vested in one Supreme Court and in such lower courts as may be established by law. The judiciary has jurisdiction over all issues of a judicial nature and respect for the rule of law requires that the judicial process be free from interference, improper influence, inducement or pressure, whether direct or indirect, from any quarter or for any reason.

The three (3) cases against Senator de Lima are *sub judice* and thus, it would be improper for any person, including the Philippine government, to make statements which would prejudice, influence or interfere with the court's proper, independent handling of the proceeding.

It is improper for government authorities to intervene with regard to her detention—and more so with regard to the prosecution of said cases—in light of concerns for the independence and impartiality of the judicial process which applies to all citizens. **END.**