



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

NV-EPG-15-2022

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 UN High Commissioner for Human Rights (Attention: Special Procedures Branch) and with reference to Joint Communication AL PHL 6/2021 dated 28 October 2021 and further to NV-EPG-10-2022 dated 11 January 2022 on the Philippine Government's response to the allegation of killings involving five individuals allegedly in relation to their human rights work, has the honor to enclose the press release of 14 January 2021 from the Department of Justice, with the following highlights:

- 1) The National Bureau of Investigation (NBI) filed before the Department of Justice (DOJ) a complaint for murder (NPS Docket No. IVI-INV-22A-0007) against 17 officers and personnel associated with the Philippine National Police-Criminal Investigation and Detection Group (Region IVA) who were involved in the service of search warrants that led to the deaths of spouses Ariel Evangelista and Ana Mariz Lemita-Evangelista on 7 March 2021.
- 2) The filing is the culmination of months of tireless work of the Administrative Order No. 35 (AO35) Special Investigation Team (SIT) that conducted the investigation and case build-up with the assistance of the NBI.
- 3) The DOJ, as chair-agency of the AO35 Inter-Agency Committee, will now begin the preliminary investigation of the case, with all due consideration to the families of the victims and the constitutional rights of the alleged perpetrators.
- 4) Other similar cases involving deaths during the service of search warrants in Southern Tagalog on 7 March 2021 are also progressing towards actionable status in the dockets of the AO35 Secretariat.
- 5) Relative to the death of Emmanuel Asuncion, the preliminary investigation is in the process of being transferred to the DOJ Main Office (Office of the Prosecutor General).
- 6) Relative to the deaths of Melvin Dagsinao and Mark Bacasno, the relevant AO35 SIT was directed to undertake the filing of the appropriate complaint relative to the death of Mr. Dagsinao with the understanding that the ongoing investigation into Mr. Bacasno's death would continue until all relevant and necessary evidence has been gathered.
- 7) These cases represent the important ongoing collective work of the DOJ, the NBI, and the AO 35 SITs, which manifests the Philippine Government's commitment to hold erring law enforcement officers and personnel to account for any excessive actions in the field. These cases also represent an encouraging indication that national internal accountability mechanisms are working.
- 8) There is zero tolerance for impunity in the ranks of Philippine law enforcement agencies, and these mechanisms are in place to ensure a climate free from threats to anyone's life, liberty, and personal security.

The Administrative Order no. 35 was created on 22 November 2012 as the inter-agency committee acting as the government machinery dedicated to the resolution of unsolved cases of political violence in the form of extra-legal killings, enforced disappearances, torture and other grave violations of the right to life, liberty and security of persons. Under this mechanism, Special Investigation Teams (SITs) are created as composite teams of prosecutors and investigators to investigate, evaluate and supervise investigation as well as monitor progress to ensure identification and arrest of those responsible for the crime, successful prosecution and speedy resolution of cases. The AO 35 mechanism has investigated cases within its mandate from as early as 2001.

The Permanent Mission of the Republic of the Philippines requests the assistance of the OHCHR Special Procedures Branch in publishing this note in the SPMH communications webpage.

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 UN High Commissioner for Human Rights (Attention: Special Procedures Branch) the assurances of its highest consideration.

Geneva, 19 January 2022



OFFICE OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS
Attention: SPECIAL PROCEDURES BRANCH

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Enclosure: Press release from the Department of Justice, 14 January 2021

PRESS RELEASE

14 January 2022



Today, the National Bureau of Investigation filed before the Department of Justice a complaint for murder (NPS Docket No. XVI-INV-22A-0007) against seventeen (17) officers and personnel associated with the Philippine National Police-Criminal Investigation and Detection Group (Region IVA) who were involved in the service of search warrants in Nasugbu, Batangas that led to the untimely deaths of spouses Ariel Evangelista and Ana Mariz Lemita-Evangelista on 07 March 2021.

This filing comes as the culmination of months of tireless work on the part of the Administrative Order No. 35 (s. 2012) Special Investigation Team that conducted the investigation and case buildup with the invaluable and diligent assistance of the NBI. The DOJ, as chair-agency of the

AO 35 Inter-Agency Committee, will now begin the preliminary investigation of the case in earnest, with all due consideration to the families of the victims and the constitutional rights of the alleged perpetrators.

Along with the deaths of the spouses Evangelista, other similar cases involving deaths during the service of search warrants in Southern Tagalog on 07 March 2021 are also progressing towards actionable status in the dockets of the AO 35 Secretariat. Relative to the death of Emmanuel "Manny" Asuncion, a local coordinator of BAYAN-Cavite Chapter who died in his office in Dasmariñas City, Cavite, the preliminary investigation is in the process of being transferred to the DOJ Main Office (Office of the Prosecutor General).

And relative to the deaths of Melvin Dagsinao and Mark "Makmak/Calec" Bacasno, organizers and members of the SIKKAD-K3 urban poor advocacy group who died in their homes in Rodriguez, Rizal, the relevant AO 35 SIT was directed last month to undertake the filing of the appropriate complaint relative to the death of Mr. Dagsinao, with the understanding that the ongoing investigation into Mr. Bacasno's death would continue until all relevant and necessary evidence have been gathered.

These cases represent the important ongoing collective work of the DOJ, the NBI, and the AO 35 SITs, which manifests the Philippine Government's commitment to hold erring law enforcement officers and personnel to account for any excessive actions in the field. These cases also represent an encouraging indication that Philippine national internal accountability mechanisms are working. There is zero tolerance for impunity in the ranks of Philippine law enforcement agencies, and these mechanisms are in place for the maintenance of an environment free from threats to anyone's life, liberty, and personal security.

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