

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

EIGHTEENTH CONGRESS
First Regular Session



HOUSE RESOLUTION No. 416

Introduced by
ACT Teachers Party-List Rep. FRANCE L. CASTRO,
BAYAN MUNA Party-List Rep. CARLOS ISAGANI T. ZARATE,
Rep. FERDINAND GAITE and Rep. EUFEMIA C. CULLAMAT,
GABRIELA Women's Party Rep. ARLENE D. BROSAS,
and **KABATAAN Party-List Rep. SARAH JANE I. ELAGO**

RESOLUTION

CALLING ON THE IMMEDIATE RESIGNATION OF OFFICIALS IMPLICATED IN THE PRACTICE OF "DRUG RECYCLING," INCLUDING THE PLANTING OF EVIDENCE AND RESELLING OF DRUGS SEIZED AS EVIDENCE, BY OFFICERS OF THE PHILIPPINE DRUG ENFORCEMENT AGENCY AND THE PHILIPPINE NATIONAL POLICE, ALONG WITH PNP CHIEF POLICE GENERAL OSCAR ALBAYALDE, TO PAVE THE WAY FOR A CREDIBLE INVESTIGATION INTO THE SAME, AND URGING THE PERTINENT OFFICES INCLUDING THE OMBUDSMAN TO FILE THE APPROPRIATE CHARGES AGAINST ALL THOSE FOUND TO BE INVOLVED

WHEREAS, at the budget hearing by the Senate of the Philippine Drug Enforcement Agency (PDEA), Director General Aaron Aquino admitted that the practice of recycling of illegal drugs seized as evidence is rampant within law enforcement agencies including the Philippine National Police;

WHEREAS, Director General Aquino testified, "There are still reports, sir, especially some law enforcement agencies, whenever we seize drugs, for example we seize 5 kilos, a portion of this would become savings. x x x I guess it's still rampant, the recycling of drugs, especially the operatives down there";

WHEREAS, he described “the agents’ modus operandi” as such: Officers keep half of the seized drugs for themselves, either for selling or for “future operations” or planting drugs on other people, and only surrender a portion of the contraband to authorities. The practice usually happens right after a drug operation is concluded;

WHEREAS, on a radio interview, Director General Aquino said that PDEA operatives are also implicated in the issue of “drug recycling” confiscated in anti-drug operations: “Meron akong kutob. Sabi ko nga PDEA is not exempted on this [recycling drugs], hindi lang kapulisan. Kaya talagang dapat makita natin lahat ang ginagawa ng tao natin”;

WHEREAS, this is a vital admission about the rampant practice of planting of evidence by officials who are supposed to be “law enforcers,” and have long been criticized by victims of the violent anti-drug operations by the PNP and PDEA, their families and survivors, and human rights monitors;

WHEREAS, this admission also puts into further incredulity the usual “nanlaban” narrative of PNP and PDEA officials, that is, suspects or alleged drug personalities who were killed in drug operations shot it out with the police, justifying agents to shoot back “in self-defense.” Most, if not all of these suspects or alleged drug personalities, are then found with packets of “shabu,” guns, or other alleged evidence;

WHEREAS, the practice of planting of evidence is rampant not just in drug operations but also has long been noted to have been done by arresting officers and search and seizure teams against activists who eventually become political prisoners. Witnesses and accused, even prosecutorial and court records bear out the practice of arresting, search, and seizure officers of planting firearms and explosives to arrest then detain activists for the non-bailable offenses of illegal possession of firearms and explosives;

WHEREAS, PNP Chief Oscar Albayalde is also implicated in the “drug recycling” practice. At another Senate hearing, former PNP Criminal Investigation and Detection Group chief and Baguio City Mayor Benjamin Magalong accused Albayalde of intervening in the case of the latter's men at the Pampanga police office whom the former testified as having kept then sold 160 kilograms of shabu worth ₱648 million seized in a November 2013 raid in Mexico, Pampanga. Albayalde was then chief of Pampanga PNP;

WHEREAS, Mayor Magalong testified at the Senate that then-PNP chief Alan Purisima tipped him off about the anomalous operation after receiving information that several officers, including Albayalde himself, started buying new sports luxury cars;

WHEREAS, all practices exposed by Mayor Magalong are illegal acts punishable by the Comprehensive Dangerous Drugs Act and other pertinent laws—planting of evidence;

possession, sale, and trade of illegal drugs: misappropriation, misapplication, and failure to account for confiscated, seized and/or surrendered dangerous drugs;

WHEREAS, while the thousands of alleged “drug personalities” killed in tokhang operations are just suspects—and therefore innocent because they have not been proven guilty—allegations that those within the police force itself are practicing these illegal acts merit immediate credible and independent investigation. These “big fish” must be held accountable as they are the ones who commit the biggest and worst violations of our laws against drugs, and victimize innocent people;


WHEREAS, credible investigation necessitates the resignation of those implicated, including PNP Chief Albayalde, so as to remove any suspicion of a whitewash or that the investigation has been influenced, evidence have been tampered or suppressed, and witnesses have been pressured. It should be noted that Albayalde was among the first to quickly deny the exposé of “drug recycling”;

WHEREAS, as part of the measures towards attaining justice for the thousands of victims of irregular tokhang operations, all those responsible must as soon as possible be held accountable with the full force of the law. This includes the filing of the appropriate charges against all those responsible in the “agaw-bato” scheme.


NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved, that the House of Representatives call on the immediate resignation of officials implicated in the practice of “drug recycling,” including the planting of evidence and reselling of drugs seized as evidence, by officers of the Philippine Drug Enforcement Agency and the Philippine National Police, along with PNP Chief Police General Oscar Albayalde, to pave the way for a credible investigation into the “drug recycling” or the “agaw-bato” scheme.

BE IT FURTHER RESOLVED that the House of Representatives urge the pertinent offices including the Ombudsman to file the appropriate charges against all those found to be involved in the same.


Adopted,



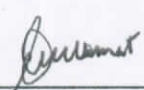
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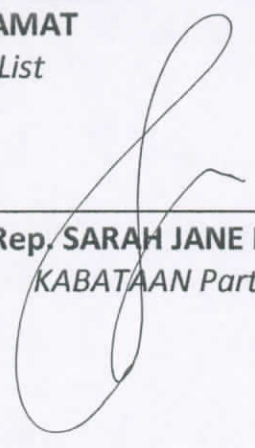
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