

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



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SENATE

P.S. Resolution No. 492

RECEIVED BY:

Introduced by Senator Jinggoy Ejercito Estrada

A RESOLUTION

EXPRESSING THE STRONG OPPOSITION OF THE PHILIPPINE SENATE TO THE RESUMPTION OF THE INTERNATIONAL CRIMINAL COURT INVESTIGATION ON CRIMES COMMITTED IN THE PHILIPPINE TERRITORY RELATIVE TO THE WAR ON DRUGS CAMPAIGN OF THE DUTERTE ADMINISTRATION

- 1 WHEREAS, on 15 September 2021, the Pre-Trial Chamber I of the International
2 Criminal Court (ICC) authorized the Office of the Prosecutor to investigate crimes
3 committed in the Philippine territory during then President Rodrigo Roa Duterte's War
4 on Drugs Campaign, between 01 November 2011 and 16 March 2019;
5 WHEREAS, on 10 November 2021, in a letter addressed to the Prosecutor Karim
6 A. A. Khan QC, the government informed the ICC that it is investigating its nationals
7 and others within its jurisdiction on the alleged crimes committed throughout the
8 Philippines between 1 July 2016 and 16 March 2019 under the so-called War on Drugs
9 Campaign, as well as the Davao Areas between 1 November 2011 and 30 June 2016
10 On that basis, the Philippine Government requested the deferral of the
11 Prosecutor's investigations and proceedings. Citing the complementarity principle
12 under which the ICC operates, the letter of request stated that the Philippine
13 Government has the first responsibility and right to prosecute crimes. Further, it stated
14 that the ICC may only exercise jurisdiction where the national legal systems fail to do
15 so, which was not the case for the Philippines as domestic institutions are fully
16 functional and more than capable to address the concerns raised in the Prosecutor's
17 Notification;

1 WHEREAS, in 2022, four (4) of the 52 anti-narcotics operations cases reviewed
2 by the DOJ were pending before trial courts, showing the commitment by which the
3 Philippine government will ensure that erring individuals will be brought to justice;

4 WHEREAS, on 26 January 2023, the Pre-Trial Chamber I of the International
5 Criminal Court granted the Office of the Prosecutor's request to resume the
6 investigation in the Philippines, stating that after careful analysis of the materials
7 provided by the Philippine Government, the Chamber was not satisfied that the
8 Philippines is undertaking relevant investigations that would warrant a deferral of the
9 ICC's investigations on the basis of the complementarity principle; and

10 WHEREAS, the ICC lacks its own enforcement body and still relies on states'
11 cooperation in investigations, particularly on making arrests and transferring arrested
12 persons to the ICC detention in The Hague, and in enforcing sentences.

13 NOW THEREFORE, BE IT RESOLVED, as it is hereby resolved, That the Senate
14 of the Philippines strongly opposes the decision of the ICC to resume its investigation
15 on the crimes committed in the Philippine territory, in questioning the fully capable
16 judicial system of the Philippines as well as disrespecting its sovereignty.

Adopted,


JINGGOY EJERCITO ESTRADA