

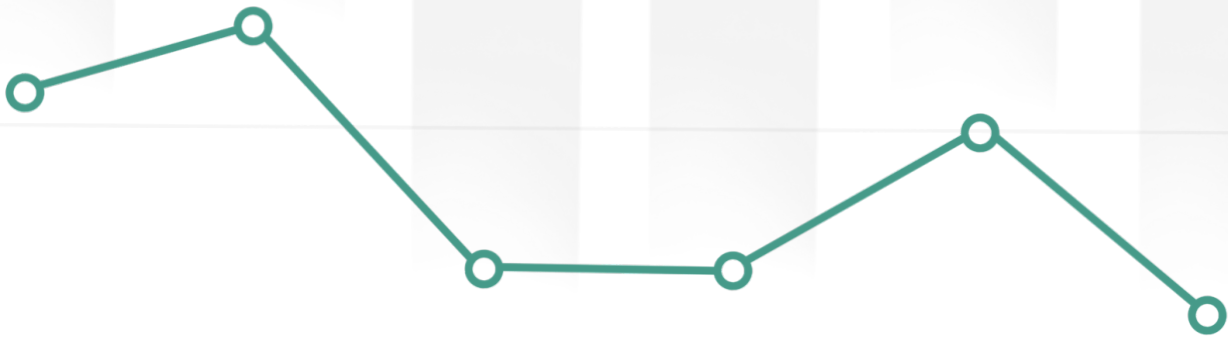


REPUBLIC OF THE PHILIPPINES
COMMISSION ON HUMAN RIGHTS

REPORT ON INVESTIGATED KILLINGS IN RELATION TO THE ANTI-ILLEGAL DRUG CAMPAIGN

April 2022





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EXECUTIVE SUMMARY

This report provides an analysis of drug-related killings investigated by the Commission on Human Rights (CHR) across all administrative regions of the country, with the greatest number of incidents happening in Region III, Region IV-A, and the National Capital Region. Since the election of President Rodrigo Duterte in 2016 – who primarily ran on an anti-criminality platform – the Commission had opened 3,790 investigations into drug-related killings from 2016 through 2021. Of these, 2,305 investigations had been concluded.

For the purpose of this report, a probability sample size of 882 case dockets with concluded investigations was analyzed to minimize errors and to provide more room for in-depth examination. The 882 case dockets covered a total of 872 incidents with 1,139 victims.

The Commission found that 798 incidents have links to drug trade, of which 793 resulted in death of at least one victim. A total of 1,014 victims – 920 killed while only 87 survived therefrom – was recorded. There was no information as to the status of seven victims. Notably, a number of these victims belong to the marginalized, vulnerable, and disadvantaged sectors.

Drug-related killings are subsequently categorized between those which occurred in the context of law enforcement operations (478 incidents involving 698 victims) and those killings by private persons and/or unidentified perpetrators (246 incidents involving 281 victims). Sixty-nine incidents involving 73 victims had unclear information on the nature of the incident, or conflicting narratives around the identity of the perpetrators.

Particular in incidents involving law enforcers are allegations – culled from police records – that victims initiated aggression or resisted arrest (*nanlaban*). Descriptions of such aggression were often couched in phrases depicting that the victims, upon sensing that they were dealing with the police, pulled out their guns and fired at the operatives.

Assuming *arguendo* that the victims did initiate aggression, only 31 incidents analyzed showed that police operatives sustained injuries largely owing to either wearing bulletproof vests or being hit in the extremities. Not only was there a question on sufficient provocation by the victims, but witness accounts in 133 incidents state discrepancies and inconsistencies in the official police narratives.

The use of excessive and disproportionate force is also evident in 329 incidents where a lone victim was killed in drug operations participated by a minimum of three well-trained and highly skilled police operatives, armed with highly reliable weapons. Out of the 235 victims with records on sustained gunshot wounds, 201 (86%) were shot in the head and/or torso – further manifesting the intent to kill by police operatives. Verily, the victims' deaths were inevitable results of the police operations.

An analysis of the 246 killings committed by unidentified and other types of perpetrators showed that, in most cases, targeted victims were civilians included in the drug watchlists, those who have surrendered under Oplan *Tokhang* (one of the two prongs of the Philippine National Police's [PNP] anti-illegal drug campaign Project Double Barrel), known drug personalities, identified drug group members, and in some cases, known assets. Most of them were found in uninhabited locations sustaining gunshot wounds in the head and/or torso. The heads of some victims were wrapped in packaging tape with their hands and/or feet bound together. These

observations indicate the clear message of the perpetrators that users and sellers of illegal drugs do not deserve to live, possible repetitions of attacks would happen, and a climate of criminality throughout the country would continue.

The culture of impunity is even more highlighted by the lack of effective, prompt, and transparent accountability mechanisms to address the drug-related killings. For instance, the CHR's lack of access to police documents in 295 out of 793 drug-related killings has contributed to the dearth of information vital in identifying patterns in these incidents. Reasons were either the police's lack of response, outright denials, or pending clearance from higher offices. Such actions and inactions manifest indifference to the constitutionally vested powers of the Commission. These are also among the reasons why the CHR decided to come up with this analytical report through a sampling methodology based on only a number of cases investigated with adequate records available to the CHR.

Internal investigations on law enforcement operations that resulted in death have been inaccessible and nontransparent. Precinct-level investigations were conducted by members of the same station or unit. Seldom did the available investigation reports from the station question the legitimacy of the operations, the use of force and firearms, and the self-defense narrative. Police reports in only 264 out of the 478 law enforcement operations were made available to the Commission.

Police investigations of drug-related killings committed by unidentified and other perpetrators have been inadequate. Available information reveals that of the 246 incidents of killings by unidentified and other types of perpetrators, the police only identified and filed appropriate charges in 22 incidents. Several obstacles in the investigations were cited by the police and the most common among them is the lack of witnesses that can positively identify the perpetrators. This is the oft-cited reason despite the PNP's vast network of assets and intelligence, coupled by the various support and improvement in its capability, equipment, and manpower. To this day, no drug group was made to account for the killings allegedly committed, and justice remains elusive for the "drug war" victims.

Overall, the Commission finds that the government has failed in its obligation to respect and protect the human rights of every citizen, in particular, victims of drug-related killings. It has encouraged a culture of impunity that shields perpetrators from being held to account. It must be emphasized that the Commission supports campaigns to combat the effects and proliferation of dangerous drugs, but it reminds the State that such measures must be coupled with a strong drive to promote due process, equal protection, full accountability, and the rule of law, thus, fulfilling its fundamental duty to uphold the rights and dignity of all.

GLOSSARY

AIDSOTF, RAIDSOTG, DAIDSOTG/PAIDSOTG/CAIDSOTG, SAIDSOTG

Components of the PNP's Anti-Illegal Drugs Units that conduct operations in accordance with Republic Act (RA) No. 9165 and other laws or regulations relating to drug enforcement.

Asset

A person used by the police as a source of information. In the context of the drug war, they are often used to identify targets of operations. This includes “**confidential informant**” defined in the Revised PNP Manual on Anti-illegal Drugs Operations and Investigation as “any person who either furnishes information regarding illegal drugs trafficking or perform an activity under the specific direction of the police or other authorized personnel.”¹

CHR EJK Composite Investigation Team

Investigation Team constituted under the control of the EJK Task Force tasked to conduct preliminary investigation and documentation of deaths resulting from the One-Time, Big Time Anti-Illegal Drug Operations.²

CHR National Task Force Against Extrajudicial Killings (EJK Task Force)

Task Force constituted by the Commission on Human Rights,³ tasked to document, monitor, and come up with a database on extrajudicial killings.

Drug List

A list of names of identified or reported drug dependent cases and/or suspected participants in the illegal drug trade. The list is usually issued by the Barangay Anti-Drug Abuse Council (BADAC) and/or the local PNP station.

Drug-Related

An incident or a victim which has actual or perceived link to illegal drugs or to the State's anti-illegal drug campaign.

An incident is considered to be drug-related when the incident has occurred in the context of the administration's anti-illegal drug campaign, when drugs were found on the crime scene, when the location of the incident was allegedly a drug den, or when writing found on the scene attribute link to the victim.

A victim is considered to have link to illegal drugs when there exists any allegation that the victim is a user, a pusher, a runner, courier, or messenger, a police asset, a drug personality, was included in a drug list, previously surrendered to authorities for illegal drug involvement, was previously charged/arrested/detained/or convicted under Republic Act 9165, visited a drug den, when the victim is affiliated with or related to someone who is alleged to have links, or when there are any other allegation analogous to the above mentioned links.

¹ PNPM-D-0-2-14 (DO), Glossary of Terms.

² Memorandum issued by the Office of the Chairperson, dated 31 August 2017.

³ CHR (V) Resolution No. AM 2016-092.

Drug-Related Extrajudicial Killings⁴

There is a drug-related extrajudicial killing when:⁵

1. There is an arbitrary deprivation of life;
2. That the victim:⁶
 - a. Has actual or perceived link to illegal drugs; or
 - b. Was killed in an incident which has actual or perceived link to illegal drugs or to the State's anti-illegal drug campaign.
3. That the acts were carried out by any of the following:⁷
 - a. State Actors⁸
 - i. Acting in their official capacity and without any legal justification for the killing;
 - ii. In accordance with orders of State authorities; or
 - iii. With their complicity/acquiescence/tolerance; or
 - b. Non-State Actors
 - i. Under orders or influence of State authorities; or
 - ii. For any consideration; or
 - iii. There is failure or unwillingness of State authorities to prevent, investigate, and/or prosecute the same;
4. These may include, but are not limited to the following:⁹
 - a. Summary executions by State agents without legal justification;
 - b. Deaths resulting from failure to observe rules and operational procedures in accordance with law enforcement guidelines, domestic laws, and international laws;
 - c. Deaths in detention or custody resulting from any act committed by State agents.

Illegal Drugs

Includes those listed in the Schedules annexed to the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, and in the Schedules annexed to the 1971 Single Convention on Psychotropic Substances as enumerated in the attached annex of RA No. 9165.¹⁰

⁴ This definition was adopted by the CHR in Resolution CHR(V) No. 2019-052.

⁵ States parties have the duty to refrain from engaging in conduct resulting in arbitrary deprivation of life. See General Comment No. 36 on the Right to Life, CCPR/C/GC/35(2019).

⁶ The notion of perceived link (where the victim is apparently mistaken or identified to be a drug user) is derived from the classification of victims under the Operational Guidelines of A.O. 35.

⁷ See Operational Guidelines of A.O. 35. State and non-state actors may commit EJKs.

⁸ See the definition of "Arbitrary Executions" in the Report by the Special Rapporteur on Arbitrary Executions, 1983 39th session CHR, E/CN.4/1983/16.

⁹ See "Aims and Scope" of The Minnesota Protocol on the Investigation of Potentially Unlawful Deaths.

¹⁰ Republic Act No. 9165, Sec. 3 (j).

Incident

An event where an attack which constitutes possible human rights violation was committed against a person. There may be more than one act or violation perpetrated during a single incident.

Law Enforcement Operations

Operations conducted by state agents to enforce laws, statutes, executive orders and ordinances, including Service of Warrant of Arrest, Implementation of Search Warrant, Anti-Illegal Drugs Operation, Anti-Illegal Gambling Operations, Checkpoint Operation, Surveillance Operation, Investigation, and other similar operations. This includes operations conducted by the PNP, the PDEA, and other law enforcement agencies.

Nanlaban

The act of resisting arrest or displaying aggression against law enforcement officers during a law enforcement operation.

Non-Law Enforcement Operation

Incidents that occurred outside of a legitimate law enforcement operation

One Time Big Time

Simultaneous law enforcement operations conducted by police stations or units under the same regional or provincial police office. This includes other operations conducted simultaneously, whether or not they may have been given other denominations in police documents.

Oplan Tokhang

One of the two prongs of “Project Double Barrel” that involves the conduct of house-to-house visits to “persuade suspected illegal drug personalities to stop their illegal drug activities.”¹¹ *Oplan Tokhang* is conducted in five stages, namely: Collection and Validation Stage; Coordination Stage; House to House Visitation Stage; Processing and Documentation Stage; and the Monitoring and Evaluation Stage.

Perpetrator

The person who perpetrated an attack against another, resulting in killing, torture, sexual violence, etc. The perpetrator may be identified or unidentified, state agent or private person.

Philippine National Police (PNP)

The civilian police force established in accordance with the Constitution for the preservation of peace and order within the regions of the Philippines. The Philippine National Police was established by Republic Act No. 6975, or the DILG Act of 1990.

¹¹ Philippine National Police Command Memorandum Circular No. 16-2016, p. 3.

Philippine Drug Enforcement Agency (PDEA)

The body created under RA No. 9165 that serves as the implementing arm of the Dangerous Drugs Board. It is responsible for the efficient and effective law enforcement of all the provisions on any dangerous drug and/or controlled precursor and essential chemical as provided in RA No. 9165.¹²

Police Report

Any document issued by units of the PNP, which may include, but are not limited to: Police Blotters, Spot Reports, After-Operation Reports, Investigation Reports, Coordination Reports, Final Reports, or After-SOCO Reports.

Project Double Barrel

Project Double Barrel is the Philippine National Police's Anti-Illegal Drug Campaign launched on July 01, 2016 through PNP Command Memorandum Circular No. 16-2016. It carries a "two-pronged approach" consisting of Project Tokhang, a barangay-based campaign, and Project HVT, which targets illegal drug personalities and drug syndicates.

Republic Act No. 9165, as amended (RA No. 9165)

Also known as the "Comprehensive Dangerous Drugs of 2002" that penalizes the trafficking and use of illegal drugs and regulates controlled substances.

Riding-in-Tandem

A widely-used term commonly referring to a mode of attack, wherein perpetrators, usually more than one, use motorcycles as a means of transport and escape.

Target

A person identified by the police as a drug suspect. This may refer to an individual who was named in a watchlist, or who was recently released from jail or have undergone rehabilitation.

Victim

A person against whom an attack (i.e. killing, torture, sexual violence, etc.) was perpetrated and who has directly suffered harm as a result of such attack. The victim may be regarded as a "suspect" or "offender" in police documents.

¹² Republic Act No. 9165, Sec. 82.

1. OBJECTIVES

The objectives of this report are the following:

- a. To provide an overview of the drug-related incidents investigated by the CHR across regions; and,
- b. To provide an analysis of investigated incidents in the country, in order to surface observable patterns and trends.

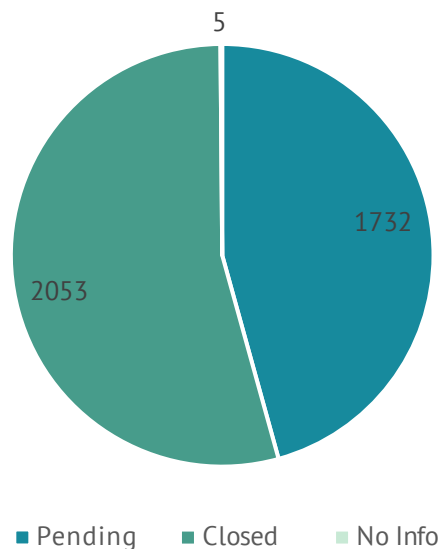
2. SCOPE AND METHODOLOGY

2.1. Scope

This report is primarily based on investigation records and reports including:

- CHR investigation records from the Investigation Office and the Regional Offices forwarded for analysis as of February 2022; and
- Master list of cases from the Investigation Office dated 04 February 2022.

The master list of cases from the Investigation Office was used to determine the number of case dockets to be used for analysis. Data presented in Parts 3 through 6 of this report are based on the data culled from a sample of the case records.



Graph 1. Status of investigations on drug-related cases

As of 04 February 2022, the Investigation Office recorded 3,790 drug-related case dockets. Out of these case dockets, 1,732 are still pending investigation while investigations of 2,053 were already closed. The case dockets closed were either concluded or archived. There are also five case dockets with unrecorded statuses. Note that one case docket may include more than one incident or victim. Additionally, a victim or an incident may be mentioned in more than one case docket.

As reflected in Figure 1, majority of cases investigated occurred in Region III (722), Region IV-A (717), and the National Capital Region (783). The cases in these three regions represent 59% of the total drug-related investigations initiated by the Commission.

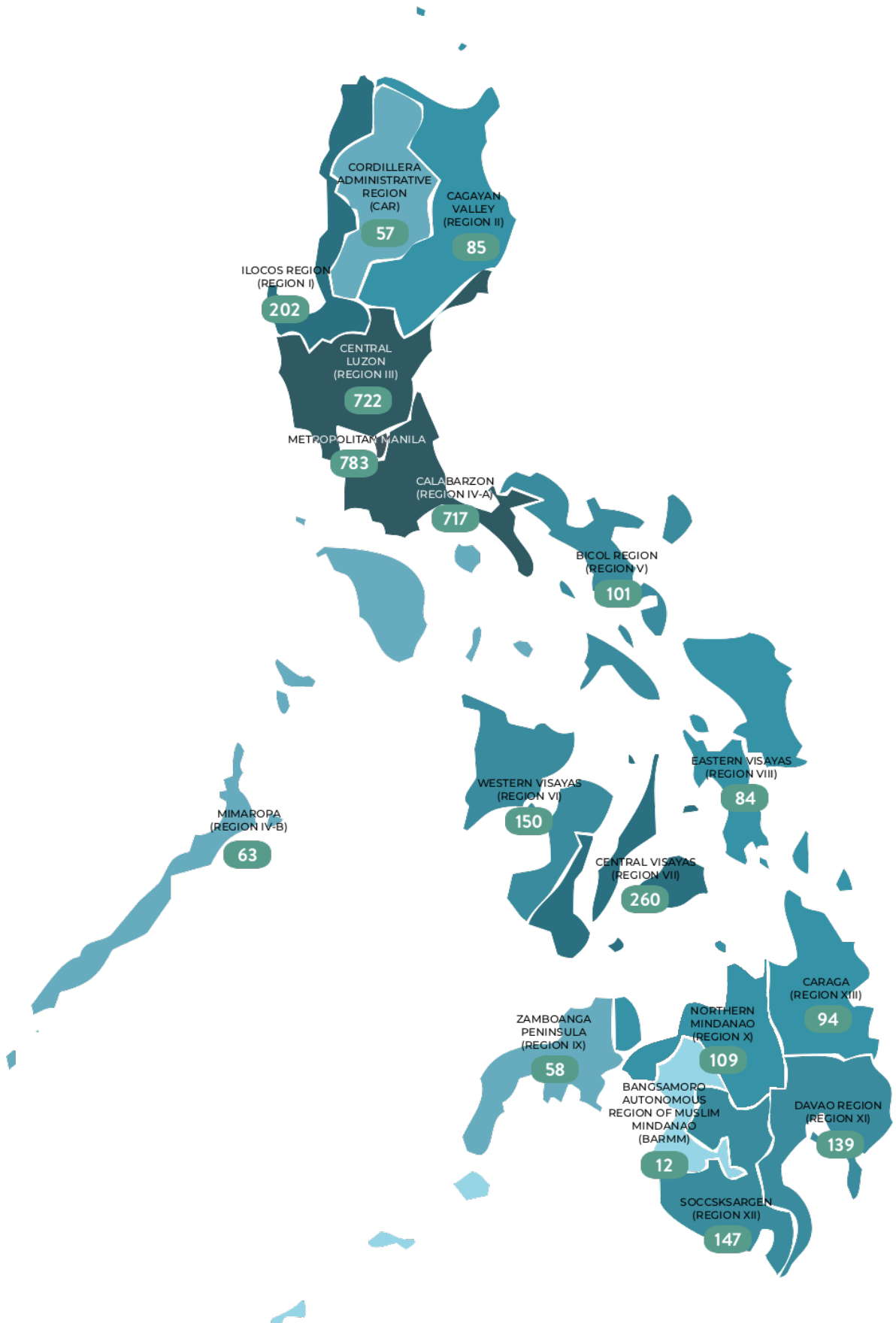
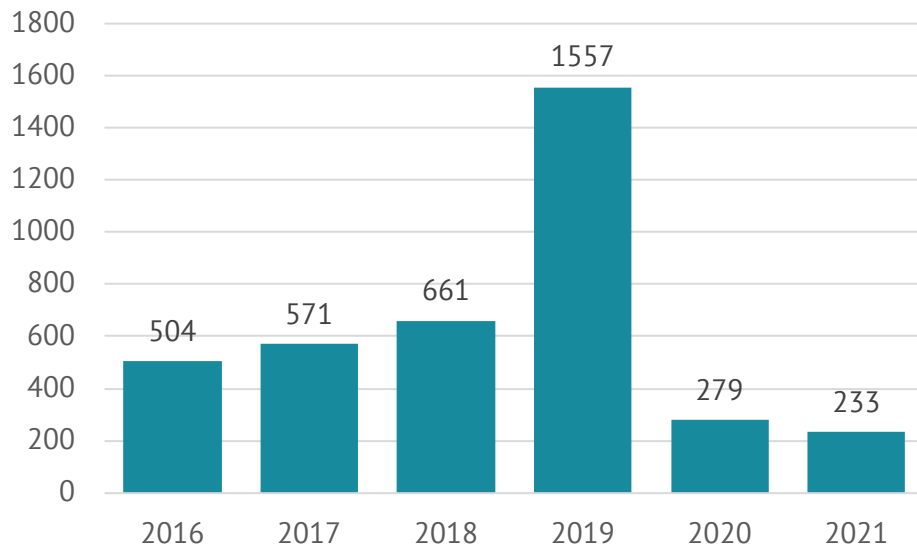


Figure 1. Number of drug-related cases investigated by CHR per region



Graph 2. Number of investigations of alleged drug-related cases initiated per year

The Commission conducted 3,805 investigations of alleged drug-related killings from 2016 through 2021. This number reflects cases which have just been initiated and have yet to be assigned docket numbers. One thousand five hundred fifty-seven (1,557) investigations were launched in 2019, which represents 41% of total investigations on alleged drug-related killings in the period. In 2016, 504 cases were initiated while 571, 661, 279, and 233 cases were opened in 2017, 2018, 2020, and 2021 respectively.

2.2. Methodology

The records and reports collected from the CHR Regional Offices and the Investigation Office varied in form, structure, and content. The initial data processing entailed the cataloguing of available records and sorting data that were incomplete, duplicated, or inconsistently formatted. Thereafter, the data was compiled and coded to build a consolidated database that serves as the database of all available information for analysis.

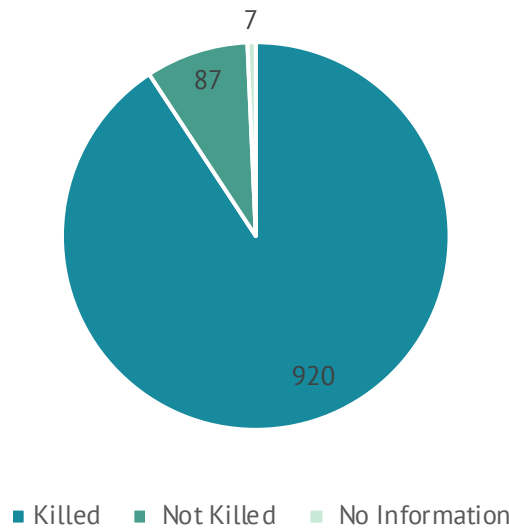
Sampling was used to minimize other errors in analysis as this would allow more in-depth examination of the selected case dockets given the time constraints in developing an analysis report.

For determining the sample size and scope of the analysis, the master list from the Investigation Office was used as basis. As mentioned in Part 2.1, investigations for 2,053 case dockets have already been closed. This served as the population in determining the sample size of the cases to be analyzed. Cases closed for investigation contain the necessary documents and information that can yield the most data to be used for analysis.

A probability sample of size **882 case dockets** that yields estimates with 98% confidence level and three percent margin of error was obtained. Case dockets were selected using stratified sampling, with regions as strata. Number of case dockets sampled were allocated to each region proportionally.

The 882 case dockets were then analyzed by reviewing and encoding their contents according to the following categories: case information, victim information, link/s to illegal drugs, incident information, perpetrator information, and circumstances after the incident. Only cases deemed drug-related were further analyzed to surface patterns and observations. To determine whether a case is drug-related or not, apparent links to illegal drugs or the administration's anti-illegal drug campaign -- actual or perceived -- of both victims and incidents were considered.

3. OVERVIEW

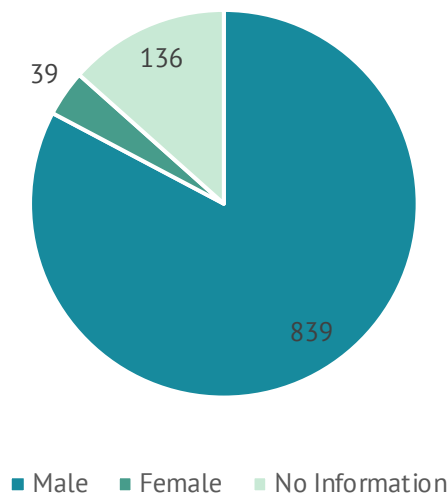


Graph 3. *Number of killed victims and survivors from drug-related cases*

The 882 case dockets covered a total of 872 incidents of possible drug-related extrajudicial killings from May 2016 to 2021. The Commission recorded a total of 1,139 victims involved in these incidents--at least 1,014 victims had been found to have links to illegal drug trade and/or to be victims of incidents related to drugs. Only these victims were subjected to further analysis.

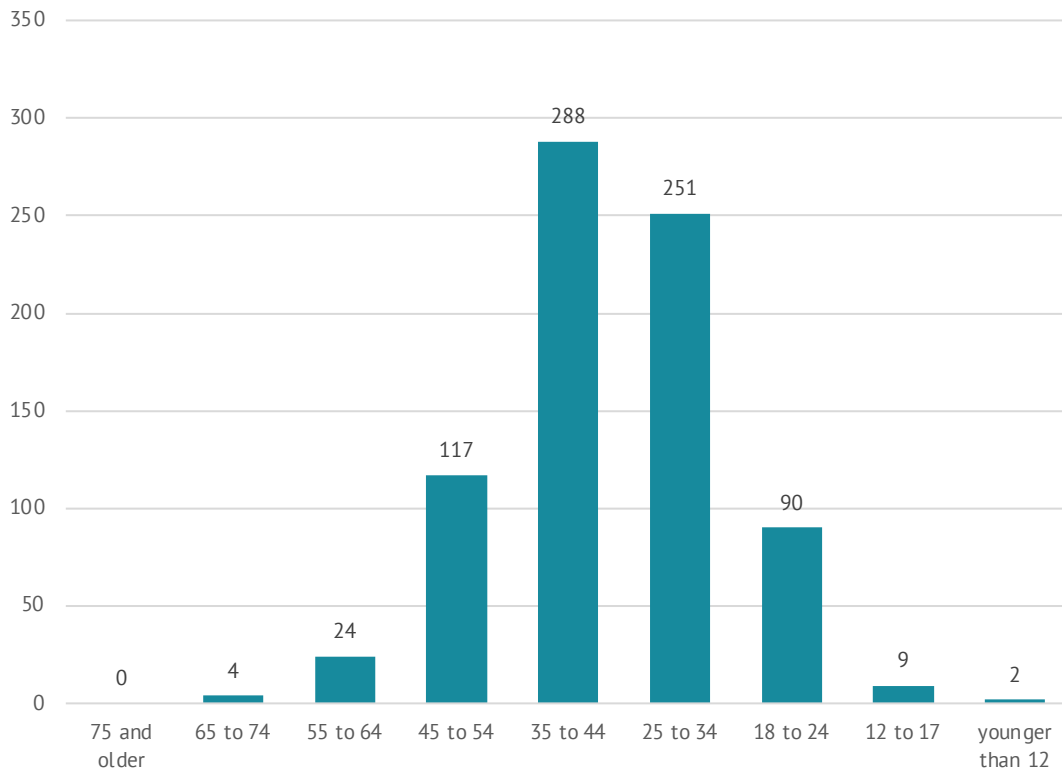
Nine hundred twenty (920) victims were killed during these incidents while 87 survived. Those who survived were able to either flee from the location or recover from the injuries sustained. The state of seven victims after the incident is unknown.

3.1. Demographics



Graph 4. *Assigned sex of victims*

Eighty-three percent (83%) or 839 victims were assigned male at birth while four percent or 39 victims were assigned female at birth. There was no information regarding the assigned sex of 136 victims.



Graph 5. Age of victims

The Commission observed that 53% of the victims were 25 to 44 years old when the incident happened. There was no record of victim older than 74 years old while 11 victims were children.

Other than the abovementioned attributes (i.e., sex and age), the Commission noted that some victims were part of marginalized sectors. There were at least two victims from indigenous groups (i.e., *Ibaloi* and *Kankanaey*) while at least three were identified to be members of the LGBTQI community. At least three victims also had disabilities. Additionally, at least two of the victims were also red-tagged (alleged to be members of New People's Army).

3.2. Source of income

60

unemployed

63

laborers

27

drivers

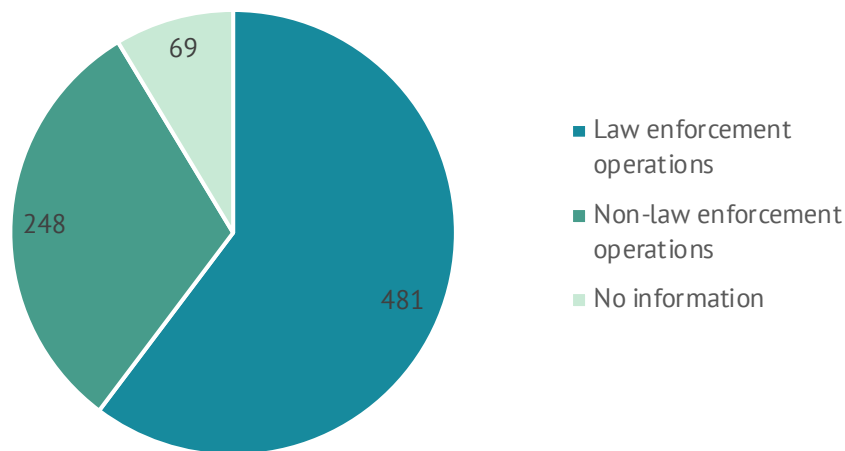
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farmers and
fisherfolks

Out of the 1,014 victims, only 251 had information about their sources of income. Sixty (60) victims were unemployed at the time of incident. At least 63 victims were considered to be laborers, i.e., individuals who were engaged in construction, electricity, maintenance, and other jobs involving physical labor. At least 27 victims work for the transportation sector, e.g. driving jeepneys, tricycles, pedicabs, and habal-habal. Moreover, six victims were fisherfolks while 16 were farmers.

Additionally, 18 victims were said to be law enforcers. Seven were former members of the Philippine National Police (PNP) while the rest were still active in the force at the time of incident. Fourteen (14) victims were engaged in business while 11 were making a living as vendors selling fish, street food, fruits, and vegetables, among others.

4. KILLINGS COMMITTED BY LAW ENFORCEMENT OFFICERS



***Graph 6.** Number of investigated drug-related incidents in the context of law enforcement operation and non-law enforcement operation*

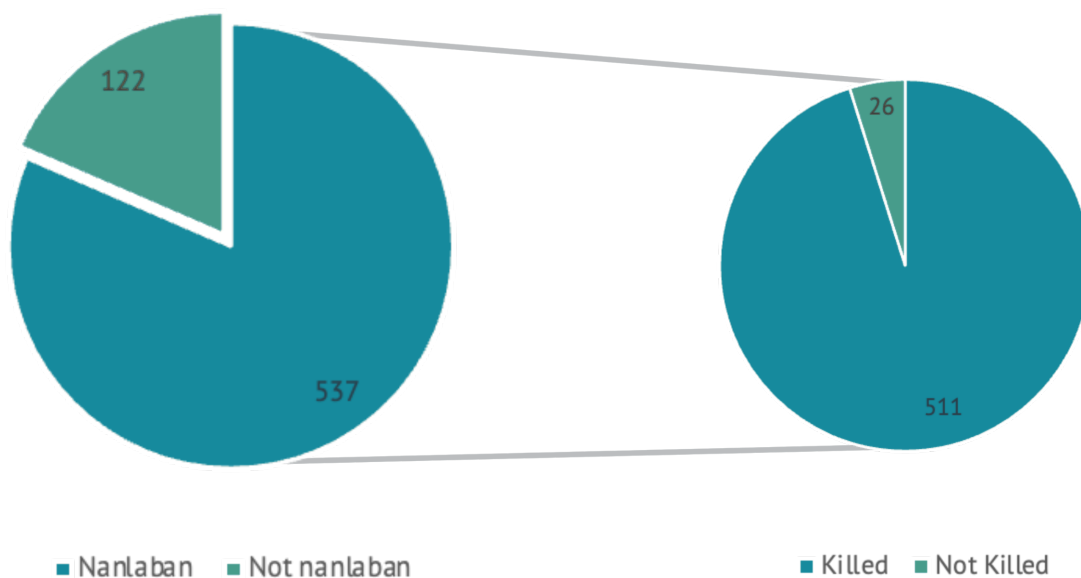
The Commission examined 481 incidents of alleged operations conducted by law enforcers, involving a total of 577 victims. There were incidents which involved more than one type of law enforcement operation.



Available PNP records described 80% of these incidents as buy-bust or sting operations (387 incidents). Other types of police operations noted were service of search warrants (50 incidents) and warrants of arrest (20 incidents); warrantless arrests (91 incidents); checkpoints (8 incidents); patrol (2 incidents); and stop and frisk (2 incidents). Officially, there were at least six incidents wherein victims were killed during custodial investigations or while in detention.

CHR also noted that five percent of the police operations were described as part of Oplan *Tokhang*, one of the two prongs of the PNP's anti-illegal drug campaign Project Double Barrel.

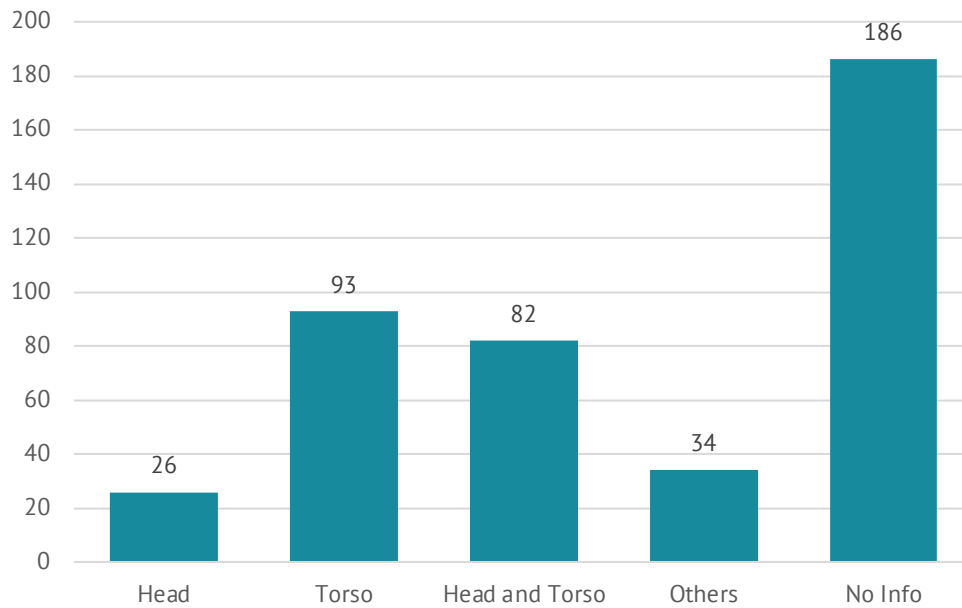
4.1. Use of necessary and sufficient force



Graph 7. Killed and not killed nanlaban victims in law enforcement operations

In similar phraseology, available police documents detailed the alleged aggression and provocation exhibited by the supposed targets of the drug operations. Such provocation would prompt the police's use of firearms or force and would lead to the eventual killing of the targets. The Commission observed that the term **neutralization** (and its other permutations) has been used in police reports to describe incidents where the victims either died on the spot or later declared dead in a hospital.

Police records revealed that at least 537 out of the 659 victims allegedly initiated aggression or resisted arrest (*nanlaban*).



Graph 8. *Number of victims in relation to the location of gunshot wound/s sustained*

In the *nanlaban* cases that were analyzed, 511 out of 537 (95%) victims were killed. Seventy-three percent (73%) of the 511 victims instantly died as a result of the police operations. Their injuries were mostly gunshot wounds in the head and/or torso, with the majority of the victims succumbing to multiple gunshot wounds. The death of these victims were inevitable given the number of gunshot wounds they sustained and the fatal location of the wounds.

Records and reports stated that 138 *nanlaban* victims were brought to the hospital, but 80% were declared dead on arrival. Meanwhile, 162 victims were brought to funeral parlors, either directly from the scene of the crime or after they were declared dead or died in a hospital.

The Commission notes that only 31 incidents had records of police operatives sustaining various forms of injuries. Police versions of the incidents revealed that most operatives were wearing bulletproof vests which protected them from incurring serious or fatal injuries when they were allegedly shot by the victims. In 12 incidents recorded where the police operatives were allegedly hit by the resisting victims, their injuries were confined to gunshot wounds in the hands, foot, legs, chest, and stomach.

In most of the operations conducted by the police to implement the government's campaign against illegal drugs, police documents made available to the Commission revealed that the minimum number of operatives assigned in the conduct of the operations involved three (3) police operatives (poseur buyer, security, and backup). The poseur buyer would oftentimes be accompanied by a confidential asset or informant who had liaised the sale. This information is limited by the fact that for most CHR investigations, the only police document made available is the blotter and/or spot report, which reveal very limited information as to the identities and number of operatives.

Nevertheless, in cases of buy-bust operations investigated by the CHR, where police operatives were at a minimum of three, 85% (329 incidents) of them resulted in the death of lone victims. The disproportion in numbers of operatives as to the resulting deaths of mostly lone victims are compounded by the fact that the operatives are trained individuals in firearms handling, arrest techniques, hand-to-hand combat, and self-defense,¹³ with government-issued and highly firearms.

The Revised Philippine National Police Operational Procedures dated December 2013¹⁴ (Revised PNP-POP Handbook) prescribes only the use of necessary and reasonable force to subdue resistance put up by an aggressor.¹⁵ The Revised PNP-POP Handbook provides that the necessity and reasonableness of the force employed will "depend upon the number of aggressors, nature and characteristic of the weapon used, physical condition, size, and other circumstances to include the place and occasion of the assault. The police officer is given the sound discretion to consider these factors in employing reasonable force."¹⁶

It should be noted that in its September 2021 Revised Operational Procedures (Revised PNP-POP Manual), the PNP expressly prohibits the use of excessive force during confrontation with armed offenders. It requires that the sufficiency of the force employed by the police must be able to justify self-defense, defense of relative, defense of stranger or fulfillment of duty based on the elements laid down by law and jurisprudence.¹⁷ It also defines **neutralization** as "a police intervention in strict accord with the principle of proportionality on the use of force to contain and stop unlawful aggression such as arrest, capture, surrender, or other acts to subdue the suspect."¹⁸

The Revised PNP-POP Manual also enumerates "Three Approaches on The Use of Force Continuum." It stated that "Lethal force will only be employed when all other approaches [non-lethal and less lethal] have been exhausted and found to be insufficient to thwart the life-threatening actions or omissions posed by armed suspect or law offender." Under the Lethal Approach when a suspect is armed and dangerous and there is an intention to inflict severe injury or death to a police officer, the latter is authorized to "use conventional weapons to prevent or repel the unlawful aggression and immobilize the suspect," but must "as much as possible, avoid hitting the head or other vital parts of the body."¹⁹

In addition, the UN Code of Conduct for Law Enforcement Officials, cited in some PNP manuals, substantially provides that "law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty." The Code of Conduct stressed that "while it implies that law enforcement officials may be authorized to use force as is reasonably necessary under the circumstances **for the prevention of crime or in effecting or assisting in the lawful arrest of offenders or suspected offenders, no force going beyond that may be used.**"²⁰ (emphasis supplied)

¹³ PNP Standard Training Package for Field Training Program.

¹⁴ Philippine National Police Handbook, December 2013, PNPM-DO-DS-3-2-13.

¹⁵ Revised PNP-POP Handbook (December 2013), Rule 7.5.

¹⁶ Revised PNP-POP Handbook (December 2013), Rule 7.6. These factors are reiterated in Section 2.8 of the September 2021 Revised PNP Operational Procedures (PNP Manual PNPM-DO-D-0-2-13-21).

¹⁷ Revised PNP Operational Procedures Manual (September 2021), Section 2-4, Rule 2.8.

¹⁸ Revised PNP Operational Procedures Manual (September 2021), Glossary of Terms.

¹⁹ Revised PNP Operational Procedures Manual (September 2021), Section 2-4, Rule 2.9. See Table 1.3 on Lethal Approach.

²⁰ UN Code of Conduct for Law Enforcement Officials (December 1979), Art. 3.

In excess of necessary and reasonable force, especially when law enforcement outnumbered a lone aggressor, there could be an indication of possible abuse of strength and intent to kill. The intent to kill may be evidenced by the following factors: (a) the motive; (b) the nature or number of weapons used in the commission of the crime; (c) the nature and number of wounds inflicted on the victim; (d) the manner the crime was committed; and, (e) the words uttered by the offender at the time the injuries are inflicted by the offender on the victim.²¹

The Supreme Court has had the occasion to rule on the plea of self-defense of law enforcement and the intent to kill.²² The location of a deceased aggressor's gunshot wounds—one at the base of his neck and another in the chest area, for instance— suggests an intent to kill. The gravity of the wounds sustained is indicative of a determined effort to kill and not just defend oneself.

In another case, the Supreme Court also stated:

The right to kill an offender is not absolute, and may be used only as a last resort, and under circumstances indicating that the offender cannot otherwise be taken without bloodshed. The law does not clothe police officers with authority to arbitrarily judge the necessity to kill. It may be true that police officers sometimes find themselves in a dilemma when pressured by a situation where an immediate and decisive, but legal, action is needed. However, it must be stressed that the judgment and discretion of police officers in the performance of their duties must be exercised neither capriciously nor oppressively, but within reasonable limits. In the absence of a clear and legal provision to the contrary, they must act in conformity with the dictates of a sound discretion, and within the spirit and purpose of the law. We cannot countenance trigger-happy law enforcement officers who indiscriminately employ force and violence upon the persons they are apprehending. They must always bear in mind that although they are dealing with criminal elements against whom society must be protected, these criminals are also human beings with human rights.²³

²¹ Abella vs. People, G.R. No. 198400, 07 October 2013

²² PO1 Crispin Ocampo vs. People of the Philippines, G.R. No. 194129, 15 June 2015.

²³ People vs. SPO1 Ernesto Ulep, G.R. No. 132547, 20 September 2000.

4.2 Patterns of Discrepancies

As noted in the earlier section, alleged buy-bust operations (387), warrantless arrests (91), and implementation of court-issued warrants (70) comprise the greatest number of incidents involving law enforcers. The police claimed that these operations were done pursuant to the rules embodied in the Revised PNP-POP Handbook and the Revised PNP Manual on Anti-Illegal Drugs Operations and Investigation.

In alleged buy-bust operations, police habitually claim that surveillance, monitoring, or test-buy was conducted to verify the information provided by a confidential informant on the sale of illegal drugs by the victims. These police activities are usually conducted hours before the reported buy-bust operation by either the police operatives or their informant.²⁴ A positive result of these preparatory steps would then prompt the conduct of a buy-bust operation.

Prior to the transaction, the police poseur-buyer, a confidential informant, the arresting officer, the backup teams, and the perimeter security personnel would all strategically position themselves to avoid detection from the subject and to enable them to respond in the event of arrest. During the transaction, the assigned poseur-buyer and informant purchase from the subject a pre-determined amount of illegal drugs, which shall be paid with marked money. The poseur-buyer would then execute a pre-arranged signal like the removal of his cap, him shaking hands with the subject, or going out of the place of transaction. This is to alert the arresting officers and the backup teams to assist in the arrest of the suspects.

An almost similar procedure for verifying information gathered from an informant is followed in the service of search warrants and warrants of arrest. Particularly, in implementation of search warrants, the police would prepare an application for search warrant before the local courts. In most cases, once warrants are issued, these operations are conducted within three days from receipt by the police. Prior to entry, the search and investigation teams, and perimeter security teams would all strategically position themselves in the same manner as they would do in buy-bust operations. Thereafter, during the entry, the police operatives designated shall supposedly read,²⁵ explain, and furnish a copy of the search warrant to the suspect/s and/or occupant/s in the presence of witnesses who are, in most cases, barangay officials, DOJ personnel, and media representatives. However, in most of the accounts analyzed, the victim would pull out a gun and fire at them at an instant, or try to flee away.

However, the Commission has recorded controverting statements from witnesses in 133 incidents. Witnesses claimed, among others, that the actions taken by the police as described in the official reports either did not occur or were done differently.

²⁴ Section 3.1 (a) of the Revised PNP Manual on Anti-Illegal Drugs Operations and Investigation, requires that prior to the conduct of a Buy bust operation, the presence of a surveillance report and if practicable, the conduct of a test-buy, among others.

²⁵ Section 3.2 (b)(6)(b) of the Revised PNP Manual on Anti-Illegal Drugs Operations and Investigation, requires that the Team Leader shall read, explain, and furnish a copy of the Search Warrant to the suspect/s or occupant/s in the presence of at least two witnesses preferably elected Officials or responsible persons in the area.

The discrepancies in the narratives by the police and witness raise a question—were all law enforcement operations actually conducted, or if conducted, were they done legitimately? As such, a comparison of witness statements, expert observations, police documents were endeavored. Below are some of the Commission’s findings in this regard:

a. Actual conduct of police operations

First, in at least 35 of the 386 alleged buy-bust operations analyzed, the witnesses claimed a different sequence of events. In most of the incidents, the police operatives allegedly barged²⁶ into the house or a certain property of victims while they were sleeping,²⁷ eating or just finished eating,²⁸ or tending to routine activities,²⁹ and in some places while victims are performing a task or a leisure activity.³⁰

Second, in at least seven of the 70 alleged service of search warrants and warrants of arrest analyzed, witnesses shared a different narrative. Some stated that police operatives forcibly entered victims’ premises,³¹ while victims were doing household chores³² or sleeping.³³ Also noteworthy is that, in some of the cases, search operations were not coordinated with at least any of the required witnesses,³⁴ or even though coordinated, they would observe reading of search warrants to lifeless bodies of the subjects already.³⁵

These inconsistent statements not only put into question the occurrence and/or legitimacy of these law enforcement operations, but may also defeat the claim of self-defense usually raised by police operatives in instances where the suspects allegedly initiated the shootout. The latter were most often couched in the phrase—upon sensing that the suspect is dealing with a police officer, the suspect pulls out a gun and fires at the operatives—in the police documents. Available records show that there are 511 killed from the 537 subjects who allegedly resisted arrest and/or fired at the operatives.

²⁶ CHR IV-A 2016-0373, CHR IV-A 2017-0345, CHR IV-A 2017-0405, CHR IV-A 2018-0207, CHR IV-A 2018-0220, CHR IV-A 2018-0565, CHR IV-A 2018-0844, CHR IV-A 2018-0909, CHR IV-A 2018-0095, CHR IV-A 2019-0404, CHR IV-A 2019-0620, CHR IV-A 2019-0969, CHR IV-A 2018-0346 and 2021-0762, CHR III 2019-0003, CHR III 2018-0160, CHR VI 2016-0178, CHR II 2016-0246.

²⁷ CHR IX 2019-0592, CHR IV-A 2019-0189, CHR IV-A 2019-0538, CHR IV-A 2019-0545, CHR VI 2016-0141, CHR X 2019-0056.

²⁸ CHR XI 2016-0210, CHR IV-A 2019-0284.

²⁹ CHR IV-A 2019-0358, CHR IV-A 2021-0766.

³⁰ CHR VIII 2017-0163, CHR VIII 2017-0164, CHR VIII 2016-0338, CHR VIII 2017-0270, CHR IV-A 2018-0837, CHR III 2018-0131, CHR VI 2016-0238, CHR VII 2016-0718.

³¹ CHR XI 2019-0259.

³² CHR VIII 2016-0405.

³³ CHR IV-A 2018-0321, CHR X 2016-0432.

³⁴ CHR IV-A 2016-0241, CHR VIII 2016-0402.

³⁵ CHR VIII 2016-0414.

b. Sufficient provocation by victims

Out of the 537 persons that have allegedly resisted arrest and/or fired at the operatives, police documents state that 13 of them allegedly grabbed the police officers' firearms. About 489 supposedly pulled out their own firearms, mostly guns with caliber .22, .38, and .45.

Contrarily, in at least 81 of these incidents, witnesses claim that the shootout could not have been initiated by the victim for the following reasons:

- i. Victims were heard or seen begging for the police officers before they were shot³⁶;
- ii. Witnesses personally saw the victims killed,³⁷ or personally saw the victims being in custody of police officers before they heard gunshots³⁸ or found victims dead³⁹;
- iii. Victims were handcuffed or were rendered physically unable to fire a gun⁴⁰;
- iv. Surrounding circumstances which made it impossible for the victim to initiate aggression, such as doing leisure activities or sleeping⁴¹; or,
- v. Victims did not own a gun or did not know how to hold a gun.⁴²

The existence of sufficient provocation by the victims – enough to endanger the lives of the operatives – is also questionable given that the police mostly sustained non-fatal injuries. Based on an unofficial document, only one incident resulted in the death of a police operative.⁴³

³⁶ CHR III 2017-0142, CHR CAR 2016-0111/2017-0022, CHR IV-A 2016-0240, CHR IV-A 2018-0387, CHR IV-A 2018-0603, CHR IV-A 2018-0635, CHR IV-A 2019-0217, CHR IV-A 2019-0250, CHR IV-A 2019-0453, CHR III 2018-0158, CHR X 2018-0385, CHR NCR 2016-0489, CHR NCR 2016-0563, CHR VIII 2016-0414.

³⁷ CHR VIII 2017-0163, CHR VIII 2017-0165, CHR VIII 2017-0264, CHR IX 2016-0607, CHR IV-A 2018-0845, CHR IV-A 2019-0218, CHR IV-A 2019-0689, CHR IV-A 2019-0969, CHR I 2016-0239, CHR V 2016-0341, CHR VII 2016-0709.

³⁸ CHR VIII 2017-0270, CHR IV-A 2017-0405, CHR IV-A 2018-0220, CHR IV-A 2018-0095, CHR IV-A 2018-0115, CHR IV-A 2019-0620, CHR IV-A 2019-0679, CHR IV-A 2018-0346/2021-0762.

³⁹ CHR IV-A 2019-0775/2019-0776, CHR III 2019-0003, CHR VI 2016-0178, CHR II 2016-0246, CHR V 2016-0335, CHR V 2016-0340.

⁴⁰ CHR IX 2016-0615, CHR IV-A 2018-0113, CHR IV-A 2018-0314, CHR IV-A 2019-0960, CHR VI 2017-0134.

⁴¹ CHR VII 2016-0587, CHR IX 2019-0592, CHR XI 2016-0210, CHR VIII 2016-0405, CHR VIII 2017-0164, CHR VIII 2016-0338, CHR XI 2019-0259, CHR IV-A 2016-0272, CHR IV-A 2017-0245, CHR IV-A 2018-0199, CHR IV-A 2018-0321, CHR IV-A 2018-0837, CHR VI 2016-0238, CHR IV-A 2019-0189, CHR IV-A 2019-0209, CHR IV-A 2016-0267, CHR IV-A 2019-0284, CHR IV-A 2019-0358, CHR IV-A 2019-0538, CHR IV-A 2019-0545, CHR IV-A 2019-0681, CHR IV-A 2020-0473, CHR III 2018-0131, CHR VI 2016-0141, CHR X 2019-0056.

⁴² CHR III 2019-0104, CHR IV-A 2017-0249, CHR IV-A 2017-0401, CHR IV-A 2018-0676/2018-0677, CHR IV-A 2018-0844, CHR IV-A 2019-0335, CHR IV-A 2019-0404, CHR IV-A 2019-0790/2019-0791, CHR IV-A 2021-0598, CHR NCR 2017-0138.

⁴³ CHR X 2019-0196.

c. Actual locations of the incidents

In at least 19 incidents with deaths, the following were observed:

- i. Witnesses personally saw the victims being forcibly taken away⁴⁴ from their house or certain property by armed men in civilian clothing with headdress⁴⁵ or face accessory⁴⁶ to conceal their identities before the victims were found dead elsewhere. In one incident,⁴⁷ according to the victim's father, the victim was allegedly dragged from a motel and brought to another location where he was supposedly killed in an armed encounter. However, upon checking with the village officials, there was no record of an armed encounter in the barangay blotter on the date reported by the police;
- ii. Some police documents state that a certain incident was either a buy-bust or search operation at one specified location; however, according to witnesses, the victims were later found dead somewhere else,⁴⁸ such as in another enclosure,⁴⁹ at the side of the road,⁵⁰ or in a garden.⁵¹ In one incident⁵² where police aver that there was a buy-bust operation, witnesses claimed that the victim was accosted by men in two vehicles believed to be members of the drug enforcement unit of the local PNP. Thereafter, the handcuffed victim was dropped at a portion of the highway, mauled, and shot several times by the same accosting officers; and,
- iii. Some operations did not happen at all in the place of incident where it was reported to have occurred. In one incident,⁵³ police claim the incident was a buy-bust operation and was even observed by media personnel and barangay officials; however, the occupant of the nearby house alleged that no gunshots were heard at that time.

d. Compliance with police operations manuals

In all narration of events found in police documents, it would appear that they complied with their manuals when carrying out their operations. However, in at least 59 incidents, witnesses argue that the police engaged in violent conduct and/or employed disproportionate and excessive force before, during, and after operations. The following were observed, among others:

⁴⁴ CHR III 2019-0208, R04A 2017-0346, R04A 2019-0316, R04A 2019-0689, R04A 2019-0790/2019-0791, R010 2019-0056.

⁴⁵ CHR III 2017-0271, R04A 2017-0345.

⁴⁶ CHR IV-A 2018-0217.

⁴⁷ CHR IV-A 2019-0316.

⁴⁸ CHR III 2019-0019, CHR III 2019-0081, CHR V 2016-0335.

⁴⁹ CHR IV-A 2016-0241, R04A 2019-0775/2019-0776, CHR NCR 2016-0489

⁵⁰ CHR IV-A 2018-0329/2018-0342

⁵¹ CHR III 2019-0045

⁵² CHR VI 2017-0134

⁵³ CHR IV-A 2018-0296

- i. Operatives forcefully barged in the house or an enclosure⁵⁴;
- ii. Victim was physically abused before being killed, such as handcuffing and mauling⁵⁵;
- iii. Operatives threatened witnesses⁵⁶;
- iv. Non-targets in the place of incident were dragged away, or ordered to leave or look away⁵⁷ before killing or taking away the victim; and/or,
- v. There were missing items upon family's inspection of the place of incident.⁵⁸

Exemplifying the conduct of these police operatives is the incident⁵⁹ that transpired in Lucena City, Quezon. Police maintain that the incident was an officially recorded buy-bust operation; however, the victim was seen at that time on his way to the main road to throw garbage when armed men approached him. Allegedly, a bystander saw the incident and a CCTV footage captured the faces of the alleged police officers. However, the armed men forcefully erased the video recording.

e. Allegations of planting of evidence

Police accounts most often state that illegal drugs and firearms were recovered in the possession of the victims. These are *shabu* usually packed in small sachets, and revolvers or pistols with either .38/.22/.45 calibers with or without serial numbers, and/or hand grenades, among others.

However, in at least 12 incidents, inconsistent reports were observed:

- i. Witnesses saw victims initially being dealt with by the operatives, and later saw pieces of evidence not present during the incident⁶⁰;

⁵⁴ CHR III 2017-0271, CHR IX 2019-0592, CHR VIII 2016-0402, CHR VIII 2016-0405, CHR VIII 2017-0163, CHR VIII 2017-0165, CHR VIII 2016-0338, CHR XI 2019-0259, CHR IX 2016-0607, CHR IV-A 2016-0240, CHR IV-A 2017-0345, CHR IV-A 2018-0217, CHR IV-A 2018-0321, CHR IV-A 2018-0565, CHR IV-A 2018-0676/2018-0677, CHR IV-A 2018-0837, CHR IV-A 2019-0284, CHR IV-A 2019-0358, CHR IV-A 2019-0538, CHR IV-A 2019-0545, CHR IV-A 2019-0620, CHR IV-A 2019-0775/2019-0776, CHR IV-A 2019-0969, CHR III 2019-0003, CHR III 2018-0131, CHR VI 2016-0178, CHR II 2016-0246, CHR X 2019-0056.

⁵⁵ CHR XI 2016-0201, CHR CAR 2016-0111/2017-0022, CHR VIII 2017-0164, CHR VIII 2016-0291, CHR IX 2016-0615, CHR IV-A 2017-0405, CHR IV-A 2018-0113, CHR IV-A 2018-0220, CHR IV-A 2018-0314, CHR IV-A 2018-0569, CHR IV-A 2018-0603, CHR IV-A 2018-0657, CHR IV-A 2018-0909, CHR IV-A 2019-0189, CHR IV-A 2019-0316, CHR IV-A 2019-0335, CHR IV-A 2019-0453, CHR IV-A 2019-0681, CHR IV-A 2019-0790/2019-0791, CHR IV-A 2019-0960, CHR IV-A 2018-0346/2021-0762, CHR VI 2017-0134.

⁵⁶ CHR IV-A 2016-0373.

⁵⁷ CHR XI 2016-0210, CHR IV-A 2019-0250, CHR IV-A 2019-0404, CHR IV-A 2019-0679, CHR IV-A 2020-0473, CHR VIII 2016-0414.

⁵⁸ CHR CAR 2016-0117, CHR IV-A 2017-0237/2017-0238/2017-0239.

⁵⁹ CHR IV-A 2016-0267.

⁶⁰ CHR IV-A 2018-0220.

- ii. The firearm placed near the victim was the same firearm used by the police⁶¹;
- iii. Witnesses personally saw that police outright planted pieces of evidence in or near the dead body⁶²;
- iv. Witnesses confirmed that victim used a firearm, but different from the one specified in the police report⁶³;
- v. Different position of the dominant hand in relation to the gun found near the dead body⁶⁴; or,
- vi. Victims tested negative in paraffin testing.⁶⁵

In three incidents,⁶⁶ relatives, who are witnesses to the killings, claimed that the firearm found in or near the cadavers of the victims were planted by the police.

f. Intended targets of the police operations

In cases analyzed that were replete with official documents, pre-operation reports, coordination forms with PDEA, and court-issued documents were made available to CHR. In these official documents, the names or aliases of subjects are indicated therein as targets of the operations.

However, some victims were not in fact the intended targets named in the police documents. In at least 26 incidents, police accounts—whether or not the above-mentioned documents were present—reflect names of killed or injured victims that were either alleged as the cohort of,⁶⁷ coincidentally found⁶⁸ with the named subjects in the preparatory preparatory records, mistaken for someone,⁶⁹ or a mere casualty⁷⁰ from the firefight.

⁶¹ CHR IV-A 2018-0844.

⁶² CHR IV-A 2018-0845.

⁶³ CHR IV-A 2019-0772.

⁶⁴ CHR IV-A 2017-0346, CHR IV-A 2019-0284.

⁶⁵ CHR IV-A 2018-0569, CHR IV-A 2019-0392, CHR NCR 2017-0010.

⁶⁶ CHR X 2016-0432, CHR X 2019-0056, CHR NCR 2018-0236.

⁶⁷ CHR IX 2016-0607, CHR XII 2018-0190, CHR NCR 2019-0474 and 2019-0475.

⁶⁸ CHR III 2017-0191, CHR III 2019-0248 and 2019-0250, CHR IV-A 2016-0313, CHR IV-A 2017-0406, CHR IV-A 2018-0387, CHR IV-A 2019-0678, CHR VI 2016-0238, CHR V 2016-0338, CHR X 2019-0234/2019-0237/2019-0230, CHR XII 2020-0097, CHR NCR 2019-0495, CHR VII 2016-0980.

⁶⁹ CHR IO 2018-0033.

⁷⁰ CHR VII 2017-0614, CHR VII 2019-0379, CHR IV-A 2016-0428/2016-0373, CHR XII 2018-0166, CHR NCR 2019-1047, CHR VII 2017-0033, CHR VII 2017-0651, CHR VII 2017-0652, CHR VII 2017-0653.

In one representative case,⁷¹ according to the police, they conducted a buy-bust operation at the house of the original targets, where the victim and his partner were temporarily staying. The police claimed that one of the targets went up to the second floor of the house to escape after a botched sale. In one room, a police officer saw the victim aiming his firearm at him. Shocked at his discovery, the police officer shot the victim killing the latter instantaneously. The original targets were then able to escape. However, witnesses claimed that the police barged into their house around 3 a.m. and were looking for a certain “Boy-boy.” Upon failing to locate him, they ordered the victim’s mother and partner to go outside the house, leaving behind the 17-year-old victim. The witnesses then heard at least three gunshots coming from inside the house. They later found out that the victim was killed by the police operatives.

ILLUSTRATIVE CASES

CHR XII 2018-0244

This case pertains to an alleged implementation of search warrants against the victim for violation of Republic Act (RA) No. 10591 (Comprehensive Firearms and Ammunition Regulation Act) and RA No. 9165 (Comprehensive Dangerous Act of 2002). The incident took place in the house of the victim on the early morning of 08 June 2018, in Sarangani.

According to the police, the team leader properly knocked on the door of the victim’s house. When the victim’s wife opened the door the team leader told her that they have search warrants against her husband. However, the operatives saw a man holding a firearm running inside the house going towards one of the rooms. Then one of the operatives was heard shouting “MAY BARIL! MAY BARIL!” (He has a gun!). The team leader immediately told one of his colleagues to bring the victim’s wife outside the house for safety. Thereafter, the operating team rushed inside the house of the victim to subdue him. But despite the effort of the operatives to convince the victim to surrender, he fired in their direction almost hitting one of the operatives. The operatives defended themselves which resulted in a short firefight. As a result, the victim sustained gunshot wounds, brought to a hospital, and later declared dead on arrival by the attending physician.

However, the victim’s wife belied the police’s allegations. According to her, the victim together with her and their son were sleeping soundly inside their room when they heard a loud bang. They went outside their room to check where the noise was coming from. Then they heard a person from the outside identifying themselves as officers from the CIDG. When they hurriedly open the door, more or less three persons in “military” uniform with black ski masks/bonnet were pointing their long firearms toward them. The men were shouting that they were from CIDG and that the victim and his family have to get out of the house. The victim and his wife stepped back with their hands raised. However, the victim was left inside the house. When the wife was near the gate, one of the operatives handed her son to her. Subsequently, the wife heard bursts of gunshots while the operatives were shouting that somebody has a gun. The wife shouted that they have no gun. A few minutes later, the wife saw the police operatives carrying the victim using a bedsheet and brought him to a hospital. The wife later learned that the victim died.

The wife also claimed that the *shabu* seized is planted due to the fact that the victim in his entire life was never involved in any illegal drug activities.

⁷¹ CHR NCR 2017-0010.

CHR NCR 2016-0563

During an alleged buy-bust in Valenzuela City, police claimed that the victim sensed that he was transacting with a police officer. The victim retreated and pulled out a revolver from his shoulder bag. He pointed the revolver at the poseur-buyer and simultaneously squeezed the trigger but the firearm failed to discharge. The poseur-buyer shouted to his companions “MAY BARIL! MAY BARIL! NAMUMUTOK!” (He has a gun! He has a gun! He’s shooting!). This alleged hostile act provoked the police operatives to return fire to defend themselves.

However, two witnesses offered a contrary narration. The victim was walking along the road with two unidentified companions when a tinted black vehicle suddenly stopped in front of them. Police officers alighted from the black vehicle. The victim’s two companions immediately ran away leaving the victim behind. One witness stated that the victim raised his hands and pleaded mercy uttering the words “*Suko na ako sir* (I surrender, Sir).” However, the police ignored his plea and shot him. Even though wounded and in the kneeling position, the victim still begged for mercy saying “*Tama na Sir, masakit na*” (Stop it Sir, it already hurts), but they still ignored his plea and killed him. The other witness stated that the police immediately shot and killed the victim while the latter was kneeling, raising his hands, and begging for his life.

CHR VIII 2016-0338

This case refers to an alleged buy-bust operation conducted on 09 September 2016 at around 6:30 in the evening in Reclamation Area, Tacloban City, Leyte—leaving one arrested, two wounded, and one dead.

According to the police poseur buyer, he handed the marked money to Victim C and in return, Victim B handed the small sachet of suspected *shabu*. The poseur buyer was doing the pre-arranged signal of complete transaction when he saw a man aimed and fired a gun at him. Fortunately, the poseur buyer dodged the bullet, and the arresting officer managed to fire back at said man. The police officers allegedly later knew the man was Victim D. Exchange of gunfire subsequently ensued, wounding the right leg of Victim B and left abdomen of Victim C. Thereafter, the arresting officer allegedly frisked whom he later identified as Victim A. According to the police, Victim A was “lying with his face on the ground [while being checked] for concealed deadly weapon from [sic] his body.” Victim A was subsequently arrested.

However, survivor-victim C debunked the police’s account. According to him, at around 4 p.m. of the same date, while inside their house in the said location, he and Victim D heard loud voices of male persons outside, saying, “*walang kikilos!*” (Nobody moves!) followed by successive gun bursts. They were critically hit in different parts of their bodies—with Victim C shot in his left abdomen and Victim D dead from 14 gunshot wounds all over his body. This was corroborated by Victim B’s cousin living in the same neighborhood.

According to the cousin, she and Victim B heard a commotion followed by a gun burst, where some bullets hit near them. This prompted them to go outside. A man then poked his firearm at them and told them not to run. She was shocked that, even though Victim B’s hands were already raised, the armed man still shot Victim B on his right leg. She immediately went to their aunt’s house beside theirs. When she and her aunt returned to check on Victim B, the armed man had ordered him to take off his t-shirt and scour his pockets but found nothing.

Victim B’s cousin added that Victim A was a friend of Victim C; she saw some policemen confiscating alleged drugs from Victim A on the same day of the incident.

CHR IX 2019-0592

This case pertains to an alleged illegal drug buy-bust operation against father-and-son drug personalities conducted on 12 August 2016 at around 1:45 in the morning in Zamboanga del Norte.

According to the police, Victims A and B met the undercover police officer who acted as poseur buyer with the confidential informant to purchase *shabu*. However, Victim A allegedly figured out that it was a buy-bust operation. He then shouted at Victim B “*Mga pulis!*” (Police!) and the two victims immediately drew their respective handguns and fired towards the police officers, continually shooting while on the move.

However, a kin of herein victims offered a contrary narrative. According to the daughter of Victim B, around the same date and time, she and her parents were awakened when somebody kicked the door of their house. Thereafter, she saw some people barge inside whom she later recognized as police officers. The policemen then pulled Victim B out of their house. By that time, she only heard screams from Victim B. Moments later, she heard gun shots and was not able to hear the victim’s voice anymore.

CHR VIII 2016-0414

This case speaks about the supposed service of Search Warrants for the violations of RA No. 10591 and RA No. 9165 of inmates on 04 November 2016 at around 4:10 in the morning at Baybay Sub-Provincial Jail, Bgy. Hispungo, Leyte. According to the account of the police operatives, during said implementation, Victims A of cell no. 1, and Victim B of cell no. 7 fired upon the raiding team, which prompted them to fire back to defend themselves. It then resulted in the instantaneous death of both victims.

However, according to one co-inmate of Victim A from cell no. 2, two male persons went directly to cell no. 1. He heard then Victim A said, “*Magandang umaga, Sir. Wag ninyo ako lagyan, Sir. Kahit patalim wala ako, maawa kayo.*” (Good morning, Sir. Don’t put something on me. I don’t even have a knife. Have mercy on me.) Next, the co-inmate heard him again, “*Maihi muna ako, Sir.*” (I want to pee, Sir.) and overheard someone answered, “*Ayaw na pag-ih!*” (No need to pee.) Thereafter, two gun bursts were heard and a voice saying, “*Oh lumaban pa*” (Oh he fought back), followed by another three gun bursts.

Strangely, prior to the gun bursts, he alleged that he saw a police officer standing between cell no. 2 and cell no. 3, but not directly in front of him. Said police officer had thumbed down as if signaling the police officers in the subject cells.

Also, contrary to police accounts, a co-inmate of Victim B in cell no. 7 alleged that his other co-inmates in the same cell were ordered to go to the *Quarantinas*, the small vacant room between cell No. 5 and 6. Victim B and his co-inmate were however left behind, and forced to face the wall. Both were asked of their names and their respective cases, to which Victim B answered “drugs.” Thereafter, the co-inmate was ordered to transfer to the *Quarantinas* as well, while Victim B was ordered to go back inside cell no. 7. Upon sitting and forced to look down, gunfire ensued. His co-inmate heard around five gunshots at that time.

It is noteworthy though that the police operatives still read the contents of the subject search warrants near the dead bodies of the victims and proceeded to search inside their respective cells—all gleaned in the official statement of then incumbent barangay official asked to witness the implementation of the supposed law enforcement operation.

CHR V 2016-0340

On 24 July 2016, accounts of the Paracale Municipal Police relate that a botched buy-bust operation transpired against two drug suspects. As a result, a dragnet/checkpoint operation was conducted to block the escaping drug suspects. Upon reaching the checkpoint set-up in front of the Paracale Municipal Police Station, the police blocked the drug suspects and subsequently tried to effect their arrest. However, the drug suspect driving the motorcycle allegedly tried to grab the hands of the arresting officer, while the backriding suspect tried to shoot the arresting officer. In self-defense, the arresting officer shot the two drug suspects which resulted in their death. Findings of the police internal investigation on the incident cleared the involved police officers from any accountability and recommended them for awards and recognition for their valiant effort.

Signed affidavits of witnesses, and a report from the National Bureau of Investigation, who also investigated the incident, revealed a different and chilling version. According to documents secured by the Commission, the two victims were stopped by the police in a checkpoint in front of the Municipal Police Station. The arresting officer then ordered the victims to alight from the motorcycle. Upon alighting from their motorcycle, the backrider was immediately shot by the arresting officer, while the driver was seen kneeling, with his hands raised, when he was also shot by the arresting officer. Further, witnesses also belied the allegation of buy-bust by the police operatives as they have seen the alleged poseur buyer already positioned in the checkpoint even prior to the time of the alleged botched buy-bust incident.

CHR NCR 2017-0028

This pertains to an incident that happened on 16 August 2017 in Barangay 160, Caloocan City resulting in the death of a minor during an alleged buy bust operation. According to the police spot report, during the conduct of a One-Time Big-Time Operation or Oplan *Galugad*, the victim drew his firearm and shot at the approaching police officers but missed. This prompted the officer to return fire to prevent and repel the aggression, hitting the victim on multiple parts of the body resulting in his immediate death.

However, a CCTV footage showed two police respondents dragging the victim. According to one witness, the victim was about to go home when he was approached and punched in the stomach by two police officers. The witness also heard him begging and saying "*Sir, tama na po, diyan lang po ako nakatira*" ("Sir, stop it already, I just live nearby"). She also witnessed him being dragged by the two police officers that came at him. Another witness claimed that she saw two men get off a motorcycle and talked to the victim but did not hear their conversation. The witness claimed that after a few moments she saw them push and maltreat the victim while saying "*Bilisan mo, Wag Hihinto*" ("Go faster, Don't stop") while the victim was crying, and they were later joined by another man. She then saw the victim standing with the three men and thereafter heard two gunshots.

5. KILLINGS BY UNIDENTIFIED AND OTHER TYPES OF PERPETRATORS



Two hundred forty-eight (248) drug-related incidents were recorded outside the context of alleged operations conducted by law enforcement. These incidents were mostly carried out by unidentified perpetrators. Across the country, from July 2016 until December 2020, the Commission has investigated at least 1,570 killings by unidentified perpetrators.

These incidents resulted to the killing of 269 victims, of which more than 54% (146) were included in a drug list. As early as October 2016, there have been allegations that persons appearing on the drug “watch lists” were likely the target of drug-related extrajudicial killings.⁷²

The nature and mode of attacks suggest brutality in their commission. Out of these incidents, 40 incidents had their victims’ bodies found subsequently after the attacks. Most of these bodies were found in uninhabited locations. It can be reasonably surmised that the disposal of bodies in such places were done to conceal or to prevent their immediate discovery. On the other hand, killings carried out in public places indicate the flagrant resolve of the assailants to commit the crime.

a. Linkage of the victim to the illegal drug trade or the government’s campaign against illegal drugs

In most cases, the targeted victims were civilians included in the drug watch lists, those who have surrendered under Oplan *Tokhang*, known drug personalities, identified drug gang/group member, and in some cases the victims were known police/PDEA/barangay assets.⁷³

⁷² See for instance, “Special Report: In Duterte’s war on drugs, local residents help draw up hit lists”, REUTERS, 8 October 2016, at <https://www.reuters.com/article/us-philippines-duterte-hitlists-idUSKCN127049>.

⁷³ CHR III 2017-0052; CHR XI 2016-0213; CHR CAR 2016-0120.

In a number of cases, the victims' profile does not have any linkage to illegal drug use or trade, but the perpetrators made it appear that the killings were committed due to the alleged involvement of the victims to the illegal drug trade, either by the placement of a placard or illegal drugs on the victims' bodies.⁷⁴

In 52 incidents where placards were found, written messages on these placards alleged that the victim was a pusher and conveyed a stern warning to others who are involved in the illegal drug trade. Examples of these messages are "*WAG AKONG TULARAN, PUSHER AKO*" ("DON'T BE LIKE ME, I'M A PUSHER"),⁷⁵ "*PUSHER AKO, AYAW KO SUNDOGA*" ("I AM A PUSHER DON'T IMITATE ME"),⁷⁶ and "*PARA SA KINABUKASAN NG PILIPINAS AKOY NAMATAY SAPAGKAT AKOY DRUG PUSHER, MAGNANAKAW, CARNAPPER HIHAY!!!*" ("FOR THE FUTURE OF THE PHILIPPINES, I DIED BECAUSE I AM A DRUG PUSHER, THIEF, CARNAPPER!!!").⁷⁷

In these cases, the unidentified perpetrators appeared to have been instigated and used the government's campaign against illegal drugs to pursue personal vengeance against the victims, or in other instances, have been used by the police authorities to drum up their achievements, in terms of their anti-drug operation, in effect misdirecting the investigation of the killings.⁷⁸

b. Brutality and brazenness of the killings

Most killings committed by unidentified perpetrators were characterized by the brutal and brazen way these killings were carried out.

Though in the majority of cases of dead bodies discovered, the circumstances in how the victims were killed could not be ascertained. However, the injuries sustained by the victims – in most cases indicating an execution style of killing with most gunshot wounds located in the head and chest, and how their bodies were disposed—heads wrapped in packaging tape with their hands and/or feet bound together, illustrates the brutality in which these killings were carried out. In some cases, the victims also showed signs of torture.

In cases where the killings were witnessed by other people, it can be characterized by the brazen way it was carried out by the perpetrators. In one incident,⁷⁹ two victims who were included in the government's drug watch list, decided to set up a barbecue stand business to show their sincerity in starting a new life. One late afternoon, while attending to their business with a common friend, two men riding in tandem on a motorcycle, stopped in front of their barbecue stand. The back rider, after alighting from the motorcycle, opened fire at the victims, killing one of the victims instantly. The other victim, wounded, managed to crawl into an open culvert to hide. But the gunman, while reloading his pistol, pursued the victim and opened fire into the culvert. The shooting

⁷⁴ CHR CAR 2018-0184; CHR XI 2016-0311; CHR IV-A 2017-0438;

⁷⁵ CHR IV-A 2018-0367

⁷⁶ CHR XIII 2016-0134

⁷⁷ CHR CAR 2019-0090

⁷⁸ CHR I 2017-0571

⁷⁹ CHR V 2018-0385

incident happened in front of one of the victim's relatives. The gunman, shortly after shooting the two victims, later pointed his gun towards one of the victim's relatives signifying his readiness to shoot anyone who would try interfering with their escape.

The incident cited above is an illustration of how brazen the perpetrators were in carrying out their attacks. In utter disregard of their possible identification and/or apprehension by possible witnesses, most attacks were carried out in public places, in broad daylight, and in plain sight of other people most especially the victims' families, relatives, and close associates. In the 52 incidents of killing where placards were left by the unidentified perpetrators, the messages conveyed loud and clear warnings that a similar tragic fate awaits those who are in the illegal drug trade.

Taken together, the brutal and brazen way these killings were carried out, and the notable similarity of conditions and injuries of the dead bodies discovered are: (1) indicative of the impression the perpetrators wanted to impart to the general public, that – (a) users and sellers of illegal drugs are fair game to anyone who are against this “ill of society”; (b) users and sellers of illegal drugs do not deserve to live; and (c) if you are a user and/or seller of illegal drugs and is still alive, consider yourself warned; and, (2) consistent with the current campaign of the government against illegal drugs which is possibly the general motive for these killings.

The brazen and brutal way these killings were carried out, not only encourages and emboldens possible repetitions of these attacks, but more so propagates and espouses a climate of criminality and impunity throughout the country.

6. CHALLENGES IN DOMESTIC ACCOUNTABILITY MEASURES

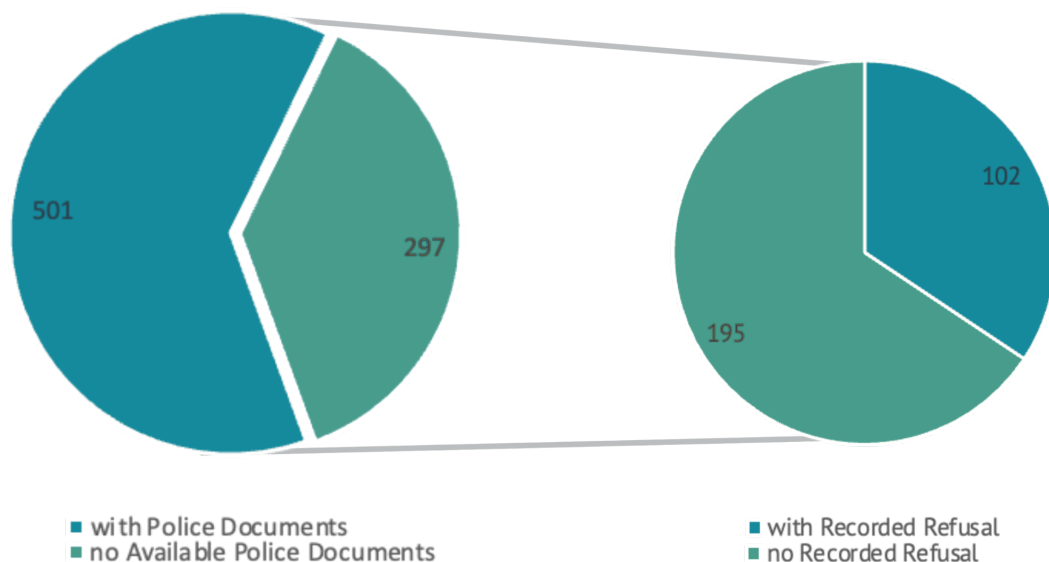
The Philippine government's failure to prevent brazen and brutal killings of drug suspects – and its officials' proclivity to sanction and encourage such actions – contravenes its obligation to uphold the right to life of all persons. Such transgression is amplified by the government's inadequate discharge of its duty to investigate potentially unlawful deaths, which the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016) described as "an essential part of upholding the right to life."⁸⁰

States must ensure that investigations are "(i) prompt; (ii) effective and thorough; (iii) independent and impartial; and (iv) transparent."⁸¹ However, the Philippine government's investigations of drug-related extrajudicial killings have been deficient, fruitless, and obfuscated. Investigations rarely resulted in the punishment of all perpetrators, highlighting the deeply-rooted culture of impunity in the Philippines.

Independent and impartial accountability mechanisms – such as the fact-finding investigations by the CHR – have been hampered by the predilection and uncooperativeness of agencies involved in the campaign against illegal drugs. The inaccessibility of police records suggests lack of openness to scrutiny and public accountability, which is necessary to ensure effective and transparent investigations.

The climate of fear, engrained by the impunity surrounding these killings, has compelled the victims' families and the witnesses to silence. Dangers of reprisal as well as unavailability of evidence have blocked the exercise of their right to full and effective remedy.

6.1. Policy of refusal to access police documents

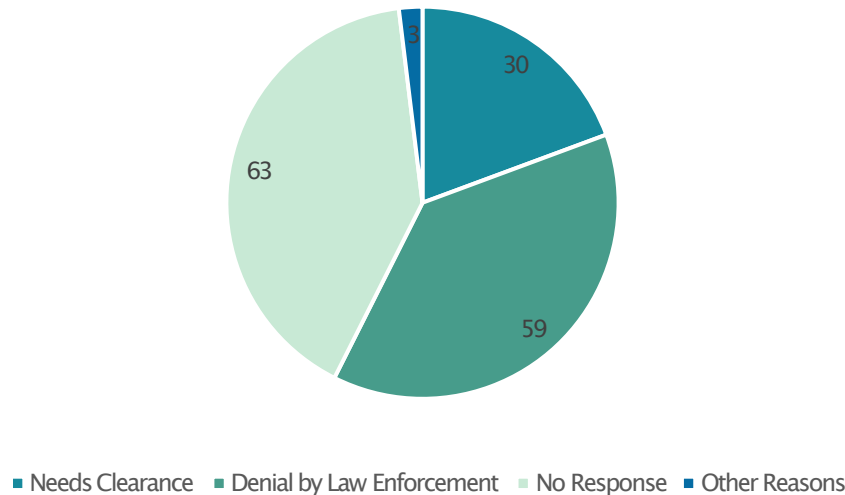


Graph 9. Number of investigated drug-related incidents with documented denial of access to police documents

⁸⁰ Minnesota Protocol (2016), Section II, Part A, par. 8(c).

⁸¹ Minnesota Protocol (2016), Section II, Part D, par. 1.

At the onset, the investigations had been limited by the unavailability and inaccessibility of police and other official documents to the Commission. The Commission has repeatedly requested case folders and documents from the PNP.⁸² The subpoenas and requests for submission of documents were oftentimes refused, denied, or ignored by the PNP. A review of the Commission's investigation records reveals the lack of any police documents in 297 out of the 798 alleged drug-related incidents analyzed. Out of the 297, 216 (73%) occurred in the context of alleged operations by law enforcers.



Graph 10. Reasons for unavailability of police documents

Out of the 297 incidents, the Commission notes that there were outright denials in 59 incidents; lack of response in 63 incidents; and pending clearance from higher offices (30 incidents). Other reasons were cited in three incidents. One-hundred forty-three (143) incidents have no record of the reason for the unavailability of police documents.

The Commission documented police refusals and inactions in 95 incidents. Eighty-two (82) incidents with documented refusal were alleged operations by law enforcers. Meanwhile, 12 incidents occurred outside the context of law enforcement operations. One incident with recorded refusal has unclear circumstances.

The Commission may have received the denials in official correspondence. These may have been verbally issued during field visits and/or personal service of the subpoena by special investigators and reflected in the investigation reports and/or resolutions.

Such actions and inactions manifest indifference to the Commission's powers to "investigate all forms of human rights violations" as well as its authority to "request the assistance of any department, bureau, office, or agency in the performance of its functions." Investigations into 60 out of the 95 incidents have been archived by the Commission, of which 47 had been concluded without any finding of human rights violation. Meanwhile, investigations into 13 incidents resulted in a finding of human rights violation.

⁸² See for instance, "PNP agrees to CHR request for documents on drug war deaths," INQUIRER.NET, 29 August 2007, at <https://newsinfo.inquirer.net/926526/pnp-chr-commission-on-human-rights-chito-gascon-bato-dela-rosa-drug-war-killing-documents-records> (last accessed 22 April 2022). Also, <https://www.rappler.com/nation/179928-chr-hits-pnp-failure-cooperate-probes-drug-war-killings/>.

In the guise of upholding the right to information and privacy, the PNP has used Executive Order No. 2, s. 2016⁸³ by President Duterte and the Inventory of Exceptions to the right to access of information dated 24 November 2016. The Executive Order and Inventory of Exceptions have been cited directly in PNP's official responses or been used as basis in the issuance of memoranda and guidelines about the release of records to the Commission.

In July 2017, a memorandum was issued "from TDO directing all RDs of PROs to inform and seek clearance from NHQ (Attn: HRAO [Human Rights Affairs Office]) before granting any invitation for interview, summons, notices, and/or request for documents **from the Commission on Human Rights (CHR)**, and other alleged human rights activist/bodies."⁸⁴ The need for clearance was conveniently used to delay or deny action on the Commission's requests.

For example, the regional PNP turned down the Commission's letters seeking information about alleged drug-related killings in the Bicol region for being premature. The letter dated 14 August 2017 stated that, "as of this time, this office is still in the process of collating and validating all the available data for analysis and investigation, hence, PRO5 cannot yet release information and documents that might mislead the public, endanger lives of persons, and prejudice the on-going investigation and police operations." It further stated that it was "awaiting for guidelines from the higher office that will govern the release of said important PNP data to persons and offices."

This policy of uncooperativeness was further entrenched by "presidential directive." On 08 September 2017, it was reported that President Duterte instructed the PNP and military not to participate in any investigation into alleged human rights violations committed by its agents without his clearance. In an interview, the undersecretary of the DILG confirmed such directive and also revealed that the President denied the request of the Commission for the release of police's case investigation folders.⁸⁵

After the issuance of the "presidential directive", the PNP HRAO of the National Headquarters released the "Advisory on the Granting of Notices and Request for Documents by the Commission on Human Rights and other Human Rights Organization/Bodies" on 25 September 2017. The Advisory was addressed to all regional directors and directors of NSUs.⁸⁶ The Advisory appears to amend the July 2017 memorandum due to the "presidential directive."

⁸³ Available at <https://www.officialgazette.gov.ph/2016/07/23/executive-order-no-02-s-2016/>

⁸⁴ See par. 1 and 2 of the "Advisory on the Granting of Notices, Summons, Interviews, and Request for Documents from Human Rights Activists/Bodies" issued by the PNP Human Rights Affairs Office on 25 September 2017.

⁸⁵ "Duterte ordered police not to share files with CHR – DILG", RAPPLER, 08 September 2017, at <https://www.rappler.com/nation/181519-duterte-order-pnp-chr-refuse-share-case-folders/> (last accessed 22 April 2022). See also, <https://www.untvweb.com/news/prrd-disapproves-chr-request-to-open-pnp-case-folders-related-to-ejks/>.

⁸⁶ A copy of the Advisory was attached to the reply of the local PNP in CHR IV-A 2018-0604.

According to the Advisory, which was based on an opinion by the PNP Legal Service, the PNP may deny the Commission access to records based on “exceptions on the constitutional guarantee of the people’s right to information” provided by the Supreme Court, to wit:

- i. Issues that cover national security, intelligence information, trade secrets, banking transactions, and criminal matters;
- ii. Information on military and diplomatic secrets;
- iii. Information affecting national security; and,
- iv. Information on investigations of crimes by law enforcement agencies before the prosecution of the accused.⁸⁷

The PNP may also cite Inventory of Exceptions to E.O. No. 02, specifically those “which include information which are peculiar to the PNP and other law enforcement agencies.” To note, some recorded refusals have directly quoted this particular paragraph in the Memorandum: “[w]hile the PNP is bound to recognize the constitutional mandates of the CHR, it may however, in some instances, deny the latter of its access to records if the same falls under the aforementioned exceptions.”

In the same Advisory, the PNP HRAO reiterated that “reasonable requirements or conditions” may still be imposed before the release of any document pursuant to Section 26 (Powers, Functions, and Term of Office of the PNP Chief) of RA No. 6975, or the DILG Act of 1990.

The “presidential directive” and the subsequently issued PNP Advisory dated 25 September 2017 have been regularly cited to deny the Commission’s subpoenas. For example, in an attempt to obtain documents about the killing of an alias “Dinio” on 29 May 2018, the CHR Regional Office IV issued a subpoena to the General Mariano Alvarez Municipal Police Station in Cavite where the incident allegedly occurred. The said Municipal Police Station through its Acting Chief of Police refused to abide, stating in his letter dated 19 June 2018 that:

In this regard, we regret to inform you that pursuant to the Presidential Directive that was relayed by The Directorate of Investigation Detective Management on September 19, 2017, no copies of police blotter, progress report, investigation report, SOCO report, and other documents of similar nature shall be released to the Commission on Human Rights, other Human Rights Organizations/Bodies and other requesting Agencies.

While the PNP is bound to recognize the constitutional mandates of the CHR, it may however, in some instances, deny the latter of its access to records if the same falls under the exemptions provided by Executive No. 163.

⁸⁷ The Advisory referred to the decision in Mario Jose Sereno v. NEDA, G.R. No. 175210, 01 February 2016.

In 2018, pursuant to E.O. No. 2, s. 2016, the PNP adopted its People's Freedom of Information Manual⁸⁸ which further restricted the Commission's access to police investigation records and other documents. In NCR, for example, the police cited Annex K of the PNP FOI Manual containing the List of Detailed Exceptions to Right of Access to information in denying access to documents about 21 drug-related killings. Fifteen (15) out of the 21 incidents occurred in alleged operations conducted by the police.

Verbal directives from higher offices have also hindered the Commission's access to police documents. In 2018, some municipal and city police stations in Bulacan told CHR special investigators that the Bulacan Police Provincial Director allegedly issued a verbal instruction not to release any reports relative to police operations resulting in death absent approval from then Police Director General Ronaldo Dela Rosa.⁸⁹ Curiously, the directive was invoked in investigations into alleged human rights violations during simultaneous enhanced police operations conducted in the said province.

The Commission also notes the refusal by certain regional and provincial Internal Affairs Services to provide documents as to their internal investigations. In Region IV-A, for example, some provincial IAS cited a Memorandum dated 28 July 2017 which allegedly bounds them to "an established protocol which requires that all request, for documents relative to anti-crime operations must be addressed to the Chief, PNP."⁹⁰

Another memorandum issued by higher headquarters dated 27 September 2017 was cited to deny a 01 October 2018 request to the Antique PIAS by the CHR Regional Office VI for a copy of official records, documents, and actions pertaining to an alleged drug-related killing.⁹¹ Meanwhile, some offices cited a directive from the Inspector General of IAS refraining them from providing vital documents pertaining to an investigation without his prior approval.⁹²

Even when CHR special investigators followed the PNP guidelines and directives, they still failed to obtain documents helpful to the Commission's independent investigations. In some instances, the CHR Regional Offices have directly written to the Chief PNP or the Human Rights Affairs Office at the National Headquarters of the PNP, but to no avail.

On the other hand, the Commission has observed that although documents were available about the other 500 drug-related incidents, the police records were incomplete with some only containing blotters, spot reports, and other initial reports.

One reason could be the inconsistent responses of various PNP offices to the Commission's request for records. For example, in one incident in Quezon province,⁹³ the

⁸⁸ Available at <https://dpl.pnp.gov.ph/images/Downloads/Manuals/FOI-HANDBOOK-JULY-2018.pdf>.

⁸⁹ CHR III 2018-0040, CHR III 2018-0042, CHR III 2018-0054, and CHR III 2018-0069.

⁹⁰ See for instance, Letter from Quezon PIAS dated 22 July 2021, available in CHR IV-A 2019-0292.

⁹¹ CHR VI 2016-0238.

⁹² See for example, CHR IVA 2020-0449 and CHR IV-A 2020-0473.

⁹³ CHR IV-A 2018-0319.

CHR Regional Office obtained police documents from the local police station that conducted the alleged buy-bust. However, the Provincial Criminal Laboratory Office (PCLO) refused to provide a copy of the Autopsy Report pursuant to Section 11-2 Control of SOCO Reports, Photographs, and other Related Records of the Revised Crime Laboratory Scene of Crime Operation Manual (June 2014). In its letter dated 17 July 2018, the acting chief of Quezon PCLO explained that a formal request should be submitted to then PNP Chief Director General Oscar Albayalde for approval of the release of forensic documents.

In other instances, despite the refusal or inaction of the PNP, the Commission received copies of police reports from the victims' families. There were also instances that police officers allowed CHR investigators to check the blotter record and jot down details. Other police documents were also gathered upon the submission of the Respondent-police officers of their counter-affidavits.

In a September 2021 report, the Commission has already noted the uncooperativeness of the PNP in investigations conducted in the National Capital Region, Central Luzon, and CALABARZON. Such refusal to access police documents continued to hamper the Commission's investigations into the possible human rights violations perpetrated by law enforcers and other persons sanctioned by the State. It has also interfered in the monitoring of the police's compliance with human rights laws and international covenants.

A CHR Regional Office aptly described in one of its resolution such denial of access as indicative of the "failure or unwillingness from the state authorities to prevent, investigate, or prosecute the same. Their refusal to provide the said documents impeded the proper investigation of the case."⁹⁴

6.2. Internal investigations into police operations resulting to death

Republic Act (RA) No. 6975, as amended by the Philippine National Police Reform and Reorganization Act of 1998,⁹⁵ mandates the Internal Affairs Service (PNP-IAS) to automatically investigate *motu proprio*, among others, "incidents where death, serious physical injury, or any violation of human rights occurred in the conduct of a police operation."⁹⁶ This was reiterated in Rule 6 of NAPOLCOM's Memorandum Circular No. 2016-002.⁹⁷ Documents as to these *motu proprio* investigations were however not made available to CHR.

⁹⁴ CHR IV-A 2019-0115.

⁹⁵ Republic Act No. 8551, available at https://www.lawphil.net/statutes/repacts/ra1998/ra_8551_1998.html

⁹⁶ RA No. 8551, Section 39(b),.

⁹⁷ Section 1, Rule 6, Internal Affairs Service. Authority to Conduct Motu Proprio Investigation – "The IAS shall conduct motu proprio investigation on the following cases:

- a. Incidents where a police personnel discharges a firearm;
- b. Incidents where death, serious physical injury, or any violation of human rights occurred in the conduct of police operation;
- c. Incidents where evidence was compromised, tampered with, obliterated, or lost while in the custody of police personnel;
- d. Incidents where a suspect in the custody of the police was seriously injured;
- e. Incidents where the established rules of engagement have been violated."

Similarly, the Commission had not been provided with copies of the Incident Report After the Use of Firearm⁹⁸ and an After-Operations Report After an Armed Confrontation⁹⁹ required under the 2013 Revised PNP-POP Handbook.

Police records are only available in 265 out of 481 alleged operations by police officers. Based on the available documents, 239 incidents involving law enforcers that resulted in death have been investigated by the police. The Commission only recorded administrative proceedings before the IAS in at least 50 incidents. The Commission could not review other internal investigations, if any, due to the inaccessibility and unavailability of police documents.

Out of the 50 administrative complaints before the IAS, police officers have been charged with grave misconduct in six incidents. Notably, three incidents involved the same set of officers from the same police station. However, available records do not show if the police station's chief or other superior officer was investigated pursuant to Section 2, Rule 6 of the NAPOLCOM MC No. 2016-002, which reads:

Inclusion of Supervisor and Superiors in IAS Investigations – The immediate superior or supervisor of the personnel or units being investigated under Section 1 hereof shall be automatically included in the investigation of the IAS to exclusively determine lapses in administration or supervision.

It has been observed that investigations, especially at the precinct level, are conducted by members of the same station or unit. The impartiality and independence of such investigations have been questioned on various occasions. Seldom did the available investigation reports from the station question the legitimacy of the operations, the use of force and firearms, and the self-defense narrative. Oftentimes, exemption from administrative and criminal liabilities is forwarded. In some investigation reports, recommendations for award, reward, or recognition have been put forward by the investigator and the chief of police.

The Commission also notes the lack of independent witnesses to the alleged law enforcement operations in official police records. For purposes of this section, independent witnesses exclude law enforcers who participated in the operations as well as those who participated after the operations such as witnesses to inventories.

Out of the 239 incidents resulting in death and investigated by the police, independent witnesses were only interviewed in 20 incidents. In most incidents, only the testimonies of the police officers involved in the operations were cited as basis to affirm the legitimacy of the operations in the PNP Investigation Reports. Informants and confidential assets are mostly—though somehow understandably—not interviewed about what transpired during the incidents.

⁹⁸ Revised PNP-POP Handbook (December 2013), Rule 8.4.

⁹⁹ Revised PNP-POP Handbook (December 2013), Rule 8.5.

The same statements by the police operatives become the basis of the criminal complaints filed against the dead suspects. Ironically, despite clear legal and jurisprudential bases that crimes are personal to the suspect, the PNP has been actively filing criminal charges even if their targets had died during the police operations.

In 86 incidents wherein criminal complaints were filed after death, the victims were charged with violations of Republic Act No. 10591, homicide, murder, direct assault, and disobedience upon agent of person in authority, together with violations of several sections of Republic Act No. 9165.

6.3. Law enforcement investigations on alleged drug-related killings

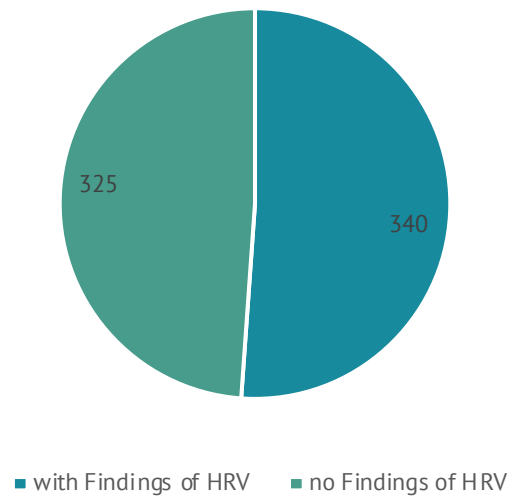
The Commission reviewed police investigations into 182 out of the 246 incidents involving extrajudicial killings by unidentified and other types of perpetrators. Records reveal that witnesses in 82 incidents (out of 89 incidents with available witnesses) were interviewed. This is a stark difference in the availability of independent witnesses during alleged law enforcement operations, which is only noted in eight percent of the total 239 investigated incidents.

Information that was made available to the Commission revealed that of the 246 incidents of killings by unidentified and other types of perpetrators, the police were only able to identify and file the appropriate cases in 22 (nine percent) incidents. Several obstacles in the identification of perpetrators were cited by the police. In most cases, the lack of witnesses that can positively identify the perpetrators halted police investigations.

In a number of cases where the police identify both the victim and the possible motive as drug-related, their link analysis would point to the possible perpetrators as a certain drug group. Their investigation report would indicate the possible motive as an unsettled drug debt by the victim to the drug group, competition in selling areas, and/or cleansing by the drug group to suppress their identities and that of their network.

However, CHR investigation notes that with the vast network of assets and intelligence by the police, coupled with the various support and improvement in its capability, equipment and manpower, no drug group was made to account for killings they allegedly committed, and justice remains elusive for the alleged “drug war” victims.

6.4. Unwillingness of witnesses and complainants



Graph 11. *Number of incidents with findings of human rights violations*

Out of the 791 alleged drug-related killings analyzed for this report, the Commission has concluded its investigations on 664 incidents as of February 2022. Out of the 664 incidents, the Commission found human rights violations in 340 (51%).

Despite findings of human right violations, the Commission had to archive 214 investigations due to the lack of witnesses, documents, and other evidence. Note that out of these archived incidents, only 77 have police documents on file.

The lack of testimonial and documentary evidence has also resulted in the termination or archival of 325 drug-related killings without any finding as to the commission of a human rights violation.

However, even in 293 incidents wherein witnesses are available, the Commission observed that witnesses are only willing to testify and/or be interviewed in investigations involving 159 (54%). Reasons for their apprehension to cooperate with CHR investigations include fear of reprisal and of being identified by the perpetrators.

The same fear affects the families of the victims. The Commission unfortunately had to archive some investigations due to the supposed disinterest of the victims' families. Like many witnesses, a number of families and relatives of victims of drug-related killings opted not to participate in investigations citing dangers of reprisal and other security matters. Despite their desire to find justice for their loved ones, others believed that such investigations are futile without any witness or evidence available to them; others showed distrust in the justice system. To note, despite the availability of police documents, the Commission failed to establish the presence of human rights violations in 182 incidents of alleged drug-related killings. In 47 out of the 182 incidents, the termination of investigations resulted from relatives' unwillingness to cooperate due to fear of reprisals, alleged disinterest to pursue any legal actions, or lack of access to witnesses and evidence.

The unwillingness to cooperate, brought about by the climate of fear and reprisals, is indicative of the State's failure to ensure the families' access to full and effective remedy domestically. The Minnesota Protocol clearly stated that "Family members of victims of unlawful death have the right to equal and effective access to justice; to adequate, effective and prompt reparation; to recognition of their status before the law; and to have access to relevant information concerning the violations and relevant accountability mechanisms."¹⁰⁰ However, as seen in CHR investigations, the exercise of these rights has been hindered by the climate of fear and reprisal created by the so-called "war on drugs".

¹⁰⁰ Minnesota Protocol 2016, Section II, Part B, par. 10.

CONCLUSIONS

The Commission reiterates its observation that drug-related killings have become rampant and widespread, occurring across the country's regions, during the administration of President Duterte. Victims targeted had actual or perceived links to illegal drugs; they were killed with disproportionate and/or excessive force or in a brutal manner whether during alleged operations by law enforcers or during attacks by unidentified or private persons.

A review of the killings in the context of operations by law enforcers show a pattern of police operatives claiming to have acted in self-defense against the victims who allegedly either pulled-out a gun to shoot the operatives or tried to grab the gun of an operative. Contrary to the claims of self-defense, available information indicated intent to kill by the police operatives and disproportionality of force used to repel aggression—with the fatal location and number of gunshot wounds sustained by the victims. There were possible violations of the rights of the drug suspects, and lapses in the observance of protocols established by law and reiterated in PNP Manuals.

Meanwhile, killings outside the context of a law enforcement operation indicate possible consistency with the objectives espoused in the government's campaign against illegal drugs. The Commission notes that the majority of the victims in the incidents analyzed were listed in several drug watchlists by the government. The injuries sustained by the victims, and the manner of disposal of the bodies in some incidents, reveal no intention to keep the victims alive. And their purpose to instill fear among the victims' kin for them not to pursue justice has been bold, brazen, and clear.

In its investigation and documentation, the Commission observed the impunity within which these killings occur and operate. Perpetrators are seldom brought to justice as the climate of fear paralyze accountability mechanisms and processes. In several instances, the Commission finds that families and witnesses decline to participate in any investigation in fear for their own safety and security. Some individuals have refused to be named as sources of information, scared to be identified and later be targeted by the perpetrators.

At times, perpetrators are shielded from independent, prompt, and thorough investigations through the invocation of the processes supposedly created to ensure protection and promotion of rights and freedoms. The Commission reiterates its earlier finding that investigation and prosecution of alleged drug-related killings do not abide by the standards and guidelines set up in the Minnesota Protocol on the Investigation of Potentially Unlawful Death. With the support of presidential directive and other issuances, the PNP's repeated denial of the Commission's access to police records is indicative of the lack of transparency and impartiality in its internal processes.

Given the conclusions of this report, the Commission finds that the government has not only failed in its obligation to respect and protect the human rights of every citizen, in particular, victims of drug-related killings, but it has also encouraged a culture of impunity that shields perpetrators from being held to account. It must be emphasized that the Commission supports campaigns to combat the effects and proliferation of dangerous drugs, but it reminds the State that such measures must be coupled with a strong drive to promote due process, equal protection, full accountability, and the rule of law, thus, fulfilling its fundamental duty to uphold the rights and dignity of all.

RECOMMENDATIONS

Pursuant to the State's obligation to respect, protect and fulfill the human rights of all individuals within its territory and subject to its jurisdiction, the CHR makes the following recommendations:

A. Office of the President

1. That the Office of the President revise and/or remove the exceptions stated in Executive Order No. 2 and other issuances which have been used as a basis for the denial of CHR subpoenas requesting for documents. Based on the Commission's findings, this "presidential directive" has resulted in limited access to police documents relating to the drug-related killings, thus, curtailing its investigations.
2. That the Office of the President spearhead the eradication of a "culture of impunity" by directing the concerned agencies to conduct full and transparent investigations into drug-related extrajudicial killings and identify the perpetrators against whom proper charges may be filed.
3. That the Office of the President, through its programs and issuances, institute a culture of respect for human rights through human rights education by continuous mandatory trainings and seminars on international human rights instruments and relevant domestic laws, for all law enforcement authorities, government officers, and employees.

B. Philippine National Police

1. That the Philippine National Police (PNP), including PNP-IAS, conduct full, immediate, thorough, transparent and impartial investigations on drug-related extrajudicial killings particularly deaths during anti-drug operations, deaths while in custody/detention, and administrative cases pending before them. It must be underscored that respondent police officers have the burden of proof to justify self-defense and regularity in the performance of official duties. They must prove that the use of force to subdue resistance on the part of the aggressor was necessary and reasonable.
2. That the PNP conduct full, immediate, thorough, transparent and impartial investigations on drug-related extrajudicial killings involving unidentified perpetrators, applying the latest forensic technologies
3. Based on the Commission's findings, for the PNP-IAS to release a comprehensive report detailing the number of investigations conducted against the number of killings recorded and the outcome of these investigations in the past six years. The report should also include *motu proprio* cases conducted by PNP-IAS, as mandated under RA No. 6975.
4. In connection with the conduct of the above-described investigations, it is recommended that the PNP Human Rights Affair Office (HRAO) release a bi-annual report detailing the conduct of these investigations with emphasis on the human rights violations committed by their members together with the repercussion of such violations. If feasible, the report should also include updates on the legal and judicial processes undertaken by the office against these violators. These reports should be made accessible to the public provided that such access would not interfere with any pending investigation or litigation.

5. That the PNP regularly provide the CHR a copy of the reports in the above-mentioned investigations

6. That the PNP strengthen the implementation of the laws and policies, in holding police officers accountable for any irregularities. In line with this, the PNP should review its internal investigation processes to guarantee accountability for transgressions of existing laws and standard operating protocols on arrest and the use of force. Superior officials, in the exercise of their command responsibility, should automatically review the anti-drug operations that necessitated the use of force or firearms.¹⁰¹ A full and detailed report of the incident should be provided.¹⁰² Pursuant to Executive Order No. 226, s. 1995, which institutionalized the doctrine of “command responsibility” in all government offices, superior officials at the PNP should be held responsible for the actions of their subordinates if the former knew or should have known of abuses but failed to take concrete action.¹⁰³ If warranted, PNP should immediately initiate administrative, civil, or criminal proceedings against erring police officers.

7. To further highlight the accountability of the members of the PNP, it is urged that police officers, regardless of their ranks, be subjected to continuous training on human rights. These trainings should include lectures on the following:

- i. The Revised Philippine National Police Operational Procedures (Revised PNP-POP Manual) with emphasis on the instances where necessary and reasonable force may be used against an offender, sufficient provocation of victims in view of *nanlaban* cases, use of force continuum and/or principle of proportionality on the use of force purposely to contain or stop the unlawful aggression of the offender, and observance of proper protocol during police operations;
- ii. International Human Rights Standards for Law Enforcement;¹⁰⁴
- iii. United Nations Code of Conduct for Law Enforcement Officials;¹⁰⁵
- iv. Other international and national instruments as enumerated in PNP Police Handbook PNP/HRAI-PS-4-14;
- v. PNP Guidebook on Human Rights-Based Policing; and,
- vi. Latest Forensic Science Training

8. That the PNP promptly implement and strictly comply with the Revised PNP-POP Manual, particularly the following rules: that all PNP Personnel shall respect and uphold the human rights and dignity of all persons at all times; observance of the principle of proportionality on the use of force to contain or stop the unlawful aggression of the offender, pursuant to the express prohibition on the use of excessive force; compliance with the elements of the Justifying circumstances of self-defense, defense of relative, defense of stranger; and observance of the provisions on the use of Body Worn Cameras (BWCs) and/or Alternative Recording Devices (ARDs) during the conduct of searches and arrest, incorporating the Supreme Court Rules; and to ensure that non-compliance is immediately disciplined in accordance with relevant laws, rules and regulations.

¹⁰¹ UN High Commissioner for Human Rights Centre for Human Rights, International Human Rights Standards for Law Enforcement available at <https://www.ohchr.org/sites/default/files/Documents/Publications/training5Add1en.pdf> (last accessed on 10 April 2022).

¹⁰² *Ibid.*

¹⁰³ *Ibid.*

¹⁰⁴ *Ibid.*

¹⁰⁵ <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/codeofconduct.pdf> (last accessed on 10 April 2022)

9. That the PNP repeal or revise circular or issuances pertaining or relevant to the War on Drugs, in particular, Oplan *Tokhang* which involves the conduct of house-to-house visitations to persuade suspected illegal drug personalities to stop their illegal drug activities that violate human rights.

10. That the PNP-HRAO implement a study on the conduct of the PNP Anti-Illegal Drugs Campaign Plan. The study should include, among others, the result of the campaign vis-à-vis the eradication of illegal drug use and distribution, the implications of the campaign on the state's responsibility of protecting human rights, and, recommendations to further improve the government's campaign against illegal drugs.

11. That the PNP review and revise the PNP Guidebook on Human Rights-Based Policing to incorporate the changes in the Revised PNP-POP Manual. It is urged that the revision be made after the thorough review of the study on the Anti-Illegal Drugs Campaign Plan and the bi-annual reports submitted by the PNP-HRAO.

12. That the PNP explore drug rehabilitation and treatment as effective tools in combating the drug problem in the country. It is encouraged that the PNP work closely with the Department of Interior and Local Government (DILG), Department of Health (DOH), Department of Social Welfare and Development (DSWD), Technical Skills and Development Authority (TESDA), Dangerous Drugs Board (DDB) and civil service organizations for the strengthening of the Community-Based Drug Rehabilitation Program (CBDRP).

C. Department of Interior and Local Government

1. That the Department of Interior and Local Government (DILG) review their Memorandum Circulars and other issuances relating to the Anti-Illegal Drug Campaign and create a mechanism which are consistent with a human rights-based approach.

2. That the DILG review their Memorandum Circular No. 2015-63, dated 16 June 2015 on the revitalization of the Barangay Anti-Drug Council (BADAC) and their particular role in preparing and maintaining a confidential list of suspected users, financiers, and/or protectors of illegal drug trade found in their respective area of jurisdiction. There should be measures of vetting and fact-checking to ensure the accuracy of the information in the said list. Further, a clear mechanism, in delisting the name of a suspected pusher, user, financier and/or protector which was erroneously included in the drug watchlist should be put in place.

3. That the DILG involve the revitalized¹⁰⁶ Barangay Human Rights Action Program (BHRAC),¹⁰⁷ in particular the 14,406 BHRACs¹⁰⁸ established, in the preparation and fact-checking of confidential list of suspected prohibited drugs user, financier, protector. This is in light of the increased budget allocation of Local Government Units, pursuant to the *Mandanas* ruling of the Supreme Court.

4. That the DILG direct local government units to fully cooperate with investigations conducted by the CHR and other independent bodies.

¹⁰⁶ DILG Memorandum Circular No. 2006-45, dated 11 May 2006. <https://www.dilg.gov.ph/issuances/mc/REVITALIZATION-AND-STRENGTHENING-OF-THE-BARANGAY-HUMAN-RIGHTS-ACTION-CENTER-BHRAC-PROGRAM/506> (last accessed on 27 October 2021).

¹⁰⁷ Barangay Human Rights Action Center Program: Legal Bases. BHRAC National Secretariat, CHR UNDP (2009). <https://elibrary.chr.gov.ph/cgi-bin/koha/opac-retrieve-file.pl?id=c1e6c021f7692d5cf695c38aca2e8379> (last accessed 27 October 2021).

¹⁰⁸ Barangay Human Rights Action Center (BHRAC) Program Design Report. CPRM, Inc. <https://www.ombudsman.gov.ph/UNDP4/wp-content/uploads/2013/01/bhrac-program.pdf> (last accessed 27 October 2021).

5. That the DILG, in cooperation with the PNP and Department of Health, review existing rules and regulations regarding funeral establishments, pricing, and proper handling of cadavers in drug-related incidents; and to establish measures that ensure compliance.

D. Department of Justice

1. That the Department of Justice (DOJ), as the principal law agency and legal counsel of the government, investigate the cases involving drug-related extrajudicial killings through the National Bureau of Investigation and prosecute persons charged with the commission of these extrajudicial killings through the National Prosecution Service. In connection with this, it is recommended that:
 - i. That the DOJ draft and implement Operational Guidelines that will ensure cooperation of prosecutors, investigators and law enforcers in the investigation, case build-up, inquest and preliminary investigation, and trial of cases involving drug-related extrajudicial killings;
 - ii. That the DOJ seek to ensure the cooperation and coordination between the National Prosecution Service and other concerned agencies of government for the successful investigation and prosecution of drug related extrajudicial killings; and,
 - iii. That the DOJ conduct seminars, lectures, and conventions to train, educate and enhance the knowledge and skills of its investigators and prosecutors in the investigation and prosecution of these cases.
2. That the DOJ uphold the rule of law and ensure the effective and efficient administration of justice to the victims of drug-related extrajudicial killings, including expediting the resolution of pending cases.
3. That the DOJ regularly and automatically furnish the Commission with complete and comprehensive reports of their review of anti-illegal drug operations where deaths occurred.
4. That the DOJ and the Office of the Solicitor General *motu proprio* review and revise the Inventory of Exceptions to Executive Order No.02, s.2016, and other issuances that have been used to deny access to police records and/or shield law enforcement from accountability.
5. That the DOJ, as mandated under RA No. 6981 also known as the Witness Protection, Security and Benefit Act, provide protection, security and certain rights and benefits to survivor-victims and witnesses of drug-related extrajudicial killings.
6. That the DOJ determine the probable cause for the filing of the proper criminal charges for all of the drug-related killings in the country, regardless of the filing of complaints before prosecutors, in the conduct of its *motu proprio* authority to the same.

E. Office of the Ombudsman

1. That the Office of the Ombudsman conscientiously perform its constitutional mandate, being the “protector of the people,” to continuously monitor cases of drug-related extrajudicial killings involving law enforcement officers, adopt better measures to expeditiously resolve these cases, and investigate and prosecute government officials involved for purposes of accountability;

2. Based on the Commission's Findings, for the Office of the Ombudsman to release a comprehensive report detailing the number of drug-related extrajudicial killings cases filed before, and resolved by their office.
3. That the Office of the Ombudsman include cases of drug-related extrajudicial killings to its coverage of "high-priority complaints," under Administrative Order No. 1, Series of 2020.¹⁰⁹
4. That the Office of the Ombudsman institute a "zero-tolerance" policy in its investigation and resolution of cases involving drug-related extrajudicial killings.
5. That the Office of the Ombudsman actively participate in inter-agency dialogues to expeditiously resolve cases of drug-related extrajudicial killings in the Philippines.
6. That the Ombudsman strengthen coordination and cooperation with the CHR with respect to ensuring the swift and successful investigation, adjudication and prosecution of cases involving human rights violations, pursuant to the Memorandum of Agreement, dated 17 July 2018.
7. That the Office of the Ombudsman adopt reforms and identify long-term solutions to seriously address the problems identified by the CHR in the present report.

F. Congress

1. That Congress enact and/or amend laws that separately penalizes human rights violations committed during or as a result of anti-illegal drug operations, including but not limited to, extrajudicial killings by law enforcement and non-law enforcement perpetrators, planting of evidence, and extortion.
2. That Congress enact laws strengthening and/or amending the laws on Anti-Enforced or Involuntary Disappearance (RA No. 10353) and Anti-Torture (RA No. 9745), to include victims of drug-related extrajudicial killings and/or related offenses.
3. That Congress enact a law establishing or creating an independent and impartial mechanism or commission to investigate and, where appropriate, to bring perpetrators of drug-related extrajudicial killings to justice, more importantly holding those with command responsibilities fully accountable.
4. That Congress enact a law that provides EJK victims, their families, and witnesses, adequate redress and reparation, rehabilitation, and support services including access to safe houses, legal aid resources and social and health care.
5. That Congress enact a law strengthening the power of the CHR to investigate cases involving human rights violations and abuses, including, but not limited to rightful access to police documents; right to receive regular reports of drug-related killings from concerned agencies, unhampered investigation, and prescribing criminal and administrative penalties for non-compliance.
6. That Congress mandate a relevant special law to which the widespread abuses and violations identified by the Commission in this report constitute crimes against humanity.

¹⁰⁹ Prescribing Periods in the Conduct of Investigations by the Office of the Ombudsman

7. That Congress provides attention in the granting of increase in the resources of the CHR and other agencies involved in the investigation of cases of drug-related extrajudicial killings.
8. That Congress enact and monitor the implementation of laws aimed at prescribing competent, scientific and advanced forensic technology for the detection and investigation of crimes, including but not limited to, rules governing the handling of cadavers and other object evidence, and penalties for non-compliance.
9. That Congress adopt reforms and identify long-term solutions to seriously address the problems identified by the Commission in the present report.

G. Judiciary

1. That the Judiciary continue to uphold its duty to guarantee equality before the law; the presumption of innocence unless proven guilty; the right to a fair and public trial by a competent and impartial tribunal; and to be tried without undue delay, in dispensing justice relative to cases involving anti-illegal drug operations.
2. That the Supreme Court implement Rules of Procedure for Human Rights Violations Cases that provide for:
 - i. Expedited procedural processes that facilitate the immediate disposition of human rights cases;
 - ii. Immediate issuance of protective orders;
 - iii. Limited appeals and allowable motions;
 - iv. A prohibition on delayed promulgation of judgments; and,
 - v. An effective mechanism for the execution of judgments.¹¹⁰
3. That the Supreme Court study and approve the creation of special human rights courts to handle drug-related killings in line with its mandate of judicial administration and supervision, as well as its mandate to promulgate rules for the protection of constitutional rights.

H. Civil Society Organizations

1. That civil society organizations develop, strengthen, and implement programs that identify and provide psycho-socio-economic support to the families of EJK victims.
2. That civil society organizations foster initiatives that will enable comprehensive and uniform documentation process of EJK cases and allow for successful prosecution in the future, in cooperation with the DOJ and the CHR.

¹⁰⁹ Ibid.

3. That civil society organizations broaden their civic space by developing and sharing good practices; and recognizing gaps in preventing and prosecuting drug-related extrajudicial killings.

H. International Bodies and Organizations

That the United Nations (UN) Human Rights Council, through the UN Office of the High Commissioner for Human Rights (OHCHR) continuously monitor the Philippine Government to fully and consistently comply with its international human rights obligations, including a human rights-compliant drug policy.📍

ANNEXES

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Annex B

Data tables for graphs and figures

A. Information from CHR Investigation Office Masterlist

Status of CHR case investigations (for Graph 1)

Status	No. of dockets
Under investigation	1732
Closed for investigation	2053
No info	5

Number of cases investigated per region (for Figure 1)

Region	No. of dockets
NCR	783
CAR	57
Region I	202
Region II	85
Region III	722
Region IV-A	724
Region IV-B	63
Region V	101
Region VI	150
Region VII	260
Region VIII	84
Region IX	58
Region X	109
Region XI	139
Region XII	147
Region XIII	94
ARMM	12
Total	3790

Number of investigations per year (for Graph 2)

Year	No. of dockets
2016	504
2017	571
2018	661
2019	1557
2020	279
2021	233

B. Information from sampled case dockets (882 dockets)

Number of killed victims and survivors of drug-related incidents (for Graph 3)

Status	No. of victims
Killed	920
Not killed	87
No info	7
Total	1014

Assigned sex at birth of victims of drug-related incidents (for Graph 4)

Assigned Sex	No. of victims
Male	839
Female	39
No info	136
Total	1014

Age of victims at the time of the drug-related incident (for Graph 5)

Age	No. of victims
younger than 12	2
12 to 17	9
18 to 24	90
25 to 34	251
35 to 44	288
45 to 54	117
55 to 64	24
65 to 74	4
older than 75	0
No info	229
Total	1014

Number of victims per type of incident (for Graph 6)

Type	No. of victims
Law enforcement operation	659
Non-law enforcement operation	281
No info	73
Total	1014

Nanlaban victims and their status after the drug-related operations (for Graph 7)

Status	No. of <i>nanlaban</i> victims
Killed	511
Not Killed	26
No info	0
Total	537

Locations of gunshot wounds in victims of law enforcement operations (for Graph 8)

Status	No. of victims	No. of killed victims
Head	26	26
Torso	93	92
Head and Torso	82	82
Other location/s	34	33
No info	186	186

Reasons for unavailability of police documents (for Graph 10)

Reasons	No. of incidents
Police needs clearance	30
Outright denial by police	59
No response from police	63
Other Reasons	3
No info	126

CHR findings of human rights violation (for Graph 10)

Findings	No. of incidents
With findings of HRV	342
No findings of HRV	82
No info / inconclusive findings	244



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