

DECISION No. 4/1993 (PHILIPPINES)

Communication addressed to the Government of the Philippines on 8 April 1992.

Concerning: Noé Andalán, Romeo Angot, Gilbert Arcenal, Dionesio Garson and Jesús Salvino, on the one hand, and the Philippines, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.

2. The Working Group notes with concern that till date no information has been forwarded by the Government concerned in respect of the cases in question. With the expiration of more than ninety (90) days of the transmittal of the letter by the Working Group, it is left with no option but to proceed to render its decision in respect of each of the cases of alleged arbitrary detention brought to its knowledge.

3. (Same text as paragraph 3 of Decision No. 43/1992).

4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government of the Philippines. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the cases, especially since the facts and allegations contained in the communication have not been challenged by the Government.

5. In the case of Noé Andalan, the facts suggest that on 16 June 1991 he was arrested without a warrant at Kapatagan Municipal Jail. In the case of Romeo Angot, he too was allegedly arrested on 16 June 1991 at Kapatagan, Lanao del Norte. He also allegedly continues to be in detention at Kapatagan Municipal Jail. In the case of Gilbert Arcenal, he was allegedly arrested without a warrant on 20 November 1991 in Bacolod City. On 28 November 1991 he was transferred to Bacolod City Jail where he allegedly continues to be in detention. Dionesio Garson was allegedly arrested without a warrant on 13 September 1990 at Binalbagan by Lt. Teodoro Salido of the PNP. On 4 October 1990 he was allegedly transferred to the Provincial Jail where he allegedly continues to be in detention. Jesús Salvino was also allegedly arrested without a warrant on 25 November 1991 at Santolan, Pasig. Since 27 November 1991 he continues to be in detention at PNP Jail Camp Crame in Quezon City. It is also alleged that in respect of each of the persons detained thus far neither have any charges been filed against them nor have they been informed individually of the reasons for their arrest.

6. The practice of arresting persons without a warrant, not informing them of the reasons of their arrest and not filing charges against them within a reasonable period of time would render their detention arbitrary being in

contravention of articles 8, 9, 10 and 11 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights.

7. In the light of the above the Working Group decides:

The detention of Neo Andalan, Romeo Angot, Gilbert Arcenal, Dionesio Garson and Jesús Salvino is declared to be arbitrary being in contravention of articles 8, 9, 10 and 11 of the Universal Declaration of Human Rights, and articles 9 and 14 of the International Covenant on Civil and Political Rights and falling within category III of the principles applicable in the consideration of the cases submitted to the Working Group.

8. Consequent upon the decision of the Working Group declaring the detention of Neo Andalan, Romeo Angot, Gilbert Arcenal, Dionesio Garson and Jesús Salvino to be arbitrary, the Working Group requests the Government of the Philippines to take the necessary steps to remedy the situation in order to bring it into conformity with the norms and principles incorporated in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

Adopted on 30 April 1993