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Melissa Roxas Case

April 26, 2011

It bears clarifying that in Resolution (IV) No. A2010-130, neither did the Commission on Human Rights “practically clear” the Armed Forces of the Philippines (AFP) nor did it “tag” the New People’s Army (NPA) as responsible for the human rights violation suffered by Melissa Roxas.

The Resolution was submitted to the Court of Appeals along with a Report on the CHR Investigations and two Confidential Reports, in compliance with the Decision of the Supreme Court in G.R. No. 189155, dated 7 September 2010. The CHR was tasked as the lead agency to further investigate the abduction and torture of Melissa Roxas.

In the course of its investigation, the CHR was guided by no other principle but the need to elicit the truth based on facts sufficiently supported by evidence. Applying the substantial evidence standard, which refers to that amount of relevant evidence which a reasonable mind would accept as sufficient to justify a conclusion, on the totality of evidence, the CHR in its Resolution, reached the following conclusions:

- Melissa Roxas, along with two companion, was forcibly taken from the house of Jesus Paolo at Sitio Bagong Sikat, Barangay Kapanikian, La Paz, Tarlac on 19 May 2009 by unidentified armed men, in violation of her human right to be secure in her person.
- Melissa Roxas was kept captive in a still unidentified location by persons yet unknown in violation of her right to be secure in her person as against arbitrary and involuntary detention.
- Melissa Roxas suffered physical and psychological maltreatment at the hands of unknown persons, including handcuffing, blows to her head and body, deprivation of food, threats and intimidation including threats to her life, deprivation of sleep, and intimidating phone calls after her release by her captors.

Contrary to the claims of other groups, the CHR gave credence to the testimony of Melissa Roxas in regard to the aforementioned conclusions, in deference to the Supreme Court’s holding in the case of *Secretary of Defense v Manalo*, that victims of enforced disappearances and torture are usually the only “source of information evidence” and that “the veracity of their account will depend on their credibility and candidness.” On the basis of Roxas’ testimony and the results of medical and psychological examinations conducted on her, the CHR found “enough evidence to find that Melissa Roxas suffered cruel, inhuman or degrading treatment.”

Applying the same standard, however, the mass of evidence gathered in the course of a rigorous field investigation consisting of several site visits, ocular inspections and witness interviews, is deemed insufficient to enable the CHR to reasonably conclude that the state agents perpetrated the acts of maltreatment or that the same were committed in government facilities. The full details of the investigation are laid down in the Confidential Reports submitted by the CHR to the Court of Appeals. The CHR decided to keep this confidential in order to ensure the safety and security of informants, as well as its own officers and investigators who have been at the receiving end of death threats from unknown individuals bent on stifling the truth. The same informants have, on

the assurance of confidentiality, categorically pointed at elements of the New People's Army as being responsible for Melissa Roxas' abduction and maltreatment. [top](#) [previous](#) [next](#)

The International Convention Against Torture (CAT) as well as our very own Anti-Torture Law define torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is **inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.**” Melissa Roxas' testimony did not establish with certainty the identity and authority of her captors. On the other hand, there are other credible evidence that point at other non-state actors. Hence, even as torture was not established because the material element of public officials is absent, the CHR still concluded that Melissa Roxas was held and maltreated in violation of her human rights.

Moreover, unlike the Philippine National Police (PNP) and the National Bureau of Investigation, the CHR does not have the personnel complement, intelligence capability and local presence to conduct the kind of investigative activities such as surveillance and manhunts now necessary at this point in order to identify and track the individuals behind these violations. Thus, the aforementioned law enforcement agencies are duty-bound not only to prevent acts of torture and other cruel, inhuman or degrading treatment, but to investigate such acts whenever they occur. The CHR therefore resolved to refer the case to the PNP and the NBI for further investigation particularly in terms of establishing the identity of the violators of the rights of Melissa Roxas and her companions with a view to filing criminal charges of kidnapping with serious physical injuries as well as illegal detention.

The CHR is fully supportive of genuine efforts to render justice to those whose human rights have been violated by uncovering the truth regardless of ideology or interests. Its insistence on methodical investigation and evidence-based conclusions, and against fishing expeditions, stems from this concern and no other bias. The CHR tells it as the evidence says it.

(Original Signed)
LORETTA ANN P. ROSALES
Chairperson