



REPUBLIC OF THE PHILIPPINES
Senate
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Journal

SESSION NO. 22
Monday, September 19, 2016

SEVENTEENTH CONGRESS
FIRST REGULAR SESSION

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CALL TO ORDER

At 3:39 p.m., the Senate President, Hon. Aquilino “Koko” Pimentel, called the session to order.

PRAYER

Sen. Cynthia A. Villar led the prayer, to wit:

Let us put ourselves in the presence of God.

God of power, might, wisdom and justice.

Through You, authority is rightly administered, laws are enacted, and judgment decreed.

Assist us with Your Spirit of good counsel and fortitude.

Grant that we may be enabled by Your wisdom to lead according to Your will.

Help us to be good legislators and leaders.

Lord, remind us that leadership is not about merely watching and correcting.

Lord, let us remember that it is about listening and connecting.

Lord, let us find out what people need and help provide for them.

Let us always be reminded that leadership is less about the love of power, and more about the power to serve.

Lord, let us be affirmed by the servant leadership we witness in Your Son, Jesus. Let us walk in the path He has set.

Let our greatest passion be compassion for the people we serve; our great strength, the will to serve; and our greatest victory, the reward of progress and peace in our nation.

Amen.

NATIONAL ANTHEM

The Imus Institute of Science and Technology Pop Ensemble led the singing of the national anthem and thereafter rendered a medley of the songs, entitled “*Ako ay Pilipino*” and “*Magsimula Ka.*”



ROLL CALL

Upon direction of the Senate President, the Secretary of the Senate, Atty. Lutgardo B. Barbo, called the roll, to which the following senators responded:

Angara, S.	Lacson, P. M.
Aquino, P. B. IV B.	Legarda, L.
Binay, M. L. N. S.	Pacquiao, E. M. D.
Cayetano, A. P. C. S.	Pangilinan, F. N.
De Lima, L. M.	Pimentel III, A. K.
Drilon, F. M.	Poe, P.
Ejercito, J. V. G.	Recto, R. G.
Escudero, F. J. G.	Sotto III, V. C.
Gatchalian, W.	Trillanes, A. F. IV
Gordon, R. J.	Villanueva, J.
Honasan, G. B.	Villar, C. A.
Hontiveros, R.	Zubiri, J. M. F.

With 24 senators present, the Chair declared the presence of a quorum.

APPROVAL OF THE JOURNAL

Upon motion of Senator Sotto, there being no objection, the Body dispensed with the reading of the Journal of Sessions No. 20 (September 13, 2016) and 21 (September 14, 2016) and considered them approved.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Sotto acknowledged the presence in the gallery of the following guests:

- Members of the National Youth Parliament;
- Cordon, Isabela Municipal Mayor Laurencio P. Zuñiga, Vice Mayor Charlita J. Mariano and councilors;
- National Teachers College Office Administration students headed by Professor Jacqueline C. Serrano;
- Members of the British Parliament representing the British Group of the Inter-Parliamentary Union led by Sir David Amess MP and its members, namely, Mark Pritchard MP, Virendra Sharma MP, Ian Paisley MP, the Lord Rogan of Iveagh, the Baroness Hooper CMG, together with Mr. Rob Contractor, the head of the Political and Economic Team of the British Embassy-

Manila, and Ms. Emily Davies, the delegation secretary.

Senate President Pimentel welcomed the guests to the Senate.

MANIFESTATION OF SENATOR CAYETANO

Senator Cayetano asked that he be recognized for a question of personal and collective privilege.

MOTION TO SUSPEND SESSION

Senator Drilon moved for a suspension of the session so that the Members could go into caucus to discuss important matters.

Senator Sotto admitted that he was in quandary whether to recognize Senator Cayetano who had a reservation to speak on a question of privilege or to dispose of Senator Drilon's motion to suspend, saying that he would rather have Senate President Pimentel or the Body itself decide on how to dispose the pending issues before it.

POINT OF ORDER

Senator Cayetano raised a point of order, arguing that a motion to speak on a question of personal and collective privilege takes precedence over a motion to suspend.

However, Senator Drilon cited Rule 89 of the *Rules of the Senate* which states that "...no other motion can be entertained except the following and in the order which they appear below: a) motion to adjourn, b) motion to set the day for the resumption of the session, c) motion to suspend the session..."

Senate President Pimentel then submitted Senator Drilon's motion to a vote.

Senator Cayetano objected.

DIVISION OF THE HOUSE

At this point, the Chair called for the division of the House as it requested those in favor to suspend the session to say "aye," and thereafter, requested those against it to say "nay."

With majority of the Members saying "nay," the motion to suspend was denied.

Senator Drilon called for a nominal voting.

MANIFESTATION OF SENATOR RECTO

Senator Recto stated that the Minority Bloc has no interest in taking part in the voting because the two motions were raised by members of the Majority. However, the Senate President pointed out that members of the Minority will also be affected by the suspension of session.

Senator Recto insisted that Minority Bloc will not take part in the voting.

NOMINAL VOTING TO SUSPEND THE SESSION

Upon direction of Senate President Pimentel, Secretary Barbo called the roll for nominal voting.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor

Aquino	Hontiveros
De Lima	Pangilinan
Drilon	Trillanes

Against

Cayetano	Pacquiao
Ejercito	Pimentel
Gatchalian	Poe
Gordon	Sotto
Honasan	Villanueva
Lacson	Villar
Legarda	Zubiri

Abstention

Angara	Escudero
Binay	Recto

With six senators voting in favor, 14 against, and four abstentions, the motion to suspend the session was denied.

EXPLANATION OF VOTE OF SENATOR SOTTO

Senator Sotto admitted that although he talked to Senator Drilon earlier that he would call for a suspension of session, the situation changed and he had to vote with the Majority.

QUESTION OF PRIVILEGE OF SENATOR CAYETANO

On a question of personal and collective privilege, Senator Cayetano lamented the efforts of many camps to discredit and destroy the image of the country, including the Senate, in connection with the Administration's campaign against illegal drugs, crimes and corruption. Thus, he called on every Filipino to help save the Philippines from the efforts of the few, including the international media, from destroying the image of the country, the economy, and the future of the next generation.

Following is the full text of Senator Cayetano's speech:

"For I know the plans I have for you, plans to prosper you and not to harm you, plans to give you hope and future."

Iyan po ang nasa Jeremiah 29:11. In the Bible, God's people were many times found themselves in exile. Many times, they found themselves helpless. Yet, they were assured not only was there a plan, but that there was "the plan."

We are a people and a nation in search of a vision, in search of a plan, in need of hope and praying for a future.

Our past presidents provided us with visions and plans. There were many gains – from Aquino to Ramos to Estrada to Arroyo to Aquino and now to Duterte. But there were also much failure.

We are not here today to judge the past administrations nor to point fingers.

Mismong Pangulo natin ang nagsabing huwag na tayong magturuan. We are not here to condemn nor congratulate past leaders but we are here to study the past and see how we can provide our people with a common vision, with goals and with a workable plan.

The last six years we heard again and again, a recurring theme of two things: economic gain and anti-corruption campaign. We were successful in many front.

There were criticisms of non-inclusive economy *na hindi lahat kasama sa* economic gains, *at meron din pong naging* criticism *na iyong* anti-corruption drive *ay laban lamang sa mga kalaban ng administrasyon.*

Nevertheless, no one can take it away from President Aquino and his team, that there were substantial gains; there were actual gains; they



were worldwide renown; and there were steps that were put into place that we can build on.

Ngunit, kapag tiningnan natin ang news at tayo ay nagtanong sa mga tao noong panahon na iyon, ano ang karaniwang sagot? What did the man on the street say? "Kuya, magulo sa amin." "Brother, there are chaos in the streets." Ano ang karaniwang sagot? "Sir, maraming droga, kalat." "Boss, grabe ang trapik." "Senador, gutom kami ngayon eh." Patayan araw-araw; five years old, eight years old, 12 years old—nirape. I did not see that on BBC; I did not see that on CNN; I did not see that on TIME Magazine. Those deaths were 40% drug-related.

Sariling ama, binaril ng anak — a son high on shabu, shooting his father saying that he thought he was shooting the devil. Riding-in-tandem for a while was a daily occurrence. "Di makasakay sa jeep o sa bus na nakalabas ang cell phone o may kuwintas o may jewelry. Maraming mag-boyfriend, mag-asawa nag-away—"Bakit hindi makontak?" "Eh kasi hindi mailabas ang cell phone ko, nasa bag ko/ nasa bulsa ko; maganda kasi ang cell phone ko baka manakaw."

Hindi makauwi kasi takot mabastos, maholdap o mapaaway. Those movies of the '70s or '80s stuck in the mind of Filipinos wherein women—saleslady, waitresses, cashiers, people from the office going home into not so affluent areas—were being stopped by a group of men without t-shirts, drinking and saying "Tagay ka muna," "inom ka muna," "upo ka muna dito."

OFWs at senior citizens — those who should be protected—naging biktima ng tanimbala. Ngayon po, dalawang buwan pa lamang mahigit, may pakiramdam na ng kaayusan at kaligtasan. I am not saying that people are now safe; I am saying that they feel safer. Ask people in the street, they will tell you, "Boss, iyon mga nag-iinuman nasa loob na ng bahay at naka-T-shirt na lahat." "Boss, hindi ko na alam nasaan na iyong nagbebenta ng droga, nawala na dito." "Boss, hindi na kami binabastos." "Boss, iyong mga batang 10, 12, 15 years old, hindi na nakakalat sa kalye." It is not perfect. In fact, the President very candidly said he needs another six months.

But let us be honest to ourselves. It is happening. The Philippines is becoming more like Singapore in terms of being able to walk the streets at any time of the night. *Ano po ang gusto natin? What do we want? Bumalik tayo six years past or ipagpatuloy natin ang pagba-*

bago? Do we go back or do we go forward? More of the same or change? Gusto ba natin na takot ang tao at ang kriminal hindi takot? Would we rather that people are afraid and the criminals are not afraid? Or do we want criminals to be afraid of the law and people clinging to the law, respecting the law, feeling safe?

Yes, human life is sacred. I showed those videos here where the President again and again assured us that there will be no state-sponsored extrajudicial killing; where the President said he will punish any agent of the State that takes the law into his own hands. Yes, we should uphold the rule of law.

This is the third time *na tumayo ako dito* because the Senate is being used to mislead the public and the international media. *Noong una*, it was just to discredit the President and his efforts; *ngayon, iba na*. Now, it is not only being used to discredit the President wittingly or unwittingly—*ibig sabihin po, sinasadya man o hindi*.

The effort to discredit is 1) destroying the image of our country abroad; 2) destroying the image of the Senate as an institution and distracting us from much urgent work needed to be done; and 3) destroying our long-honored traditions of congeniality, civility, and of disagreeing but allowing the other person to speak freely when we disagree.

We have to save our country from the efforts of few politicians to discredit the President and his campaign against illegal drugs, crime and corruption — that was my message in my first two speeches.

But this is what I humbly want to communicate to all of us here today: We have to save our nation from the efforts of a few people, not only politicians, not only Filipinos but some in the international community from destroying the image of our country, our economy and the future of our next generation.

At this point, a slide of the cover of TIME Magazine's Asia Edition (September 2016 issue) entitled, "Night Falls on the Philippines," written by Rishi Iyenger was shown on the screen.

Ask our OFWs if that is how they feel. Take a survey today upon the Philippine media. Were they safer in past administrations or are they safer now? Go to the communities—if six or seven out of 10 Filipinos will not tell you they feel safer now, I will say goodbye to this august hall which I admire and learned to love. That is

not a depiction of what is really happening in our country. It is not an accurate depiction.

An excerpt from the privilege speech of Senator De Lima on the spate of extrajudicial and vigilante killings in the war on drugs of President Rodrigo Duterte and the PNP was shown.

You would see a quote: "We are on a slippery slope towards tyranny," says Philippine Sen. Leila De Lima. "Whether it is state-sanctioned or not, I would say at the very least that all these killings are State-inspired." I do not know if she was quoted correctly but that is the image that is being sold to the international community.

A slide of New York Times (September 15, 2016 issue) with an article, entitled "Rodrigo Duterte ordered Philippine Killings, Professed Hitman Testifies," was shown on the screen.

Some of you here, our guests, the British parliamentarians, will say that it is a fair headline. Anyway, that was the real testimony. Let me answer that in a while.

Thereupon, a series of slides were shown on the screen in the following order: Washington Post (September 15, 2016 issue) with an article, entitled "Philippine Witness: We Killed for Duterte, Fed Body to Crocodile"; BBC News-Asia (August 26, 2016 issue) concerning an interview to an alleged woman assassin who said that she killed vigilante-style for P20,000; and Philippine Daily Inquirer (September 17, 2016 issue) with an article, entitled "EU pressed PH gov't: End of executions."

EU speaking as if it is a fact that our state is executing people extra judicially, *mayroon na po nagbenta sa EU*. People have already misled them in the way that they have misled members of the United Nations to believe that what is happening here is a fact. They have added the usual deaths — murder and homicide that happened during Arroyo and Aquino time, they have added it to the drug war and made it appear that the Philippines is now a killing field, that there is an atmosphere of impunity. That is why I challenge all of them to come here. Unfortunately, some of them who came here only witnessed the hearing and were only interested in interviewing the witness rather than going to our communities here in Pasay, Manila, Quezon City, Davao, Leyte, Ilocos or Pampanga.

Bakit lahat na lamang ng patay sa Pilipinas kasalanan ni Duterte? Is our President the Grim Reaper? Is the President liable for all of the deaths? He is here to save the innocent from

being killed by the drugs addicts and by the drug pushers. He is here to free us from the drug menace that has already ensnared almost 5% of our population.

While OFWs are working, sacrificing, being abused in some places, their children are being pressured by their peers and are being sold drugs, some of which are bad, the kind of drug that does not only kill you slowly but will kill you instantly.

Kitang-kita po ang bias ng ilang senador laban sa krusada ng Pangulo.

Question: Is this a fair statement? Yes. I was once biased against the Arroyo administration. Is it wrong to be biased against a President? No, because this is a democracy. You can be prejudiced; you can be biased; you can be for him; you can be against him; you cannot have an opinion. That is your own right. Then, why am I standing here complaining? Because while you have rights, you also have responsibilities.

The responsibility of a chairperson in an investigation in aid of legislation is for the factual investigation so that the truth will come out. And as I said, this is the third time that I have stood up here. And we do not have time to look at all the statements of the Honorable Senator De Lima, but she has already made the judgment when she was in the CHR; she already made the judgment when she was in the DOJ. And if it is true that her witness was in the Witness Protection Program (WPP) in 2014, she had the witness but did not file the case. But when she got here in the Senate and got the Committee on Justice and Human Rights, she decided to chair the committee which is her right to do so but she refused to be neutral, with all due respect.

If you tell me, "Alan, *ikaw na lamang ang mag-chair*." I will say I cannot because I am also biased. Let someone else chair. In my past speech, I said I am not even asking that she be removed from the Committee on Justice and Human Rights, only from certain hearings where we cannot expect cold neutrality. But look at her opening statement: "*Marahil maiuugnay natin ang kababalaghang ito sa nangyari sa Davao City mula noong dekada '90 hanggang sa kasalukuyan at kung paano ang buong Pilipinas ngayon ay larawan ng siyudad ng Davao sa mahigit dalawang dekadang pamumuno ni dating Mayor Duterte.*"

Look at that statement. First of all, she takes it as a fact that there is a DDS—Duterte Death Squad *po* iyon, *marami nang DDS ngayon*. She

takes it as a fact. Second, she is saying that “*maugnay*— you can link up what was happening in Davao to the country.”

So, no wonder even if DDS or killings in Davao have no place in the present EJK hearings, she brought that surprise witness without informing the co-chairman, Senator Lacson; without informing the members, when our tradition in this august hall is that when we have a surprise witness, we keep the identity a surprise; we keep his testimony a surprise but we let the members know that there will be a key witness so that they can prepare and so that they will be in the hearings. *Kaya maraming hindi nag-attend eh.* Until four o'clock the day before, we were not given the list of invitees. And even when we were given it at 4:05 p.m., the day before, *wala po doon* that there will be an extra witness.

The chairman or chairperson has the responsibility to vet the witness and test the credibility of the witness before allowing the witness to testify before the committee. That is very clear.

Let me go back to the slides I showed this Chamber about *BBC*, *TIME Magazine* and *Washington Post*. Is there anything wrong *per se* with that headline when they themselves with their eyes and ears perceived the hearings here? No, I do not blame them; I do not say *per se* it is bad journalism but take in these factors:

- 1) They were fed by Philippine sources. *Paulit-ulit ang ilang publication, ilang pulitiko* including Senator De Lima, of misleading them in the numbers— saying 3,000 *na ang patay*, using the words “vigilante killings,” “kill list,” “extrajudicial killings” in a very loose term;
- 2) Dynamics of Congress and the parliament. I have not heard *sa France*, *sa U.K.* *o sa U.S.* that an unvetted witness, *isang witness na hindi mo sigurado kung ano ang sasabihin, hindi mo alam kung galing sa mental hospital o hindi mo alam kung ano ang motibo o ano ang gustong gawin, ay dadalhin sa Kongreso. Kaya hindi natin masisi ang mga foreign news outlets na iyon ang ni-report. Bakit? Kasi ang tingin nila sa Kongreso ng Pilipinas mataas.* You will not put a witness who is not credible.

I sympathize with Senator Lacson because of the witness that was placed before him, Mr. Mawanay. There were many victims in this hall but remember, when they victimized the senators, it hit them individually. It did not hit the country. But putting a witness against the

President makes it seem that the whole country is for extrajudicial killing. *Kapag binasa ninyo po iyong mga* article, it says, “he is immensely popular with 92%, so that they let him do it,” something like that.

So, they are giving the impression that we are not civilized people; that we are not modern people with strong moral values, and just because our President is popular, and just because we are fed up with drug lords, we will just kill them all. In fact, I heard many people say, “Even the addicts are being killed,” when for many times, this has been disputed. In fact, later on, I will show this Chamber a slide where businessmen are volunteering hundreds of millions of pesos to build rehabilitation centers.

Lastly, *kung iyong ibang mga diyaryo at television sa atin naka-link naman sa negosyo*, they try to always be objective but they also have their interest. That is the same abroad — geopolitics. Do you think there will be no repercussions when the President said, “independent foreign policy”? Do you think some countries in this world have not gotten news that the Philippines just follows them? *Kung ano sabihin nila, sunod ang Pilipinas*, and this is upsetting them. And that is probably why it is much easier to get all these issues together — extrajudicial killings, foreign policy, what is up between Duterte and China, what is up with the economy and everything.

A slide of the September 15, 2016 Agenda of the Committee on Justice and Human Rights on Public Hearing/Inquiry in Aid of Legislation listing Senator Cayetano's privilege speech (August 2, 2016) was shown on the screen.

I was not even allowed to speak for a few minutes when a colleague of ours questioned my right to speak. Let me clarify. First of all, it is our tradition here that non-members will have a voice but no vote in any hearing. Secondly, it is our tradition here that after the first round, there will be a second, third, fourth round. It is only Sen. Manny Pacquiao who ends at round 10 and usually knocks out his opponent before that. But for senators, we can go any number of rounds for as long as the chairman says it will continue; if not, we will do it the next day. Our record, if I am not mistaken, in the ZTE hearings was 11 hours.

When my right to speak was questioned initially, I was not even given a right to explain that for the purpose of that hearing, I am a member or deemed a member because *iyang po ang agenda*. I gave a privilege speech. And as

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author of either the bill, the resolution or as the person who gave the speech, he is invited to that hearing and he is allowed to speak.

Having said that, one of our colleagues sent me an apology letter and none of us here are perfect. I am not perfect. If I offended him, I am also sorry. If I offended the Filipino people, I am also sorry. But when one is in that situation and words are told to him and he is shocked, being a senator of nine years and a congressman of nine years, how do we put it? We come to work knowing that we will have the warm appreciations of our colleagues, whether or not they agree with us. How many times have I disagreed with the Majority Leader? We have traded places. *Siya*, Majority, Minority *ako*; *Ako*, Majority, *siya* Minority. We have argued on many bills, *nag-kataasan pa ng boses*. But I always went up to him and said, “Boss, kumusta? Pasensiya na.” He always went up to me and said “Alan, isyu lamang iyan.” We have *merienda* together. But I will not go into those details because, precisely, I understand our colleague *at sabi niya, dala na rin lamang ng nangyari*.

But may I point out that when things like that happen, there are still rules. I appreciate the Sergeant-At-Arms coming to me and saying, “Sir, *tumayo ako*, but I was not going to accost you.” But he did stand up. Why? Because Chairperson De Lima called for the Sergeant-at-Arms, and that was uncalled for. Why? When we say, “You are out of order,” that simply means there is a rule violated. We will only call the Sergeant-At-Arms when there is disorderly behavior. But if I was going to talk on a different topic, for example, I said I would like to give a privilege speech, the Chair said “No,” that I am out of order, I can appeal the judgment of the Chair and we will vote. That is one of my options. The other option that I will say, “I agree. May I go to another matter. I will not now stand on a matter of personal and collective privilege. I will now make a manifestation.” That is my right. That is in order. That is not out of order.

Yet, what happened — and if we will review the tapes in that instance, making the judgment that I was out of order — I was denied the right to appeal to the Body. I was denied the right to speak again. And I was threatened that the Sergeant-At-Arms will get me and throw me out. And I would like to thank the Sergeant-At-Arms for his level-headedness and for his patience, that is why *walang nangyari*. I would like to thank the PNP and the audience that none of them came rushing. I would like to thank also Senator Trillanes, though both of us were in a

heated argument, we kept it to words and it did not go beyond words.

But will we allow it to go any further? Let us go to the root cause. The root cause is *ginagamit kasi iyong* committee not for a factual finding of extrajudicial killings but to go after the President and to, in effect, wittingly or unwittingly *na sisiraan iyong buong bansa*.

May I respectfully assert that Senator De Lima, in her desire to destroy the President, is destroying the integrity and reputation of the Senate and, worse, damaging the image of the country and the people worldwide.

Tingnan niyo po iyong Internet. *Noong araw po*, it is up to the lawyers to cross-examine. But with the world of social media, every phone has a camera; one can rewind, fast forward, copy; one can even read lips. *Nakapatay ang mike nati-tape pa rin noong* powerful mike *noong mga* may camera or *kaya nababasa iyong* lips. I will not go through all of it.

But, *tingnan niyo po iyong* witness *na dinala dito. Una, sinabi* that the honorable Vice Mayor of Davao, Paolo Duterte, is a drug addict. There was no question from the Chair what the evidence was. But when I cross-examined him, *lumabas na* hearsay. *Narinig lang pala niya. Wala pala siyang ebidensiya* at all. *Hindi niya nakita. Hindi niya narinig. Hindi niya nakita iyong shabu. Noong una, ang sabi niya* bodyguard *siya, hinahatid siya, malapit siya. Noong sinabi ko, “Bakit hindi mo naobserbahan?” “Eh sir, hindi naman ako dikit sa kanya.”* Then, when I was saying, “So, it is only because of your perception?” *Mukha lang pala. Para lang pala or in Bisaya, “morag.” Morag lang pala. Anong sabi niya. “Hindi sir, alam na alam sa Davao, rinig na rinig.”* All right.

Sinabi naman po na siya ay smuggler sa port at *may hawak sa* Sasa Port sa Davao. But the secretary of justice, Secretary De Lima, during that time, investigated this. And she even helped Mayor Duterte or at least it was BIR Commissioner Kim Henares who called Mayor Duterte and asked him for help. If they had evidence against Paolo Duterte, why did they not file cases? Why did they not allow Mayor Duterte to testify in this august hall? *Bakit pinabayaang mag-testify* as if *totoo*?

Sinabi po noong pinatay daw *iyong* Richard King, and my condolence to the family. It is so hard to get over a killing in the family but to be brought into the limelight like this and then to add certain circumstances that gives pain to the family, let me, on behalf of the Senate, with

the permission of my colleagues, apologize to their family.

Una, sinabi sa McDonald's daw pinatay. O hindi ba, mukha tayong napaka-babaw na Senado? Tingnan po ninyo ang social media na punung-puno ng litrato ni Jollibee at ni McDonald's na nag-aaway at sinasabi ni McDonald's, "Jollibee, ikaw ang may hawak ng witness na ito, ano? Sinasabi mo na may patayan dito sa McDonalds." We are being ridiculed simply because the witness was not vetted. Simply because hindi muna pinagawan ng affidavit at hindi muna tiningnan.

I have never seen a better video of "Thriller" than that of Michael Jackson. But for 20 years, *madami pong gumagaya noon. Bakit mayroong lumabas ngayon na video na parang zombie, parang Thriller, binabaril ng 30 tao supposedly, supposedly mocking, ridiculing the testimony of Mr. Matobato of the killing of a certain NBI agent Amisola? Again, to their family, condolence and we are sorry that this is being brought up.*

The witness claims to be a professional hitman, a professional killer.

What is professional? Professional does not just mean that he gets a card from the PRC. Professional does not mean that he passes an exam and he is already a member of the Professional Regulation Commission. No. Professional means he is the best at his job.

Thirty kayo, tatumpo kayo. Inubos daw ang laman ng baril. Senator Lacson, ilan ang laman ng usual ng isang magazine? Seven. Gawin na lamang nating five-shooter, hindi na seven. Five-shooter ang ginamit; 150 bullets iyon. Professional killers na hindi mapatay iyong papatayin nila? Kaya dumating pa raw si Duterte na mayroong dalawang magazine.

Look at the international headlines. You know who I pity the most here? The OFWs. Why? They are starting to write. They are starting to send messages to these international outlets. In Australia, a brave OFW wrote *60 Minutes* saying that "what you have presented is totally unfair. *Hindi iyan ang nangyayari sa Pilipinas.*" But the problem is, these OFWs need the foreign media, need the host media of where they are because they also need protection as migrant workers, yet they are forced to stand up to protect the integrity of their President and their nation because it is being falsely pictured. And where is that falsity emanating from? From this august hall.

With all due respect, anyone can file a resolution. There is nothing wrong *per se* about

Senator Trillanes filing Proposed Senate Resolution No. 151. But is it not obvious *ito na iyong* next step? Committee on Justice and Human Rights *na naman*, DDS *na naman*. So we know where this is going. I will not mention anymore to you what happened during the hearing because *napanood ninyo*, I will answer questions.

I was approached by some of my friends in the Liberal Party and asked, "Are you accusing all of us?" And I told them, "No." If you look at my statement, I said there are two or three senators and two of them are Liberals and I even gave their names. I said that is my theory. When I went out, and thank you to *Rappler*, *nakuha nila ang sinabi ko*, "I do not think the Vice-President is involved." That is why if she is offended that I said that, actually *ako dapat ma-offend. Dahil kailangang medyo mag-research ng kaunti iyong kanyang mga media people* because I did not say she was involved. But, by force of law, *pag natanggal ang Pangulo, ang Vice President ang uupo*. And many plots around the world do not include the vice president. It just happens that people close to the successor will be the one doing this.

That was not my only theory. Review the hearing. *Ang tinanong ko sa witness. "Ano ba ang gusto mong mangyari pag nangyari ito?" Sabi niya, para malaman ng buong Pilipinas. "O hindi ba, matatanggal siya bilang pangulo?" Oo. "Sino ang vice president? Ang vice president po natin ang magiging president." Sino ba ang galit sa pangulo? Hindi ba drug lords galit sa pangulo? Hindi ba ang oligarchs na pinangalanan ng pangulo galit sa kanya? Hindi ba itong illegal gambling lords galit na rin dahil susunod sila?*

So, I name several groups that want the president out and there is no denying that. That is why I am testing my theory here, and I stand by it. But I did not make false accusations. Many of the people in the Liberal Party are close friends and I will not generalize. In fact, *ang ka-debate ko si Senator Trillanes ay kapartido ko, hindi ba?* But as I said, obviously Senator De Lima and obviously Senator Trillanes are part of this.

May I just emphasize *hindi lamang po* pusher *ang kalaban ng ating Pangulo*. He has launched the war on poverty. *Iyon pong "endo" na gusto ng maraming negosyante, nandito si Joel Villanueva trying to make sense, trying to talk to everyone, the labor unions, Palace, the businessmen on how to have a law that will satisfy everyone. Many of the oligarchs helped the country, some of them do not. Some of these*

oligarchs have launched things to discredit the President. Some of them are now donating left and right to help the President.

War against illegal drugs and corruption. The President has already announced that the DOJ is already looking into many matters involving politicians in corruption. And last, the war on war, or the quest for lasting peace.

Here and abroad, many are not comfortable that members of the left or the communists are in the Cabinet. That is the reality. *Hindi ko pa nailagay diyan iyong war on illegal gambling na ina-announce ni Chief PNP Bato dela Rosa.*

So, there are many more that I can name.

But look at the initial reaction of some business groups and some people. People even want to invest. We are in a different situation now. It is totally different from the experience in the past commenting on the confidence in Duterte's war against drugs.

Philippine Star Global: Thirteen top business groups to help rebuild rehab centers.

These are some of the things being done while we are talking about this: Duterte ordering the cutting of red tape; Duterte asking the Chief Presidential Legal Counsel to find out how we can distribute the P71 billion, almost P100 billion coco levy fund and make use of it; DOLE to impose a moratorium on "endo"; Executive Order on FOI; an E.O. on agri-land conversion moratorium. Even the Supreme Court has moved so that there will be more courts to handle drug cases. Peace talks are seeing the light of day.

In the end, we might all lose these wars. But the biggest loser will not be Duterte. It will be the economy, the political institutions and the entire nation. So why sit by and just watch? Why allow our institutions to be used that way?

There are 24 senators here. There are 30 committees. Senator De Lima is a very talented senator, a very experienced lawyer, an efficient public servant. She can handle so many other committees.

But allow me to appeal to this august Body. *Gusto ba natin pag kausap natin mga secretaries, ito ang ating pinag-uusapan? Kausap natin mga foreigners, ito na lamang ang pinag-uusapan? Or do we want to talk about building bridges, building subways, railroads, homes, finding the latest in drug rehab, upgrading our technical skills, finding money for K-12 para mag-succeed? Siguro sabihin ng iba, "Alan, we are colleagues here. We are all doing that."*

Yes. But please admit to me that every time you talk to a secretary or a foreigner or an ambassador, they start by asking "How's the president? He's a colorful guy. This drug war... *et cetera. Parating doon napupunta.* Because *ito ang ginagawang* front and center. *Nakita niyo na ba sa TIME Magazine, The Economist, or CNN, or BBC na business is so enthusiastic and on the upswing?*

I went to Senator Recto because I am a fan of how he does research and I believe that he is the economic guru of the Senate. And Moody's is coming to the country as well as other groups to reassess and find out opinions, *et cetera.* And Senator Recto told me, "Alan, don't forget political risk."

Lahat itong ginagawa abroad is trying to show people that *malaki ang political risk sa Pilipinas.* So *kung ikaw ay gagawa ng planta ng kotse, puwede ka sa Vietnam, Malaysia, Thailand at Pilipinas.* "Ay, huwag na sa Pilipinas. Baka magkagulo. May atmosphere of impunity."

Kung ikaw ay pharmaceutical at dati sa France ka gumagawa, and then, *ayaw mo sa China* for some reason. Vietnam, India or Philippines. "Huwag na sa Pilipinas kasi magulo doon." That is the implication.

So with tourism. Thailand gets 10 million Chinese tourists. We get 500,000. They are our neighbors. I will not share with you all the statistics. Senator Dick Gordon is the expert in tourism and he will tell you all of these factors that have to all come together for tourism to be successful. But ask him, are these news reports helpful? And remember, for every two tourists, one job is created in the Philippines. So, how many jobs have we lost because in the last two months, instead of giving the President a honeymoon period, instead of focusing on extrajudicial killings, we are focusing on him?

I submit this to this august Body. But last time, I asked the Chair to think about it. May I humbly ask that we act upon it today, if possible.

Thank you.

MOTION OF SENATOR PACQUIAO

At this juncture, Senator Pacquiao moved that the chairmanship and membership of the Committee on Justice and Human Rights be declared vacant.

Senator Drilon pointed out, however, that under the Rules of the Senate, the chairmanship of a committee could not be declared vacant.

Senate President Pimentel believed that the motion encompassed the entire membership of the Committee on Justice and Human Rights.

Upon the request of the Senate President, Senator Pacquiao restated his motion to declare the chairmanship and membership of the Committee on Justice and Human Rights vacant.

SUSPENSION OF SESSION

With the permission of the Body, the session was suspended to allow the Body to go into an all-senators' caucus.

It was 4:40 p.m.

RESUMPTION OF SESSION

At 6:13 p.m., the session was resumed.

Senate President Pimentel stated that before the session was suspended, Senator Pacquiao moved to declare vacant the entire membership of the Committee on Justice and Human Rights.

OBJECTION OF SENATOR DRILON

Senator Drilon registered his objection, stating that there was no basis for the motion.

OBJECTION OF SENATOR HONTIVEROS

Senator Hontiveros stated that on behalf of Akbayan Party, she was registering her objection to the motion.

REMARK OF THE CHAIR

In view of the objections registered, the Chair called for a division of the House. He stated that a "yes" vote would lead to the declaration by the Chair of the position of chairman and members of the Committee on Justice and Human Rights as vacant.

MANIFESTATION OF SENATOR RECTO

Senator Recto manifested that the Minority would take no part on the issue of chairmanship and membership of the Committee because it is an issue ought to be resolved by the Majority.

Senate President Pimentel said that with the manifestation of Senator Recto, the vote of the Minority members present would automatically be registered as abstention.

NOMINAL VOTING

Upon direction of the Chair, the Secretary of the Senate called the roll for nominal voting.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor

Angara	Legarda
Binay	Pacquiao
Cayetano	Pimentel
Ejercito	Poe
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Lacson	Zubiri

Against

Aquino	Hontiveros
Drilon	Pangilinan

Abstention

Recto	Trillanes
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With 16 senators voting in favor, four against, and two abstentions, the Chair declared the position of the chair and membership of the Committee on Justice and Human Rights vacant.

EXPLANATION OF VOTE OF SENATOR RECTO

In explaining his abstention, Senator Recto said that the Minority did not take part in the voting because the Majority could not determine the members of the Minority because the Majority would always have the majority, the reason why it would be a vote of no confidence on the part of the Majority. He said that at the appropriate time, the Minority would elect among themselves their representation in the committee.

EXPLANATION OF VOTE OF SENATOR HONTIVEROS

Senator Hontiveros said that she voted against the motion because, to her, there was no over-

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whelming reason to declare the chairmanship of the Committee on Justice and Human Rights vacant. She maintained that if there were issues to be raised against Senator De Lima's objectivity or capacity, the proper venue should be the Committee on Ethics and Privileges. She adverted to Section 13, Rule X of the *Rules of the Senate* which states that the Committee on Ethics and Privileges has jurisdiction over all matters relating to the conduct, rights, privileges, safety, dignity, integrity and reputation of the Senate and its Members. It was for this reason, she said, that as a member of the Committee on Ethics and Privileges, she voted against the motion.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Sotto, there being no objection, the Chair referred the speech of Senator Cayetano to the Committee on Rules.

MOTION TO REORGANIZE THE COMMITTEE ON JUSTICE AND HUMAN RIGHTS

Thereupon, the Body proceeded to reorganize the Committee on Justice and Human Rights.

For this purpose, for the majority, Senator Sotto nominated the following senators: Senator Gordon as chair; Senator Lacson as vice chair; and Senators Pacquiao, Zubiri, Angara, Pangilinan, De Lima and Cayetano as members.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 6:20 p.m.

RESUMPTION OF SESSION

At 6:21 p.m., the session was resumed.

COMMITTEE MEMBERSHIPS

On the part of the Majority, upon nomination by Senator Sotto, there being no objection, the following senators were elected to the Committee on Justice and Human Rights: Senator Gordon as chair; Senator Lacson as vice chair; and Senators Pacquiao, Zubiri, Poe, Pangilinan, De Lima and Cayetano as members.

INQUIRY OF SENATOR RECTO

Senator Recto inquired as to the membership of the Minority in the previous composition of the Committee on Justice and Human Rights. The Chair replied that based on record, Senators Escudero and Trillanes were the representatives of the Minority in the committee.

Senator Sotto explained that the Committee on Justice and Human Rights was among the first committees constituted by the Chamber. He said that at that time, the Committee on Rules was unsure of how committee memberships would be computed. As finally computed, he said that the formula would be $21/24 \times 9$, or 7.875:1.

Senator Recto said that, precisely, the Minority took the position of taking no part when the Majority decided to have a vote of no confidence on their members. Noting that the membership of the Minority to the committee has been reduced to just one member, he requested that the Minority be given 24 hours to nominate its member to the committee.

REMARKS OF SENATOR GORDON

Senator Gordon expressed his gratitude and said that he was honored to chair the committee. He said that he accepted the chairmanship without lobbying on his part in the same way that he did not lobby for the chairmanship of the Blue Ribbon Committee and the Committee on Government Corporations and Public Enterprises. He recalled that he also handled three committees in his first time in the Senate. As always, he said that he would give 100% to whatever he does and he prayed for the support and understanding of the members of the committees, acknowledging that the event to declare an entire committee vacant was something that nobody wanted and that which goes against the grain of any Senate.

He further recalled that earlier he advised that membership to committees should be chosen well, otherwise, there could be a conflict of interest. And he noted that what happened in the Committee on Justice and Human Rights was certainly not unexpected and that the pressure being put to bear upon the Senate President and certain members of the Senate accusing one another of all kinds of things does not help.

Handwritten signature

Senator Gordon promised to bring to the Committee on Justice and Human Rights an objective investigation of whatever measures and issues that are brought before it, and that a lot of consultations would have to be made. He said that he voted reluctantly on the motion but with a clear conscience because when making a decision, he does it wholeheartedly.

He said that the recent events have put the Senate in a very difficult position because the Committee on Justice and Human Rights was getting the headlines rightly or wrongly, and that it was unfair to the Senate and ultimately to the country because the members of the Chamber are expected to go beyond the expectations of the public and to take the highest traditions that it had in the past.

He expressed hope that everybody has learned from the experience, noting that the situation in the country was very fluid and there were still many things coming out of the woodwork.

Senator Gordon pointed out that the whole world has been talking about the Philippines and from what he has been hearing and from what has been said by President Duterte particularly on matters involving foreign policy, he did expect that there would be reactions from the international community. He also expressed concern over the fact that President Duterte has been going all over the country talking to the military and expressing concern about the country's war on drugs and terrorism.

Senator Gordon explained that in his privilege speech the previous week, he never threatened to come up and suggest the suspension of the privilege of the writ of *habeas corpus*, because he feared the consequences and he did not want the Senate to be polarized.

As to the wisdom behind the declaration of the membership of the Committee on Justice and Human Rights vacant, he said that a decision has been made and that what happened was for the benefit of the Senate, one that would provide objectivity in the hearings.

He then assured the Body that the investigations of the committee would be done in the highest interest of the country, that he would avoid surprises, and that there would be transparency, predictability, consistency and continuity.

Senator Gordon admitted that while he was reluctant to accept the chairmanship of the committee, he would not shirk from responsibility and would accept the challenge with the help of its members.

He thanked the members for their vote of confidence as he hoped that they would participate in all the hearings of the committee with fairness, with equanimity, and with the highest interest of the country at heart.

MANIFESTATION OF SENATOR SOTTO

Senator Sotto said that as discussed with Senator Gordon earlier, he was assured that the investigations of the committee on extrajudicial killings would continue.

PARLIAMENTARY INQUIRY OF SENATOR TRILLANES

Senator Trillanes inquired as to the status of the protective custody extended to witness Edgar Matobato which was ruled upon by the Committee on Justice and Human Rights on Thursday, September 15, 2016.

Asked by Senate President Pimentel to clarify the parliamentary status of the protective custody of Edgar Matobato, Senator Sotto recalled that when Senator Trillanes moved that the witness be accepted by the Senate under a Witness Protection Program (WPP), he questioned it because as far as he was concerned, having been a senator since 1992, the Senate never had any WPP. He said that with that information, Senator Trillanes rephrased his motion to extend protective custody to the witness.

He recalled that during the hearing of the Committee on Justice and Human Rights, he was no longer present when the committee decided on the protective custody. He said that Senator Trillanes was asking what to do with the protective custody of the witness since the Committee on Justice and Human Rights has been reorganized. He said that he would leave the decision to the discretion of the Senate President.

MANIFESTATION OF SENATOR DRILON

Senator Drilon said that since there was already a new composition of the Committee on Justice and Human Rights, he would suggest that the issue on



protective custody be brought before the Committee because it is a matter over which it has jurisdiction.

FURTHER INQUIRY OF SENATOR TRILLANES

Asked by Senator Trillanes if the protective custody would remain in the meantime unless rescinded by the new committee, Senator Sotto replied that he would allow the committee to decide on it.

At this juncture, Senate President Pimentel explained that he refrained from participating in discussing the matter because he knew nothing about what happened at the committee level. He added that he would just accept the factual allegation that there was a committee decision to extend protective custody to the witness which should be addressed by the new committee.

Senator Gordon said that he was a bit confused because he thought that the Committee has decided to refer the matter of protective custody to the Senate President. However, he said that he would just bow to the wisdom of Senate President Pimentel and Senator Drilon and he asked that he be given

time to review the records of the committee hearing before making a decision.


Senator Sotto said that with suggestion of Senator Drilon to let the Committee decide, the matter of protective custody stands until rescinded.

ADJOURNMENT OF SESSION

Upon motion of Senator Sotto, there being no objection, the Chair declared the session adjourned until three o'clock in the afternoon of the following day.

It was 6:38 p.m.

I hereby certify to the correctness of the foregoing.


ATTY. LUTGARDO B. BARBO
Secretary of the Senate

Approved on September 20, 2016