



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 37
Monday, November 7, 2016

SEVENTEENTH CONGRESS
FIRST REGULAR SESSION

SESSION NO. 37
Monday, November 7, 2016

CALL TO ORDER

At 3:23 p.m., the Senate President, Hon. Aquilino "Koko" Pimentel III, called the session to order.

PRAYER

Sen. Francis N. Pangilinan led the prayer, lifted from the Book of Psalms 46:1-11, to wit:

"God is our refuge and strength,
a very present help in trouble.
Therefore we will not fear,
though the earth gives way
and the mountains be moved
into the heart of the sea,
though its waters roar and foam
and the mountains tremble
at its swelling.

There is a river whose streams make
glad the city of God,
the holy habitation of the Most High.
God is in the midst of her;
she shall not be moved;
God will help her when morning dawns.
The nations rage, the kingdoms totter;
He utters his voice, the earth melts.

The Lord of hosts is with us;
the God of Jacob is our fortress.

Come, behold the works of the Lord,
how He has brought desolations
on the earth.

He makes wars cease to the end
of the earth;

He breaks the bow and shatters
the spear;

He burns the chariots with fire.

"Be still, and know that I am God.

I will be exalted among the nations,
I will be exalted in the earth!"

The Lord of hosts is with us;
the God of Jacob is our fortress."

In the Name of Jesus, we pray,
Amen.

NATIONAL ANTHEM

The Senate Choir led the singing of the national anthem and thereafter rendered the song, entitled "*Iisang Bangka.*"



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:

Aquino, P. B. IV B.	Legarda, L.
De Lima, L. M.	Pangilinan, F. N.
Ejercito, J. V. G.	Pimentel III, A. K.
Escudero, F. J. G.	Poe, G.
Gatchalian, W.	Recto, R. G.
Gordon, R. J.	Sotto III, V. C.
Honasan, G. B.	Villar, C. A.
Hontiveros, R.	Zubiri, J. M. F.
Lacson, P. M.	

With 17 senators present, the Chair declared the presence of a quorum.

Senator Cayetano was on "official business" as indicated in the November 7, 2016 letter of the Senator's chief of staff.

The following senators were on "official mission" abroad:

- Senator Binay, in London to join the Philippine delegation to the World Travel Mart upon the invitation of the Department of Tourism;
- Senator Drilon, in Japan to receive the Grand Cordon of the Order of the Rising Sun conferred upon him by the Government of Japan;
- Senator Pacquiao, in the United States of America to meet with Consul General Adelio Angelito S. Cruz of the Philippine Consulate in Los Angeles, California, as well as to conduct consultative meetings with fellow Filipinos there;
- Senator Trillanes, in the United States of America to attend a series of meetings with various agencies of the U.S. Government, as well as members of the Filipino community there; and
- Senator Villanueva, in the United States of America to meet with Consul General Adelio Angelito S. Cruz of the Philippine Consulate in Los Angeles, California, as well as to conduct consultative meetings with fellow Filipinos there.

Senator Angara was absent.

APPROVAL OF THE JOURNAL

Upon motion of Senator Sotto, there being no objection, the Body dispensed with the reading of the Journal of Session No. 36 (October 19, 2016) and considered it approved.

**ACKNOWLEDGMENT
OF THE PRESENCE OF GUESTS**

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

- US Fulbright scholars Alyssa Trinidad, Boston College; Richard Balagtas, Boston College; Gregory Winger, Boston University; and Yasmeen Smalley-Norman, Rochester Institute of Technology;
- AB Communication Arts students from the World City Colleges, Antipolo City, led by their adviser, Ms. Jasmin Mayo;
- The United Filipino Tribes for Self-Governance and Peace Advocates Worldwide headed by Chairman Rodolfo Basado Sr., also known as Datu Tigpaliwanag; and
- Ms. Catriona Gray, Miss World Philippines 2016.

Senate President Pimentel welcomed the guests to the Senate.

REFERENCE OF BUSINESS

The Secretary of the Senate read the following matters and the Chair made the corresponding referrals:

BILLS ON FIRST READING

Senate Bill No. 1212, entitled

AN ACT ESTABLISHING A PHILIPPINE SOVEREIGN WEALTH FUND PROVIDING FOR THE MANAGEMENT, INVESTMENT, AND USE OF PROCEEDS OF ITS ASSETS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Paolo Benigno "Bam" Aquino IV

To the Committees on Economic Affairs; Government Corporations and Public Enterprises; Ways and Means; and Finance

Senate Bill No. 1213, entitled

AN ACT CREATING THE DAVAO INTERNATIONAL AIRPORT AUTHORITY TO ADMINISTER AND OPERATE THE FRANCISCO BANGOY INTERNATIONAL AIRPORT AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Zubiri

To the Committees on Government Corporations and Public Enterprises; Public Services; Ways and Means; and Finance

Senate Bill No. 1214, entitled

AN ACT DECLARING THE NORTHWEST PANAY PENINSULA LOCATED IN THE MUNICIPALITIES OF NABAS, MALAY AND BURUANGA, PROVINCE OF AKLAN, AND IN THE MUNICIPALITIES OF LIBERTAD AND PANDAN, PROVINCE OF ANTIQUE AS A PROTECTED AREA UNDER THE CATEGORY OF NATURAL PARK, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

Introduced by Senator Maria Lourdes Nancy S. Binay

To the Committees on Environment and Natural Resources; and Finance

Senate Bill No. 1215, entitled

AN ACT STRENGTHENING THE PHILIPPINE COMPREHENSIVE POLICY ON HUMAN IMMUNODEFICIENCY VIRUS (HIV) AND ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) PREVENTION, TREATMENT, CARE AND SUPPORT, AND ESTABLISHING THE PHILIPPINE NATIONAL HIV AND AIDS PLAN, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 8504, OTHERWISE KNOWN AS THE "PHILIPPINE AIDS PREVENTION AND CONTROL ACT OF 1998," AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Grace Poe

To the Committees on Health and Demography; Education, Arts and Culture; and Finance

Senate Bill No. 1216, entitled

AN ACT ESTABLISHING AN ON-SITE, IN-CITY OR NEAR-CITY RESETTLEMENT PROGRAM FOR INFORMAL SETTLER FAMILIES IN ACCORDANCE WITH A PEOPLE'S PLAN AND MANDATING LOCAL GOVERNMENT UNITS TO PROVIDE OTHER BASIC SERVICES AND LIVELIHOOD COMPONENTS IN RESETTLEMENT SITES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7279, AS AMENDED, OTHERWISE KNOWN AS THE URBAN DEVELOPMENT AND HOUSING ACT OF 1992

Introduced by Senator Grace Poe

To the Committees on Urban Planning, Housing and Resettlement; and Local Government

Senate Bill No. 1217, entitled

AN ACT RATIONALIZING THE ECONOMIC REGULATION OF WATER UTILITIES, CREATING THE WATER REGULATORY COMMISSION AND FOR OTHER PURPOSES

Introduced by Senator Grace Poe

To the Committees on Public Services; Civil Service, Government Reorganization and Professional Regulation; and Finance

Senate Bill No. 1218, entitled

AN ACT CONVERTING THE MARAY-MARAY BARANGAY ROAD IN THE MUNICIPALITY OF DON CARLOS, PROVINCE OF BUKIDNON INTO A NATIONAL ROAD, AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Zubiri

To the Committee on Rules



Senate Bill No. 1219, entitled

AN ACT REQUIRING THE REGISTRATION OF SUBSCRIBER IDENTITY MODULE (SIM) CARDS IN MOBILE PHONES

Introduced by Senator Joseph Victor Ejercito

To the Committees on Public Services; and Trade, Commerce and Entrepreneurship

Senate Bill No. 1220, entitled

AN ACT PROVIDING FOR A FULL TUITION FEE SUBSIDY, INCLUDING MISCELLANEOUS EXPENSES, FOR STUDENTS ENROLLED IN STATE UNIVERSITIES AND COLLEGES (SUCs), AND APPROPRIATING FUNDS THEREOF

Introduced by Senator Sonny Angara

To the Committees on Education, Arts and Culture; and Finance

Senate Bill No. 1221, entitled

AN ACT RATIONALIZING GOVERNMENT INTERVENTIONS IN LABOR DISPUTES BY ADOPTING THE ESSENTIAL SERVICES CRITERIA IN THE EXERCISE OF THE ASSUMPTION OR CERTIFICATION POWER OF THE SECRETARY OF LABOR AND EMPLOYMENT, AND DECRIMINALIZING VIOLATIONS THEREOF, AMENDING FOR THIS PURPOSE ARTICLES 278[263], 279[264] and 287[272] OF PRESIDENTIAL DECREE 442, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, AS AMENDED AND FOR OTHER PURPOSES

Introduced by Senator Joel Villanueva

To the Committee on Labor, Employment and Human Resources Development

Senate Bill No. 1222, entitled

AN ACT LOWERING THE OPTIONAL

RETIREMENT AGE OF PUBLIC SCHOOL TEACHERS FROM SIXTY (60) YEARS OLD TO FIFTY-FIVE (55) YEARS OLD, AMENDING FOR THE PURPOSE SECTION 13-A OF REPUBLIC ACT 8291, OTHERWISE KNOWN AS THE GOVERNMENT SERVICE INSURANCE SYSTEM ACT OF 1997

Introduced by Senator Joel Villanueva

To the Committees on Government Corporations and Public Enterprises; and Civil Service, Government Reorganization and Professional Regulation

Senate Bill No. 1223, entitled

AN ACT AMENDING PD 972 (AS AMENDED BY PD 1174) ALSO KNOWN AS THE COAL MINING DEVELOPMENT ACT OF 1976

Introduced by Senator Joel Villanueva

To the Committees on Environment and Natural Resources; and Ways and Means

Senate Bill No. 1224, entitled

AN ACT EXTENDING THE VALIDITY OF DRIVER'S LICENSE AND COMPULSORY REGISTRATION OF MOTOR VEHICLES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 4136 ALSO KNOWN AS AN ACT TO COMPILE THE LAWS RELATIVE TO LAND TRANSPORTATION AND TRAFFIC RULES, TO CREATE A LAND TRANSPORTATION COMMISSION AND FOR OTHER PURPOSES, AS AMENDED BY BATAS PAMBANSA BILANG 398

Introduced by Senator Joseph Victor Ejercito

To the Committee on Public Services

Senate Bill No. 1225, entitled

AN ACT PENALIZING LESSORS OF PROPERTIES USED AS LABORA-

TORIES AND DRUG WAREHOUSES,
AMENDING FOR THE PURPOSE
SECTION 8 OF REPUBLIC ACT NO.
9165 OTHERWISE KNOWN AS THE
COMPREHENSIVE DANGEROUS
DRUG ACT OF 2002

Introduced by Senator Win Gatchalian

**To the Committees on Public Order and
Dangerous Drugs; and Justice and Human Rights**

Senate Bill No. 1226, entitled

AN ACT GRANTING PRIVILEGES TO
STUDENTS AT ALL LEVELS IN
PUBLIC AND PRIVATE SCHOOLS

Introduced by Senator Win Gatchalian

**To the Committee on Education, Arts and
Culture**

RESOLUTIONS

Proposed Senate Resolution No. 209, entitled

RESOLUTION CALLING ON THE
APPROPRIATE SENATE COM-
MITTEES TO CONDUCT AN
INVESTIGATION, IN AID OF
LEGISLATION, ON THE GROWING
NUMBER OF CASES OF HUMAN
IMMUNODEFICIENCY AND
ACQUIRED IMMUNODEFICIENCY
SYNDROME WITH THE END IN
VIEW OF STRENGTHENING PRE-
VENTION, TREATMENT, CARE,
SUPPORT AND PUBLIC AWARE-
NESS THEREON

Introduced by Senator Maria Lourdes Nancy
S. Binay

**To the Committees on Health and Demo-
graphy; and Education, Arts and Culture**

Proposed Senate Resolution No. 210, entitled

RESOLUTION URGING THE SENATE
COMMITTEE ON PUBLIC ORDER
AND DANGEROUS DRUGS TO
CONDUCT AN INQUIRY, IN AID
OF LEGISLATION, ON THE

REPORTED VIOLENT DISPERSAL
OF PROTESTERS AT THE UNITED
STATES EMBASSY, IN ORDER TO
FORMULATE MEASURES ENSUR-
ING COMPLIANCE BY THE PHILIP-
PINE NATIONAL POLICE (PNP)
WITH THEIR RULES OF ENGAGE-
MENT; TO CRAFT MEASURES TO
DETER THE USE OF EXCESSIVE
FORCE AND VIOLENCE DURING
RALLIES, PROTESTS, AND PUBLIC
ASSEMBLIES; AND TO CREATE LEGIS-
LATION THAT WILL ENSURE THAT
THOSE WHO PERFORMED UNLAW-
FUL ACTS DURING THE INCIDENT
WILL BE HELD ACCOUNTABLE

Introduced by Senator Grace Poe

**To the Committee on Public Order and
Dangerous Drugs**

Proposed Senate Resolution No. 211, entitled

RESOLUTION URGING THE SENATE
COMMITTEE ON PUBLIC INFOR-
MATION AND MASS MEDIA TO
CONDUCT AN INQUIRY, IN AID OF
LEGISLATION, ON THE REPORTED
FAILURE OF TELECOMMUNICA-
TIONS SERVICE PROVIDERS TO
SEND OUT FREE MOBILE ALERTS
ON THE ARRIVAL OF TYPHOON
LAWIN

Introduced by Senator Grace Poe

**To the Committees on Public Services; and
Public Information and Mass Media**

Proposed Senate Resolution No. 212, entitled

A RESOLUTION DIRECTING THE
APPROPRIATE SENATE COM-
MITTEES TO CONDUCT AN
INQUIRY, IN AID OF LEGISLATION,
ON THE NATIONAL GOVERN-
MENT'S PLANS FOR THE NEGROS
ISLAND REGION AND ITS PEOPLE

Introduced by Senator Paolo Benigno "Bam"
Aquino IV

To the Committee on Local Government

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Proposed Senate Resolution No. 213, entitled

A RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, TO GENERATE EVIDENTIARY DATA TO ESTABLISH THE ECONOMIC EFFECTS UPON THE CONSUMER IN PARTICULAR, AND THE NATIONAL ECONOMY IN GENERAL, OF THE PRESENT MODEL OF OPERATION AND REGULATION OF THE TELECOMMUNICATIONS INDUSTRY, TO THE END IN VIEW OF RECOMMENDING POLICY TO STRENGTHEN KEY ECONOMIC REFORMS THAT ARE CONSISTENT WITH THE COUNTRY'S MEDIUM-TERM DEVELOPMENT PLAN AND LONG-TERM VISION AND PROTECTIVE OF THE INTERESTS OF CONSUMERS IN A ROBUST ECONOMY THAT IS FOSTERED BY FREE COMPETITION AND INCLUSIVE GROWTH

Introduced by Senator Win Gatchalian

To the Committees on Economic Affairs; and Trade, Commerce and Entrepreneurship

COMMUNICATIONS

Letters from the *Bangko Sentral ng Pilipinas*, transmitting to the Senate copies of the following certified and authenticated BSP issuances in compliance with Section 15(a) of Republic Act No. 7653 (The New Central Bank Act):

Circular Letter Nos. CL-2016-081, 082, 083 and 084 dated 29 September, 5 and 6 October 2016; and

Circular No. 927 dated 30 September 2016.

To the Committee on Banks, Financial Institutions and Currencies

Letter from the Office of the President of the Philippines, transmitting to the Senate two (2) original copies of Republic Act No. 10923, entitled

AN ACT POSTPONING THE OCTOBER 2016 BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9164, AS AMENDED BY REPUBLIC ACT NO. 9340, AND REPUBLIC ACT NO. 10656, PRESCRIBING ADDITIONAL RULES GOVERNING THE CONDUCT OF BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS AND FOR OTHER PURPOSES,

which was signed by President Rodrigo Roa Duterte.

To the Archives

ADDITIONAL REFERENCE OF BUSINESS

The Deputy Secretary for Legislation, Atty. Edwin B. Bellen, read the following matters and the Chair made the corresponding referrals:

MESSAGE OF THE PRESIDENT OF THE PHILIPPINES

Letter of President Rodrigo Roa Duterte, dated 19 October 2016, submitting for the Senate's consideration and concurrence the Articles of Agreement of the Asian Infrastructure Investment Bank (AIIB), which was signed on 31 December 2015 in China

To the Committee on Foreign Relations

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Letter from the House of Representatives, informing the Senate that on 19 October 2016, the House of Representatives passed the following House bills, in which it requested the concurrence of the Senate:

House Bill No. 335, entitled

AN ACT AUTHORIZING THE COURT TO REQUIRE COMMUNITY SERVICE IN LIEU OF IMPRISONMENT FOR THE PENALTY OF ARRESTO MENOR, AMENDING FOR THE

PURPOSE CHAPTER 5, TITLE 3, BOOK I OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE

To the Committee on Justice and Human Rights

House Bill No. 336, entitled

AN ACT EXCLUDING FROM THE APPLICATION OF THE INDETERMINATE SENTENCE LAW THOSE CONVICTED OF CRIMINAL OFFENSES AGAINST A MINOR, AMENDING FOR THE PURPOSE ACT NO. 4103, AS AMENDED, OTHERWISE KNOWN AS THE INDETERMINATE SENTENCE LAW

To the Committee on Justice and Human Rights

House Bill No. 477, entitled

AN ACT DECLARING JANUARY 23 OF EVERY YEAR A SPECIAL WORKING HOLIDAY IN THE ENTIRE COUNTRY TO COMMEMORATE THE DECLARATION OF THE FIRST PHILIPPINE REPUBLIC

To the Committee on Education, Arts and Culture

House Bill No. 1344, entitled

AN ACT PRESCRIBING STIFFER PENALTIES FOR THE CRIME OF DELIVERING PRISONERS FROM JAIL AND INFIDELITY IN THE CUSTODY OF PRISONERS, AMENDING FOR THE PURPOSE ARTICLES 156, 223 AND 224 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE OF THE PHILIPPINES

To the Committee on Justice and Human Rights

and House Bill No. 3955, entitled

AN ACT MANDATING THE GOVERN-

MENT TO PAY THE CAPITAL GAINS TAX AND THE DOCUMENTARY STAMP TAX DUE IN ADDITION TO THE JUST COMPENSATION FOR THE SALE OF REAL PROPERTY IN THE EXERCISE OF THE STATE'S POWER OF EMINENT DOMAIN, AMENDING FOR THE PURPOSE SECTIONS 24(D) AND 196 OF REPUBLIC ACT NO. 8424, AS AMENDED, OTHERWISE KNOWN AS THE NATIONAL INTERNAL REVENUE CODE OF 1997

To the Committee on Ways and Means

BILLS ON FIRST READING

Senate Bill No. 1227, entitled

AN ACT TO ORDAIN AND INSTITUTE A NEW CRIMINAL CODE OF THE PHILIPPINES, REPEALING FOR THAT PURPOSE ACT NO. 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AND OTHER RELATED LAWS, AND FOR OTHER PURPOSES

Introduced by Senator Leila M. de Lima

To the Committees on Constitutional Amendments and Revision of Codes; and Justice and Human Rights

Senate Bill No. 1228, entitled

AN ACT AMENDING SECTION 95 (B) OF PRESIDENTIAL DECREE NO. 856 OR THE CODE ON SANITATION OF THE PHILIPPINES

Introduced by Senator Grace Poe

To the Committees on Health and Demography; Justice and Human Rights; and Finance

Senate Bill No. 1229, entitled

AN ACT PROVIDING BURIAL ASSISTANCE FOR UNCLAIMED REMAINS AND FOR INDIGENT DECEDENTS, APPROPRIATING

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FUNDS THEREFOR, AND FOR
OTHER PURPOSES

Introduced by Senator Grace Poe

**To the Committees on Social Justice,
Welfare and Rural Development; and Finance**

RESOLUTIONS

Proposed Senate Resolution No. 214, entitled

RESOLUTION DIRECTING THE PROPER
SENATE COMMITTEE TO CONDUCT
AN INQUIRY, IN AID OF LEGIS-
LATION, ON THE REPORTED
PRACTICE OF THE PHILIPPINE
NATIONAL POLICE (PNP) ALLOW-
ING FAMILY MEMBERS TO WAIVE
FURTHER INVESTIGATION IN
CERTAIN CASES, PARTICULARLY
WHERE CULPABLE NEGLECT OF
PARENTS MAY BE INVOLVED
WITH REGARD TO THEIR MINOR
CHILDREN

Introduced by Senator Grace Poe

**To the Committee on Justice and Human
Rights**

Proposed Senate Resolution No. 215, entitled

RESOLUTION RECOGNIZING AND
COMMENDING 2016 BINIBINING
PILIPINAS-INTERNATIONAL
KYLIE VERSOZA FOR WINNING
THE 2016 MISS INTERNATIONAL
BEAUTY TITLE HELD IN TOKYO,
JAPAN

Introduced by Senator Joel Villanueva

To the Committee on Rules

Proposed Senate Resolution No. 216, entitled

A RESOLUTION DIRECTING THE
APPROPRIATE SENATE COM-
MITTEE TO CONDUCT AN
INQUIRY, IN AID OF LEGISLATION,
ON THE NATIONAL GOVERN-
MENT'S PLANS TO ADDRESS

POVERTY AND PROMOTE INCLU-
SIVE GROWTH IN THE COUNTRY

Introduced by Senator Paolo Benigno "Bam"
Aquino IV

**To the Committees on Social Justice,
Welfare and Rural Development; Economic
Affairs; and Finance**

Proposed Senate Resolution No. 217, entitled

RESOLUTION COMMENDING AND
CONGRATULATING SENATOR
EMMANUEL 'MANNY' PACQUIAO
FOR DEFEATING JESSIE VARGAS
IN HIS COMEBACK BOXING
MATCH HELD IN LAS VEGAS,
NEVADA AND BEING DECLARED
AS THE NEW WBO WELTER-
WEIGHT CHAMPION

Introduced by Senator Sotto III

To the Committee on Rules

Proposed Senate Resolution No. 218, entitled


RESOLUTION DIRECTING THE
COMMITTEE ON EDUCATION,
ARTS AND CULTURE; AND THE
COMMITTEE ON LABOR, EMPLOY-
MENT AND HUMAN RESOURCES
DEVELOPMENT TO CONDUCT AN
INQUIRY, IN AID OF LEGISLATION,
ON THE STATUS OF THE IMPE-
LEMENTATION OF REPUBLIC ACT
10647 OR THE LADDERIZED
EDUCATION ACT OF 2014

Introduced by Senator Joel Villanueva

**To the Committees on Education, Arts and
Culture; and Labor, Employment and Human
Resources Development**

Proposed Senate Resolution No. 219, entitled

RESOLUTION COMMENDING AND
CONGRATULATING SENATOR
EMMANUEL 'MANNY' PACQUIAO
FOR WINNING THE WORLD
BOXING ORGANIZATION (WBO)



WELTERWEIGHT TITLE AND
FOR CONTINUOUSLY INSPIRING
FILIPINO ATHLETES TO EXCEL
IN INTERNATIONAL SPORTS
COMPETITION

Introduced by Senator Joseph Victor Ejercito

To the Committee on Rules

PRIVILEGE SPEECH
OF SENATOR EJERCITO

Availing himself of the privilege hour, Senator Ejercito delivered a speech, announcing that out of respect for the rule of law and his belief in the fairness and probity of the *Sandiganbayan* as an institution, he would start serving his 90-day preventive suspension as ordered by the *Sandiganbayan*.

Following is the full text of Senator Ejercito's privilege speech:

IN THE NAME OF TRUTH AND JUSTICE

When I decided to enter politics in 2001, I was fully aware of the tremendous challenges that public service presented. I knew politics can be dirty. I knew that carrying the Estrada name can be an advantage or an invitation to undue scrutiny.

And so, as I prepared to enter politics, I promised to myself that I will serve the people, especially the disadvantaged, with all my heart and to the best of my abilities. I was a man on a mission to bring back the trust in the name after the events in 2001.

I spent my formative years in a Jesuit institution. Just like my friend, Sen. Sonny Angara, I was shaped by the teachings of the Xavier School in becoming "a man for others."

I would like to think that this formation helped instill in me a deep commitment to social justice and the dedication to serve others.

Today, as I stand before the halls of this hallowed Chamber as a senator of the Republic of the Philippines, having also served for three consecutive terms as mayor of San Juan City, and as representative of its lone district from 2010 to 2013, I am proud to say that I kept these promises and that I never strayed from those principles and ideals.

I believe that for three consecutive terms, I have served the people of San Juan City well.

Under my leadership and with the support of the people of San Juan, we were able to increase its annual revenue from P300 million, when I was first elected into office, to P1.2 billion, when I finished my third term. The economic boom in San Juan was largely due to the increase in investments and improvement of local businesses as a result of confidence and trust in the leadership of the local government.

I still can say I have kept on with the good fight, I have kept the faith, but I am not yet done. There is still a long race ahead to help lead our people out of poverty that plagues our land.

As many of you know, part of the attempt to tarnish my track record includes two cases now pending before the *Sandiganbayan* over the P2.1 million worth of firearms purchased for our police force.

The alleged anomalous transaction is anomalous only to the malicious minds and ill intent of my political adversaries. It must be remembered that there was a crime wave in San Juan as well as the whole of Metro Manila some time while I was mayor. And as the father of the city, I had to act decisively.

If I will be imprisoned for fighting crime and protecting the lives of my constituents, so be it. Faced with a similar situation, I will not hesitate to do it again! It is my duty and my responsibility as mayor and as father of the city to protect the welfare and lives of my people.

I will not discuss the details of this case today but allow me to say, in no uncertain terms, that I have never benefitted from any transaction in my years as a public servant.

I have tried my best to keep my name clean; in fact, there is no blemish on my track record as a public servant until this case progressed to my surprise. I was extra careful while I was mayor and as congressman since I was one of the faces of the opposition back then during the time of GMA's administration. One wrong move and, for sure, I will be in trouble.

As part of the legal process, the *Sandiganbayan* has ordered my preventive suspension as a duly-elected senator of the Philippines. I would like to emphasize here that preventive suspension is not punitive and has no bearing whatsoever in determining the guilt of an accused.

Mr. President, colleagues, my fellow Filipinos:

Tomorrow I will voluntarily start serving this 90-day suspension.



I will do so because I respect the rule of law. I believe in the fairness and probity of the *Sandiganbayan* as an institution.

As a law-abiding citizen, I submit to the authority of the Supreme Court which recently denied our motion questioning the suspension order.

I will do so despite the fact that the issue on what to do with the suspension order is still being studied by the Senate Committee on Rules, which is within our prerogative as a coequal branch of government.

I will do so cognizant of the support of the honorable Senate President Aquilino "Koko" Pimentel III, Majority Leader Vicente Sotto III, and my esteemed colleagues in this Chamber.

I will do so despite the fact that serving the suspension will deny the Filipino people of representation and public service.

I will do so because I wish to spare the Senate and my colleagues the unnecessary distraction from the important work that we do here.

We face many serious challenges in our country, and we cannot afford to get entangled in a legal conflict with a coequal branch of government.

I will temporarily leave my position as senator, but I will continue my advocacies in my private capacity because I believe that serving the people can still be done outside of government.

Amidst all the materialism of modern life, it is our reputation, our character, our legacy in this world that matter most. This is the reason why I worked so hard to make sure that my track record remains unblemished.

I have two sons, and I want them to know the virtue of public service and that their father always has the welfare of the public in mind when I am entrusted by the people with a mandate. They can hold on to that covenant of their father.

When I return after 90 days, I will work doubly hard in order to recover lost time. I will return with increased determination to perform the tasks expected of me as a senator of the Republic. I will return with renewed passion to prove my innocence and to fight those whose only job is to besmirch my name.

When faced with difficulties in life, I am always reminded of the words of Mahatma Gandhi:

"I shall not fear anyone on Earth. I shall fear only God. I shall not bear ill-will toward anyone. I shall not submit to injustice from anyone. I shall conquer untruth by truth. And in resisting untruth, I shall put up with all suffering."

Maraming salamat sa inyong lahat na patuloy na sumusuporta sa akin at sa ating mga adhikain.

Thank you very much, my dear colleagues, for supporting and believing me.

MANIFESTATION OF SENATOR SOTTO

Senator Sotto manifested that on August 30, 2016, Senate President Pimentel referred the *Sandiganbayan's* preventive suspension order on Senator Ejercito to the Committee on Rules. He recalled that the execution of the order was not even directly contested but Senator Drilon took issue with it by pointing out that a suspension is not a penalty but a preventive measure to preclude the involved public officer from influencing potential witnesses or from tampering with the records of the case. He said that he concurred with Senator Drilon because the acts that were subject of the suspension order were committed when Senator Ejercito was still the mayor of San Juan City. He believed this was one of the reasons why Senate President Pimentel referred the order to the Committee on Rules before taking any action.

Senator Sotto informed the Body that the Committee on Rules was already ready to come out with a resolution on the matter but deemed it best to wait for the legal actions taken by Senator Ejercito like the demurrer to evidence and a petition to the Supreme Court.

However, he noted that in light of the manifestation of Senator Ejercito and following Senate practice, he was bound to bring before the Body the suspension order. He acknowledged though that the voluntary submission of Senator Ejercito would make any decision of the Committee on Rules moot and academic.

For his part, Senate President Pimentel stated that one issue that he wanted the Committee on Rules to consider was the length of the suspension order because under the Constitution, particularly Article VI, Section 16(3) thereof, the penalty of suspension on a member of Congress shall only be at a maximum period of 60 days, whereas Section 13 of RA 3019



provides that public officers can be preventively suspended for up to 90 days. He said that based on his reading of the Constitution, there is a clash not on the preventive suspension but on the length of suspension. He reiterated that he wanted to throw the issue to the Committee on Rules in order to harmonize the two provisions by possibly construing or interpreting them as follows: "Members of Congress may be preventively suspended by the Sandiganbayan but only up to a maximum period of 60 days."

Agreeing with the Senate President, Senator Sotto said that as directed, the Committee on Rules would study the two conflicting provisions.

Senator Pangilinan suggested that the Office of the Senate Legal be directed to look into it and determine if there is need to file a petition before the *Sandiganbayan*. Senator Sotto took note of the suggestion of Senator Pangilinan.

Senate President Pimentel noted that Senator Ejercito, based on his privilege speech, does not mind being placed under preventive suspension for 90 days by the *Sandiganbayan*.

Asked by Senator Sotto if the Senate then was accepting the 90-day preventive suspension order on Senator Ejercito, Senate President Pimentel replied that it has never been his interpretation that senators are beyond the ambit of Section 13 of RA 3019, and he believed that senators can be preventively suspended. He clarified that his only contention was on the maximum period of suspension.

Senator Sotto, however, pointed out that following jurisprudence and as previously practiced, the order has to be brought to the floor for acceptance by the Body. Senate President Pimentel pointed out that the periods mentioned in the Constitution and in RA 3019 were the maximum periods allowable, and that it is not mandatory that the suspension must be 60 days or 90 days.

Acting on the manifestation of Senator Ejercito, Senator Sotto then moved that the Body accept the 90-day preventive suspension of Senator Ejercito as ordered by the *Sandiganbayan*.

At this juncture, Senator Recto asked if there was a need to vote on whether or not to accept the preventive suspension order issued by the *Sandiganbayan*. Senate President Pimentel replied that it

depends on the present Senate if it wants to continue with the practice of the past Senate.

Senator Sotto said that he would withdraw his motion if the Chair so desires, noting that the House of Representatives has never accepted any suspension order issued to its members. He believed that under the Senate Rules, and even in the Constitution, the Senate is the only one that can suspend its members. He then asked if the Body would accept the preventive suspension even as he suggested that given the voluntary acceptance, the Body could accept the preventive suspension order.

Senator Recto advised the Body against voting on the matter since it was already moot and academic. He said that assuming that the Body votes in consideration of the Senate President's statement that the Constitution provides only 60 days, any Member could therefore make an amendment to the motion of Senator Sotto and the Body could agree to a 60-day suspension period instead of 90 days.

Senator Pangilinan stated that there must be a distinction between the 90-day preventive suspension of the *Sandiganbayan*, which is not a penalty, and the 60-day suspension under the Constitution which is a penalty. He believed that the best course of action was to accept the suspension order without prejudice to the Committee on Rules making the necessary recommendations should it deem necessary to question or seek clarification regarding the conflict earlier raised by Senate President Pimentel.

Senate President Pimentel said that he has noticed the classification of the suspension under Republic Act No. 3019 as preventive suspension and in the Constitution as a penalty, and he opined that it did not make any difference because it is still a suspension.

At this juncture, Senator Lacson read Section 16(3), Article VI of the Constitution, to wit: "Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds of all its Members, suspend or expel a Member. A penalty of suspension, when imposed, shall not exceed sixty days."

Senator Lacson contended that the provision does not apply in the case of Senator Ejercito as it is not the Senate that was suspending him but the *Sandiganbayan*.

As a rejoinder to Senator Lacson's opinion, Senate President Pimentel said that if it is the Senate that is

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punishing a Member with suspension, it should not exceed 60 days, but in the case of Senator Ejercito, it is not the Senate but the *Sandiganbayan*, a third-party, that wanted to suspend a Member, not as a punishment, for 90 days and the Senate would allow it.

Agreeing with Senator Recto, Senator Zubiri stated that the Body does not have to vote on the matter. He said that, if at all, he would not participate in the voting.

Assuming the Body would proceed with the voting, Senator Recto inquired what action the Senate would do in case it does not agree with the *Sandiganbayan* order.

In reply, Senator Sotto stated that as in the House of Representatives which has never accepted any suspension order from the Ombudsman or from anybody else, similarly, the Senate will not accept the suspension order from the *Sandiganbayan*.

He nevertheless withdrew his motion, noting that Senator Ejercito already voluntarily submitted himself to the order of the *Sandiganbayan*.

Senator Pangilinan agreed that, as mentioned by Senator Sotto, the voluntary acceptance of Senator Ejercito rendered the motion moot. However, he noted that the question raised by Senate President Pimentel could be a separate subject to be discussed by the Committee on Rules and if it deems necessary, it could refer the question to the Senate Legal Counsel.

Senator Sotto pointed out that the only reason he wanted the order resolved by the Body was to establish a precedent so that in the future, the Body can opt to reject a suspension order from the *Sandiganbayan*.

MANIFESTATION OF SENATOR SOTTO

Senator Sotto stated that he was supposed to deliver a privilege speech about the rules of the Metro Manila Film Festival because there were "indie" or independent producers questioning the rules that were drawn up by the MMFF; however, he decided to defer it because he wanted to review first the circular issued by the Executive Committee of the MMFF earlier that day.

INVESTIGATION AND INQUIRY, IN AID OF LEGISLATION, INTO THE KILLING OF ALBUERA MAYOR ESPINOSA

Upon motion of Senator Sotto, duly seconded by Senators Pangilinan, Zubiri and Gordon, there being no objection, the Committee on Public Order and Dangerous Drugs was tasked to investigate and inquire, in aid of legislation, into the killing of Mayor Espinosa of Albura, Leyte.

MANIFESTATION OF SENATOR RECTO

Senator Recto stated that as discussed with Senator Lacson, he had wanted to include the killing of Mayor Samsudin Dimaukom of Datu Saudi Ampatuan, Maguindanao, and his nine companions in the investigation of the Committee.

MANIFESTATION OF SENATOR GORDON

Senator Gordon stated that there are also other cases that would have to be looked into, even as he had already included in the committee report of the Committee on Justice and Human Rights the killing of Ms. Zenaida Luz, an anti-crime crusader in Mindoro, who was gunned down by two policemen masquerading as riding-in-tandem. Believing that other cases would be filed, he proposed a blanket amendment to include in the investigation all current cases, that would come to the attention of the Committee.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 4:15 p.m.

RESUMPTION OF SESSION

At 4:21 p.m., the session was resumed.

MANIFESTATION OF SENATOR GORDON

As further manifestation, Senator Gordon observed that in the case of the death of Mayor Espinosa, there was a human rights consideration because he was already in jail and should have been protected by the police or by jail authorities and yet he was killed with impunity at the crack of dawn. He then proposed that the death of Mayor Espinosa be jointly investigated by the Committee on Public Order and Dangerous

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Drugs as the primary committee and the Committee on Justice and Human Rights as the secondary committee.

INVESTIGATION ON THE KILLING OF DATU SAUDI AMPATUAN MAYOR DIMAUKOM

Upon motion of Senator Sotto, there being no objection, the Chair directed the Committee on Public Order and Dangerous Drugs as the primary committee, and the Committee on Justice and Human Rights as the secondary committee, to investigate, in aid of legislation, the killing of Mayor Samsudin Dimaukom of Datu Saudi Ampatuan, Maguindanao.

ADDITIONAL REFERRAL

Upon motion of Senator Sotto, there being no objection, the Chair also referred the investigation, in aid of legislation, on the killing of Mayor Espinosa to the Committee on Justice and Human Rights as the secondary committee.

PRIVILEGE SPEECH OF SENATOR LEGARDA

Availing herself of the privilege hour, Senator Legarda talked about the importance of the Philippines' ratification of the Paris Agreement on Climate Change and about the third anniversary of Supertyphoon *Yolanda*.

The full text of Senator Legarda's speech follows:

I rise today on the occasion of the entry into force of the Paris Agreement on Climate Change and the third anniversary of Supertyphoon *Yolanda*, or Haiyan.

In fact, in the Senate today is one of the victims of typhoon *Haiyan* whose home was devastated, and I am referring to Pete Ilagan. I visited his home two weeks ago and saw the devastation three years ago of *Yolanda*. Yesterday was also the International Day for Preventing the Exploitation of the Environment in War and Armed Conflict.

In light of the commemoration of the *Yolanda* anniversary tomorrow, allow me first to put on record that we have allocated P25.6 billion housing assistance for victims of Supertyphoon *Yolanda* under the 2016 budget of the National Housing Authority (NHA).

Unreleased funds as of June 2016 is P20.7 billion. We hope that we can fast-track the construction of permanent housing for the intended recipients if only to bring renewed hope to those who have survived the strongest typhoon to hit land.

Meanwhile, the 2016 National Disaster Risk Reduction and Management (NDRRM) Fund has P18.896 billion, of which P18.433 billion is unreleased as of September 30.

I wish to remind our agencies that the NDRRM Fund is no longer just a calamity fund; we should use it to build resilience, reduce and prevent risks in our communities, and to take proactive action so that natural hazards will not turn into disasters that kill and maim our people, and impede our development.

What does the future hold for us – a nation greatly vulnerable to the ill effects of climate change?

We are walking on thin ice. Our future is uncertain because we are facing a crisis that we cannot resolve on our own.

Sea level rise threatens to submerge our coastal towns. At risk are 64 coastal provinces, 822 coastal municipalities, 25 major coastal cities, and approximately 13.6 million Filipinos that need to be relocated away from danger zones.

Ocean acidification is causing irreversible damage to our coral reefs. With global warming of up to 2 degrees Celsius, 98 percent of coral reefs will die by 2050. Moreover, sudden shifts from hot temperatures to incessant rains pose uncertainties to agriculture, greatly affecting our food security.

The warming climate is now one of the most significant risks for World Heritage Sites, including our own Ifugao Rice Terraces. Extreme rainfall and heat, heavy floods, and constant changes in weather pose great threat to lives, health, livelihood and development.

The uncertainty of our future due to climate change impacts is the very reason why we have been actively participating in the climate negotiations. The Philippines, as chair of the Climate Vulnerable Forum (CVF) during the Paris climate talks last December 2015, was among the most influential in the crafting of the Paris Agreement as it led the call to limit warming to 1.5 degrees Celsius to be able to survive.

This is the call of vulnerable nations, the member states of CVF: "1.5 can and must be done. We will make it happen not just to survive but also to thrive."

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CVF members have a commitment to help each other, to equip ourselves together in this climate fight.

According to the Low Carbon Monitor that the CVF will launch soon, limiting global warming to 1.5 degrees Celsius could raise growth economic output by as much as 1% by the 2040s since so many of the devastating impacts associated with higher levels of warming would be avoided. This is crucial in our pursuit of our vision and development goals under the "AmBisyon Natin 2040" of the National Economic and Development Authority (NEDA).

The Paris Agreement will help us in our adaptation efforts as it allows the Philippines, as a vulnerable developing nation, access to the \$100 billion Green Climate Fund.

The Paris Agreement is a vehicle towards achieving climate justice as it compels developed nations that have polluted the world and caused this climate crisis to finance the Green Climate Fund and provide developing and vulnerable nations needed support on capacity building and technology transfer for adaptation and mitigation efforts.

The Paris Agreement will not hamper our development. It even presents opportunities for low carbon development and green growth. The 70% reduction in greenhouse gas (GHG) emissions indicated in our Intended Nationally Determined Contribution (INDC) is based on technical and financial assistance we will receive from industrialized nations.

Vulnerable small island states, such as Fiji, Marshall Islands, Kiribati, Palau and the Maldives, took the lead in ratifying the Agreement; and the largest emitters of GHG – US, China, India, and the European Union – have ratified as well.

The Philippines' ratification of the Agreement will send a strong signal of our continuing commitment to work with the rest of the world in ensuring the survival of this generation and the generations to come, and the ability of the Earth to sustain life. Even small towns around the world are already doing their share in the fight against climate change.

Look at this Greensburg in Kansas, built back better after it was flattened by a devastating tornado in 2007. It is now running on 100 percent renewable energy. Is that not interesting?

Would we not want to see Subic, for example, of Senator Gordon to run on a 100% RE? Or perhaps the Valenzuela City of Senator

Gatchalian, or San Juan of Sen. J.V. Ejercito? Or even perhaps my home province of Antique or Cagayan de Oro of the Senate President, or even Las Pinas of Senator Villar?

In the village of Kalisari in Java, Indonesia, tofu businesses used to throw away the water they use to create tofu. The liquid used to contaminate local water supplies until they turned it into tofu biogas which could replace 62,000 tons of fossil fuels a year.

In the Tayebat Workers Village in Egypt, sandstone buildings have solar panels on their rooftops. The architects behind the project aim to change the usual thinking that solar panels are ugly and undesirable.

In the small British town of Ashton Hayes, residents are working together to make their community carbon-neutral through lifestyle changes such as taking fewer flights, using clotheslines instead of dryers, and improving the insulation in their homes – shrinking their total carbon footprint by 40 percent so far.

These examples only show that we can all be part of the efforts to fight climate change no matter how small or vulnerable we are.

Even Senator Lacson has a solar-powered home, a recent climate convert.

In fact, our vulnerability has made our voice significant in the climate negotiations. We have become the poster child for climate change impacts. Our experience in *Yolanda* was one of the rallying points for a more ambitious Paris Agreement.

If we fully accept the Agreement, we can influence the decisions on how the accord will be implemented and we maintain our leadership role in the international climate talks and advocacy.

If we do not ratify, we are left in isolation while waiting to be a victim of natural hazards.

While the future may be uncertain, we can define the kind of future we want. We are part of a community of nations that can support us in addressing our vulnerabilities. We should be part of the body that will decide the future of the planet. We cannot be left out of it.

With the Paris Agreement, we only stand to gain and nothing to lose.

INTERPELLATION OF SENATOR GATCHALIAN

At the outset, Senator Gatchalian stated that much had been said about COP21 or the Paris

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Agreement which other countries already ratified and which the Philippines is yet to sign. Noting that a lot of unclear provisions and elements were provided in the Agreement, he said that he would want to be clarified because the Agreement, though not clear about how it would be done, would be intertwined with the growth of the country.

Noting that the 70% reduction in carbon emission seemed to be very big at face value, Senator Gatchalian asked where the 70% reduction came from and what its components are. Senator Legarda replied that the 70% reduction in greenhouse gas emission, which is targeted until 2030, was based on the technical and financial assistance the industrialized nations would give to the Philippines and from the agencies of government that were consulted by the Climate Change Commission, among which were the Departments of Agriculture, Trade, Transportation, and Energy.

Senator Legarda added that the Climate Change Commission has been awaiting the Certificate of Concurrence from 33 agencies since only 10 have submitted so far. However, she said that before June 30, all 30 agencies had already submitted their respective Certificates of Concurrence, thus, the concurrence that the Climate Change Commission is awaiting is simply administrative or ministerial because it already underwent thorough study.

She added that the nexus of sustainable development and climate change mitigation and adaptation are actually intertwined and can be sustainably developed. To do it the other way, she warned, would be catastrophic to the country.

Senator Legarda recalled that in her speech she mentioned the low carbon monitor of the UNDP which stated that if the world, not just the Philippines, would mitigate and adapt, it would attain bigger growth by 2040 because the effects of disasters and natural hazards could be avoided.

To those who do not believe that there could be development, industrialization or growth by reducing carbon footprints, Senator Legarda maintained that it makes good economic and business sense to mitigate and adapt even if the Philippines is not a major emitter of greenhouse gas. She explained that mitigation is a function of adaptation but that it would only happen with the technical and financial help of industrialized nations.

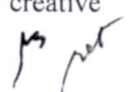
Asked where the 70% reduction would come from if translated into strategy, Senator Legarda replied that the reduction would come from various sectors that contributed to the 0.3 GhG, for instance, trade and commerce, transport, energy, agriculture, and others that have contributed to the greenhouse gas emissions.

Asked whether the Agreement is conditional and whether the country would be drawing financial support to mitigate carbon emissions, Senator Legarda answered in the affirmative. However, she clarified that the Philippine submission is the country's contribution to the pact and that after ratification, the reduction could be changed to 50% subject to review every five years.

Senator Legarda explained that the country's commitment was not included in the submissions of other countries like Maldives, the United States of America or China. She clarified that what the country would ratify is a climate agreement which states that nations have common but different responsibilities, and that what each state would submit is its Intended Nationally Determined Contribution which is a product of consultation but which could be revised based on technical and financial assistance. She believed that the Philippines could not achieve the task alone without the help of other countries considering its limited resources.

Asked whether the funds are readily available for countries like the Philippines to draw from or whether it is still a pledge from the developed countries, Senator Legarda believed that the funds have been pledged a long time ago and was supposed to be set up. She said that the initial withdrawing of funds would be discussed the following week in Marrakesh. She supposed that countries like Fiji signed the Agreement early in the hope that they would be the first to access not only the Green Climate Fund but also the Global Environment Facility and many others.

Asked whether the Philippines could start having access to the funds once it ratifies the treaty, Senator Legarda replied that it was still unclear whether the Philippines could immediately access the funds because procedures should have to be followed. She clarified that the fund would not be used simply for mitigation or for the reduction of emissions but could also be used for adaptation, for instance, for infrastructure, housing, early warning systems, mangrove reforestation, tree planting, NGP and some other creative



ways for adaptation and mitigation. She explained that Climate Agreement is an agreement meant for both the reduction of greenhouse gas emissions called mitigation and adaptation.

Asked by Senator Gatchalian on the possible recourse in case the Philippines cannot comply with its commitments to the Paris Agreement on climate change, Senator Legarda replied that she has to validate with the lawyers who negotiated if the agreement is indeed legally binding. She said that although the technical and financial aspect may not be binding, there is an Intended Nationally Determined Contribution (INDC) which is part of the negotiation that conditionally binds the Philippines—that is, to mitigate trade and cargo emissions by 70%.

Asked if all the signatory countries follow the same premise that the agreement is conditional, Senator Legarda admitted that she was not certain on the extent of their submissions as she was not part of the negotiations. However, she said that as far as the industrialized nations are concerned, the agreement in terms of their submissions is binding although they could be subject to negotiations, the reason why it is important for the Philippines to participate in group discussions. Furthermore, she said that the negotiation is a work in progress and Marrakesh would be the way forward years after that.

Senator Gatchalian supposed that one of the issues against signing the Paris Agreement is that it would hamper the country's growth because coal power plants and heavy industries that contribute to carbonation are not allowed to be put up. Since the submissions are conditional, he asked if certain power plants and industries would still be allowed to be put up so that they can contribute to growth. Senator Legarda explained that since the agreement is based on general principles, it does not specify which plants are banned or that heavy industries are not allowed. She said that realistically and pragmatically, with the 30-30-30 energy mix in the country, all coal plants could not be closed at once. She predicted that it could be the industry that would voluntarily forgo coal in due time because it does not make good business sense considering that coal is imported while renewable energy such as wind, hydro and solar, is free and is quickly becoming inexpensive.

INTERPELLATION OF SENATOR ZUBIRI

At the outset, Senator Zubiri recalled that in his

very first speech in 2007 about climate change, entitled "Mercury Rising," he already warned that if the government would not champion renewable energy and advocate saving the environment, the cost would be extensive to the planet's survival. He said that in his speech, he warned of great floods and stronger typhoons as well as drought or longer dry spells, and he believed he was proven correct when the country experienced the fury of typhoons *Ondoy*, *Sendong*, *Pablo* and *Yolanda*.

Asked by Senator Zubiri if she was aware of President Duterte's latest statement on the Paris Agreement, Senator Legarda said that she read it on Twitter but that she was not certain if the report was accurate. Senator Zubiri said that he heard via live radio that President Duterte had asked the collective decision of his Cabinet secretaries regarding climate change and that he was convinced to support the Paris Agreement on climate change despite not being amenable to certain portions of the agreement particularly since the Philippines is a developing country.

Adverting to a two-page news report on *Inquirer.net*, entitled "Duterte to Uphold Paris Agreement" written by Kristine Angeli Sabillo, Senator Legarda confirmed the accuracy of the report and admitted that she was speechless. Senator Zubiri believed that Senator Legarda's lobbying during the confirmation hearings of the Commission on Appointment could have influenced such pronouncement. Senator Legarda said that credit must be given to the President's economic team, composed of Secretaries Dominguez, Diokno, Pernia, Medialdea, Gina Lopez and Piñol and other Cabinet members, for paving the way in favor of the ratification of the agreement.

Senator Zubiri said that it would be such a waste if the Philippines would not be part of the Paris Agreement especially since the country is one of the nations most vulnerable to climate change. Aside from accessing the Green Climate Fund, he also sought the support of Senator Legarda for his proposed inclusive mobility program so that there would be more bike lanes and elevated walkways that would lead to less cars and less smog in the city.

Senator Legarda asked Senator Zubiri to help in crafting a special provision in the GAA budget of the MMDA and DPWH for the construction of bike lanes and pedestrian lanes throughout Metro Manila

as well as for the planting of more trees to serve as carbon sinks to counter the polluted metropolis.

Senator Zubiri disclosed that in a meeting with DPWH Secretary Villar and the MMDA, they have agreed to use part of the Road Users' Fund in building inclusive mobility projects instead of utilizing the same for road safety measures which, he said, are prone to corruption and do not solve the traffic problem. He revealed that DPWH Secretary Villar has, in fact, already allotted P500 million for the construction of a walkway from Aurora Boulevard to Ortigas area connecting the two MRT stations. He said that if it could also be done all over EDSA, there is no need to re-appropriate or add extra funds for the project.

Senator Legarda said that since Metro Manila has become unlivable, it should be "greened" by building more elevated walkways in order to use less private transport, as long as private homes would not be affected by its construction. She added that such walkways should be well lit and secured.

Senator Zubiri said that when he went to Korea with his family, he was amazed by the Cheonggyecheon Stream connected to the Han River which was turned into a beautiful park, with its water system cleaned, and lanterns, artworks and exhibits displayed, making it a safe walkway even at night. He hoped that one day, a similar safe and secured walkway could be built in the Philippines. He lamented that even at daytime, vendors abound in the overpasses in Makati and Quezon City, with barely a meter left as walkway for people to pass. He hoped that walkways that would be built would be properly maintained.

Senator Zubiri congratulated Senator Legarda for a job well done, adding that she deserves all the accolades given her for championing climate change.

INTERPELLATION OF SENATOR GORDON

Prefatorily, Senator Gordon stated that he was shocked to hear that notwithstanding the 2016 National Housing Authority budget for housing assistance to typhoon *Yolanda* victims in the amount of P25.6 billion, a lot of people still need housing up to present. He revealed that with about P3.8 billion, the Red Cross was able to finish building 76,000 homes.

Senator Gordon then asked if the amount of P25.6 billion was only for 2016 and if there were

other monies spent in 2015 and 2014. Senator Legarda replied that insofar as housing for *Yolanda* victims was concerned, the amount she cited was unreleased funds as there were no lands provided by the local government for the NHA to build houses on.

SUSPENSION OF SESSION

Upon motion of Senator Legarda, the session was suspended.

It was 5:03 p.m.

RESUMPTION OF SESSION

At 5:03 p.m., the session was resumed.

Upon resumption, Senator Legarda further disclosed that there were P118 million unspent or unobligated budget in the 2015 NHA budget which would revert to the national treasury in two months. Senator Gordon lamented that it becomes even more tragic that the government was unable to spend money for people who truly suffered the catastrophe only because there were not enough lands to build houses on. He said that when he was with the Philippine Red Cross, they were able to put up housing for the victims of a big landslide which occurred in Ginsaugon, Southern Leyte.

Senator Gordon recalled that he had allocated P50 million for hazard mapping during his term in the previous Congress but was surprised to learn that the government still insisted on looking for a safe ground even though the location in Samar and Leyte, as is the case with the rest of the Philippines, had a lot of geographical faults. He welcomed Senator's Legarda's reminder, though, that the CCF is no longer a calamity fund and can be spent for disaster risk reduction.

On whether the government would be spending the money wisely this time, Senator Legarda explained that the government is aware not only that the fund exists but that the 2015 unreleased and unobligated amount would expire in two months and that they could use the fund even before a disaster strikes or for recovery.

Senator Gordon expressed the desire for the concerned people to imagine themselves in the position of those who have lost their homes in such cataclysmic disasters like *Yolanda*, with survivors and the Red Cross commemorating the third anniversary of the calamity. He said that the Red

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Cross would be thanking its donors to show the power of the old adage that "if there's a will, there's a way" and that those who do not want to do so would find many reasons for their inaction. He noted that there are many architects who could still build sturdy homes and experts who could advise residents in disaster-prone areas like Samar, Leyte, Bicol and Surigao to adapt by being prepared and relocating to safer ground. He recalled that the Red Cross had a hard time looking for relocation sites because no areas were safe enough.

Recalling also that it took the Red Cross almost a month to bring corrugated roofing supplies for residents in Batanes, Senator Gordon also stressed the importance of utilizing available funds to put up transient homes and livelihood to help victims recover from calamities. He noted that other countries use tofu water or even wind turbines to adapt to the needs of the times. Moreover, he pointed out that the local government units in Tuguegarao, Isabela and Batanes had rebuilt their homes without waiting for the central government to help them.

Senator Gordon said that he was tempted to conduct a Blue Ribbon committee hearing to have the concerned authorities respond to his queries because he believed it is shameful for the government to not utilize such huge funds to help disaster victims. Senator Legarda agreed, adding that such a hearing would compel the officials involved to account for the non-use of these monies.

As regards the steps to address the problem, Senator Legarda said that one of the things that could be done is to identify the areas where people can or cannot build homes based on the vulnerability assessment determined through the geohazard mapping. Secondly, she said that homes – similar to the stone houses of the Ivatans which could withstand the strength of the typhoons – that could anticipate the strength and gustiness of the wind and of areas that are vulnerable to storm surges and tsunamis based on geohazard and multi-risk assessments could be built by the community through *bayanihan* without having to wait for assistance from the central government.

Senator Gordon said that it was precisely what the Red Cross had done, aware that it would be a long wait to have government provide them with the land. He revealed that Red Cross provided the funding for the rebuilding of stronger, six-post homes.

He lamented that it was bad enough for people to suffer from a cataclysmic disaster and deal with the loss of relatives and livelihood even though the money for rebuilding homes is available but is not released because there is no area for relocation.

Senator Legarda explained that her speech sought to bring the people's attention to the sheer incompetence of the concerned authorities who do not utilize billions of pesos of ready funds for rebuilding homes by giving the poor excuse of not having available land for the purpose.

Senator Gordon said that based on his experience of being with the Red Cross, he could attest to how the organization was able to help people who were willing to rebuild their homes on their own. Senator Legarda said that if the National Housing Authority is unable to handle the project, the government can work with *Gawad Kalinga*, Red Cross or other credible organizations for the undertaking.

Senator Gordon recalled that the Iloilo residents who refused to live in houses put up by the British Red Cross which were located far from the shoreline eventually put up their homes in the "no build zones," putting themselves continuously in danger. He said that he was glad that Senator Legarda had presented the necessary data on the matter as he stressed the importance of community resilience which was the highlight of the NDRRMC law which he and Senator Biazon had sponsored. He explained that he had included the terms "risk reduction" in the law to emphasize that such risks could only be reduced through preparation and that there is never a complete area where one can be totally safe. Moreover, he believed that the bureaucrats in government would be able to innovate in the area by utilizing the P25 billion budget for the purpose. He said that it could be done even faster by talking to legislators who can help fine-tune the laws. He expressed confidence that Senator Legarda would be able to make sure that the money could be used and to make sure that there is integrity in climate capability lest the country encounters similar instances as in the three typhoons as well as the drought that hit the northern part of the country.

For her part, Senator Legarda warned that such climate upheavals would become stronger and more frequent as it has become the new norm. She said that people adapt differently under different circumstances in different geographical areas, therefore necessitating the building of stronger homes based on

geohazard maps and multi-risk assessments made by agencies.

Senator Gordon cited the example of people in Bangladesh who build their houses on stilts and who have built wooden pathways as a way to adapt to storm surges that leave them marooned from the main highway. Moreover, he said that the residents have changed their poultry to ducks which are capable of swimming. He also suggested that simpler terminologies be used in future discussions to allow more people to understand the climate change issue.

In a related matter, Senator Legarda said that aside from the buddy system, the people in Bangladesh wave red flags and bells to warn neighbors of an impending tsunami and call them to evacuate to higher ground.

In response to Senator Gordon's disclosure that Filipinos blow the whistle three times to warn others of an impending disaster, Senator Legarda requested him to provide the senators with whistles as Christmas gifts. Senator Gordon replied that he would gladly do so in exchange for their voluntary blood donation or membership to the Red Cross.

MANIFESTATION OF SENATOR VILLAR

At this juncture, Senator Villar invited Senator Legarda and the rest of the senators to visit the climate-resilient floating houses in Laguna Lake which have pontoons that allow them to go up and down depending on the water level in the area.

Asked by Senator Legarda whether they are low-cost housing, Senator Villar clarified that they are worth double the cost of normal homes because of the technology involved. She expressed readiness to host a luncheon for Senator Legarda and the other members for them to see the four houses as well as the floating multipurpose center.

Recalling that she had been informed of the project years earlier, Senator Legarda congratulated Senator Villar on her successful undertaking.

INTERPELLATION OF SENATOR HONTIVEROS

Adverting to Senator Legarda's privilege speech which underscored the importance of limiting global warming to below 1.5 degrees above pre-industrial

levels in order to increase the growth of the Philippine economy by at least one percent in the 2040s which is consistent with the vision of "*AmBisyon Natin 2040*," Senator Hontiveros believed that limiting global warming would also be consistent with the Philippine's commitment to the sustainable development goals. She then asked whether the Philippines' becoming a party to the Paris Treaty would be like filling a last piece of the puzzle. Senator Legarda replied in the affirmative, as she pointed out that the Philippines had acceded to the Sendai Framework for Disaster Risk Reduction for the next 15 or 20 years which succeeded the Hyogo Framework for Action as far as disaster risk reduction is concerned.

Senator Legarda added that the country acceded to the Sustainable Development Goals in September 2015, and became a signatory to the climate agreement in Paris on April 22, 2016. She noted that the vision of *AmBisyon Natin 2040* would be completed with the ratification, so that the Philippines could be part of the climate change talks, learn new technologies, and access possible financial or technical assistance in the hope that all countries, together with the committed industrialized nations, could fight for compliance. She said that she could not imagine a scenario where the country would not ratify and be isolated from the rest of the world, to which Senator Hontiveros agreed.

Regarding the fact that the Philippines only emits 0.3% of the planet carbon footprint, Senator Hontiveros noted that under the principle of common but differentiated responsibilities, even low emitter countries should do their part. Senator Legarda agreed, adding that according to Dean Tony La Viña of the Ateneo School of Government, the 0.3% emission of the Philippines when added to the other developing nations comprises one-fourth of the total greenhouse emissions in the world. She said that although the U.S. and China remain the biggest emitters with double digit GhG, one-fourth is also considered a major contributor.

Senator Legarda likewise said that the other nations with much smaller emissions have already ratified, such as Maldives, Kiribati, Palau and Marshall Islands, and that although considered by some as a tiny development, even China, a developing nation, and India, a big developing economy, have ratified. She surmised that the countries that have ratified must have known something that the Philippines still refuses to accept. Senator Hontiveros concluded that there was indeed no excuse for the country not to ratify the agreement.

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Senator Hontiveros noted that Senator Legarda had discussed about coal-fired power plants and heavy industries when she was interpellated by Senator Gatchalian. She expressed concern about the climate change fund which is still made up of pledges. She wondered how the industrialized nations could be compelled to their commitments, but said that she would further discuss the point with Senator Legarda.

On the statement of President Duterte after a Cabinet meeting that he would lead the country in ratifying the treaty, Senator Hontiveros hoped that it would indeed be easier to convince the President to do so.

Senator Legarda expressed confidence that the President's economic managers have been enlightened and were more than qualified to explain the Paris Agreement. She, however, said that she had lobbied with the administration as early as July.

Senator Hontiveros lauded Senator Legarda for her efforts and said that a proper and effective communication from the Senate could also be penned to express the Body's wish and desire and to further encourage the DFA and the President to ratify the treaty.

In reply, Senator Legarda said that a resolution could be drafted, or the remaining departments could be urged to submit their certificate of concurrence to the Climate Change Commission and to the DFA, that would, in turn, transmit the 33 certifications to the Office of the President, lamenting, though that only 10 out of the 33 have submitted the certification.

Senator Hontiveros urged Senator Legarda to recognize the first ten departments which complied, and to call on the remaining 23 to submit their respective certifications to the President. Senator Legarda agreed, especially with the President signifying his inclination for its ratification.

REFERAL OF SPEECH TO COMMITTEE

Upon motion of Senator Sotto, there being no objection, the privilege speech of Senator Legarda was referred to the Committee on Climate Change.

COAUTHORS

Upon his request and with the approval of Senator Recto, the principal author, Senator Gatchalian was made coauthor of Senate Bill No. 812 (Teaching Supplies Allowance Act of 2016).


Upon his request and with the approval of Senator Lacson, the principal author, Senator Villanueva was made coauthor of Senate Bill Nos. 44 (Real Property Valuation and Assessment Reform Act), 45 (Anti-Moneylaundering Act of 2001), 252 (Prepaid Subscriber Identity Module (SIM) Cards Regulations Act of 2016), and 255 (Benefits and Incentives of Barangay Tanod Members), introduced by Senator Villanueva.

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 5:34 p.m.

I hereby certify to the correctness of the foregoing.


ATTY. LUTGARDO B. BARBO
Secretary of the Senate

Approved on November 8, 2016 