



REPUBLIC OF THE PHILIPPINES  
**Senate**  
Pasay City

# Journal

**SESSION NO. 44**  
Tuesday, December 6, 2016

**SEVENTEENTH CONGRESS**  
**FIRST REGULAR SESSION**

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**CALL TO ORDER**

At 3:26 p.m., the Senate President, Hon. Aquilino “Koko” Pimentel III, called the session to order.

**PRAYER**

Sen. Joel Villanueva led the prayer, to wit:

*Let us put ourselves in the presence of the Lord.*

*Dakilang Diyos, Ama naming sumasalangit, Diyos na may gawa ng langit at lupa, Diyos na nagsabing kung may dalawa o tatlo na nagkakatiapon sa Kanyang Pangalan, Siya ay nasa kanilang kalagitnaan.*

*Nagpapakumbaba po kami at nire-respeto ang Inyong presensiya sa aming kalagitnaan.*

*Humihingi po kami ng tawad sa aming kalikuan, kasalanan sa isip, sa salita o sa gawa, kasalanang sinasadya o hindi, patawad po.*

*Linisin Mo po ang aming mga puso ng Iyong dugo na nabuhos sa Krus ng kalbaryo. Hayaan Mong maging karapat-*

*dapat kami at damitan Mo po kami ng Iyong damit ng katuwiran.*

*Sa araw pong ito, hinihiling po namin na bigyan Ninyo po ang bawat isa sa amin ng kalakasan, kalusugan, katalinuhan na nagmumula lamang sa Iyo.*

*Tulungan Mo po kami na maging daluyan ng pagpapala sa milyun-milyong mga Pilipino hindi lamang dito sa aming bansa kundi sa ibayong dagat.*

*Pagpalain Mo rin ang aming Pangulo, ang aming Pangalawang Pangulo, ang gobyerno at ang Pamahalaan ng Pilipinas.*

*Sa Iyong mga kamay maingat po naming ibinabalik ang lahat ng kaluwalhatian, karangalan, sa tanging Pangalan ng aming Panginoong Hesus.*

*Ang lahat po ay makiisa at magsabing Amen.*

*Amen.*

**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.          | Legarda, L.         |
| Aquino, P. B. IV B. | Pacquiao, E. M. D.  |
| De Lima, L. M.      | Pangilinan, F. N.   |
| Drilon, F. M.       | Pimentel III, A. K. |
| Escudero, F. J. G.  | Sotto III, V. C.    |
| Gatchalian, W.      | Trillanes IV, A. F. |
| Honasan, G. B.      | Villanueva, J.      |
| Hontiveros, R.      | Villar, C. A.       |
| Lacson, P. M.       |                     |

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

Senators Binay, Recto and Zubiri arrived after the roll call.

Senator Cayetano was on official business as indicated in the letter dated December 6, 2016 of the Senator's chief-of-staff.

Senator Poe was on official mission abroad, "attending the Open Government Partnership Global Summit 2016 in Paris, France in her capacity as the Philippine Senate's Permanent Representative to the Philippine Open Government Partnership (PH-OGP)."

Senator Ejercito was under preventive suspension.

Senator Gordon 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. 43 (December 5, 2016) and considered it approved.

## 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. 1265, entitled

**AN ACT GRANTING SENIOR CITIZENS  
FREE MOVIE PRIVILEGE**

Introduced by Senator Win Gatchalian

### To the Committee on Social Justice, Welfare and Rural Development

Senate Bill No. 1266, entitled

**AN ACT CREATING A DEPARTMENT  
OF FISHERIES AND AQUATIC  
RESOURCES, PROVIDING FOR ITS  
POWERS AND FUNCTIONS, AND  
OTHER PURPOSES**

Introduced by Senator Win Gatchalian

### To the Committees on Agriculture and Food; Civil Service, Government Reorganization and Professional Regulation; and Finance

## RESOLUTIONS

Proposed Senate Resolution No. 245, entitled

**A RESOLUTION COMMENDING AND  
CONGRATULATING JAYAR INSON  
FOR WINNING THE VACANT WBO  
ASIA PACIFIC WELTERWEIGHT  
TITLE AT EDION ARENA IN  
OSAKA, JAPAN**

Introduced by Senator Pacquiao

### To the Committee on Rules

Proposed Senate Resolution No. 246, entitled

**RESOLUTION DIRECTING THE PROPER  
SENATE COMMITTEES TO INQUIRE,  
IN AID OF LEGISLATION, ON THE  
REPORTED DELAYS IN TEXT  
MESSAGE DELIVERY BY MOBILE  
COMMUNICATIONS PROVIDERS**

Introduced by Senator Maria Lourdes Nancy  
S. Binay

### To the Committees on Public Services; 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-2016-089, 090

Ys



and 091 dated 9, 10 and 11 November 2016; and

Memorandum No. M-2016-015 dated 16 November 2016.

**To the Committee on Banks, Financial Institutions and Currencies**

**SPECIAL ORDER**

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 10 on Senate Bill No. 1239 from the Calendar for Ordinary Business to the Calendar for Special Orders.

**COMMITTEE REPORT NO. 10  
ON SENATE BILL NO. 1239**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1239 (Committee Report No. 10), entitled

AN ACT AMENDING SECTION 35B(4) OF REPUBLIC ACT NO. 6975, OTHERWISE KNOWN AS "AN ACT ESTABLISHING THE PHILIPPINE NATIONAL POLICE UNDER A REORGANIZED DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT," AND FOR OTHER PURPOSES.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, with the permission of the Body, upon motion of Senator Sotto, only the title of the bill was read without prejudice to the insertion of its full text into the Record of the Senate.

The Chair recognized Senator Lacson for the sponsorship.

**SPONSORSHIP SPEECH  
OF SENATOR LACSON**

Senator Lacson submitted for the consideration of the Body Senate Bill No. 1239, entitled "An Act Amending Section 35 B (4) of Republic Act No. 6975, Otherwise Known as 'An Act Establishing the Philippine National Police Under a Reorganized Department of the Interior and Local Government,

And For Other Purposes,'" as embodied in Committee Report No. 10, in substitution of Senate Bill No. 1052.

*Following is the full text of Senator Lacson's speech:*

The power to issue subpoena is commonly known to most Filipinos as lodged in our courts of law. However, this is not really accurate as we have statutes granting the power to issue administrative subpoena and subpoena *duces tecum* to various government agencies and instrumentalities such as the Ombudsman, Department of Justice, National Bureau of Investigation, Philippine Drug Enforcement Agency, National Police Commission, Bureau of Internal Revenue and the Cybercrime Operation Center of the Cybercrime Investigation Coordination Center.

In fact, said power was vested in the Criminal Investigation Service (CIS) under Section 6 of Republic Act No. 5750 which reads:

"Sec. 6. The Chief and Deputy Chief of the CIS shall have the power to administer oaths upon cases under investigation and to issue subpoena or subpoena *duces tecum* for the appearance at government expenses of any person for investigation or production of documents and other matters therein."

When Republic Act No. 6975, otherwise known as the "DILG Act of 1990," was passed into law, it integrated the Philippine Constabulary and Integrated National Police to establish the Philippine National Police (PNP). A review of this law would show that most of the powers were carried over except for the subpoena power.

It seems absurd that the CIU, now more known as the Criminal Investigation and Detection Group (CIDG), with a mandate to undertake monitoring, investigation and prosecution of all crimes involving economic sabotage and other crimes of such magnitude and extent as to indicate their commission by highly-placed or professional criminal syndicates and organization, has lost its subpoena powers.

Going back in history, this unit even had the motto "We Seek The Truth." Now, with the implied removal of its subpoena powers, I find it difficult to imagine how our PNP's investigative arm could have a complete and thorough output in search of the truth. *Kung wala pong subpoena powers, lagi pong kulang at bitin ang imbestigasyon. Sayang naman po ang resources ng ating gobyerno.*

*PL*



Moreover, the CIDG envisions itself to be a dynamic, responsible and well-equipped primary investigative arm manned by the best qualified and highly-motivated professionals in search of truth and justice.

Let us correct this oversight by restoring the subpoena powers of the CIDG director and his/her deputies. It is submitted that these powers are indispensable to carry out the mandated investigatory functions of this unit.

On a final note, *kung ang* top investigative unit *po ng ating bansa ay walang* subpoena powers, *maitutulad po natin ito sa isang auto na walang gasolina – walang mararating.*

## PERIOD OF INTERPELLATIONS

Upon motion of Senator Sotto, there being no objection, the Body proceeded to the period of interpellations.

## INTERPELLATION OF SENATOR DRILON

Senator Drilon expressed his support for the measure. He believed it was time to clarify and correct the imbalance by granting appropriate PNP authorities the power to issue administrative subpoena and subpoena *duces tecum* as he noted that the government agencies, such as the DOJ, NBI, PDEA and NAPOLCOM are granted this power. He then asked if the Chief of PNP is authorized to issue subpoena and subpoena *duces tecum*.

Replying in the negative, Senator Lacson said that he saw no problem if Senator Drilon would introduce an amendment authorizing the PNP Chief to issue subpoena and subpoena *duces tecum* during the period of amendments.

Senator Drilon believed that there is every reason to grant such authority to the PNP Chief who has control and supervision over lower-ranked officials, like the director and deputy director of the CIDG.

Senator Lacson said that he would welcome the amendments of Senator Drilon at the proper time. However, he noted that the power to issue subpoena and subpoena *duces tecum* is already a delegated authority to the CIDG director and/or his deputy, and since the PNP Chief is not directly involved in the investigation, he would prefer that the CIDG director and his deputy should be the ones given the subpoena powers.

Agreeing with Senator Lacson, Senator Drilon pointed out that the question he was raising was

whether the PNP Chief could already issue subpoena or whether he would have to delegate the exercise of such power to lower-ranked officers. Senator Lacson replied that under RA 8551, the PNP Chief has no power to issue subpoena.

Senator Drilon suggested that apart from granting subpoena powers to the CIDG director and deputy director, the PNP Chief should also be granted the same powers.

Senator Drilon asked if Senator Lacson would be amenable to prohibiting the CIDG director and deputy director from delegating their subpoena powers to any lower-ranked officers of the PNP should such powers be returned to them. He stated that the grant of power without any limitation to delegate is a matter of policy for which he has very serious reservation. Senator Lacson replied that for better control, the power should be limited only to the CIDG director and deputy director.

Senator Drilon stated that he only wanted to put on record that should the PNP Chief be also authorized to issue a subpoena, in addition to the CIDG director and deputy director, such subpoena power should not be delegated and must be exercised only by the officials themselves. He said that he would submit his amendments at the appropriate time.

## SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1239


Upon motion of Senator Sotto, there being no objection, the Body suspended consideration of the bill.

## 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 3:43 p.m.*

I hereby certify to the correctness of the foregoing.

  
 ATTY. LUTGARDO B. BARBO  
 Secretary of the Senate

Approved on December 7 2016