



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 44
Tuesday, January 21, 2020

EIGHTEENTH CONGRESS
FIRST REGULAR SESSION

SESSION NO. 44
Tuesday, January 21, 2020

CALL TO ORDER

At 3:00 p.m., the Senate President, Hon. Vicente C. Sotto III, called the session to order.

PRAYER

Sen. Joel Villanueva led the prayer, to wit:

Dakilang Diyos, Ama naming sumasalangit, Diyos na may gawa ng langit at lupa, kami po ay lumalapit at naninikluhod sa Iyo, humihingi ng kapatawaran sa ano mang kasalanan sa isip, sa salita at sa gawa. Hugasan Ninyo po kami ng Inyong banal na dugo na nabuhos sa krus ng kalbaryo, at damitan Mo kami ng damit ng katwiran upang makalapit sa Iyo.

Inilalapit po namin ang aming mga kababayan lalo na ang mga biktima ng nag-alborotong bulkang Taal. Yakapin Mo po sila ng Iyong pagmamahal, tulungan, at maging ang aming pamahalaan para matulungan at mabigyan ng tamang tulong para makabangon ang aming mga kabababayan.

Tulungan Ninyo rin po ang bawat isa sa amin dito sa Senado sa paggawa ng aming tungkulin. At higit sa lahat, magampanan namin ang aming responsibilidad bilang Iyong mga lingkod para sa aming minamahal na bayang Pilipinas.

Sa Inyo po ang lahat ng papuri at pasasalamat, at maingat po naming ibinabalik ang lahat ng papuri't pasasalamat.

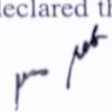
Sa tanging pangalan po ng aming Panginoong Hesus, ang lahat po ay makiisa at magsabing, Amen.

ROLL CALL

Upon direction of the Senate President, the Secretary of the Senate, Atty. Myra Marie D. Villarica, called the roll, to which the following senators responded:

Binay, M. L. N. S.	Pimentel III, A. K.
Cayetano, P. S.	Poe, G.
Dela Rosa, R. B. M.	Recto, R. G.
Drilon, F. M.	Revilla Jr., R. B.
Go, C. L. T.	Sotto III, V. C.
Hontiveros, R.	Tolentino, F. T. N.
Lacson, P. M.	Villanueva, J.
Lapid, M. L. M.	Villar, C. A.
Marcos, I. R.	Zubiri, J. M. F.
Pacquiao, E. M. D.	

With 19 senators present, the Chair declared the presence of a quorum.



Senators Angara, Gatchalian, Gordon and Pangilinan arrived after the roll call.

Senator De Lima was unable to attend the session as she was under detention.

BIRTHDAY GREETINGS

At this juncture, on behalf of the Body, Senator Zubiri greeted Senator Dela Rosa on the occasion of his birth anniversary.

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 3:04 p.m.

RESUMPTION OF SESSION

At 3:05 p.m., the session was resumed.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

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

- New Zealand National Party delegation headed by Hon. Simon Bridges, leader of the National Party; Hon. Gerry Brownlee, leader of the House of Representatives and member of the National Party; Hon. Mark Mitchell, member of the Parliament for Rodney and member of the National Party; Hon. Paulo Garcia, district member of the National Party and the only Filipino in the New Zealand Parliament; and Hon. David Strachan, New Zealand Ambassador to the Philippines;
- Commissioner Greco Belgica of the Presidential Anti-Corruption Commission;
- Mrs. Bing Pimentel, mother of Sen. Koko Pimentel; and
- Students from Our Lady of the Abandoned Catholic School in Muntinlupa City.

Senate President Sotto welcomed the guests to the Senate.

APPROVAL OF THE JOURNAL

Upon motion of Senator Zubiri, there being no

objection, the Body dispensed with the reading of the Journal of Session No. 43 (January 20, 2020) 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. 1264, entitled

AN ACT PROMOTING INTEGRATED URBAN AGRICULTURAL DEVELOPMENT IN ALL METROPOLITAN AREAS NATIONWIDE TO ADDRESS FOOD SECURITY CONCERNS AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Revilla, Jr.

To the Committees on Agriculture, Food and Agrarian Reform; and Finance

Senate Bill No. 1265, entitled

AN ACT REGULATING THE DONATION AND TRANSPLANTATION OF HUMAN ORGANS AND TISSUES FROM LIVING DONORS

Introduced by Senator Revilla, Jr.

To the Committees on Health and Demography; and Finance

Senate Bill No. 1266, entitled

AN ACT STRENGTHENING MEANINGFUL YOUTH PARTICIPATION IN LOCAL GOVERNANCE AND FURTHER AMENDING REPUBLIC ACT 10742 OTHERWISE KNOWN AS THE "SANGGUNIAN KABATAAN REFORM ACT OF 2015"

Introduced by Senator Revilla, Jr.

To the Committees on Youth; Local Government; and Finance

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Senate Bill No. 1267, entitled

AN ACT INCREASING THE MONTHLY SOCIAL PENSION OF SENIOR CITIZENS, EXPANDING THE COVERAGE THEREOF

Introduced by Senator Revilla, Jr.

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

Senate Bill No. 1268, entitled

AN ACT SIMPLIFYING THE CONFIRMATION OF IMPERFECT TITLES, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1529, COMMONWEALTH ACT NO. 141 AND REPUBLIC ACT NO. 9176, AND FOR OTHER PURPOSES

Introduced by Senator Angara

To the Committee on Justice and Human Rights

Senate Bill No. 1269, entitled

AN ACT AMENDING REPUBLIC ACT NO. 11232 OTHERWISE KNOWN AS, "AN ACT PROVIDING FOR THE REVISED CORPORATION CODE OF THE PHILIPPINES," AND FOR OTHER PURPOSES

Introduced by Senator Marcos

To the Committees on Constitutional Amendments and Revision of Codes; Trade, Commerce and Entrepreneurship; and Finance

Senate Bill No. 1270, entitled

AN ACT AMENDING SECTION 2 OF REPUBLIC ACT NO. 10868, OTHERWISE KNOWN AS THE CENTENARIANS ACT OF 2016 AND FOR OTHER PURPOSES

Introduced by Senator De Lima

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

Senate Bill No. 1271, entitled

AN ACT REGULATING THE USE OF MOBILE PHONES AND OTHER ELECTRONIC GADGETS TO STUDENTS FROM KINDERGARTEN TO SENIOR HIGH SCHOOL IN ALL PUBLIC AND PRIVATE SCHOOLS

Introduced by Senator De Lima

To the Committee on Basic Education, Arts and Culture

RESOLUTION

Proposed Senate Resolution No. 287, entitled

RESOLUTION DIRECTING THE APPROPRIATE COMMITTEE TO INVESTIGATE, IN AID OF LEGISLATION, THE HIGH-HANDED, ARROGANT, AND IRRESPONSIBLE ACTS OF ONE ANGELINE XIWEN THAM, A FOREIGN NATIONAL DOING BUSINESS IN THE PHILIPPINES FOR THE PURPOSES OF (1) REVIEWING CURRENT LAWS IN ORDER TO PREVENT SIMILARLY MINDED PERSONS FROM BULLYING AND MISLEADING PHILIPPINE GOVERNMENT AGENCIES AND OFFICIALS AND (2) DECLARING ANGELINE XIWEN THAM AS PERSONA NON GRATA

Introduced by Senator Pimentel III

To the Committees on Public Services; and Foreign Relations

ADDITIONAL REFERENCE OF BUSINESS

BILLS ON FIRST READING

Senate Bill No. 1272, entitled

AN ACT AMENDING REPUBLIC ACT NO. 10121, OTHERWISE KNOWN AS "PHILIPPINE DISASTER RISK REDUCTION AND MANAGEMENT ACT OF 2010" BY REINFORCING

yes put

LOCAL GOVERNMENT COORDINATION AND RESPONSE EFFORTS, AND FOR OTHER PURPOSES

Introduced by Senator Tolentino

To the Committees on National Defense and Security, Peace, Unification and Reconciliation; and Local Government

Senate Bill No. 1273, entitled

AN ACT ESTABLISHING THE REVISED CHARTER OF THE GOVERNMENT SERVICE INSURANCE SYSTEM

Introduced by Senator Revilla, Jr.

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

Senate Bill No. 1274, entitled

AN ACT CREATING THE PROVINCE OF WESTERN MAGUINDANAO

Introduced by Senator Revilla, Jr.

To the Committees on Local Government; and Electoral Reforms and People's Participation

Senate Bill No. 1275, entitled

AN ACT CREATING THE TAAL VOLCANO REHABILITATION AND DEVELOPMENT COMMISSION, ESTABLISHING THE TAAL VOLCANO REHABILITATION AND DEVELOPMENT FUND FOR THE PURPOSE OF EXTENDING AID, RELIEF, RESETTLEMENT, REHABILITATION, LIVELIHOOD, AND DEVELOPMENT PROGRAMS AND SERVICES TO COMMUNITIES ADVERSELY AFFECTED BY THE TAAL VOLCANO ERUPTION, AND FOR OTHER PURPOSES

Introduced by Senator Recto

To the Committees on National Defense and Security, Peace, Unification and Reconciliation; Local Government; and Finance

Senate Bill No. 1276, entitled

AN ACT ADJUSTING THE MINIMUM AMOUNT FOR DEATH INDEMNITY, MORAL AND EXEMPLARY DAMAGES UNDER REPUBLIC ACT NO. 386 OR THE CIVIL CODE OF THE PHILIPPINES

Introduced by Senator Drilon

To the Committee on Justice and Human Rights

Senate Bill No. 1277, entitled

AN ACT AUGMENTING THE EMPLOYEE BENEFITS FOR THE SOLICITORS OF THE OFFICE OF THE SOLICITOR GENERAL BY PROVIDING RETIREMENT, DEATH AND SURVIVORSHIP BENEFITS, AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Dela Rosa

To the Committees on Civil Service, Government Reorganization and Professional Regulation; Justice and Human Rights; and Finance

RESOLUTIONS

Proposed Senate Resolution No. 288, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE IMPACT AND EFFECTIVENESS OF REPUBLIC ACT NO. 10121 OR THE "PHILIPPINE DISASTER RISK REDUCTION AND MANAGEMENT ACT OF 2010" AND EXISTING

INTER-AGENCY COORDINATION MECHANISMS AND MEASURES OF THE NATIONAL GOVERNMENT, THE LOCAL GOVERNMENT UNITS AND THE PRIVATE SECTOR ON DISASTER RISK REDUCTION, RESPONSE AND RECOVERY IN THE COUNTRY WITH THE END VIEW OF STRENGTHENING DISASTER RISK REDUCTION, RESPONSE AND RECOVERY AND MANAGEMENT PLANS AND PROGRAMS OF THE GOVERNMENT THROUGH APPROPRIATE LEGISLATION

Introduced by Senator Gatchalian

To the Committees on National Defense and Security, Peace, Unification and Reconciliation; and Local Government

Proposed Senate Resolution No. 289, entitled

RESOLUTION URGING THE GOVERNMENT SERVICE INSURANCE SYSTEM, THE SOCIAL SECURITY SYSTEM, AND THE HOME DEVELOPMENT MUTUAL FUND TO EXTEND CALAMITY OR EMERGENCY LOANS TO AND/OR IMPOSE A ONE YEAR MORATORIUM ON LOAN AMORTIZATIONS OF MEMBERS WHO ARE RESIDENTS OF THE TAAL VOLCANO ERUPTION CALAMITY AREAS; THE LOCAL GOVERNMENT UNITS TO BE MORE LENIENT TO AFFECTED BUSINESSES ON THE PAYMENT OF REAL PROPERTY TAXES, RENEWAL OF BUSINESS PERMITS AND IMPOSITION OF PENALTIES; AND THE PRIVATE AND GOVERNMENT BANKS TO DEFER LOAN PAYMENTS OF AFFECTED BORROWERS

Introduced by Senator Gatchalian

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

Proposed Senate Resolution No. 290, entitled

RESOLUTION URGING THE IMMEDIATE RELEASE OF FUNDS FOR THE AID, RELIEF, RESETTLEMENT, REHABILITATION, LIVELIHOOD, DEVELOPMENT AND SOCIAL PROGRAMS AND SERVICES TO COMMUNITIES ADVERSELY AFFECTED BY THE TAAL VOLCANO ERUPTION, AND DIRECTING THE APPROPRIATE SENATE COMMITTEE TO IMMEDIATELY CALL THE NATIONAL DISASTER RISK REDUCTION AND MANAGEMENT COUNCIL (NDRRMC) FOR A SENATE BRIEFING TO ASSESS THE SITUATION AND DETERMINE THE NEEDS OF THE AFFECTED LOCALITIES AND THE TOTAL BUDGET REQUIREMENTS TO ADDRESS THE CALAMITY

Introduced by Senator Recto

To the Committee on Finance; and National Defense and Security, Peace, Unification and Reconciliation

MEMBERSHIP IN THE JOINT CONGRESSIONAL OVERSIGHT COMMITTEE

Upon nomination by Senator Lacson, there being no objection, the following senators were elected as members of the Joint Congressional Oversight Committee on R.A. No. 10121, or the Philippine Disaster Risk Reduction and Management Act of 2010 on the part of the Senate: Senators Tolentino, Dela Rosa, Go, Pangilinan, and Hontiveros, with Senator Lacson as chairperson.

**COMMITTEE REPORT NO. 9
ON SENATE BILL NO. 1083**

(Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1083 (Committee Report No. 9), entitled

AN ACT AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT

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NO. 9372 , OTHERWISE KNOWN AS
AN ACT TO SECURE THE STATE
AND PROTECT OUR PEOPLE
FROM TERRORISM.

Senator Zubiri stated that the parliamentary status was still the period of interpellations.

Thereupon, the Chair recognized Senator Lacson, sponsor of the measure, and Senator Drilon for the continuation of his interpellation.

INTERPELLATION OF SENATOR DRILON
(Continuation)

At the outset, Senator Drilon commended Senator Lacson for exerting effort to amend the Human Security Act in order to respond to what has been experienced in the country in the last several years since its enactment.

He said that the most significant portion of the measure is the definition of "terrorist acts" under Section 4 of the bill. He said that it was important because it defines the crime that is sought to be punished under the law. He noted that the definition of "terrorist acts," as found on page 5, lines 20 and 21, covers "any person."

Asked whether "any person" as defined in the Act would include state actors or agents of the law, Senator Lacson replied in the affirmative, and he also affirmed that "any person" would include members of the Armed Forces of the Philippines as long as they fall under the categories as stated in the succeeding paragraphs.

Senator Drilon advised the Committee to examine closely the provision because it was defining a criminal act. He said that there must be a precise legal definition of the terms, otherwise, the police agencies would find difficulty in providing the kind of evidence to the prosecutor in order to prosecute the crime.

Asked whether there was a precise definition of "terrorism" in international law, Senator Lacson said that there are at least 109 definitions of the term "terrorism."

Senator Drilon also noted that the definition of "Terrorist Acts" under Section 4 of the proposed measure would be applicable to ordinary crimes, to

acts of terrorism or to acts committed by freedom fighters. Senator Lacson replied that it would depend on the intent and purpose of the act.

Senator Drilon agreed that the definition clearly stated that terrorism is committed "when the purpose of such act, by its nature or context, is to intimidate, put in fear, force or induce the government or any international organization or the public to do or to abstain from doing any act or seriously destabilize xxx." Relative thereto, he noted that the statute of the United States clearly defines terrorism to include the use of violence or threat of violence in the pursuit of political, religious, ideological, or social objectives. He then inquired if the standard of the US statute would also apply to the proposed measure in order to distinguish it from an ordinary criminal.

Responding thereto, Senator Lacson stated that it could qualify, but that it was not necessary because it must be bound by the purpose of the act being committed. He stressed that the Committee was not applying the US statute in defining a terroristic act.

Based on Senator Lacson's response, Senator Drilon spread into the record that the act of terrorism need not be in pursuit of a political, religious, ideological, or social objective.

Senator Lacson agreed, pointing out that in lieu of the standard set forth in the US statute, the Committee substituted the purpose of the act by its nature and context, that it must be committed to: 1) intimidate, put fear, force or induce the government or any international organization or the public to do or to abstain; 2) seriously destabilize or destroy the fundamental political, economic, and social structure of the country; and 3) create a public emergency or undermine public safety.

Senator Drilon noted the effort to broaden the applicability because the act need not be for political, religious, ideological or social objectives reason, and that the act need not be alleged in the information and not proven in the course of the trial. He said that the definition was, in fact, more consistent with the proposed UN Comprehensive Convention on International Terrorism as the definition in the bill adopted that portion in the proposed convention which reads, "when the purpose of the conduct by its nature or context is to intimidate a population or compel a government or international organization to do or abstain from doing any act." He said that what

bothers him with the definition is that while the definition in Section 4 was basically based on the proposed convention, letter "(E)" thereof refers to "threat to commit any of the acts listed in paragraphs (A) to (D)," and combining it with Section 6 which defines "terroristic acts" as "any attempt to commit any acts defined and penalized under Section 4 of this act" would come up with a crime called "attempted threat" to commit terrorism which, he said, was difficult for him to accept.

Senator Lacson stated that he knew that the provision would pose as an issue with the Body. He said that at the proper time, he would accept the proposal to remove the word "attempt" to make the definition more precise.

Asked on the meaning of the phrase "seriously destabilize or destroy a fundamental political, economic or social structure of the country," which was not found in the proposed convention, Senator Lacson explained that the provision was culled from the different provisions of most of the ASEAN countries' anti-terrorism laws.

Saying that the qualification was broad, Senator Drilon then asked for the kind of acts which would fall under the description of "seriously destabilizing or destroying fundamental political, economic or social structures of the country." Senator Lacson stated that if businesses could not function or could not do their usual activities anymore due to the threat of terrorism or the terrorist acts itself, then it would fall under such category; or if the Senate, as an institution, could not function due to a terrorist act or threat, thus affecting the fundamental political structure of the country; or the stock exchange is hindered from operating, adversely affecting the economic activities of the country.

On whether the phrase "to intimidate the public to do or abstain from doing a particular act" would suffice, Senator Lacson opined that it could be different since in the preceding paragraph, it involves the public at large as in the case of the stock exchange.

At this juncture, Senator Tolentino asked if he could pose questions to Senator Drilon in order to clarify matters.

Senator Drilon believed that it would be improper to ask him questions as he was not the sponsor of the measure.

Senate President Sotto suggested that Senator Tolentino make a manifestation instead of posing questions to Senator Drilon. He said that any inquiries on the matter should be directed to the sponsor, Senator Lacson.

Senator Tolentino explained that his clarificatory question was germane to the issue on the agents of the state which, he believed, was critical to Sections 4 and 6.

Senator Drilon suggested that Senator Lacson attempt to answer the queries while he would react as an interpellator. He said that it would be an awkward process for an interpellator like him to be asked questions.

Senator Tolentino clarified that he only wanted to provide an information to the Body and the public in general.

Referring to the matter of an agent acting on behalf of the State, Senator Tolentino asked if a military or police officer who is acting pursuant to his duties would not be included in the state immunity doctrine even if his act is considered as a terroristic act. Senator Lacson stated that the law would not exempt anyone. He said that the person committing the act of terrorism must be bound by the purpose stated in the measure. He stressed that if the purpose is different or outside of the mission or the mandate assigned to that particular military officer or agent of the government, then he/she should be held criminally liable for such act of terrorism.

Senator Drilon believed that the law should not apply to state agents since they are governed by the Penal Code or some other law. He informed the Body that in the United States, the Anti-Terrorism Act specifically includes only acts committed by non-state actors. He said that a state actor can be held liable for a crime not under the anti-terrorism law but under the Revised Penal Code or some other statute.

Senator Lacson explained that a military agent is covered by the Articles of War. However, he wondered about the members of the PNP, other military or uniformed services that are not covered by the Articles of War.

Senator Tolentino supposed that the example cited by Senator Drilon referred to the consular

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officers or diplomatic officers who are exempt from suit. He said that there are peculiarities, such as when the PNP is made a police attaché and would therefore have diplomatic immunity. He clarified that he was referring to a person who could be involved in espionage and then later claim that he was not part of such crime because he is a diplomat and is therefore immune from suit and cannot be subjected to the provisions of the proposed measure.

Senator Drilon stated that he asked the same question in a previous session, and that while his question was in jest, it was applicable to the current debate. He recalled asking if Senator Honasan was a terrorist because at the time a coup d'etat was launched and did acts which compelled the government to react, he was a member of the AFP. He supposed that by ordinary definition, Senator Honasan would have been covered by the bill but in reply, Senator Lacson at that time said that Senator Honasan would have been covered by the Revised Penal Code, including the anti-coup d'etat law that was already in existence at that time. He stated that it would be up to the Body to decide on how to precisely define the "terrorist act," saying that he was just basing his questions and interpellations on the term "any person," which means that whether or not one is a state agent or a law enforcement officer, if he committed acts which fall under the definition, he could be prosecuted under the Anti-Terrorism Law, and assuming that the proposed anti-terror bill was the law then, Senator Honasan could have been prosecuted because of the term "any person." He explained that it does not mean that state agents or public officers are exempted from criminal prosecution for acts committed but that the prosecution should be under another statute, and not under the proposed measure. He said that since "any person" is covered under the bill, the Body would have to vote on the policy issue at some certain point.

At this point, Senator Tolentino recalled that Section 4 of the proposed bill was exhaustively discussed during the December 2019 sessions, particularly about the long-arm jurisdiction and the possibility of serving summons or placing into its jurisdiction persons outside the territory of the Philippines. He informed the Body that based on his research, the Philippines is not even a signatory to The Hague Convention or "The Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters." And so he asked how the country could acquire jurisdiction

of a person outside of the Philippines who is planning or attempting to commit any terroristic act if the government could not even serve against such person the necessary processes or documents. To illustrate, he cited the case of Carlos Ghosn, the Brazilian ex-president of Nissan Motor Company, who was prosecuted in Japan but was able to escape to Turkey and finally settled in Lebanon. He said that Japan, even with the help of the Interpol, could not acquire jurisdiction over Mr. Ghosn who apparently posted bail in Tokyo and then escaped before New Year.

Noting the administrative difficulty of enforcing Section 4 of the proposed measure, Senator Tolentino sought clarification on how the courts would acquire a long-arm jurisdiction over a person who has committed unlawful acts outside of the Philippines. Senator Lacson replied that, as he pointed out in December the previous year, if the act is committed outside of the jurisdiction of the Philippines, the country could not acquire jurisdiction, but once the person enters the country, jurisdiction could be acquired under the provision of the proposed measure and pursuant to the territoriality principle.

As regards the terms of the prescription of crimes committed in the Philippines, Senator Tolentino said that there could be a situation wherein the perpetrators might be in the Philippines while the co-conspirators might be outside of the country; therefore, the period of prescription for those outside of the country would only start once the court acquires jurisdiction. He said that in such a situation, the Philippines might be placed in a very difficult administrative, judicial and prosecutorial proceedings because some of the co-conspirators could already be in jail or have been in jail, released, or their crimes have been prescribed, while the proceedings for the other perpetrators coming from outside of the country would only commence once they enter the country.

Senator Lacson believed that the law on prescription would still apply, which would be 20 years for capital offenses. He said that if the terrorist does not come to the country to be prosecuted, the crime against him shall be prescribed after a lapse of 20 years.

On the issue of extraterritoriality, Senator Drilon explained that as a general principle, penal statutes are only applicable within the territory of the state which enacted them and the exception is

extraterritoriality in the sense that even if the offense was committed outside of the country which enacted the law, the principle of extraterritoriality could be extended even on those acts committed outside of the jurisdiction because under the Revised Penal Code of the Philippines, there are very specific applications of extraterritoriality as to when the code could be applied, like when an offense is committed while on Philippine ship or airship, like counterfeiting a currency note of the Philippines, or public officers committing acts in the exercise of their functions where there is a point of contact with the Philippines. However, he said that with the way the present law is worded, it does not anymore acquire a point of contact with the Philippines which, he believed, could lead to absurd situations and administrative difficulties.

Senator Drilon cited as an example a Malaysian who crosses the country's border to get to Indonesia with plans to commit a terroristic act there. He said that while it has nothing to do with the Philippines, when the Malaysian enters the Philippines, he could be charged and sentenced to life imprisonment. He admitted that it could be difficult, apart from the over-extension of the principle of extraterritoriality which is premised on the interest of the state being prejudiced by the act outside of its jurisdiction. In such case, he said that even if the Philippines has nothing to do with the terroristic act, the person who commits it could be liable for life imprisonment.

Senator Drilon recalled that in a previous discussion, he wanted to be assured that the country would do its share as its obligation to the community of nations, to see to it that those guilty of terroristic acts should be punished even if there has no relation to the Philippines. He then asked if Senator Lacson would agree to first limit the extraterritoriality to those enumerated in the Revised Penal Code and under Section 58 of the present law, and that instead of a criminal offense, once a terrorist who comes to the country is stopped at the border, he should be deported to the place where he committed the terroristic act.

Senator Lacson said that Senator Drilon was correct, as he quoted in part *The Concept and Theories of Jurisdiction*, that "In the customary international law scheme of jurisdiction, the territoriality principle serves as the basic principle of jurisdiction. Exceptionally, however, national laws may be given extra territorial application, provided that these laws could be justified by one of the recognized principles

of extraterritorial jurisdiction under public international law: the active personality principle, the passive principle, the protective principle, or the universality principle." He said that because of the global nature of terrorism, the universality principle could be applied to cover even foreign terrorists who have committed acts of terrorism outside of Philippine jurisdiction because applying the provisions of the Revised Penal Code could be delimiting.

Senator Drilon stated that as a lawyer, he could not subscribe to such proposal, even considering the administrative difficulties as mentioned earlier by Senator Tolention. He pointed out that it would be difficult to gather evidence abroad in order to prosecute terrorists who enter the country. He opined that the country would be fulfilling its obligation by exerting efforts and by making sure that the laws would allow the government to hold in the country's borders the terrorists and deport them to the country where the acts were committed. He feared that if they are incarcerated in the country, it is possible that the Philippines would become their base to recruit Filipino terrorists.

Senator Drilon reiterated his proposal not to allow foreign terrorists to enter the country's borders and for the PNP's "red alerts" to be imposed by immediately deporting the terrorists to the country where they are facing criminal charges. He said that policy consideration would dictate that the same process should be followed because of the difficulties that would be encountered along the way. He regretted not being able to agree that even with no element of the crime concerns the Philippines, life imprisonment could be imposed. He said that if he were to counsel a foreign terrorist, the first thing he would do would be to ask for a speedy trial, and that if ever the prosecution could not present evidence, then the terrorist is released and the difficult deportation proceedings would have to be instituted.

Senator Lacson said that times have changed and that terrorism is a new phenomenon which the Revised Penal Code did not contemplate when it was passed in 1932. He said that to limit the coverage of terrorist acts within the provision of the Revised Penal Code would be disservice to the safety and security of the Filipino people. However, Senator Drilon pointed out that they were talking about the principle of extraterritoriality or the applicability of the law outside of Philippine jurisdiction because the general principle is that the law applies

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only within the territory of the enacting state and that the exception is extraterritoriality, whether it is terrorism or another crime.

Senator Lacson said that the extraterritoriality principle is only introduced in the proposed measure but not in ordinary crimes. However, Senator Drilon noted that exceptions were made or conditions were removed basically from the application of extraterritoriality in case of terrorism given that under the present law, there is a provision which allows extraterritorial application. Senator Lacson said that the conditions would not be removed but would be included or applied in the principle of extraterritoriality. Senator Drilon noted that on pages 56 and 57 of the bill, Section 58 of the present law on extraterritorial application was bracketed and was therefore proposed to be deleted.

SUSPENSION OF SESSION

Upon motion of Senator Drilon, the session was suspended.

It was 3:39 p.m.

RESUMPTION OF SESSION

At 4:00 p.m., the session was resumed.

Upon resumption, Senator Lacson stated that the provision delimits the power of the state; hence, it was bracketed to be replaced with a new provision that would expand such power.

Asked by Senator Drilon if the provision was bracketed and the phrase "inside or outside of the Philippines" was inserted without any qualification so that everybody could be prosecuted, Senator Lacson replied in the affirmative.

Senator Drilon stated that while it is possible to prosecute anyone such as a member of the ISIS or a terrorist in Indonesia, it could not be enforced administratively. He questioned how terrorist acts committed in different states could be prosecuted under the principle of extraterritoriality. Saying that the act does not in any way compel the Philippine government to do any particular act because it has nothing to do with the country, he believed that life imprisonment as a punishment is a little stretched.

Asked what should be done to a Filipino who went abroad, joined the ISIS and came back to the

country, Senator Drilon believed that the Filipino should be deported back to the place where he committed the crime. Senator Lacson contended that government could not deport him because he is a Filipino. Senator Drilon pointed out that there are extradition treaties which allow governments to have their own citizens deported to a foreign country to face the criminal case filed against them in that country. Thus, he maintained that the mere fact that one is a Filipino does not exempt him from being brought to the country where he committed a crime.

At this juncture, Senate President Sotto asked what would happen to a Filipino who did not commit any crime but merely made himself a member of some organizations in a foreign country. Senator Lacson replied that making himself a member of a terrorist organization that is proscribed is already considered a criminal act either in the Philippines or in all the countries abroad where the laws on terrorism provide for a proscription of terrorist organizations. Moreover, he said that the terrorist could be extradited if he comes from a country that does not proscribe the said organizations.

Relative to the example of Senator Lacson, Senator Drilon surmised that a Filipino could be deported to the United States if he joins an organization that is deemed a terrorist organization there. As a remedy, he proposed the arrest of that person at the border if what he did was a crime in the place where he came from.

As regards a Filipino who returns to the Philippines after joining a terrorist group in Iran or Syria but did not commit any crime because terrorism is not illegal in such countries, Senator Drilon noted that Congress repealed a few years back the Anti-Subversion Law which punished a person by simple membership in the Communist Party of the Philippines. He regretted that he could not accept that the territoriality principle would be made to apply and he reiterated that the better remedy could be to not allow the entry of the foreigner into the country.

Senator Lacson stressed that what they were trying to avoid is to make the Philippines a safe haven for terrorists. He feared that if the country where the Filipino came from does not have an extradition treaty with the Philippines, without the law, he can come to the country to commit the crime

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of terrorism precisely because he is already a member of a terrorist organization like the ISIS which figured in Marawi City. Senator Drilon noted that what happened in Marawi City is not a good example because there were acts of terrorism. Senator Lacson contended that without the actual terroristic activities perpetrated there, they could not do anything about the members of the ISIS who landed in Marawi to plan to commit terrorism because of the absence of such a provision in the law. He said that the measure is strictly being proactive.

Senator Drilon believed that the purpose of being proactive could be served if they exclude the criminal or the terrorist from the territory. He asserted the need for a Filipino to be brought to the jurisdiction where he faces the crime. Noting that being recruited is already a crime under the proposal, he maintained that if the terrorist was recruited in the Philippines, he commits a crime in the Philippines; and if he was recruited abroad, he commits a crime abroad.

As regards the example of Senate President Sotto wherein a Filipino becomes an ISIS member in Syria with which the Philippines has no extradition treaty, Senator Drilon said that the terrorist could be prosecuted in the Philippines where he committed the crime of becoming a member of a proscribed organization.


At this point, Senator Tolentino revealed that relative to the crimes outside the country, there is a current trend among most Latin American countries to have blocking statutes wherein when a case is filed, for instance, against a Nicaraguan in the United States, the Nicaraguan court would not assume jurisdiction if another case against the Nicaraguan national is filed again in Nicaragua because the United States has more resources. Relative thereto, he cautioned that the government might lack the resources, and under the bill, the government is apparently willing to assume more cases to be filed in courts, which is against the current trend of unloading cases and giving it to courts or forum with more resources such as the United States. He feared that there could be a situation wherein a case is filed against a Nicaraguan terrorist, for instance, and, thereafter, the evidence sprouted in Nicaragua, but Nicaragua would no longer accept it and would probably undermine the case. This, he believed, further highlighted the

difficulty of having a long-arm statute with grave administration difficulties.

As to the situation posited by Senator Lacson wherein a Filipino participated in the planning abroad of a terroristic act to be perpetuated in the Philippines with the assistance of some foreign terrorists, Senator Drilon said that the Filipino could be prosecuted in the Philippines even if he did the planning abroad because it involves the country. He stated that extraterritoriality is squarely applicable in such situations because there is a contact point which is the Philippines, but as phrased in the bill, he noted that the courts could acquire jurisdiction over all the acts of terrorism all over the world, and to him, that is a little difficult to accept because it simply runs counter to the basic principles of territoriality. He said that he would be submitting the amendment in the course of the period of amendments, as noted that Senator Lacson was not yet ready to yield.

Senator Lacson clarified that what he could not accept was that a Filipino ISIS member trained abroad would return to the Philippines and that he could just be welcomed without doing anything to proactively prevent any possible act of terrorism. He stressed that terrorism entails loss of lives, destruction of properties, destruction of the economy and the destruction of the fundamental political structure of the country, and he believed that the government should not wait for the act to be consummated before acting. Senator Drilon agreed that government must not wait for something to happen, but he asserted that the government could protect itself by not allowing the Filipino entry into the borders and deport him the moment he becomes a member of ISIS which, under the Convention, is considered a terrorist organization. Senator Lacson warned that if government is not able to monitor that Filipino, he may come back and mingle with the community.

As regards the principles of territoriality and extraterritoriality, Senator Drilon said that the first principle is that a criminal statute is only applicable and enforceable within the borders of the country which enacted the law; on the other hand, the principle of extraterritoriality must be fully understood and qualified because it is an exception to the territoriality principle under criminal laws. He reiterated that in order to justify the applicability for acts committed outside of the country, it must have



a point of contact with the Philippines—whether the plan is against a Philippine official or committed on board a Philippine ship. He believed on the need for the principle of extraterritoriality to be present.

Senator Lacson averred that it is the same reason why he enumerated the different principles—active, passive, protective and universality—under the Territoriality Principle which they should apply.

Senator Drilon stated that as regards the questions raised about a Filipino citizen, international law, particularly the Conflict of Laws, allows jurisdiction over acts committed outside of the borders by the citizen of that country on the principle of nationality which accords jurisdiction to the country where the criminal is its citizen. He suggested that in the enumeration, Section 58 of the present law could be amended by including where the terrorist act is committed by a Filipino as an application of the principle of extraterritoriality.

As regards the crime committed by a foreign terrorist who would enter the Philippines, Senator Drilon opined that if it is committed by a foreign terrorist abroad with no point of contact for the Philippines and he comes to the Philippines, the remedy should be to deport him and not allow him entry into the country rather than just letting him undergo trial in Philippine jurisdiction when he has nothing to do with it. He believed that denying him entry fulfills the country's international obligation; however, if he is a Filipino, they could agree to the proposition that by nationality theory, he could be prosecuted even if he committed a terroristic act outside the country.

To the concern of Senator Lacson that foreign terrorists may already have committed a terrorist act even before the deportation proceedings start, Senator Drilon replied that the foreign terrorist would immediately be deprived of liberty as he enters the country's borders. Senator Lacson agreed that it is possible if they are able to detect and monitor him.

Senator Drilon reiterated that as presently worded it applies to all foreign terrorists, whether a foreign terrorist who committed an act of terrorism outside of a country with no relation to the Philippines, or crossed borders internationally, and they would be liable for life imprisonment even if their acts have nothing to do with the Philippines.


Asked by Senator Gordon if a foreign terrorist who committed an act of terrorism abroad but came to the country would be immediately deported from the Philippines, Senator Lacson replied in the affirmative.

On whether a Filipino who committed an act against a foreign entity in or outside the Philippines is liable under the territoriality principle, Senator Lacson replied in the affirmative. Senator Drilon stated that he was amenable to the proposition to punish the Filipino terrorist pursuant to the principle of nationality. However, he believed that the principle of extraterritoriality should not apply in the case of a foreigner who committed a terrorist act abroad by targeting any country and not the Philippines, but he pointed out that the government is not left without remedy because it can exclude foreign terrorists from Philippine borders.

To Senator Drilon's affirmation that terrorism is a crime against humanity and the law of nations, Senator Lacson supposed that one who commits terrorism abroad and comes to the Philippines must be prosecuted.

Senator Gordon stated that under the International Humanitarian Law (IHL), the state has a solemn duty to arrest any person who commits barbaric acts and kills people not by virtue of the terrorism law but under the IHL. Senator Lacson replied that it was why it was included in the proposed amendments to the Human Security Act for purposes of strengthening it against terrorism.

Senator Drilon said that while he commends Senator Lacson's effort to strengthen the law against terrorism, the law should not be interpreted to the point of absurdity. He said that his proposal is to make the extraterritoriality principle applicable to every act of terrorism worldwide. Thus, in the case of a foreigner who trains people to install bombs in American camps in Baghdad, he said that a deportation case must be filed against him so he would be arrested and detained in the Philippines. Senator Gordon believed that any terrorist could hide in any of the country's 7,641 islands, thus a clear and present danger to the country as he could train people to either create bombs or kill people. He pointed out that the issue is not about extraterritoriality alone, but also about the country's capability to defend itself against such a threat. Senator Lacson agreed that if the provision would not be included in the bill, the Philippines would be a safe haven for terrorists.



Senator Drilon opined that instead of prosecuting the offenders in the Philippines where prosecution is very difficult and almost impossible, a remedy would be to remove the terrorist from Philippine territory by deporting him to the place where he committed the offense, face the charges there, and not allow him to enter the country anymore.

Senate President Sotto agreed to the theory of Senator Drilon to arrest the terrorist in order to deport him by virtue of a warrant of arrest or a deportation proceeding. He said that the terrorist then would be deprived of liberty and would thereafter be deported to the country where he would face criminal charges.

SUSPENSION OF SESSION

Upon motion of Senator Drilon, the session was suspended.

It was 4:27 p.m.

RESUMPTION OF SESSION

At 5:07 p.m., the session was resumed.

MANIFESTATION OF SENATOR ZUBIRI

Senator Zubiri manifested that Senator Drilon was suspending his interpellation on Senate Bill No. 1083 until its next deliberation. He said that Senators Gordon and Hontiveros have likewise manifested their desire to interpellate on the bill.

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 5:07 p.m.

RESUMPTION OF SESSION

At 5:09 p.m., the session was resumed.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1083

Upon motion of Senator Zubiri, there being no objection, the Body suspended consideration of Senate Bill No. 1083.

COMMITTEE REPORT NO. 17

(Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration of Committee Report No. 17 RE: Proposed Senate Resolution Nos. 106, 107, 108, 123, and the privilege speech of Sen. Richard Gordon on the Good Conduct Time Allowance (GCTA) delivered on August 27, 2019.

Senator Zubiri stated that the parliamentary status was the period of interpellations.

Thereupon, the Chair recognized Senator Gordon, sponsor of the report.

PARLIAMENTARY INQUIRY OF SENATOR DRILON

Asked by Senator Drilon if Committee Report No. 17 was just a partial report and that a supplementary report would be forthcoming, Senator Zubiri affirmed that the present committee report was just part one of two parts.

Senate President Sotto said that the committee would be submitting a report on the GCTA.

TERMINATION OF THE PERIOD OF INTERPELLATIONS

There being no interpellation, upon motion of Senator Zubiri, there being no objection, the Body closed the period of interpellations and proceeded to the period of amendments.

TERMINATION OF THE PERIOD OF AMENDMENTS

There being no individual amendment, upon motion of Senator Zubiri, there being no objection, the Body closed the period of amendments.

APPROVAL OF COMMITTEE REPORT NO. 17

Upon motion of Senator Zubiri, there being no objection, the Body approved Committee Report No. 17 and adopted the findings and recommendations contained therein.

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PRIVILEGE SPEECH OF SENATOR GORDON

Availing himself of the privilege hour, Senator Gordon delivered the following speech to call the attention of the Body and the authorities concerned on the rising threat of a mysterious disease in the form of coronavirus now raging in Wuhan, China a novel coronavirus first reported in Wuhan when more than 40 individuals were taken ill, apparently from their exposure in a seafood market in Wuhan.

The full text of Senator Gordon's speech follows:

On January 20, 2020—and this is disconcerting—no less than the Chinese President Xi Jinping said that it is extremely crucial to take every possible measure to combat a new coronavirus that has infected 217 people in China.

At the point of the reports a week ago, no human-to-human transmission was documented—that is good. However, in the past few days, some countries have confirmed the spread of this virus:

- one confirmed case in Seoul, South Korea;
- two confirmed cases in Bangkok, Thailand;
- one confirmed case in Tokyo, Japan;
- and other countries have suspected cases:
- two suspected in Vietnam;
- six suspected in Singapore; and one pending further tests.

In the Philippines, the Department of Health (DOH) just disclosed today that they are currently investigating the case of a five-year-old who traveled from Wuhan, China, and was admitted in Cebu City for manifesting fever, throat irritation, and cough prior to entering the Philippines.

DOH is also monitoring three individuals with flu-like symptoms upon entering the country via the Kalibo International Airport from China, but without any history of travel to Wuhan and without any known contact with a confirmed 2019 novel coronavirus (2019-nCoV) case, Severe Acute Respiratory (SARS) illness case, or sick animals.

Coronaviruses are a large family of viruses ranging from the common cold to more serious infections such as MERS-CoV and SARS-CoV. Common signs of coronavirus infection include respiratory symptoms, fever, cough, shortness of breath and breathing difficulties. In severe cases, it can cause pneumonia, acute respiratory syndrome, kidney failure, and even death.

It is but natural that we all be concerned in the Philippines about this virus, not only because we have heavy traffic of travelers from China, but we are on the cusp of the Chinese New Year, which is on January 25, and this is one of the longest holidays in China where everybody travels. *Lahat po nagbibiyaha riyan.* They travel within China and they also travel beyond China and the Philippines is one of their favorite destinations.

In 2019, there are about 1.5 million Chinese tourists in the country. In January 2019 alone, 131,196 Chinese flew to the Philippines. That is, so far, in January last year.

This is serious and we must act swiftly and boldly. I have been informed that as we speak, there is a global emergency meeting regarding this outbreak.

It is our duty to prepare for a possible spread of the coronavirus in our country. Airports and seaports need to be on full alert. Beyond this, every hospital, every health facility—public, private or run by local governments—has to put in place contingency plans for patients who are consulting for runny nose, cough, sore throat, and fever.

We should put a firewall in the hospitals which can prevent the virus from spreading. We could also designate specific hospitals to cater to these kinds of cases.

First, as we know, when they go in, there are suspected cases that they should not be allowed to go to the main hospital. There should be an isolation ward that will receive them so it does not spread. We know that it can easily mutate. We also know that in outbreaks of coronavirus like SARs and MERS, hospitals had to close down and health workers who see the patients are at high risk for disease and even death.

Unfortunately, as we may have noticed, many people are experiencing flu-like symptoms already. So what are the plans? What are the protocols for hospitals? What measures are in place to prepare for an outbreak?

With more than half a million people also in evacuation sites in Batangas, one could imagine how a contagious virus could wreak havoc on our people who are displaced.

I would like to call on the leadership of all government agencies to immediately put in place the preparedness plans for this weekend, a time of high risk—travelling of people from China to all parts of the world. Information is critical and all the mandatory quarantine and contact-tracing machinery need to be in place. It is already in

place in our major airports but, certainly, we are an archipelagic country. *Maaaring pumasok iyan sa maliliit na bayan at sa maliliit na ports natin.*

Let us not wait for this to go out of hand. I am glad that the DOH is already on hand. They have a press conference today and I am happy that they are alerted to this. Let us sound the alarm now, and prepare for a worst case scenario. We must always do that. Through timely preparedness, we will save lives and protect our people. Therefore, there must be a very good communication plan so that people will not panic and would know what to do. There should be a communication plan that would turn an unthinkable and preventable illness that could cause serious diseases and unexpected death to a better result.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Zubiri, there being no objection, the Chair referred the privilege speech of Senator Gordon to the Committee on Health and Demography.

SECOND ADDITIONAL REFERENCE OF BUSINESS

Upon direction of the Chair, the Secretary of the Senate read the following matters and the Chair made the corresponding referrals:

BILLS ON FIRST READING

Senate Bill No. 1278, entitled

AN ACT AMENDING SECTION 16 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991, AND FOR OTHER PURPOSES

Introduced by Senator Villanueva

To the Committee on Local Government

Senate Bill No. 1279, entitled

AN ACT STRENGTHENING TECHNICAL VOCATIONAL EDUCATION AND TRAINING (TVET) IN THE PHILIPPINES BY INCORPORATING APPRENTICE-SHIP AND DUAL

TRAINING SYSTEM, PROVIDING FOR CONTINUOUS TRAINING OF THE UNEMPLOYED, AND EXPANDING THE PROVISION OF ENTERPRISEBASED EDUCATION AND TRAINING, AND FOR OTHER PURPOSES

Introduced by Senator Villanueva

To the Committees on Higher, Technical and Vocational Education; Labor, Employment and Human Resources Development; Ways and Means; and Finance

Senate Bill No. 1280, entitled

AN ACT MANDATING FOOD MANUFACTURERS TO DISPLAY COLOR-CODED NUTRITIONAL INFORMATION ON FOOD PACKAGING AND FOR OTHER PURPOSES

Introduced by Senator Villanueva

To the Committees on Health and Demography; and Trade, Commerce and Entrepreneurship

Senate Bill No. 1281, entitled

AN ACT PROVIDING FOR THE LIFETIME VALIDITY OF BIRTH CERTIFICATES ISSUED BY THE PHILIPPINE STATISTICS AUTHORITY AND FOR OTHER PURPOSES

Introduced by Senator Villanueva

To the Committee on Civil Service, Government Reorganization and Professional Regulation

Senate Bill No. 1282, entitled

AN ACT INTEGRATING ENVIRONMENTAL EDUCATION IN THE SENIOR HIGH SCHOOL (SHS) CURRICULUM

Introduced by Senator Villanueva

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

Senate Bill No. 1283, entitled

AN ACT PROVIDING SCHOLARSHIP
TO QUALIFIED STUDENTS TA-
KING MEDICAL EDUCATION
PROGRAMS, APPROPRIATING
FUNDS THEREFOR AND FOR
OTHER PURPOSES

Introduced by Senator Villanueva

**To the Committees on Higher, Technical
and Vocational Education; Health and
Demography; and Finance**

Senate Bill No. 1284, entitled

AN ACT GRANTING DISASTER
RESPONSE VOLUNTEERS LEAVE
WITH PAY TO QUALIFIED
EMPLOYEES IN THE GOVERN-
MENT SECTOR AND FOR OTHER
PURPOSES

Introduced by Senator De Lima

**To the Committee on Civil Service,
Government Reorganization and Professional
Regulation**

Senate Bill No. 1285, entitled

AN ACT ENCOURAGING VOLUN-
TEERISM DURING EMERGENCIES
BY PROTECTING VOLUNTEERS
FROM LIABILITY AND PROVIDING
MANDATORY INSURANCE COVE-
RAGE TO THE VOLUNTEERS

Introduced by Senator De Lima

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

RESOLUTIONS

Senate Concurrent Resolution No. 5, entitled

CONCURRENT RESOLUTION URGING
THE BANGSAMORO TRANSITION

AUTHORITY TO DESIGNATE ITS
REPRESENTATIVES TO THE
PHILIPPINE CONGRESS-BANG-
SAMORO PARLIAMENT FORUM
TO BE CREATED PURSUANT TO
ARTICLE VI, SECTION 3 OF
REPUBLIC ACT NO. 11054,
OTHERWISE KNOWN AS THE
“ORGANIC LAW FOR THE BANG-
SAMORO AUTONOMOUS REGION
IN MUSLIM MINDANAO” AND TO
MEET WITH THE DELEGATES
DESIGNATED BY THE SENATE
AND THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE

Introduced by Senator Zubiri

To the Committee on Rules

Proposed Senate Resolution No. 291, entitled

RESOLUTION DIRECTING THE
PROPER SENATE COMMITTEE TO
CONDUCT AN INQUIRY, IN AID
OF LEGISLATION, TO DETERMINE
THE PREPAREDNESS OF THE
PHILIPPINE GOVERNMENT ON
THE DETECTION, PREVENTION,
MINIMIZATION, TREATMENTS,
AND CONTAINMENT MEASURES
ON THE REPORTED POTENTIAL
OUTBREAK OF AN UNKNOWN
PNEUMONIA VIRUS IN CHINA,
AND THE CAPACITY OF OUR
HEALTH WORKERS AND PROFES-
SIONALS TO HANDLE SAID
DISEASE

Introduced by Senator Villanueva

**To the Committee on Health and
Demography**

Proposed Senate Resolution No. 292, entitled

RESOLUTION DIRECTING THE
SENATE COMMITTEE ON COO-
PERATIVES TO CONDUCT AN
INQUIRY, IN AID OF LEGISLATION,
ON THE IMPLEMENTATION OF
REPUBLIC ACT NO. 11364 OR THE

COOPERATIVE DEVELOPMENT AUTHORITY CHARTER OF 2019 AND THE FORMULATION OF ITS IMPLEMENTING RULES AND REGULATIONS WITH THE END IN VIEW OF STRENGTHENING THE COOPERATIVE SECTOR AND THE FULL IMPLEMENTATION OF THE PROVISIONS OF THE LAW

Introduced by Senator Zubiri

To the Committee on Cooperatives

Proposed Senate Resolution No. 293, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE UNKNOWN STRAIN OF CORONAVIRUS FIRST DETECTED IN WUHAN, CHINA, WITH THE INTENTION OF DETERMINING APPROPRIATE MEASURES AND NECESSARY FUNDING REQUIREMENTS TO ENSURE A QUICK AND EFFICIENT GOVERNMENT RESPONSE TO ADDRESS A POSSIBLE OUTBREAK OF THE MYSTERIOUS RESPIRATORY VIRUS IN THE COUNTRY

Introduced by Senator Binay

To the Committees on Health and Demography; and Finance

COMMITTEE REPORT

Committee Report No. 33, submitted jointly by the Committees on Public Order and Dangerous Drugs; and Justice and Human Rights, on Proposed Senate Resolution No. 47, introduced by Senator Hontiveros, entitled

RESOLUTION URGING THE SENATE COMMITTEES ON PUBLIC ORDER AND DANGEROUS DRUGS AND JUSTICE TO CONDUCT AN INVESTIGATION IN AID OF LEGISLATION ON THE SPATE OF KILLINGS THAT DEVASTATED THE ISLAND OF NEGROS AND THE

CIRCUMSTANCES THAT ALLOWED FOR THE LAWLESS VIOLENCE THAT CLOAKED THE PROVINCE, WITH THE END IN VIEW OF ATTAINING JUSTICE FOR THE SLAIN VICTIMS AND CREATING POLICIES THAT WILL ADEQUATELY ADDRESS THE ROOT CAUSE OF THE CONFLICT IN THE PROVINCE; and

Proposed Senate Resolution No. 65, introduced by Senator De Lima, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE IMPLEMENTATION OF MEMORANDUM ORDER NO. 32, OTHERWISE KNOWN AS "OPLAN SAURON," IN RELATION TO THE RECENT SPATE OF KILLINGS IN THE PROVINCE OF NEGROS ORIENTAL, IN PARTICULAR, AND OTHER AFFECTED AREAS,

recommending its adoption of the recommendations and their immediate implementation

Sponsor: Senator Dela Rosa

To the Calendar for Ordinary Business

MANIFESTATION OF SENATOR ZUBIRI

Senator Zubiri manifested for the record that the Senate was in receipt of an official information that the House of Representatives would hold its plenary session the following day, Wednesday, January 22, at the Batangas City Convention Center at 1:00 p.m.

Senate President Sotto took note of the manifestation.

CHANGE OF COMMITTEE REFERRAL

Upon motion of Senator Zubiri, there being no objection, the Body approved the change of committee referral of the following:

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1. Senate Bill No. 1 - from the Committee on Health and Demography to the Committee on Higher, Technical and Vocational Education the primary committee; and

2. Senate Bill No. 1259 - from the Committee on Basic Education, Arts and Culture to the Committee on Civil Service, Government Reorganization and Professional Regulation ad the primary committee

SENATE CONCURRENT RESOLUTION NO. 5

Upon motion of Senator Zubiri, there being no objection, the Body considered Senate Concurrent Resolution No. 5, entitled

CONCURRENT RESOLUTION URGING
THE BANGSAMORO TRANSITION
AUTHORITY TO DESIGNATE ITS
REPRESENTATIVES TO THE
PHILIPPINE CONGRESS-BANG-
SAMORO PARLIAMENT FORUM
TO BE CREATED PURSUANT TO
ARTICLE VI, SECTION 3 OF
REPUBLIC ACT NO. 11054,
OTHERWISE KNOWN AS THE
"ORGANIC LAW FOR THE
BANGSAMORO AUTONOMOUS
REGION IN MUSLIM MINDANAO"
AND TO MEET WITH THE
DELEGATES DESIGNATED BY
THE SENATE AND THE HOUSE
OF REPRESENTATIVES FOR THE
PURPOSE.

With the permission of the Body, only the title of the resolution was read without prejudice to the insertion of its full text into the Record of the Senate.

INTERPELLATION OF SENATOR TOLENTINO

Adverting to Section 3 of the Bangsamoro Law which provides for the creation of a Philippine Congress-Bangsamoro Parliament Forum, Senator Tolentino asked if it was the intention of Congress to supersede its constitutional oversight functions over an entity it has created, and whether the forum would consider Congress as a coequal body in terms of juridical and legislative relationship concerns.

Senator Zubiri replied that it was not the intention, as he explained that the idea for the

intergovernmental relationship setup was to harmonize programs of government both the national and the Bangsamoro Regional Government. For example, he said that if a problem arises between the Department of Health (DOH) and the Ministry of Health of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) the intergovernmental relations body headed by both the BARMM Minister of Health and the DOH secretary will meet to iron out these problems. He gave the assurance that the Constitution was very clear regarding oversight functions of House of Representatives and the Senate over agencies that the Congress created. He affirmed and validated that in the constitutional sphere of things, executive, legislative and judicial would still be the legal axis.

Senator Zubiri likewise read part of the discussion on the matter as published in the Journal of the Seventeenth Congress (Session No. 64, March 5, 2018), to wit:

Asked by Senate President Pimentel to cite an example of how an issue could be resolved through the intergovernmental relations mechanism, Senator Zubiri cited how the Philippine Congress and the Bangsamoro Parliament Forum could help in the creation of, for instance, a new separate province; the Bangsamoro Parliament could approach Congress through the said forum to ask for assistance on the creation of the new LGU.

To put the issue in proper context, Senator Zubiri disclosed that Senator Tolentino approached him the previous day and proposed to conduct a hearing under the Committee on Local Government on the updates on the Bangsamoro Organic Law; however, Senator Tolentino received a letter from the chief minister stating that the meeting could only be held through the intergovernmental relations mechanism or through the forum. He remarked that nothing would actually prevent them from attending the hearing since even representatives from the private sector are invited to attend and shed light on particular issues. Thus, he believed that the Senate has to relay the message that the particular section of the Bangsamoro Law was not intended to be interpreted that way. He reiterated that Congress can call out a government agency to provide input and reports on particular issues anytime.

Senator Zubiri explained that the resolution was very important because the Senate, through its representatives in the forum, could explain to their counterpart in the Bangsamoro Parliament, the intent of the intergovernmental relation mechanism. He also recommended that the chairman of the Committee on Local Government and the chairman of the Committee on National Defense and Security, Peace, Unification and Reconciliation be the members of the Philippine Congress-Bangsamoro Parliament forum.

Senator Tolentino posited that the proposed resolution, as crafted, would reaffirm the supremacy of Congress insofar as the constitutional mechanism is concerned and that a mere creation of Congress cannot be considered as a coequal. He said that the purpose of Section 3 was related to the administrative details which would remove additional time from Congress itself in convening as a body or a committee and asking some details from the Bangsamoro entity. Senator Zubiri agreed, as he underscored the fact that the Constitution supersedes all measures passed by Congress.

MANIFESTATION OF SENATOR DRILON

Senator Drilon reminded the Body that the version of the Bangsamoro Organic Law that the Senate passed contained a lot of powers which were supposedly shared by the national government and the Bangsamoro regional government. He said that it was during the bicameral conference committee where he pointed out that having shared powers could cause a lot of confusion and conflict because, by the very nature of it being a shared power, the two bodies—the Bangsamoro government and by national government—would try to exercise that power, and no one would be able to resolve disputes or disagreements, and so they needed to have a clear delineation of authority to avoid the confusion.

Senator Drilon concurred with Senator Tolentino's view on Congress not giving up powers. He pointed out that the Philippine Congress-Bangsamoro Parliament Forum should not be interpreted as a diminution of the power of Congress because that was never the intention. He reiterated that the bicameral conference committee veered away from shared powers because the parliament forum would precisely be the forum where the power is shared to discuss what will happen or how it will be resolved.

Senator Zubiri agreed, adding that Senator Drilon was in charge of the legal issues of the Bangsamoro Organic Law. He stressed that it was never the intention of the law to diminish Congress' power of oversight, and that no law could supersede the Constitution. He said that once the forum has been constituted, they could already start the dialogue with representatives of the BARMM and remind them of Congress' oversight functions.

MANIFESTATION OF SENATOR ZUBIRI

Senator Zubiri stated that Senate President Sotto could also designate other members, apart from the Senate President Pro Tempore, Majority Leader and Minority Leader, whom he may deem fit to be part of the parliament forum. He said that he would recommend, at a later hour, to include the chairman of the Committee on Local Government and the chairman of the Committee on National Defense and Security, Peace, Unification and Reconciliation as members.

Senate President Sotto stated that he would defer to Senator Zubiri's suggestion.

ADOPTION OF SENATE CONCURRENT RESOLUTION NO. 5

Upon motion of Senator Zubiri, there being no objection, Senate Concurrent Resolution No. 5 was adopted by the Body.

ADJOURNMENT OF SESSION

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

It was 5:39 p.m.

I hereby certify to the correctness of the foregoing.



ATTY. MYRA MARIE D. VILLARICA

Secretary of the Senate



Approved on January 22, 2020