



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 59
Monday, March 2, 2020

EIGHTEENTH CONGRESS
FIRST REGULAR SESSION

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CALL TO ORDER

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

SILENT PRAYER

The Body observed a minute of silent prayer.

NATIONAL ANTHEM

The Senate Choir led the singing of the national anthem and thereafter rendered the song, entitled "*Hilumin ang Bayan.*"

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:

Angara, S.	Pangilinan, F. N.
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 21 senators present, the Chair declared the presence of a quorum.

Senators Gatchalian and Gordon arrived after the roll call.

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

**ACKNOWLEDGMENT
OF THE PRESENCE OF GUESTS**

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

- Hon. Titon Mitra, Resident Representative of the United Nations Development Program (UNDP); and
- Bernadette San Juan, Dr. Vivencio R. Mamaril, Mark F. Matubang, Vera Isabel dela Cruz, Geela Painaga, McAlter Lanzon, and Rowena Buena of the Department of Agriculture.

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. 58 (February 26, 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. 1375, entitled

AN ACT TRANSFERRING THE JURISDICTION OF CRIMINAL CASES ARISING FROM VIOLATIONS OF COMMERCIAL LAWS TO SPECIAL COMMERCIAL COURTS

Introduced by Senator Binay

To the Committee on Justice and Human Rights

Senate Bill No. 1376, entitled

AN ACT EDUCATING THE PUBLIC, SENIOR CITIZENS, THEIR FAMILIES AND THEIR CAREGIVERS ON IDENTIFYING AND PREVENTING FRAUDULENT ACTIVITIES TARGETING SENIOR CITIZENS

Introduced by Senator Binay

To the Committees on Trade, Commerce and Entrepreneurship; and Social Justice, Welfare and Rural Development

Senate Bill No. 1377, entitled

AN ACT CONVERTING THE LA PAZ DISTRICT HOSPITAL IN THE MUNICIPALITY OF LA PAZ, PROVINCE OF ABRA INTO A GENERAL HOSPITAL UNDER THE FULL AUTHORITY AND TECHNICAL SUPERVISION OF THE DEPARTMENT OF HEALTH TO BE KNOWN AS THE LA PAZ GENERAL HOSPITAL, INCREASING ITS BED CAPACITY FROM TWENTY-FIVE (25) BEDS TO ONE HUNDRED (100) BEDS, AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Marcos

To the Committees on Health and Demography; and Finance

Senate Bill No. 1378, entitled

AN ACT RENAMING THE EASTERN VISAYAS REGIONAL MEDICAL CENTER IN TACLOBAN CITY AND INCREASING THE BED CAPACITY THEREOF FROM FIVE HUNDRED (500) TO ONE THOUSAND FIVE HUNDRED (1,500), AUTHORIZING THE INCREASE OF ITS MEDICAL PERSONNEL, UPGRADING ITS SERVICES, FACILITIES AND PROFESSIONAL HEALTH CARE SERVICES AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Marcos

To the Committees on Health and Demography; and Finance

Senate Bill No. 1379, entitled

AN ACT INTEGRATING THE SUBJECT ON CLIMATE CHANGE EDUCATION INTO THE SCIENCE CURRICULUM OF GRADES 2 TO SENIOR HIGH SCHOOL OF THE PHILIPPINE EDUCATION SYSTEM, BOTH PRIVATE AND PUBLIC

Introduced by Senator Marcos

To the Committees on Basic Education, Arts and Culture; and Environment, Natural Resources and Climate Change

Senate Bill No. 1380, entitled

AN ACT MANDATING ALL BARANGAYS TO CREATE A REGISTRY OF SKILLED WORKERS AND FOR OTHER PURPOSES

Introduced by Senator Lacson

To the Committees on Labor, Employment and Human Resources Development; and Local Government

Senate Bill No. 1381, entitled

AN ACT DECLARING JULY 2 OF EVERY YEAR A SPECIAL NON-WORKING HOLIDAY IN PASIG CITY, TO BE KNOWN AS THE "ANNIVERSARY DAY OF PASIG CITY"

Introduced by Senator Lacson

To the Committee on Rules

RESOLUTION

Proposed Senate Resolution No. 333, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE STATUS OF THE RELEASE, IMPLEMENTATION, AND THE ACCOMPLISHMENT OF PROJECTS FUNDED UNDER THE LOCAL GOVERNMENT SUPPORT FUND IN THE FORM OF THE CONDITIONAL MATCHING GRANT TO PROVINCES, THE ASSISTANCE TO CITIES, THE ASSISTANCE TO MUNICIPALITIES AND THE *SAGANA AT LIGTAS NA TUBIG PARA SA LAHAT* PROGRAM

Introduced by Senator Marcos

To the Committees on Finance; and Local Government

COMMITTEE REPORT

Committee Report No. 53, submitted by the Committee on Urban Planning, Housing and Resettlement, on Proposed Senate Resolution No. 297, introduced by Senators Tolentino and Dela Rosa, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON URBAN PLANNING, HOUSING AND RESETTLEMENT, IN AID OF LEGISLATION AND IN THE EXERCISE OF THE SENATE'S OVERSIGHT FUNCTIONS, TO URGENTLY CALL UPON THE DEPARTMENT OF HUMAN SETTLEMENTS AND URBAN DEVELOP-

MENT AND OTHER RELEVANT AGENCIES TO FORMULATE A SUSTAINABLE TAAL VOLCANO RESETTLEMENT AND REHABILITATION PROGRAM,

recommending the adoption of the recommendations and their immediate implementation.

Sponsor: Senator Tolentino

To the Calendar for Ordinary Business

ADDITIONAL REFERENCE OF BUSINESS

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Letter from the House of Representatives, informing the Senate that on 24 February 2020, the House of Representatives, designated Representatives Romulo, Escudero, Fortuno, Acop and Quimbo as conferees to the Bicameral Conference Committee on the disagreeing provisions of House Bill No. 5829, entitled

AN ACT INSTITUTIONALIZING VALUES EDUCATION IN THE CURRICULUM BY INCORPORATING "GOOD MANNERS AND RIGHT CONDUCT" AS A SUBJECT IN KINDERGARTEN UP TO THE GRADE 3 LEVEL;

and Senate Bill No. 1224, entitled

AN ACT INSTITUTIONALIZING COMPREHENSIVE VALUES EDUCATION IN THE K TO 12 CURRICULUM AS A CORE SUBJECT INCLUDING GOOD MANNERS AND RIGHT CONDUCT, AND FOR OTHER PURPOSES.

To the Committee on Rules

Letter from the House of Representatives, informing the Senate that on 26 February 2020, the House of Representatives passed the following House bills, in which it requested the concurrence of the Senate:

House Bill No. 497, entitled

AN ACT PROVIDING FOR THE CONSTRUCTION OF A CIRCUMFEREN-

TIAL ROAD FROM THE FIRST DISTRICT (NORTH) TO THE SECOND DISTRICT (SOUTH) OF CEBU CITY;

House Bill No. 1079, entitled

AN ACT MANDATING THE CONSTRUCTION OF A COASTAL ROAD CONNECTING THE CALOOCAN, MALABON, NAVOTAS AND VALENZUELA (CAMANAVA) AREA TO THE PROVINCES OF BULACAN, PAMPANGA AND BATAAN, AND APPROPRIATING FUNDS THEREFOR; and

House Bill No. 5889, entitled

AN ACT PROVIDING FOR THE CONSTRUCTION OF A NATIONAL HIGHWAY FROM LANAO DEL NORTE INTERIOR CIRCUMFERENTIAL ROAD IN THE MUNICIPALITY OF TAGOLOAN, PROVINCE OF LANAO DEL NORTE TO THE MUNICIPALITY OF TALAKAG, PROVINCE OF BUKIDNON, WITH A CROSSROAD AT BARANGAY MALIMBATO, MUNICIPALITY OF TAGOLOAN, PROVINCE OF LANAO DEL NORTE AND CONNECTING ROADS TO THE NATIONAL HIGHWAY IN ILIGAN CITY THROUGH BARANGAY PUGAAN, ILIGAN CITY AND TO THE NATIONAL HIGHWAY IN MARAWI CITY THROUGH THE MUNICIPALITY OF KAPAI, PROVINCE OF LANAO DEL SUR, TO BE KNOWN AS THE MUSLIM-CHRISTIAN UNITY HIGHWAY AND APPROPRIATING FUNDS THEREFOR.

To the Committees on Public Works; and Finance

RESOLUTION

Proposed Senate Resolution No. 334, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID

OF LEGISLATION, ON THE IMPLEMENTATION OF THE LAWS RELATING TO THE ESTABLISHMENT OF MULTI-SPECIES MARINE AND/OR FRESHWATER HATCHERIES, NURSERIES, FISH BREEDING, AND ESTABLISHMENT OF PROVINCIAL FISHERIES AND AQUATIC RESOURCES TRAINING, DEVELOPMENT, AND PRODUCT CENTERS IN THE LOCAL GOVERNMENT UNITS

Introduced by Senator Villar

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

COMMITTEE REPORTS

Committee Report No. 54, submitted jointly by the Committees on Health and Demography; and Finance, on House Bill No 1477, introduced by Representative Barbers, *et al*, entitled

AN ACT UPGRADING THE CARAGA REGIONAL HOSPITAL IN BARANGAY WASHINGTON, SURIGAO CITY, SURIGAO DEL NORTE INTO A TERTIARY LEVEL HOSPITAL, INCREASING ITS BED CAPACITY FROM ONE HUNDRED FIFTY (150) TO FIVE HUNDRED (500) BEDS, AND APPROPRIATING FUNDS THEREFOR,

recommending its approval with amendments.

Sponsor: Senator Go

To the Calendar for Ordinary Business

Committee Report No. 55, submitted jointly by the Committees on Health and Demography; and Finance, on House Bill No 5871, introduced by Representative Tan (A.), entitled

AN ACT UPGRADING THE MARIA L. ELEAZAR DISTRICT HOSPITAL IN THE MUNICIPALITY OF TAGKAWAYAN, PROVINCE OF QUEZON INTO A LEVEL III GENERAL HOSPITAL TO BE KNOWN AS THE

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MARIA L. ELEAZAR GENERAL HOSPITAL, UNDER THE DIRECT SUPERVISION AND CONTROL OF THE DEPARTMENT OF HEALTH, AND APPROPRIATING FUNDS THEREFOR,

recommending its approval with amendments.

Sponsor: Senator Go

To the Calendar for Ordinary Business

Committee Report No. 56, submitted jointly by the Committees on Health and Demography; and Finance, on House Bill No. 1799, introduced by Representative Gullas, *et al*, entitled

AN ACT RENAMING THE TALISAY DISTRICT HOSPITAL IN TALISAY CITY, PROVINCE OF CEBU, INTO CEBU SOUTH MEDICAL CENTER, AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7799, ENTITLED "AN ACT ESTABLISHING A DISTRICT HOSPITAL IN THE MUNICIPALITY OF TALISAY, PROVINCE OF CEBU, TO BE KNOWN AS THE TALISAY DISTRICT HOSPITAL, AND APPROPRIATING FUNDS THEREFOR,"

recommending its approval with amendments.

Sponsor: Senator Go

To the Calendar For Ordinary Business

Committee Report No. 57, submitted jointly by the Committees on Health and Demography; and Finance, on Senate Bill No. 640, introduced by Senator Pangilinan, entitled

AN ACT INCREASING THE BED CAPACITY OF THE BICOL MEDICAL CENTER FROM FIVE HUNDRED (500) BEDS TO ONE THOUSAND (1,000) BEDS, UPGRADING ITS SERVICE FACILITIES AND PROFESSIONAL HEALTH CARE SERVICES, AUTHORIZING THE INCREASE OF ITS MEDICAL WORKFORCE COM-

PLEMENT, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8053, AND APPROPRIATING FUNDS THEREFOR,

recommending its approval with amendments, taking into consideration House Bill No. 831.

Sponsor: Senator Go

To the Calendar for Ordinary Business

SECOND ADDITIONAL REFERENCE OF BUSINESS

RESOLUTIONS

Proposed Senate Resolution No. 335, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY IN AID OF LEGISLATION ON THE NEED TO PROVIDE EMERGENCY FINANCIAL STIMULUS PACKAGES TO ASSIST THE DOMESTIC TOURISM INDUSTRY, IN RESPONSE TO THE NEGATIVE EFFECTS OF THE CORONAVIRUS DISEASE (COVID-19) IN THE PHILIPPINES

Introduced by Senator Tolentino

To the Committee on Tourism

Proposed Senate Resolution No. 336, entitled

RESOLUTION URGING THE SENATE COMMITTEE ON SCIENCE AND TECHNOLOGY TO CONDUCT A FULL ASSESSMENT IN AID OF LEGISLATION ON THE CURRENT STATUS OF THE TEXTILE INDUSTRY IN THE COUNTRY

Introduced by Senator Binay

To the Committee on Science and Technology

Proposed Senate Resolution No. No. 337, entitled

RESOLUTION ASKING THE HONORABLE SUPREME COURT OF THE

PHILIPPINES TO RULE ON WHETHER OR NOT THE CONCURRENCE OF THE SENATE IS NECESSARY IN THE ABROGATION OF A TREATY PREVIOUSLY CONCURRED IN BY THE SENATE

Introduced by Senators Sotto III, Lacson, Zubiri, Drilon and Gordon

To the Committee on Rules

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 3:18 p.m.

RESUMPTION OF SESSION

At 3:24 p.m., the session was resumed with Senate President Pro Tempore Recto presiding.

PROPOSED SENATE RESOLUTION NO. 337

Upon motion of Senator Zubiri, there being no objection, the Body considered Proposed Senate Resolution No. 337, entitled

RESOLUTION ASKING THE HONORABLE SUPREME COURT OF THE PHILIPPINES TO RULE ON WHETHER OR NOT THE CONCURRENCE OF THE SENATE IS NECESSARY IN THE ABROGATION OF A TREATY PREVIOUSLY CONCURRED IN BY THE SENATE.

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.

Thereupon, the Chair recognized Senate President Sotto for the sponsorship.

**SPONSORSHIP SPEECH
OF SENATE PRESIDENT SOTTO**

Senate President Sotto delivered his sponsorship speech on Proposed Senate Resolution No. 337 as follows:

Section 21, Article VII of the 1987 Constitution provides:

“No treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the Members of the Senate.”

On the other hand, Section 25, Article XVIII of the 1987 Constitution states:

“After the expiration in 1991 of the Agreement between the Republic of the Philippines and the United States of America concerning military bases, foreign military bases, troops, or facilities shall not be allowed in the Philippines except under a treaty duly concurred in by the Senate and, when the Congress so requires, ratified by a majority of the votes cast by the people in a national referendum held for that purpose, and recognized as a treaty by the other contracting State.”

Although it is clear from the provisions of the 1987 Constitution that the concurrence of at least two-thirds of all the members of the Senate is necessary for the validity of a treaty or international agreement, there is obviously a *lacuna legis* or an absence of an explicit provision in the 1987 Constitution as to whether or not the concurrence of the Senate is necessary for the termination of any treaty earlier concurred in by the Body. Now, it involves an important constitutional question brought about by the Executive's withdrawal from an agreement or a treaty like the VFA, as well as the earlier Rome Statute creating the International Criminal Court which affects the core of the constitutional mechanism of checks and balance.

The resolution before us now does not question any of the two issues— the issue on the ICC or the VFA. The resolution simply seeks to find out if the power to ratify carries with it the power to concur in abrogation. Remember, there is no treaty if we do not ratify.

The Executive and the Legislative branches of government have a shared competency on treaty-making. So, it is the submission of this Representation and many other members of the Senate that the concurrence of the Senate is necessary not only to accede to a treaty but also to its abrogation, a theory which is in adherence to the Mirror Principle.

This question being raised by this Representation involves an issue of transcendental importance that impacts on the country's constitutional checks and balances. It presents a

constitutional issue that seriously affects the country's legal system, as well as the country's relations in the international community. The honorable Supreme Court ruled in *Tañada vs. Saguisag*, "The power to concur in a treaty or an international agreement is an institutional prerogative granted by the Constitution to the Senate. Thus, any member of the Senate has standing to question before this Honorable Court the impairment of this institutional prerogative."

As earlier manifested by Justice Secretary Menardo Guevarra on the ABS-CBN franchise, "when there is a gap in the law, equity comes in to fill in the gap." Since there is a gap in the law in this case, maybe the same principle can be adopted.

There is also the emerging view which has been known as the *acte contraire* theory. Simply stated, it posits that if a constitution requires parliamentary or legislative approval for treaties subject to ratification, it likewise, by implication, requires the consent of parliament or the legislature to withdraw from such treaties.

I respectfully adhere to the rule that, yes, the President of the Philippines is the sole representative of our country in foreign affairs, and I do not intend to go against the tide. I just want clarity; we want clarity. And I hope that once and for all the honorable Supreme Court shed light on this purely question of law.

So, I urge my colleagues to adopt this resolution respectfully asking the Supreme Court to rule on whether or not the concurrence of the Senate is necessary in the abrogation of a treaty previously concurred in by the Senate. We ask that our colleagues be part of the Senate as it is — a Senate of the people.

MANIFESTATION OF SENATOR DRILON

At the outset, Senator Drilon congratulated Senate President Sotto for initiating Proposed Senate Resolution No. 337. He stated that earlier, he filed a similar resolution, Proposed Senate Resolution No. 305, which was referred to the Committee on Foreign Relations where it was pending to that day.

Senator Drilon stated that Proposed Senate Resolution No. 337 and the intended petition in the Supreme Court would settle the question involving the constitutional boundaries between the Senate and the President insofar as foreign relations is concerned. He said that the concurrence of the Senate in the withdrawal from treaties is an unsettled question even in the United States.

Senator Drilon noted that Senate President Sotto mentioned the mirror principle — that the process in the withdrawal should reflect and mirror the process in the concurrence.

He said that absent any case in the country and even in the United States where the Philippine Constitution was copied, the question of whether or not the Senate must concur in the abrogation of treaties has remained unsettled. But he invited the attention of the Body to instances wherein parliaments decided on the fate of treaties and other international agreements that their respective governments entered into — the Brexit insofar as the withdrawal of Great Britain from the European Union where the Prime Minister had to seek the authority of the Parliament to withdraw, and South Africa's Supreme Court which ruled that the concurrence of its parliament was needed before the country could withdraw from a treaty.

Senator Drilon then joined Senate President Sotto in the effort to clarify and settle the issue once and for all, brought about by the recent debate on the validity of the withdrawal from the Visiting Forces Agreement which President Duterte exercised as the President of the Republic without the concurrence of the Senate. He said that the question to be answered is, "Can the President act alone in the withdrawal when the concurrence of the Senate is necessary to make the treaty effective?"

Senator Drilon recalled that during the hearing on Proposed Senate Resolution No. 305, the Department of Foreign Affairs was asked of their opinion if the President could act alone in case of withdrawal, and the DFA's response was that the President could indeed act alone. He expressed concern that withdrawal from other treaties like the ASEAN, the JPEPA, tax treaties and the UNCLOS which sets the 200-nautical limit, the treaty on exchange of prisoners, and other treaties involving serious policy questions could have serious consequences if the withdrawal or abrogation is left to the President. For instance, he asked what would happen to the benefits derived from the tax treaties concurred in by the Senate, supposing the President withdraws from these treaties.

Senator Drilon stressed that Proposed Senate Resolution No. 337 intends to ask the Supreme Court to once and for all rule on serious policy issues regarding treaties, as he reminded the Body that in

about 20 resolutions of concurrence in treaties that they adopted, included therein was a clause that in case of withdrawal, the concurrence of the Senate must be obtained.

Senator Drilon then congratulated Senate President Sotto for taking the initiative in asking for authority from the Body to go to the Supreme Court to rule on the question of whether or not the abrogation of a treaty must be concurred in the Senate.

MANIFESTATION OF SENATOR PACQUIAO

Preliminarily, Senator Pacquiao said that the abrogation of treaties had already been discussed with Senator Drilon in the previous Congress. Relative thereto, he pointed out that Article VII, Section 21 of the 1987 Constitution states that “No treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the Members of the Senate.” But the same Constitution, he noted, did not provide that concurrence of the Senate must be needed to abrogate it.

Citing the Latin phrase “*expression unius est exclusion alterius*” which means that “when it is not expressed, it is not there,” Senator Pacquiao believed that the law is clear that the Executive is given the sole power to terminate a treaty. He, however, said that the Senate would respect the interpretation of the Supreme Court as regards the abrogation of a treaty.

MANIFESTATION OF SENATOR HONTIVEROS

Senator Hontiveros expressed her intention to cosponsor Proposed Senate Resolution Nos. 337 and 305. She said that while she maintained her opposition against the Visiting Forces Agreement (VFA), she could not agree that the Executive department could unilaterally withdraw from treaties without the Senate concurrence. She said that there is indeed a *lacuna* in the law but in the absence of any clarity in legislation, it is prudent to be on the side of greater checks between the branches of government.

MANIFESTATION OF SENATOR GORDON

Senator Gordon said that he wanted to sign the proposed resolution, not only as a coauthor but as a sponsor, together with Senators Sotto, Drilon, Lacson, Hontiveros, among others.

According to him, the real issue is about the constitutional provision that says that there must be concurrence in treaties by two-thirds of all Members of the Senate, and in deciding whether or not to concur in the ratification of a treaty, important considerations are discussed such as, whether the treaty would be disadvantageous to the national interest, to national security, or to the Armed Forces, among others. He emphasized that if the Senate has the power to concur in a treaty, it should also have the same power to make sure that the Body is consulted when it is abrogated, otherwise, there would be a one-man rule.

He noted that there are other provisions of the Constitution where Congress has to be consulted, such as the Commission on Appointments when the President appoints officials of the government, on the matter of declaring war, and declaring national emergencies.

Senator Gordon pointed out that while it is indeed the President who enters into an international agreement or treaty, it must be done in consultation with the Senate, which must also be the case in withdrawing from a treaty. In case of disagreement between both departments, the Supreme Court or the Judiciary should be consulted, he said. Thus, in the case of the proposed resolution, he said that the three branches of government – the Executive, the Legislative and the Judiciary – would now be involved. This, he said, is the reason he supports the proposed resolution.

Senator Gordon said that the Senate, being a co-equal branch of the government, must be consulted and its opinion considered. He maintained that the Senate could not just be bypassed or treated like a rubber stamp especially on issues as vital as the West Philippine Sea, among others.

Senator Gordon then cited portions of an article written by retired Supreme Court justice Antonio Carpio, which read, in part, that “A fundamental principle in constitutional law is that laws are repealed or amended only by subsequent laws, either expressly, or impliedly due to irreconcilable inconsistency between the prior and later law. This principle is so fundamental that it is not even written in the Constitution.” He pointed out that under the Constitution, the Philippines adheres to the principles of international law as part of the law of the land. He explained that a law means a process and if that law would be amended or taken out, then the Senate should have a part in that process.

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Senator Gordon again referred to Justice Carpio's article where the latter cited Article 7 of the Civil Code, to wit: "Laws are repealed only by subsequent ones, and their violation or non-observance shall not be excused by disuse, or custom or practices to the contrary." Clearly, he said that laws cannot be simply repealed and thus he stands with the Senate on such issue and that the voices of its members must be heard because they represent the people of the country.

He then thanked the Senate President and the leadership of the Chamber for guiding the people in the direction the country should take, for not compromising national sovereignty, national territory and, most important, for not compromising the independence of the Senate.

INTERPELLATION OF SENATOR TOLENTINO

At the outset, Senate Tolentino asked if a petition would be filed before the Supreme Court once the Body adopted Proposed Senate Resolution No. 337 and whether the petitioner would be the Senate or just the proponent of the resolution. Senate President Sotto replied that the Senate would be the petitioner. He explained that the petition could merely ask the Supreme Court to once and for all interpret the Constitution.

Senator Tolentino stated that the petition, once filed, would be historical because three coequal branches of the government would then be acting in unison to resolve the issue, with the Senate acting as the petitioner, the Executive Branch as the respondent, and the Supreme Court would be ruling on the merits of the case.

At this juncture, Senator Drilon said that the Senate as an institution would bring the case before the Supreme Court; the respondent would be the Executive Branch; and the Supreme Court would be the arbiter on the rights and obligations of the two branches of government. He explained that it is a classic situation where the two political branches may not be able to agree with each other and the Supreme Court, the third branch, would be the arbiter of their rights.

Senator Drilon disclosed that such case was not the first time, since there was a case in the past involving Executive Order No. 464, wherein the Senate as an institution brought a case against the

Executive branch represented by Executive Secretary Ermita. For his part, Senate President Sotto stated that the resolution is a much simpler case since the Senate is not going against what the Executive wants but is merely asking for the Supreme Court's decision on the matter.

Senator Tolentino agreed that there has to be finality and closure to the question of whether or not abrogation of a treaty must have the concurrence of the Senate. He pointed out there are some provisions in the Constitution where there might appear to be shared powers between the Legislature and the Executive but there are also instances when those shared powers stopped and instead lodged in just one branch of government. As an example, he said when the President appoints a new secretary of an agency, the appointment requires the concurrence and consent of Congress, through the Commission of Appointments, pursuant to Section 16, Article VII of the Constitution; in case of removal or dismissal, the consent of the Commission on Appointment is not asked.

He said that the example is similar with ratifying a treaty wherein the concurrence of the Senate is needed but abrogating it does not. Although there might be a point of convergence during the initial stages of an appointment and concurrence in treaties, he believed that once the appointments are in effect and treaties are implemented, a legislative concurrence or intervention is no longer needed.

He noted that there are still a number of treaties pending before the Committee on Foreign Relations which could be controversial under the present and even future administration such as the treaties concerning the ASEAN market, climate change and Trans-Pacific partnership, among others. Thus, he agreed that it was only right that the Supreme Court clarifies and resolves the issue. However, he pointed out that there are also implied provisions in the Constitution that are never consented to by the Supreme Court in a long line of decisions. While he has no objection to let the Supreme Court rule on the matter, he maintained that there is no need to highlight the power of the Senate to concur in abrogation of a treaty as it is not stated in the Constitution.

At this juncture, Senator Lacson stated that his understanding of the position of Senator Tolentino is that the latter is in support of the resolution filed by Senate President Sotto. Senator Tolentino clarified

that he is in support of any move which would highlight and strengthen the constitutional prerogative of the Senate as an institution. As regards the prerogative of the Chief Executive, he maintained that the Constitution is silent as to whether a Senate concurrence is needed.

For his part, Senate President Sotto noted that the CA confirmation mentioned by Senator Tolentino is very different because an executive who serves at the pleasure of the President may serve even without the CA confirmation, citing Secretary Gonzales of the Department of Justice who was secretary of Justice for five years without passing through the CA and DSWD Secretary Dinky Soliman.

INTERPELLATION OF SENATOR PIMENTEL

Senator Pimentel observed that the earlier discussions centered on whether or not the Senate must have the power to concur in the abrogation of treaties, an issue very similar to what Proposed Senate Resolution No. 305 seeks to resolve, which is pending before the Committee on Foreign Relations and for which he is currently conducting a referendum to determine the sentiment of the committee as a collegial body. He asked how different Proposed Senate Resolution No. 337 was from Proposed Senate Resolution No. 305, whether Proposed Senate Resolution No. 337 is neutral as far as Proposed Senate Resolution No. 305 is concerned in the sense that the resolution is not explicitly stating that the Senate has the power to concur in the abrogation of treaties.

Senate President Sotto explained that in Proposed Senate Resolution No. 337, there was no mention of any specific issues like the Rome Statute, the ICC and the VFA; it was simply asking the Supreme Court to resolve the issue of whether the Senate must assert its power and must be allowed to concur in any abrogation. Noting the many implications because of the silence in the Constitution, he stressed the need to settle the issue through the resolution which is a simpler version of Proposed Senate Resolution No. 305.

Senator Drilon stated that one basic difference of Proposed Senate Resolution No. 305 is that it was trying to get the sense of the Senate to assert that no withdrawal from a treaty can be effective without its concurrence; Proposed Senate Resolution No. 337 is simply an authority from the Senate as an institution to bring the case to the Supreme Court.

He again pointed out the 20 or so resolutions of concurrence which contained the condition that the Senate must concur in the withdrawal, and he believed that it was time that there should be a ruling as to whether or not such condition is valid. He said that if the Supreme Court would rule that the Senate has no business insisting on its concurrence in the withdrawal, then the clause in the resolutions of concurrence that he mentioned would be declared void.

Senator Pimentel explained that the reason he asked the difference between the two resolutions was that those who are voting against Proposed Senate Resolution No. 305 could still vote in favor of Proposed Senate Resolution No. 337, although in the discussion, some overlaps were mentioned and it was difficult to avoid discussing the substance of Proposed Senate Resolution No. 305.

As to how the issue would be presented to the Supreme Court, Senator Drilon said that the petition initiated by Senate President Sotto seeks the declaration of the rights between the Senate and the Executive, and it would assert the jurisdiction of the Supreme Court over such a transcendental question.

Senator Pimentel clarified that they would be voting on Proposed Senate Resolution No. 337 which does not mention specific treaties and that it was simply asserting that as a general rule, withdrawal from treaties already concurred in by the Senate need Senate concurrence to be valid and effective.

For the sake of the Senate as an institution, Senator Drilon requested the Committee on Foreign Relations not to act on Proposed Senate Resolution No. 305 in the meantime given that there is a resolution presented by Senate President Sotto because an action there could be one way or another interpreted as a position of the Senate in the case that would be filed. For instance, he feared that if the Committee would say that the Senate would not pass the resolution because they do not have the majority could be interpreted that according to the view of the Committee, the concurrence of the Senate is not necessary.

Senator Pimentel believed that the Committee would seek guidance from the Majority Leader on what it can do under the Rules of the Senate.

Senator Pimentel noted that the third "Whereas" clause expressed an urgency to determine a purely legal question but no dispute was mentioned at all.

Senate President Sotto believed that it has been a long standing issue already, echoing Senator Drilon that the Senate had already adopted 20 or so resolutions of concurrence which contained the condition that the Senate must concur in any abrogation. He said that such pending issues that would need the concurrence of the Senate include the VFA which has 180 days before termination.

As regards the petition, Senator Pimentel asked what incident the Senate would use as the justification to convince the Supreme Court of the rightness of the issue for judicial determination especially if they would no longer amend the resolution to specifically state what the clash between the Senate and the Executive is.

Senate President Sotto replied that the petition would mention the transcendental importance of resolving the issue once and for all. He said that there are national interests involved and one specific issue was that the DFA already sent a notice of withdrawal from the VFA to the United States Embassy and that it was urgent to find out whether the Senate should concur or not. He believed that the Supreme Court would be able to sense the urgency of the petition to resolve the issue as soon as possible.

Senator Pimentel stated that once Proposed Senate Resolution No. 337 would be adopted, it would be an expression of sentiment of the Senate to file a case before the Supreme Court so they could rule on whether or not the concurrence of the Senate is necessary in the abrogation of a treaty previously concurred in by the Senate. He asked if the Senate would become the petitioner to the case with the head of the Senate Legal Department as the counsel, or if the Senate would hire an outside counsel. Senate President Sotto replied that contracting an outside counsel for the Senate was possible.

Asked if the senators would still need to read the petition filed on behalf of the Senate, Senate President Sotto said that copies of the petition would be furnished to all senators.

INTERPELLATION OF SENATOR PANGILINAN

Senator Pangilinan stated that once the Proposed Senate Resolution No. 337 is adopted it becomes an authority for the Senate President to bring the case before the Supreme Court, and he believed that it was incorrect to state that it was the first that the

Senate was bringing a case involving the Executive department to the Supreme Court as he recalled that when he was Majority Leader, the Senate brought before the Supreme Court a petition challenging Executive Order No. 464, with Senator Joker Arroyo as the designated counsel for the Senate. He recalled that the Senate then believed that Executive Order No. 464 — President Gloria Arroyo's executive order which prohibits, bans, or prevents the cabinet officials and the military personnel from appearing before the Senate in the exercise of its legislative functions without the President's approval — was an encroachment on the Senate's function as a legislative body.

He expressed his agreement with Senate President Sotto's view that the function of the Commission on Appointments as a separate body should not be compared to the Senate exercising its constitutionally mandated role to ratify treaties.

PARLIAMENTARY INQUIRY OF SENATOR LACSON

Asked by Senator Lacson if the Body would separately vote on Proposed Senate Resolution Nos. 305 and 337, Senator Zubiri clarified that the Body would only vote a Proposed Senate Resolution No. 337, adding that it is the sole prerogative of Senator Pimentel as chairperson of the Committee on Foreign Relations to come up with a committee report later on. However, he stated that whatever plenary action is taken by the Body would supersede the committee report.

INTERPELLATION OF SENATOR ANGARA

Senator Angara noted that based on the text of Proposed Senate Resolution No. 337 it would appear that the Senate was not going to file an action, but in the course of Senator Pimentel's interpellation, there was mention of the intent of the Senate to file a case. Thus, he asked on the nature of the case, whether the Senate was just seeking an advisory opinion which might only be frowned upon by the courts, or if the Senate was bringing the petition as an adverse party, or if the petition was just asking the Supreme Court to rule.

In reply, Senate President Sotto said that the Body is seeking declaratory relief and petition for *mandamus*. He said that a declaratory relief is usually presented before the Regional Trial Court but

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due to urgency and absolute necessity, it was included in the petition to be filed with the Supreme Court.

Saying that declaratory relief is asking for court opinion while *mandamus* is asking the court to rule or to order someone to do something, Senator Angara believed that the two are alternative actions. In reply, Senate President Sotto stated that if the Supreme Court decides that the abrogation of a treaty has to have Senate concurrence, the *mandamus* would come in to compel the Executive Department, through the Executive Secretary or the DFA, to submit to the Senate the matter of terminating the agreement or treaty.

FURTHER INTERPELLATION OF SENATOR TOLENTINO

Noting the need to put a named respondent from the Executive branch, Senator Tolentino asked if the President of the Republic of the Philippines would be the respondent to the case. Senate President Sotto emphasized the need for the Body to refrain from discussing the contents of the petition since it is only at the stage of determining whether the Senate should ask for the Supreme Court ruling or not; in fact, the Body might not even file the petition.

MANIFESTATION OF SENATOR PANGILINAN

Senator Pangilinan stated that previously, Senator Lacson inquired about Proposed Senate Resolution No. 305, which was pending before the Committee on Foreign Relations, and its relation to Proposed Senate Resolution No. 337. As a matter of procedure, he suggested that the Body do two things: 1) to approve Proposed Senate Resolution No. 337 taking into consideration Proposed Senate Resolution No. 305; 2) or to approve Proposed Senate Resolution No. 337 separately.

TERMINATION OF THE PERIOD OF INTERPELLATIONS

There being no further interpellation, upon motion of Senator Zubiri, there being no objection, the Body closed the period of interpellations.

PARLIAMENTARY INQUIRY OF SENATOR MARCOS

Asked by Senator Marcos on the exact status of the bill, Senator Zubiri explained that he would file a

motion to adopt the measure which the senators could abstain from, vote against, or vote in favor of.

Asked if the title of the case would appear as "*Senate vs. PRRD*," Senator Drilon clarified that the title would not be against the President as the respondent but against the Executive Secretary as he pointed out the *mandamus* portion that should the Supreme Court sustain the right of the Senate to concur, the Executive Secretary would be required to refer the termination to the Senate for its concurrence.

To Senator Marcos' remark that the Executive Secretary, being the alter ego of the President, effectively drags the President into the case, Senator Drilon said that the President has to be impleaded as a formal party and not any other person because it was he who initiated the termination of treaties without the concurrence of the Senate.

Senate President Sotto clarified that the Body was still at the phase of whether or not to adopt the resolution.

Senator Zubiri stated that the question on the power of the Senate to abrogate treaties has been pending since the 14th and 15th Congresses. He clarified that the resolution is not an attack against the President but only a means to clarify the participation of the Senate regarding the abrogation of treaties.

ADOPTION OF PROPOSED SENATE RESOLUTION NO. 337

Submitting Proposed Senate Resolution No. 337 to vote, the Chair called for a division of the House, asking those in favor to raise their hands, and those against to do the same.

With 12 senators voting in favor, none against, and seven abstentions, the Chair declared Proposed Senate Resolution No. 337 adopted by the Body.

PARLIAMENTARY INQUIRY OF SENATOR PIMENTEL

Senator Pimentel asked if Senators Pacquiao and Cayetano, who arrived before the result of the voting was announced, would be allowed to vote. The Chair stated that only the senators who voted in the affirmative could request for reconsideration of the vote.

EXPLANATIONS OF VOTE***By Senator Pimentel***

Senator Pimentel stated that although Proposed Senate Resolution No. 337 was harmless and not controversial, he abstained from voting because he needed to know more details on how the petition would go, considering that the resolution expresses the sentiment of the Senate to ask the Supreme Court to rule on whether or not the concurrence of the Senate is necessary in the abrogation of the treaty previously concurred in by the Senate.

By Senator Go

Senator Go maintained his position that it was within the power and prerogative of the President, as chief executive and chief architect of the country's foreign policy, to cause the review and termination of treaties, taking into consideration the welfare of the nation. Likewise, he said that there are pending cases before the Supreme Court tackling the issue of whether or not Senate concurrence is required in the termination of or withdrawal from a treaty. As a co-equal branch of the government, he said that the Senate must not dictate upon the Supreme Court as to how and when to do its job.

By Senator Pacquiao

Senator Pacquiao stated that had he been in the Session Hall during the voting, he would have voted in favor of asking the Supreme Court's legal opinion as implored in Senate Resolution No. 337. He said that his personal interpretation of the Philippine Constitution was that it is within the powers of the Executive to make decisions on the abrogation of treaties, but that the Senate as a coequal branch should ask the Supreme Court whether or not the concurrence of the Senate is necessary in the abrogation of treaties previously concurred in by the Senate.

By Senator Dela Rosa

Senator Dela Rosa believed that there was no need for the Body to ask the Supreme Court for what had already been clearly written in the Constitution. He said that although he was not a lawyer, he was aware of the legal maxim that "what the law does not include, it excludes".

By Senator Tolentino

Senator Tolentino stated that as he had previously mentioned, he could not find any constitutional provision requiring the Senate's participation in treaty abrogation. He said that the Senate Rules likewise does not contain such provision and that Section 101 thereof, only requires that when a treaty is received in the Senate for concurrence, "the same shall be referred to the Committee on Foreign Relations."

He said that it has been held in several cases, notably *Bayan vs. Zamora*, *Secretary of Justice vs. Lantion*, that the Executive department is aptly accorded deference on matters of foreign relations considering the President's hold of most comprehensive and confidential information about the international scene. Parallel thereto, he said that under Article VII, Section 1 of the Constitution, "The executive power shall be vested in the President of the Philippines." Thus, he believed that the execution of treaties is an executive power of the President and the termination of treaties in accordance with the agreement or any agreement is merely an execution of the contract or treaty. He said that he would stick to the proposition of separation of powers and asked the Senate to respect the President's power to enter into treaties. Because the Constitution does not mention anything about the shared powers of Congress to abrogate, he believed that the Senate should not interfere. He admitted, however, that no one could stop anybody from raising the issue before the Supreme Court, as he pointed out Senator Go's revelation that there are many such pending cases before the High Court. He reiterated his request for the Senate to refrain from petitioning for such declaratory relief out of respect for the Executive Branch especially since it could come out to be the *Senate of the Philippines vs. President Rodrigo Roa Duterte* or even *Senate of the Philippines vs. Executive Secretary Salvador Medialdea* representing the President of the Philippines. He said that the President needs the help of the Senate now more than ever.

MANIFESTATION OF SENATOR DRILON

Senator Drilon manifested that as a senator who is currently on his twenty-first year in the Senate, it saddened him that the Senate could not get a unanimous vote even on a simple resolution that would authorize the Body to bring a matter to the Supreme Court. He said that all that the Senate



was asking was for the Supreme Court to define the constitutional boundaries. He clarified that in the resolution, the Body was not dictating on the Supreme Court but was, in fact, merely asking it to rule on the issue. He said that the Supreme Court might even rule that the Senate's concurrence is not necessary, thereby settling the issue once and for all.

MANIFESTATION OF SENATOR DELA ROSA

Senator Dela Rosa said that like Senator Drilon, he too was saddened because the Majority coalition in the Senate could not even get the majority vote. He said that Senator Drilon, as part of the Minority, should be grateful for getting the majority vote.

MANIFESTATION OF SENATOR ZUBIRI

Senator Zubiri manifested that he has been in the Senate since the 14th Congress, having been a congressman since 1998 before getting elected as a senator. He explained that there are certain bills, actions and issues that sometimes need a conscience vote to protect the Congress as an institution and to assert its right as a coequal branch of government. He hoped that his colleagues would not bear any ill will against one another, saying that what they did was a conscience vote for the welfare of the institution.

EXPLANATIONS OF VOTE

By Senator Lacson

Senator Lacson explained that he voted not against the President but for the Senate of the Philippines, an institution where he belongs.

By Senator Zubiri

Senator Zubiri stated that his vote was, like Senator Lacson's, was not against the President but that it was meant to protect the institution on future questions that might arise on future administrations.

COMMITTEE REPORT NO. 35 ON SENATE BILL NO. 1318

(Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second

Reading, of Senate Bill No. 1318 (Committee Report No. 35), entitled

AN ACT AMENDING REPUBLIC ACT NO. 10068 OR THE ORGANIC AGRICULTURE ACT OF 2010.

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

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 4:55 p.m.

RESUMPTION OF SESSION

At 5:46 p.m., the session was resumed with Senate President Sotto presiding.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1318

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

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Zubiri acknowledged the presence in the gallery of Gov. Saeed Daof, a member of the Board of Governors of the Philippine Red Cross, together with his wife, Domini Torrevillas of *The Philippine Star*.

Senate President Sotto welcomed the guests to the Senate.

SPECIAL ORDER

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of Committee Report No. 33 from the Calender of Ordinary Business to the Calender for Special Order.

COMMITTEE REPORT NO. 33

Upon motion of Senator Zubiri, there being no objection, the Body considered Committee Report

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No. 33, RE: Proposed Senate Resolution No. 44, 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, 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.

Thereupon, the Chair recognized Senator Dela Rosa, sponsor of the report.

SPONSORSHIP SPEECH OF SENATOR DELA ROSA

Senator Dela Rosa, chairperson of the Committee on Public Order and Dangerous Drugs, submitted for plenary consideration Committee Report No. 33, on the spate killings in the Province of Negros Oriental. He said that the inquiry conducted by the Committee was in pursuance to the directive in Proposed Senate Resolution No. 65 filed by Senator De Lima and Proposed Senate Resolution No. 47 filed by Senator Hontiveros.

Following is the full text of Senator Dela Rosa's sponsorship speech:

When we were children in kindergarten, we were probably taught this simple rhyme: "Roses are red, violets are blue, sugar is sweet, and so are you." Years after, we now find ourselves in this Chamber as adults, and we have long learned the lesson taught by life: the sweetness of sugar is, more often than not, bought with the salty sweat of hard labor of landless farmers and the bitterness of the heartless elite, of the landed few.

Here in the Philippines, in the Negros Islands in particular, the situation is even worse. Sugar, in its sweetness, seems to have been paid for by the blood of those who are powerless to fight back. But, perhaps, we are getting ahead of our story.

Nabalot ng takot ang isla ng Negros dahil sa sunod-sunod na patayan sa probinsya. Magsasaka, pulis, opisyal ng lokal na pamahalaan, abogado, at masunuring mga mamamayan, ang naging biktima ng madugong krimen sa probinsiya ng Negros Occidental at Negros Oriental.

I can still remember when I was still the Chief of the Philippine National Police, I, together with President Duterte, visited the wake of six police officers and a civilian in Guihulngan City who were killed in an ambush staged by lawless groups. Several police officers were also injured in the same incident—*tila wala talagang pinipiling biktima at hindi kumikilala sa batas ang mga nagpapalaganap ng kaharasan sa islang ito.*

This string of killings struck fear and horror among our *kababayans* in Negros Island, two provinces known for its vast sugar plantations, unspoiled pristine beaches, and historical tourist destinations.

To suppress the lawless violence and acts of terror that taint the precious island, the President, through Memorandum No. 32 issued on November 22, 2018, ordered the deployment of additional forces of the Armed Forces of the Philippines (AFP) and the PNP in the provinces of Negros Oriental and Negros Occidental. In implementing the directives of the President, the Police Regional Office 7 launched the Simultaneous Enhanced Managing of Police's Operations (SEMPO). This was done in collaboration with 302nd Infantry Brigade of the Philippine Army; Philippine Coast Guard—District Central Visayas (PCG-DCV), NAVFORCEN, Philippine Navy; U3 CENTCOM and MIG43, ISAFP. OPLAN SAURON is a special part of the 13th PRO7 SEMPO and 2nd PRO-wide level dubbed as "Post-Christmas SEMPO." The operations were intended in select areas of Negros Oriental focused on the simultaneous implementation of search warrants against AFP-identified Communist Party of the Philippines-New People's Army-National Democratic Front (CPP-NPA-NDF) personalities and bearers of loose firearms.

OPLAN Sauron resulted in 27 arrested individuals, 32 targets were neutralized while six died in police operation. Also, there were 514 ammunitions, 99 firearms and 12 explosives

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seized. The OPLAN had a massive effect on the residents of Negros Oriental who were possessing loose firearms. A total of 31 firearms were voluntarily surrendered.

With the continued episodes of killings, OPLAN Sauron 2.0 was implemented. It ran after personalities linked to the Communist Party of the Philippines, New People Army, and the National Democratic Front, particularly in the town of Ayungon, Canlaon City, Guihulngan City, Mabinay, Manjuyod, Siaton, Santa Catalina, Tanjay City, and Vallehermoso in the first congressional district of Negros Oriental. There were 16 individuals arrested while 14 died in the police operation during OPLAN Sauron 2.0. Several firearms, explosives and ammunitions were also seized.

Despite these government interventions, violence continued in the island. In the month of July 2019 alone, 16 were murdered including four policemen, a lawyer, a school principal, a barangay captain, a former mayor and a one-year old baby.

Lumabas sa naging pagdinig ng komite ang isang bihilanteng grupong tinatawag na KAGUBAK o Kawasa Guihulnganon Batok Komunista (in tagalog, Kilusan ng Taga-Guihulngan Laban sa Komunista). This alleged anti-communist group has a “hit list” that targets “suspected NPA sympathizers.” The hit list contains 15 names. Unfortunately, five of those names have been victims of the recent lawless killing—*sunud-sunod na pagkapatay ng mga taong kasama ang pangalan sa naturang listahan.*

During the committee hearing, the Commission on Human Rights in Region VII also submitted a second “hit list” containing a different set of names. On the list were 11 barangays in Guihulngan, and 37 names of persons, identified by the list as alleged supporters and sympathizers of the CPP/NPA/NDF. Although most of the names of the list are hardly readable, the committee was able to identify Romeo Alipan, barangay captain of Buenavista, Guihulngan City, as among those named in the list, and is already dead.

We have the responsibility to probe these series of killings and spread of violence for us to craft a policy to ensure peace and order in Negros and to prevent this from happening to other parts of the country. We cannot let this continue. We owe it to the Negrenses to restore the law and order situation in their provinces.

Your committee has directed its attention to the factors that led to the increase of insurgency-related killings, the effectiveness of counter-

insurgency measures of the national and local governments, as well as the possible administrative and legislative measures in order to stop the string of violence and hostilities in the area.

This prolonged unrest could be drawn from the appalling poverty situation and the escalating insurgency problem in the provinces. However, this is old news.

Official data from the Philippine Statistics Authority show that in 2018, national poverty incidence was at 16.6%, while it was 26.1% in Negros Oriental. Over the past years, Negros Oriental has been consistently one of the top 10 poorest provinces in the country. Adding to this, Negros Oriental has the second highest hunger incidence of 19.5% of families, next to Northern Samar. Negros Occidental and Negros Oriental also registered the highest magnitude of poor population or a high number of families whose annual per capita income falls below the poverty threshold. *Sa madaling salita, karamihan sa nakatira sa isla ng Negros ay salat sa buhay.*

It is alarming that the areas affected by the mass killings on March 30, 2019, namely, Manjuyod, Santa Catalina, and Canlaon City registered high poverty incidence rates of 33.6%, 43.1%, and 42.3%, respectively.

But let me state for the record that Negros Island is not poor in natural resources. It is still renowned as the “sugarbowl” of the Philippines—producing majority of the total raw sugar in the country. Despite this, ownership of land is concentrated to a few elites in the island.

The landless sugar plantation workers continued to till the soil with their sweat and blood, while the sugar plantation owners continued to reap boundless economic gains, at the expense of the rights and interests of their workers. And in the face of this widening social gap, do we still have the gall to wonder why it is that there are those who have resorted to violence? Must we still look for the cause of the unrest? Is it not true that the root cause is staring at us right in the face, no matter how hard we try to sugarcoat it?

Evident social inequality in Negros Island between the *hacenderos* and the sugar farmers raises aggression and resistance among the working class, thereby igniting their rebellious mindset and principles, and cultivating a fertile breeding ground for insurrection.

Luckily, the Duterte administration wants to cut the roots of insurrection to prevent it from growing. Executive Order No. 70, creating the National Task Force to End Local Communist Armed Conflict, was issued to formulate the

National Peace Framework and to address the “root causes of insurgencies, internal disturbances and tensions” for Filipinos to enjoy safer and secure communities. Social welfare and development programs have been implemented and are being implemented to alleviate the lives of the Negrenses, thereby, removing poverty as the key element to which the instigator or armed conflict clings to.

Notwithstanding these efforts, we still need to ensure that our current laws and regulations are enough to deliver and serve justice to all the victims of this series of killings. We want to guarantee that justice will be served, and the perpetrators of the barbaric murders will be punished. But we only seem to be running in circles because ensuring that the perpetrators will be punished presupposes that we have a definitive idea of who these perpetrators are. However, this is precisely what remains lost to us.

Among the findings of the committee is the seeming endless blame game between the military and the police on one end, and the communist groups on the other. A Human Rights Watch dispatch in Negros has noted that both sides have been implicated in human rights abuses. What is sad is that in the process, real farmers, with real families, are made to suffer.

With this, as part of the Report, some of the recommendations of the Committee are as follows:

- Give administrative and budgetary support to the full implementation of Executive Order No. 70 providing for a whole-of-nation approach in defeating the Local Communist Terrorist Groups. Towards this end, support must likewise be extended to the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC);
- Provide adequate socio-economic and psycho-social assistance to the families of individuals who were killed;
- Intensify anti-insurgency operations in identified rebel infested areas in Negros Islands, but with due regard to the protection of human rights, and observance of the established principles of due process of law;
- Identify the perpetrators of the killings of individuals named in the alleged KAGUBAK List and the alleged list of names in Vigilante Negros/Anti-Com, and file appropriate criminal charges against them;
- Sustain and bolster ongoing investigations in order to identify the people behind

KAGUBAK, and Vigilante Negros/Anti-Com, and file the necessary criminal charges against them;

- Deployment of additional forces of the Armed Forces of the Philippines, and the Philippine National Police in order to secure the Provinces of Negros Oriental and Negros Occidental, and if possible, the neighboring provinces; and to augment local police in the said provinces, to better address the security needs of the people;
- Deploy more Commission on Human Rights investigating officers in Negros Islands for the continuing investigation of complaints or allegations of violations of human rights and abuses committed against the local residents, the police or military; and if the facts and evidence warrant, file the appropriate cases against those liable, and be held accountable for human rights abuses;
- For the PNP and AFP to review, evaluate and report to the President the effectiveness of Oplan Sauron in the objective to suppress and end lawless violence in the Negros Islands;
- Pursue amendments to Republic Act No. 9372, otherwise known as The Human Security Act, by considering the series of killings or violence as acts of terrorism, with the end goal of creating public emergency, and/or that which undermines public safety.

I submit this committee report for the consideration of this august Chamber.

SUSPENSION OF CONSIDERATION OF COMMITTEE REPORT NO. 33

Upon motion of Senator Zubiri, there being no objection, the Body suspended consideration of the committee report.

SPECIAL ORDER

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of Committee Report No. 53 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 53

Upon motion of Senator Zubiri, there being no objection, the Body considered Committee Report

No. 53, RE: Proposed Senate Resolution No. 297, RESOLUTION DIRECTING THE SENATE COMMITTEE ON URBAN PLANNING, HOUSING AND RESETTLEMENT, IN AID OF LEGISLATION AND IN THE EXERCISE OF THE SENATE'S OVERSIGHT FUNCTION, TO URGENTLY CALL UPON THE DEPARTMENT OF HUMAN SETTLEMENTS AND URBAN DEVELOPMENT AND OTHER RELEVANT AGENCIES TO FORMULATE A SUSTAINABLE TAAL VOLCANO RESETTLEMENT AND REHABILITATION PROGRAM.

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

SPONSORSHIP SPEECH OF SENATOR TOLENTINO

Senator Tolentino, in behalf of the Committee on Urban Planning, Housing and Resettlement, presented to the Body Committee Report No. 53, which was an offshoot of Proposed Senate Resolution No. 297, calling on the Department of Human Settlements and other relevant agencies to formulate a sustainable Taal Volcano Resettlement and Rehabilitation Program.

Following is the full text of Senator Tolentino's sponsorship speech:

Last January 12, 2020, the Taal Volcano erupted which wreaked havoc and destruction to its neighboring towns and barangays, especially the communities on the Taal Volcano Island which has around 2,000 families permanently residing therein.

The eruption disrupted the lives of 114,941 families or 521,395 Filipinos from Batangas and Cavite. The effects of the eruption were not contained in a limited area. The ash fall spread to other parts of Calabarzon and Metro Manila which caused the cancellation of hundreds of flights to and from NAIA International Airport.

The economic damage it has caused is overwhelming especially to the livelihood of the Batangueños and the Caviteños, which is mainly agriculture and tourism, and warranted the declaration of state of calamity in Region IV-A through Proclamation No. 906 last February 21, 2020, in order to hasten the rescue, relief and rehabilitation efforts of the government and the private sector, including any international humanitarian assistance, and to effectively control the prices of basic goods and commodities for the affected areas. Furthermore, it

would allow the National Government and the local government units ample discretion to utilize funds for the rescue, recovery, relief and rehabilitation of the affected population.

Nevertheless, the loss of income, business and livelihood is nothing compared to the homes destroyed by Taal Volcano. The NDRRMC estimated that there are around 3,008 damaged houses, excluding the areas that were impenetrable and excluding the houses in the Taal Volcano Island.

Due to the considerable number of houses destroyed by the eruption and the danger of harm that may be caused to the Filipino families if they return to their residences, there is a need for the government to implement a mass relocation and resettlement program for thousands of families.

Historically, the Philippines has encountered large-scale disasters which required mass resettlement programs. To cite a few: Typhoon *Yolanda* in 2013, Typhoon *Uring* in 1991, Typhoon *Pablo* in 2012, Typhoon *Sendong* in 2011, Mt. Pinatubo eruption in 1991, and the list go on and on, with the most recent, the Siege of Marawi.

Despite of our extensive experience in disasters and calamities, there is more to be desired in government response mechanisms to adjust and adapt to the fact that our nation is in the Ring of Fire and in the Typhoon Belt. Frequented by disasters and calamities, our rehabilitation and resettlement projects are dragged and stretched for a long period of time, negating its positive effects which add complications to the problem.

Hindi pa nga tapos iyong problema sa Taal, nagkaroon pa tayo ng Corona virus.

Therefore, the Senate Committee on Urban Planning, Housing and Resettlement finds that it is time for us to have a framework on resettlement that would apply to all kinds of disaster or calamity that may hit our country. *Ito po ay iyong produkto ng inyong committee.* A unified post-disaster framework would allow us move forward swiftly in times of adversity and hardship. And to quote the former Prime Minister of the United Kingdom, Winston Churchill, "We shape our dwellings, and afterwards our dwellings shape us."

Indeed, how we provide shelter and home for our fellow countrymen displays who we are as a country and projects our bearing as a nation.

Bago po ako magpasalamat, gusto ko pong unahin, bukod sa mga miyembro ng committee, lahat ng tumulong ng mga miyembro ng

Senado, halos lahat. Nakalagay po rito, nangunguna si Sen. Imee Marcos, at lahat ng mga kasamahan nating na mayroon pang mga larawan kung paano iyong kanilang ginawa na naghuhudyat ng sigla at pagkakaisa ng Senado lalong-lalo na sa pagtulong sa ating mga kababayan sa panahon ng kalamidad.

It is this humble Representation's appeal, that this resolution be adopted by this august body in order for us to have guidelines relative to rehabilitation and resettlement during disasters and calamities.

Kanina lamang po, ipinahiwatig sa atin ng Department of Housing na natapos nila iyong kanilang needs assessment project program. Hindi lamang ito naging bahagi ng Committee Report dahil katatapos lamang nila, subalit lahat ng panukalang batas ng ating mga colleagues ay kasama dito. This is not a one-size-fits-all resolution. Lahat ng inyong inputs ay naririto at minarapat nating gumawa ng isang framework hindi lamang para sa Taal, kung hindi para sa lahat ng kalamidad na haharapin pa ng ating bansa.

SUSPENSION OF CONSIDERATION OF COMMITTEE REPORT NO. 53

Upon motion of Senator Zubiri, there being no objection, the Body suspended consideration of the committee report.

THIRD ADDITIONAL REFERENCE OF BUSINESS

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

RESOLUTION

Senate Concurrent Resolution No. 7, entitled

CONCURRENT RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS TO ALLOW ABS-CBN CORPORATION TO OPERATE PENDING THE FINAL DETERMINATION OF THE RENEWAL OF ITS FRANCHISE BY THE EIGHTEENTH CONGRESS THROUGH THE ISSUANCE OF THE APPROPRIATE PROVISIONAL AUTHORITY BY THE NATIONAL TELECOMMUNICATIONS COMMISSION

Introduced by Senators Lapid, Gatchalian,

Villanueva, Binay, Zubiri, Angara, Recto, Poe and Pacquiao

To the Committee on Rules

COMMITTEE REPORT

Committee Report No. 58, prepared and submitted jointly by the Committees on Energy; Public Services; Trade, Commerce and Entrepreneurship; and Ways and Means, on Senate Bill No. 1382, with Senators Gatchalian, Recto, Zubiri, Pangilinan, Pacquiao, Poe and Pimentel III as authors thereof, entitled

AN ACT PROVIDING THE NATIONAL ENERGY POLICY AND REGULATORY FRAMEWORK FOR THE USE OF ELECTRIC VEHICLES AND THE ESTABLISHMENT OF ELECTRIC CHARGING STATIONS,

recommending its approval in substitution of Senate Bill Nos. 174, 472, 479, 538, 638 and 1223.

Sponsor: Senator Gatchalian

To the Calendar for Ordinary Business

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 6:14 p.m.

RESUMPTION OF SESSION

At 6:15 p.m., the session was resumed.

SPECIAL ORDERS

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of the following from the Calendar for Ordinary Business to the Calendar for Special Orders:

1. Committee Report No. 54 on House Bill No. 1477;
2. Committee Report No. 55 on House Bill No. 5871;
3. Committee Report No. 56 on House Bill No. 1799; and

4. Committee Report No. 57 on Senate Bill No. 640.

LOCAL HOSPITAL BILLS

Upon motion of Senator Zubiri, there being no objection, the following hospital bills were considered, on Second Reading, one after the other:

1. Committee Report No. 54 on House Bill No. 1477, entitled

AN ACT UPGRADING THE CARAGA REGIONAL HOSPITAL IN BARANGAY WASHINGTON, SURIGAO CITY, SURIGAO DEL NORTE INTO A TERTIARY LEVEL HOSPITAL, INCREASING ITS BED CAPACITY FROM ONE HUNDRED FIFTY (150) TO FIVE HUNDRED (500) BEDS, AND APPROPRIATING FUNDS THEREFOR;

2. Committee Report No. 55 on House Bill No. 5871, entitled

AN ACT UPGRADING THE MARIA L. ELEAZAR DISTRICT HOSPITAL IN THE MUNICIPALITY OF TAGKAWAYAN, PROVINCE OF QUEZON INTO A LEVEL III GENERAL HOSPITAL TO BE KNOWN AS THE MARIA L. ELEAZAR GENERAL HOSPITAL, UNDER THE DIRECT SUPERVISION AND CONTROL OF THE DEPARTMENT OF HEALTH, AND APPROPRIATING FUNDS THEREFOR;

3. Committee Report No. 56 on House Bill No. 1799, entitled

AN ACT RENAMING THE TALISAY DISTRICT HOSPITAL IN TALISAY CITY, PROVINCE OF CEBU, INTO CEBU SOUTH MEDICAL CENTER, AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7799, ENTITLED "AN ACT ESTABLISHING A DISTRICT HOSPITAL IN THE MUNICIPALITY OF TALISAY, PROVINCE OF CEBU, TO BE KNOWN AS THE TALISAY DISTRICT HOSPITAL, AND APPROPRIATING FUNDS THEREFOR";

4. Committee Report No. 57 on Senate Bill No. 640, entitled

AN ACT INCREASING THE BED CAPACITY OF THE BICOL MEDICAL CENTER FROM FIVE HUNDRED (500) BEDS TO

ONE THOUSAND (1,000) BEDS, UPGRADING ITS SERVICE FACILITIES AND PROFESSIONAL HEALTH CARE SERVICES, AUTHORIZING THE INCREASE OF ITS MEDICAL WORK-FORCE COMPLEMENT, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8053, AND APPROPRIATING FUNDS THEREFOR.

OMNIBUS SPONSORSHIP SPEECH OF SENATOR GO

With the permission of the Body, Senator Go delivered an omnibus sponsorship speech covering the House and Senate bills, all pertaining to the upgrading/increasing the bed capacity of local hospitals.

Following is the full text of Senator Go's sponsorship speech:

I have the honor to sponsor several local hospital bills, all of which are aimed towards the improvement of some of our key local government hospitals.

According to the World Health Organization, hospitals are an essential element of Universal Health Coverage. They must be able to respond efficiently to population health needs. They must also have the capacity and capability to cater the influx of patients who have entrusted their well-being to our health care system.

As the world faces a global threat with the outbreak of the novel coronavirus, the readiness of our government hospitals to provide quality, available and efficient health services is of paramount importance.

We have always reminded the Department of Health to ensure the preparedness of our government hospitals, especially during public health emergencies like this. They have promised to do their part, but they continue to appeal for Congress to help them, especially in terms of the lack of facilities and hospital beds in our hospitals.

In 2018, the DOH reported that almost 65% of our public hospitals were overcrowded. Presently, the Philippines has a one to 1,083 bed-to-population ratio which is beyond the recommended ideal target ratio of one to 1,000. To reach our target, we need a total of 131,250 beds but presently, we only have 88,394 beds or 67% out of the total target.

So, to sum it up, we are short of more than 40,000 hospital beds all over the country and this

figure is only expected to increase even more as the health care requirements of our people expand and as the population of our country grows.

I have personally seen the need to improve our health facilities and to increase the number of hospital beds during my visits to our government hospitals all over the country. And I can confirm the truth in these figures.

Sa aking pagbisita sa mga ospital sa iba't ibang sulok ng ating bansa, nakita ko po ang nakakaawang sitwasyon ng ating mga kababayan na may sakit. Kahit puno na nga ang ospital, at wala nang kwarto o kamang mahigaan, wala ho silang ibang magawa kundi ang sumiksik.

Minsan pinagsasama-sama pa ang ilang mga pasyente sa isang kwarto o kaya naman minsan pati sa corridor ng ospital may nakaratay na pasyente.

Having patients in close proximity to each other and having them lie on halls or corridors is not only unhygienic and unhealthy, it is also very cruel and inhumane to our patients and their families. They do not deserve this. *Pumunta sila sa ospital para magpagaling, hindi para maperwisyo at lalong magkasakit.*

It is our duty as legislators to enact measures that would help address the lack of appropriate facilities, hospital beds, and equipment in our government hospitals.

As the Chairperson of the Committee on Health and Demography, I am sponsoring today measures that have the intention to increase the bed capacity and upgrade the capabilities of our hospitals. Let me spread into the record the list of hospitals we aim to upgrade:

- Talisay District Hospital in Talisay City, Province of Cebu;
- Caraga Regional Hospital in Surigao City;
- Bicol Medical Center in Naga City; and
- Maria L. Eleazar District Hospital in the Municipality of Tagkawayan, Province of Quezon.

Let us not wait for our country to be in a health crisis before we act to improve the facilities and enhance the capabilities of our hospitals. Our people and our communities need them now and they need them immediately.

The improvement of our health facilities is necessary for us to effectively combat the diseases and successfully achieve our goal of Universal Health Care in our country.

It is for these reasons that I am seeking this Chamber's support for the immediate passage of these measures.

SUSPENSION OF CONSIDERATION OF HOUSE BILL NOS. 1477, 5871, 1799 AND SENATE BILL NO. 640

Upon motion of Senator Zubiri, there being no objection, the Body suspended consideration of House Bill No. 1477, 5871, 1799 and Senate Bill No. 640.

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 6:24 p.m.

RESUMPTION OF SESSION

At 6:34 p.m., the session was resumed.

NEXT DAY'S AGENDA



Senator Zubiri informed the Body that interpellations on Senate Bill No. 1318 or the Organic Agriculture Act sponsored by Senator Villar; and Senate Bill No. 1357 or the CITIRA measure sponsored by Senator Cayetano would be held the next day as he had committed to both sponsors.

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 6:35 p.m.

I hereby certify to the correctness of the foregoing.


ATTY. MYRA MARIE D. VILLARICA
Secretary of the Senate


Approved on March 3, 2020