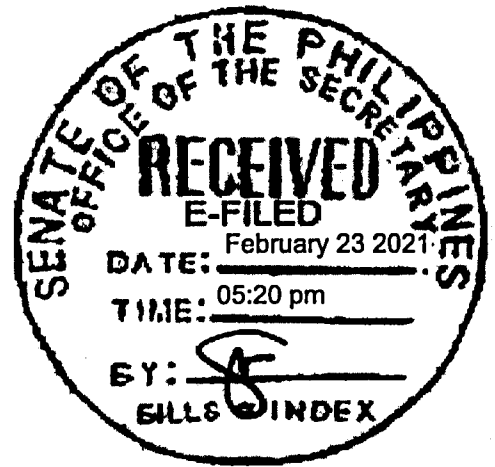


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

P.S. Res. No. 658

Introduced by **Senators Drilon, Hontiveros, Pangilinan, and Recto**

RESOLUTION
TO ALLOW SENATOR LEILA M. DE LIMA TO PARTICIPATE IN
PLENARY SESSIONS AND COMMITTEE HEARINGS THROUGH
TELECONFERENCING, VIDEO TELECONFERENCING OR OTHER
FORMS OF REMOTE OR ELECTRONIC COMMUNICATIONS

1 WHEREAS, on 24 February 2021, Senator Leila M. De Lima will mark her
2 1,462nd day or fourth year in detention;

3 WHEREAS, on 31 July 2019, Senators Franklin M. Drilon and Panfilo M.
4 Lacson filed PSR No. 51, entitled "RESOLUTION ALLOWING SENATOR LEILA M.
5 DE LIMA TO PARTICIPATE IN PLENARY THROUGH TELECONFERENCING,
6 VIDEO CONFERENCING OR OTHER FORMS OF REMOTE OR ELECTRONIC
7 COMMUNICATIONS;"

8 WHEREAS, on 4 May 2020, the Senate adopted Resolution No. 43 amending
9 Sections 22 and 41 of the Rules of the Senate to allow the conduct of plenary sessions
10 and committee hearings through teleconference, video conference, or other reliable
11 forms of remote electronic means due to *force majeure* or the occurrence of a national
12 emergency as determined by the majority of all the members of the Senate which may
13 prevent the convening of the Senate or the physical presence of its members in the
14 session hall;

15 WHEREAS, pursuant to said Resolution No. 43 and due to the national
16 emergency brought about by COVID-19, the Senate and its committees have been
17 conducting plenary sessions and committee hearings through remote and electronic
18 means;

1 WHEREAS, the Supreme Court has similarly allowed litigants to appear before
2 the courts via teleconferencing;

3 WHEREAS, as a result of the new Supreme Court rules, there are already
4 existing facilities within Camp Crame to allow Senator De Lima to attend her court
5 hearings via remote access from her detention center;

6 WHEREAS, in June 2020, the Muntinlupa Regional Trial Court denied Senator
7 De Lima's request to participate in Senate sessions, ruling that "allowing her to do so
8 today would be tantamount to allowing her to participate even after the state of public
9 health emergency";

10 WHEREAS, it is established jurisprudence that there is nothing that prohibits
11 detained legislators from performing their duties as long as they are done within the
12 confines of their detention centers. In *Trillanes v. Judge Pimentel* (G.R. 179817, 27
13 June 2008), the Supreme Court (SC) ruled that the limitation on the practice of
14 profession and the holding of office, elective or appointive, in detention must be taken
15 into account only to the extent that confinement restrains the power of locomotion or
16 actual physical movement;

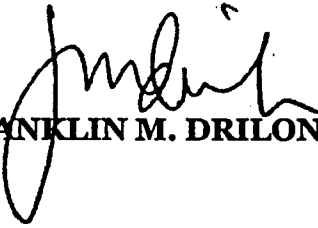
17 WHEREAS, in 2010, the Senate adopted Resolution No. 7 and concurred with
18 the opinion of the Senate Legal Counsel that the collective wisdom and judgment of
19 the Senate is greatly diminished, if not impaired, even if only one seat in the Senate is
20 made unnecessarily vacant; the inability of a detained sitting Senator (then Senator
21 Antonio Trillanes IV) to attend Senate sessions, hearings, and meetings necessarily
22 affects and impairs the capability of the Senate as a whole to discharge its role and
23 functions in the Legislature;

24 WHEREAS, as a duly elected member of the Senate of the 18th Congress, the
25 Senate should likewise extend to Senator De Lima the privilege of participating in its
26 plenary sessions and committee hearings via remote access;

27 WHEREAS, allowing Senator De Lima to participate via remote access
28 pursuant to Sections 22 and 41 of the Rules of the Senate, as amended, is in
29 consonance with the ruling under the *Trillanes* case and is not contrary to the ruling
30 of the Muntinlupa RTC.

31 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to allow Senator
32 Leila M. De Lima to participate in plenary sessions and committee hearings through
33 teleconferencing, video conferencing, or other forms of remote or electronic
34 communications.

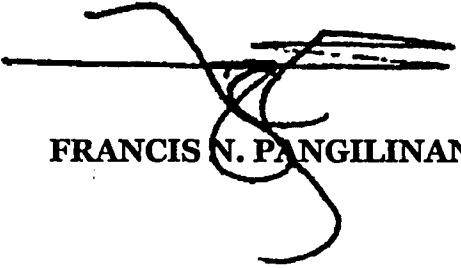
Adopted,



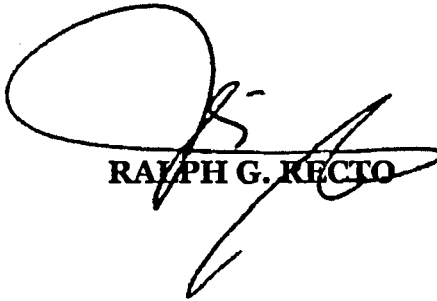
FRANKLIN M. DRILON



RISA HONTIVEROS



FRANCIS N. PANGILINAN



RALPH G. RECTO