



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 64
Wednesday, May 26, 2021

**EIGHTEENTH CONGRESS
SECOND REGULAR SESSION**

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Wednesday, May 26, 2021

CALL TO ORDER

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

PRAYER

Sen. Cynthia A. Villar informed the Body that Pope Francis had devoted the Marian month of May to prayers for the end to the pandemic. She said that 30 Marian shrines from various parts of the world have been leading the prayer marathon during the month.

She then invited everyone to say part of the prayer:

**“We Fly to Your Protection,
O Holy Mother of God”**

Virgin Mary, turn your merciful eyes towards us amid this coronavirus pandemic. Comfort those who are distraught and mourn their loved ones who have died, and at times are buried in a way that grieves them deeply. Be close to those who are concerned for their loved ones who are sick and who, in order to prevent the spread of the disease, cannot

be close to them. Fill with hope those who are troubled by the uncertainty of the future and the consequences for the economy and employment.

Mother of God and our Mother, pray for us to God, the Father of mercies, that this great suffering may end and that hope and peace may dawn anew. Plead with your divine Son, as you did at Cana, so that the families of the sick and the victims be comforted, and their hearts be opened to confidence and trust.

Protect those doctors, nurses, health workers, and volunteers who are on the frontline of this emergency and are risking their lives to save others. Support their heroic effort and grant them strength, generosity, and continued health.

Be close to those who assist the sick night and day, and to priests who, in their pastoral concern and fidelity to the Gospel, are trying to help and support everyone.

Blessed Virgin, illumine the minds of men and women engaged in scientific research that they may find effective solutions to overcome this virus.

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Support national leaders, that with wisdom, solicitude and generosity they may come to the aid of those lacking the basic necessities of life and may devise social and economic solutions inspired by farsightedness and solidarity.

Mary, Consolation of the afflicted, embrace all your children in distress and pray that God will stretch out His all-powerful hand and free us from this terrible pandemic, so that life can serenely resume its normal course.

To you, who shine on our journey as a sign of salvation and hope, do we entrust ourselves.

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:

Physically Present:

Gatchalian, W.	Sotto III, V. C.
Go, C. L. T.	Tolentino, F. T. N.
Lacson, P. M.	Zubiri, J. M. F.
Pacquiao, E. M. D.	

Virtually Present:

Binay, M. L. N. S.	Pangilinan, F. N.
Cayetano, P.	Pimentel III, A. K.
Dela Rosa, R. B. M.	Poe, G.
Drilon, F. M.	Recto, R. G.
Gordon, R. J.	Revilla Jr., R. B.
Hontiveros, R.	Villanueva, J.
Lapid, M. L. M.	Villar, C. A.
Marcos, I. R.	

With seven senators physically present and 15 virtually present, or a total of 22 senators present, the Chair declared the presence of a quorum.

Senator Angara appeared online after the roll call.

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

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. 60 (May 19 and 20 2021), and considered it approved.

DEFERMENT OF APPROVAL OF THE JOURNAL

Upon motion of Senator Zubiri, there being no objection, the Body deferred the consideration and approval of the Journal of Session No. 63 to a later time.

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 3:06 p.m.

RESUMPTION OF SESSION

At 3:07 p. m., the session was resumed.

REFERENCE OF BUSINESS

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Letter from the House of Representatives, informing the Senate that on 24 May 2021, the House of Representatives designated Representatives Veloso III, Abueg-Zaldivar, Aguinaldo, Garbin, Jr. and Fortun, as conferees to the Bicameral Conference Committee, on the disagreeing provisions of House Bill No. 8268, entitled

AN ACT INCREASING THE PENALTIES FOR PERJURY, AMENDING FOR THE PURPOSE ARTICLES 183 AND 184 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE; and

Senate Bill No. 1354, entitled

AN ACT AMENDING ARTICLES 183 AND 184 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE.

To the Committee on Rules

Letter from the House of Representatives, informing the Senate that on 24 May 2021, the House of Representatives adopted Senate Bill No. 2208 as an amendment to House Bill No. 7068, entitled

AN ACT EXTENDING THE PERIOD OF AVAILMENT OF THE ESTATE TAX AMNESTY, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 11213, OTHERWISE KNOWN AS THE "TAX AMNESTY ACT."

To the Archives

BILLS ON FIRST READING

Senate Bill No. 2235, entitled

AN ACT RENAMING THE BENHAM RISE AS "PHILIPPINE RISE" OR "TALAMPAS NG PILIPINAS," NAMING THE UNDERSEA FEATURES THEREIN, AND FOR OTHER PURPOSES

Introduced by Senator Tolentino

To the Committee on Environment, Natural Resources and Climate Change

Senate Bill No. 2236, entitled

AN ACT INCORPORATING A DRUG ABUSE PREVENTION PROGRAM IN SUBJECTS FROM GRADES 7 TO 12 UNDER THE K TO 12 BASIC EDUCATION CURRICULUM, MANDATING CAPACITY BUILDING ON DRUG ABUSE PREVENTION FOR TEACHERS, TEACHING DRUG ABUSE PREVENTION TO PARTNERS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senators Sotto III and Gatchalian

To the Committees on Basic Education, Arts and Culture; Public Order and Dangerous Drugs; and Finance

Senate Bill No. 2237, entitled

AN ACT ESTABLISHING THE FOREIGN

SERVICE RETIREMENT PROGRAM UNDER THE GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS), IMPLEMENTING SECTION 62 OF REPUBLIC ACT 7157 ALSO KNOWN AS THE "FOREIGN SERVICE ACT OF 1991"

Introduced by Senator Gordon

To the Committees on Government Corporations and Public Enterprises; Foreign Relations; and Finance

Senate Bill No. 2238, entitled

AN ACT CREATING THE PHILIPPINE VACCINE AUTHORITY FOR THE DEVELOPMENT OF LOCAL VACCINE MANUFACTURING CAPABILITY, TO SUPPORT LOCALLY MANUFACTURED VACCINES, AND PROVIDING FOR A VACCINE DEVELOPMENT FUND AND FOR OTHER PURPOSES

Introduced by Senator Gordon

To the Committees on Health and Demography; Civil Service, Government Reorganization and Professional Regulation; Ways and Means; and Finance

ADDITIONAL REFERENCE OF BUSINESS

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Letter from the House of Representatives, informing the Senate that on 25 May 2021, the House of Representatives designated Representatives Tiangco, Gatchalian, Yap, Garin, Romualdo, Vergara and Quimbo as conferees to the Bicameral Conference Committee, on the disagreeing provisions of House Bill No. 59, entitled

AN ACT SETTING THE MINIMUM PAID-UP CAPITAL AND LOCALLY PRODUCED STOCK INVENTORY REQUIREMENTS FOR FOREIGN RETAIL BUSINESS ENTERPRISES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8762, OTHER-

WISE KNOWN AS THE "RETAIL TRADE LIBERALIZATION ACT OF 2000"; and

Senate Bill No. 1840, entitled

AN ACT AMENDING REPUBLIC ACT NO. 8762, OTHERWISE KNOWN AS THE "RETAIL TRADE LIBERALIZATION ACT OF 2000," BY LOWERING THE REQUIRED PAID-UP CAPITAL FOR FOREIGN RETAIL ENTERPRISES, AND FOR OTHER PURPOSES

To the Committee on Rules

Letter from the House of Representatives, informing the Senate that on 25 May 2021, the House of Representatives passed the following House Bills, in which it requested the concurrence of the House Bill No. 9007, entitled

AN ACT REGULATING THE MANUFACTURE, USE, SALE, PACKAGING, DISTRIBUTION, ADVERTISEMENT AND PROMOTION OF ELECTRONIC NICOTINE AND NON-NICOTINE DELIVERY SYSTEMS, HEATED TOBACCO PRODUCTS, AND NOVEL TOBACCO PRODUCTS

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

House Bill No. 9073, entitled

AN ACT INCREASING THE BED CAPACITY OF THE ILOCOS TRAINING AND REGIONAL MEDICAL CENTER IN THE CITY OF SAN FERNANDO, PROVINCE OF LA UNION, FROM THREE HUNDRED (300) TO EIGHT HUNDRED (800) BEDS, AND APPROPRIATING FUNDS THEREFOR

To the Committees on Health and Demography; and Finance

House Bill No. 9074, entitled

AN ACT CONVERTING THE DON JOSE

S. MONFORT MEDICAL CENTER EXTENSION HOSPITAL IN THE MUNICIPALITY OF BAROTAC NUEVO, PROVINCE OF ILOILO, INTO A TERTIARY HOSPITAL TO BE KNOWN AS THE DON JOSE S. MONFORT MEDICAL CENTER, AND APPROPRIATING FUNDS THEREFOR

To the Committees on Health and Demography; and Finance

House Bill No. 9302, entitled

AN ACT INCREASING THE BED CAPACITY OF THE LINGAYEN DISTRICT HOSPITAL IN THE MUNICIPALITY OF LINGAYEN, PROVINCE OF PANGASINAN FROM SIXTY (60) TO ONE HUNDRED (100) BEDS, AND APPROPRIATING FUNDS THEREFOR

To the Committees on Health and Demography; and Finance

House Bill No. 9303, entitled

AN ACT CONVERTING THE PRESIDENT RAMON MAGSAYSAY MEMORIAL HOSPITAL LOCATED IN THE MUNICIPALITY OF IBA, PROVINCE OF ZAMBALES INTO A TERTIARY HOSPITAL TO BE KNOWN AS THE RAMON MAGSAYSAY REGIONAL MEDICAL CENTER, AND APPROPRIATING FUNDS THEREFOR

To the Committees on Health and Demography; and Finance

House Bill No. 9075, entitled

AN ACT CONVERTING THE PINAMUNGAJAN EXTENSION CAMPUS OF THE CEBU TECHNOLOGICAL UNIVERSITY (CTU) IN THE MUNICIPALITY OF PINAMUNGAJAN, PROVINCE OF CEBU, INTO A REGULAR CAMPUS OF THE CTU, TO BE KNOWN AS THE CTU-PINAMUNGAJAN CAMPUS, AND APPROPRIATING FUNDS THEREFOR

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

House Bill No. 9150, entitled

AN ACT CONVERTING THE BALAMBAN EXTENSION CAMPUS OF THE CEBU TECHNOLOGICAL UNIVERSITY (CTU) IN THE MUNICIPALITY OF BALAMBAN, PROVINCE OF CEBU, INTO A REGULAR CAMPUS OF THE CTU, TO BE KNOWN AS THE CTU-BALAMBAN CAMPUS, AND APPROPRIATING FUNDS THEREFOR

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

House Bill No. 9179, entitled

AN ACT CONVERTING THE SOLANA EXTENSION CAMPUS OF THE CAGAYAN STATE UNIVERSITY IN THE MUNICIPALITY OF SOLANA, PROVINCE OF CAGAYAN, INTO A REGULAR CAMPUS OF THE CAGAYAN STATE UNIVERSITY, TO BE KNOWN AS THE "CAGAYAN STATE UNIVERSITY-SOLANA CAMPUS," AND APPROPRIATING FUNDS THEREFOR

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

House Bill No. 9180, entitled

AN ACT ESTABLISHING CAMPUSES OF THE CEBU TECHNOLOGICAL UNIVERSITY IN THE CITY OF TOLEDO AND IN THE MUNICIPALITY OF ASTURIAS, PROVINCE OF CEBU, TO BE KNOWN RESPECTIVELY AS THE CEBU TECHNOLOGICAL UNIVERSITY-TOLEDO CITY CAMPUS AND THE CEBU TECHNOLOGICAL UNIVERSITY-ASTURIAS CAMPUS, AND APPROPRIATING FUNDS THEREFOR

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

House Bill No. 9301, entitled

AN ACT ESTABLISHING A COLLEGE OF MEDICINE IN THE SOUTHERN LUZON STATE UNIVERSITY MAIN CAMPUS IN THE MUNICIPALITY OF LUCBAN, PROVINCE OF QUEZON, TO BE KNOWN AS THE "SOUTHERN LUZON STATE UNIVERSITY-COLLEGE OF MEDICINE," AND APPROPRIATING FUNDS THEREFOR

**To the Committees on Higher, Technical
and Vocational Education; Ways and Means;
and Finance**

House Bill No. 9342, entitled

AN ACT ESTABLISHING A PROVINCIAL OFFICE OF THE COMMISSION ON HIGHER EDUCATION IN THE MUNICIPALITY OF SAN JOSE, PROVINCE OF OCCIDENTAL MINDORO, AND APPROPRIATING FUNDS THEREFOR

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

House Bill No. 9145, entitled

AN ACT RENUMBERING THE CEBU FIRST, SECOND, THIRD AND FOURTH DISTRICT ENGINEERING OFFICES TO CONFORM AND CORRESPOND, RESPECTIVELY, WITH THE NUMBERING OF THE LEGISLATIVE DISTRICTS IN THE PROVINCE OF CEBU

To the Committee on Public Works

House Bill No. 9153, entitled

AN ACT CREATING A DISTRICT ENGINEERING OFFICE IN THE SECOND LEGISLATIVE DISTRICT OF THE PROVINCE OF AKLAN, AND APPROPRIATING FUNDS THEREFOR

**To the Committees on Public Works; and
Finance**

House Bill No. 9154, entitled

AN ACT CREATING A DISTRICT ENGINEERING OFFICE IN THE SIXTH LEGISLATIVE DISTRICT OF THE PROVINCE OF BATANGAS, AND APPROPRIATING FUNDS THEREFOR

To the Committees on Public Works; and Finance

House Bill No. 9155, entitled

AN ACT CREATING A DISTRICT ENGINEERING OFFICE IN THE SIXTH LEGISLATIVE DISTRICT OF THE PROVINCE OF ISABELA, AND APPROPRIATING FUNDS THEREFOR

To the Committees on Public Works; and Finance

House Bill No. 7070, entitled

AN ACT ESTABLISHING A DISTRICT OFFICE OF THE LAND TRANSPORTATION OFFICE (LTO) IN THE CITY OF GENERAL TRIAS, PROVINCE OF CAVITE AND APPROPRIATING FUNDS THEREFOR

To the Committees on Public Services; and Finance

House Bill No. 8034, entitled

AN ACT ESTABLISHING A DISTRICT OFFICE OF THE LAND TRANSPORTATION OFFICE IN THE MUNICIPALITY OF ENRIQUE B. MAGALONA IN THE PROVINCE OF NEGROS OCCIDENTAL, AND APPROPRIATING FUNDS THEREFOR

To the Committees on Public Services; and Finance

House Bill No. 9056, entitled

AN ACT ESTABLISHING A REGULAR DISTRICT OFFICE OF THE LAND TRANSPORTATION OFFICE (LTO)

IN THE MUNICIPALITY OF PAG-SANJAN, PROVINCE OF LAGUNA AND APPROPRIATING FUNDS THEREFOR

To the Committees on Public Services; and Finance

House Bill No. 9253, entitled

AN ACT RECLASSIFYING AS AGRICULTURAL LAND A PARCEL OF LAND OF THE PUBLIC DOMAIN LOCATED IN MANGABUL RESERVATION IN THE MUNICIPALITY OF BAYAMBANG, PROVINCE OF PANGASINAN, FOR THE PURPOSE OF DISTRIBUTING THE SAME TO LONG-TERM FARMERS AND OCCUPANTS THEREOF

To the Committee on Environment, Natural Resources and Climate Change

and House Bill No. 9268, entitled

AN ACT IMPOSING A LOGGING BAN IN THE CITY OF CAGAYAN DE ORO AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

To the Committee on Environment, Natural Resources and Climate Change

COMMITTEE REPORT

Committee Report No. 265, prepared and submitted jointly by the Committees on Trade, Commerce and Entrepreneurship; Health and Demography; and Finance, on Senate Bill No. 2239, with Senators Pacquiao, Sotto III, Zubiri, Tolentino, Recto and Cayetano as authors thereof, entitled

AN ACT REGULATING THE IMPORTATION, MANUFACTURE, SALE, PACKAGING, DISTRIBUTION, USE, AND COMMUNICATION OF VAPOR PRODUCTS AND HEATED TOBACCO PRODUCTS,

recommending its approval in substitution of Senate Bill Nos. 197, 496, 541, 1183, 1951 and 2099.

Sponsor: Senator Recto

To the Calendar for Ordinary Business

COAUTHORS/COSPONSORS

Senator Drilon manifested that Senators Gordon, Hontiveros, Zubiri, Recto, Angara, and Villanueva are coauthors and cosponsors of Senate Bill No. 2221.

SPECIAL ORDER

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of Committee Report No. 265 on Senate Bill No. 2239 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 265 ON SENATE BILL NO. 2239

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Second Reading, Senate Bill No. 2239 (Committee Report No. 265), entitled

AN ACT REGULATING THE IMPORTATION, MANUFACTURE, SALE, PACKAGING, DISTRIBUTION, USE AND COMMUNICATION OF VAPOR PRODUCTS AND HEATED TOBACCO PRODUCTS.

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

The Chair recognized Senator Recto for the sponsorship.

SPONSORSHIP SPEECH OF SENATOR RECTO

Senator Recto presented for plenary consideration Senate Bill No. 2239 under Committee Report No. 265, entitled "An Act Regulating the Importation, Manufacture, Sale, Packaging, Distribution, Use, and Communication of Vapor Products and Heated Tobacco Products," otherwise known as the Vaporized Nicotine Products Regulation Act which seeks to regulate and control the importation, manufacture,

sale, packaging, distribution, use, consumption, endorsement, sponsorship of vaporized nicotine products, and sets the penalties for violation thereof.

The full text of Senator Recto's sponsorship speech follows:

Let me begin by reciting the fundamental truths about smoking. It is bad. It is harmful. It is dangerous. It kills.

Long before George Floyd uttered it, "I can't breathe" has been the dying mantra of millions whose lives were cut short one lungful inhalation of smoke at a time.

I have to reiterate these, because this verdict has long been accepted and I am not here to re-litigate these unassailable facts.

To dissuade our people from consuming tobacco, the government, in fact, has erected an entire infrastructure of disincentives, from high taxes, to a ban on public smoking, to the use of fear factor such as the graphic images on cigarette packs.

This bill regulates and controls the importation, manufacture, sale, packaging, distribution, use, and consumption of vaporized nicotine products (VNPs), such as vapor products and heated tobacco products.

It will not be sold to minors, but I understand that some of my colleagues would like to raise the age limit—a discussion I look forward to having with them.

Retailers shall verify the age of the buyers, including the presentation of a valid ID at point-of-sale. To be "carded" is the rule.

This prohibition extends to online selling so that age verification is a must upon receipt of delivery. You cannot just "Grab" and go.

Furthermore, not just any bored millennial can sell it. Retailers or distributors, whether in mortar or portal stores, must be registered with the DTI and the SEC.

This bill empowers regulators to take down websites of unethical and illegal sellers.

Another key feature of this bill is that it will ban celebrity or social media influencers from endorsing these products, whether the endorsement is implied or expressed, or as a friend joked, regardless of their state of undress.

In the real world, sale and distribution of VNPs shall be banned within 100 meters from any point of the perimeter of a school,

playground or other facility frequented particularly by minors. Establishments offering, selling, or distributing VNPs shall bear a point-of-sale signage which states that sale to or by persons below 18 years old is illegal.

As to content, the retail or use of nicotine shots or concentrates is strictly prohibited. Borrowing the deterrent principle applied in cigarettes, VNPs shall carry a graphic health warning and textual health warning.

There are curbs and limits in advertisements and other forms of consumer communication, including display materials and promotional activities in point-of-sale, retail establishments, direct marketing, and on the Internet.

This bill limits corporate sponsorships to industry associations or trade events open only to adults. Use of VNPs is also restricted. It is specifically prohibited in schools, hospitals, government offices, and facilities intended particularly for minors.

Use in indoor public spaces shall only be allowed in designated vaping areas or in point-of-sale establishments for purposes of conducting product demonstration.

The accreditation to be done by DTI will set the product standards which sellers must meet within a limited period of time. The BIR will issue revenue regulations prescribing the floor price of VNPs. The latter cannot be sold at giveaway prices as a ploy to build a consumer base.

This bill sets the penalties for violations of the terms of sale and distribution, use in public spaces, packaging, product communications, and other regulations set in the Act.

Let me close not by hailing VNPs, but by pillorying it. Allow me to put on record that VNPs are not safe and not risk-free. Similar to cigarettes, they pose health risks.

The absence of combustion does not make it nicotine-free. What VNPs do is that they lessen the emission of other harmful chemical compounds which are released when tobacco is set on fire. This does not set tobacco on fire.

For many who have been trying, I included, the VNPs have been a good alternative to kick the habit of smoking. VNPs, as borne by many studies, can scale down tobacco consumption.

While this paradigm is still contested, it is gaining adherence from the science community as a feasible approach to tobacco control. I will not argue that these products are safe or as pristine as clean mountain air because there is

no debate there. That is why VNPs should not be sold to minors, and all efforts must be exerted by the government to prevent them from tasting it.

I present this bill for your consideration. I am very happy to engage you in an open, frank, and fruitful exchange of ideas that is a tradition of this institution of which we are its present stewards.

MANIFESTATION OF SENATOR CAYETANO

Senator Cayetano recalled that a few months ago, she expressed her apprehension on the transfer of the bills pertaining to e-cigarettes and vapes from the Committee on Health and Demography to the Committee on Trade, Commerce and Entrepreneurship.

Claiming that the current bill is a health issue which should have been retained within the jurisdiction of the Committee on Health and Demography, she stated that by the assurance of Senator Pimentel that it would be carefully scrutinized to ensure that health issues would not be relegated to the sidelines, she signed the committee report in good faith but with strong reservations in view of the information that there would be a change in age limit and VNP flavors.

Hoping for the retention of the age limit at 21 years old and the jurisdiction on the sale of e-cigarettes and vapes with the Food and Drug Administration, she believed that the Sin Tax Law, which was passed barely a year ago, should have been given ample time to show its effects before being amended. Still, she thanked Senator Recto for including in the bill certain restrictions on promotional activities such as the non-endorsement by celebrities which was a step in the right direction as VNPs are not a safe product.

Thereupon, Senator Cayetano looked forward to having fruitful discussions during the period of interpellations to come up with a strong measure which is fair to the tobacco industry and protective of the youth.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2239

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

SPECIAL ORDER

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of Committee Report No. 259 on Senate Bill No. 2215 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 259 ON SENATE BILL NO. 2215

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Second Reading, Senate Bill No. 2215 (Committee Report No. 259), entitled

AN ACT INSTITUTIONALIZING ANTI- DRUG ABUSE COUNCILS IN EVERY LOCAL GOVERNMENT UNIT, AND FOR OTHER PURPOSES.

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

The Chair recognized Senator Dela Rosa for the sponsorship.

SPONSORSHIP SPEECH OF SENATOR DELA ROSA

Senator Dela Rosa, chairperson of the Committee on Public Order and Dangerous Drugs, presented for plenary consideration Senate Bill No. 2215 under Committee Report No. 259, entitled "An Act Institutionalizing Anti-Drug Abuse Councils in Every Local Government Unit, and for Other Purposes," otherwise known as the Anti-Drug Abuse Councils (ADAC) Law, which institutionalizes Anti-Drug Abuse Councils in every province, city, municipality and barangay to ensure that anti-drug drug policies and programs are effectively implemented pursuant to the State policy of safeguarding the citizenry, particularly the youth, of the harmful effects of dangerous drugs.

The full text of Senator Dela Rosa's sponsorship speech follows:

According to the United Nations Office on Drugs and Crime, we are experiencing a global drug problem with at least 35 million people around the world who suffer from drug addiction.

In the Philippines, with the proactive campaign of the Duterte administration against illegal drugs, the country's drug problem has significantly improved. According to the data of the Dangerous Drugs Board (DDB) as of September 2020, only 40% of the 42,045 barangays nationwide are yet to be cleared by the PDEA and PNP while over 1.4 million drug personalities have voluntarily surrendered to the proper authorities. These are the Filipinos who share our vision for them – a vision of a better and more productive life.

As the number of surrenderers continues to grow, this may also mean that we are on the right track in terms of handling our country's drug problem. But what exactly does it mean to be on the right track?

In 2018, Assistant Secretary Walter Besas of the Dangerous Drugs Board said: "The most effective interventions are the ones that emanate from the community, carried out by the community — for the community."

The drug situation is not only a problem of the national government but likewise requires the collective effort of every territorial and political subdivision of the Republic. The recognition of this important role of our LGUs essentially gave rise to the creation of the Anti-Drug Abuse Council back in 1998, when the DILG mandated all levels of the local government to create their respective Anti-Drug Abuse Councils. This, aside from the fact that our very own hardworking Senate President Vicente Sotto III likewise founded the Quezon City Anti-Drug Abuse Advisory Council back when he was still the vice mayor of Quezon City in his pursuit of a drug-free country.

Through the efforts of the existing ADACs, our LGUs, working hand-in-hand with the national government, became more capable of properly crafting and implementing effective and efficient drug-related programs and activities, suited to the specific drug situation in every barangay, municipality, city and province, and most importantly, contributed significantly in the implementation of the Community-Based Drug Rehabilitation Programs.

Ika nga, ang bawat Pilipinong nalululong sa ipinagbabawal na gamot ay Pilipino pa rin -- nararapat na kalingain at pagalingin at pangangalaga ng ating gobyerno particular na ang lokal na pamahalaan. By adequately capacitating our LGUs in terms of rehabilitation, treatment then becomes more accessible to Persons Who Use Drugs or PWUDs.

In fact, on December 28, 2018, the DILG conducted the first-ever National Anti-Drug Abuse Council Performance Awards to 241 Outstanding Local Government Units, 21 of which were able to garner a perfect score of 100 based on the DILG's functionality indicators, namely: the Province of Davao Oriental; Quezon City; City of San Juan; City of Valenzuela; City of Alaminos, Pangasinan; City of Tacurong, Sultan Kudarat; Balaoan, Agoo, and San Gabriel (all in La Union); Bayambang, Pampanga, Orani, Bagac, and Pilar (all in Bataan); Carmona, Cavite; Torrijos, Marinduque, Nunuangan, Lanao del Norte; Pantukan, Compostela Valley; Surallah, South Cotabato; and Columbio and Esperanza, Sultan Kudarat.

Further, in 2020, according to the DILG, with their respective functional Anti-Drug Abuse Councils, 273 cities and municipalities were able to sustain the drug-cleared status of their affected barangays, while 234 cities and municipalities sustained the drug-free status of their unaffected barangays.

Nevertheless, despite these commendable efforts on the part of our LGUs, we know for a fact that whatever progress we may be enjoying today will only be as good as the next directive or the next order. That which we call progress, attained through these created councils, will survive only when there are people who believe in its cause, unless, of course, it becomes a law.

Samakatuwid, sa pagsasabatas ng panukalang ito, ating binibigyang-diin ang napakahalagang papel na ginagampanan ng bawat komunidad, katuwang ang kani-kanilang barangay, munisipalidad, lungsod, at probinsya, sa ika nga ay giyera laban sa droga.

Valerie Jarrett, senior adviser to former U.S. President Barack Obama, stated, and I quote: "When you are in local government, you are on the ground, and you are looking into the eyes and hearts of the people you are there to serve. It teaches you to listen...to be expansive in the people with whom you talk to...that engagement gives you political judgment."

Political judgement — judgement that does not come from ideas floating in space. Judgement that springs, instead, from experience straight from the ground, from looking right into the eyes and hearts of our fellow Filipinos.

To address the country's problem on drugs entails tapping into the wisdom and experience of those on the ground, those who can competently provide political judgment: our local government units. At the same time, it demands a systematic and institutional response.

The long and short of it, is that solving our drug problem requires political judgement and it is political judgement that directs us to the swift passage of this bill institutionalizing our Anti-Drug Abuse Councils.

MANIFESTATION OF SENATE PRESIDENT SOTTO

Senate President Sotto stated that he would submit a cosponsorship on Senate Bill No. 2215 for insertion into the *Record and Journal of the Senate*.

As a point of trivia, he recalled that when he established the Quezon City Anti-Drug Abuse Council in 1988, Quezon City shared 54% of the total drug cases out of the 17 cities and municipalities in the National Capital Region. He said that after four years, the Quezon City Anti-Drug Abuse Council was declared by the DDB and the Narcotics Command as a model council because records showed that in 1992, drug cases were cut down from 54% to 9% in the entire Metro Manila—the reason why he assured that the Anti-Drug Abuse Councils would be very effective and successful.

COSPONSORSHIP SPEECH OF SENATE PRESIDENT SOTTO

Pursuant to the manifestation of Senate President Sotto, following is his cosponsorship speech on Senate Bill No. 2215 which was deemed read into the *Journal and Record of the Senate*:

To attain a drug-resistant Philippines, the war against illegal drugs must have a holistic approach wherein prevention programs, supply reduction, and effective rehabilitation must be institutionalized. While there are specific government agencies that are primarily tasked to implement the appropriate programs, there is still much work to be done. Taking a grassroot approach, by tapping the local government units in ensuring the efficacious execution of illegal drug programs is indeed necessary.

In this fight, the local government units (LGUs), as the one mandated by law to ensure peace and order within communities, are really in the forefront. In order to achieve this goal, it is not sufficient that the LGUs shall only be appropriated with a substantial portion of their annual budget to assist in or enhance the enforcement of the country's anti-drug campaign giving priority to preventive or educational programs and the rehabilitation or treatment of

drugs dependents, as provided in Section 15 of Republic Act No. 9165, or the Comprehensive Dangerous Drugs Act of 2002. There must be a concrete and doable mechanism that the LGUs must carry out.

Thus, all LGUs should have an effective council that will focus on its anti-illegal drugs program, like the Quezon City Anti-Drug Abuse Advisory Council (QCADAAC) which, as mentioned by the principal sponsor, I amplified when I was still vice mayor of Quezon City. Based on this Representation's personal experience, this approach has been really effective as proven by the recognitions that it received as a model council from the Dangerous Drugs Board, the Narcotics Command and the World Health Organization. Likewise, in 2019, the Department of the Interior and Local Government has named QCADAAC as the most effective anti-drug abuse advisory group in the country. These recognitions are reflective of how it has been an effective means in the fight against illegal drugs, which this Representation hopes to be replicated and achieved by all LGUs in the entire country through this proposed legislation. The Anti-Drug Abuse Councils Bill aims to create the Anti-Drug Abuse Council (ADACs) in all provinces, cities, municipalities, and barangays all over the country as the main implementing organs for the prevention, rehabilitation, and monitoring of drug dependency cases.

With a problem as big as the illegal drugs, everyone must do their part, and our government is always on the hunt for possible solutions to it. This proposed bill, although not the be-all and end-all in solving this, is quite a significant move. Thus, the immediate passage of this bill is earnestly sought.

MANIFESTATION OF SENATOR ZUBIRI

Senator Zubiri stated that Senator Revilla would be submitting his cosponsorship speech on Senate Bill No. 2215 for insertion into the *Journal* and *Record of the Senate*.

COSPONSORSHIP SPEECH OF SENATOR REVILLA

Pursuant to the manifestation of Senator Zubiri, following is the cosponsorship speech of Senator Revilla on Senate Bill No. 2215, which was deemed read into the *Journal* and *Record of the Senate*.

Following is the full text of Senator Revilla's cosponsorship speech:

With the permission of our good Chairperson of the Committee on Public Order and Dangerous Drugs, Sen. Ronald "Bato" Dela Rosa, I would like to render my full support to Senate Bill No. 2215 under Committee Report No. 259, otherwise known as the "Anti-Drug Abuse Councils (ADAC) Law" by being a coauthor and cosponsor of the said measure.

Our fight against dangerous drugs is far from over. We have made significant reforms in our laws and programs, but much has to be done to totally eradicate this menace in our society.

Kaya't marapat lamang na patuloy tayong magkaisa at magtulungan upang masugpo at mawakasan ang suliraning ito. Batid natin ang mga ginagawang hakbang ng ating pamahalaan ngunit kailangan pa nating paigtingin ang mga ito sa pamamagitan ng mga batas na kailangan at angkop sa panahon at kalagayan natin ngayon.

Sa ngayon ay mayroon tayong Anti-Drug Abuse Councils o ADACs sa lahat ng lebel ng ating mga lokal na pamahalaan na walang tigil sa pagseserbisyo sa ating komunidad. The ADACs are composed of local officials, the police, officials from the judiciary, representatives from the academe, faith-based organizations, and civil society, among others.

To strengthen and coordinate the efforts of the ADACs, the Department of the Interior and Local Government (DILG) and the Dangerous Drugs Board (DDB) issued Joint Memorandum Circular No. 2018-01 on May 21, 2018 which lays down the "Implementing Guidelines on the Functionality and Effectiveness of Local Anti-Drug Abuse Councils." It aims to establish "structural consistency and a comprehensive monitoring and reporting system" to ensure "an enabling environment for functional and effective ADACs."

Sa mga nagdaang taon, nakita po natin ang mahalagang kontribusyon ng mga ADAC mula sa iba't ibang bahagi ng ating bansa. Among others, the beloved cities of our Senate President Sotto and of our Committee Chairman, Senator Bato – Quezon City and Davao City, respectively – are shining examples of the persistent and effective efforts of our LGUs in combating the problems on drugs.

Siyempre hindi rin po magpapahuli ang Lalawigan ng Cavite at ang Lungsod ng Bacoor. Hayaan po ninyong ipagmalaki ko rin ang aming achievements sa larangan na ito. Noon pong 2019 ay kinilala ng DILG at Philippine Drug Enforcement Agency o PDEA ang ADAC

ng lahat ng dalawampu't tatlong (23) LGUs ng Cavite during the Anti-Drug Abuse Council Performance Audit. It was in recognition of their efforts in "ensuring that anti-illegal drugs programs are implemented down to the barangay level in order to achieve the goal of a drug-free Philippines by 2021." The Province of Cavite was also a regional awardee which received a 95% performance rating for the functionality of the provincial ADAC.

These achievements emphasize the ability and commitment of LGUs and their partners in the community in sustaining our efforts against the drug menace.

Senate Bill No. 2215 seeks to institutionalize the ADACs in every province, city, municipality, and barangay by identifying the specific roles of LGUs, and the duties and responsibilities as well as composition of ADACs. The measure also provides for the establishment of the Anti-Drug Abuse Office (ADAO) in every city and municipality which shall serve as the secretariat of the ADACs. *Sa ilalim ng panukalang batas na ito ay ipagpapatuloy pa rin po ang performance monitoring na kasalukuyang ginagawa ng DILG.*

I am certain that this bill, when enacted into law, will be beneficial to our local government units in general, and the ADACs and their partners in particular as it provides a legal framework for their existence and operation.

ADACs are unceasingly working hard and have proven their significant role in our crusade against drugs. I am earnestly calling our colleagues to support the passage of this measure as another step closer to our aspiration of a drug-free nation.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2215

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

COMMITTEE REPORT NO. 264 ON SENATE BILL NO. 2234 (Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 2234 (Committee Report No. 264), entitled

AN ACT CREATING THE DEPARTMENT OF MIGRANT WORKERS

AND OVERSEAS FILIPINOS, DEFINING ITS POWERS AND FUNCTIONS, RATIONALIZING THE ORGANIZATION AND FUNCTIONS OF GOVERNMENT AGENCIES RELATED TO OVERSEAS EMPLOYMENT AND MIGRATION, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

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

Thereupon, the Chair recognized Senator Dela Rosa and Senator Gordon to deliver their cosponsorship speeches.

COSPONSORSHIP SPEECH OF SENATOR DELA ROSA

In cosponsoring Senate Bill No. 2234, Senator Dela Rosa delivered the following cosponsorship speech:

Today, I rise to cosponsor one of the landmark legislations that the 18th Congress of the Philippines will pass, Senate Bill No. 2234 under Committee Report No. 264 or the bill creating the Department of Migrant Workers and Overseas Filipinos.

First and foremost, I would like to congratulate our chairman of the Senate Committee on Labor and Employment, the distinguished gentlemen from Bulacan, Sen. Joel Villanueva, for his steadfast and fervid passion in prioritizing our overseas Filipinos and in coming up with this comprehensive and all-inclusive bill. I have witnessed his dedication during the committee hearings conducted for this bill together with our colleagues, most especially our Minority Floor Leader, Sen. Frank Drilon; our Senate President Pro Tempore Ralph Recto; Sen. Nancy Binay; and Sen. Imee Marcos.

Ang inyong lingkod po ay nakikiisa sa libo-libong migrant workers and overseas Filipinos at kanilang mga pamilya. Puno tayo ng pag-asa na ang panukalang batas na ito ang magpapalawig sa proteksyon at tulong para sa ating mga bagong bayani. Tinatayang 10.2 million ang ating mga kababayan na nasa ibang bansa, na kung saan 2.2 million dito ay mga overseas Filipino workers. Nakikipagsapalaran sila, tinititiis ang lungkot na mawalay sa kanilang pamilya sa pangarap na mabigyan ng magandang buhay ang mga ito.

Bagamat may mga hakbangin para paunlarin ang ating ekonomiya, habang hindi pa ito nakakamtan, mananatiling alternatibong hanapbuhay ang pangingibang-bansa. Dahil sa patuloy na pagdami ng ating mga kababayang OFWs, tungkulin ng ating pamahalaan ang patuloy na pagbibigay serbisyo at siguraduhin na protektado ang kanilang mga karapatan at kapakanan.

Halos araw-araw mayroong mga OFWs na humihingi ng tulong sa aking opisina - nagpapadala ng sulat, email o tumatawag. Bukod sa mga problema nila sa kanilang trabaho, kadalasan din silang nalilito kung saan lalapit para humingi ng tulong. Kaya naman, katulad ng ating butihing Chairman, Sen. Villanueva, ang aking opisina rin ay nagkaroon ng mga konsultasyon kung paano natin mabilis masosolusyonan ang mga hinaing ng ating mga kababayan na nasa ibang bansa sa pamamagitan ng pagtatatag ng isang departamento. Ilan sa mga OFW groups na ating kinausap ay ang Bantay at Kasangga ng OFW; OFW-Reintegration & Development Inc.; Horsegate Defender & Trumpet Blowers; OFW Council of Leaders; Advocates & Keepers Organization of OFW; Batangueño ng Saudi Arabia; Values Formation Council Philippines International Inc.; at United Filipino Global. Sa ating mga OFW at OFW groups, maraming salamat po sa inyong oras na inilaan para tulungan ang Senado sa pagbalangkas ng panukalang batas na ito.

We believe that the creation of a single department solely devoted to promoting the welfare and instituting a higher standard of safety of all overseas Filipinos will indeed harmonize and integrate the functions of the various agencies and offices that will make the delivery of services more accessible and available. It has always been one of my advocacies to help craft the most comprehensive and extensive policies and programs that protect the rights and promote the welfare of our kababayans abroad. What we do not want to happen is for our overseas Filipinos and their families to think that their government has neglected and abandoned them.

It is high time for the Philippine government to let our OFWs know na lagi po kayong iniisip ng ating pamahalaan. Pinagbubutihan pa po natin para dumating ang araw na hindi na kailangan pang mangibang-bansa ang ating mga kababayan. Gaano man katayog ang ating mga pangarap para sa ating pamilya, darating ang araw na hindi na natin kailangang lumulan ng eroplano para maabot ang mga ito.

COSPONSORSHIP REMARKS OF SENATOR GORDON

At the outset, Senator Gordon expressed his appreciation to Senator Villanueva and to the co-authors for their sacrifices in ensuring the passage of the law.

He said he was rising up as he has had much experience in helping OFWs get home or get some form of aid. He said that the measure is an idea whose time has come, noting that the Philippines has long been using the way of the OFW to allow people to find their future in foreign shores amid the lack of opportunities in the country. However, he expressed dismay that most have clinched the proverbial blade of the knife just to get abroad, with some selling their properties to pay the recruiter only to get duped by them. He said that some were able to get contracts abroad only to find out when they get there that their contracts have been changed and they would be brought to places that were not stipulated therein.

He stated that he was well aware of the many problems that the OFWs are facing as he had been talking to them frequently during his visits to Philippine consulates abroad and they would tell him their problems. In particular, he said that OFWs find it difficult to get assistance from the Philippine Overseas Labor Office (POLO) in Saudi Arabia, with some of them dying before help could come. He said that it is tragic that while the country had earned over P1.5 trillion in 2020 from overseas remittances, the clear way for OFWs to be adequately protected has not been found. He said if Filipino overseas workers are not protected, then the country has no right or privilege to be called the home of the OFWs.

Senator Gordon cited recent reports made by Susan "Toots" Ople regarding OFWs who had suffered human rights abuses amid the pandemic. He said that aside from the 170 OFWs that had suffered abuse during the time of COVID-19 many others in normal times, have been treated unjustly and have even been imprisoned abroad. He said that poverty is also a hindrance for the families of OFWs to get assistance for the repatriation of their loved ones even from the DFA or the Overseas Workers Welfare Administration (OWWA). Thus, he proposed to get into one body all the matters pertaining to OFWs through the proposed Department of Migrant Workers and Overseas Filipinos.

He then cited the case of Mr. Romulo Del Rosario who had been stranded in Russia but was able to return to the Philippines through the assistance of the International Committee of the Red Cross.

He stressed the need for government to find ways and means to try to get the overseas and even migrant Filipinos to come home. He surmised that Senator Villanueva's plan is to include a provision to that effect. He also recalled the incident wherein a constituent asked for help to repatriate Ace Wendy Jutar, Geraldine Medina, and Amilou Dandan who were recruited allegedly for a job but were brought to Côte d'Ivoire where they were sold to prostitution. He said that they were successfully repatriated, although one of them asked to stay to be able to work there. He also recalled that he had coordinated with the Thai Red Cross and the IFRC to bring home Arnia, Guilamela Esmael, Norhata Mentol, Noraysa Asi, and Arnia Sanduyugan who were also victims of illegal recruitment.

He also lamented how some OFWs resort to jumping out of windows to escape from abusive employers, such as Gina Agustin Aguilar who fortunately survived, while another OFW, Michelle Tumagan, died and whose remains were brought back to the country through the assistance of the Red Cross. He disclosed how the Red Cross has extended help to several OFWs in order to reunite them with their families. During the war in Gaza, he said that the Red Cross aided around 75 families and 70 repatriates, including their children and Palestinian husbands, to return to the Philippines.

He stressed the importance of the measure and the need for it to be realized.

He also cited the case of the 2,118 Filipinos in Sabah, Malaysia who returned to the country through the assistance of the Red Cross after being harassed.

He said that based on empirical evidence, it is evident that many Filipinos are being raped or abused; with most being viewed as slaves while working as house helpers.

Thus, he said that passing the DOFil Bill into law would be a big help for the OFWs and would show them that the government is serious about helping them.

He also emphasized the need to thoroughly prepare the proposed Department of Migrant Workers

and Overseas Filipinos by providing the department sufficient funding, and focused and brilliant personnel, psychologists, and experts in foreign affairs to ensure its efficiency and flexibility in addressing and anticipating potential problems.

At this point, he lauded Senator Villanueva and the coauthors of Senate Bill No. 2234, saying that the proposed measure was heaven-sent to most Filipinos as they could gain confidence in their government since there would be an agency to legally and financially protect and defend the country's migrant workers, provide them psychosocial support, and cooperate with other countries through multilateral conferences – together with other migrant-worker sending countries such as Indonesia, India, and Bangladesh – in crafting a *Magna Carta* for overseas workers.

He urged the Body to push for the measure in order to strengthen the rights and welfare of migrant workers. He believed that in sending migrant Filipino workers to host countries, the Philippine government has the concomitant responsibility to protect them and provide them a 24-hour assistance hotline.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2234

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

COMMITTEE REPORT NO. 258 ON SENATE BILL NO. 2214

(Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 2214 (Committee Report No. 258), entitled

**AN ACT RESETTING THE FIRST
REGULAR ELECTIONS IN THE
BANGSAMORO AUTONOMOUS
REGION IN MUSLIM MINDANAO,
AMENDING, FOR THE PURPOSE,
SECTION 13, ARTICLE XVI OF
REPUBLIC ACT NO. 11054, OTHER-
WISE KNOWN AS THE "ORGANIC
LAW FOR THE BANGSAMORO
AUTONOMOUS REGION IN
MUSLIM MINDANAO."**

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

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

INTERPELLATION OF SENATOR LACSON

Asked by Senator Lacson if Senate Bill No. 2214 is an amendatory bill that seeks to amend certain provisions of Republic Act No. 11054, or the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao (OLBARM), Senator Tolentino replied in the affirmative, saying that the intention of the proposed measure is to reset the first regular elections of the Bangsamoro Autonomous Region in Muslim Mindanao from 2022 to 2025.

Asked on the other provisions that the bill proposes to amend, Senator Tolentino replied that Section 2 of the bill merely reiterate the existing provisions in Republic Act No. 11054.

Surmising that Senator Lacson was referring to the proposed amendment on the seat allocation, he enumerated that the following are stated in the existing law: that there are eight (8) reserved seats; that the Moro Islamic Liberation Front is the lead entity; that there are seats allocated to the non-Moro tribes, lumads, traditional leaders, ulamas, youth, and women; and that the Parliament is composed of 80 members.

As to the third provision in Senate Bill No. 2214, Senator Tolentino affirmed that the proposal is to include the role of Congress in aiding or assisting the Bangsamoro Parliament. He said that while there is a provision in the existing OLBARM on the creation of the Philippine Congress-Bangsamoro Parliament Forum, the third provision in the bill would be part of the measures that would assist the interim government in completing its mandates; hence, the measure would merely assist and not change the parliament forum.

Senator Lacson surmised that the basic structure and the right to suffrage of the people in the Bangsamoro Region would somehow be affected by the bill's provision on the composition and expansion of membership as well as the provision on the postponement of the election to synchronize with the May 2025 elections instead of May 2022.

Senator Tolentino disagreed, saying that there would be no restructuring of the current Bangsamoro framework, that the parliament would still be composed of 80 members, and that the framework and the 55 basic legislative functions of the Bangsamoro Parliament would be retained. He reiterated that the only change would be the postponement of the elections, which has been done eight times, and that all deferrals have been upheld by the Supreme Court and were part of the plenary functions of Congress.

Noting that the COVID-19 pandemic has imposed severe hardship on the BTA in performing its functions, Senator Tolentino cited the reasons for the postponement of the elections:

- One, he said that the BTA was not able to craft, promulgate, and finish the Bangsamoro Electoral Code which would require parliamentary districting; since there are no parliamentary districts, the elections could not be conducted practically and realistically;
- Two, the normalization process, to no fault of the Bangsamoro Parliament, was not completed because the national government failed to download the funds; for the normalization process alone, only P1.3 billion out of P7 billion has so far been downloaded.

He then wondered how the normalization process, which is part of the comprehensive agreement on the Bangsamoro, would be completed.

He opined that the government and the OLBARM would be put in a situation wherein it would be impossible to perform a contract, if ever there is one between the Government of the Republic of the Philippines (GRP) and the MILF.

Asked if jurisprudence had been included in his explanation and if he was referring to the case of *Datu Michael Abas Kida, et al. vs. the Senate of the Philippines*, G.R. No. 196271, February 28, 2012, Senator Tolentino replied in the affirmative.

In the ruling, Senator Lacson stated that the Supreme Court maintained that the postponement of the elections as provided in Republic Act No. 9054, or the Organic Act for the Autonomous Region of Muslim Mindanao, would apply to the postponement of BARM's first regular elections.

Senator Lacson then read the excerpt in *Datu Michael Abas Kida, et al. vs. Senate of the Philippines*, to wit:

Section 18, Article X of the Constitution provides that “(t)he creation of the autonomous region shall be effective when approved by majority of the votes cast by the constituent units in a plebiscite called for the purpose[.]” We interpreted this to mean that only amendments to, or revisions of, the Organic Act constitutionally-essential to the creation of autonomous regions – i.e., those aspects specifically mentioned in the Constitution which Congress must provide for in the Organic Act – require ratification through a plebiscite.”

Senator Lacson posited that the Abas Kida case is not applicable under the law because there are amendments being sought under Senate Bill No. 2214 that are not present in the Supreme Court ruling. He explained that the postponement of the election under the old Organic Law would connote that a separate legislation (Senate Bill No. 2214) has been filed to postpone the elections because the date as to when the election should be held was not specified under the old Organic Law. He noted that the OLBARM specifically stated that the first regular election would be held in May 2022, synchronized to the national election.

Senator Lacson explained that he premised his line of questioning on the assumption that the bill was amending Republic Act No. 11054, or the OLBARM, as earlier confirmed by Senator Tolentino.

Relative thereto, he stated that a plebiscite would be necessary whenever amendments or revisions are introduced in the organic law. Consequently, he manifested that he would be introducing, at the proper time, an amendment to include ratification by plebiscite in Senate Bill No. 2214.

In reply, Senator Tolentino said that the Supreme Court decision cited by Senator Lacson specifically mentioned three instances wherein a plebiscite would be required, to wit: 1) when there is an amendment relative to the basic structure of government such as when a parliamentary unitary system of government would be amended into a bicameral system; 2) when there is a change in the region’s judicial system, such as changing the *Shariah* to another form and excluding the special courts with personal, family, and property law jurisdictions; and 3) when the grant

and extent of legislative powers constitutionally concede to the regional government — the BARMM under Section 20, Article X of the Constitution. He stated that the organic act of autonomous regions provides nine legislative powers according to the 1987 Philippine Constitution.

He then urged the Body, as a constitutional floor, to consider the nine legislative powers and not the ceiling, saying that the third instance that requires a plebiscite was a catch-all provision that resulted in 55 enumerated legislative powers of the BARMM Parliament.

When referring to the Organic Law which would need a plebiscite, he said that it should be noted that the Supreme Court ruling specifically mentioned that it would stand by the three mentioned standards.

He clarified that the bill is not attempting to change the structure of the BARMM as it would still be an 80-member parliament, or the BTA, if it is in the interim. He added that the region’s judicial system would still be the *Shariah*, and that the 55 enumerated powers, such as urban planning, taxation, and environment would still be retained.

As to the substantiality of the amendment to the date of election in the Organic Act, he posited that it has been affirmed by the Supreme Court, to wit: “The date of the elections does not fall on other matters that the Constitution specifically mandated Congress to provide for in the Organic Act.” Thus, he said that any change in the date of the elections cannot be construed as a substantial amendment of the Organic Act that would require a plebiscite.

He reiterated that the bill would not be changing the Organic Act but would merely be resetting the elections. He opined that there was a mistake on the part of the framers of the Constitution such that they should not have named an Organic Act as such but only as an enabling act, saying that an organic act is the Constitution itself which is a fundamental law.

He also noted that the Abas Kida case was very clear that resetting the date would not be changing the structure of the OLBARM. Senator Lacson agreed, saying that the region’s judicial system and the grant and extent of the legislative powers have constitutionally conceded to the regional government system. However, he said that as a democratic country, the right to suffrage is naturally included in considering

the right to suffrage is naturally included in considering the basic structure of the regional government.

He then read Section 3, Article 1 of the Bangsamoro Organic Law (BOL), to wit: "The purpose of the Organic Law is to establish a political entity, provide for its basic structure of government in recognition of the justness and legitimacy of the cause of the Bangsamoro people and the aspirations of Muslim Filipinos and all indigenous cultural communities in the Bangsamoro Autonomous Region in Muslim Mindanao, to secure their identity and posterity, allowing for meaningful self-governance within the framework of the Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines."

He opined that introducing the amendment to postpone the BARMM's first regular election to 2025 would definitely affect the basic structure of the Bangsamoro regional government because the Muslim people would not be able to exercise their right to suffrage. He also noted that in the plebiscite that was ratified in January 2019 had included the holding of elections after the three-year transition period.

Senator Tolentino agreed with Senator Lacson on the importance of the right to suffrage. However, he believed that there should be a clear delineation between the structure and the substantive rights of the voters or residents of the Bangsamoro Region.

On the case cited by Senator Lacson which states that "For legislative actions, we see the clear intention of Congress to treat laws that fixed the date of the subsequent elections as a separate and distinct from organic acts," he pointed out that it has been clearly stated that the structure would not be affected, thus, the Organic Law remains even if the fundamental right to vote might be delayed because of supervening or unforeseen events—through no fault of the Bangsamoro government and the national government—which necessitates the postponement of elections.

On the question as to how an election or plebiscite could be conducted, Senator Tolentino gave two reasons. First, he said that there is still no Bangsamoro Electoral Code which is a condition *sine qua non* for the conduct of elections; during the public hearings, the Commission on Elections even admitted that they were at a loss as to how to conduct the elections in Muslim Mindanao because of the absence of a

parliamentary system. He explained that their existing congressional districts would not apply because under the BOL, the framers envisioned that 100,000 residents would constitute one parliamentary district but that they have yet to finish their Electoral Code. Second, he said that the COMELEC have yet to receive the complete Philippine Statistics Authority (PSA) census conducted for the year 2020.

He said that the supervening events, which include the inability of the BTA to conduct parliamentary hearings especially in the island provinces because of lack of Wi-Fi connection, as well as the unavailability of funds because they were used for pandemic-related purposes, were circumstances beyond their control and were not envisioned during the crafting of the law.

However, he believed that the decision of the Supreme Court in the Abas Kida case is applicable to the measure. He said that the Supreme Court has ruled that the powers of Congress could not be diluted and that it could amend the Bangsamoro Organic Law and postpone the elections without need for a plebiscite. In addition, he said that Congress has the right to respond to human crisis, particularly the current situation that engulfs the Bangsamoro area and the Philippines, the reason why they were unable to comply with and finish the two tracks – the political track which includes the normalization process, and the legal track which is the full implementation of the BOL, although not through their fault, and which would have resulted in an exit agreement. He said that the two tracks could have normalized the lives of the Bangsamoro residents, including the population of the four Bangsamoro military camps, and the decommissioning of 40,000 Bangsamoro warriors and fighters.

He reiterated the need to postpone the elections in the BARMM elections which could not be done under the prevailing circumstances, which is not through the fault of either the national government of the Bangsamoro Regional Government.

Senator Lacson asked whether Senator Tolentino would agree with him that the result of the plebiscite would have been different if the provision to hold the first regular election in the region had not been included in RA 11054. He believed that the logical assumption on the matter was that the people voted in favor of the plebiscite because they were hoping that they would be voting for their leaders in the Bangsamoro region three years later, or in 2022.

Senator Tolentino believed that there could be many other factors to consider. Senator Lacson stressed that the 2022 election could have been the major factor. Senator Tolentino surmised that peace, economic development, social development, the participation of the indigenous peoples (IPs), the non-Moro tribes, the anticipated development coming from the natural resources, and the future of Bangsamoro were all congruent factors that could have made the people decide to vote in favor of the plebiscite.

He pointed out that there is no textual provision in the current Bangsamoro Organic Law and even in the Constitution that prohibits the postponement of the elections, nor does it appear that any postponement of the elections would require a plebiscite. He said that there is also no provision in the law that Congress cannot postpone the elections.

At this juncture, Senator Zubiri recalled that the last postponement of the election was questioned before the Supreme Court but it was declared by the Court as not unconstitutional nor illegal, only that it has to be synchronized with the national elections.

Senator Tolentino likewise recalled the eight instances wherein the elections in BARMM were reset, to wit: 1) from March 4, 1996 to September 9, 1996; 2) from March 8, 1999 to September 9, 1999; 3) from September 9, 1999 to September 11, 2000; 4) from September 11, 2000 to May 14, 2001; 5) from May 14, 2001 to September 10, 2001; 6) from September 10, 2001 to November 26, 2001; 7) when Republic Act No. 9333 set the dates but was again postponed to November 26, 2001; and 8) from August 8, 2011 to May 2013.

In all the eight instances, Senator Tolentino said that the Supreme Court stood by the Congress of the Philippines in upholding their plenary duties and prerogatives to reschedule the elections when needed because of public interest. He pointed out that not only the pandemic but also the confluence of events, peace and order situation, and socioeconomic factors necessitate the postponement of the 2022 BARMM elections.

Senator Lacson agreed that there is no question on the synchronization of elections because it is a constitutional mandate. However, he opined that the election of leaders should be considered as an act of securing the identity and posterity of the Bangsamoro people as it would affect the basic structure of the

regional government on the right to suffrage of the people as included in the Abas Kida ruling. He said that it was his contention that the ruling is not applicable in the case of the BARMM elections because the past postponement was made possible through a separate legislation and the date of election was not indicated in the old Organic Law.

As specifically indicated in RA 10054, He reiterated that the holding of the election should be synchronized with the May 20, 2022 elections. He maintained that it should not apply to the proposed measure because the date of election is specified. Thus, he pointed out that the right to suffrage of the people of the Bangsamoro Region which is included in their basic structure is affected because it takes away their right to elect their own leaders in May 2022.

Agreeing with Senator Lacson that the right of suffrage is fundamental, Senator Tolentino said that there is likewise the basic principle which all parliaments and legislatures that democratically-free countries are following. He said that entrenched legislation has been frowned upon and often considered unconstitutional as the hands of future legislation could not be tied by identifying a specific date. He pointed out that any congress, as representatives of the people, could enact laws necessary for the general welfare and no previous Congress could tie their hands. He said that not even a two-thirds majority requirement nor the requirements of other qualifications would prevent the succeeding Congress to enact laws.

He reiterated that imposing a fixed date which the current congress could not amend would practically tie the hands of the current and future congresses which is not allowed in any democratically constituted parliament. He said that Congress is free to enact laws, and the Senate is a plenary body with comprehensive and absolute authority, except when it violates the tenets of the Constitution. He stressed the need to uphold the right of Congress to amend laws when it is for the general welfare and public interest of the Filipino and the Bangsamoro people as they strive to attain peace.

Senator Lacson then asked if it would be constitutional to postpone the 2022 national elections to another year. He explained that he was not trying to stop the postponement of the regional election, only that it should be ratified in a plebiscite because the right to suffrage of the Bangsamoro people is affected. He said that it was why he was proposing

that the proposed postponement of the election should also be ratified by the Bangsamoro people because as mentioned earlier in his interpellation, the first election that would be held in May 2022 was included in the plebiscite that was conducted in January 2019.

He believed that the result of the plebiscite would have been affected and the Bangsamoro people would have voted differently if the schedule of the election had been open-ended as they were hoping to be able to elect their own leaders in May 2022 after the three-year transition period.

At this point, Senator Zubiri recalled that the committee had clarified the substantial provisions that would need a plebiscite during the bicameral conference committee meeting for the Bangsamoro Organic Law.

Senator Zubiri recalled that the subject of the discussion then was letting Congress decide if there was indeed a need to postpone elections. He then recounted to the Body the position that the bicameral committee members took relative to the issue. He vividly recalled that one of the congressmen, Representative Fariñas, who was the chairman of the House panel, asked: "What if we want to postpone eventually again, just like what happened in the past?" He noted that such observation tied nicely with the point of Senator Tolentino—to not tie the hands of Congress and to allow it to decide, when the particular time comes, on the need to postpone the elections or not.

He said that at the proper time, he would present to the Body the transcripts of proceedings of the aforementioned meeting. He said that in the discussions during said meeting, he made the suggestion that the conference committee members should determine what amendments to the measure would need a plebiscite, and those that would not. He said that Minister Naguib Sinarimbo, who was then a member of the legal team during the discussions, could attest to the proceedings.


Senator Zubiri then identified the difference between national and local elections, which were items provided for in the Constitution, and the ones held in autonomous regions of the country. He stated that as autonomous regions are creations of Congress, legislations pertaining to them could easily be amended, adding that if the amendments are substantial, then plebiscites are needed.

At this juncture, Senator Lacson sought clarification if the Abas Kida ruling, relative to the power of Congress to postpone elections, was mentioned in the aforesaid discussions. He surmised, however, that the bicameral committee would not have included the jurisprudence in their deliberation which was a notable one. He believed that its inclusion in the items discussed would have provided the senators and congressmen in attendance a complete appreciation of the matter at hand.

In response, Senator Zubiri said that the members of the bicameral conference discussed the decision of Congress to postpone the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) elections as the same was questioned. He disclosed that it was actually Senator Drilon who moved for its postponement in 2011. Senator Lacson replied that the postponement was a different matter, as he pointed out that the date of the BARMM elections had not been specified, with the provision only saying that said election should be synchronized with the national elections. Relative thereto, Senator Zubiri said that the attendees briefly discussed the Supreme Court ruling, and stated from his recollection that the High Court ruled that no law could prevent Congress from resetting the elections. He noted, however, that a law must be passed in order to do so, and that the aforesaid election must coincide with the national elections as was previously pointed out by Senator Lacson.

Senator Lacson concurred with Senator Zubiri's reply. However, he said that he was not arguing on the issue of the postponement of the BARMM elections; rather, if Congress proposes to do so, it should provide that it be ratified in a plebiscite.

At this juncture, Senator Zubiri quoted from the minutes of the bicameral conference, wherein Representative Fariñas and Senator Drilon, along with Representative Sangcopan, were deliberating on the need to reset the elections. Reading from the transcript, he mentioned that Representative Fariñas did not see the need for a plebiscite should Congress decide to postpone the elections. He then noted Senator Drilon's response that Congress, in postponing the elections, amended the Election Code and not the ARMM (Autonomous Region in Muslim Mindanao) Law, leading one to conclude that when the term of the ARMM expires, the President could then invoke the power to appoint officials because of the vacancy.



Subsequently, he also read Representative Sangcopan's view that the incumbents' terms expired because of the Synchronization Law that was pending before the Supreme Court. Senator Zubiri ended by saying that both the Senate and the House of Representative panels were in agreement that in the postponement of ARMM elections, there would be no need for the conduct of a plebiscite.

Senator Lacson inquired if the postponement of the ARMM elections amended the ARMM Organic Law. Senator Zubiri replied that ARMM was abolished by virtue of the passage of the Bangsamoro Organic Law (BOL). Senator Lacson explained that he was referring to the postponement of the 2011 ARMM election. He pointed out that while the aforementioned election had been successfully reset at that time, Congress then did not amend the Organic Law establishing the ARMM. He also reminded the Body that the Congress then had to pass a separate law, as no date for the ARMM elections was specified in the Organic Law.

Senator Lacson stated that the current measure is seeking to amend a BOL provision setting the first regular elections for the region to May 2022. He emphasized that at that moment, democracy should be upheld at all times, as he emphasized that the right to suffrage is an indication that democracy is alive. He maintained that the postponement of elections must be duly ratified by the people who voted for the original BOL.

Senator Zubiri, quoting from the minutes of the aforementioned bicameral conference, then cited excerpts as read by Representative Fariñas to its attendees, from the Supreme Court's interpretation of Article X, Section 18 of the 1987 Constitution relative to the Abas Kida case, to wit: "Only amendments to, or revisions of the Organic Act constitutionally essential to the creation of the autonomous regions—i.e., those aspects specifically mentioned in the Constitution, which Congress must provide for in the Organic Act—require ratification through a plebiscite."

Echoing the arguments made by Representative Fariñas, Senator Zubiri said that setting the date for the ARMM elections does not fall under any of the items under Article X, Section 20 of the 1987 Constitution that had been constitutionally mandated a plebiscite requirement. He further quoted Representative Fariñas as saying, "...in the same

manner, that even in the Constitution, when it is an amendment, it may be done through people's initiative." He said he vividly recalled Senator Drilon responding in the affirmative.

Relative thereto, Senator Lacson noted that both Senator Zubiri and himself had cited the same ruling by the High Court. Senator Zubiri acknowledged the observation.

At this juncture, Senator Tolentino surmised that the two words which could be gleaned from the Supreme Court Ruling on the Abas Kida case would attract everyone in the Chamber: constitutionally essential. In that regard, he said that a plebiscite would be needed if revisions or amendments to the Organic Act are deemed constitutionally essential to the creation of autonomous regions. Citing three constitutional essentials, he mentioned 1) structure, 2) judicial system, and 3) specified functions of parliament. Elaborating further, he stated that structure refers to the framework or composition of government, wherein a parliament, headed by a chief minister, is made up of 80 cabinet members. Relative thereto, he said that the goal of the measure is not the expansion or reduction of membership. He also said that the bill would not change the mode of election, and added that the chief minister would still be selected by the members of parliament. Moreover, he mentioned that the voting membership of the non-Moro tribes, settler communities, Ulamas, women, and youth would still be the same. He stated that the measure did not concern itself with any of the aforementioned, but rather focused on the resetting of the elections.

Senator Tolentino stated that Section 1, Article 17 of the BOL, or Republic Act 11054, had been very clear when it was passed and subsequently ratified by the people in the region. He then quoted the section, to wit: "Any amendment to, revision, or repeal of this Organic Law shall be made by law enacted by the Congress of the Philippines." He said that the people of the Bangsamoro acquiesced to such when it voted in the plebiscite to ratify that any change in the BOL could be done by Congress. He further said that the power of Congress to amend could not be curtailed by a legislation.

As to the right to suffrage, he opined that it is a fundamental right of Filipinos and that it could not be limited to where one lives. He stated that by 2022, every registered voter could vote in the national elections; however, for the Bangsamoro people,

election would be delayed due to supervening events as several prerequisite codes and documents like the Bangsamoro Electoral Code, the Exit Agreement, the Internal Revenue Code, and the Local Government Code have yet to be drafted.

Senator Tolentino believed that the measure, once approved, would be instrumental in reaching the ideal as envisioned by the BOL. He clarified, however that if the extension is granted to the Bangsamoro Transition Authority (BTA), being the interim government in the region, it would not specifically cover the people comprising the same, but rather it is the term of the institution that is being extended regardless of its composition. Additionally, he said that in the creation of the BTA, which he deemed as participative, inclusive, ideal, and approximating of the people's need for peace, is the recognition that "ours is a government of laws, not of men."

In closing, he emphasized that the ultimate goal of the measure is peace and not just suffrage, as he mentioned in his sponsorship speech.

At this juncture, Senator Lacson said that he was not questioning the powers of Congress, adding that he has no doubt as to the power of Congress to legislate. He said that his reservation on the bill lies with the necessity of holding a plebiscite to ratify the postponement of elections in the region as it would affect the system by encroaching on the right to suffrage of the Bangsamoro people.

Senator Tolentino replied by quoting once again Article X, Section 18 of the 1987 Constitution relative to the *Abas Kida* case, only at that point, it was the petitioner's interpretation of the same, to wit: "All amendments to the Organic Act have to undergo the plebiscite requirement before becoming effective. This would lead to impractical, illogical results-hampering the ARMM's progress by impeding Congress from enacting laws that timely address problems as they arise in the region, as well as weighing down the government with costs that unavoidably follow the holding of a plebiscite." Senator Tolentino also added that it would only be amendments to the structure, judicial system, and the enumerated legislative functions stated in Article X, Section 20 of the 1987 Constitution that would require a plebiscite.

In response, Senator Lacson said that he was in complete agreement with Senator Tolentino as to the three constitutionally-essential factors that would

require a plebiscite. However, he said that found to be contentious was the basic structure of the regional government. He said that the right to suffrage should be included in the basic structure, as it is an all-encompassing right of the people. To illustrate his point, he said that upon ratification by the Bangsamoro people of the plebiscite in January 2019, it was already a known fact that after three years, they would already be electing their own leaders. He argued that by resetting the elections for the region, the people have been denied of a basic right.

As to the postponement of elections, he said that he has never questioned the matter as it was well within the powers of Congress to do so. However, he opined that if amendments were to be made the Organic Law relative to the resetting of election date, such should be ratified by the people in the region through a plebiscite. In closing, he stated that what he laid on the table for the Body's consideration was just the legal perspective on the issue, adding that the political perspective, as well as the normalization process, have yet to be discussed.

At this juncture, Senator Zubiri informed the Body that the interpellation of Senator Lacson on the measure would be temporarily suspended to give way to the interpellation of Senator Pimentel.

MANIFESTATION OF SENATOR ZUBIRI

Senator Zubiri informed the Body that he had with him the minutes of the deliberation on the particular issue. He stated that Senators Pimentel and Drilon, together with Representative Fariñas, extensively discussed the issue on the need for plebiscite, revision, and amendment and that it was through the interjection of then Senate President Pimentel that the matter was resolved citing the jurisprudence *Abas Kida vs. Senate of the Philippines*.

INTERPELLATION OF SENATOR PIMENTEL

Senator Pimentel stated that he filed a bill for the postponement of the election and had kept it simple to just moving the date of the election so that there would not be unintended or unforeseen circumstances or effects. He noticed that while the first part of the committee report retained the essence of the bill that he filed by postponing the election from 2022 to 2025, additional ideas were contained in the committee report, such as the need to reappoint 80 new interim members of the BTA. He then inquired whether the

purpose of the bill is to extend only the transition period but not the present setup of the BTA.

Senator Tolentino clarified that the bill would extend the BTA as an institution but not the persons. He said that the Supreme Court frowns upon holdover capacities for local government officials.

Asked if extending the term of the BTA members and of the interim chief minister would be a constitutional issue, Senator Tolentino replied in the affirmative. He reiterated that several holdover capacity decisions have been thumbed down by the Supreme Court. Moreover, he cited the tenet that Congress cannot appoint, through legislation, persons who occupy the office as it could only enact laws that would affect the office or institution, its functions, and how it would be run, but that appointment of persons, who are the blood and muscle of the institution, is purely an Executive function as provided in the Constitution.

Asked on the expiration of term of office of the BTA members, Senator Tolentino stated that under the existing law, their term of office should *motu proprio* expire on the date after the 2022 elections, the reason why the BTA is *functus officio*. However, he said that since the institution cannot function without people manning it, the President would have to appoint people who would man the BTA. He said that Congress could set the qualifications of the 80-member BTA just as it did in the 17th Congress, among which is reserving 10%, or eight seats, for members coming from the Teduray, Sama and other indigenous tribes, as well as from the ulamas or traditional leaders, among others.

On whether the incumbent BTA members could be reappointed, Senator Tolentino stated that the term of office would terminate on the dates specified in RA 11054. However, he said that existing jurisprudence could allow a leeway or a period for a holdover capacity until after the President appoints a replacement or reappoints the incumbent. He reiterated that it would be an Executive function that is beyond the realm of the Legislature.

Senator Pimentel agreed that a holdover capacity is being frowned upon. However, he noted Senator Tolentino's suggestion that there could be a grace period wherein it is tolerated.

Senator Tolentino stated that administrative law cases mandate the incumbent to wait for a few days

before turning over the position to the next occupant, otherwise, it would be a dereliction of duty if the position is abandoned without no one manning the fort. He supposed that the holdover could take a few days until a successor has taken his or her oath and has assumed office.

Asked if the new appointees to the extended period would need to reorganize the BTA and go through the procedure of birth pains which could eat up time, Senator Tolentino stated that the concept is to make the BTA a continuing body. He said that what has been structurally done would be continued by the successors. He added that even the reappointed members that belong to the MILF would have to continue their function, noting how the law has given weight to their membership in the BTA.

Senator Pimentel expressed hope that the existing MILF members would be reappointed but agreed that it would depend on the appointing authority.

Senator Tolentino maintained that the BOL provides that, without prejudice to the MNLF, majority of the members should come from the MILF. He stated that the composition would be the same and the group would decide among themselves who their leader would be and who would assume position as member of parliament. He speculated that to continue what they have started, they would agree among themselves that they would have the same leaders from the MILF.

Asked if a commitment has been made to amend the provision on the composition of the 80 new interim members, Senator Tolentino replied in the affirmative. However, he stated that it is not etched in stone, as it was his fault to have mentioned Sultan Kudarat which should not have been placed in the committee report. He cited several instances which caused the confusion: 1) he was perturbed and probably got dazed that the governor of Sultan Kudarat was always present during the consultative meetings; 2) Sultan Kudarat was originally part of the Tripoli Agreement in 1976; 3) there is a municipality of Sultan Kudarat in Maguindanao; 4) an event in 2018, wherein long firearms were surrendered was held at the back of the Isulan Gymnasium in Sultan Kudarat; and 5) there is a slot reserved for Maguindanao Del Sur when it joined the BARMM plebiscite prior to the division of Maguindanao. He said that the President was set to sign the creation of the two provinces, Maguindanao Del Sur and Maguindanao Del Norte, within the days

to come. He assured the Body that although it was a fault on his part, the committee report could be amended at the proper time.

Senator Pimentel noted that Section 2 of the proposed measure details the 80 new interim members of the BTA which was not indicated in the original law. He then inquired if amending the section would curtail the power of the President in determining the composition of the BTA. Responding to the query, Senator Tolentino pointed out that the existing law made mention of the eight reserved seats for the IPs while most of the seats would be occupied by the MILF, the majority of which would be 41 in the 80-member BTA.

Relative thereto, he said that questions had been raised as to the present membership of 47 instead of 41 members of parliament from the MILF as mandated by law. He stressed the need to take into consideration the BOL proviso that states: "Without prejudice to the participation of the Moro National Liberation Front in its membership."

He stated that the proposed amendments of Senator Zubiri would simplify matters insofar as participation is concerned as it would involve the congressional districts as there are still no parliamentary districts. He said that the proposal would approximate the approach to how it was envisioned by the BOL. He stressed that the structure would still include the non-Moro tribes, LGUs, MILF, and MNLF.

He also stated that instead of giving a free-for-all nomination hunting season when the new law takes effect immediately after the presidential elections, everyone would be lobbying for appointment as members of parliament, which is the discretion of the President. However, he stressed that Congress could delineate, without changing the structure, as contained in the Abas Kida case. He said that the proposed amendments would make sure that there would be an inclusive BARMM wherein all settler communities, such as the Sama tribe in Tawi-Tawi and Basilan, would be represented. He maintained that the amendment should specify so without changing the structure, as envisioned by the MILF and those who signed the comprehensive agreement on the Bangsamoro. He said that the amendment did not come out of the blue but from LGUs, MILF, and the other sectors themselves.

At this juncture, Senator Lacson cited *Flores, et. al. vs. Drilon*, G. R. No. 104732, June 22, 1993 which reads:

"Hence, when Congress clothes the President with the power to appoint an officer, it (Congress) cannot at the same time limit the choice of the President to only one candidate. Once the power of appointment is conferred on the President, such conferment necessarily carries the discretion of whom to appoint. Even on the pretext of prescribing the qualifications of the officer, Congress may not abuse such power as to divest the appointing authority, directly or indirectly, of his discretion to pick his own choice.xxx Consequently, when the qualifications prescribed by Congress can only be met by one individual, such enactment effectively eliminates the discretion of the appointing power to choose and constitutes an irregular restriction on the power of appointment."

Senator Lacson stated that clearly, Section 2 of Senate Bill No. 2214 would limit the powers of the President as clothed by Congress with respect to his choices on whom to appoint since the provision specifies the composition of the 80 new interim members of the BTA.

Similar to not having an honest-to-goodness election in China because the Chinese Communist Party (CCP) chooses from the elite group in their society whom the people should vote for in their parliament, Senator Lacson said that by analogy, the bill makes the power of democracy ineffectual when the power of the President as regards the appointment of the members of the Parliament under the extended BTA is limited.

In reply, Senator Tolentino clarified that the bill is not limiting the powers of the President as envisioned in the 1993 *Flores vs. Drilon* case because it involves the narrowing of qualifications to one person to hold office. He said that, in fact, the bill broadens the pool consisting of 193,000 residents of the 63 barangays in North Cotabato and the 78,000 residents from Tawi-Tawi of the Sama Tribe that joined the BARMM, and from which the President could pluck out representatives to the BTA. He believed that the expansion of the pool makes the selection process even more democratic by identifying the representatives. Emphasizing that nothing was changed in the law, he said that the bill merely specifies the composition mentioned in the existing law, which provision is subject to Senator Pimentel's proposed amendments, to ensure that the people of Marawi would also have their own representative in the BTA who could oversee the rehabilitation of the city. He added that after consultations, the composition also included

representatives from Lanao del Sur, considering its huge population. He also pointed out that the bill is not going after mathematical exactitude but only seeks to expand the pool.

To the reiteration that in the case of *Rufino vs. Baltazar*, the President, as part of his constitutional prerogative could appoint a person to an executive position, Senator Lacson maintained that Section 2 would limiting the choice of the President when the latter could be entrusted with whom to appoint based on guidelines. Senator Tolentino stated that the provision relative to women, youth, ulamas, traditional leaders, settler communities, as well as the majority-led leadership of the MILF could not be removed as they are part of the existing law—Republic Act No. 11054.

Disclosing a trivia on *Flores, et al. v. Drilon*, Senator Drilon said that he was respondent in the case in his capacity as Executive Secretary. He noted that the Supreme Court ruling, “When the qualification prescribed by Congress can only be met by only one individual,” which was deemed invalid because it limits the discretion of the President, pertains to Senator Gordon when the Court ruled that the qualification of an SBMA head could only be met by him.

Reiterating that Section 2 would not limit the pool but would expand and recognize the composition of the BTA, Senator Tolentino said that he leaves the fate of the provision to the Body’s discretion as it is still amendable, cognizant of the power of the Senate to pursue the framework that was initiated by the 17th Congress.

For his part, Senator Pimentel then quoted Article XVI, Section 2, paragraph 3, to wit: “The Bangsamoro Transition Authority shall be composed of eighty (80) members who shall be appointed by the President: xxx *Provided*, further, That non-Moro indigenous communities, youth, women, settler communities, traditional leaders, and other sectors shall have representatives in the Bangsamoro Transition Authority.” He said that the bill, in effect, is revising the simple paragraph in the existing law by enumerating the composition of the BTA membership which is an extensive amendment to the existing provision of a law that underwent a plebiscite, and which revision must likewise require approval in a plebiscite.

To Senator Pimentel’s assertion to keep Section 2 simple by just leaving the appointment of the 80 new BTA members to the President, Senator Tolentino

concurred, although he believed that said provision in the proposed measure should be read together with Section 2, Article XVI of Republic Act No. 11054, to wit: “There is hereby created a Bangsamoro Transition Authority which shall be the interim government in the Bangsamoro Autonomous Region during the transition period. The Moro Islamic Liberation Front shall lead the Bangsamoro Transition Authority, without prejudice to the participation of the Moro National Liberation Front in its membership.”

In addition, he said that the non-Moro indigenous communities should be retained as it is also provided under Section 2 but which the parliament has yet to name because they have yet to finish the Electoral Code. He clarified that he was not jumpstarting but was only paving the way, as part of the Senate’s oversight functions, to have a smooth transition from an interim government to a permanent government after the exit agreement.

While not seeing any disconnect or conflict, Senator Tolentino agreed to make the language of the measure simpler. He stated that what he was worried about was that after the May 2022 presidential elections, some vacant positions in the BTA could be jockeyed upon by certain individuals, well-meaning or otherwise, which is not attuned to the original peace agreement. He stated that the reason why he was crafting a safe haven was to ensure that the positions in the Bangsamoro would not be politicized after the presidential elections wherein those who did not run for elections or won as congressman or mayor would seek appointments in the BTA parliament. He enjoined the Body to pursue the original vision of what the BTA should look like—that which is anchored on peace and socio-economic development, taking into consideration the plight of the voiceless people of the Bangsamoro.

Senator Pimentel expressed appreciation to Senator Tolentino for seeing his point that even if the two sections in the existing law are read together, they are not exactly similar to Section 2 of the proposed measure; thus, keeping the words simple avoids the argument that the revision of existing sections needs plebiscite approval.

Noting page 2, Section 2, which reads: “The BTA shall prioritize its mandated duties under Section 4(a), Article XVI of R.A. No. 11054,” Senator Pimentel asked why there was an emphasis when it was already stated that “The Bangsamoro Transition

Authority shall ensure the accomplishment of the following priorities x x x.” Senator Tolentino explained that only three out of the six mandated codes are ready—the Civil Service Code, the Administrative Code, and the Education Code, so the BTA needs three more—the Internal Revenue Code, the Local Government Code, and the Electoral Code. He said that Section 2 merely reminds the members that the codes should be finished, notwithstanding the hardship to craft the same due to the pandemic. In fact, he said that the members of parliament could not convene online because areas like Basilan, Tawi-Tawi, and other provinces have low connectivity and could not converge in Cotabato City since most members are senior citizens and elderly. He stated that the provision was just a legislative nudge to hasten the codification process and attain substantial compliance of the exit agreement.

As Senator Pimentel moved to suspend his interpellations on the measure, Senator Zubiri stated that according to Senator Go, President Duterte was having a meeting with the governors and the Executive officials in Malacañang regarding the measure. He believed it would be better to wait for the outcome of the meeting so the Body would be guided on how they could proceed with the measure.

INTERPELLATION OF SENATOR DRILON

Since the elections would be postponed until 2025 pursuant to the rule on synchronization, Senator Drilon noted that the present members of the Bangsamoro Transition Authority who were appointed in 2018 would stay in office for seven years.

Asked what the term “new” meant under Section 2 when it provides that “eighty (80) new interim members of the BTA” shall be appointed, Senator Tolentino said that following various consultations, the word “new” would be deleted, explaining that it envisions another appointment emanating from the Executive department considering that the holdover capacity is frowned upon by the Constitution. He added that what was being extended are not the personalities involved occupying the positions but the institution itself as an adjunct of the Bangsamoro Organic Law (BOL).

Asked whether the incumbent members of the BTA would not be disqualified for another appointment, Senator Tolentino presumed that they are not because even the terms of elected local government officials,

if elected and re-elected, would have a cumulative nine years in the position. He surmised that since the officials are not elected but are appointed or are occupying elective positions, the nine-year cumulative term would not be applicable.

Senator Drilon argued that such is not a valid example because the nine years would require a re-election, but that in the case of the BTA, it could result in a term of seven years of being appointed in an elective position, whose term is only three years. He said that he wanted to raise the matter on record and be clarified on the meaning of the term “new BTA members.” He expressed appreciation to Senator Tolentino for recognizing the matter which involves a policy judgment or decision.

Senator Tolentino recalled having earlier mentioned that the matter is subject for deletion during the period of amendment, but the term “new” would connote the new issuance of an appointment. He clarified that it does not follow that there will be new personalities but rather a new oath of office and new appointment papers, but is not reflective of the faces. He said that the “new” is reflective of a new chief executive prerogative being exercised as an appointing act. He reiterated that the proviso would be deleted in the period of amendments.

Asked whether the interpretation of “new” would mean a new appointment paper, Senator Tolentino answered in the affirmative.

Senator Drilon suggested the use of the term “holdover” instead of going around such kind of a setup which can be simplified. He said that the phrase “These incumbent members will continue in a holdover capacity” would be much better than using “new interim members.” He surmised that the interpretation of Senator Tolentino about the term “new” refers to the appointment paper. He suggested going straight to the point by saying that the incumbent officials shall continue in a holdover capacity.

Senator Tolentino cited a Supreme Court decision relative to the constitutional permissibility of holdover positions. While it can be held, he said that it is frowned upon by the Court because it is clearly an incursion on the Executive act or prerogative to appoint. He said that if Congress would legislate that the BTA members should continue in a holdover capacity, there is a constitutional provision which provides that the President should have the prerogative in appointing;

thus, Congress would be limiting the prerogative of the President in the exercise of his constitutional function of appointing officeholders in the Executive branch. He stated that Congress could only appoint within its sphere, for instance, the Senate President can appoint the Senate Sergeant-at-Arms and the Senate Secretary, or the Supreme Court appoints judges, but in other spheres, the President has unlimited powers in appointing and filling up positions.

Senator Drilon stated that he was aware of the statement of Senator Tolentino that a holdover provision is being frowned upon which he believed was contained in Section 2 because the term "new" would refer to a new appointment but the one appointed is also the incumbent; thus, it is also a holdover capacity called by another name. He said that the law should be candid and should state that the officials are acting in a holdover capacity, unless it is not the case. He said that the provision, as currently phrased and as interpreted by Senator Tolentino, is considered to be a holdover provision.

Senator Drilon also clarified that he has not expressed any opinion on whether he is against the holdover or that a new appointment should be made. He said that he was just asking what Senator Tolentino exactly meant by the term "new BTA members" in Section as he noted that the latter defined "new" as new appointment papers on the incumbents.

Senator Tolentino explained that even new appointees coming from the legislatively captured group, which refers to the MILF, the lumads, the ulamas, the non-Moro groups, and the other settler communities, among others, could be appointed by the President, having such broad prerogative. Thus, he reiterated that what Congress would be extending is the structure or the institution. He said that the matter of who would man the institution would be left to the President.

Senator Tolentino said that the President could either appoint the incumbent or another one but he should follow the guidelines provided for by RA 11054 that the bulk should come from the MILF, without prejudice to the participation of the MNLF.

Senator Drilon said that he asked the questions because of the cases cited by Senator Lacson involving him as a respondent in his capacity as Executive Secretary and the subject of the case was Senator Lacson. He stated the Court's position that when the

qualification prescribed by Congress can only be met by one individual that then it is invalid. He said that it was why he was asking for the exact meaning of the term "new members." He surmised that the interpretation of the term "new" only refers to new appointment papers but cannot refer to a new appointee.

Senator Tolentino stated that new appointees can be made provided that they comply with the provisions of RA 11054 in compliance with the comprehensive peace agreement of the Bangsamoro. He said that the members of the MILF are not just 41 but there are thousands and from that pool from which they can select the best, the most able, the most qualified, and the most passionate to be members of parliament. Thus, he maintained that the bill is not restricting to a single individual. He also stressed that the framework of the peace process clearly mentions the MILF, thus, the need to follow that part of the law. As regards the personalities, he said that the President can choose from among the thousands and that Congress is not delimiting to a single individual.

MANIFESTATION OF SENATOR VILLANUEVA

At this juncture, Senator Villanueva manifested his physical presence in the session hall along with nine other members. He said that he was ready to ask questions but that Senator Zubiri placed his name at the bottom of the list.

Senator Zubiri stated that the Body would suspend consideration of the measure and would resume the following day. He said that Senators Lacson and Pimentel had suspended their interpellation but would be listed in the list for the following day along with Senators Gordon, Marcos, and Villanueva.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2214

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

COMMITTEE REPORT NO. 170 ON HOUSE BILL NO. 2582

(Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of House Bill No. 2582 (Committee Report No. 170), entitled

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AN ACT INCREASING THE BED CAPACITY OF THE LYING-IN CLINIC IN THE MNUNICIPALITY OF RIZAL, PROVINCE OF PALAWAN FROM TEN (10) BEDS TO TWENTY (20) BEDS, UPGRADING ITS SERVICE FACILITIES AND PROFESSIONAL HEALTH CARE SERVICES, AUTHORIZING THE INCREASE OF ITS MEDICAL PERSONNEL, AND APPROPRIATING FUNDS THEREFOR.

Senator Zubiri stated that the parliamentary status was the period of committee amendments.

Thereupon, the Chair recognized Senator Go, sponsor of the measure and Senator Drilon for his amendment.

TERMINATION OF THE PERIOD OF COMMITTEE AMENDMENTS

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

MANIFESTATION OF SENATOR DRILON

Senator Drilon informed the Body that he and Senator Go had been through a series of telephone calls in order to find a solution to the issue of funding the hospitals. He said that Senator Go proposed that the funds be sourced from the Health Facilities Enhancement Fund (HFEF) to which he agreed provided that it should be the initial source and, if insufficient, the budget could be sourced from the Miscellaneous Personnel Benefits Fund (MPBF) and the Pension and Gratuity Fund. He explained that the HFEF has a budget of P7,557,298,000 which is itemized down to the specific facility or equipment that would be funded; thus, if the funding would be used for the upgrade of the hospitals, then the other hospitals would not get any funding. He recalled that the original request of the Department of Health for the HFEF was P45 billion, but that Congress drastically slashed it to P7,757,298,000 and with specific allocation for a particular facility. He said that it is not simple to say that the funds should be sourced from the HFEF which is why the amendment could be proposed along that line.

Senator Drilon also stated that he had studied how much would be required as a ballpark figure for the local bills to be funded.

As an example, Senator Drilon said that when he asked for the ballpark figure of the estimated budget requirement in the case of House Bill No. 2582 which seeks to increase the bed capacity of the lying-in clinic in Rizal, Palawan from 10 to 20 beds, the LBRMO stated that the provincial government of Palawan was requesting for a budget of P8 million, therefore his proposed amendment for it would be as follows: THE AMOUNT OF P8 MILLION IS HEREBY APPROPRIATED FOR THE CAPITAL OUTLAY OF THE LYING-IN CLINIC PURSUANT TO THIS ACT WHICH SHALL BE SOURCED FROM THE HEALTH FACILITIES ENHANCEMENT PROGRAM AND, IF INSUFFICIENT, FROM THE MISCELLANEOUS PERSONAL BENEFITS FUND AND THE PENSION GRATUITY FUND UNDER THE 2020 AND 2021 GENERAL APPROPRIATIONS ACTS.

Asked by Senate President Sotto if he would agree to the amendment, subject to style, Senator Go said that he supports the intention and suggestion of Senator Drilon in securing funds for the hospital measures by sourcing it from the 2022 MPBF and Pension Gratuity Fund (PGF) in the event that funding is not included in the DOH's 2022 Health Facilities Enhancement Program (HFEP). However, he believed that the DOH must ensure that funding for the hospitals should be included in 2022 HFEP and must not be sourced from the MPBF and PGF, given that the MPBF is for the salaries and wages of additional healthcare workers and plantilla positions in the hospital, while the PGF is for the retirement benefits of government employees. He revealed that the reduction of the funds during bicameral conferences of Congress has triggered a reaction from the President.

Nevertheless, he welcomed Senator Drilon's suggestion as to the source of the funding, saying that he was just the sponsor of the measure.

Disclosing information from the Department of Budget and Management (DBM) that the fund is still subject to the approval by the DOH of the LGU's hospital development plan, he appealed to Senator Drilon to source the appropriation for the lying-in clinic's capital outlay from the DOH's HFEP, or from the Support for Capital Outlays, if funding is insufficient. He said that he has been asking the DOH for assurance on funding for the hospital measures as the life of every Filipino is at stake.

Since the hospital development plan is still for submission by the LGUs, Senator Go appealed to

Senator Drilon not to place a ceiling on the amount as it would limit the upgrading of hospitals. He added that it was the DBM that requested to source the funds from the 2022 appropriations because the 2021 funds had already been allocated.

Senator Drilon said that it must be emphasized that the measure becomes effective 15 days after its publication so that if they are approved before the adjournment in June, it would become a law in July. He then asked if it could not be funded by July because the funds for 2021 had been allocated. He revealed that in the LEDAC meeting that they had that day, the Budget Secretary had pointed out the problem of unfunded laws. Thus, he said he would want to make the law complete and credible by having it funded in the manner by which he was proposing it so as not to disappoint people.

As regards the P8 million that is requested by the provincial government of Palawan, he said that it is not a big amount and could be funded. He appealed to Senator Go to accept the amendment because the appropriation would make the health facility improvement more credible.

Senator Go believed that he and Senator Drilon want the same thing because he would also like the hospital measures to be funded immediately. However, he said that as a legislator, he would want to submit the budgets needed by the hospital measures by July in order to obligate the DOH to have funds for it the following year. He agreed with Senator Drilon that 15 days after the measure is passed, it should be funded immediately. However, he reiterated the DBM's position that they could not source the funds from the MPBF and PGF for 2021. He said that a DBM representative revealed that there is a P5.518 billion fund under the unprogrammed fund for HFEP which could be tapped once the Certification of Excess Revenue from the DOF becomes available.

Senator Drilon said that "unprogrammed funds" meant no funds, thus, it has to be sourced. He said that technically speaking, the government has made it appear to the people that it is funding the hospital and health services but in fact it is not. He expressed hope that the DBM would stop foisting on the Senate proposals as it was obvious that they were trying to avoid funding the hospitals.

Finally, he expressed agreement with Senator Go that the services in the Municipality of Rizal in

Palawan could be improved but P8 million was needed. He said that they have agreed that it should be sourced from the HFEP, but if the fund is not sufficient and considering the proposal of the DBM, there evidently is no fund for it.

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 6:12 p.m.

RESUMPTION OF SESSION

At 6:27 p.m., the session was resumed.

MANIFESTATION OF SENATOR DRILON

Senator Drilon requested the Body for more time so he could craft the appropriate wordings for his amendments.

SUSPENSION OF THE SESSION

With the permission of the Body, the session was suspended.

It was 6:27 p.m.

RESUMPTION OF SESSION

At 6:37 p.m., the session was resumed.

MANIFESTATION OF SENATOR DRILON

Senator Drilon informed the Members that after a private discussion with Senators Go and Zubiri, they have agreed on the amendment to House Bill No. 2582, which he would propose for the Body's consideration.

DRILON AMENDMENT

On page 2, line 11, after the word "services" and the period (.), as proposed by Senator Drilon and accepted by the sponsor, there being no objection, the Body approved to delete the entire sentence beginning with the words "The Secretary" until line 13, and to replace it with the following:

THE AMOUNT OF EIGHT MILLION PESOS
(P8,000,000,000.00) IS HEREBY APPROPRIATED

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FOR THE IMPLEMENTATION OF THIS ACT WHICH SHALL BE INCLUDED AND FUNDED UNDER THE 2022 GENERAL APPROPRIATIONS ACT, UNDER THE HEALTH FACILITIES ENHANCEMENT PROGRAM OF THE DEPARTMENT OF HEALTH.

PROPOSED GO AMENDMENTS

On page 2, line 6, Senator Go proposed to replace the phrase "Provincial Government of" with MUNICIPAL GOVERNMENT OF RIZAL.

Senator Drilon suggested that in order to facilitate the proceedings, the so-called "minor amendments" be taken up in the bicameral conference. He said that if taken up one by one, the session could end by midnight.

Agreeing with Senator Drilon, Senator Zubiri assured the Body that the amendments would not be touched. He said that minor amendments like changing of name are not substantial and could be done in the bicameral conference.

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

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

APPROVAL OF HOUSE BILL NO. 2582 ON SECOND READING

Submitted to a vote, there being no objection, House Bill No. 2582 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 2582

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

COMMITTEE REPORT NO. 172 ON HOUSE BILL NO. 6498

(Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of House Bill No. 6498 (Committee Report No. 172), entitled

AN ACT INCREASING THE BED CAPACITY OF THE NAGUILIAN DISTRICT HOSPITAL IN THE MUNICIPALITY OF NAGUILIAN, PROVINCE OF LA UNION FROM TWENTY-FIVE (25) BEDS TO FIFTY (50) BEDS AND APPROPRIATING FUNDS THEREFOR.

Senator Zubiri stated that the parliamentary status was the period of committee amendments.

Thereupon, the Chair recognized Senator Go, sponsor of the measure.

TERMINATION OF THE PERIOD OF COMMITTEE AMENDMENTS

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

DRILON AMENDMENT

On page 2, lines 1 to 3, as proposed by Senator Drilon and accepted by the Sponsor, there being no objection, the Body approved to replace the entire Section 4 with a new Section 4, to read as follows:

SEC. 4. THE AMOUNT OF TWO HUNDRED MILLION PESOS (P200,000,000.00) IS HEREBY APPROPRIATED FOR THE IMPLEMENTATION OF THIS ACT WHICH SHALL BE INCLUDED AND FUNDED UNDER THE 2022 GENERAL APPROPRIATIONS ACT UNDER THE HEALTH FACILITIES ENHANCEMENT PROGRAM OF THE DEPARTMENT OF HEALTH.

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

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

APPROVAL OF HOUSE BILL NO. 6498 ON SECOND READING

Submitted to a vote, there being no objection, House Bill No. 6498 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 6498

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

COMMITTEE REPORT NO. 175 ON HOUSE BILL NO. 6729

(Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of House Bill No. 6729 (Committee Report No. 175), entitled

AN ACT INCREASING THE BED CAPACITY OF THE ROSARIO DISTRICT HOSPITAL IN THE MUNICIPALITY OF ROSARIO, PROVINCE OF LA UNION FROM TWENTY-FIVE (25) TO FIFTY (50) BEDS AND APPROPRIATING FUNDS THEREFOR.

Senator Zubiri stated that the parliamentary status was the period of committee amendments.

Thereupon, the Chair recognized Senator Go, sponsor of the measure.

TERMINATION OF THE PERIOD OF COMMITTEE AMENDMENTS

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

DRILON AMENDMENT

On page 2, lines 4 to 6, as proposed by Senator Drilon and accepted by the Sponsor, there being no objection, the Body approved to replace the entire Section 4 with a new Section 4, as follows:

SEC. 4. THE AMOUNT OF TWO HUNDRED MILLION PESOS (P200,000,000.00) IS HEREBY APPROPRIATED FOR THE IMPLEMENTATION OF THIS ACT WHICH SHALL BE INCLUDED AND FUNDED UNDER THE 2022 GENERAL APPROPRIATIONS ACT UNDER THE HEALTH FACILITIES ENHANCEMENT PROGRAM OF THE DEPARTMENT OF HEALTH.

Senator Drilon said that according to the LBRMO, the estimated budget requirement of the hospital is P177.59 million.

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

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

APPROVAL OF HOUSE BILL NO. 6729 ON SECOND READING

Submitted to a vote, there being no objection, House Bill No. 6729 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 6729

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

COMMITTEE REPORT NO. 173 ON HOUSE BILL NO. 6727

(Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of House Bill No. 6727 (Committee Report No. 173), entitled

AN ACT INCREASING THE BED CAPACITY OF THE SINAIT DISTRICT HOSPITAL IN SINAIT, ILOCOS SUR FROM TWENTY-FIVE (25) BEDS TO ONE HUNDRED (100) BEDS AND APPROPRIATING FUNDS THEREFOR.

Senator Zubiri stated that the parliamentary status was the period of committee amendments.

Thereupon, the Chair recognized Senator Go, sponsor of the measure.

TERMINATION OF THE PERIOD OF COMMITTEE AMENDMENTS

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

DRILON AMENDMENT

On page 2, lines 9 to 11, as proposed by Senator Drilon and accepted by the Sponsor, there being no objection, the Body approved to delete the sentence starting with "The Secretary of the DOH" and to replace it with the following: THE AMOUNT OF TWO HUNDRED MILLION PESOS (P200,000,000.00) IS HEREBY APPROPRIATED FOR THE IMPLEMENTATION OF THIS ACT WHICH SHALL BE INCLUDED AND FUNDED UNDER THE 2022 GENERAL APPROPRIATIONS ACT UNDER THE HEALTH FACILITIES ENHANCEMENT PROGRAM OF THE DEPARTMENT OF HEALTH.

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

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

APPROVAL OF HOUSE BILL NO. 6727 ON SECOND READING

Submitted to a vote, there being no objection, House Bill No. 6727 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 6727

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

COMMITTEE REPORT NO. 165 ON HOUSE BILL NO. 6731

(Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of House Bill No. 6731 (Committee Report No. 165), entitled

AN ACT ESTABLISHING A GENERAL HOSPITAL IN THE CITY OF BACOLOD, PROVINCE OF NEGROS OCCIDENTAL, TO BE KNOWN AS THE BACOLOD CITY GENERAL HOSPITAL, AND APPROPRIATING FUNDS THEREFOR.

Senator Zubiri stated that the parliamentary status was the period of committee amendments.

Thereupon, the Chair recognized Senator Go, sponsor of the measure.

TERMINATION OF THE PERIOD OF COMMITTEE AMENDMENTS

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

MANIFESTATION OF SENATOR DRILON

Senator Drilon informed the Body that the City Government of Bacolod is committed to fund the establishment, operation, and maintenance of the Bacolod City General Hospital which shall be a tertiary hospital. He stated that only the capital outlay would be funded out of the HFEP of the Department of Health. He said that according to the LBRMO, the estimated budget requirement for capital outlay is about P594.1 million.

DRILON AMENDMENT

On page 1, lines 11 to 13, as proposed by Senator Drilon and accepted by the Sponsor, there being no objection, the Body approved to replace the entire Section 4 with a new Section 4, to read as follows:

SEC. 4. THE AMOUNT OF SIX HUNDRED MILLION PESOS (P600,000,000.00) IS HEREBY APPROPRIATED FOR THE IMPLEMENTATION OF THIS ACT WHICH SHALL BE INCLUDED AND FUNDED UNDER THE 2022 GENERAL APPROPRIATIONS ACT UNDER THE HEALTH FACILITIES ENHANCEMENT PROGRAM OF THE DEPARTMENT OF HEALTH.

MANIFESTATION OF SENATOR ZUBIRI

Senator Zubiri thanked Senator Drilon for the amendment, disclosing that Bacolod City is his paternal hometown. He expressed pleasure that finally the city would have a tertiary hospital through the efforts of a fellow Ilongo. He added that he filed a Senate version of the bill, thus, he was made a cosponsor of the measure.

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

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

APPROVAL OF HOUSE BILL NO. 6731 ON SECOND READING

Submitted to a vote, there being no objection, House Bill No. 6731 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 6731

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

COMMITTEE REPORT NO. 179 ON HOUSE BILL NO. 6850

(Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of House Bill No. 6850 (Committee Report No. 179), entitled

AN ACT ESTABLISHING A GENERAL HOSPITAL IN THE MUNICIPALITY OF ROSALES, PROVINCE OF PANGASINAN TO BE KNOWN AS THE EASTERN PANGASINAN REGIONAL MEDICAL AND TRAUMA CENTER, AND APPROPRIATING FUNDS THEREFOR.

Senator Zubiri stated that the parliamentary status was the period of committee amendments.

Thereupon, the Chair recognized Senator Go, sponsor of the measure.

TERMINATION OF THE PERIOD OF COMMITTEE AMENDMENTS

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

MANIFESTATION OF SENATOR DRILON

Senator Drilon noted that during the hearing on October 19, 2020, Congressman Estrella stated that the local government donated the land for the hospital and would contribute P300 million worth of funds for its construction. He informed the Body that based on the study of the LBRMO, the estimated appropriation would be as follows: MOOE, P111.5 million; Personal Services, P192.1 million; Capital Outlay, P594.1 million; or a total requirement of P897.8 million.

DRILON AMENDMENT

On page 1, lines 10 to 12, as proposed by Senator Drilon and accepted by the Sponsor, there being no objection, the Body approved to replace the entire Section 2 with a new Section 2, to read as follows:

SEC. 2. THE AMOUNT OF NINE HUNDRED MILLION PESOS (P900,000,000.00) IS HEREBY APPROPRIATED FOR THE IMPLEMENTATION OF THIS ACT WHICH SHALL BE INCLUDED AND FUNDED UNDER THE 2022 GENERAL APPROPRIATIONS ACT UNDER THE HEALTH FACILITIES ENHANCEMENT PROGRAM OF THE DEPARTMENT OF HEALTH.

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

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

APPROVAL OF HOUSE BILL NO. 6850 ON SECOND READING

Submitted to a vote, there being no objection, House Bill No. 6850 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 6850

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

COMMITTEE REPORT NO. 182 ON HOUSE BILL NO. 7321

(Continuation)

Upon motion of Senator Zubiri, there being no

objection, the Body resumed consideration, on Second Reading, of House Bill No. 7321 (Committee Report No. 182), entitled

AN ACT ESTABLISHING A GENERAL HOSPITAL IN BARANGAY LACARON, MUNICIPALITY OF MALITA, PROVINCE OF DAVAO OCCIDENTAL TO BE KNOWN AS THE DAVAO OCCIDENTAL GENERAL HOSPITAL, AND APPROPRIATING FUNDS THEREFOR.

Senator Zubiri stated that the parliamentary status was the period of committee amendments.

Thereupon, the Chair recognized Senator Go, sponsor of the measure.

TERMINATION OF THE PERIOD OF COMMITTEE AMENDMENTS

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

MANIFESTATION OF SENATOR DRILON

Senator Drilon informed the Body that funding for the hospital would be entirely from the national government. He stated that the LBRMO submitted a study which estimated the needed appropriation, as follows: MOOE, P111.5 million; Personal Services, P192.1 million; Capital Outlay, P594.1 million; or a total requirement of P897.8 million.

DRILON AMENDMENT

On page 1, lines 10 to 12, as proposed by Senator Drilon and accepted by the Sponsor, there being no objection, the Body approved to replace the entire Section 2 with a new Section 2, to read as follows:

SEC. 2. THE AMOUNT OF NINE HUNDRED MILLION PESOS (P900,000,000.00) IS HEREBY APPROPRIATED FOR THE IMPLEMENTATION OF THIS ACT WHICH SHALL BE INCLUDED AND FUNDED UNDER THE 2022 GENERAL APPROPRIATIONS ACT UNDER THE HEALTH FACILITIES ENHANCEMENT PROGRAM OF THE DEPARTMENT OF HEALTH.

MANIFESTATION OF SENATOR GO

Senator Go stated that the Municipality of Malita is 201 kilometers away from the Southern Philippines Medical Center. He said that establishment of the hospital is badly needed as a patient would be dead before reaching the center of the Davao Region. He then appealed to the Body for the immediate funding of the hospital which is badly needed by the people. He expressed his openness to the amendment of Senator Drilon so that the establishment of the hospital would become a reality.

Senator Drilon stated that the amendment would fund the hospital as was originally proposed by the committee. He said that had it not been for the amendment, the funding for the hospital would have been hanging in the air. He averred that the amendment would compel DBM to include the sum of P900 million for the Davao Occidental General Hospital because it recognizes the need for the hospital with a corresponding budget. He added that, in effect, it would be a mandatory directive to the DOH to include P900 million for the establishment of the hospital.

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

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

APPROVAL OF HOUSE BILL NO. 7321 ON SECOND READING

Submitted to a vote, there being no objection, House Bill No. 7321 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 7321

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

COMMITTEE REPORT NO. 171 ON HOUSE BILL NO. 5870

(Continuation)

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

Reading, of House Bill No. 5870 (Committee Report No. 171), entitled

AN ACT ESTABLISHING A THREE HUNDRED (300)-BED CAPACITY TERTIARY TRAINING AND GENERAL HOSPITAL IN BARANGAY MAUWAY, CITY OF MANDALUYONG TO BE KNOWN AS THE SENATE PRESIDENT NEPTALI A. GONZALES GENERAL HOSPITAL, AND APPROPRIATING FUNDS THEREFOR.

Senator Zubiri stated that the parliamentary status was the period of committee amendments.

Thereupon, the Chair recognized Senator Go, sponsor of the measure.

TERMINATION OF THE PERIOD OF COMMITTEE AMENDMENTS

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

MANIFESTATION OF SENATOR DRILON

Senator Drilon stated that House Bill No. 5870 establishes a 300-bed capacity tertiary and general hospital in Barangay Mauway, Mandaluyong City to be known as the Senate President Neptali A. Gonzales General Hospital. He said that based on the study done by the LBRMO, the estimated appropriation would be as follows: MOOE, P111.5 million; Personal Services, P192.1 million; Capital Outlay, P594.1 million; or a total requirement of P897.8 million.

DRILON AMENDMENT

On page 2, lines 1 to 3, as proposed by Senator Drilon and accepted by the Sponsor, there being no objection, the Body approved to replace the entire Section 2 with a new Section 2, to read as follows:

SEC. 2. THE AMOUNT OF NINE HUNDRED MILLION PESOS (P900,000,000.00) IS HEREBY APPROPRIATED FOR THE IMPLEMENTATION OF THIS ACT WHICH SHALL BE INCLUDED AND FUNDED UNDER THE 2022 GENERAL APPROPRIATIONS ACT UNDER THE HEALTH FACILITIES ENHANCEMENT PROGRAM OF THE DEPARTMENT OF HEALTH.

MANIFESTATION OF SENATOR DRILON

Senator Drilon stated that his amendment appropriating P900 million was significant as Congress is funding a hospital created in honor of Senate President Neptali Gonzales with whom both Senate President Sotto and himself were part in Congress and who will be celebrating his birthday on June 10.

COSPONSOR

Upon his request, Senate President Sotto was made cosponsor of House Bill No. 5870.

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

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

APPROVAL OF HOUSE BILL NO. 5870 ON SECOND READING

Submitted to a vote, there being no objection, House Bill No. 5870 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 5870

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

COMMITTEE REPORT NO. 177 ON HOUSE BILL NO. 6753

(Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of House Bill No. 6753 (Committee Report No. 177), entitled

AN ACT CONVERTING THE MEDINA EXTENSION HOSPITAL IN THE MUNICIPALITY OF MEDINA, PROVINCE OF MISAMIS ORIENTAL INTO A GENERAL HOSPITAL TO BE KNOWN AS THE FIRST MISAMIS ORIENTAL GENERAL HOSPITAL, AND APPROPRIATING FUNDS THEREFOR.

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Senator Zubiri stated that the parliamentary status was the period of committee amendments.

Thereupon, the Chair recognized Senator Go, sponsor of the measure.

TERMINATION OF THE PERIOD OF COMMITTEE AMENDMENTS

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

MANIFESTATION OF SENATOR DRILON

Senator Drilon stated that House Bill No. 6753 has no budget provision for capital outlay because it is already an existing facility, and that the funding for the MOOE of the First Misamis Oriental General Hospital shall be charged against the 2021 appropriations of the Medina Extension Medical Hospital which has a budget of more or less P31,527,000. He stated that the estimated appropriations for the hospital are as follows: Maintenance and Other Operating Expenses - P111.5 million; Personal Services - P192.1 million; and Capital Outlay - P594.1 million, or a total requirement of P897.8 million.

DRILON AMENDMENT

On page 2, line 5, after the word "Hospital," as proposed by Senator Drilon and accepted by the sponsor, there being no objection, the Body approved to replace the period (.) with a comma (,) and thereafter insert the following proviso: THE AMOUNT OF P900 MILLION IS HEREBY APPROPRIATED FOR THE IMPLEMENTATION OF THIS ACT WHICH SHALL BE INCLUDED AND FUNDED UNDER THE 2022 GENERAL APPROPRIATIONS ACT UNDER THE HEALTH FACILITIES ENHANCEMENT PROGRAM OF THE DEPARTMENT OF HEALTH.

Senator Zubiri expressed appreciation for the additional funding for Medina Hospital in Region X which is close to Bukidnon and Cagayan de Oro.

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

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

APPROVAL OF HOUSE BILL NO. 6753 ON SECOND READING

Submitted to a vote, there being no objection, House Bill No. 6753 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 6753

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

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 7:06 p.m.

RESUMPTION OF SESSION

At 7:39 p.m., the session was resumed.

COMMITTEE REPORT NO. 261 ON SENATE BILL NO. 2220

(Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 2220 (Committee Report No. 261), entitled

AN ACT ENHANCING THE POWERS AND FUNCTIONS OF THE JOINT CONGRESSIONAL ENERGY COMMISSION, FURTHER AMENDING FOR THE PURPOSE SECTION 62 OF REPUBLIC ACT NO. 9136, OTHERWISE KNOWN AS THE ELECTRIC POWER INDUSTRY REFORM ACT OF 2001, AS AMENDED.

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

Thereupon, the Chair recognized Senator Gatchalian, sponsor of the measure.

MANIFESTATION OF SENATOR GATCHALIAN

Senator Gatchalian stated that Senate Bill No. 2220 aims to remove the expiration date of the Joint Congressional Energy Commission (JCEC) for three reasons:

- First, there are nine items in the original EPIRA that are related to consumer welfare which have not yet been implemented, such as the Open Access provision;
- Second, to expand its coverage since it covers other laws such as the Renewable Energy Act which has not yet been fully implemented, and the monitoring of the implementation of many provisions, such as the Green Energy option and the Renewable Portfolio Standards (RPS) for off-grid areas; and
- Third, for efficiency.

Senator Gatchalian said that in the Joint Congressional meetings, the two chairpersons were able to come up with proposals and solutions.

Senator Marcos expressed her wholehearted support to the measure, fully aware of the urgency and importance of extending the powers and functions of the JCEC whose pivotal role is needed until the present.

Senator Gatchalian stated that Senator Marcos was present during the hearing of the bill and has witnessed the unanimous support of the different energy-related offices as well as the energy related stakeholders.

Asked by Senator Zubiri if the bill had been cleared with Senator Drilon, Senator Gatchalian replied in the affirmative, adding that an amendment that he would be introducing to improve and clarify the form of the bill in order to avoid inconsistencies was a suggestion of Senator Drilon.

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 committee amendments.

COMMITTEE AMENDMENTS

As proposed by Senator Gatchalian, there being no objection, the following committee amendments were approved by the Body, one after the other:

Page 1

- On line 4, before the phrase "Joint Congressional Energy Commission," insert the phrase TERM OF THE;

- Delete lines 10 and 11;

Page 2

- Delete lines 1 to 17;
- On line 21, insert a new Section 3, to read as follows:

SECTION 3. *JURISDICTION OF THE JOINT CONGRESSIONAL ENERGY COMMISSION.* — THE JOINT CONGRESSIONAL ENERGY COMMISSION SHALL EXERCISE OVERSIGHT FUNCTIONS IN THE IMPLEMENTATION OF ALL EXISTING ENERGY LAWS AT THE TIME OF THE EFFECTIVITY OF THIS ACT, SUCH AS, BUT NOT LIMITED TO, PRESIDENTIAL DECREE NO. 87, OTHERWISE KNOWN AS THE OIL EXPLORATION AND DEVELOPMENT ACT OF 1972; PRESIDENTIAL DECREE NO. 972, OTHERWISE KNOWN AS THE COAL DEVELOPMENT ACT OF 1976; AND REPUBLIC ACT NO. 8479, OTHERWISE KNOWN AS THE DOWNSTREAM OIL INDUSTRY REGULATION OF 1998; EXCEPT REPUBLIC ACT NO. 9367, OTHERWISE KNOWN AS THE BIOFUELS ACT OF 2006;

- Renumber the succeeding subsections accordingly.

Senator Drilon stated that he has no objection to the measure but would want to be clarified as regards the laws enumerated which would be subject to the oversight functions of the JCEC. He then asked whether the inherent oversight function is only an extension of the life of the joint congressional power commission.

Senate President Sotto replied that the observation of Senator Drilon was correct.

Senator Gatchalian stated that he had proposed the deletion of the expiration date which is on June 26, 2021.

Asked whether the expiration date had been removed, Senator Gatchalian answered in the affirmative.

Upon further query, Senator Gatchalian replied that the removal of the expiration date would make the JCEC a perpetual commission.

TERMINATION OF THE PERIOD OF COMMITTEE AMENDMENTS

There being no further committee amendment,

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

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

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

APPROVAL OF SENATE BILL NO. 2220 ON SECOND READING

Submitted to a vote, there being no objection, Senate Bill No. 2220 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2220

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

COMMITTEE REPORT NO. 190 ON SENATE BILL NO. 2077

(Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 2077 (Committee Report No. 190), entitled

AN ACT CREATING THE PHILIPPINE BOXING AND COMBAT SPORTS COMMISSION AND FOR OTHER PURPOSES.

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

Thereupon, the Chair recognized Senator Pacquiao, sponsor of the measure and Senator Cayetano for her interpellation.

INTERPELLATION OF SENATOR CAYETANO

Preliminarily, Senator Cayetano stated that the proposed boxing commission seeks to promote and to look after the welfare of the professional boxers. She noted that professional athletes, including professional

boxers, earn from their sport and yet, the bill will not cover amateur athletes who are also fighting for the glory of the country. She pointed out that even though professional athletes have also brought honor to the country, one could not discount the fact that they are also into their sport for money. She said that the Members had spent a good part of the afternoon trying to find funding for health bills and then what followed is a proposal to put funds in a Professional Boxing Commission and its administrative offices.

Asked why the proposed commission focuses on professionals when they are actually earning money unlike amateurs, Senator Pacquiao reiterated his earlier explanation that amateur boxing is under the Philippine Sports Commission. He pointed out that professional boxers who compete outside the country and became champions are the country's pride. He added that in every fight, the honor of the country is at stake, adding that billions of pesos are needed to promote professional matches. He said that about P150 million would be needed to establish the boxing commission.

Senator Pacquiao clarified that he was not boasting about his achievements and accomplishments in boxing, nor was he underestimating amateur boxing or any other sport, but stressed that there was a need to protect professional boxers, many of whom were either injured or retired without receiving any assistance from the GAB. He also made it clear that he was not trying to destroy the reputation of the GAB and was only sharing his insights on the reality of a boxer's life. He explained that the boxing commission would focus on training future professional boxers but would also look after their welfare as well as provide them with pension benefits when they retire.

However, Senator Cayetano noted that the response of the sponsor neither explained nor justified the need to pour in millions of funds for professional boxers. She cited Paeng Nepomuceno and Bong Co as examples of amateur athletes and world class bowlers who had brought honor to the country and who represent the faces of thousands of athletes whose future ought to be secured.

She cited Paeng Nepomuceno and Bong Co as examples of amateur athletes and world class bowlers who had brought honor to the country and who represent the faces of thousands of athletes whose future ought to be secured. She expressed hope that Senator Pacquiao's concern would also extend to

other Filipino athletes because the amateurs never played for money and yet they are at risk of being injured and would not have any career later on.

Senator Cayetano likewise expressed her disagreement with Senator Pacquiao on the need to differentiate the athletes because as members of the Senate, it is also their moral duty to protect all of them and not just one particular group, such as the professional boxers. Senator Pacquiao stated that although many risks are involved in any sport, boxing is different because it is a contact sport where the boxer would tend to get hurt in order to win the fight. He expressed hope that Senator Cayetano would understand the situation faced by boxing and combat sports athletes compared to the other athletes.

Senator Cayetano said that she was rejecting the distinction that Senator Pacquiao had made between boxers and other athletes. She noted that Senator Pacquiao had not quoted any data to show the top 10 sports that affect athletes the most, pointing out that any sport, by its very nature, truly causes harm and injury. Thus, she stressed the need to look out for all the athletes and not single out one sport.

Senator Cayetano then asked which countries have established their own boxing commissions. Before giving his reply, Senator Pacquiao said that he first want to clarify that amateur sports are different from professional sports as the former are under the Philippine Sports Commission. He then named the U.S., Japan, and Australia as countries that have their own boxing commissions.

Senator Cayetano concurred that professional and amateur sports athletes are not the same, since the former can choose the sport they want to join and have the potential to earn, the same athletes that Senator Pacquiao would want to protect. She said that the proposed measure does not offer protection to the amateur sport athletes, hence, she would want the public and the Members to assess if the proposed measure would be in the right direction as amateur athletes are also exposed to risks.

On whether the boxing commissions in other countries are government-funded, Senator Pacquiao replied that it is in the case of the Nevada Boxing Commission in the U.S.

Senator Cayetano noted that boxing commissions in some states in the U.S. are funded by the govern-

ment while those in Mexico, the United Kingdom, Japan, South Korea, and Thailand are privately funded. On the other hand, she said that Argentina and Colombia do not have such commissions. She added that the Philippines has a hybrid commission that covers multi-sports, including boxing. She believed that it is only fair for such commissions to operate using private funds as there are other athletes that require the government's attention and that there are urgent concerns in the country that needed to be addressed aside from the funding of another administrative office.

As to the difference between amateur and professional sport athletes, Senator Pacquiao further explained that a professional sport athlete competes for the opportunity to win the prize but otherwise does not receive any allowance, while the amateur athlete receives a monthly allowance from the government. He then reiterated his position that the life of the professional athlete is at greater risk; hence, the reason for his proposed measure.

He stated that the Philippines should not be compared to other countries with boxing commissions as the situation in the Philippines is different. He stressed the need for government to give due consideration to the professional boxers who had given much pride and honor to the country. Having personally experienced the problems and needs of professional boxers, he hoped that the proposed measure would be considered for the sake of all boxers and combat sport athletes that have contributed much to bringing honor to the Philippines. He then expressed hope that all of the Members would understand the efforts and sacrifices of the professional boxers.

Senator Cayetano acknowledged Senator Pacquiao as representing the Filipinos, that he is everyone's pride, and that she had so much respect for everything that he has gone through. However, she said that there is a need to raise such questions on the measure so that it can be improved and that it can only be done by senators working together as a team.

She clarified that her end goal was that Senator Pacquiao would have an open mind to consider looking at the bill from the perspective of the other athletes and not only on boxing because the Senate also has a responsibility to other athletes, including those who have been injured or have retired without finishing their studies, among other reasons.

She said that she asked Senator Pacquiao about the funding source of the boxing commissions of other countries as she had found that most countries that have boxing commissions are privately funded and do not use public funds. Thus, she noted that the funding source is the main distinction between the boxing commissions of other countries and the proposal of Senator Pacquiao.

Furthermore, she said that she was taking time on the bill as she believed that the setting up of new offices for a boxing commission is not well-timed because of the COVID-19 pandemic. She then showed on the screen the budgets for programs and projects that are also in the hundred-million peso mark that would be affected because of the funding that Senator Pacquiao was asking for the boxing commission. She then enumerated the following examples:

- For the package for the e-classroom (for almost a hundred classrooms) — about P6 million per package;
- Small schoolbuildings comprising of two or three classrooms – 60 schoolbuildings would be built;
- Package of school furniture sets (1,200 sets of tables and chairs) — P116,000 per set; and
- School building package (buildings, furniture and solar panels for 36 schools) — P4.1 million per package.

Given the pandemic and the government's limited available resources, Senator Cayetano underscored the need to be responsible on how public funds are utilized. She mentioned that the Body had debated on the health bills for several days because of the proposal to increase the bed capacity of a hospital from 10 to 20 beds which costs P8 million but with no available funds. She expressed admiration to both Senator Drilon and Senator Go for having agreed on how to fund the measure.

On health infrastructure, she also believed that the P5 billion worth of unprogrammed projects which had been approved would not push through since funds are not available. She also mentioned the shortage of classrooms in both higher education and basic education. She clarified that she was not saying that the concerns of the other senators were not important but that they need to decide where such limited resources could best be utilized.

She then suggested that the proposed funding for the commission be spread out not only to the

professional athletes but also to the athletes who really need the funds.

Relative thereto, Senator Cayetano recalled the point that she had earlier raised that the functions that would be given to the new boxing commission are already being performed by the GAB.

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(Continuation)

Senator Cayetano also reminded Senator Pacquiao of their conversation the previous day, when she repeatedly asked about the shortcomings of the Games and Amusements Board (GAB). She said that she repeatedly prodded Senator Pacquiao for answers, until he answered that the Board was unable to give welfare packages for the athletes. In response, Senator Cayetano said that the GAB was unable to provide such a benefit as the same was not provided in its mandate, and that to solve the problem, she recommended to amend the GAB Law in order to increase its funds, as well as the authority to manage a welfare fund for the athletes. Additionally, she mentioned that her suggestion to put up a welfare fund could be used not just to assist the boxers but other athletes who, in their line of sport, would also be susceptible to injury.

She said that her suggestion was the least the Body could do during the time of the pandemic in order to provide for a welfare fund that Senator Pacquiao originally wanted for the boxers. In that regard, she asked the latter if he would be amenable to her proposal, which was to just amend the GAB Law, as well as putting up another fund entirely dedicated to the amateur boxers' welfare, owing to the fact that GAB can only answer for professional boxers.

In response, Senator Pacquiao clarified that the approximated P150 million funding request was just a placeholder amount, as the estimated value could go anywhere from P100 million to P130 million. In the meantime, he said that the bill is aimed at the construction of the offices of the Philippine Boxing and Combat Sports commission in Luzon, Visayas, and Mindanao. He said that putting up the Commission strategically across the country would help the government focus better on the boxers so that the Philippines could keep on producing world-class and top-caliber athletes in the field of boxing and combat sports, following in the footsteps of Peñalosa, Donaire, Gorres, and himself. Moreover, he said that the

establishment of the commission is bound to have an effect on the economic growth and development of the country as well. He added that foreign tourists bringing in an influx of foreign currencies would be bound to flock to the Philippines, as the nation is envisioned by the measure to become Asia's capital of boxing and combat sports. Senator Pacquiao believes that world renown and respect was sure to follow not to mention a boom in the country's tourism industry. He added that a P150 million funding would be a small price to pay in exchange for so many benefits the nation was bound to receive.

As to the welfare of the boxers alone, Senator Pacquiao stated that the establishment of the Philippine Boxing and Combat Sports Commission would ensure that the boxers get the proper training and their welfare looked after until their retirement. He reiterated the view that since the mandate of the GAB is only to regulate and supervise the professional sports under its wings, it would not be able to sustain and care for the retired boxers the way that a dedicated commission can, in terms of providing welfare benefits, for example.

Senator Pacquiao hoped that Senator Cayetano would come to realize that the establishment of the commission would truly be beneficial to the country in the long run.

Senator Cayetano admired Senator Pacquiao's passion, likewise his dream of achieving economic development through sports. She replied that she has the same dream for the nation. She said that for herself who is also passionate in all things sports, she had experienced and had been supporting sports development via the Ironman 70.3 which began in Camarines Sur. She mentioned that she has been a regular and long-time participant of the triathlon event, and that she has seen its participation grow from a mere 400 participants that over the years became an event for family and friends. She said that Mactan in Cebu, as well as the Cebuanos in general, had sacrificed so much for the benefit of the staging of the Ironman triathlon. She said that she shares Senator Pacquiao's vision of tourism and economic prosperity through sports development. Despite their common dream for the sports sector, however, she reiterated that the functions envisioned by Senator Pacquiao for the commission were already being performed by the GAB.

Senator Pacquiao replied that the functions of the commission would be different from those of the

GAB, as the former would be given developmental power in terms of promoting the sports and, likewise, giving SSS, PhilHealth, and other benefits to the athletes. He also said that while he is not questioning GAB, he said that its functions, which is clearly just to regulate and supervise the various professional sports, would not make it responsive to the pressing needs of the boxers and other combat sports athletes.

As to the statement of Senator Pacquiao saying that GAB has not been responsive to the welfare of the professional athletes, Senator Cayetano said that the function the senator had mentioned, that a boxing commission should regulate, is already being performed by GAB, adding that the regulatory function is a standard job description of every boxing commission in the world. She also raised her concern that Senator Pacquiao was openly talking about "promotion," and said that the same should not be the job of a boxing commission. Moreover, she said that a conflict of interest is bound to happen if promotion and regulation would be performed by one and the same agency.

To clarify his earlier point on "promotion," Senator Pacquiao said that he was not talking about promotional boxing, as it would be the job of a match or game promoter to do so; as such, the rationale for a promoter and manager license would come in. As a reply, Senator Cayetano stated her reservations on the matter, as the phrase "promote the boxing industry" appeared in the bill. Relative thereto, Senator Pacquiao said that he had read the measure and mentioned that nowhere in the bill was he able to find the word "promotion," in the sense that one was being encouraged to be a match promoter. He then mentioned Section 5, item (d) in support of his point, wherein the word was meant to be seen as a collaborative activity with various sectors in the country as well as different government agencies in order to stimulate interest in the sports.

In response, Senator Cayetano said that she finds the word problematic in the sense that when the country promotes the sports as a competitive activity, as in a match, regulation is bound to come into the picture. In that regard, she placed on record that she would be addressing the issue during the period of amendments.

She said that her biggest concern with the measure is that the functions being proposed for the commission is already being performed by GAB. She said that it has become an even bigger issue for her

given the funding requirement of the bill—an amount to rival, or even surpass, the budget of the GAB itself. She added that despite the Board overseeing 20 kinds of professional sports, it was able to include three more in its list despite the pandemic. As such, she said that it has become a situation that with the sponsorship of the measure, the Body would then have to decide on the creation of a new commission for just two sports which, ironically, were currently being handled by GAB. In that regard, she reiterated that one potential solution to the problem would be a welfare fund initially placed in the GAB that would address the boxers' and other contact sports athletes' concerns.

Senator Pacquiao then addressed Senator Cayetano's concern relative to the commission's budget being much larger than GAB's appropriation. He reiterated that the P150 million budget is just a placeholder amount and could be replaced by any value at any time.

Noting that the offices of the commission are to be placed in the three major islands, Senator Cayetano said that in contrast, the GAB already had established regional offices. Subsequently, she opined that resources should not be wasted especially in the time of the pandemic, and called for accountability on public spending. Having said that, she mentioned that as she and Senator Hontiveros had been working on the adoption bill, trying to amend the measure to reflect the scarcity in the number of social workers attending to the abandoned children on the streets, it broke her heart as a mother that there is to be an office catering specifically to just one sport, while agencies that take care of the welfare of street children could not even secure a funding of their own.

She maintained that the Body should not entertain a measure creating a similar agency that would just duplicate the functions of an already existing one. She also offered her help to Senator Pacquiao, to work with him in looking for ways to create a fund within the GAB for amateur boxers and combat sports athletes. In that regard, she hoped Senator Pacquiao would consider her offer.

Senator Pacquiao argued that contrary to some observations that his bill establishing the Philippine Boxing and Combat Sports Commission is an ill-timed measure, he stated that the bill was already in existence even before the pandemic started, and had already been discussed in the 17th Congress. He also

informed the Body of his impression that the clarificatory questions posed on his measure only seemed to make the passage of his bill into law even more difficult.

In response, Senator Cayetano mentioned that she always views the passage of a bill into law as a collaborative process one wherein collective wisdom gets distilled into a single measure. She then recalled a long line of mentors that included Senator Drilon, as well as the late Senators Flavio, Arroyo, Pimentel, Defensor Santiago, and Angara. She underscored the importance of working together, adding that in the 18th Congress, it was with Senator Gatchalian that she collaborated especially on bills that she had previous experience working on. Senator Cayetano said that if she opposes a measure, it would mean that her questions were not being answered properly.

She averred that she had always started her inquiries by asking for clarificatory questions, requesting to be educated and informed about the salient features of a bill. However, she said that if her questions are not answered satisfactory, then that is the time to conclude and present her opinion on the matter. She then expressed hope that her opinion on the measure would be considered by the sponsor.

As regards the GAB, asked inquired why the committee is not amenable to amending the powers of the Board so that it could be more responsive in addressing the needs of the boxers. She believed that it would be irresponsible for lawmakers to put funds for a new agency when it cannot say that the existing agency is not performing its mandate.

She noted that Senator Pacquiao had pointed out that the bill was passed in the 17th Congress. She stated that while she was not a senator then, she had stood up so many times defending a bill and answered questions repeatedly so that Members would understand a measure from their best perspective. She said that she had tried to make her inquiries easier by studying the interpellations in the 17th Congress. However, she underscored that both bills are not the same as there are certain provisions that are placed in the proposed measure that are not found in the version filed in the 17th Congress. She then enumerated some of the difference, as follows:

1. on the creation of the commission, the bill in the 18th Congress provides that it is directly under the administrative supervision of the Office of

the President but was worded differently in the 17th Congress;

2. the composition of the members are different;
3. exemptions from taxes and fees in the 18th Congress are not present in the 17th Congress;
4. the compensations of professional boxing and combat sports are present in the 18th Congress but were not present in the 17th Congress.

She reiterated that she had studied both measures and that they are not the same.

At this juncture, Senator Pacquiao inquired about the clarificatory questions that were not addressed as he would like to answer as much questions as possible.

Asked by Senator Cayetano whether the committee is open to exploring, for the time being during the pandemic, the option of amending the powers of the GAB to address the concerns on boxers' welfare instead of creating a P100-million agency, Senator Pacquiao clarified that the bill was proposed before COVID-19 struck; and was approved in the 17th Congress when Senator Cayetano was still a member of the House of Representatives. He stated that in the proposed measure, the function of GAB would be different from the PBCSC. He said that the function of GAB only to regulate, provide medical assistance, supervise and issue license to athletes, while the proposed PBCSC would look after the welfare and help athletes until their retirement, especially in granting them pension. He maintained that in his 25 years as a boxer, many athletes in combat sports ended up asking for help or are in the streets begging for alms. He stressed that the new commission would look after boxers from the time they start until they retire. He then expressed hope that Senator Cayetano would understand his response.

Senator Cayetano stated that although the bill was filed before the pandemic, it should still address the current issue, citing the recently-passed CREATE bill that was filed prior to COVID-19 as CITIRA. She underscored the need for legislators to adjust to the current situation, and if the reason given is because the bill was filed prior to the pandemic, it is not being responsive to the needs of the people. She added that whenever the country is hit by a natural calamity, Congress pulls out funding and places it on the area that needs assistance for calamity.

Moreover, she believed that it is ill-timed to create during the time of pandemic and to put up GAB has regional offices. Furthermore, she noted that the answers to her questions were not responsive to the query on what GAB should do to support boxers. She said that if it is not in the GAB's mandate to help boxers, amending the law would be the easiest and most cost-effective way of approaching the matter.

She stated that if the law is amended and GAB does not do its job within two years, she would be the first to support the creation of a commission, all for the sake of the athletes.

Senator Pacquiao stated that if the main concern was the budget, he was willing to give the commission P500,000 or P200,000 to jumpstart it.

Senator Cayetano then suggested that Senator Pacquiao submit a budget proposal. She surmised that if the purpose of the measure is to create an agency with a budget of P200,000, they might as well privatize it by pitching money from their pockets, similar to boxing commissions in other jurisdictions. She then wondered how offices could be put up in Luzon, Visayas and Mindanao with a budget of P200,000. She expressed concern that if passed into law, people might look for the promised regional offices and the welfare fund mentioned. She stressed that the Body does not want to overpromise and underdeliver to the beloved national athletes.

Responding thereto, Senator Pacquiao stated that in order to hasten the proceedings, at the proper time, the committee would remove the budgetary requirement and just let the DBM provide for it as it deems fit. He said that if the DBM would give the commission a P100,000 budget, he would add to its coffers using his personal fund to establish offices in Luzon, Visayas, and Mindanao.

Senator Cayetano believed that providing for the commission through private funding was a better alternative and that she would even help put up the fund by collecting from the Members. She said that it was the best direction since DBM would not favor unfunded laws. She added that DBM does not release funds easily because they would study the measure and would give the amount that it could afford commensurate to the objectives and mandate of the law.

Thereafter, she cited the DBM letter dated March 17, 2021 wherein it recommended that the bill be studied further to ensure that the functions of the proposed Philippine Boxing Commission do not duplicate and overlap with GAB and PSC. She maintained that the commission would be a duplication of both agencies as the creation would basically perform 50% to 90% of the same job that GAB is performing for professional athletes.

On whether the boxing commission would perform regulatory functions, Senator Pacquiao stated that Section 11 of the bill took into consideration the letter of the DBM. He reiterated that if DBM would grant a budget of P100,000, he would help put up the offices using private funding.

Senator Cayetano recalled that during the deliberation on the health bills, the provision "subject to the approval of DBM" relinquishes the power to DBM. She stated that no less than Senate President Sotto and Senator Drilon frowned upon the proviso as it negates the purpose of enacting it into law only to pass on its powers to the DBM. She reiterated that the DBM suggested that the measure be studied further and to take note of the duplication of functions. She said that she was taking her time on the bill because she would like to devote time and energy for the athletes, just as Senator Pacquiao has so much passion in fighting for his group of athletes. However, she lamented that Senator Pacquiao was not able to satisfy her query on the violation of the equal protection clause of the Constitution which classifies injured boxers. She said that data shows that there are many other sports that athletes get injured from. She said that if the bill would want the State to be responsible for the injured boxers, all athletes should be covered as well. Lastly, she informed the Body that the Muay Thai Association of the Philippines was against the creation of the boxing commission due to the duplication of function with the GAB.

At this juncture, she stated that she would end her interpellation. She reiterated her love and concern for the professional and amateur boxers and all the athletes of the Philippines. She urged the Body to exercise its power to vote responsibly on the measure because P150 million or P100 million or even P50 million would go a long way in addressing various pandemic needs that have to be addressed. She said that there are health and education needs that are still unmet and that the creation of a new office is an unnecessary expense at the moment. She said

that she would support putting up a fund for a privately run commission for the boxing athletes. However, she expressed regret that the Body could not pass a bill without clear direction on the funding as it could end up to be an unfunded bill because DBM itself was not clear on the functions of the agency.

Thereafter, she suggested amending the GAB to include funding for amateur athletes involving the PSC, saying she would assist Senator Pacquiao in determining what could be done in the meantime until they could revisit the bill after the pandemic. She further emphasized that GAB is doing its job and that she has not heard the agency being remiss in the performance of its mandate.

Disclosing that GAB had registered four new sports during the pandemic volleyball, chess, jet ski, and triathlon, Senator Cayetano believed that it would be a disservice to the Filipino people to create a new agency when there is an existing agency that is doing its job well.

At this point, she thanked Senator Pacquiao for his patience in answering all her questions and hoped to work with him in finding solutions to improve the plight of amateur athletes.

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.

MANIFESTATION OF SENATOR ZUBIRI

Senator Zubiri thanked the senators who were online, namely, Senators Drilon, Marcos, Dela Rosa, Pangilinan, Villar, Pimentel, Gordon, Recto, Lacson, Revilla, Hontiveros, Angara, Binay, and Poe. Likewise, he acknowledged the presence of the senators who were still with him in the plenary hall: Senate President Sotto, as well as Senators Pacquiao, Cayetano, Villanueva, and Gatchalian.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2077

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

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 9:05 p.m.

I hereby certify to the correctness of the foregoing.



ATTY. MYRA MARIE D. VILLARICA

Secretary of the Senate

Approved on May 31, 2021

