



**REPUBLIC OF THE PHILIPPINES**  
**Senate**  
**Pasay City**

# **Journal**

**SESSION NO. 2**  
Tuesday, July 26, 2022

**NINETEENTH CONGRESS**  
**FIRST REGULAR SESSION**

Prepared by the  
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Senate of the Philippines

**Session No. 2**  
**Tuesday, July 26, 2022**

**CALL TO ORDER**

At 3:00 p.m., the Senate President, Hon. Juan Miguel F. Zubiri, called the session to order.

**PRAYER**

Sen. Sonny Angara led the Body in prayer, to wit:

*Panginoon, nawa'y pagpalain Ninyo kami ng Inyong kapangyarihan at pagkalinga, upang sa mga panahon ng matinding pag-aalinlangan, patuloy pa rin naming matulungan ang ating mga kababayan at maiahon ang bansa mula sa krisis.*

Father, today, as we gather in this august Chamber with colleagues, new and renewed, we embark once again on the very important task of crafting legislation. Our people have been facing very serious challenges. It is upon us, legislators, to deliberate and find possible solutions to carve out for them a path out of adversity and towards prosperity.

May the unity that brings us together today be the bridge to realizing our collective aspirations for the nation. It is a unity born from our shared desire to work hand-in-hand for the benefit of our countrymen and build a better Philippines for everyone.

*Maraming salamat para sa pagkakataon na kami'y magkaisa at magserbisyo para sa ikauunlad ng bayan. Dalangin namin na manatili ang pagkakaisa na ito, dahil sa ganitong paraan lamang magbubunga ang pagsisikap naming mga mambabatas at patuloy na magkakaroon ng sapat na puwang para sa ating pagsulong.*

Loving Father, we pray for all newly elected officials and public servants of the country and of the legislature, including our staff. We ask for Your guidance and support so that all our efforts bear abundant fruit and benefit our beloved country.

This, we pray in Your Name.

Amen.

**ROLL CALL**

Upon direction of the Senate President, the Secretary of the Senate, Atty. Renato N. Bantug Jr. called the roll, to which the following senators responded:

Angara, S.  
Binay, M. L. N. S.  
Cayetano, A. P. C. S.  
Cayetano, P. S.

Marcos, I. R.  
Padilla, R. C.  
Pimentel III, A. K.  
Poe, G.



Dela Rosa, R. B. M.	Revilla Jr., R. B.
Ejercito, J. V. G.	Tolentino, F. T. N.
Estrada, J.	Tulfo, R. T.
Gatchalian, W.	Villanueva, J.
Go, C. L. T.	Villar, C. A.
Hontiveros, R.	Villar, M. A.
Lapid, M. L. M.	Zubiri, J. M. F.
Legarda, L.	

With 23 senators present, the Chair declared the presence of a quorum.

Senator Escudero arrived after the roll call.

### APPROVAL OF THE JOURNAL

Upon motion of Senator Villanueva, there being no objection, the Body dispensed with the reading of the Journal of Session No. 1 (July 25, 2022) and considered it approved.

### MANIFESTATION OF SENATOR VILLANUEVA

Senator Villanueva manifested that the Reference of Business would be read at a later hour so that they could proceed with the privilege speeches of Senate President Pro Tempore Legarda and Senator Cayetano (P), respectively.

### PRIVILEGE SPEECH OF SENATOR LEGARDA

Availing herself of the privilege hour, Senator Legarda delivered the following speech on pandemic recovery and the importance of investing in human capital:

I address this august Chamber with a resolve for our country to build back better from the twin crises of the impacts from climate change and the COVID-19 pandemic, which our country and fellow Filipinos continue to experience these past few years.

Our national government has poured in the funds for the recovery of our economy and the welfare of more than 100 million Filipinos whose lives, as we know, have been forever altered by this pandemic.

However, it is not enough that we only look at the horizon. As we pull ourselves up from this pandemic, we must also put in the forefront of our collective awareness how we should deal

with the graver and irreversible impacts of the climate crisis.

We are obviously living in challenging times of climatic changes that are unparalleled over thousands to millions of years. The Intergovernmental Panel on Climate Change (IPCC), in its Sixth Assessment Report (AR6), has warned us that today's temperatures are at the highest in 125,000 years. We are now at the point of no return in our battle against climate change.

The report also tells us that with absolute certainty that the human factor on climate change is "unequivocal." If we fail to heed the science and address the causes of climate change, there would be dire consequences on our society and our ecosystems.

The Global Commission on Adaptation (GCA) flagship study asserts that by 2030, more than 100 million people in developing nations will live below the poverty line resulting from the impacts of climate change. Extreme weather events will continue to wreak havoc and delay progress. Extreme heat will continue to affect food security and water supply—issues raised in the State of the Nation [Address] yesterday. Rising sea levels, also stated by the President, will force coastal communities to seek shelter elsewhere. Of our more than 1,600 communities and cities all over the country, more than 800 are coastal in nature.

More troubling is that the Philippines ranked fourth of countries most affected by long-term climate change according to the 2021 Global Risk Index. And this is all the more reason for us to accelerate our efforts in climate action, paralleling our fight with this pandemic.

The intricate interrelationships between the environment, our health, and the climate crisis cannot be understated. We must ensure that our actions now work towards a Philippines that is not only resilient to pandemic shocks, but also from extreme weather events and slow onset climate events.

We have to rebuild our communities in such a way that we are also able to reduce our climate and health risks and vulnerabilities. I urge the national government and every Filipino to contribute to the staging of a resilient and sustainable pandemic and climate recovery.

*Kailangang magtulong-tulong at magkaisa sa pagsulong ng pagbabago tungo sa*



*pagpapaunlad ng kalidad ng ating pamumuhay mula sa pandemya at sa kinakaharap din nating krisis sa klima.*

Only through a climate pathway can we truly recover in a resilient and sustainable manner. As concluded in the Paris Agreement, all countries must commit to limiting global warming by 1.5 degrees Celsius. In order to achieve this, a net-zero global economy must be targeted worldwide by reducing greenhouse gas (GHG) emissions by 45 percent by 2030, or by 7.6 percent every year from 2020 to 2030, to reach net-zero by 2050.

We are committed to this through the Nationally Determined Contribution (NDC), which intends to avoid and cut emissions to 75 percent by 2030 and to modernize our carbon-intensive sectors on agriculture, waste, industry, transport, and energy.

We believe that climate-resilient development is the right path to improving the lives of our vulnerable population, while also unlocking our potential for green and sustainable growth.

Supporting and advancing renewable energy and energy efficiency; environment-friendly transport systems; nature-based solutions, especially for adaptation; resilient buildings and infrastructure; moving away from single-use plastics in favor of extended responsibility of plastic producers; and a truly circular economy, are initiatives consistent with this pathway.

While we also continue to unlock climate financing from global and multilateral sources, we need to enjoin the private sector to assist and invest in projects and programs in line with our country's sustainability and resilience goals.

The new strategy in industry and government must be to incentivize and de-risk investments in low-carbon and innovative technologies while enhancing stakeholders' capacity for mitigation.

The Global Commission on Adaptation (GCA) [flagship report] also emphasized the need to empower local governments and people in managing climate risks and disasters and urged for greater financial allocations for climate adaptation initiatives and programs.

As we strive towards resilience and nature-based solutions, this has become the new currency. The key is incorporating local

communities and stakeholders into the development and execution of programs.

We must heed and uphold the principle of "Build Right at First Sight," which entails planning and executing policies and programs right for the first time using science. We must make sure that our limited resources are optimized to prevent further loss and damage to our communities.

We have enacted significant environmental laws, to name a few. They are enumerated above, I do not have to say all of them. But it is clear from 1998 from the Clean Air Act to the Solid Waste Management up to the ENIPAS [Act] of 2019.

*At this juncture, the following list of environmental laws that Senator Legarda had authored since 1998 were flashed onscreen: the Ecological Solid Waste Management Law; the Clean Air Act; the Clean Water Act; the Climate Change Act and the People's Survival Fund Act; the National Environmental Awareness and Education Act; the Wildlife Resources Conservation and Protection Act; the Renewable Energy Law; the Disaster Risk Reduction and Management Act; and the Expanded National Integrated Protected Areas System Act.*

We must strengthen our human capital and invest in the Filipino people. The challenge is to breathe life into these laws, programs, and policies. We need to make these laws work for the poorest of the poor, our most vulnerable, our most marginalized. We need to see in our national budget whether these laws are actually being implemented and funded and have changed the lives of the vulnerable populations.

The bigger task for us is to build safer and resilient communities where Filipinos have better job opportunities and equitable access to social services like healthcare and education.

By establishing livelihood training programs and providing technical and financial support to our farmers, fisherfolk, and even indigenous peoples and workers, we create an enabling environment where Filipinos can succeed and eventually provide for themselves. That is why we are pushing for stronger support for micro, small, and medium enterprises which were already enacted into law in 2007 and create more employment opportunities.

On the Human Capital Index (HCI) in 2020, the Philippines scored a rating of 0.52, implying

92%

that children born in the Philippines today are likely to only fulfill 52 percent of their potential when they become adults. The risks and challenges of investing in human capital have gotten even more significant in light of the COVID-19 pandemic and the climate crisis.

Strengthening learning interventions for our children is therefore essential. These educational programs must be tapped to promote critical concepts like climate change adaptation and mitigation, disaster risk reduction and management and sustainability, even regeneration.

This is what we primarily took into account while pushing for the "One Tablet, One Student Act," which will assist our students in coping with the learning modalities of the present. And I am glad that the State of the Nation Address of the President mentioned about the need for connectivity and individual devices for our children.

There is no time or room for complacency and indifference. It is time that we work towards resilience as the country's priority strategy in our response to the pandemic and the climate crisis.

We must heed the call of science and our experts to pursue and realize economy-wide and community-based measures that aim to reach our goals sooner rather than later.

President Marcos himself said that our response to the climate crisis should be just as urgent. Let us invest in where it truly matters so our development gains will not be wasted come another typhoon or disaster. Let us strive for a better normal by enabling genuine and lasting resilience for all.

Together, we can lead the way towards a resilient and sustainable pandemic recovery for all Filipinos, for all species of the world, and for our future generations.

## ACKNOWLEDGEMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Villanueva acknowledged the presence of Climate Change Commission (CCC) Secretary Robert E.A. Borje, together with Commissioners Rachel Anne Herrera and Albert P. Dela Cruz Sr., and Philippine National Police officer-in-charge Police Lieutenant General Vicente Danao Jr.

Senate President Zubiri welcomed the guests to the Senate.

## MANIFESTATION OF SENATOR REVILLA

Praising Senator Legarda for continuously pushing for environmental advocacies, Senator Revilla delivered his manifestation on her privilege speech, as follows:

We laud the efforts of the good lady senator from Antique and Malabon. She has been always consistent in her advocacies for the environment, disaster resilience, and particularly on climate change.

Due to the geographic location of the Philippines, our country has a high-risk of experiencing natural disasters. *At alam naman po natin na mas ramdam ng ating mga mahihirap na kababayan ang epekto nito sa mga sakunang nangyayari. Unang nabibiktima ang ating mga magsasaka, mga mangingisda, at mga urban poor. Sila ang laging nasasalanta ang pananim, hindi makapagpalaot, [at] madalas na mabaha.*

*Gaya ng nabanggit ni Pangulong Marcos sa kaniyang SONA kahapon: "Though we are a minor contributor to climate change globally, we have the unfortunate distinction of being one of the most vulnerable countries to the effects of climate change." Ramdam na ramdam naman po ang epekto ng climate change—mas lumalakas ang mga bagyo katulad na lamang ng nagdaang "Bagyong Odette," at dito mismo sa Kamaynilaan ay kaunting ulan lamang ay napakabilis ng pagbaha at napakabagal naman ng paghupa nito.* In fact, we filed an inquiry on the status of the government's flood control masterplan and pending flood control projects.

We are still recovering from the aftershocks of the COVID-19 pandemic. The economic impact of the health crisis is especially felt by vulnerable sectors of our society. As reported by the World Bank, COVID-19 has taken a heavy toll on rural livelihoods.

Disaster-prone communities experienced more difficulties in coping with COVID-19 restrictions and its severe economic impact. The subsequent loss of employment is the most common outcome resulting from these causes. In fact, the loss of employment and loss of income pushed those already at risk into poverty and the poor more deeply marred in poverty.



More than just looking at the projects of our government or making a call for action, we must concretize our initiatives by institutionalizing these advocacies. Climate change mitigation and environmental protection and reservation should be incorporated in our schools and be actively practiced in our homes and communities.

*Wika nga ng Pangulong Marcos sa kaniyang SONA kahapon*, "If we cannot mitigate climate change, all our plans for the economy, all our plans for our future will be for naught."

We are fully in support of the good lady senator's initiative and we are one with her in this advocacy.

Congratulations, Senator Loren.

## MANIFESTATION OF SENATOR VILLAR

Senator Villar (C), Chairperson of the Senate Committee on Environment, Natural Resources and Climate Change during the Seventeenth and Eighteenth Congresses, announced that the Extended Producer's Responsibility Law which was passed in the Eighteenth Congress has lapsed into law on July 25, 2022.

She said that with the lapse of the bill into law, it means that large corporations will now have the responsibility to process their plastic waste. She further mentioned that according to a study done by the University of Georgia, the process would help agriculture since the Philippines is recognized to be the third largest contributor of plastic in the world entering the ocean, next to China and Indonesia. She opined that the image of the country as contributor for a plastic litter would be removed after the implementation of the Extended Producer's Responsibility Law.

Senator Villar (C) also said that during the Seventeenth and Eighteenth Congresses, the Body passed into law 101 legislated protected areas in the Philippines, making it 114 legislated protected areas.

Senate President Zubiri lauded Senator (C) Villar's accomplishments for the environment. Agreeing with his observation, Senator Villanueva opined that at the proper time, no one would contest the nomination and appointment of Senator Villar (C) as Chair of the Senate Committee on Environment, Natural Resources and Climate Change.

## INTERPELLATION OF SENATOR PIMENTEL

Preliminarily, Senator Pimentel inquired whether the "no clapping" policy in the Senate has been discontinued. Senate President Zubiri replied in the negative, saying that the policy is still being enforced in the Session Hall.

At the outset, Senator Pimentel lauded Senator Legarda for her consistency in her advocacies on environment, climate change, and sustainable development. He asked whether there was any special occasion being celebrated or commemorated about climate change which prompted Senator Legarda to deliver her privilege speech.

In response to Senator Pimentel's query, Senator Legarda believed that every waking moment should be dedicated to the survival of the planet and its people. She further explained that every action made by humans would have a repercussion on the climate. She went on to say that she took the floor in the light of the State of the Nation Address of President Marcos which inspired her when he mentioned several times climate crisis and the fact that it should be included and considered in certain policies and legislation that could help improve the state of the environment.

Senator Pimentel requested that he be reminded of the statements of President Marcos in his SONA regarding the issue of climate change. Senator Legarda recalled that President Marcos mentioned the issue of climate change and disaster preparedness several times. She said that it was first mentioned with an instruction to the Department of Social Welfare and Development (DSWD) to preposition goods and family packs in warehouses and in LGUs even before a natural hazard occurs. She went on to say that the proposal was already part of the NDRRM Law of 2010 during the time of Senator Aquilino Pimentel Jr. and the legislation process was shepherded by Senators Biazon and Gordon. She stated that it should be second nature to LGUs and DSWD to preposition goods and the DPWH for the equipment to be needed in case of a disaster. She said that the policies have been enshrined in more than a decade legislation which was briefly mentioned in the President's SONA.

She said that the second matter mentioned in the SONA on climate change was about the transition towards a low-carbon pathway and the transition to renewable energy to veer away from destructive and expensive fossil fuels.

Senator Pimentel reiterated that he could not recall any mention about climate change but he said that Senator Legarda must have connected the issue of climate change to the Philippines' contribution to the Paris Agreement. He said that the Philippines has committed to reduce carbon emissions to certain levels by 2030 pursuant to the Paris Agreement.

Senator Legarda said that she would be forever grateful to the Senate for unanimously voting in favor of the concurrence in the ratification of the Paris Agreement as she recalled sponsoring the treaty at the time.

She stated that President Marcos said in his SONA that the Philippines may only be 1/3 of 1% emitter or contributor in terms of greenhouse gas emissions in the world, but the country bears the brunt of vulnerability and hazards because being in the Asia Pacific region, the Pacific Ring of Fire, and in the Typhoon Belt.

She said that among the many provisions of the Paris Agreement is the NDC or the nationally-determined contribution of the various sectors; such as agriculture, transportation, industrial, household and commercial—to the greenhouse gas emissions and how it could be reduced by the Philippines.

Senator Legarda reiterated that while the Philippines is only 1/3 of 1% emitter of gas emissions in the world, it has accelerated a very ambitious NDC target because the 72% target is conditional on the support of climate finance, technologies, and capacity development provided by developed countries as prescribed by the Paris Agreement.

She said that being a signatory to the Paris Agreement was essential because it meant having a place in the table of negotiations wherein the Philippines could tell the industrialized first-world nations that pollute the world to scale up their NDCs. She said that the country has raised its carbon emission reduction target to 75% by 2030.

She said that the Philippines has to mitigate its

use of fossil fuel in the interest of climate justice because mitigation affects and favorably impacts on the life of the people.

Senator Legarda said that President Marcos was quoted to have said in his SONA that, "We are a minor contributor to climate change, but is also one of the most vulnerable." She said that the Climate Change Act mandated all LGUs to come up with their own climate change action plans, so that they may be prepared for the adverse impacts of the changing climate.

Senator Pimentel then further asked whether the information that the Philippines ranks third in the world in terms of plastic pollution contributes to climate change. To this, Senator Legarda replied in the affirmative, saying that plastic comes from fossil fuel. She said that disposal of plastic is covered under Republic Act No. 9003 or the Ecological Solid Waste Management Act of 2000 which mandates the segregation of waste at source, recycling, and composting. She said that any solid waste, including human waste, must not be thrown into the waste side but must be segregated; residual waste must be collected and thrown in environmentally engineered sanitary landfills; food waste must go to organic compost pits; and bottles, cans and plastic must be segregated and put in material recovery facilities which can be recycled. She further said that several LGUs such as Barangay Holy Spirit in Quezon City has been awarded and recognized for its solid waste disposal and recycling projects.

Senator Pimentel lauded the program and congratulated Senator Legarda for shepherding the passage of the Paris Agreement. He said that being a former chairman of the Senate Committee on Foreign Relations, he realized that it was not easy to get the Senate's ratification on a treaty. He said that the Extended Producer Responsibility (EPR) Law which was earlier mentioned by Senator Villar (C) would likewise have an effect on climate change.

Asked by Senator Pimentel whether it was already established science that human behavior causes climate change, Senator Legarda replied in the affirmative, saying that it is contained in the Intergovernmental Panel on Climate Change (IPCC) report – the sixth assessment report and even in previous reports of the IPCC. She said that the





IPCC is a body composed of scientists from all over the world and some of them are Filipinos from UP Los Baños and some of whom have been her consultants in the Senate.

On further queries by Senator Pimentel whether the statement has been disputed by some scientists, she said that she was not aware of any scientists disputing the statement because according to the IPCC report, the cause of climate change relating to human action is based on science and is unequivocal. However, she also said that there are scientists, politicians, persons, and groups that may think otherwise and lobby against the science that leads to the causes of climate change. She likewise recalled that there was once an elected U.S. president who did not believe too much in climate change.

She said that coming from a vulnerable country such as the Philippines which has gone through typhoons *Yolanda*, *Ondoy*, *Sendong*, *Pablo* and *Odette*, and as mentioned by Senator Revilla in his speech, the poor people living in poverty are the ones who are directly affected and feel the effects of climate change; the people who live by the river, by the shore and those in the mountains.

Thereupon, Senator Legarda said that, at a different time, she would discuss easy to do climate adaptation measures that could be done every day.

While Senator Pimentel agrees to the theory, he hoped that the DENR has generated hazard maps on a per LGU basis to identify what areas are susceptible to floods, landslides or fault lines, seeing how essential it is in real life. In fact, he said that the use and study of hazard maps should be encouraged. Noting that Congress has funded the hazard maps made by NAMRIA, Senator Legarda hoped that it was rolled out to every LGU to ensure capacity building in understanding what the hazard maps really mean.

Referring to *Typhoon Pablo* which hit Region XI, she noted that the purple color in geohazard maps means that the area is susceptible to flooding. She believed that the LGUs should study the vulnerabilities, hazards and risks through multi-hazard mapping to help plan their structures. Senator Pimentel confirmed that when he went to Compostela Valley and Davao Oriental, he saw how the mountain was denuded by heavy rainfall.

Senator Legarda recalled that in 2006, when there was still no early warning system, a remote barangay in the municipality of Saint Bernard in Southern Leyte was devastated by a massive landslide triggered by incessant rains. She lamented that hundreds of houses and a school were buried that tragic day.

In suggesting that climate adaptation measures under in the PAGASA Modernization Act should be translated and expressed in different dialects and languages, she emphasized the essentiality of capacity building in local government units; hence, hazard maps and information must be used in building right at first sight.

Aside from rainwater harvesting especially during summer months, she said that organizing seed banks in every barangay would ensure food security, and to plant more mangroves around the country to protect coastal communities from storm surge.

At this juncture, Senator Villar (C) manifested that when she went to Leyte and Samar after it was hit by *Typhoon Yolanda*, she discovered that local governments which has mangrove in its coast were safe from the super typhoon because one of the best defenses against storm surge and flooding would be to plant mangroves in coastal areas. Noting how the 35-hectare Las Piñas-Parañaque Wetland Park acts as protective buffer against storm surge, she said that it is for the same reason why she opposes reclamation projects.

In agreeing that mangroves are the best buffer of coastal areas against sea level rise and storm surge, Senator Legarda said that it is also a spawning ground of fishes and other marine species. Nevertheless, she pointed out to properly identify what kind of mangrove to plant; in fact, per COA report, the National Greening Program only allows the rehabilitation and reforestation of mangroves. She concurred that there should be a massive mangrove reforestation rather than building seawalls.

Senator Legarda said that part of climate adaptation is documenting and sharing the knowledge of indigenous people to learn more about climate change, building rooftop gardens and vertical farming which can be done in rural areas, and emergency drills addressing various disasters.



Following the concept of "building right at first sight," Senator Pimentel suggested a snappier slogan which is "Build Better" rather than "Build Back Better." He thereafter thanked and congratulated Senator Legarda for being consistent in championing climate and environment initiatives.

Senator Legarda likewise thanked Senator Pimentel for his very enlightened questions and inputs.

## INTERPELLATION OF SENATOR TOLENTINO

As Senator Tolentino lauded Senator Legarda for her deeply researched speech relative to climate change, he noted that during the State of the Nation Address, Pres. Ferdinand Marcos Jr. expressed his advocacy for clean energy and his great interest to revive nuclear energy in the Philippines. Noting that he is not referring to the Westinghouse Plant in Bataan, he believed that the notion of reviving nuclear energy could provide greater means of support in uplifting the lives of Filipinos.

Asked if she agrees that nuclear energy is clean energy, Senator Legarda said that she is not an expert on nuclear energy but that she is open to hear discussions and consultations with various stakeholders and science experts on nuclear energy. She said that she has only read but has not engaged in any discussion on nuclear energy, confirming that it is clean in view of the effects of nuclear waste. She added that on many occasions, she has been expressing reservation regarding nuclear energy so as with any subject matter, she is open to the discussion of learning and consultation and perhaps be convinced but not as of yet.

Conversely, Senator Tolentino placed on *Record* that he is 100% in favor of nuclear energy because based on his readings, he has glanced on accounts stating that nuclear energy is zero emission.

Inquired if nuclear energy would not contribute an iota of carbon dioxide in the atmosphere, Senator Legarda said that she is uncertain that nuclear energy has zero emission. She also hoped that safety measures in handling nuclear waste must also be discussed during consultation, noting the many issues concerning the standards of safety in various sectors, and citing that the Department of Energy has issued

a statement looking into the source as a possible option many years ago. In case nuclear energy is emission-free, she pondered how and where nuclear waste would be disposed, who would shoulder the cost, and the timeline to develop a nuclear power plant.

Citing how she helped shepherd the Renewable Energy Law which was enacted in 2008, she expressed her willingness to listen to the discussions on nuclear energy.

To the assumption that she is amenable to nuclear energy as a form of energy that could be incorporated in the climate change adaptation program of the country, Senator Legarda underscored that she is open to listen to the discussions to know if it would be safe considering that the Philippines is located within the Pacific Ring of Fire and the Marikina fault line from the Sierra Madre, crossing through Quezon City and towards Laguna.

Saying that decisions must be made based on science, Senator Legarda said that legislators should be reminded of the Fukushima nuclear disaster—that is, getting the assurance that safety standards are upheld; that there is huge investment for pandemic recovery and climate crisis; and that there is an option for renewable energy.

Senator Tolentino said that he is a nonscientist but that from his readings, nuclear-generated electricity saves the atmosphere from more than 470 million metric tons of carbon dioxide emissions which is equivalent to removing 100 million cars off the streets meaning, there would be no smoke from diesel or gasoline, and the environment is safe from carbon dioxide emissions.

To the remark that she is agreeing as she is nodding her head, Senator Legarda clarified that she is nodding because she is trying to comprehend the new possible source of energy for study and learning albeit her concern regarding the effects of nuclear waste.

Senator Legarda clarified that her nod does not mean she automatically agrees with the proposal, but rather that she is willing to explore its feasibility through a science-based discussion.

Senator Tolentino stated that from what he has read, nuclear energy, which is the result of the



splitting of atoms to produce energy, emits the fewest greenhouse gases, is four times less toxic than solar energy, and accounts for 10% of the world's electricity. He stated that he supports President Marcos' statement about the possibility of lowering power rates charged to Filipino consumers through nuclear energy. Lowering electricity rates, he believed, would help Filipinos save money and allocate more of their income to daily expenses and their children's education. He believed that having a nuclear-armed Philippines was one of the many good measures mentioned by President Marcos in his State of the Nation Address the day before.

Senator Legarda manifested her willingness to discuss the matter with Senator Tolentino and experts in the field in order to learn more about the issue. She also reiterated her concerns about safety standards, particularly nuclear waste disposal, and the potential risks of having a nuclear power plant in the Philippines, which is a typhoon belt with earthquake faults running from North Luzon to Southern Luzon, as well as to Visayas and Mindanao.

Senator Tolentino concluded his interpellation by thanking Senator Legarda for her responses to his questions. He hoped that, at the appropriate time, the Body could summon the Philippine Atomic Energy Commission to shed more light on the matter.

#### **MANIFESTATION OF SENATE PRESIDENT ZUBIRI**

At this point, Senate President Zubiri revealed that, like Senator Legarda, he was once opposed to nuclear energy. He went on to say that the more he traveled and met people in the nuclear energy industry, the more his mind was opened to the possibility of having a nuclear-powered country like Myanmar, Thailand, Vietnam, Cambodia, and Malaysia. He expressed concern that the Philippines would fall behind its neighbors if it did not pursue nuclear energy. He believed that for the country to achieve an eight percent growth rate, it needed a robust energy sector capable of supporting all other industries.

#### **MANIFESTATION OF SENATOR GATCHALIAN**

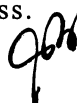
Senator Gatchalian expressed his support for Senator Legarda's privilege speech, stating that he

filed an energy-transition bill with the goal of achieving net-zero emissions by 2050. He added that the bill designates the Climate Change Commission (CCC) as the lead in developing an energy transition plan, with the commission convening a technical working group comprised of DOE, DOTr, and all other relevant agencies to develop the plan.

He did, however, clarify that the bill is about an orderly energy transition, not just transition. He stated that presently, the different agencies have their own transition plans, such as the DOE, which issued a coal moratorium, while other agencies, such as the DOTr and DA, have plans that differ from the DOE's. He reiterated that because no specific goal was being met with a hodgepodge of plans from various departments, he filed a bill empowering the CCC to be the leader in developing the aforementioned plan to reach the net-zero target by 2050, just like the other countries. Similar to Senator Legarda's privilege speech, he believed that his bill is a good piece of legislation for concretizing a goal, adding that legislation has the power to compel different departments to work together to achieve a specific goal.

Senator Gatchalian stated that he would not delve into the subject of nuclear energy because it is a lengthy debate. Nonetheless, he stated that the previous DOE administration had received nearly P266 million in funding to investigate the possibility of incorporating nuclear energy into the country's energy mix. He believed that the Body should request from the Department of Energy a report on the risks, opportunities, and benefits of nuclear energy for consumers, particularly given the large sum of money set aside for that purpose, emphasizing the importance of the scientific-based approach as the Body's guide in determining whether nuclear energy is beneficial or not.

Senator Legarda responded by thanking Senator Gatchalian for the two points he raised and requesting that she be made a coauthor to his bill authorizing the CCC to assist the DOE and other agencies in transitioning to a low-carbon pathway. She also expressed interest in receiving a DOE briefing on the study funded by the previous Congress.



## **POINT OF CLARIFICATION OF SENATOR CAYETANO (P)**

At this juncture, Senator Cayetano (P) asked Senator Villanueva how many more senators will interpellate on Senator Legarda's privilege, reminding him that she too has a privilege speech to deliver. She stated that as much as she appreciated the topic of Senator Legarda's privilege speech, she chose not to interpellate on it because it has been the practice of the Body to allow time for all privilege speeches to be delivered, adding that her privilege speech would be about an equally important topic that she would like all Members of the Chamber to hear.

Senator Villanueva responded that he was aware that Senator Cayetano (P) would deliver a privilege speech after Senator Legarda, but that no one was listed on the agenda to interpellate on the latter's speech. He stated that it was only after Senator Legarda's speech that some Members of the Body expressed an interest in asking questions, so he had no way of knowing who and how many of them would interpellate. Nonetheless, he surmised that Senator Hontiveros would be the last Member to interpellate or make a statement on the subject.

## **MANIFESTATION OF SENATOR HONTIVEROS**

Senator Hontiveros stated that in order to save time, she would no longer ask questions and would instead make a statement on Senator Pimentel's points and Senator Legarda's privilege speech.

Preliminarily, she expressed gratitude to Senators Legarda and Villar for emphasizing mangrove planting and maintenance, revealing that she was about to refile her bill from the previous Congress on establishing a coastal greenbelt program, specifically on planting and maintaining 100-meter thick of the right mangrove species in each coastal area around the archipelago as protection from storm surges.

Senator Hontiveros stated that it would be interesting to discuss the possibility of having a nuclear energy program in the country in the appropriate committee to which Senator Legarda's privilege speech would be referred. She stated that it would be interesting to look back at the nuclear power plant accidents at Three Mile Island, Chernobyl, and Fukushima, despite the highest

safety standards being followed. Furthermore, she stated that she would like to investigate the economic consequences of using nuclear energy, noting that the Philippines lacks native deposits of the necessary elements such as uranium and plutonium. She believed that the country is rich in cheaper alternative renewable energy sources and that it does not need to spend a lot of money importing those elements from other countries just to produce nuclear energy.

Finally, Senator Hontiveros expressed regret that there are still no conclusive scientific studies on the effective and safe storage and disposal of nuclear wastes, echoing Senator Legarda's observation that nuclear wastes deteriorate slowly and have half-lives that last hundreds or thousands of years—well beyond the average human life span—depending on the type of chemical used.

Senator Legarda thanked Senator Hontiveros for her manifestation, which, she said, was very timely given the International Day for the Conservation of Mangroves.

At this point, Senate President Zubiri stated that in his many years in the Senate, it was his first time to see the Congress open with speeches about timely issues, such as the privilege speeches on environment and health by Senator Legarda and Senator Cayetano (P), respectively.

## **REFERRAL OF SPEECH TO COMMITTEE**

Upon motion of Senator Villanueva, there being no objection, the Chair referred the privilege speech of Senator Legarda and the interpellations/manifestations thereon to the Committee on Environment, Natural Resources and Climate Change as the primary committee, and to the Committee on Economic Affairs as the secondary committee.

## **PRIVILEGE SPEECH OF SENATOR CAYETANO (P)**

Availing herself of the privilege hour, Senator Cayetano (P) called the Body's attention to the recent passage into law of the Vape Bill. She believed that the Members who served with her during the Eighteenth Congress are aware that the issue she would raise is very close to her heart, as she hoped that it would be close to the hearts of the new Members of the Nineteenth Congress.

*gls*

She went on to say that she had just received word that the Vape Bill lapsed into law a few hours before. However, she expressed disappointment that while the tobacco industry celebrates its passage, Filipinos remain duped given how shockingly different other countries deal with the issue.

She recalled how, during the Eighteenth Congress, the Body debated and recorded the fact that some countries have outright banned the use of e-cigarettes, heated tobacco products, and vapes. Meanwhile, she stated that in the United States, where vapes are permitted, the U.S. FDA has placed JUUL's application for its electronic cigarettes under additional review to ensure that the e-cigarettes benefit public health before they are permitted to be used by the general public, particularly young users.

She went on to say that in the United States, the FDA rejected 55,000 flavors because they had no proven health benefit. This, she claims, is in contrast to what happened in the country, where a bill that will not even pass muster with the FDA became law. With the DTI replacing the FDA as the regulatory agency under the Vape law, she feared that young people in the country, including her child, would be the target of e-cigarette and vape companies in a few years.

She stated that during the President's State of the Nation Address the day before, she felt a glimmer of hope when he repeatedly stated that Science will be a cornerstone of his administration's programs in agriculture, health, and education, leading her to believe that he would veto the bill. She stated that science clearly shows how dangerous vape products are. In fact, she said, medical experts have repeatedly stated that the Vape Bill is merely a guise for deregulation rather than regulation, and that it introduces harm rather than reducing it.

She stated that her disappointment in the Eighteenth Congress for passing the bill, and in the President for not vetoing it, is insufficient to compensate for the millions of lives that will be jeopardized as a result of the Vape Bill.

She stated that she will divide her discussion into two parts—procedural and substantive—to help the Body understand. On the procedural front, she stated that the Vape Bill was passed by both Houses after

the bicameral meeting on January 26, 2022, just days before the session break and the start of the election campaign.

Senator Cayetano (P) recalled that during the congressional break and throughout the election campaign, she was closely monitoring when the bill would be transmitted to the President's Office, hoping that President Duterte would veto the measure. As the months passed, she concluded that the transmission delay could have been caused by accompanying documentation and paperwork.

However, she observed that it took five months for the measure to finally reach Malacañang Palace, and that the process seemed longer in comparison to the other bills passed by the Senate during the previous Congress, namely the Marawi Siege Victims Compensation Act, which took less than one month; the Foundling Recognition and Protection Act, which took two months; and the Expanded Anti-Trafficking in Persons Act, which took three months. Furthermore, she surmised that the delay could be due to speculations that President Duterte was inclined to veto the measure due to his personal health condition being caused by tobacco products, rendering the pleadings of tobacco company officials, who met with him earlier, effectively irrelevant.

Viewing the situation as a legal quandary, she expressed her refusal to participate in such a historic moment when the Eighteenth Congress sent the measure to the Office of the President just three days before President Duterte steps down from office.

Moving on to the substantive issues, she informed the Body that the previous law, Republic Act No. 11467, or the Sin Tax Reform Law, became law on January 22, 2020, only six months after the Body began working on it in July 2019 and passed it in December. She recalled that during the bill's debate, Senator Tolentino proposed a ban; however, the subsequent debate reached a consensus to regulate sin products, including vapes, in the Sin Tax Law. She went on to say that in addition to regulating revenue collection, the Senate endeavored to protect the people by putting three important provisions in the law, namely: 1) that it is the Food and Drug Administration that should regulate sin products; 2) that access should be restricted to persons aged 21 years or older, and 3) restriction on flavors.



She also recalled that when the Sin Tax Reform Bill was passed into law, her brother, Senator Cayetano (A), was Speaker of the House of Representatives. She stated that after his term, the Lower House passed their version of a Vape Bill, while her Vape bill, along with similar other measures pending in the Senate Committee on Health and Demography at that time, was later transferred to a subcommittee chaired by Senator Recto, under the Committee on Trade, Commerce, and Entrepreneurship. She stated that the bill was treated by the committee as if it were a trade measure, with the health aspects receiving secondary priority, regardless of potential ramifications such as death. She also argued against those who claimed that a Vape Bill would give people, who have finally decided to quit smoking, access to alternative products such as e-cigarettes, heated tobacco, and vape products, calling it a lie in order to repeal the three provisions in the Sin Tax Reform Law. She reiterated that despite her objections, the Eighteenth Congress made the following possible: 1) lowered the age of access to 18 years old; 2) made the Department of Trade and Industry (DTI) responsible for a harmful product; and 3) allowed more flavors to flood the market to attract young users.

She then brought up the FDA Law, which was passed in 2009 when she served as chair of the Committee on Health and Demography, and argued that it was crystal clear when it stated that "Health products means food, drugs, cosmetics, devices, biologicals, vaccines, in vitro diagnostic reagents, and household urban hazardous substances, and or a combination and derivative thereof." She emphasized that it must be products with potential health effects. She alleged that despite claims from supporters that vaping is healthier than smoking, the Eighteenth Congress determined that the same was not a health product and placed it under the purview of the DTI.

Senator Cayetano (P) then lamented the tobacco industry's proclivity to avoid regulation. Noting that the FDA Law was clearly intended to regulate tobacco products, she observed that tobacco companies, led by the Philippine Tobacco Institute, whose members included Philip Morris Fortune Tobacco Corporation, would seek the issuance of temporary restraining orders (TRO), which would then be stalled in court. She then informed the Body that the aforementioned tobacco regulation debate

would appear to be over when the Supreme Court finally issues a ruling 13 years after the passage of the FDA Law that stated: "Tobacco products are undoubtedly health products within the definition under R.A. No. 9711 or the Food and Drug Administration Act of 2009 due to their harmful effects on health." She pointed out that as to the health aspect of tobacco products, they fall under the regulatory authority of the Food and Drug Administration. She did, however, note that the tobacco industry has a pending motion for reconsideration. She then urged the Body to take a stand to finally put the issue to rest, and to carefully consider what is at stake. She also cautioned the Body to be wary of lobbies from parties that would only stand to gain from the DTI regulating the products without the FDA.

She then proceeded to show the senators a variety of products, including some from her own handbag, such as alcohol, sunblock, lipstick, mints, eyeshadow, and a powder compact. She stated that the next lobby could come from any company that manufactured the aforementioned products while ignoring safety. She also stated that transferring regulatory powers to the DTI solely because the FDA was difficult to deal with would jeopardize the country's health. In that regard, she suggested that if it was the difficulty in dealing with the agency that bothered some of the lawmakers, then perhaps it was past time to replace the FDA director. She also urged her colleagues to check the DTI's mandate on its website, knowing full well that it would not be one about health.

She recalled that when she was still working at Castillo-Laman-Tan-Pantaleon Law Offices, she went to the DTI to represent their client Pepsi Company, examining claims related to the "349" promotion fiasco. She stated that along the way, she discovered that there were health-related issues that clearly did not fall under the purview of the DTI. Noting that the DTI website would direct those with health concerns to the FDA, she expressed concern that in the case of vapes, Congress delegated regulatory authority to the DTI with apparent disregard for the health of the youth.

She then expressed concern that products such as baby wipes, rash creams, or insect repellents could be the next target of corporate lobbying, citing the difficulty of dealing with the FDA as a reason for wanting to transfer regulatory

powers to the DTI. She also mentioned that one of the concerns raised was that the agency was receiving bribe money in some of its transactions; however, she was quick to counter that the money involved was usually from the World Health Organization (WHO) and was intended for healthcare. She added that the same is true of the grant from the United Nations International Children's Emergency Fund (UNICEF) in support of hepatitis vaccines. She recalled that when she was a new senator, her bill on the Expanded Program on Immunization for Children was intended to support such fund assistance while also funding the health budget.

She also emphasized the significance of preventing lung diseases caused by harmful ingredients in tobacco and vape products, as well as eliminating hepatitis in the country. She then urged the Body to be mindful of every decision they make in relation to the bills under consideration. She stated that their votes have the potential to change the lives of Filipinos for the better or for the worse, as well as to haunt their collective conscience. She stated that waking up to a generation addicted to vapes would be on the conscience of the Eighteenth Congress and the administration that allowed it to pass, citing a 17-year-old intern in her office who stated that all of her friends are into vaping as an example. She stated that did not make light of the situation by siding with proponents of vape, who claim that it is a better alternative to cigarettes, despite the fact that the latter is addictive. She asserted that prioritizing health is critical, and that it is their responsibility as legislators to listen to science, which was also mentioned in the recently concluded State of the Nation Address (SONA). She went on to say that the administration's success is the people's success.

In that regard, she expressed hope that enlisting the support of the DTI, the Department of Education, and the Department of Finance to support the veto of the bill alongside its usual supporters—the DOH, the FDA, and some 60 health organizations—would result in the aforementioned veto. She stated that she was pleased with the information she gleaned from her conversation with Senate President Zubiri that Senator Legarda and Senator Tolentino could be potential allies. She reiterated that because it is a senator's job to study proposed measures, changing

one's mind along the way would not be an embarrassment. She prided herself for being humble enough to listen to opposing viewpoints and be persuaded by science. She emphasized that because it was everyone's responsibility to scrutinize issues, they should be willing to change their positions when science and evidence demanded it.

In conclusion, she stated that she would never stop fighting for Filipinos' health and well-being, even against powerful industry lobbies and policymakers with competing interests.

### **INTERPELLATION OF SENATOR CAYETANO (A)**

At the outset, Senator Cayetano (A) said that every member of the Body should react over the passing of the vape bill, which allows the sale of vape products to customers as young as 18 years old. He noted that even the U.S. disapproved 50,000 vape flavors due to the different negative health effects of the product and yet in the Philippines, the regulatory powers over vaporized nicotine products was transferred to the Department of Trade and Industry (DTI).

Noting that the plenary powers of Congress could only be limited by the Constitution, he said that it is not a continuing process because once the previous Congress adjourns, its legal authority is "*functus officio*," until a new one is constituted.

In relation thereto, he asked whether a bill sent to the President after Congress has adjourned could still be signed, vetoed, or allowed to lapse into law. He further sought clarification on whether the President who would be presiding over the Nineteenth and Twentieth Congresses could take similar actions on a measure that was passed in the Eighteenth Congress. He believed that the senators should decide on what their stand on the issue should be. He opined that if advocates of tobacco smoking insist that the vape bill is law, then the matter would be brought up to the Supreme Court. He likewise asked that health advocates in the Senate on whether they should agree that the vape bill is already considered a law or whether they were ready to question its passage into law since it was passed in the Nineteenth Congress.

Senator Cayetano (P) replied that the matter is a serious legal quandary and she had doubts if she

could consider it a law because she personally felt the burden of having to convince the new administration about it as it had only a few weeks to consider the bill. She explained that the President was only given 30 days because his team of experts would have to ask for the recommendations of their agencies.

She recalled having called the outgoing administration about the bill but noted that the concerned parties were no longer in office and as such, would find it difficult to render their positions. She said that those agencies have long been objecting to the provisions of the bill and their position papers had been filed during congressional debates; however, she lamented that the bill had been approved on Third Reading and in the bicameral conference.

She also wondered whether the new administration had enough time to study the bill or if the President could be properly advised about it so she tried to bring them up to speed by presenting her side. She pointed out that Senator Cayetano (A) wanted to know whether clear rules could be made for such a situation so that the President could be properly guided in deciding whether he would give his support to the measure.

She also posed the query on whether an incoming President can make a decision based on debates for a bill that had been approved by the previous Congress, hence she asked if the Senate Rules are clear about it. She quoted Section 62 of Rule XXII of the *Rules of the Senate* as mentioned by Senate President Zubiri, which states that "No bill or joint resolution reported out by a committee within ten (10) days prior to the closing of the ordinary session can be considered unless it be with the express consent of a majority of the Senators present." x x x

She believed that the rule is set so that the committee report must not be done hastily and should be properly prepared, which should also be the case in transmitting bills to Malacañang.

Since the *Rules of the Senate* for the Nineteenth Congress have yet to be passed, Senator Cayetano (A) requested that the aforementioned section be one of the topics they should review as he would like to put a time period for sending bills to Malacañang. He explained that there are two sides to this rule which

has to be studied very clearly so that there would be no room for a "play" on whether to delay or fast track the transmittal of a bill.

He believed that the Legal Service of the Senate should come up with an official legal stand because there were instances when the Senate, as in the case of *Secretary Neri vs. the Blue Ribbon Committee*, stood together before the Supreme Court but there were also times when only an individual senator went before the high court. He proposed that the Senate should have a legal opinion on which they should agree so that they could go to the court.

He recalled that one of the mentors of Senator Cayetano (P) was the late Senator Flavio, who was known for his very creative campaign with the DOH, one of which was on "Yosi Kadiri"; and that it was even Senator "Loi" Estrada who encouraged his sister to chair the Committee on Health and Demography. He said that the cool packaging of vape products is attractive to young people but underscored the importance of informing the youth that it is not "cool" to have lung cancer. He said that even the cardiologists have been saying that the number one cause of death in the country is still heart disease which is primarily caused by smoking, tobacco, and nicotine.

Senator Cayetano (A) recalled that in his State of the Nation Address, the President stated the need for specialty hospitals all over the country; however, he reminded everyone that prevention is much better than cure. He lamented that the DOH is spending about P200 billion for tobacco-related diseases.

He recalled that as early as 2015, he filed Senate Bill No. 2972 which seeks to establish a Mindanao Lung Center, Mindanao Kidney Center, Mindanao Orthopedic Center, Mindanao Children's Hospital, and Mindanao Center for Cancer Research and Treatment, which was in connection with a bill on Mindanao Peace and Development; he likewise refiled such bill and improved it in 2019 so that there would be a Northern and Southern Luzon, Visayas, and Mindanao counterpart of the Philippine Heart Center, Lung Center, Kidney Center, National Kidney and Transplant Institute, and Philippine Orthopedic Center. He informed the Body that he filed a similar bill in the Nineteenth Congress which is Senate Bill No. 300. He pointed out that the health experts had



been telling him about the importance of prioritizing primary health care.

Senator Cayetano (A) said that while he agrees with President Marcos on the need for more hospitals, particularly rural health centers given that 40% of all the barangay in the country have no primary health center, it would not be easy to promote basic health care if vaping, e-cigarettes, excessive drinking, and all other kinds of vices still abound. He likened the situation to the computer companies in the 1980s that created a computer virus so that they could also sell their anti-virus software.

Finally, Senator Cayetano (A) said that he would leave it to Senate President Zubiri to decide on whether the Legal Service should come up with a solution to the issue or whether it should be discussed in caucus.

#### **MANIFESTATION OF SENATOR VILLANUEVA**

Senator Villanueva placed on record that Senator Cayetano (A) is the principal author in the House of Representatives for the establishment of Mayor Joni Memorial Hospital in Bocaue, Bulacan.

#### **INTERPELLATION OF SENATOR PIMENTEL**

Preliminarily, Senator Pimentel believed that a case would be filed in the Supreme Court, questioning whether or not the vape bill had validly become a law. Senator Cayetano (A) replied that the issue is a legal quandary.

Senator Pimentel said that since the privilege speech of Senator Cayetano (P) would be referred to the proper committee, he expressed hope that his sister's request for an opinion by the Senate Legal Service would be rendered as regards the constitutional requirement that the bill must be signed by the President, although he was not given enough time to act on the submission.

On whether the bill's validity had become *functus officio* or had lost its effectivity because Congress had already adjourned *sine die*, he stated that while he has an opinion on the subject, he will wait for the Senate Legal Counsel's investigation.

At this point, Senate President Zubiri stated that after consulting with the Senate Secretariat, he was

informed that there had been precedents during the administration of President Macapagal-Arroyo when Congress passed hundreds of local bills within the last two weeks of Congress, which lapsed into law during the time of President Benigno Aquino III; similarly, two bills passed by Congress during President Aquino III's term lapsed into law during the administration of President Duterte. Nonetheless, he stated that they would study the matter with the Office of the Senate Legal Counsel.

Senator Pimentel agreed with the Senate President, stating that while he was about to use the same examples as the Senate President, the Senate Legal Counsel could issue an opinion on the matter. He added that another argument that the Office of the President could make is its continuing function as an institution. He did, however, state that Senator Cayetano (P) raised a valid point, namely, that the conference committee report was approved by both Houses of Congress as early as January 26, 2022, and that all that remained were ministerial duties and the submission of the enrolled bill to the Office of the President. He recommended that the Senate Legal Counsel include an explanation for why the bill took so long to reach the Office of the President.

Senator Cayetano (P) stated that her office, along with doctors opposing the bill, had been tracking its progress because they wanted the President to veto it. She stated that in late May, the Senate returned the enrolled bill to the House of Representatives. She suspected that the process was being delayed with malice.

She then pointed out two points: 1) in the case of precedents, like a crime, if no one had questioned it previously, it does not preclude anyone from questioning it at any time; and 2) the bill is cloaked in bad faith. She stated that anyone could Google President Duterte's position on the Vape Bill, and that even the industry knew the bill would be vetoed-the delay allowed it to become law.

Senator Pimentel reiterated that the Body would await the report of the Senate Legal Counsel. He stated that no law is perfect, and that in the Vape Law, there are inconsistencies, particularly the age reduction to 18. He observed that the law contains internal contradictions while also capturing the wisdom of the Body, particularly in stating that it is an alternative to smoking while also allowing smoking at

the age of 18, and that one must be a cigarette smoker to be able to use vape, a less harmful product, as an alternative to breaking the smoking habit.

Senator Cayetano (P) emphasized that before the Vape Bill was passed on Third Reading in the Eighteenth Congress, she had introduced legislation to raise the smoking age to 21. She stated that in her speech, she stated that world movement studies have shown that a child's brain development lasts until the age of 25. She stated that the United States had banned 55,000 chemical-based flavors, and that with the passage of the Vape Law, the banned flavors, as well as others, could enter the Philippine market unchecked. She lamented the fact that she gave Congress the option of hearing the bill raising the voting age to 21. She surmised, however, that industry stakeholders lobbied to hasten the passage of the Vape Bill, and that weeks after the measure was passed, some colleagues intimated to her that they were not informed about the provision in the bill that would raise the age.

Senator Pimentel, in response to Senator Cayetano's (A) interpellation, asked how a person would respond to the question "Do you smoke, cigarette?" but actually smokes vape. Senator Cayetano (P) responded that because vape is a new product, it is not mentioned in the FDA Law of 2009 because the medical industry is still educating its practitioners about vape. She stated that some doctors are led to believe that vaping helps people quit smoking and is less harmful, and anecdotes are told by doctors to give legitimacy to vaping. She stated that it would take time to educate people about the dangers, even if it is less harmful. She stated that her appeal was for doctors who support vaping to read and understand that they are endorsing a product that is not FDA-approved and may come from unknown sources. She went on to say that endorsing something that did not go through the FDA could be considered malpractice.

Senator Pimentel congratulated Senator Cayetano (P) on the recent Supreme Court decision upholding the implementing rules and regulations (IRR) of Republic Act 9711, also known as the Food and Drug Administration (FDA) Act of 2009, and recognizing the Department of Health (DOH) and FDA's regulatory authority over cigarettes and other tobacco products. Senator Cayetano (P) stated that she and then Senate President Senator

Drilon were intervenors during the Sixteenth Congress. Senator Pimentel speculated that the Supreme Court decision, the TROs, and all actions taken to prevent its enforcement could be used to call certain provisions of the Vape Law into question. Senator Cayetano (P) informed the Senate that the Vape Law includes a provision that recognizes the DTI as the regulating agency, despite questions about jurisdiction under the FDA Law. She emphasized that vaping, whether its effects are positive or negative for health, is still regulated by the FDA.

Senator Pimentel stated that while the legal argument would address the health issue, the counter-argument that Congress could always change its mind, or that the exception to the general rule, should be expected. Senator Cayetano (P) responded by recalling that during the Vape Bill debates, Senator Recto was asked why he was introducing and changing key provisions of the Sin Tax Law that was passed in 2019. She stated that the Sin Tax Law requires the FDA to regulate cigarettes, that the smoking age is set at 21, and that only original and tobacco flavors are permitted. She stated that she did her best to uphold the law and questioned the same provisions when the Vaping Bill was debated on the House floor. Senator Recto's response, she lamented, was that Congress could always change the law. She expressed hope that the Nineteenth Congress would see that the appropriate age is 21 and that the FDA is the appropriate agency to regulate vaping. She stated that the bill was one of the first 20 bills she submitted to the Senate Bills and Index Service.

Senator Pimentel stated that because the bill is forthcoming, the debates and exchanges that day could be included in the committee hearing. He added that because the FDA's role would be discussed, the committee should look into the complaints filed against that office. He stated that the FDA should mature, as he narrated how it took a friend of his years to change the font on a product. He also requested that in addition to the FDA, the DTI be present at the hearing.

Senator Cayetano (P) recalled that the DTI's position paper during the hearing was only for the regulation of the device, not the vape liquid or HTP. She expressed surprise that the DTI had changed its position and would now regulate the flavors of the vape. She questioned the DTI's authority as the regulator of the Vape Law, and warned that she



would bring it to court if it would do so. She clarified, though, that all she wanted was clarification on the jurisdiction. She recalled President Marcos speaking about rightsizing government in his State Of the Nation Address. She stated that the correct approach is to identify the problem and find solutions, and that creating or shrinking an agency is not a solution to inefficiency. She stated that when she was chairperson of the Committee on Health and Demography, the DOH and FDA budgets were increased, particularly the number of FDA inspectors as there was a need to increase the number of inspectors due to the large number of pharmacies to be inspected. She added that the inspector could usually only visit one drug store per year.

Senator Pimentel stated that when the bills are called for a hearing, the FDA should be notified, emphasizing that it is essential and should participate in the process, listen to stakeholder feedback, and address the issues seriously.

When asked if the FDA's problems were related to manpower, competence, or equipment, Senator Cayetano (P) responded that as a new lawyer then, she had the opportunity to go to FDA to file an application for a client. She stated that whenever she followed up on the application, no one would listen to her request and that she was told to come on Tuesdays because that was the day for following up on applications. She stated that she was no longer familiar with how things were done at the time.

Senator Pimentel stated that there is an agreement on the FDA's role, and that it cannot avoid the issue of the Vape Law and must respond to complaints. Expressing enthusiasm for the committee hearing, he then lauded Senator Cayetano (P) for her consistent advocacy on health and sustainable development issues.

#### **INTERPELLATION OF SENATOR ESTRADA**

Asked by Senator Estrada as to when the enrolled bill was passed into law, Senator Cayetano (P) clarified that she does not want to recognize the validity of the Vape Law. To her knowledge, the bill was delivered to Malacañang on June 24, 2022. The bill lapsed into law 30 days after, which was on July 24, 2022. After which, the Malacañang Press

Secretary announced that the Vape Bill has lapsed into law.

On further queries by Senator Estrada if the bill passed through a bicameral conference committee, she replied that it has been reported that a Bicameral Conference Committee was held on January 26, 2022 and a Bicameral Report was passed by both Houses.

Asked by Senator Estrada whether she felt that there was malice because of the delay in the transmission to Malacañang, Senator Cayetano (P) said that given the record that there were some bills delivered to Malacañang in one month, two months and even three months, and given the fact that President Duterte on many occasions have vetoed some bills, she opined that she finds malice in the apparent delay in the transmission of the bill as it was delivered only a few days before the administration of President Duterte ended.

Asked by Senator Estrada as to what or who could have caused the delay in the transmission to Malacañang, she said that she was aware of a strong tobacco lobby. On a different note, she stated her appreciation to Senator Estrada when she recalled their debates on the graphic health warning bill when he raised valid issues which resulted in the passage of the bill.

#### **REFERRAL OF SPEECH TO COMMITTEE**

Upon motion of Senator Villanueva, there being no objection, the Chair referred the privilege speech of Senator Cayetano (P) and the interpellations thereon to the Committee on Health and Demography.

#### **MOTION OF SENATOR VILLANUEVA**

Upon motion of Senator Villanueva, there being no objection, the Chair referred the manifestation of Senator Cayetano (A) to the Committee on Rules.

#### **SUSPENSION OF SESSION**

Upon motion of Senator Villanueva, the session was suspended to allow the senators to proceed to the lounge for a caucus.



*It was 5:24 p.m.*

## RESUMPTION OF SESSION

At 7:34 p.m., the session was resumed.

## ORGANIZATION OF COMMITTEES

Pursuant to Rule X, Section 13, in relation to Section 18 of the *Rules*, upon motion of Senator Villanueva, there being no objection, the Body proceeded to organize the standing committees of the Senate.

## COMMITTEE CHAIRMANSHIPS

Upon nomination by Senator Villanueva for the Majority/Senator Pimentel for the Minority, there being no objection, the following senators were elected as chairperson of the committees hereunder indicated:

<i>Committee on Finance</i>	Angara
<i>Committee on Accounts</i>	Binay
<i>Committee on Public Order and Dangerous Drugs</i>	Dela Rosa
<i>Committee on Local Government</i>	Ejercito
<i>Committee on National Defense and Security, Peace, Unification and Reconciliation</i>	Estrada
<i>Committee on Ways and Means</i>	Gatchalian
<i>Committee on Health and Demography</i>	Go
<i>Committee on Women, Children, Family Relations and Gender Equality</i>	Hontiveros
<i>Committee on Games and Amusement</i>	Lapid

*Committee on Foreign Relations* Marcos

*Committee on Social Justice, Welfare and Rural Development* Marcos

*Committee on Constitutional Amendments and Revision of Codes* Padilla

*Committee on Public Services* Poe

*Committee on Public Works* Revilla

*Committee on Higher, Technical and Vocational Education* Escudero

*Committee on Acconutability of Public Officers and Investigations (Blue Ribbon)* Tolentino

*Committee on Energy* Tulfo

*Committee on Agriculture, Food and Agrarian Reform* Villar (C)

*Committee on Trade, Commerce and Entrepreneurship* Villar (M)

*Committee on Government Corporations and Public Enterprises* Cayetano (A)

*Committee on Sustainable Development Goals, Innovations and Futures Thinking* Cayetano (P)

## SUSPENSION OF SESSION

Upon motion of Senator Villanueva, the session was suspended.

*It was 7:41 p.m.*

**RESUMPTION OF SESSION**

At 7:42 p.m., the session was resumed.

**ADJOURNMENT OF SESSION**

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

*It was 7:42 p.m.*

I hereby certify to the correctness of the foregoing.

  
**ATTY. RENATO N. BANTUG JR.**  
*Secretary of the Senate*

Approved on July 27, 2022

