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SESSION NO. 22
Monday, September 19, 2022

NINETEENTH CONGRESS
FIRST REGULAR SESSION

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Senate of the Philippines

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CALL TO ORDER

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

PRAYER

Sen. Joel Villanueva led the prayer, to wit:

Let us put ourselves in the presence of the Lord.

Almighty God, the Creator of heavens and the earth, we come before You humbling ourselves knowing that without You, we can do nothing.

Today, as we open our session, we ask that You be with us, You cleanse us with your most precious blood shed in Calvary. We ask for the forgiveness of our sins in words, in thoughts, and in deeds, even the sins that we have inherited from our forefathers. We are sorry and we ask that You clothe us with your robe of righteousness.

Today, we ask for Your wisdom from heaven to allow us to work and do our responsibilities as representatives of the people. Bless our country, our people from Luzon, Visayas, and Mindanao and all of the ends of the earth. We pray that You be with us and bless every family represented in this august Chamber and the employees of the Senate.

Bless our President, our Vice President, bless the Senate headed by our Senate President, Sen. Juan Miguel “Migz” F. Zubiri, and we offer to You this day, knowing that if You are with us, no one and no circumstances here on earth can be against us.

We commend everything to You as we carefully give back to You all the glory, all the honor, and all the praise.

In Jesus’ mighty Name, we pray.

Amen.

NATIONAL ANTHEM

Everyone remained standing for the singing of the national anthem.

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.	Legarda, L.
Binay, M. L. N. S.	Marcos, I. R.
Cayetano, P. S.	Padilla, R. C.
Dela Rosa, R. B. M.	Pimentel III, A. K.
Ejercito, J. V. G.	Poe, G.
Escudero, F. J. G.	Revilla Jr., R. B.
Estrada, J.	Tolentino, F. T. N.
Gatchalian, W.	Tulfo, R. T.
Go, C. L. T.	Villanueva, J.
Hontiveros, R.	Villar, C. A.
Lapid, M. L. M.	Zubiri, J. M. F.

With 22 senators present, the Chair declared the presence of a quorum.

Senator Cayetano (A) arrived after the roll call.

Senator Villar (M) was on official business abroad in New York City, USA as part of the Philippine delegation and to attend official business programs from September 18-24, 2022, as indicated in the September 19, 2022 letter of the senator's acting chief of staff.

ACKNOWLEDGMENT OF THE PRESENCE OF GUEST

At this juncture, Senator Villanueva acknowledged the presence in the gallery of Her Excellency Laure Nicole Stephanie Beaufils, His Majesty King Charles' Ambassador, United Kingdom of Great Britain and Northern Ireland.

Senator Zubiri welcomed Her Excellency Beaufils to the Senate.

STATEMENT OF SENATE PRESIDENT ZUBIRI

Senate President Zubiri delivered the following statement:

The state funeral of Her Majesty, Queen Elizabeth II, will take place at Westminster Abbey today. We pay tribute to the Queen's extraordinary reign and Her Majesty's remarkable life of duty and service as Head of State of the United Kingdom and Northern Ireland, and Head of the Commonwealth.

She will always be remembered as a symbol of stability who plays the crucial role in her country's history amid these changing and challenging times.

We, therefore, are honored to be joined here today by Her Excellency, Laure Nicole Stephanie Beaufils, His Majesty's Ambassador to the United Kingdom and Northern Ireland, who has agreed to accept, on behalf of the family, Senate Resolution No. 14, which this Chamber unanimously adopted last Monday, 12 September 2022.

PRESENTATION OF SENATE RESOLUTION NO. 14

At this juncture, the Secretary of the Senate read the title of Senate Resolution No. 14, to wit: "Resolution Expressing the Profound Sympathy and Sincere Condolences of the Senate of the Philippines on the Death of Queen Elizabeth II of the United Kingdom of Great Britain and Northern Island."

Senate President Zubiri invited to the rostrum Her Excellency Laure Beaufils to accept on her country's behalf the resolution that was unanimously adopted by the Senate.

SUSPENSION OF SESSION

Upon motion of Senator Villanueva, the session was suspended.

It was 3:06 p.m.

RESUMPTION OF SESSION

At 3:10 p.m., the session was resumed.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

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

- Ej Obiena and his family—Emerson Obiena, Maria Jeanette Obiena, Emily Jean Obiena, and Ms Caroline Joyeux;
- Mayor Armando Quibot and other LGU officials of Makilala, North Cotabato; and
- Jovelyn Joy Samson and members of Nagkakaisang Kabataan ng Barangay Tambo.

Senate President Zubiri welcomed the guests to the Senate.

PROPOSED SENATE RESOLUTION NO. 212

Upon motion of Senator Villanueva, there being no objection, the Body considered Proposed Senate Resolution No. 212, entitled

RESOLUTION CONGRATULATING AND COMMENDING FILIPINO OLYMPIAN ERNEST JOHN “EJ” OBIENA FOR GARNERING HIS LARGEST AND MOST SUCCESSFUL MEDAL HAUL DURING POLE VAULTING COMPETITIONS IN 2022,

taking into consideration Proposed Senate Resolution Nos. 63, 71, 87, 97, 164, 170, 177, 179, 220, 222, and 223.

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

Thereupon, the Chair recognized Senator Cayetano (P) for the sponsorship.

SPONSORSHIP SPEECH OF SENATOR CAYETANO (P)

In sponsoring Proposed Senate Resolution No. 212, Senator Cayetano (P) delivered the following sponsorship speech:

I rise to sponsor Proposed Senate Resolution Nos. 87 and 212, commending our Pole Vaulter and Olympian, Ernest John “EJ” Obiena, currently Asia’s number one pole vaulter and ranked third in the world.

In July 2022, EJ made history by winning the first ever medal of the Philippines at the World Athletic Championships in Eugene, Oregon, USA. I even asked my team at that time to clarify if it is the first medal during the competition or is it the first medal ever and what I am told is, it is the first medal ever of the Philippines at a World Athletic Championship event. EJ, did you bring your medal? Can I ask somebody to get the medal so that later on, for pictures, we can show it?

Actually, EJ arrived in the Senate with a hand-carry pulley bag which I just assume was full of medals because he has hauled in enough medals that would probably overflow in that suitcase, but he said he brought one which is very significant to him, and that is the medal that he won at the World Athletic Championships.

EJ, I want you to know that this Senate and the previous Senate cheered you on in all those competitions. *Iyong kapag naririnig mo iyong one-minute suspension, nandoon kami nanonood sa competition mo at naiiyak-iyak, oo, naiiyak-iyak kapag tatalon ka na.* A lot of our colleagues here are very enthusiastic sports fans, but above everything, they are EJ Obiena fans. I can attest to that, especially our Senate President who was with me, joined me in debates on the floor to ensure that you would have funds—that our Olympian would have funding and, of course, the number one supporter, *ang kapuwa USTe mo. Sinabi ko na iyan sa iyo*, EJ, very proud to be fellow USTe, a man, our Majority Leader.

As I was saying, EJ was the only Asian and the first Filipino pole vaulter to win a medal in the World Olympics. He set a new Asian national and personal record after clearing 5.94 meters. For the record, his previous record was 5.93 meters tallied in 2021 at the 17th Golden Roof Challenge in Austria. He also broke the Asian record set by Igor Potapovich from Kazakhstan almost 23 years ago. So, he broke a 23-year old record.

EJ is a two-time Southeast Asian Games gold medalist—2019 and 2022. He missed the 2017 Southeast Asian Games because of an ACL. When EJ was 18 years old, he had already jumped higher than any other athlete in the Philippine pole vault history. But during a recent conversation with him, I learned some interesting facts: he was a hurdler like his mother, and I would like to honor his mother who is over there standing, a hurdler like his mother before he became a pole vaulter like his father, over there, who is still a coach and Majority Leader coach *ng USTe* and the Philippine team. In fact, EJ's protégé, I understand, is also from UST, and second *ba* in the Southeast Asian Games? Yes, he got the silver medal in the Southeast Asian Games.

So, what I learned aside from that is EJ had the occasion of joining the Palarong Pambansa but he never got a gold during the Palarong Pambansa. So, listening to EJ, I feel so much hope to parents and athletes who are working hard because if there is one thing that his parents told me, it is that he just loved to do what he was doing and he did it again and again, repetitively.

He just loved to compete even though he would cry as a child because of losses that he suffered, because he did not, apparently, even win the hurdles. He said he was not good enough and *hindi pala matangkad si EJ noong teenager siya.* He is now 6'2", but in his younger years, he was not that tall. So, it may have contributed to his becoming better in sports.

At this juncture, Senate President Zubiri relinquished the Chair to Senator Ejercito.

But he is where he is today, partly because of those difficulties he went through, and the Senate is witness to a lot of difficulties that EJ went through. And I do hope that we can help move things forward for EJ. Take a look at what he has accomplished just in 2022 alone after there was a bit of a settlement on a lot of issues that EJ had to deal with.

EJ's athletic years so far has garnered an impressive medal haul, 12 gold medals, two silver medals, and three bronze medals in the span of eight months. *Saan naman tayo nakakita niyan?* It really takes a village; it really takes a nation.

May the record show that the Senate President is clapping. The Senate President is the NSA head of arnis, but he is still very much impressed. Like I said, the Senate has been a witness to a lot of trials EJ has endured. But we hope that in the months and years to come, we can rally behind not just EJ, but other elite athletes we have. Of course, *nanggaling din sa grassroots sports si EJ.* So we are happy to note that Chairman Eala mentioned not only the importance of grassroots sports, but also the importance of supporting our elite athletes.

So, EJ, we are very, very proud of you. You are truly deserving of this resolution that we are going to give you. And I pray and hope that you continue to be an inspiration to



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So, EJ, we are very, very proud of you. You are truly deserving of this resolution that we are going to give you. And I pray and hope that you continue to be an inspiration to

the Filipino youth; continue to be humble; continue to work hard. *Sabi nga po ni EJ*, to get where he is today is not glamorous work. It is the day-to-day grind of waking up every day and doing something repetitively. *Iyong nakikita natin na nandoon na siya sa* very scenic areas where he performs his sport,—that is already after days, weeks, months of repetitious training. That is what it takes to be a world-class athlete: discipline, perseverance, and managing your day-to-day life to become who he is today.

So, congratulations to you, EJ. We are very proud of you.

COSPONSORSHIP SPEECH OF SENATE PRESIDENT ZUBIRI

In cosponsoring Proposed Senate Resolution No. 212, Senate President Zubiri delivered the following speech:

I am very glad to stand here today to celebrate the stellar achievements of our very own EJ Obiena during his record-shattering season in Europe.

We all know that it has not been an easy road for EJ, which is why his victories resonate all the more deeply. After the rocky patch with the Philippine Athletics Track and Field Association (PATAFA), he somehow managed to successfully resolved the rift with the federation, while also remaining on track to continue his blaze of triumph in meets all across Europe.

And, as we know, being a head also of a national sport association—part of the POC, together with Sen. Francis “Tol” N. Tolentino, here with me. *Sino pa ba ang NSA dito? Wala na. Kami po [ay] talagang buong puso na gustong tulungan ang aming mga atleta.* So much so that we spend our very own funds to make sure that our world-class athletes get the best of the best. *Kaya hindi ko maintindihan ang nangyari doon sa PATAFA.* As a matter of fact, me and Sen. Pia S. Cayetano had a long debate the last time, together with Senator Villanueva, in support of EJ. Because as heads of athletic associations, there is nothing more that will give you pride and honor to see your boys and girls winning these medals all around the world. *Saka na iyong mga administrative details that will bog them down.* Actually, they should not be bogged down by these administrative details. We should never let our athletes be disturbed by these administrative details. And in all these meets across Europe, triumph he did, because he did his best. He nabbed gold medals back-to-back, and he brought honor of being the first Filipino podium-finish at the World Athletics Championship, where he set a new Asian record as well.

I am 53 years old, but I think I have never seen an Asian who has done so well in pole vaulting as well as this fellow Asian of ours, EJ Obiena. He is probably the best Asian pole vaulter we have today, and maybe in the most recent history.

On top of that, he also pulled off an incredible upset, winning gold over no less than the top-ranked Mondo Duplantis in the Memorial van Damme, a victory that left the pole vaulting world in awe; but it was also a victory that told the world that EJ is at equal, or at par with the best—the Top 5—him being the third best in the world.

As we celebrate these victories, we also applaud EJ for his unassailable strength and determination, powering through the challenges like these controversies that he had at home, and the unfortunate situation with the U.S. Immigration. They have something in common with our Majority Leader with the U.S. Immigration. As if those were not enough—maybe it is a UST thing, I do not know. Graduates from the University of Santo Tomas—as if those were not enough—he had to battle COVID and miss some tournaments as well. Through it all, EJ has shown incredible grace and maturity beyond his age, rising above challenges and focusing on his goals—not only for himself, but also for our country.

And I would be remiss not to commend EJ for his genuine love and respect not only for his sport but his fellow athletes as well, as was apparent when he selflessly donated his financial incentives from the Philippine Sports Commission to the late great Lydia de Vega before her passing. That is really a class act, my friend. He could have used the money to support his training and his travel expenses; but faced with the chance to help uplift a fellow athlete, he showed real compassion. And that, more than his medals, makes him a true sportsman.

Just on another note, EJ, that is true when we watched you here in the evenings—in your competition, which was usually in the evenings here—the lounge becomes like a stadium where everyone is shouting your name. Every time you do a jump, we are all there clapping for you. I do not know if you know, but that is true. It happened maybe three times in the Senate, and people are wondering why we are, here in the Plenary, people are shouting inside. So, it is because we are shouting for you.

I hope and pray that this coming Olympics 2024 in Paris, we will once again cheer for this genuine Filipino sportsman. I do not want to put any pressure on him, as long as he does his best, which he has been doing all the time. And I notice, when he enjoys himself; when he is not pressured; when he is having fun—that is when he does his best jumps. So, I think, for Paris 2024, my advice to him is just to enjoy the moment and have fun.

I salute and congratulate EJ for bringing pride and honor to the Philippines during his truly magnificent European season—and not just the Philippines, he brings the whole of Asia with him. I noticed in the crowd, if there are Japanese, Chinese, Indonesians, Thai, Malaysians—they are cheering for EJ Obiena as he is the sole Asian competing in most of these competitions.

We are with him 100% as he continues his journey up to the 2024 Olympics.

Once again, congratulations, EJ, and I think we will be seeing you here more often with more resolutions of support.

Let us honor this great man who continues to be great for our country.

MANIFESTATION OF SENATOR VILLANUEVA

Senator Villanueva manifested that Senator Lapid would be submitting his cosponsorship speech on the measure for insertion into the *Record of the Senate*.

COSPONSORSHIP SPEECH OF SENATOR LAPID

Pursuant to the manifestation of Senator Villanueva, following is the cosponsorship speech of Senator Lapid on Proposed Senate Resolution No. 212, which was deemed read into the *Journal and Record of the Senate*:

Isa pong karangalan ang tumayo sa harap ninyo, mga kababayan ko, upang kilalanin ang angking galing at maalamat na kwento ng ating atleta na si Ernest John Uy Obiena. Para sa akin, ngayon pa lamang, isa na siya sa mga pinakamagaling na atleta sa kasaysayan ng bansa.

Ang kaniyang daan patungo rito ay hindi naging madali, pero hindi siya nagpatinag, tinuloy-tuloy lang niya at tinandaan ang misyon niya. Bitbit ang pangarap na makapagbigay karangalan at pagmamalaki sa ating bansa, itinayo ni EJ ang bandera natin sa buong mundo.

Sa larangan kung saan madalas mga banyaga ang naghahari, ipinakita ni EJ na kaya niya, kaya natin, kaya ng Pilipino makipagsabayan sa larangan ng pole vaulting. Ipinakita ni EJ na ang puso ng Pilipino ay hindi nagpapatinag sa kahit ano o sino—basta't pinagtiyagaan at nagpursigi, sa dulo ay kayang magwagi.

Ang lakbay ni EJ Obiena ay, sa tingin ko po, hindi lang inspirasyon sa mga kapwa niya pole vaulter na Pinoy kundi inspirasyon din sa maraming atletang Pilipino, anumang disiplina man ang kinabibilangan nila. Anumang katayuan sa buhay, kung magsusumikap ay maaring umangat at makamit ang kanilang mga pangarap.

Isang testamento si EJ Obiena na hinding hindi magpapahuli ang Pilipino sa kahit ano mang larangan. Ipinakita ni EJ na hindi tayo umuurong at hinding hindi tayo dapat minamaliit.

Hindi kapani-paniwala ang naging kampanya ni EJ nitong taon. Sa walong international tournament, humakot siya ng anim na ginto, isang pilak, at isang tanso para sa ating bayan.



Ranked No. 3 *po si EJ sa buong mundo, subalit No.1 po siya sa ating puso.*

Sa kabila po ng kabi-kabilang panalo ni EJ sa ibang bansa, hindi po niya pinalampas ang pagkakataon na magpahayag at magbigay ng suporta sa yumaong Asia's Sprint Queen na si Lydia de Vega-Mercado. Nagpapakita po ito na nananatili siyang mababang loob at magalang sa mga nauna sa kaniya sa kaniyang larangan.

Ang mga nagawa ni EJ ay hindi dapat lagpasan ng pagpuri, gawa ng ito ay talaga namang karapatdapat niyang matanggap, sa napakaraming karangalang hinakot niya para sa atin.

Inaanyayahan ko ang mga kasamahan ko rito sa Senado, tayo'y magbigay pugay sa isang alamat sa larangan ng palakasan ng ating bansa.

COSPONSORSHIP SPEECH OF SENATOR VILLANUEVA

In cosponsoring Proposed Senate Resolution No. 212, Senator Villanueva delivered the following speech:

Today, we welcome a hero; a hero who raised our flag and country high above for the whole world to see; a hero who always makes us all feel *na napakasarap maging Pilipino*—Ernest John “EJ” Obiena.

EJ, thank you for taking the time out of your much-deserved vacation to grace this session with your presence.

Last August 3rd, I remember, I can still distinctly recall that we paused the discussion on the Teacher Education Excellence Bill here in the Session Hall to watch and cheer for EJ as he competed for the Tokyo 2020 Olympics. I remember—with Senator Gatchalian, Senator Binay, Senator Angara, Senator Tolentino, our Senate President, Senator Zubiri, Senator Cayetano (P)—we were all cheering inside the lounge. We were so loud, and we were hoping that EJ would be able to hear us in Tokyo. He was the only contestant to represent Asia.

Nagmistulang extension ng Olympic Stadium itong Senado dahil sa mga sigawan at palakpakan para kay EJ. Mula po sa laban niyang iyon sa Japan, sunod-sunod na ang naging tagumpay ni EJ. He kept churning out gold, after gold, after gold!

At this juncture, Senator Ejercito relinquished the Chair to Senate President Zubiri.

Today, this 26-year old Olympian, world-ranked 3rd best pole vaulter and pride of Tondo, is one of the most decorated track and field athletes this country has ever seen.

Recently, EJ capped his stellar season in Europe with six gold medals in eight tournaments, including a win over the current World No. 1, Armand Duplantis. In 2022 alone, he has amassed 12 gold medals—11 coming from numerous sporting events in Europe, and one in the 2022 Southeast Asian Games. This does not include other medals he has collected over the span of his young career. He also won a historic World Athletics Championships bronze in Eugene, Oregon last July; the first time a Filipino made it to the podium of the world meet, as he reset the Asian record with a 5.94-meter performance.

As you made mention a while ago, we have so much in common. As a fellow former national athlete and a proud Tomasian—Go *USTe—pareho rin po kaming na-ACL. Ang lamang ko sa kaniya, tatlong beses nang naoperahan iyong tuhod ko.* I have been a fan and I have been following EJ's career for years. This prodigy has never ceased to amaze me as his dedication, discipline, hard work, and sacrifices have allowed him to tirelessly vault and eventually clear every hurdle in front of him no matter how high; both on and off the field.

But the road to greatness has not always been easy and, at times, lonely for EJ who has had to leave home at an early age to train in the facility in Formia, Italy. He eventually moved there in 2019 and has had to endure being away from his loved ones including his mother Jeanette; his sister Emily Jean—both pole vaulters in the collegiate level; and his father, a fellow Tomasian, Emerson, who is likewise a former pole vault national record holder and silver medalist in the 1995 Southeast Asian Games.

EJ has had to endure injuries and isolation during the height of the pandemic. And last year, he was involved in a public spat with his federation, we are all aware of that. However, not one of these setbacks have ever stopped EJ from carrying on; as he shatters record after record, and continues to raise the bar—both literally and figuratively. As EJ himself puts it, he has a responsibility to the people who believe in him, to himself, and to his country.

Kaya EJ, maraming, maraming salamat sa iyo. Tinitingala at pinapalalpakan ng lahing Pilipino. Dahil sa iyo at sa lahat ng mga kagaya mong atletang kampeon, narating natin ang gintong panahon ng Philippine sports.

The records will bear me out. Back in 2021, in these halls, I mentioned that EJ is a national treasure; and I knew that this kid would go places. Look at him now. Again, thank you for giving pride, dignity, and honor to the Filipino people.

And in closing, we wish EJ all the best in all his endeavors, as he eyes the Olympics in 2024. But for now, we are all very happy he is home, resting, relaxing, and reconnecting with his loved ones. Rest assured that the Senate recognizes all your efforts, and has your back.

Mabuhay ka, EJ, and God bless you more.

COSPONSORSHIP SPEECH OF SENATOR REVILLA

Senator Revilla, in his cosponsorship of Proposed Senate Resolution No. 212, delivered the following statement:

It is my honor to associate myself as a cosponsor and express my utmost support as coauthor of the Proposed Senate Resolutions in consideration, to congratulate and commend a legendary Filipino sportsman—the world’s No. 3 in his field, and truly one of the most legendary young athletes of this generation.

These accolades are truly fitting for someone whose passion, dedication, and hard work has catapulted the country to the world stage. Welcome home, EJ. We are beaming with pride for the honor he has brought back home.

Sa totoo lamang po, sa taong ito, hindi matatawaran ang mga naipanalo niyang kampeyonato at mga natanggap na karangalan. Siya ay maituturing na pinakamagaling na pole vaulter - Asia’s best. In garnering these awards, he has proven that the indomitable Filipino spirit will break down all the walls that limit and hold us down. Sa sipag, tiyaga, at puso ng atletang Pilipino, lahat posible.

Thank you, EJ, for reminding all of us Filipinos that true grit, passion, and determination are the ingredients to success.

Muli, isang mainit na pagbati at pasasalamat sa iyo sa mga karangalan na ito para sa ating bansa.

Kasama mo kami sa mga susunod mong laban, lalo na sa 2024 Paris Olympics. Mabuhay ka, at mabuhay ang atletang Pilipino.

COSPONSORSHIP SPEECH OF SENATOR ESTRADA

In cosponsoring Proposed Senate Resolution No. 212, Senator Estrada also delivered the following speech:

I rise today to join our colleagues in giving honor, in paying tribute to a young but highly accomplished Filipino athlete, and our national pride, Ernest John “EJ” Obiena.

His medal haul from various international competitions in the last six years, as recorded by the World Athletics Organization, is almost double his current age of 26. He had three winning streaks during the outdoor season this year alone. Obiena also secured his spot in history by becoming the first Filipino to win bronze at the World Athletics Championships, wherein he also reset the Asian record.



Truly, EJ stands for “Extraordinary Jumper.”

But what sets our very own pole vault champion apart from the others, and what makes his victory even sweeter, is the number of challenges he had to overcome to reach this point. *Hindi po naging madali ang mga pinagdaanan ng batang ito ngayong taon.* He had a knee surgery early this year. He contracted COVID-19 in the middle of the year, causing him to miss some competitions. Of course, there is also the high-profile controversy *doon sa mga sira ulong tao sa PATAFA.*

But just like a true and professional athlete, he kept his calm and focus; and employed such difficulties to his advantage, as fuel to fire up his motivation to win and excel—and represent the nation well before the international stage.

Salamat, EJ, sa pagwawagayway ng watawat ng Pilipinas sa iyong mga laban at pagbibigay ng kasiyahan, inspirasyon, at karangalan sa ating mga kababayan.

Sa iyong ipinakitang galing, kababaang-loob, at determinasyon, isa kang huwaran sa kabataang Pinoy.

Bagamat tiyak akong malayo pa ang iyong mararating at marami ka pang maiuuwing medalya para sa ating bansa, para sa akin, nakaukit na sa kasaysayan ng Philippine sports ang pangalang EJ Obiena bilang isa sa pinakamagaling na atleta ng ating bansa.

COSPONSORSHIP SPEECH OF SENATOR GO

Senator Go likewise delivered the following speech in cosponsoring Proposed Senate Resolution No. 212:

I would like to express my sincerest gratitude and deepest admiration for the country’s best pole vaulter and among the best in the world, Ernest John “EJ” Obiena. I also filed a proposed Senate Resolution congratulating EJ who has recently topped the Golden Fly Series at Liechtenstein after clearing 5.71 meters.

He also competed in Switzerland on September 12 where he bagged another gold medal and set a new meet-record of 5.81 meters.

EJ also won the silver medal in Germany on September 4. Two days earlier, in Belgium, Obiena astounded everyone by defeating a world champion and clearing 5.91 meters to win the gold medal.

With these triumphs, it is no doubt that EJ deserves the recognition and commendation of this esteemed Hall. *Salamat sa kanyang mga pagsisikap na magbigay ng karangalan sa ating bansa. Ang panalo mo ay isang inspirasyon para sa lahat ng iyong mga kababayan lalo na sa panahon ngayon na napakarami ng hamon na kinakaharap ng bansa at ng buong mundo. Ang panalo mo ay panalo ng sambayanang Pilipino, kaya naman proud na proud kami sa iyo.*

Bilang chairperson ng Committee on Sports, narito po ako at full support ako sa kanya. Noong nagpatawag po si Sen. Pia Cayetano ng pagdinig at pag-uusap tungkol doon sa naging problema, masaya po ako na finally naayos na po iyong gusot. Naalala ko noon na may mga naging balakid kay EJ Obiena. We even had a hearing last Congress in the Committee on Sports to help settle the issue. Masaya ako na naresolba na nga po ito at patuloy na ang pakikilahok ng ating world champion sa international competitions. Patunay na kapag nagkakaisa po tayo, malayo ang ating mararating.

Muli ko ring binibigyang-diin ang aking walang humpay na suporta at pangako para isulong at palaganapin ang nationwide grassroots sports program, sa tulong po ng Committee on Finance chairperson, Senator Angara. Full support po siya sa ating mga sports program. Alam naman po natin kung gaano kahusay ang mga atletang Pilipino lalo na kapag nabibigyan sila ng tamang oportunidad, pag-alalay, at suporta.

As the chairperson of the Senate Sports Committee, together with my colleagues here, rest assured that we will keep working to guarantee that the government supports him and the rest of our athletes and that he is able to compete and remain competitive on the international level. *Magtulongan po tayong lahat upang muli nating maibalik ang ating bansa sa mapa ng isports.*



Finally, it is my hope that EJ's success will give other young Filipino athletes the confidence and faith they need to succeed in their chosen sports.

Muli, congratulations, EJ. Mabuhay ka!

COSPONSORSHIP SPEECH OF SENATOR MARCOS

In cosponsoring Proposed Senate Resolution No. 212, Senator Marcos delivered the following speech:

EJ Obiena is a testament to the indomitable spirit of the Filipinos, not only athletes but the entire citizenry, beyond poverty in Tondo, beyond dispute in PATAFA, beyond any manner of controversy, and sheer physical pain.

Ngunit sa kabila ng ating parangal at walang humpay na pagpupuri kay EJ, nananatili pa rin ang mga problema ng atleta sa Pilipinas. Hanggang ngayon, si Vitaly Petrov, ang kaniyang coach na naging kontrobersiyal, ay hindi pa bayad mula sa umpisa ng taon. Tuldukan na po natin ang problema ng ating mga atleta at ng sports sa Pilipinas. Nag-coach na lamang sa Brazil si Petrov ngunit tinalo pa rin ni EJ. Nakakahiya nga; sila bayad, tayo ay hindi.

Sheer grit and talent has finally vindicated EJ Obiena with boundless victory, but the sorry plight of Philippine athletes today, their coaches and trainers remaining unrecognized, remains. Let us finally set the wrong right.

COSPONSORSHIP REMARKS OF SENATOR TOLENTINO

In cosponsoring Proposed Senate Resolution No. 212, Senator Tolentino associated himself with the previous sponsors in lauding the feat of EJ Obiena.

He revealed that a great Filipino named Simeon Galvez Toribio became a byword in athletics during the 1928 Olympics. One century later, in the 2024 Paris Olympics, he predicted that EJ Obiena would become a gold medalist because of his great character.

He recalled telling the chairman of the Samahang Basketbolista ng Pilipinas that they may have discovered a new basketball talent in EJ Obiena due to his high jump. He revealed that EJ also indulges in other sports, such as tennis and track and field, demonstrating his determination, perseverance, hard work, and humility, all of which should be emulated not only by the other athletes but also by the Filipino youth.

REMARK OF SENATOR POE

At this juncture, Senator Poe congratulated and thanked EJ Obiena for bringing pride to the country and to his fellow athletes.

MANIFESTATION OF SENATOR TULFO

Senator Tulfo requested that he be made a cosponsor of Proposed Senate Resolution Nos. 212, 63, 71, 87, 97, 164, 170, 177, 179, 220, 222, and 223.

COSPONSORSHIP SPEECH OF SENATOR TULFO

In cosponsoring Proposed Senate Resolution No. 212, Senator Tulfo delivered the following speech:

It is my honor and privilege to join my colleagues in congratulating Mr. Ernest John "EJ" Obiena, *ang ating natatanging idol pole vaulter.*



Ending the season with a haul of 17 medals—12 gold medals, including a win against Armand Gustav “Mondo” Duplantis, the current world record holder, plus two silver medals, and three bronze medals—is indeed an astounding and incredible feat.

EJ is a true exemplar of what makes a true Filipino athlete – disciplined, passionate, determined, and talented *at talaga namang* “world-class.”

Alam ninyo po, kapag pinapanood ang sports na pole vault sa larangan ng athletics, parang ang simple-simple lang. Kaunting takbo, tapos tatalunin mo lang iyong bar na mataas, gamit-gamit ang bitbit na pole, at sa loob ng ilang minuto, tapos na iyong event. Pero kapag pinanood ko ito nang maigi at pagmasdan iyong mismong atleta, bakas sa bawat galaw ng isang pole vaulter ang lahat ng hirap na kaniyang pinagdadaan at determinasyong tumalon, at kulang na lamang na liparin iyong bar para makatawid at lundagin ito na hindi bumabagsak, at ito ay nangyayari sa loob lamang ng ilang minuto. “Make or break,” wika nga.

Sinasalamin lang nito ang bawat isa sa atin na dumadaan sa kahirapan at kinakailangan tumawid at tumalon para sa mas magandang buhay. Our lives will always be filled with struggles, with us jumping from one challenge to another, trying to achieve happiness, success, and a better life.

Unti-unting takbo, bubuwelo ka lang nang kaunti para ipunin ang iyong lakas, tapos kailangan nang bilisan ang takbo at tumalon nang mataas para malampasan ang pagsubok at maging matagumpay.

Kaya naman, tunay kang simbolo ng pagsisikap at magsisilbing inspirasyon sa libo-libong Pilipino na gustong tumalon mula sa kahirapan patungong magandang buhay. Sa iyong ipinakitang galing at pagpupursigi, sigurado ako na you are profoundly one step closer to that Olympic gold.

Kaming lahat at nasa likod mo, sumusuporta sa iyo at sa bawat atletang Pilipino. Mabuhay ka EJ, saludo ako sa iyo.

COAUTHORS

Upon motion of Senator Villanueva, there being no objection, all members were made coauthors of the said resolutions.

ADOPTION OF PROPOSED SENATE RESOLUTION NO. 212

Upon motion of Senator Villanueva, there being no objection, Proposed Senate Resolution No. 212 was adopted by the Body, subject to style, taking into consideration Proposed Senate Resolution Nos. 63, 71, 87, 97, 164, 170, 177, 179, 220, 222, and 223.

SUSPENSION OF SESSION

Upon motion of Senator Villanueva, the session was suspended for a photo opportunity of the senators with EJ Obiena and his family.

It was 3:54 p.m.

RESUMPTION OF SESSION

At 4:06 p.m., the session was resumed.

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. 21 (September 14, 2022) and considered it approved.

COMMITTEE REPORT NO. 5 ON SENATE BILL NO. 1310

(Continuation)

Upon motion of Senator Villanueva, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1310 (Committee Report No. 5), entitled

AN ACT ERADICATING MOBILE PHONE OR ELECTRONIC COMMUNICATION-AIDED CRIMINAL ACTIVITIES, REGULATING FOR THIS PURPOSE THE REGISTRATION AND USE OF ALL SUBSCRIBER IDENTITY MODULE (SIM) FOR ELECTRONIC DEVICES.

Senator Villanueva stated that the parliamentary status was the period of individual amendments, Senate Bill No. 1310 being a substitute bill.

Thereupon, the Chair recognized Senator Poe, sponsor of the measure, to introduce her and the other senators' amendments.

INDIVIDUAL AMENDMENTS

As submitted by the senators, there being no objection, the Body approved the following amendments:

Page 2

By Senator Poe

1. On page 2, line 12, after the word "telephony," insert the phrase AND OTHER ELECTRONIC;

PROPOSED AMENDMENT OF SENATOR CAYETANO (P)

On page 1, line 9, before the word "Subscriber," Senator Cayetano (P) proposed the insertion of the word ONE'S.

SUSPENSION OF SESSION

Upon motion of Senator Pimentel, the session was suspended.

It was 4:15 p.m.

RESUMPTION OF SESSION

At 4:18 p.m., the session was resumed.

INDIVIDUAL AMENDMENTS

(Continuation)

Page 1

By Senators Cayetano (P) and Pimentel

2. Replace the paragraph on lines 9 to 12 with the following:

TOWARDS THIS END, THE STATE SHALL REQUIRE THE REGISTRATION OF THE SUBSCRIBER IDENTIFY MODULE (SIM) FOR ELECTRONIC DEVICES BY ALL END USERS THEREOF TO PROMOTE RESPONSIBILITY IN THE USE OF THE SIM AND TO AID LAW ENFORCEMENT AGENCIES TO RESOLVE CRIMES WHICH INVOLVE ITS UTILIZATION.

Page 2*By Senator Pimentel*

3. Replace the paragraph on lines 1 to 2 with the following:
 - A. END USER – SHALL REFER TO ANY EXISTING SUBSCRIBER OR ANY INDIVIDUAL OR JURIDICAL ENTITY WHICH PURCHASES A SIM FROM THE PTEs, ITS AGENTS, AUTHORIZED RESELLERS, OR ANY ENTITY.

PROPOSED AMENDMENT OF SENATOR PIMENTEL

Senator Pimentel proposed to delete paragraph D on lines 14 to 16 of page 2. He stated that spoofing a registered SIM should not be included in the bill because it may already be punishable under current law.

Senator Cayetano (P) stated that while she does not disagree with the proposed amendment, she would like to know how spoofing could not fall under SIM registration if unscrupulous people altered the identity of the SIM owner.

Senator Poe explained that, according to the NTC, spoofing is done by using a device that alters a sender's number so that the message appears to come from another number entity. She stated spoofing circumvents the very purpose of registering the SIM to a legitimate owner in order to track down criminal activity. She believed that penalizing spoofing would strengthen the integrity of SIM registration. She stated that while there are laws against fraud like estafa and swindling, they do not specifically mention illegal activities involving electronic devices.

Senator Cayetano (P) stated that she understands Senator Poe's explanation and has somewhat formed her own opinion on the matter. However, she stated that the Body should also hear Senator Pimentel's thoughts on the matter.

Senator Villanueva recalled that during the previous session, he proposed several activities such as "smishing" and "vishing," and that he was prepared to withdraw the amendment due to the specific provision. He then expressed his agreement with Senator Poe's explanation.

Asked by Senate President Zubiri if she is appealing to the Minority Leader to retain the provision, Senator Poe responded in the affirmative. She stated that while she appreciates the studies done by Senator Pimentel, she would like to assure him that the provision is needed to give the bill some teeth; otherwise, people would again use the law to say that the activity cannot be penalized because it is already beyond the SIM Registration Law. She emphasized that the proposed measure is intended to determine the true identity of the person registering the SIM.

Senate President Zubiri inquired whether spoofing was included in the previous law that had been vetoed. Senator Poe confirmed that it was, but that it was not the reason for the veto.

Asked by Senate President Zubiri whether spoofing was in the House version that was approved on Second Reading the previous week, Senator Poe said that it was not, but that even if the House does not accept the amendment, the Senate did its part to strengthen the bill.

Senator Pimentel stated that he could not understand the technology behind spoofing a properly registered SIM, which allows the user to alter and make it appear that he or she has another identity, which is illegal. He believed that the bill's purpose was to make SIM registration mandatory and to penalize those who do not comply with the registration law, rather than to penalize SIM card use.

He believed that spoofing is tantamount to identity theft, which is already punishable under RA 10175, or the Cyber Crime Prevention Act, Section 4, paragraph 3 (*Computer-Related Identity*



Theft). He stated that the bill should have been outlined in the following manner: mandate SIM card registration; PTEs will not activate the SIM unless it is registered; applicant provides accurate information; and violations apply after SIM is registered. He stated that violations involving the registered SIM, which has been activated by the PTE, could be classified as computer-related identity theft under RA 10175.

Senator Poe stated that the law's intent is also to strengthen the Cyber Crime Law, by making it applicable to SIM registration. While there are other existing laws, she stated that the bill would streamline certain matters that could improve other laws. She believed that the provision would not detract from the bill's intent and that there is nothing violative about it because it is still about SIM registration and how it is used. Furthermore, she stated that if the SIM is registered as a fraudulent account, the issue is still one of identity.

PROPOSED AMENDMENT OF SENATOR CAYETANO (P)

As a compromise, Senator Cayetano (P) proposed that, subject to style, paragraph D be worded to make spoofing a crime punishable under the Cyber Crime Law. Senator Poe's concern, she believed, is to define spoofing because if it is not defined, unscrupulous people will use it as a defense because it is not stated in the law; whereas Senator Pimentel will argue that it is already covered by existing law.

Senator Pimentel stated that in order for the provision to remain, the bill's title should be amended as well, because it is dependent on the context of the measure. He stated that spoofing is only one type of crime and that other crimes involving SIM cards may exist. He emphasized that if paragraph D is retained, the bill should also reflect its contents.

Senator Cayetano (P) then suggested that the discussions on the proposed amendment be put on hold until the Body finished its work to see which way the measure would go.

MANIFESTATION OF SENATOR POE

Senator Poe informed the Body that Senator Pimentel had agreed to use Section C (For using fictitious identities to register a SIM) on page 6, which was already in RA 10175. She stated that spoofing cannot be allowed because it wrongfully obtains information from the owner of a registered SIM. She stated that prior to obtaining any information, the appropriate government body must issue a subpoena outlining the reasons for doing so. She added that the bill must include potential crimes related to wrongful SIM registration, and maintained that including spoofing in the bill would not violate any existing law.

Senator Pimentel responded by stating that because the issue involves new technology, and existing laws do not adequately capture the new forms of fraudulent acts involving SIM, e-SIM, and other variants, he would allow the provision to remain and withdraw his proposed amendment to delete paragraph D.

Senator Poe thanked Senator Pimentel and assured the Body that no other offenses would be mentioned because they are already in the general terms required for the integrity of the registration system.

REMARK OF THE CHAIR

Senate President Zubiri agreed, stating that because the syndicates have already incorporated advanced technology into their criminal activities, the Body should be one step ahead of them in terms of punishments.

INDIVIDUAL AMENDMENTS*(Continuation)***Page 2***By Senator Pimentel*

4. On lines 17 to 20, delete the phrase “deter the proliferation of SIM or electronic communication-aided crimes, such as, but not limited to: terrorism, text scams, unsolicited, indecent or obscene message, bank fraud, and massive disinformation,” and replace it with REGULATE THE REGISTRATION AND USE OF SIMS;

By Senator Cayetano (P)

5. On line 20, as an omnibus amendment, and wherever it applies in the bill, insert the word THE before the word “SIM,” and the article A between the words “as” and “pre-requisite,” subject to style;

By Senators Poe and Cayetano (P)

6. On lines 20 to 21, after the word “all,” delete the rest of the sentence starting with the acronym “PTES” until the word “Act” and a period (.) and replace it with the following:

END-USERS SHALL BE REQUIRED TO REGISTER THEIR SIM WITH PTES AS PREREQUISITE TO THE ACTIVATION THEREOF, IN ACCORDANCE WITH THE GUIDELINES SET FORTH UNDER THIS ACT;

By Senator Cayetano (P)

7. On line 22, after the word “all,” insert the word THE, and replace the word “SIM” with SIMS;

By Senator Pimentel

8. On lines 22 to 24, replace the entire paragraph with a new paragraph, to read as follows:

FOR PURPOSES OF THIS ACT, ALL THE SIMS TO BE SOLD BY THE PTES, ITS AGENTS, AUTHORIZED RESELLERS, OR ANY ENTITY SHALL BE IN A DEACTIVATED STATE. IT SHALL ONLY BE ACTIVATED AFTER THE END USER COMPLETES THE PROCESS OF REGISTRATION;

9. On lines 25 to 29, replace the entire paragraph with a new paragraph, to read as follows:

ALL EXISTING SIM SUBSCRIBERS SHALL REGISTER THE SAME WITH THEIR RESPECTIVE PTES WITHIN ONE HUNDRED EIGHTY (180) DAYS FROM THE EFFECTIVITY OF THIS ACT. THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY (DICT) MAY EXTEND THE REGISTRATION FOR A PERIOD NOT EXCEEDING ONE HUNDRED TWENTY (120) DAYS;

Page 3*By Senator Pimentel*

10. On line 11, replace the words “SIM buyer” with END USER;

By Senator Cayetano (P)

11. On lines 19 to 21, replace the entire subsection (d) with a new subsection, to read as follows:

D. THE REGISTRATION OF A SIM BY A MINOR SHALL BE UNDER THE NAME OF THE MINOR’S PARENT OR GUARDIAN: *PROVIDED*, THAT THE MINOR’S PARENT OR GUARDIAN SHALL GIVE THEIR CONSENT AND REGISTER THE SAME;

By Senator Poe

12. On line 16, replace the semi-colon (;) with a period (.) and insert a new sentence, to read as follows: FOR JURIDICAL ENTITIES, THE CERTIFICATE OF REGISTRATION, AS WELL AS THE DULY-ADOPTED RESOLUTION DESIGNATING THE AUTHORIZED REPRESENTATIVE, IN CASE OF CORPORATIONS, AND A SPECIAL POWER OF ATTORNEY, IN CASE OF OTHER ENTITIES, SHALL BE PRESENTED.

Page 4*By Senator Poe*

13. After line 2, insert a new paragraph, to read as follows:

SIMS THAT ARE REGISTERED UNDER E(I) OF THIS SECTION SHALL ONLY BE VALID TEMPORARILY IN INCREMENTS OF 7, 14, 30, 60, 90 DAYS, AS THE CASE MAY BE, AND SHALL AUTOMATICALLY BE DEACTIVATED FROM EXPIRATION OF THE VALIDITY OF THE SIM;

By Senator Pimentel

14. On lines 9 and 10, replace the words "SIM buyer" with END USER;

SUSPENSION OF SESSION

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

It was 5:00 p.m.

RESUMPTION OF SESSION

At 5:00 p.m., the session was resumed.

INDIVIDUAL AMENDMENTS

(Continuation)

Page 4*By Senator Poe*

15. On line 6, before the word "database," replace the words "a centralized" with ITS RESPECTIVE;

By Senator Pimentel, to the Poe Amendment

16. On line 6, replace the words "ITS RESPECTIVE" with ITS;
17. On line 7, after the word "deactivate," insert the phrase A SIM OR;

By Senator Cayetano (P)

18. On lines 3 to 4, after the word "facilitate," insert the word ALL and replace the word "registration" with REGISTRATIONS.

At this point, Senator Cayetano (P) expressed concern about the use of the word "register" on line 22. She proposed replacing the term "register" with DATABASE. Senator Poe recalled that during the bicameral conference on the bill in the 18th Congress, the House of Representatives panel insisted on the term "register."

19. On line 22, before the word "register," insert the word SIM;

By Senator Pimentel

20. On line 20, replace the word "subscriber" with the words END USER;

By Senator Poe

21. Replace lines 19 to 21 with the following:

IN CASE OF ANY CHANGE IN INFORMATION AFTER THE REGISTRATION OF THE SIM OR THE LOSS OF SIM, DEATH OF THE SUBSCRIBER, OR ANY REQUEST FOR DEACTIVATION, THE SUBSCRIBER SHALL INFORM THE PTE, THROUGH ITS FACILITY, ESTABLISHED FOR SUCH PURPOSE: *PROVIDED*, THAT IN THE CASE OF

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DEATH OF A SUBSCRIBER, SUCH FACT MAY BE REPORTED TO THE CONCERNED PTE BY THE IMMEDIATE FAMILY, RELATIVES OR LEGAL GUARDIAN.

IN CASE OF ANY CHANGE IN THE INFORMATION AFTER REGISTRATION, THE CONCERNED PTE SHALL CLEARLY NOTE SUCH CHANGE IN ITS DATABASE.

IN CASE OF LOSS OF SIM, DEATH OF THE SUBSCRIBER, OR REQUEST FOR DEACTIVATION, THE CONCERNED PTE SHALL DEACTIVATE SAID SIM WITHIN TWENTY-FOUR (24) HOURS FROM THE REPORT OF THE SUBSCRIBER: *PROVIDED*, THAT REGARDLESS OF ANY DEACTIVATION, THE RELEVANT DATA AND INFORMATION SHALL BE RETAINED BY THE PTE PURSUANT TO THE PERTINENT PROVISIONS OF THIS ACT, WHICH IS TEN (10) YEARS.

By Senator Cayetano (P) to the Poe Amendment

22. On the first paragraph, replace the word "MAY" with SHALL;
23. Still on the first paragraph, before the word guardian, delete the word "LEGAL";
24. On the first sentence of the first paragraph, between the words "SUBSCRIBER" and "SHALL," insert a comma (,) and the phrase IMMEDIATE FAMILY MEMBER, RELATIVES OR GUARDIAN;
25. In the phrase "IN CASE OF LOSS OF SIM," insert the word THE before "SIM";

INQUIRY OF SENATOR TOLENTINO

Senator Tolentino stated that he does not have a copy of the bill but he heard Senator Poe mentioned ten years. For purposes of consistency and harmonization with existing laws, he inquired whether seven years would be more appropriate because under the Civil Code, a person is presumed dead if he or she does not appear within the period of seven years.

Senator Poe stated that the reference was based on specific crimes with a prescriptive period of up to 20 years. She stated that she was aware that if a person does not appear for seven years, he or she is presumed dead, but that crimes such as murder have a longer prescriptive period.

By Senator Pimentel, to the Poe Amendment

26. Replace the word SUBSCRIBER on the new provision with the words END USER;

By Senator Villanueva

27. After line 23, insert a new paragraph, to read as follows:

PUBLIC TELECOMMUNICATIONS ENTITIES SHALL PROVIDE USER-FRIENDLY REPORTING MECHANISMS FOR THEIR RESPECTIVE SUBSCRIBERS UPON THE LATTER'S RECEIPT OF ANY POTENTIALLY FRAUDULENT TEXT OR CALL, AND SHALL, UPON DUE INVESTIGATION, DEACTIVATE EITHER TEMPORARILY OR PERMANENTLY, THE SIM USED FOR THE FRAUDULENT TEXT OR CALL.

By Senator Pimentel

28. On line 24, before the word "agent," insert the word ITS, and after the word "agent" insert a comma (,) and the words AUTHORIZED RESELLERS;

INQUIRY OF SENATOR CAYETANO (P)

At this point, Senator Cayetano (P) asked whether a natural person who sells his or her registered SIM could be charged with a crime. Senator Poe opined that a person may sell a SIM which has not been activated or registered, but once a SIM has been activated, that person may be liable for a crime.

Senator Cayetano (P) believed that the act or the crime must be defined, and the measure's intention must be clear in order to determine whether the crime would cover the selling, buying, or using of the SIM if there is no consideration but with the intent to defraud.

Senator Poe stated that if a person does not intend to defraud but simply borrows another person's cellphone to send a personal message, the SIM can be sold as long as it is not fraudulently registered, and the SIM owner must report the change of owner within a certain number of days.

In the case of failure to report the change of SIM owner, she stated that the person who sold his or her SIM is responsible for identifying the buyer, despite the fact that some syndicates buy SIMs and even GCash accounts to defraud people.

Senator Cayetano (P) proposed asking experts to study the penalty against the buyer, user, or recipient of SIMs to determine whether or not there is intent to defraud in order to maintain the reliability of SIM registration. Senator Poe proposed including a provision stating that any activated SIM could not be sold to another person.

At this juncture, Senator Pimentel reminded that the bill must also include eSIM (embedded SIM card) because there would soon be a device or gadget that does not have a SIM card slot; which means that prohibiting the sale of SIM also prohibits the sale of cellphones.

Given the possibility that anyone could simply buy SIM from people with legitimate applications, Senate President Zubiri emphasized the importance of determining the prohibitions in the bill. Senator Poe stated that the sale of any registered SIM is prohibited.

Senator Tolentino proposed that the word "knowingly," or *scienter*, be included in the provision to establish the intent in violating the law, because there are those who would like to acquire SIM with special or vanity numbers, such as "88888" or "99999," but have no intent to commit a violation relating to a fraudulently-registered or stolen SIM. Senator Poe responded that a vanity SIM whose number had already been assigned to another could no longer be registered, and that the person should seek assistance from the telecommunications provider or the NTC to cancel it.

Senator Tolentino responded to Senator Poe's statement that the bill prohibits the sale of SIM and those registered in the name of another, saying that the appropriate term is *mala prohibita*, because the purchase of registered SIMs is a violation. He believed that using legal terms such as "knowingly" should be included in the bill's statutory construction in case an interpretation was required in the future.

Noting the likelihood of gray areas in the bill, Senate President Zubiri surmised that Senator Poe wants simpler terms, such as a person not selling or buying registered SIM cards. Senator Poe added that ignorance of the law is not an excuse; thus, the sale or purchase of registered SIM is prohibited, regardless of intent. She then proposed inserting the proviso, ANY REGISTERED SIM CANNOT BE SOLD SUBSEQUENTLY.

Senator Cayetano (P) stated on the *Record* that acquiring a favorite number is not prohibited; in fact, one could ask another to use their vanity number after it has been updated under the new registrant's name. Senator Poe agreed that the number could be transferred, but only with the assistance of the telecommunications company, and could not be done unilaterally.

In response to Senator Cayetano's (P) suggestion that the bill include a provision for acquiring vanity numbers, Senator Poe stated that those who wish to change their registered numbers may do so by notifying the telecommunications company so that a new number can be assigned and registered in their name.

Asked by Senator Tolentino if telecommunications companies are gatekeepers of information, Senator Poe clarified that information cannot be shared unless proper authorities have subpoena powers and a reason to issue a subpoena.

Asked by Senator Cayetano (P) if the new provision that "Any registered SIM cannot be sold subsequently" has a penalty clause, Senator Poe explained that the penalty for the sale of fraudulently-registered or stolen SIM under Section 10 (e) would vary depending on the offense. She then proposed adding the phrase FOR SALE OF FRAUDULENTLY-REGISTERED OR STOLEN SIM, OR PREVIOUSLY REGISTERED SIM, to indicate that the SIM card has already been registered and assigning it to another person makes it fraudulently-registered.

Senator Cayetano (P) noted that the phrase "previously registered SIM" is ambiguous, because the SIM could have been previously registered but with the NTC's permission. She instead suggested replacing the phrase with PREVIOUSLY REGISTERED SIM WITHOUT THE PROPER REGISTRATION TO THE NEW OWNER.

SUSPENSION OF SESSION

Upon motion of Senator Pimentel, the session was suspended.

It was 5:34 p.m.

RESUMPTION OF SESSION

At 6:22 p.m., the session was resumed with Senator Ejercito presiding.

Upon resumption, Senator Poe stated that based on the discussion she had with Senator Pimentel during the break on the sale of registered SIM, the proposed language for the new Section 7 on page 4, line 24 of the bill would be as follows:

"SEC. 7. SUBSEQUENT SALE OF A REGISTERED SIM – A REGISTERED SIM CANNOT BE SOLD OR TRANSFERRED WITHOUT COMPLYING WITH THE REGISTRATION REQUIREMENTS UNDER SECTION 6 OF THIS ACT."

Senator Tolentino inquired whether the new Section 7 would no longer distinguish between a SIM that was fraudulently registered or stolen and a SIM that was used in good faith. Senator Poe replied in the affirmative, stating that such a distinction is already specified in Section 6 of the bill.

When asked if the former Section 7 of the bill is still in place, Senator Poe stated that only the phrase "fraudulently registered or stolen SIM" was removed from the new proposed language, to wit:

SEC. 8 SALE OF A STOLEN SIM – ANY PTE, AGENT OR ENTITY THAT WILL ENGAGE IN THE SALE OF A STOLEN SIM SHALL BE HELD CRIMINALLY LIABLE UNDER THIS ACT.

Senator Pimentel believed that the aforementioned amendment had already been accepted and approved by the Body. He stated that he prefers to keep the amendment's wording and only agrees to insert, subject to style, the phrase AUTHORIZED RESELLERS.

Senator Pimentel clarified, in response to Senator Tolentino's query, that the amendment under consideration was actually introduced by Senator Cayetano (P) in order to include situations in which a SIM is not stolen but was simply passed on to someone else to be used in good faith. Senator Tolentino agreed, citing an example of an OFW going abroad who passes on the use of

his or her SIM to a child. He wondered if a SIM given to a child by a parent would be considered stolen as well.

Senator Poe reiterated that under the new Section 7, a registered SIM could be sold or transferred as long as it complies with Section 6 of the bill, which means that whoever is the new owner of the SIM should be able to keep his or her vanity number if it would be re-registered under the new owner's name, with the new owner's details, such as the date of birth and address, among others.

Senator Pimentel surmised that there is confusion because the provisions displayed on the screen differ from those read by Senator Poe. Senator Poe requested that the Body not refer to the monitor but instead refer to their clean copies as she reads the amendments being proposed.

Senator Poe read Section 6 of the bill for clarity before reading the proposed amendment again, to wit:

“SEC. 6. *SIM REGISTER*. THE ELECTRONIC REGISTRATION FORMS SHALL BE KEPT BY A CONCERNED PTE TO A CENTRALIZED DATABASE. THE DATABASE SHALL STRICTLY OBSERVE A SIM REGISTER TO BE USED. THE SUCCESSFUL SUBMISSION, IN CASE OF ANY CHANGE IN THE INFORMATION AFTER THE REGISTRATION OF THE SIM OR THE LOSS OF SIM, DEATH OF THE SUBSCRIBER, OR ANY REQUEST FOR THE ACTIVATION, THE SUBSCRIBER SHALL INFORM THE PTE THROUGH ITS FACILITY ESTABLISHED FOR SUCH PURPOSE. PROVIDED, THAT IN THE CASE OF DEATH OF THE SUBSCRIBER, SUCH FACT MAY BE REPORTED TO THE CONCERNED PTE BY THE IMMEDIATE FAMILY RELATIVES AND GUARDIANS. IN CASE OF ANY CHANGE IN THE INFORMATION AFTER REGISTRATION, THE CONCERNED PTE SHALL CLEARLY NOTE SUCH CHANGE IN ITS DATABASE.”

INDIVIDUAL AMENDMENTS

(Continuation)

Page 4

By Senator Cayetano

29. On page 4, line 24, insert a new Section 7, to read as follows:

SEC. 7. *SUBSEQUENT SALE OF A REGISTERED SIM* – A REGISTERED SIM CANNOT BE SOLD OR TRANSFERRED WITHOUT COMPLYING WITH THE REGISTRATION REQUIREMENTS UNDER SECTION 6 OF THIS ACT;

30. On the same line and page, replace Section 7 with a new Section 8, to read as follows:

SEC. 8. *SALE OF A STOLEN SIM*. – ANY PTE, AGENT OR ENTITY THAT WILL ENGAGE IN THE SALE OF A STOLEN SIM SHALL BE HELD CRIMINALLY LIABLE UNDER THIS ACT; and

31. Renumber the sections accordingly;

Asked by Senator Pimentel if the concept of fraudulently-registered SIM in the new Section 8 was completely dropped, Senator Poe replied that the concept was already spelled out in Section 6 which requires one to comply with its SIM registration provisions. Senator Pimentel expressed relief that even fraudulently registered SIMs are considered as unregistered SIMs, and that the measure includes punishable acts to deter any acts of fraud related to SIM usage.

On the disclosure of information under Section 9 on page 5, line 11 of the bill, Senator Tolentino asked on the exact extent or boundary of the word “subpoena” that was used in the provision. Senator Poe believed that certain bodies, such as Congress, the NBI, BIR, courts and, in some cases, the PNP, CIDG, Ombudsman, NAPOLCOM, and PDEA could issue subpoenas.

Senator Tolentino stated that he would like clarification on the matter due to the broad subpoena power wielded by various agencies, such as the Ombudsman under RA 6770; NBI under RA 157; CIDG; PDEA; NAPOLCOM; BIR; the Blue Ribbon; the DOJ's Office of the Cybercrime; the Bangko Sentral Governor; and the PCGG, among others. He stated that his main concern is how to narrow down the definition of the commission of crimes, fearing that it would include not only the reasons for the bill which are heinous crimes like terrorism, cyber bank heist, the proliferation of unsolicited and indecent obscene messages, and dissemination of massive information campaign, but also other crimes such as robbery, adultery, concubinage, murder, grave threats, and homicide. Senator Poe replied that the subpoena powers of the government institutions that were mentioned were actually approved by the Senate.

Senator Poe, citing Section 9 of the proposed legislation, explained that government entities authorized to issue subpoenas may not do so arbitrarily, but only in response to a valid complaint. She added that acting on a subpoena request that exceeds its jurisdiction would constitute an abuse of power.

Senator Tolentino asked whether it would be appropriate to limit the crimes that should be covered by the subpoena to those related to the bill's intended purpose and the proliferation of text scams. He contended that a text scam would not necessarily result in the commission of concubinage or adultery. Senator Poe stated that Senator Tolentino seemed to be veering off topic. Senator Tolentino proposed restricting subpoena powers to crimes against national security, swindling and other deceptions, direct and indirect bribery, Anti-Graft and Corrupt Practices Act violations, and spoofing.

Senator Poe stated that the topic of the bill is SIM registration, and that because the addition of swishing and smishing was previously opposed, she believed the term "fraud" would cover future scenarios.

Considering the explanatory note in the bill, Senator Tolentino asked if Senator Poe would consider adultery or grave threats as fraud. In response, Senator Poe said that she would await Senator Tolentino's proposed amendment.

PROPOSED AMENDMENT OF SENATOR TOLENTINO

On page 5, lines 12 to 15, Senator Tolentino proposed to replace the phrase beginning from "pursuant" and ending with "perpetrator" with the following: IN RELATION TO THE COMMISSION OF THE CRIMES AGAINST NATIONAL SECURITY, SWINDLING AND OTHER DECEITS, BRIBERY (DIRECT AND INDIRECT), VIOLATION OF THE ANTI-GRAFT AND CORRUPT PRACTICES ACT.

Senator Poe believed that the proposed amendment would limit the measure's effectiveness. Senator Tolentino disagreed, stating that his proposal would strengthen the bill by refocusing it on its original intent, namely, unsolicited messages, dissemination of massive misinformation campaigns, and text scams. He believed that other crimes in the Revised Penal Code, such as simple theft, and other special laws, such as those involving speeding and drunk driving should not be included because they would unnecessarily expand the subpoena powers of the government, potentially violating the rights to privacy, freedom of expression, and other constitutional rights. He stated that limiting subpoena powers to specific crimes would avoid infringing on the rights of Filipinos.

Senator Tolentino pointed out that limiting the crimes covered would also restrict the issuance of subpoenas to the appropriate agencies, such as the Ombudsman in cases involving violations of the Anti-Graft and Corrupt Practices Act or the BIR for anti-money laundering.

Senator Poe stated that she was not inclined to change anything in the existing subpoena powers of the government agencies that were already in place. Senator Tolentino clarified that his suggestion was to eliminate minor crimes and instead focus on those involving SIMs. Senator Poe responded that the bill covers crimes that are malicious, fraudulent, or unlawful. She believed that having a comprehensive list would result in some offenses being excluded.

Senator Poe stated that if Senator Tolentino is concerned that some government entities may abuse their authority to issue subpoenas, the remedy would be to seek redress in court.

Senator Tolentino stated that such a situation is only possible if the universe of crimes for which entities with subpoena powers can use their discretionary authority is expanded. He stated that narrowing the crimes that could be committed would also limit the agencies' ability to exercise subpoena powers within their jurisdictions and mandates. He reiterated that he was not opposed to the measure and was only attempting to harmonize it with the Explanatory Note in Senate Bill No. 99.

Senator Poe stated that, while she appreciated Senator Tolentino's clarification-oriented argument, she could not accept his proposed amendment. Senator Tolentino contended that the measure's subpoena powers granted to government entities were excessively broad.

Page 5

By Senator Pimentel

32. On line 14, replace the phrase "he or she" with the words "THE COMPLAINANT";
33. On lines 22 to 30, replace Paragraph A with the following:
 - a. *For failure or refusal to register a SIM.* – The following fines shall be imposed upon the PTEs who shall fail or refuse to register a SIM, without a valid reason, despite compliance by the End user with the requirements for SIM registration under this Act:
 - 1) First offense: a fine of not less than One hundred thousand PESOS (P100,000.00) but not more than Three hundred thousand pesos (P300,000.00);
 - 2) Second offense: a fine of not less than Three hundred thousand PESOS (P300,000.00) but not more than Five hundred thousand pesos (P500,000.00); and
 - 3) Third and subsequent offenses: a fine of not less than Five hundred thousand PESOS (P500,000.00) but not more than One million pesos (P1,000,000.00) for every offense thereof;

Pages 5 and 6

By Senator Pimentel

34. On lines 31 and 32 on Page 5 and lines 1 to 8 on Page 6, replace Subsection B with the following:
 - "b. *For breach of confidentiality.* – The penalty of a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than Four million pesos (P4,000,000.00) shall be imposed upon PTEs, its agents or its employees who shall directly or indirectly reveal or disclose any information or data of an End user obtained during the registration requirement under this Act, unless otherwise permitted by this Act, or other laws."

Page 6

By Senator Pimentel

35. On line 13, insert a new Subsection C, which states:
 - "c. *For breach of confidentiality due to negligence.* — The penalty of a fine of not less than Five hundred thousand PESOS (P500,000.00) but not more than Four million pesos (P4,000,000.00) shall be imposed upon PTEs, its agents or its employees who, due to its

negligence, shall reveal or disclose any information or data of an End user obtained during the registration requirement under this Act.”;

36. Renumber the succeeding sections accordingly;

Senator Pimentel informed the Body that he obtained the range of the penalties from the Data Privacy Act.

37. On lines 13 to 16, replace the entire Subsection C with the following:

“d. *For using fictitious identities or fraudulent identification documents to register a SIM.* — The penalty of imprisonment ranging from six (6) months to two (2) years, or a fine of not less than One hundred thousand PESOS (P100,000.00) but not more than Three hundred thousand pesos (P300,000.00), or both, shall be imposed upon anyone who uses a fictitious identity or fraudulent identification documents to register a SIM.”

Page 4

By Senator Poe

38. On line 27, after the word “information,” insert the words AND DATA;

Page 6

By Senator Pimentel

39. Replace lines 13 to 16 with the following:

D. FOR USING FICTITIOUS IDENTITIES OR FRAUDULENT IDENTIFICATION DOCUMENTS TO REGISTER A SIM. – THE PENALTY OF IMPRISONMENT RANGING FROM SIX (6) MONTHS TO TWO (2) YEARS, OR A FINE OF NOT LESS THAN ONE HUNDRED THOUSAND PESOS (P100,000.00) BUT NOT MORE THAN THREE HUNDRED THOUSAND PESOS (P300,000.00), OR BOTH, SHALL BE IMPOSED UPON ANYONE WHO USES A FICTITIOUS IDENTITY OR FRAUDULENT IDENTIFICATION DOCUMENTS TO REGISTER A SIM;

By Senator Poe

40. Replace lines 25 to 29 with the following:

E. FOR SALE OF A STOLEN SIM, THE PENALTY OF IMPRISONMENT RANGING FROM SIX (6) MONTHS TO TWO (2) YEARS OR A FINE OF NOT LESS THAN ONE HUNDRED THOUSAND PESOS (P100,000.00) BUT NOT MORE THAN THREE HUNDRED THOUSAND PESOS (P300,000.00) OR BOTH SHALL BE IMPOSED UPON THE PTES, ITS AGENTS, AUTHORIZED RESELLER, OR ANY ENTITY THAT WILL ENGAGE IN THE SALE OF STOLEN SIM AS PROVIDED UNDER THIS ACT;

Page 7

By Senator Poe

41. After line 2, insert a new subsection, to read as follows: **FOR SALE OR TRANSFER OF A REGISTERED SIM WITHOUT COMPLYING WITH THE REQUIRED REGISTRATION, THE PENALTY OF IMPRISONMENT RANGING FROM SIX (6) MONTHS TO SIX (6) YEARS OR A FINE OF THREE HUNDRED THOUSAND PESOS (P300,000.00) OR BOTH SHALL BE IMPOSED UPON ANYONE WHO SELLS OR TRANSFERS A REGISTERED SIM WITHOUT COMPLYING WITH THE REQUIRED REGISTRATION UNDER THIS ACT;**

By Senator Pimentel

42. Replace lines 3 and 4 with the following:

ANY PERSON WHO ABETS OR AIDS IN THE COMMISSION OF ANY OF THE OFFENSES ENUMERATED IN THIS ACT SHALL BE HELD LIABLE AS A CO-PRINCIPAL.

SUSPENSION OF SESSION

Upon motion of Senator Villanueva, the session was suspended.

It was 7:04 p.m.

RESUMPTION OF SESSION

At 7:06 p.m., the session was resumed.

INDIVIDUAL AMENDMENTS

(Continuation)

By Senator Cayetano (P)

43. On page 4, line 25, replace the acronym "SIM" with SIMS;
44. On page 5, line 11, after the word "subpoena," replace the word "of" with BY;
45. On the same page, line 12, after the word "investigation," replace the word "of" with the words BASED ON; and
46. On page 7, line 5, replace the word "for" with UNDER/OR;

By Senator Pimentel

47. Amend the title of the bill, to read as follows:

AN ACT MANDATING THE REGISTRATION OF SUBSCRIBER IDENTIFY MODULE
(SIM) FOR ELECTRONIC DEVICES, REGULATING FOR THIS PURPOSE ITS
REGISTRATION AND USE.

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

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

APPROVAL OF SENATE BILL NO. 1310 ON SECOND READING

Submitted to a vote, there being no objection, Senate Bill No. 1310 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1310

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

SUSPENSION OF SESSION

Upon motion of Senator Villanueva, the session was suspended.

It was 7:10 p.m.

RESUMPTION OF SESSION

At 7:12 p.m., the session was resumed with Senate President Zubiri presiding.

MEMBERSHIPS IN OVERSIGHT COMMITTEES

With the permission of the Body, upon motion of Senator Villanueva, the Senate President designated the following senators to constitute the oversight committees hereunder indicated:

***Congressional Oversight Committee on the Official Development Assistance (ODA) Law
(Pursuant to Section 8 of Republic Act No. 8182)***

Chairperson: Gatchalian

Members:

Majority:

Angara Marcos
Revilla Ejercito
Poe

Minority:

Pimentel Hontiveros

***Joint Congressional Oversight Committee on Tax Incentives Management
and Transparency Act (TIMTA)***

(Pursuant to Section 9 of Republic Act No. 10708)

Chairperson: Gatchalian

Members:

Villar (M) Binay
Angara Pimentel

Congressional Customs and Tariff Oversight Committee

(Pursuant to Section 1700 of Republic Act No. 10863)

Chairperson: Gatchalian

Members:

Angara Tolentino
Villar (M) Hontiveros

Congressional Oversight Committee on the Tax Reform

(Pursuant to Section 290 of Republic Act No. 8424)

Chairperson: Gatchalian

Member:

Angara Villar (M)
Cayetano (P) Pimentel

Joint Congressional Oversight Committee on Illicit Trade on Excisable Products

(Pursuant to Section 10 of Republic Act No. 11467)

Chairperson: Gatchalian

Members:

Angara Dela Rosa
Villar (M) Cayetano (P)
Tolentino Pimentel

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 7:18 p.m.

I hereby certify to the correctness of the foregoing.

Atty. **RENATO N. BANTUG Jr.**
Secretary of the Senate

Approved on September 20, 2022

