



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

# Journal

**SESSION NO. 23**  
Tuesday, September 20, 2022

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

Prepared by the  
LEGISLATIVE JOURNAL SERVICE  
Senate of the Philippines

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**SESSION NO. 23**  
Tuesday, September 20, 2022

**CALL TO ORDER**

At 3:03 p.m., the Senate President, Hon. Juan Miguel “Migz” F. Zubiri, called the session to order.

**PRAYER**

Sen. Cynthia A. Villar led the prayer, to wit:

*Let us bow our heads in prayer.*

Heavenly Father, we praise and thank Thee for the countless ways You have blessed my colleagues and me, as we perform our duties as public servants.

Gracious God, before we proceed to our session today, allow us also a moment to offer a prayer for our farmers and fishermen.

We thank You, Lord, for blessing us with men and women who continuously cultivate our land, nurture our livestock, head out to the sea to catch marine bounties, and continuously toil to produce healthy food that provide nourishment for the country.

They have a tough vocation; at times, exposed to uncooperative weather conditions, or victims of a treacherous system, or simply that their yield and earnings are way below the efforts they put in.

Be with our farmers, O Lord. Bless them with a good harvest and income, and please watch over them, especially during the times that they are in harm’s way.

Further, we beseech You, Lord, to make this Senate an instrument in ensuring that our farmers and fisherfolk are respected, cared for, and compensated fairly for their work that they give sustenance for all of us in the most basic way possible.

All of these we ask, in Jesus’ 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.	Legarda, L.
Binay, M. L. N. S.	Marcos, I. R.
Cayetano, A. P. C. S.	Padilla, R. C.
Cayetano, P. S.	Pimentel III, A. K.
Dela Rosa, R. B. M.	Poe, G.
Ejercito, J. V. G.	Revilla Jr., R. B.
Escudero, F. J. G.	Tolentino, F. T. N.
Estrada J. E.	Tulfo, R. T.
Gatchalian, W.	Villanueva, J.
Go, C. L. T.	Villar, C. A.
Hontiveros, R.	Zubiri, J. M. F.
Lapid, M. L. M.	

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

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.

## 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. 22 (September 19, 2022) and considered it approved.

## ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

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

- Mayor Cezar V. Areza of Pagsanjan, Laguna;
- Lt. Gen. Emmanuel B. Salamat (Ret.), Executive Director of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC);
- DFA Assistant Secretary Eduardo Menez;
- Delegates of Siklab Pilipinas who won the Plate title and finished 5th in the Asia Netball Championships in Singapore;
- Dr. Charlie Ho, president of the Philippine Netball Federation, Inc. (PNFI), and head coach Angelina Fedillaga;
- Mayor Robin C. Tagle of Abucay, Bataan;
- Vice Mayor Richie Jason D. David of Limay, Bataan;
- Mayor Eusebio P. Dumoran Jr. of Placer, Masbate;
- Former Vice Mayor Leonardo "Boy" Celles of San Juan City; and
- Rep. Jonathan Keith T. Flores of the Second District of Bukidnon.

Senate President Zubiri welcomed the guests to the Senate.

**REFERENCE OF BUSINESS**

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

**BILLS ON FIRST READING**

Senate Bill No. 1286, entitled

AN ACT TO PROTECT FILIPINOS FROM THE HARMFUL EFFECTS OF TRANS-FATTY ACIDS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Villanueva

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

Senate Bill No. 1287, entitled

AN ACT TO DESIGNATE SEPTEMBER AS PHILIPPINE FILM INDUSTRY MONTH AND MANDATE THE FILM DEVELOPMENT COUNCIL OF THE PHILIPPINES TO CONDUCT EVENTS ON VARIOUS FILM-RELATED DISCIPLINES DURING ITS CELEBRATION, TO APPROPRIATE FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Lapid

**To the Committees on Public Information and Mass Media; and Finance**

Senate Bill No. 1288, entitled

AN ACT AMENDING REPUBLIC ACT NO. 8047, OTHERWISE KNOWN AS THE "BOOK PUBLISHING INDUSTRY DEVELOPMENT ACT," PROVIDING FOR THE SCANNING AND CONVERSION OF PUBLIC SCHOOL TEXTBOOKS INTO E-BOOKS AND OTHER DIGITAL FORMATS

Introduced by Senator Lapid

**To the Committees on Basic Education; and Science and Technology**

Senate Bill No. 1289, entitled

AN ACT TO PROMOTE THE ACCOUNTABILITY OF SOCIAL MEDIA WEBSITES AND OTHER SIMILAR ONLINE PLATFORMS AND ITS MEMBERS BY REQUIRING THE SUBMISSION VALID PROOFS OF IDENTIFICATION AS A PRECONDITION TO MEMBERSHIP

Introduced by Senator Lapid

**To the Committees on Public Information and Mass Media; and Science and Technology**

9/20

Senate Bill No. 1291, entitled

AN ACT ESTABLISHING A NATIONAL SEX OFFENDER REGISTRATION DATABASE AND PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Estrada

**To the Committees on Justice and Human Rights; Public Order and Dangerous Drugs; and Finance**

Senate Bill No. 1292, entitled

AN ACT ESTABLISHING THE BARANGAY INTEGRATED DEVELOPMENT APPROACH FOR NUTRITION IMPROVEMENT OF THE RURAL POOR AS A LINKAGE PROGRAM FOR ALL STATE UNIVERSITIES AND COLLEGES AND COMMUNITY COLLEGES AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Estrada

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

Senate Bill No. 1293, entitled

AN ACT ADJUSTING THE MONTHLY PENSION AND DISABILITY BENEFITS OF RETIREES OF THE DEPARTMENT OF FOREIGN AFFAIRS, AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Estrada

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

Senate Bill No. 1294, entitled

AN ACT PROMOTING RURAL FINANCIAL INCLUSION AND LITERACY

Introduced by Senator Estrada

**To the Committees on Social Justice, Welfare and Rural Development; and Banks, Financial Institutions and Currencies**

Senate Bill No. 1295, entitled

AN ACT STRENGTHENING THE NATIONAL PROGRAM FOR THE ELIMINATION OF TUBERCULOSIS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10767 OR THE "COMPREHENSIVE TUBERCULOSIS ELIMINATION PLAN ACT"

Introduced by Senator Estrada

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

Senate Bill No. 1296, entitled

AN ACT CRIMINALIZING THE CREATION AND DISSEMINATION OF FAKE NEWS FOR THE PROTECTION FROM ONLINE FALSEHOODS AND MANIPULATION, AMENDING FOR THE PURPOSE, REPUBLIC ACT NO. 10175, OTHERWISE KNOWN AS THE CYBERCRIME PREVENTION ACT OF 2012

Introduced by Senator Estrada

**To the Committees on Justice and Human Rights; and Public Information and Mass Media**

Senate Bill No. 1297, entitled

AN ACT REQUIRING THE REGISTRATION OF SUBSCRIBER IDENTITY MODULE (SIM) CARDS IN MOBILE PHONES

Introduced by Senator Revilla Jr.

**To the Committees on Public Services; and Trade, Commerce and Entrepreneurship**

Senate Bill No. 1298, entitled

AN ACT RECOGNIZING THE CIVIL EFFECTS OF CHURCH DECREED ANNULMENT

Introduced by Senator Zubiri

**To the Committee on Women, Children, Family Relations and Gender Equality**

Senate Bill No. 1299, entitled

AN ACT DECLARING MARCH 7 OF EVERY YEAR AS A SPECIAL NONWORKING HOLIDAY IN THE ISLAND GARDEN CITY OF SAMAL (IGACOS), PROVINCE OF DAVAO DEL NORTE IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY

Introduced by Senator Go

**To the Committee on Rules**

Senate Bill No. 1300, entitled

AN ACT PROTECTING AND PROMOTING THE RIGHTS TO EQUALITY AND NON-DISCRIMINATION ON THE BASIS OF RACE, ETHNICITY AND RELIGION

Introduced by Senator Estrada

**To the Committees on Social Justice, Welfare and Rural Development; and Finance**

Senate Bill No. 1301, entitled

AN ACT ESTABLISHING A SPECIAL DEFENSE ECONOMIC ZONE (SPEDEZ) INSIDE THE GOVERNMENT ARSENAL DEFENSE INDUSTRIAL ESTATE LOCATED IN CAMP GEN. ANTONIO LUNA, LAMAO, MUNICIPALITY OF LIMAY, PROVINCE OF BATAAN, CREATING FOR THIS PURPOSE THE SPECIAL DEFENSE ECONOMIC ZONE AUTHORITY (SPEDEZA) AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Estrada

**To the Committees on Economic Affairs; National Defense and Security, Peace, Unification and Reconciliation; Ways and Means; and Finance**

Senate Bill No. 1302, entitled

AN ACT INCREASING THE PENALTIES OF DECEPTIVE, UNFAIR, AND UNCONSCIONABLE SALES ACTS OR PRACTICES, PARTICULARLY IN TIMES OF CALAMITY, EMERGENCY CONFLICT AND DISTRESS, THEREBY AMENDING REPUBLIC ACT NO. 7394 OTHERWISE KNOWN AS THE "CONSUMER ACT OF THE PHILIPPINES"

Introduced by Senator Marcos

**To the Committee on Trade, Commerce and Entrepreneurship**

Senate Bill No. 1303, entitled

AN ACT ALLOWING REMOTE NOTARIZATION AND AMENDING REPUBLIC ACT NO. 8792 OR OTHERWISE KNOWN AS THE "ELECTRONIC COMMERCE ACT OF 2000," AND FOR OTHER PURPOSES

Introduced by Senator Marcos

**To the Committees on Trade, Commerce and Entrepreneurship; and Justice and Human Rights**

Senate Bill No. 1304, entitled

AN ACT URGING THE PLANNING, EVALUATION, AND PROMOTION OF BANANA FOR INTERNATIONAL EXPORT, ESTABLISHING THE BANANA EXPORT DEVELOPMENT COUNCIL, AND PROVIDING FUNDS THEREFOR

Introduced by Senator Marcos

**To the Committees on Agriculture, Food and Agrarian Reform; Trade, Commerce and Entrepreneurship; and Finance**

Senate Bill No. 1305, entitled

AN ACT ESTABLISHING THE DRUG PRICE REGULATORY BOARD TO REGULATE THE PRICES OF DRUGS AND MEDICINES IN THE PHILIPPINES AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9502, OTHERWISE



KNOWN AS THE "UNIVERSALLY ACCESSIBLE CHEAPER AND QUALITY  
MEDICINES ACT OF 2008" AND FOR OTHER PURPOSES

Introduced by Senator Marcos

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

Senate Bill No. 1307, entitled

AN ACT CONFERRING THE CADETS OF THE PHILIPPINE NATIONAL POLICE  
ACADEMY THE STATUS OF A GOVERNMENT EMPLOYEES AND GRANTING  
THEM CIVIL SERVICE ELIGIBILITY AND BENEFITS AND PRIVILEGES

Introduced by Senator Tolentino

**To the Committees on Civil Service, Government Reorganization and Professional Regulation; and Public Order and Dangerous Drugs**

Senate Bill No. 1308, entitled

AN ACT PROVIDING FOR THE INTERNATIONAL COMMERCIAL ARBITRATION  
ACT OF THE PHILIPPINES

Introduced by Senator Tolentino

**To the Committees on Justice and Human Rights; Trade, Commerce and Entrepreneurship; and Finance**

Senate Bill No. 1309, entitled

AN ACT ORDAINING A BILL OF RIGHTS FOR TAX PAYERS

Introduced by Senator Revilla Jr.

**To the Committee on Ways and Means**

**RESOLUTIONS**

Proposed Senate Resolution No. 203, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO  
CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE PROPOSED  
NATIONAL GOVERNMENT REORGANIZATION PLAN

Introduced by Senator Marcos

**To the Committees on Civil Service, Government Reorganization and Professional Regulation; and Finance**

Proposed Senate Resolution No. 204, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO



CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE CONTINUING REPORTS OF CHILD ONLINE SEXUAL EXPLOITATION DESPITE NUMEROUS LAWS SAFEGUARDING AND AFFECTING RIGHTS OF CHILDREN

Introduced by Senator Marcos

**To the Committees on Women, Children, Family Relations and Gender Equality; and Public Order and Dangerous Drugs**

Proposed Senate Resolution No. 205, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE PROLIFERATION OF TEXT SCAMS IN THE PHILIPPINES

Introduced by Senator Marcos

**To the Committee on Public Services**

Proposed Senate Resolution No. 206, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE REPORTED RAMPANT SMUGGLING OF AGRICULTURAL PRODUCTS IN THE COUNTRY, THEREBY CAUSING GREAT LOSS AND HARM TO THE ECONOMY, THE LOCAL AGRICULTURAL INDUSTRY, AND OUR FARMERS AND FISHERFOLK

Introduced by Senator Marcos

**To the Committee on Agriculture, Food and Agrarian Reform**

Proposed Senate Resolution No. 207, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON PUBLIC ORDER AND DANGEROUS DRUGS AND OTHER APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ALLEGED INCREASING KIDNAPPING INCIDENTS AND RECENT SPATE OF OTHER CRIMINAL ACTIVITIES, WITH THE END IN VIEW OF STRENGTHENING PEACE AND ORDER MECHANISM IN THE COUNTRY

Introduced by Senator Revilla Jr.

**To the Committee on Public Order and Dangerous Drugs**

**ADDITIONAL REFERENCE OF BUSINESS**

**MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

Letter from the House of Representatives, informing the Senate that on 5 September 2022, the House of Representatives passed the following House bills, in which it requested the concurrence of the Senate:

House Bill No. 925, entitled

AN ACT DECLARING JULY 2 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN PASIG CITY TO BE KNOWN AS THE "ARAW NG PASIG";

House Bill No. 694, entitled

AN ACT DECLARING JUNE 20 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY OF GUINAYANGAN, PROVINCE OF QUEZON, IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY;

House Bill No. 758, entitled

AN ACT DECLARING JUNE 21ST OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE CITY OF BAYUGAN, PROVINCE OF AGUSAN DEL SUR IN COMMEMORATION OF ITS CHARTER DAY;

House Bill No. 2725, entitled

AN ACT DECLARING NOVEMBER 15 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE PROVINCE OF ORIENTAL MINDORO, TO BE KNOWN AS "ARAW NG ORIENTAL MINDORO," IN COMMEMORATION OF ITS FOUNDATION ANNIVERSARY;

House Bill No. 2868, entitled

AN ACT DECLARING OCTOBER 22 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY OF ROSARIO, PROVINCE OF CAVITE IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY;

House Bill No. 3961, entitled

AN ACT DECLARING APRIL 4 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE CITY OF ANTIPOLO, PROVINCE OF RIZAL, IN COMMEMORATION OF ITS CITYHOOD ANNIVERSARY;

House Bill No. 3962, entitled

AN ACT DECLARING JULY 5 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY OF BAMBANG, PROVINCE OF NUEVA VIZCAYA, TO BE KNOWN AS "BAMBANG DAY," IN COMMEMORATION OF ITS FOUNDATION ANNIVERSARY;

House Bill No. 3963, entitled

AN ACT DECLARING NOVEMBER 23 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE PROVINCE OF BENGUET TO BE KNOWN AS "BENGUET DAY" IN COMMEMORATION OF ITS FOUNDATION DAY;

House Bill No. 3964, entitled

AN ACT DECLARING JULY 28 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN CABADBARAN CITY, PROVINCE OF AGUSAN DEL NORTE,

TO BE KNOWN AS "CABADBARAN DAY," IN COMMEMORATION OF ITS FOUNDATION DAY";

House Bill No. 3965, entitled

AN ACT DECLARING JULY 15 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE CORDILLERA ADMINISTRATIVE REGION TO BE KNOWN AS "CORDILLERA DAY," IN COMMEMORATION OF ITS FOUNDATION DAY;

House Bill No. 3966, entitled

AN ACT DECLARING NOVEMBER 7 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY OF CUENCA, PROVINCE OF BATANGAS, TO BE KNOWN AS "CUENCA FOUNDATION DAY," IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY;

House Bill No. 3967, entitled

AN ACT DECLARING JUNE 18 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY OF STA. MARIA, PROVINCE OF DAVAO OCCIDENTAL IN COMMEMORATION OF ITS FOUNDATION DAY;

House Bill No. 3969, entitled

AN ACT DECLARING MARCH 7 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE ISLAND GARDEN CITY OF SAMAL, PROVINCE OF DAVAO DEL NORTE, IN COMMEMORATION OF ITS FOUNDATION DAY;

House Bill No. 3970, entitled

AN ACT DECLARING NOVEMBER 3 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY OF KALIBO, PROVINCE OF AKLAN, TO BE KNOWN AS THE "KALIBO FOUNDATION DAY";

House Bill No. 3971, entitled

AN ACT DECLARING MARCH 2 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE PROVINCE OF LA UNION TO BE KNOWN AS "LA UNION DAY," IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY;

House Bill No. 3972, entitled

AN ACT DECLARING FEBRUARY 21 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE PROVINCE OF MARINDUQUE TO BE KNOWN AS "ARAW NG MARINDUQUE," IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY;

House Bill No. 3973, entitled

AN ACT DECLARING AUGUST 18 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE CITY OF NAGA, PROVINCE OF CAMARINES SUR, TO BE

KNOWN AS "JESSE M. ROBREDO MEMORIAL DAY," IN REMEMBRANCE OF THE LIFE AND EXEMPLARY CONTRIBUTION TO PUBLIC SERVICE OF FORMER MAYOR AND SECRETARY OF THE INTERIOR AND LOCAL GOVERNMENT JESSE MANALASTAS ROBREDO;

House Bill No. 3974, entitled

AN ACT DECLARING AUGUST 11 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE PROVINCE OF SAMAR TO BE KNOWN AS "SAMAR DAY," IN COMMEMORATION OF ITS FOUNDATION DAY;

House Bill No. 3975, entitled

AN ACT DECLARING JULY 31 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY OF TANGALAN, PROVINCE OF AKLAN, TO BE KNOWN AS "TANGALAN DAY," IN COMMEMORATION OF ITS FOUNDATION DAY, AND IN HONOR OF THE BRAVERY OF THE LOCAL HEROES OF THE VIVO REVOLT;

House Bill No. 3976, entitled

AN ACT DECLARING DECEMBER 7 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY OF VIRAC, PROVINCE OF CATANDUANES, IN CELEBRATION OF THE "KAADLAWAN NIN VIRAC";

House Bill No. 3977, entitled

AN ACT DECLARING FEBRUARY 24 OF EVERY YEAR A SPECIAL WORKING HOLIDAY IN THE PROVINCE OF ZAMBOANGA SIBUGAY TO BE KNOWN AS "ARAW NG SIBUGAY," IN COMMEMORATION OF ITS FOUNDATION DAY;

House Bill No. 3978, entitled

AN ACT DECLARING APRIL 16 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE CITY OF MARIKINA, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10788, ENTITLED "AN ACT DECLARING APRIL 16 OF EVERY YEAR A SPECIAL HOLIDAY AND NO CLASS DAY IN SCHOOLS IN THE CITY OF MARIKINA IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY TO BE KNOWN AS "MARIKINA CITY DAY";

**To the Committee on Local Government**

and House Bill No. 3968, entitled

AN ACT CONVERTING THE MUNICIPALITY OF CARMONA IN THE PROVINCE OF CAVITE INTO A COMPONENT CITY TO BE KNOWN AS THE CITY OF CARMONA.

**To the Committees on Local Government; and Electoral Reforms and People's Participation**

## MANIFESTATION OF SENATOR LAPID

Senator Lapid expressed appreciation for the promulgation of the Implementing Rules and Regulations (IRR) on Republic Act No. 9999, also known as the "Free Legal Assistance Act of 2010" (or the Lapid Law), which provides tax breaks to lawyers who provide free legal services to low-income clients. He acknowledged former President Gloria Macapagal-Arroyo for signing the law in 2010, as well as Commissioner Lilia Guillermo of the Bureau of Internal Revenue and Department of Finance Secretary Benjamin Diokno for approving the IRR. He also thanked Senator Escudero and the late Sen. Edgardo J. Angara, who sponsored Republic Act No. 9999; Senator Tolentino for following up in the formulation of the IRR; and Senate President Zubiri, as well as Senators Villanueva, Revilla, Padilla, and Estrada for their support.

## COMMITTEE REPORT NO. 3

*(Continuation)*

Upon motion of Senator Villanueva, there being no objection, the Body resumed consideration of Committee Report No. 3 on Re Privilege Speech of Senate President Juan Miguel "Migz" F. Zubiri entitled "Fiasco Behind Sugar Order No. 4," delivered on August 15, 2022.

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

Thereupon, the Chair recognized Senator Tolentino, sponsor of the measure, and Senator Hontiveros for her interpellation.

## INTERPELLATION OF SENATOR HONTIVEROS

At the outset, Senator Hontiveros commended Senator Tolentino for his efficiency in timely releasing a committee report that discloses various malfeasance, misfeasance, and nonfeasance in the sugar industry that require the Senate's oversight functions. She looked forward to synergizing their efforts to meet the common aspiration of holding public officials to the highest standards of conduct and protecting public interest at all times.

She noted the uncertainty of the words "may have been" and "at the very least" in a statement in the committee report that reads: "The SRA Supply Data and the preponderance of the evidence presented to the Committee indicate that there may have been an actual shortage or at the very least anticipated sugar supply shortfalls prior to the issuance of Sugar Order No. 4." While data is the best evidence of a shortfall, she noted that the statement does not only refer to the SRA but also flags the sugar shortage.

She stated that in a letter dated April 8, 2022 from then NEDA Secretary Karl Kendrick Chua to then Finance Secretary Carlos Dominguez, the National Economic Development Authority had already flagged the limited supply and high prices of refined sugar and had declared that domestic production of refined sugar is insufficient to meet local demand. She added that the letter was in response to a request for comments on a letter from Coca-Cola Company highlighting the company's sugar supply gap of 116,000 metric tons.

She stated that she was referring to the sugar supply data and the preponderance of evidence presented to the committee prior to the issuance of Sugar Order No. 4, which can be found on page 30 of the committee report. Senator Tolentino confirmed the contents of page 30 but stated that he is unaware of the letter from NEDA addressed to then Secretary Dominguez as it was not part of the committee report and was never discussed during the committee investigation.

She explained that she brought the letter to the attention of the Body to highlight that as early as April 2022, there was already a supply gap of 116,000 metric tons of sugar in Coca-Cola

alone, which was noticed and reported by then Secretary Chua through a letter to then Secretary Dominguez.

Senator Tolentino stated that if the intention of Senator Hontiveros is to submit an official letter with the presumption of regularity following the submission of the committee report, then he would note it in conjunction with NEDA's description of the sugar industry on page 2, which traces the prominent role of the sugar industry in Philippine economic history. On the other hand, he stated that the letter could be incorporated into the committee report during the period of amendments if the purpose is to establish that the sugar shortage as reported in the letter was indeed true.

Senator Hontiveros thanked Senator Tolentino for his commitment to note in the committee report the 116,000 metric tons sugar supply gap of one company months before the events that led to the issuance of Sugar Order No. 4. She believed that said letter would allow them to corroborate not only that there was an anticipated shortfall, but also that there was an actual shortage of sugar supply.


She recalled that during the committee hearing, the SRA data for the previous three crop years, as well as the resolutions of all sugar industry stakeholders, were presented, confirming that there was a sugar supply gap of 300,000 metric tons. Nonetheless, she believed that nothing precludes the committee members from raising new points in the plenary if they would validate existing data that are pertinent to the report.

Senator Tolentino also recalled Senate President Zubiri citing in his passionate privilege speech several reports about raided sugar warehouses where tons of sugar were discovered. He also recalled another report on the last day of their hearing about a raided warehouse in Nasugbu, Batangas, where 400,000 sacks of sugar were discovered. Hence, as to the question regarding the usage of the word "may" in the quote from the committee report, he said that it was used in the context of contemporaneous events.

He added that, in fact, it was he who raised the possibility that no consultations were made with the stakeholders, noting that an earthquake occurred in July 27 during which the entire government, particularly the Agriculture officials, were busy responding to the disaster the following days, which coincided with the supposed schedule of the stakeholders' consultation meeting. He stated that Mr. Lamata's insinuation that he was simply forced to sign a resolution of support without any consultation meeting taking place was consistent with his assumption.

On the point raised by Senator Tolentino regarding the imported sugar that were confiscated, Senator Hontiveros stated that she would save her questions until the end of her interpellation. Concerning the stakeholder consultations, she believed the committee heard that there were consultations conducted on July 28 and July 29, as well as the following days, despite the earthquake's aftermath. In fact, she recalled that all stakeholders, including UNIFED, led by Mr. Lamata, submitted their resolutions on the August 2 and 3 deadlines. She stated that all of the said resolutions indeed express support for sugar importation. Although the stakeholders' recommendations as to how much sugar is needed varied slightly, she stated that their recommendations would still gravitate around the 300,000-metric ton range.

Senator Tolentino said that, to him, the meaning of "consultation" is asking another person on the other end whether they are in agreement or disagreement on a matter. He believed that what transpired was not consultation, but rather the mere submission of resolutions in support of Sugar Order No. 4 from August 1 to 3. In fact, he stated that no minutes were submitted to the committee regarding the alleged consultative meeting on July 29 and the days preceding the deadline, leading him to believe that the resolutions were made in haste by three or four persons without the presence of other individuals in a consultative manner.



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

In addition to the letter of then NEDA Secretary Chua to then Finance Secretary Dominguez dated April 8, 2022, Senator Hontiveros asked if Senator Tolentino was aware of the Economic Development Cabinet meeting held on June 7, 2022 where the recommendation was to import 450,000 metric tons of sugar from Thailand and Brazil, and where it was discovered that even if the country imports 450,000 metric tons of sugar combined with the 450,000 metric tons of domestic sugar, there would still have a 74,000-metric ton supply deficit of raw sugar.

Senator Tolentino believed that the data mentioned by Senator Hontiveros were never shown to the Sugar Regulatory Agency officials during the Blue Ribbon Committee investigations and wondered if the rules would allow the Body to overhaul the marked evidence with newly discovered ones. He stated that, while the notion of sugar scarcity is germane to the committee report, the document presented by Senator Hontiveros was never part of the committee investigation, and that it would be highly unusual for the Body to discuss something which was not part of the committee investigation.

The coming out of new evidence, he believed, would be tantamount to having another committee hearing which, in the case of the committee report, had already been adjourned weeks ago. Furthermore, he stated that the submission of the committee report and the two-day rule for submitting a Minority report or dissent would encapsulate the rule that everything necessary would be included. As a result, he reiterated that extrinsic matters that are not part of the investigation and committee report, particularly documents, would be beyond his knowledge.

Senator Hontiveros opined that the committee report is not yet final and that it is in the period of interpellations before moving on to the period of amendments to produce a final committee report. Thus, as part of the Minority, she is presenting the points they raised in their Minority report for consideration not only of Senator Tolentino but of the rest of the Members of the Chamber.

Nonetheless, she thanked Senator Tolentino for conceding that there is a shortfall in the supply of sugar but hoped that the same be stated in the draft committee report, reiterating that said shortfall has already been established by SRA data from the previous three crop years and the resolutions submitted by stakeholders.

Senator Hontiveros corrected herself at this point, stating that the committee report was not a draft. However, she noted that the report had not yet been adopted by the Body. Relative thereto, Senator Tolentino responded that the committee report had been signed by 15 members. Senator Hontiveros replied in the affirmative, but reiterated that it was for the very reason that the Body was still deliberating on the subject, and has yet to reach the period of amendments, and for the same reason that she was presenting the new evidence as relevant to the committee report.

Senator Tolentino contended that if the Body permits the presentation of new documents to support Senator Hontiveros' contention, other members of the Blue Ribbon Committee could likewise not be prevented from presenting witness testimonials. In that regard, he requested clarification on how the Body would balance the scale between documentary and testimonial evidences, specifically whether allowing the presentation of a documentary evidence would discriminate against previously presented testimonial evidences. He asked whether the Body should allow the presentation of witnesses in Plenary after the committee report had been submitted, who would support Undersecretary Sebastian, and who would refute Mr. Serafica's testimony. He reasoned that if the Body decides to accept additional documentary evidence, it might as well accept testimonial evidence. At that point, he requested that the Chair issue a ruling on the matter.

Senator Hontiveros clarified that she has no intention of presenting new witnesses, and that the documents she presented were provided to her after the investigation was completed in the committee level. She believed that nothing could prevent the Body from scrutinizing the evidences





during the period of interpellations. Senator Tolentino reiterated his request for the Chair to issue a ruling on the matter.

### **SUSPENSION OF SESSION**

Upon motion of Senator Villanueva, the session was suspended.

*It was 3:48 p.m.*

### **RESUMPTION OF SESSION**

At 3:57 p.m., the session was resumed with Senate President Zubiri presiding.

### **ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS**

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

- Rep. Faustino Dy V of the Sixth District of Isabela;
- Mayor Alyssa Sheena P. Tan of Santiago City, Isabela; and
- Gov. Jake Villa of the Province of Siquijor.

Senate President Zubiri welcomed the guests to the Senate.

### **INTERPELLATION OF SENATOR HONTIVEROS**

*(Continuation)*

At this juncture, Senator Hontiveros stated that there was nothing in the *Rules of the Senate* preventing the discussion of new evidence germane to the issue in Plenary session. She added that she was presenting the evidence to the Plenary, not to the Blue Ribbon Committee, as one of the Members. She also stated that in any case, the public interest and the right to know should take precedence.

She then informed the Body that, as recently as September that year, while the committee was investigating the issue, the Department of Finance (DOF) submitted to the President a memorandum recommending that the following volumes of sugar be imported: 150,000 metric tons, raw; 200,000 metric tons, refined; and 200,000 metric tons, bottlers' grade.

She believed that it was critical to remove any cloud of doubt that there was an actual shortage rather than an anticipated one, because livelihood, among other things, was at stake. To demonstrate her point, she drew the Body's attention to news reports the day before of Coca-Cola Company manufacturing plants in Bohol and Iloilo temporarily shutting down. She added that the two sites were the most recent additions to the growing list of manufacturing plants in other locations, including Davao, Cavite, Zamboanga, and Camarines Sur, which are temporarily shutting down. She believed that the situation was real, and not just some conspiracy to create an artificial shortage that would benefit a few unscrupulous individuals if sugar was imported as a result.

She then sought clarification on two points with regard to the committee report: 1) on the claim that Undersecretary Sebastian *et al.* gave private parties, unwarranted benefits, advantage, or preference in the discharge of their functions, in violation of Republic Act 3019 or the Anti-Graft and Corrupt Practices Act; and 2) on the veracity of reports that on August 10, when Sugar Order No. 4 (SO 4) was issued, Administrator Serafica stopped its publication in the *Philippine Daily Inquirer* as well at the U.P. Law Center.

Senator Tolentino agreed, but added that website publications, unlike printed publications, reach thousands, if not millions, of recipients in a matter of seconds. Senator Hontiveros, on the other hand, revealed that the website was taken down on the same day it was published. She then called the Body's attention to Section 13 of SO 4, which states that the order "shall take effect after three (3) days from filing with the Office of the National Registrar, UP Law Center, Diliman, Quezon City." She then pointed out that, if there were benefits to the order, they could only be technically enjoyed on August 13, or three days after its filing, by which time the issuance had long been withdrawn.

She then quoted Justice Caguioa from his concurring opinion in the 2020 case of *People v. Bacaltos*, which also involved a violation of Section 3 (e) of RA 3019, to wit: "The Court should refrain interpreting laws without heed to its practical consequences.... The Court will effectively discourage individuals from joining public service."

She stated that the second clarification she would like to see regarding RA 10845, or the Anti-Agricultural Smuggling Law, is whether Senator Tolentino believes that actual smuggling of agricultural products is not required for the crime to be consummated.

Senator Tolentino responded by asking in what order Senator Hontiveros wanted her questions answered.

Senator Hontiveros explained that the first question was simply to confirm whether SO 4 that was issued on August 10 was then simultaneously withdrawn from publication in a website or print newspaper, as well as from archiving at the U.P. Law Center.

In response, Senator Tolentino stated that the element of damage is not required for its violation under Section 3(e) of Republic Act No. 3019, as applied in the case of *Sison vs. People 614, SCRA 670*. He stated that the offense had been completed because the sugar order had been released for a short period of time. He clarified that its publication was merely a procedural requirement for the effects, and that it is not required that unwarranted benefits be received or enjoyed. He believed that because the order was published for a few seconds on an SRA website, the prospective importers were made aware of it, which then clearly indicates that an offense has been consummated.

He stated that because the items raised are matters for the defense, part of the committee report that he tried to establish was a violation of Section 3(e) of RA 3019 on corrupt practices of public officers. He stated that there was no intent to persuade, induce, or influence, among other things, but it is up to the court to decide whether or not their defense is valid. He emphasized that the Blue Ribbon Committee only established the *factum probandum*, or the evidence established, that the named officials violated the law.

Senator Hontiveros, while agreeing with Senator Tolentino that it is a matter for the court to decide, believed that it would be logical for a crime to take time and space to be committed. She pointed out that even if the publication and archiving were done on the same day, the provision "shall take effect after three days from filing" was still not operative. She stated that she could not imagine what crime the court might consider in the case, and that if it is in the committee report, which is open to scrutiny, it is not only a matter of defense.

On whether benefits were given if SO 4 only came into force on August 13, Senator Tolentino replied in the affirmative, saying that even if it was published for a few seconds in the website, the text or digital message could reach millions; and if there were prospective bidders or importers on the lookout, there was a chance that they could prepare the documents needed for the consequential importation, which is related to the violation of RA 10845. Taking everything into

account, he stated that it would point to violations not only of RA 3019 but of other laws as well, specifically the Anti-Agricultural Smuggling Act, or RA 10845, and the other laws mentioned in the report, including Article 177 of the Revised Penal Code.

Senator Hontiveros wondered how a crime, that could only be committed three days after the filing of the sugar order, could be consummated only a few seconds after the order was published and archived.

Adverting to RA 10845, she inquired whether actual smuggling of agricultural products is required for the crime to be consummated. Although it is a question for the courts, she stated that the relevant provision of the law requires a minimum of P10 million for rice and P1 million for sugar, corn, pork, poultry, among other things, for the crime to be committed. She believed that the law contemplates actual smuggling because a million pesos cannot be calculated without the actual commission of the crime.

Responding to Senator Hontiveros, Senator Tolentino stated that Section 3(d) of RA 10845, which states that "the act of smuggling, consenting, allowing the use of import permits by another person," was the exact violative phrase that was inserted in SO 4, to the surprise of everyone, as it was not even included in SO 3 and SO 2. He added that the removal of the performance bond, among other things, was even included in SO 4, and that regardless of how the Executive branch reacted after the order was taken down or declared illegal, it had already been accomplished because it was part of SO 4. He stated that the person liable, or whoever drafted it as part of the records, if indeed it was Mr. Serafica, and was signed by the other board members, committed an offense. He pointed out that they engaged in large scale agricultural smuggling, which is considered economic sabotage. He emphasized that the mere fact that it was a nip in the bud would absolve from liability those who crafted and drafted the order and made it part of the official acts of the SRA.

Senator Hontiveros stated that the Blue Ribbon Committee would be just as guilty if it ignored the SRA's misfeasance, malfeasance, or nonfeasance, which is why there is such a committee and why she was attempting to exhaust all possibilities. She stated that it would be just as bad to insist on a crime even if there was none. She used the valuation of P10 million for sugar in Section 3 of RA 10845 as an example.

She stated that she wanted an answer to her query about why the sugar order was uploaded for publication but then withdrawn and archived with the U.P. Law Center within the same day, preventing the sugar importer from importing.

She believed that the provision on "assigning," mentioned earlier by Senator Tolentino, was another part of the committee report that could be properly documented. She mentioned that there are even 78 authorized entities that could be reassigned elsewhere.

Noting that there had been previous sugar orders with no performance bond for a variety of reasons, Senator Hontiveros stated that its absence would not be a proof of a crime being committed because there was no time element within which the peso price set by the Anti-Agricultural Smuggling Law could be calculated because the crime had not yet been committed. She pointed out that no three days had passed since the order was published in which certain sectors could be given preferential treatment or privileges.

As regards the supposed offense in violation of Article 177 of the Revised Penal Code or Usurpation of Official Functions, Senator Hontiveros noted that the committee report stated that "in the case of Usec. Sebastian's signing of Sugar Order No. 4, he affixed his signature together with the word 'for,' which indicates a clear attempt to write for and on behalf of the President, who was the Secretary of Agriculture, without specific legal authority to do so." She then asked if good faith could be used as a defense in criminal prosecutions for usurpation of official functions.

Senator Tolentino reiterated that matters of defense must be brought to the proper forum, given that the Blue Ribbon Committee's role is merely to recommend that a formal investigation be launched by the Office of the Ombudsman, or any appropriate body, and that a finding of guilt would be made only by the court with competent authority, and not the Blue Ribbon Committee. Senator Hontiveros' question, he said, was misplaced if she was referring to the authority of the Blue Ribbon Committee.

Senator Hontiveros, on the other hand, clarified that she was asking if good faith is a defense in criminal prosecutions for usurpation of official functions. Senator Tolentino responded that it could be used to defend himself. He explained that the act of usurpation of authority refers to knowing and falsely representing oneself as an officer with the authority to sign; and thus, there is intent. He added that if good faith is used as a defense, it should be shown that the person signed without knowing by affixing his signature, which is a positive or overt act, or by doing something to claim the position. He stated that if Usec. Sebastian or anyone else wanted to utilize the defense of good faith, nothing would stand in their way. Senator Hontiveros stated that Senator Tolentino's statement, that good faith could be used as a defense in criminal prosecution, was sufficient for her.

Senator Hontiveros reiterated that she would not debate the factual question on whether or not Usec. Sebastian had criminal intent despite the following circumstances: that there was a July 15, 2022 memorandum granting him authority to sign; that there was no opposition from the Executive department to import 300,000 metric tons of sugar when it was first broached; that the SRA is a collegial body; and that the signature of the DA Secretary was technically not required to issue a sugar order. She stated that the important thing was that it was placed on record that good faith is a defense in Article 177 of the Revised Penal Code.

Senator Tolentino stated that good faith could be a defense. However, he clarified that good faith is negated when all of the elements of the offense under Article 177 are present. He then cited the four elements under Article 177, to wit: 1) the offender may be a private or public officer; 2) the offender performs any act pertaining to a person of authority or public officer of the Philippine government or any of its agencies or foreign government; 3) the offender performs the act under the pretense of performing a public function; and 4) the offender performs the act without being legally entitled to do so. In item 4, he noted that good faith could be negated.

He revealed that there were so many witnesses present when Mr. Serafica signed the order, including the Executive Secretary, and that even though the former knew that he was not authorized by the Executive department to sign under Memorandum No. 15, he, Mr. Valderrama, and Attorney Beltran all believed they were. He emphasized that all the four elements should be present, but in that case, they only have three, and the fourth element was on the borderline, so good faith could be negated.

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

Senator Hontiveros empathized with the officials involved, believing that they acted in good faith, and expressed relief that it can be used as a defense under Article 177 of the Revised Penal Code.

She reiterated her desire to advocate for Filipino consumers and workers rather than dwell on the legal issues raised. She also stated that the Executive's punitive response has a "chilling effect," which may discourage officials from taking timely actions on critical issues such as the supply and prices of basic household commodities.

Senator Tolentino stated that the aforementioned fourth element is in accordance with the Supreme Court decision in *People v. Uy*, GR 248566 on August 4, 2021. He stated that the

committee report's recommendation for the investigation and punishment of certain individuals demonstrates to the public that the Senate is not lax in its oversight functions. He added that the law must be followed because the country cannot afford to pity erring individuals.

Senator Hontiveros responded that she was not advocating for the concerned officials' liberties out of pity, but rather that the truth be revealed and justice be served.

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

At the outset, Senate President Zubiri referred to his speech on the subject, citing its relevance as the basis for the investigation conducted by the Committee on Accountability of Public Officers and Investigations (Blue Ribbon Committee).

While Senator Hontiveros was advocating for workers' and civil servants' rights, he stated that the real issue is the protection of over 100,000 sugar cane farmers and the five million industry beneficiaries who are most affected by sugar importation.

He noted that in previous years, the Senate Blue Ribbon Committee investigated cases of much lesser gravity, some at the request of the Minority, than the usurpation of authority by an official who signed a document on behalf of the President without being instructed to do so.

He clarified that he had no ill will toward Undersecretary Sebastian, whom he had heard was a respected man in the agriculture industry, but the committee's findings do not indicate that his actions were in good faith. He stated that the officials involved will be able to defend themselves in the proper forum.

Furthermore, he stated that the officials involved may defend themselves in the proper court if they claim to have been misled into believing that the order was approved by the President. However, he stated that the findings of the committee indicate that the President did not approve the order and had even requested the SRA's importation plans in advance. He stated that lower-ranking government officials have been imprisoned for usurpation of authority for amounts less than billions of pesos, as was the case on hand.


He urged senators not to shield pro-importation officials, even if they act in good faith, in order to help Filipino farmers. He stated that the facts derived from the committee hearing revealed that the country only required 150,000 mt of sugar at the time, not the 300,000 mt specified in the order. He stated that had the importation pushed through, the country would have had an oversupply of sugar, with farmers bearing the brunt of the consequences.

He cited a similar situation in a previous committee hearing conducted by Senator Villar (C) which revealed that the head of the Bureau of Plant Industry (BPI) supported the unnecessary importation of peanuts into the country. He stated that he and Senator Villar (C) were enraged by the official's actions, although the importations had stopped.

He stated that erring officials should not be punished with just a slap on the wrist for their actions, but should be made to explain their actions to the proper authorities.

#### **MANIFESTATION OF SENATOR PIMENTEL**

At this juncture, Senator Pimentel expressed the position of the Minority that the Senate should not act as a fiscal or prosecutor's office. where cases lacking merit are sometimes filed with the courts in the mistaken belief that it is the court's job to decide on them. He stated that such actions clog the dockets of the courts.



He explained that it was the Minority's point of view, as expressed in the minority report they had submitted, and that he would elaborate further on the subject when his time for interpellation comes up.

In response, Senate President Zubiri stated that the committee report's remedial actions were only recommendatory in nature, and should be addressed to the Ombudsman for further action. He urged the senators to act on the committee report, citing the public outcry that occurred when the former Blue Ribbon Committee failed to secure enough signatures for the committee report on the Pharmally investigation, which recommended the filing of cases against certain officials and individuals.

#### **MANIFESTATION OF SENATOR TOLENTINO**

Senator Tolentino acknowledged the Minority's active participation in the hearings, which resulted in the drafting of the committee report at hand. He recalled Senator Pimentel saying that the Blue Ribbon Committee's actions would reflect the Senate's integrity, and he was the one who insisted on issuing a subpoena to the former Executive Secretary.

He emphasized that the whole proceedings during the investigation was a collaborative effort by the Majority and the Minority as could be gleaned from the *Records*.

#### **MANIFESTATION OF SENATOR HONTIVEROS**

Referring to Senate President Zubiri's comparison of the Pharmally committee report recommendations and the report on the sugar investigation, Senator Hontiveros said that the former had a substantial amount of evidence pointing to anomalies made by government officials, whereas the latter indicated actions done in good faith by officials.

She reiterated the Economic Development Cluster's recommendation for 450,000 mt of sugar, which underpins the order's decision for the importation of 300,000 mt.

She further stated that there are ways to uphold both farmers' and consumers' rights, and that neither is exclusive of the other.


In response, Senate President Zubiri stated that the committee report included both remedial measures as well as potential legislation that could benefit farmers, workers, and consumers alike, such as expanding the SRA Board to include worker representatives, reviewing the country's importation policy, and calling for greater transparency and accountability.

He reiterated the suggestion that the SRA be given the authority to issue certificates to companies to import directly from traders and importers, eliminating the need for all imports to go through the SRA, which makes the process vulnerable to corruption. To emphasize the point, he stated that he had photographic evidence of SRA members in a meeting with traders immediately following the signing of the order.

He emphasized the importance of the committee report and the recommendations contained in it, saying that they could help prevent a repeat of the situation.

#### **MANIFESTATION OF SENATOR DELA ROSA**

Senator Dela Rosa expressed interest in the photographic evidence of SRA members meeting with traders after SO 4 was signed as mentioned by Senate President Zubiri. He stated that if it could be presented to the Body, it could be relevant to the issue at hand.



Senate President Zubiri stated that he will show the photograph in an executive session.

#### **MANIFESTATION OF SENATOR HONTIVEROS**

Senator Hontiveros stated that the Minority agrees with the committee report's recommendations. She stated, however, that they disagree with some of its contents, which is why the minority report was filed.

#### **MANIFESTATION OF SENATOR PIMENTEL**

Reacting to the comments of Senator Tolentino, Senator Pimentel stated that he was under the impression that Senator Tolentino was holding it against the Minority because they participated in the investigation, asked the committee to issue a subpoena, and asked questions during the hearing. He pointed out that following the hearing, the Minority, in fact, came out with a report stating that there was nothing irregular or no one was at fault in issuing SO 4. He stated that the Minority's participation in the investigation does not imply that there must be an outcome, and that someone must be held accountable.

He also wished that Senator Tolentino took the time to read the Minority report, because they also took the time to read the Majority report. Cautioning the Body about the chilling effect of such remarks, he emphasized the importance of allowing the Minority to speak and not remain silent when it disagrees with the conclusion of an investigation; instead, they should be encouraged to participate in proceedings and it should not be used against them if they disagree with the Majority's findings.

Finally, he stated that in terms of criminal liability and investigation, the Minority had participated in the hearings, listened to all parties, and evaluated all the evidence, and concluded that there was nothing irregular with SO 4 as stated in the minority report.

#### **REMARKS OF SENATOR TOLENTINO**

Senator Tolentino believed that he was misunderstood, when in fact, he lauded the efforts of the Minority in producing a substantial report that could shed light on the issue. He noted, though that the minority report mentioned the term "badges of good faith," which he had never read in his entire law study, stating that the most commonly used terms are "badges of fraud" and "badges of bad faith."

He then cited Riddick's Precedents and Practices, which states that "a so-called minority report of a committee is not, in fact, a report, but is the view of certain minority members of the committee." He stated that it is not, in fact, a minority report separate from the majority report, but rather an attachment, appendix, or annex to the majority report. He stated that even if the minority report contradicted the majority report, the latter would prevail due to parliamentary rules.

#### **REMARKS OF SENATOR HONTIVEROS**

Senator Hontiveros asserted that the minority report, despite being an annex to the committee report, is not a so-called minority report. She conceded that while the majority report would prevail, the committee report would still be adopted by the Body.

As regards the term "badges of good faith," she cited Supreme Court decisions in which the phrase was attributed by the Court – *Madera vs. Commission on Audit* (September 2020), *De Guzman vs. Commission on Audit* (October 2020), and *SSS vs. Commission on Audit* (November 2020).



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

### **SUSPENSION OF SESSION**

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

*It was 4:50 p.m.*

### **RESUMPTION OF SESSION**

At 4:52 p.m., the session was resumed.

### **SUSPENSION OF CONSIDERATION OF COMMITTEE REPORT NO. 3**

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

### **COMMITTEE REPORT NO. 4 ON SENATE BILL NO. 1306**

*(Continuation)*

Upon motion of Senator Villanueva, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1306 (Committee Report No. 4), entitled

AN ACT POSTPONING THE DECEMBER 2022 BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9164, AS AMENDED BY REPUBLIC ACT NO. 9340, REPUBLIC ACT NO. 10632, REPUBLIC ACT NO. 10656, REPUBLIC ACT NO. 10923, REPUBLIC ACT NO. 10952, AND REPUBLIC ACT NO. 11462, AND FOR OTHER PURPOSES.

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

Thereupon, the Chair recognized Senator Marcos, sponsor of the measure, and Senator Pimentel for his interpellation.

### **INTERPELLATION OF SENATOR PIMENTEL**

Asked by Senator Pimentel when the incumbent SK and barangay leaders were elected into office, Senator Marcos replied that their term began immediately after their election in May 2018.

As regards the law that governed their election, she stated that RA 10952 was enacted to synchronize the barangay and SK elections. She said that they were to serve until 2020, as stipulated by law; however, their term was extended by the previous Congress. She clarified that the officials elected in May 2018 were supposed to stay until 2020; however, they had to remain in office due to the numerous postponements.

Senator Pimentel stated that the postponements benefited the predecessors by extending their term of office. Senator Marcos, however, pointed out that the original three-year term of the officials had been reduced to two years. She added that the officials had no idea their term would be extended by another year.

Senator Pimentel noted that the proposed legislation would move elections to December 2023, with the term beginning on January 1, 2024. He then asked how many years the incumbent



barangay and SK officials would have served by the time the next election occurs. Senator Marcos responded that the incumbent would have served approximately five-and-a-half years, which is similar to the actual term served since 1982. She recalled that during her sponsorship speech, she mentioned that Congress had postponed the elections several times and that the most recent postponement should be used as a breathing space to reconsider the term of office.

Senator Pimentel stated that a law had been passed requiring SK and barangay officials to serve for three-year terms. He then inquired as to how the SK and barangay officials' term of office could be justified.

Senator Marcos stated that the law is organic and must evolve over time. She stated that Congress had repeatedly postponed the barangay and SK elections from 1982 to the present. She believed that the time has come for Congress to delve deeper into the system's reforms and extend the barangay term to six years, citing the fact that barangay work is overwhelming and tasks were difficult during the COVID-19 pandemic.

She believed that another reason for the postponement was election fatigue. She stated that the pandemic prevented the implementation of many reforms in the SK Reform Act. Furthermore, she stated that barangays cannot afford to change midstream as the LGUs embark on the implementation of the Supreme Court's Mandanas-Garcia ruling.

On whether barangay and SK officials elected in May 2018 elections were aware of the postponement, she assumed that the officials hoped that the elections would go ahead as scheduled, but then the pandemic struck, and for the next two-and-a-half years, the barangays did not function as a basic legislative unit as intended, but instead became the health and pandemic frontliners.

Senator Pimentel believed that their performance as the primary LGU leader during the pandemic is still visible and should be one of the main reasons why the elections should not be postponed because it would serve as a referendum on how they performed during the crisis.

He believed that the Body has good reason not to postpone the December 5, 2022 barangay and Sangguniang Kabataan elections.

As to when the incumbent officials' terms are supposed to end, Senator Marcos replied that Republic Act No. 11462 states that their terms must end by December 31, 2023, so that the new officials can take office on January 1, 2024. Senator Pimentel stated that the incumbent officials would have served four-and-a-half years if the terms would no longer be extended. Senator Marcos then noted that five years has been the actual term served by barangay officials since the postponements of elections in 1998.

Senator Pimentel surmised that the previous Congresses did not postpone the barangay elections simply to postpone them, but for significant and overwhelming reasons. Senator Marcos agreed with the legislature that elections are always postponed for good reason, such as the emergence of the COVID-19 pandemic, which halted the implementation of barangay projects, plans, and reforms.

To put things in perspective, he stated that incumbent officials elected in May 2018 were aware that they would only serve for at most two years. He added that in the event that there would be no postponement of the December 5, 2022 elections to the proposed December 2023 elections, the incumbent officials will be serving for four-and-a-half years, making them beneficiaries of laws that extend their terms for another two-and-a-half years.

As to how many laws have extended the terms of the incumbent officials, Senator Marcos responded that the two laws are Republic Act Nos. 10952 and 11462, which postponed the October 2017 Barangay and Sangguniang Kabataan (SK) Elections to the second Monday of 2018, and the May 2020 Elections to December 5, 2022, respectively.

In the event that Senate Bill No. 1306 under Committee Report No. 4 becomes a law, Senator Pimentel stated that it will be the third law to postpone the Barangay and SK Elections.

On whether there were other batches of Barangay and SK officials that benefitted from having several laws extending their terms, Senator Marcos replied that there had been many lengthy postponements in the past for other batches of barangay and SK officials. She noted that the 2010 and 2013 batches had completed five-year terms, so she is requesting a review of the terms of office of the barangay and SK officials.

In response to further questions, she stated that other batches of officials had their terms extended twice due to election postponements, and that the recurrence already necessitates scrutiny.

On whether the Body should review the election of barangay officials or the SK officials and whether she has any new important measures to propose on the matter, Senator Marcos stated that she had suggested in her sponsorship speech that the terms of office of barangay officials be extended to six years and that its elections be permanently fixed in the month of May of the year following the presidential elections.

Concerning the SK, she proposed revisiting the SK Federation at the city and municipal levels. She stated that the first anti-dynasty legal provision contained in the SK Charter barred relatives up to the second degree of consanguinity or affinity to any incumbent official from voting, rendering a large class of voters ineligible, particularly in small barangays of 200, 300, and 400 voters, where almost everyone is blood-related or related by marriage.

As a result, she stated that the SK Federation's requirement of "one chairman plus seven members" could not be met. Instead, she proposed that each barangay and municipality should have only one SK representative and that and SK Federation be considered only at the provincial and city levels.

She also stated that the proposed six-year term of barangay officials would necessitate a reorganization of the federation every three years; thus, in August, she filed Senate Bill No. 1195, a proposed measure to extend the term of office of barangay officials and SK members and amend Republic Act No. 7160 (Local Government Code of 1991).

Senator Pimentel inquired if the Commission on Elections (COMELEC) or the Department of the Interior and Local Government (DILG) has data or study on the number of barangays whose SK Federations were affected by the anti-dynasty provision in the SK Charter.

At this juncture, the Chair (Senator Ejercito) informed the Body that he was the author of the SK Reform Law (Republic Act No. 11768). Referring to Senator Marcos' earlier mention of "one plus seven," he clarified that the barangay council is composed of the chairman and seven members, whereas the SK Federation is made up of the different SK chairpersons from the various barangays. Senator Marcos accepted the correction, stating that due to the anti-dynasty provision, not all positions in the SK Federation are filled.

As a response to the query of Senator Pimentel, Senator Marcos stated that the DILG has data on the number of SK Federations affected by the anti-dynasty provision and that her office has

already requested it. She also stated that many of the SK members do not even reside in their districts, which has been causing issues since the 2018 elections.

Senator Pimentel expressed concern about the data or study on the effects of the anti-dynasty provision on the SK Federations that have yet to be provided by the DILG, believing that it may have unintended consequences. However, he wondered whether the number of SK Federations affected by the anti-dynasty provision would be enough reason to postpone the SK Election.

When asked if the postponement of the SK election should also result in the postponement of the barangay election, Senator Marcos responded that the latter's postponement was due to the COVID-19 pandemic, which halted the implementation of barangay projects, plans, and reforms.

Senator Pimentel expressed concern that all elected officials would use the same reason to seek term extensions. He stated that even if Senator Marcos acknowledges the applicability of the same reasoning to other elective positions, ranging from LGU to legislative, the halt in the implementation of barangay projects, plans, and reforms due to the pandemic is not a valid reason to extend the terms of office of elected LGU officials, whose terms should be limited to three years only. As a result, he stated that it would be unacceptable to have barangay and SK officials serve terms that are twice as long as those of a governor or mayor.

He stated that periodic elections to renew mandate levels would be the essence of democracy. He believed that the closer the level of governance is to the people, the more frequently they should obtain mandate through elections because people's sentiments and reactions to changes are faster on the ground because elections reflect the people's current sentiment or will.

While she understands the politicians' reasons for seeking reelection, Senator Marcos argued that: first, the pandemic has changed the world at the grassroots or barangay level; and second, she is unsure whether the proposed postponement of the December 5, 2022 elections would result in the longest term of more than five years for many barangay officials.

Senator Pimentel stated that if the extension is granted, the incumbent barangay and SK officials will have a term of five and a half years, or 66 months. Senator Marcos responded that officials elected in 1982 had also served for a very long term, as well as officials elected in 2010. She stated that she would provide Senator Pimentel a copy of a chart that shows the dates of elections, postponements, and actual terms of office of the barangay officials.

When asked if opposition groups to Senate Bill No. 1306 under Committee Report No. 4 had appeared and been heard before the Committee on Electoral Reforms and People's Participation, as well as the groups' reasons for opposing the postponement of the elections, Senator Marcos revealed that it was the COMELEC itself that claimed to be prepared and that suggested that the country already proceed with the barangay and SK elections in December 2022.

As to who else is pushing for the elections to be postponed aside from the bill's authors, Senator Marcos replied that many LGU officials claimed that the COMELEC is not prepared to conduct the elections. At the same time, she stated that there are LGU officials who are opposed to the postponement and are calling for a change in the grassroots and village organizations. Senator Pimentel stated that people are expecting a scheduled election that could lead for possible changes because it has been scheduled more than a year ago.

While some people are calling for a fresh mandate at the barangay level, Senator Marcos stated that there are also those officials who want the elections postponed to give them more time to implement the SK Reform Law because their terms had been tied and used up to frontline duties

to address pandemic concerns, lockdowns, and health protocols in their respective barangays. She added that even the Civil Service Commission had difficulty producing the law's implementing rules and regulations (IRR).

Asked whether the challenges related to the SK Reform Law, which are affecting the current barangay and SK officials, had also affected previous batches of officials in the conduct of barangay and SK elections, Senator Marcos responded that the SK Reform Act's IRR is not yet available, that the Commission on Audit's handbook was not been rolled out yet, that the COMELEC has not yet released its guidelines, that the SK Kagawads have yet to receive their compensation, and that the perennial problem that the SK treasurer must be a bonded treasurer for the 10% SK Fund to be released remains.

On whether the SK treasurer's bond had ever been used as a reason to postpone previous elections, Senator Marcos replied in the affirmative. However, she explained that the SK Council's theoretical fiscal autonomy with its 10% percent was never actually practiced for lack of time and the challenges posed by the pandemic.

Asked to confirm if the barangay and SK elections are administered by the COMELEC, Senator Marcos replied in the affirmative. She stated that while the COMELEC claims to be prepared for the supposed December 2020 elections, there have been complaints at the LGU level that ballots are not yet printed, nothing has been transmitted, and that training is incomplete. In addition, she stated that only P800 million out of the P8.4 billion has been spent while, P1 billion is yet to be bid out by the end of September.

Senator Pimentel stated that because the barangay and SK elections are manual elections, all ballots for the 42,000 barangays could not be easily printed out. He expressed confidence in the COMELEC's experience and expertise in conducting manual elections, saying that the Body should not be concerned about the handling of the barangay and SK elections.

Senator Marcos stated that because of manual elections, 15% additional precincts must be created. She opined though that an automated election is simpler, even if the number of precincts increases. She noted that the increase in the number of precincts was due to the growth in the voting population as the SK became older, which in turn necessitated the conduct of training teachers and BEIs, the number of whom has also expanded. On that note, she wondered why the COMELEC's budget remained intact despite the need for election-related actions.

Senator Pimentel surmised that if the 15% increase mentioned by Senator Marcos is the cause for the budget increase of the COMELEC the following year, then there is no reason to dispute the agency's readiness to conduct the elections in December 2022, as the agency itself has stated. Senator Marcos stated that she has no doubts about the ability and effort of the COMELEC, but rather with the accountant's report that there is still a substantial amount of money left, indicating that they have not spent any money on training expenses, supplies, or other election-related activities.

Senator Pimentel said that an election has its own timetable, highlighting the fact that if the election is held in December, the procurement of supplies and equipment will take place in September. Senator Marcos said that as a general rule, with that schedule, they have to work back within three months because it will take time to distribute all of the ballots around the country. She lamented that time is running out for COMELEC, and that by the end of September, only P1 billion out of P8.4 billion would have been bid out. Senator Pimentel believes that if the election is postponed, there will be no deadline for the COMELEC. However, if the election is scheduled, he was unsure whether the COMELEC had established a timeline within which to decide whether or not to hold the election.

Senator Marcos stated that the COMELEC typically always requests seven months to prepare for an election, and since this would be a manual election, additional time is required for the training of teachers and the BEI, as well as the procurement and distribution of materials.

Senator Pimentel argued that until Congress passed a law postponing the barangay and SK elections, COMELEC should continue its preparations for the December 2022 manual election. Senator Marcos stated that the COMELEC is aware of the law and must comply with it until it is replaced by a new one.

Senator Pimentel inquired as to whether the COMELEC has submitted a calendar of activities for the upcoming barangay and SK elections to the Senate Committee on Electoral Reforms and People's Participation. Senator Marcos replied that the COMELEC has attempted to inform the Committee on some dates, but she felt that the schedule was too tight and it is nearly impossible for them to be ready on time other than in a rather haphazard manner. She doubted if it would be able to conduct the bidding process for supplies and materials, as well as the training for teachers and BEIs.

Senator Pimentel stated that he received information that the filing period for barangay and SK candidacy certificates would be from October 6 to October 13, 2022. He stated that if the Body decides to recommend the postponement of the election, it must immediately put a stop to the discussions and make a formal decision since the proposed measure aims to postpone the conduct of elections. He inquired as to whether the COMELEC had stated that the P8 billion budget allocated for the December 2022 election would be significantly inflated and would cost P17 billion if conducted in 2023. If such is the case, he stated that a one-year delay would entail an additional expense of P9 billion. He informed the Body that one of the arguments he heard was that the government should not spend on another election because it just spent on the national and local elections earlier this year.

Senator Marcos stated that she was surprised to hear that the COMELEC budget would balloon if the election is postponed, entailing additional costs of P17 billion to P18 billion. She noted that the bulk of the COMELEC's budget will be devoted to the tax on the honoraria to be paid to the teachers and BEIs, as the law exempting election workers from the tax was vetoed. Senator Pimentel asked how it was possible for a tax to almost double the budget requirement of COMELEC when the supposed tax only covers a certain percentage of the honorarium.

Senator Marcos stated that the COMELEC incorporated both the honorarium and the taxable component into the budget so that the teachers and BEIs may receive the entire benefit. Senator Pimentel stated that, in effect, it would appear that teachers participating in election-related activities will receive a tax-free benefit.

Senator Pimentel inquired if postponing the December 2022 barangay and SK elections would result in wasted money, if so, how much and how it would be spent. Senator Marcos stated that the majority of the expenses had been allocated to the training of the teachers and the BEIs. She said that a portion of the fund would be used to purchase supplies and materials, non-accountable forms, and indelible ink that can be utilized until 2023. Additionally, she stated that the number of clustered precincts will increase from 207,000 to 239,000. She estimated that about P800 million had been spent so far.

Senator Pimentel asked how much would be added to the COMELEC's P80 billion budget for 2023 given that P8 billion had been allocated for the 2022 barangay and SK elections. Senator Marcos replied that only an additional P1.2 billion, or around 15%, should be added to the P8 billion for the holding of the barangay and SK elections in December 2023. Senator Pimentel stated that he heard that the COMELEC would want an increase of 17%. Senator Marcos stated



that the committee may not be able to justify a 114% budget increase. She stated that the figure might potentially be decreased to 9% if some reusable forms are utilized in 2023 and trainings are not repeated.

Senator Pimentel voiced concern that COMELEC may have an additional justification to postpone the 2023 elections due to a lack of funding. Given the increase in precincts and the number of voters, Senator Marcos expressed optimism that it would be able to adjust and the Committee may grant a slight budget increase of roughly 15%. She stated that the suggestion was to have the election postponed to May 2024 which would call for additional costs and may be unreasonable because it would occur before the midterm election in May 2025.

Senator Pimentel said that the COMELEC had guaranteed that it can hold the barangay and SK elections in December 2023 with merely an additional P1.2 billion. Senator Marcos said that in terms of guarantee, the COMELEC has been told sternly that they are not going to receive the entire P18 billion which they requested, but certainly the Body will be reasonable. She stated that the COMELEC has guaranteed a fair and free election in any case.

Senator Pimentel stated that the Body should not allow the runaway cost of elections. He under-scored that the price of democracy must also be reasonable or affordable, although government must be willing to pay whatever price or cost is necessary to strengthen democracy.

He expressed concern about the COMELEC's budget request for more than double the amount, from P8 billion in the current year, to P17 billion if the elections would be postponed to December 2023. He wondered how much more it would cost to hold the 2025 midterm and 2028 presidential elections.

Senator Marcos stated that the bulk of the expense would be allocated to the payment of honoraria for election workers. She stated that the committee may not be able to finance the additional P6.7 billion asked, but it is projected that there will be 239,000 precincts for the manual SK and barangay elections nationwide.

Senator Pimentel believed it is acceptable to spend the money on barangays rather than on imported machinery and materials, and stressed the importance of maintaining reasonable and cost-effective spending. Senator Marcos stated that she had long wanted to repair the barangay and SK system because it did not appear to be functioning properly. She stated that there is undoubtedly something wrong with the system if the election keeps getting postponed. She also stated that there are allegations that the barangays are incapable of accomplishing anything. Senator Pimentel disagreed with the assertion that the barangays have done nothing. He stated that the role of the barangays in the LGUs is recognized as significant.

He believed that the COVID-19 pandemic highlighted the role of local government units as frontline responders, save for those who failed to measure up to the expectations of their constituents. He stated that the pandemic-affected elections became a referendum on the performance and ability of those running for public office. Furthermore, he remarked that the December 2022 elections would be a walk in the park for community leaders who performed admirably, as they will be able to renew their mandate, given that the renewal of mandates through periodic, honest, accurate, and fair elections is an important part of the country's democratic process.

Rather than using postponement as a reason for reforms, he believed that making a firm stand to proceed with the barangay and SK elections compliant with the dates mandated by law should be followed. Senator Marcos agreed that Article X, Section 8 of the 1987 Constitution which allows changes in the holding of elections was indeed abused.



On another matter, Senator Pimentel stated that the SK elections have a period; hence, positions are limited to ages 18 to 24 years old unlike the barangay elections which allows ages 18 and above to participate. Asked if the current generation of potential youth leaders is deprived of joining the SK in view of the 5½-year electoral postponement, Senator Marcos revealed that there was a proposal to extend the age to participate in the SK up to 30 years old since those who turned 20 and have been planning to join the SK could no longer qualify for they would be over 24 years old after six years.

On whether the SK elections should continue to give a chance for good, young leaders to exhibit their leadership skills at the SK level, Senator Marcos said that those aged 25 years are qualified to run in December notwithstanding the clear disadvantages as to age limit and flaws in the system, the reason why reforms in the SK Law must be made.

To the remark that reforms in the SK Law should be resolved by showing commitment to decisions that are already made like allowing the scheduled elections to push through, and to fix the age limit so as not to deprive the youth the chance to lead the SK, Senator Marcos said that she would welcome proposals regarding SK age; in fact, the SK Federation members could reorganize the SK by allowing the reelection of members in the federation or council level to avoid embarking on a midterm, every three-year election.

For his part, Senator Pimentel recommended continuing the elections for incumbent officials and if they do well during their 4½ year tenure, it would be a referendum for their performance should they decide to run again. Besides, he said that they were not aware that they would be keeping their posts for a longer term when they ran for elections in 2018.

Asked by Senator Pimentel if a supplemental budget for COMELEC is necessary for the holding of the 2023 barangay and SK elections, Senator Marcos stated that an additional fund is no longer warranted. To make matters as economical and reasonable as possible, she noted that the P8 billion budget in the 2022 GAA will be retained by the COMELEC as a constitutional body.

At this juncture, Senator Pimentel thanked Senator Marcos for her patience and time to answer his queries.

#### **SUSPENSION OF SESSION**

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

*It was 5:58 p.m.*

#### **RESUMPTION OF SESSION**

At 6:01 p.m., the session was resumed with Senate President Zubiri presiding.

#### **INTERPELLATION OF SENATOR GATCHALIAN**

Prefatorily, Senator Gatchalian noted that his interpellation is a classic déjà vu because he also took the floor to interpellate Senator Marcos on exactly the same topic of postponing the barangay elections three years ago.

In remarking that three years to a performing barangay chairperson is too short, but extending the term of an abusive and non-performing *kapitan* to four-and-half years is a lifetime, he asked what mechanisms are available for the constituents to chastise erring and lazy barangay chairpersons. Senator Marcos replied that the DILG has adequate grievance mechanisms for non-performing



*kapitans*; in fact, it was greatly resorted to at the height of the COVID-19 pandemic that even the performing and relentless ones were also prosecuted and arrested for very little cause. She said that if the charges filed are found meritorious, the DILG can suspend and remove the barangay chairperson, as was done in the past.

Senator Marcos replied that her understanding was that under the Local Government Code, constituents could file a complaint against a barangay captain through the Sangguniang Panlungsod or Sangguniang Panlalawigan, or they could go directly to the DILG to file said complaint. Senator Gatchalian stated that Section 60 of the Local Government Code contains the grounds for disciplinary action as well as the procedures for constituents to follow in filing complaint against a barangay captain.

Senator Gatchalian asked Senator Marcos if she has data on the number of barangay captains who were reported to their own Sanggunian and were suspended or removed because of possible violations of the law or dereliction of duty since the barangay elections were postponed in 2018. Senator Marcos replied that all she has are media reports, but that she had already requested the data from the DILG. Senator Gatchalian hoped that the Body would also be given a copy of the data, revealing that in Valenzuela, there was one barangay captain who was suspended for violating the law and abusing his power. Senator Marcos believed that the mechanisms in place are working. She confirmed that there are a series of suspensions of erring barangay captains in Ilocos Norte.

Senator Gatchalian expressed relief that constituents need not be concerned if the term of their non-performing or erring barangay captains would be extended as a result of the postponement of the elections because there are mechanisms under the Local Government Code that they can use. He stated that the DILG faithfully allows the local government to perform their functions in disciplining barangay captains. Nonetheless, he reiterated his request to the DILG for the said documents which could be inserted into the *Record* to demonstrate to the public that the mechanisms mentioned are operational.

Asked if the Ombudsman could also be a venue for complaints against erring barangay captains, Senator Marcos replied in the affirmative, citing the suspensions of 89 barangay captains in 2020 as a result of the charges filed against them with the Ombudsman. She revealed that the barangay captains were placed on a six-month preventive suspension as a result of their involvement in the irregularities and anomalies surrounding the implementation of the first tranche of the SAP.

Senator Gatchalian explained that he asked if the Ombudsman could also hear complaints against barangay captains because there are times when the mayor or the governor will side with an erring barangay captain, which constituents fear the most. He then requested to be likewise furnished with a copy of the cases of the 89 barangay captains filed in the Ombudsman which resulted in their suspension or removal from office.

Asked if constituents could also go to the Office of the President to file complaints against their barangay captains, Senator Marcos answered in the affirmative, citing her experience in 2016 when she personally received complaints through the hotline instituted by then-President Duterte. She believed that the hotlines were extremely valuable for airing citizens' complaints of any nature. As to the details regarding the said hotlines, she stated that she is unsure if they will be maintained by the new administration.

On whether under the law constituents could report directly to the Office of the President to investigate and suspend an erring barangay captain, Senator Marcos believed that it is possible, noting that the DILG is an alter ego of the President.



When asked if the DILG has the authority to suspend a barangay captain without the need of going through the local government unit, she recalled that during her tenure, the suspension of mayors was still a Sanggunian action, but it was supported by the Office of the President and implemented by the DILG in collaboration with the PNP. She also recalled that in 1990, an administrative order was issued allowing the President to conduct investigations and even form investigative teams from the Presidential Management Staff and the Presidential Legal Counsel whenever necessary.

Senator Gatchalian stated that according to his understanding of the Local Government Code, the President has the primary jurisdiction over mayors and governors, while Sanggunians have jurisdiction over barangay officials. Senator Marcos confirmed the statement, but added that the aforementioned administrative order issued in 1990 explicitly states that administrative complaints, even against barangay officials, can be filed at the Sanggunian and investigated by the Office of the President. Senator Gatchalian concluded from Senator Marcos' responses that it is still best for the constituents to go to the Sanggunian, although they have the option of going to the Ombudsman and the Office of the President if they have complaints against their barangay officials.

Senator Gatchalian concluded his interpellation by stating his belief that barangays are close to the people's hearts, which is why he wants to ensure that constituents have functioning mechanisms to tap when their barangay captains are not performing or are erring, and whose terms would be extended with the postponement of barangay elections.

Senator Marcos thanked Senator Gatchalian for raising valuable concerns, assuring the people that a grievance mechanism would be established, and that the term of office of their barangay officials would be doubled. Senator Gatchalian hoped that it would be the final postponement of the barangay elections.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1306**

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 6:17 p.m.*

#### **RESUMPTION OF SESSION**

At 6:49 p.m., the session was resumed.

#### **COMMITTEE REPORT NO. 2 ON SENATE BILL NO. 1290**

*(Continuation)*

Upon motion of Senator Villanueva, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1290 (Committee Report No. 2), entitled

**AN ACT INSTITUTIONALIZING ACTIVE TRANSPORT BY ESTABLISHING A SAFE PATHWAYS NETWORK OF BICYCLE LANES, WALKWAYS AND SLOW STREETS, AND FOR OTHER PURPOSES.**

Senator Villanueva stated that the parliamentary status was the period of individual amendments, Senate Bill No. 1290 being a substitute bill.



Thereupon, the Chair recognized Senator Cayetano (P), sponsor of the measure.

### INDIVIDUAL AMENDMENTS

As submitted by Senator Cayetano (P), there being no objection, the Body approved the following individual amendments, one after the other:

#### *Page 4*

*By Senator Pimentel*

1. On line 26, after the word "Traffic," delete the word "Laws" and the comma (,);
2. On line 27, after the word "shall," insert a comma (,) and the phrase AS FAR AS APPLICABLE;
3. On lines 27 and 28, after the word "traffic," replace the phrase "laws, rules and regulations and shall be subject to existing penalties for violation" with SIGNALS, SIGNS AND MARKERS, ROAD PAVEMENT MARKINGS, RIGHT OF WAY, AND OTHER TRAFFIC RULES AND REGULATIONS;
4. On line 30, after the word "issue," replace the word "ordinances" with GUIDELINES.

#### *Page 6*

*By Senator Cayetano (P)*

5. On line 6, insert a new Section 11, to read as follows:

SEC. 11. *REPORTORIAL REQUIREMENT.* – THE DOTr SHALL SUBMIT AN ANNUAL REPORT TO CONGRESS ON THE ESTABLISHMENT AND USE OF THE SAFE PATHWAYS NETWORK FOR PURPOSES OF POLICY FORMULATION IN DETERMINING FUNDING REQUIREMENTS. THE REPORT SHALL INCLUDE RELEVANT DATA SUCH AS THE NUMBER OF USERS OF ACTIVE TRANSPORT AND ELECTRIC PERSONAL MOBILITY DEVICES AND MAPPING OF THE SAFE PATHWAYS NETWORK IN THE COUNTRY. TO THIS END, LGUs SHALL SUBMIT TO THE DOTr THE RELEVANT INFORMATION NEEDED TO FORMULATE THE REPORT; and

6. Renumber the succeeding sections accordingly.

### MANIFESTATION OF SENATOR CAYETANO (P)

At this juncture, Senator Cayetano (P) responded to Senator Villanueva's earlier concern about the establishment of the safe pathways network. She assured the Majority Leader that Section 5 of the bill, which deals with institutional facility pathways, ensures that places like schools and churches, remain safe zones. Senator Villanueva thanked Senator Cayetano for her manifestation.

### 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. 1290 ON SECOND READING

Submitted to a vote, there being no objection, Senate Bill No. 1290 was approved on Second Reading.

TB

**SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1290**

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

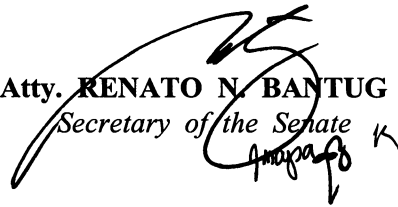
**ADJOURNMENT OF SESSION**

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 6:57 p.m.*

I hereby certify to the correctness of the foregoing.

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

A large, stylized handwritten signature in black ink, appearing to read 'Renato N. Bantug Jr.', is written over the typed name and title. The signature is fluid and cursive, with a prominent loop at the end.

Approved on September 27, 2022