



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 38
Tuesday, December 13, 2022

NINETEENTH CONGRESS
FIRST REGULAR SESSION

Prepared by the
LEGISLATIVE JOURNAL SERVICE
Senate of the Philippines

SESSION NO. 38
Tuesday, December 13, 2022

CALL TO ORDER

At 4:37 p.m., the Senate President, Hon. Juan Miguel “Migz” F. Zubiri, called the session to order.

SUSPENSION OF SESSION

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

It was 4:38 p.m.

RESUMPTION OF SESSION

At 4:39 p.m., the session was resumed.

PRAYER

Sen. Imee R. Marcos led the prayer, to wit:

It is Christmas once more. And now, at year’s end, let us reflect upon the historic year that 2022 has been for us all, not merely for my brother, the President, and his new administration, but the far larger family of our Filipino people.

At last, we see today the end of the pandemic and even, perhaps, the way to recovery for our beleaguered economy.

May we be granted the courage and steadfastness to deliver all Filipinos from the hunger, poverty, and intense hardship that they have endured.

May we be endowed with the imagination to find new ways of work and living and, above all, opportunity and jobs in the future for our youth.

And, while we celebrate this holiday season, may the Lord Our Father bless every senator in this Chamber, together with every Filipino throughout the world, with the gifts of diligence, purity, and compassion, and the vision for the next year and its promise.

Praise the Lord.

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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:

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

With 21 senators present, the Chair declared the presence of a quorum.

Senator Villar (M), in his capacity as Chairperson of the Senate Committee on Trade Commerce and Entrepreneurship, was on official travel as part of the delegation accompanying President Marcos to Brussels, Belgium from December 11 to 15, 2022.

Senator Cayetano (P) arrived after the roll call.

Senator Escudero was absent.

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. 37 (December 12, 2022) and considered it approved.

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. 1606, entitled

AN ACT ENHANCING THE REGULATION ON EMPLOYMENT OF FOREIGN NATIONALS AND TRANSFER OF TECHNOLOGY, AMENDING FOR THE PURPOSE ARTICLES 40, 41, AND 42 OF PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES AND FOR OTHER PURPOSES

Introduced by Senator Revilla Jr.

To the Committee on Labor, Employment and Human Resources Development

Senate Bill No. 1607, entitled

AN ACT AMENDING REPUBLIC ACT NO. 7309, OTHERWISE KNOWN AS "AN ACT CREATING A BOARD OF CLAIMS UNDER THE DEPARTMENT OF

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JUSTICE FOR VICTIMS OF UNJUST IMPRISONMENT OR DETENTION, AND
VICTIMS OF VIOLENT CRIMES, AND FOR OTHER PURPOSES”

Introduced by Senator Villanueva

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

RESOLUTIONS

Proposed Senate Resolution No. 354, entitled

RESOLUTION CONGRATULATING AND RECOGNIZING THE NATIONAL PARA
BOWLING TEAM FOR THEIR SUCCESSFUL RUN IN THE 2022 ASIAN OPEN
PARA BOWLING HELD ON NOVEMBER 27 TO DECEMBER 3, 2022 IN
BANGKOK, THAILAND

Introduced by Senator Revilla Jr.

To the Committee on Rules

Proposed Senate Resolution No. 355, entitled

RESOLUTION URGING THE DEPARTMENT OF EDUCATION, DEPARTMENT
OF HEALTH, DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT,
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT, AND
PHILIPPINE STATISTICS AUTHORITY TO COLLECT, ANALYZE, PUBLISH,
AND UPDATE THE COUNTRY’S DISABILITY STATISTICS USING THE
APPROPRIATE DATA COLLECTION INSTRUMENT TO ENSURE A MORE
RESPONSIVE GOVERNMENTAL POLICY AND PROGRAMS FOR PERSONS
WITH DISABILITY

Introduced by Senator Villanueva

To the Committee on Social Justice, Welfare and Rural Development

Proposed Senate Resolution No. 356, entitled

RESOLUTION CONGRATULATING AND COMMENDING HIDILYN DIAZ-
NARANJO FOR WINNING THREE (3) GOLD MEDALS IN THE WOMEN’S
55KG DIVISION OF THE 2022 INTERNATIONAL WEIGHTLIFTING
FEDERATION (IWF) WORLD CHAMPIONSHIPS ON DECEMBER 8, 2022 IN
BOGOTÁ, COLOMBIA

Introduced by Senator Zubiri

To the Committee on Rules

Proposed Senate Resolution No. 357, entitled

RESOLUTION RECOGNIZING AND CONGRATULATING HIDILYN DIAZ-
NARANJO FOR HER IMPRESSIVE PERFORMANCE AT THE 2022
INTERNATIONAL WEIGHTLIFTING FEDERATION WORLD CHAMPIONSHIPS



Introduced by Senator Villanueva

To the Committee on Rules

Proposed Senate Resolution No. 358, entitled

RESOLUTION RECOGNIZING AND CONGRATULATING JODI CHRISSIE GARCIA STA. MARIA FOR WINNING BEST ACTRESS IN A LEADING ROLE AT THE 2022 ASIAN ACADEMY CREATIVE AWARDS

Introduced by Senator Villanueva

To the Committee on Rules

Proposed Senate Resolution No. 359, entitled

RESOLUTION COMMENDING AND RECOGNIZING PHILIPPINES' FIRST OLYMPIC GOLD MEDALIST, HIDILYN FRANCISCO DIAZ-NARANJO, FOR HER GOLDEN SWEEP IN THE 2022 WORLD WEIGHTLIFTING CHAMPIONSHIPS HELD IN BOGOTA, COLOMBIA

Introduced by Senator Revilla Jr.

To the Committee on Rules

Proposed Senate Resolution No. 361, entitled

RESOLUTION CONGRATULATING AND COMMENDING FILIPINA ACTRESS JODI CHRISSIE GARCIA STA. MARIA FOR WINNING BEST ACTRESS IN A LEADING ROLE IN THE 2022 ASIAN ACADEMY CREATIVE AWARDS HELD IN SINGAPORE

Introduced by Senator Revilla Jr.

To the Committee on Rules

Proposed Senate Resolution No. 364, entitled

RESOLUTION CONGRATULATING AND COMMENDING JODI STA. MARIA FOR WINNING THE BEST LEAD ACTRESS AWARD AT THE 2022 ASIAN ACADEMY CREATIVE AWARDS HELD IN SINGAPORE

Introduced by Senator Lapid

To the Committee on Rules

Proposed Senate Resolution No. 365, entitled

RESOLUTION CONGRATULATING AND COMMENDING HIDILYN DIAZ FOR WINNING 3 GOLD MEDALS AT THE 2022 INTERNATIONAL WEIGHTLIFTING FEDERATION WORLD CHAMPIONSHIPS HELD IN BOGOTA, COLOMBIA

Introduced by Senator Lapid

To the Committee on Rules

Proposed Senate Resolution No. 366, entitled

RESOLUTION CONGRATULATING AND COMMENDING THE AWARDEES OF
THE OUTSTANDING FILIPINO (TOFIL) AWARD 2022

Introduced by Senator Lapid

To the Committee on Rules

Proposed Senate Resolution No. 367, entitled

RESOLUTION CONGRATULATING AND COMMENDING THE RECIPIENTS OF
THE OUTSTANDING YOUNG MEN (TOYM) OF THE PHILIPPINES 2022
AWARD

Introduced by Senator Lapid

To the Committee on Rules

Proposed Senate Resolution No. 368, entitled

RESOLUTION CONGRATULATING AND COMMENDING THE YULO SIBLINGS
FOR THEIR SUCCESSFUL CAMPAIGN IN THE 2022 JRC GYMNASTICS
STARS CHAMPIONSHIPS HELD IN THAILAND

Introduced by Senator Lapid

To the Committee on Rules

Proposed Senate Resolution No. 369, entitled

RESOLUTION CONGRATULATING AND COMMENDING THE FILIPINO
EDUCATORS WHO WERE RECOGNIZED AND AWARDED AT THE 2022
SOUTHEAST ASIAN EDUCATIONAL INNOVATION AWARDS HELD IN
BANGKOK, THAILAND

Introduced by Senator Lapid

To the Committee on Rules

Proposed Senate Resolution No. 370, entitled

RESOLUTION RECOGNIZING AND COMMENDING THE OUTSTANDING YOUNG
MEN (TOYM) OF THE PHILIPPINES AWARDEES FOR 2022 ON THEIR
CONTRIBUTIONS TO THE WELFARE OF THE COUNTRY

Introduced by Senator Revilla Jr.

To the Committee on Rules

Proposed Senate Resolution No. 371, entitled

RESOLUTION CONGRATULATING AND RECOGNIZING THE PHILIPPINE
WUSHU TEAM FOR THEIR SUCCESSFUL RUN IN THE 8TH WORLD JUNIOR

WUSHU CHAMPIONSHIPS HELD LAST DECEMBER 3-11, 2022 IN
TANGERANG, INDONESIA

Introduced by Senator Revilla Jr.

To the Committee on Rules

Proposed Senate Resolution No. 372, entitled

RESOLUTION CONGRATULATING AND COMMENDING THE OLYMPIC GOLD
MEDALIST HIDILYN DIAZ FOR SWEEPING THREE GOLD MEDALS AT THE
2022 INTERNATIONAL WEIGHTLIFTING FEDERATION (IWF) WORLD
WEIGHTLIFTING CHAMPIONSHIP HELD ON 7 DECEMBER 2022 AT BOGOTA,
COLOMBIA

Introduced by Senator Villar (C)

To the Committee on Rules

Proposed Senate Resolution No. 373, entitled

RESOLUTION CONGRATULATING AND COMMENDING HIDILYN DIAZ FOR
WINNING THREE GOLD MEDALS AT THE INTERNATIONAL WEIGHT-
LIFTING FEDERATION WORLD CHAMPIONSHIPS IN BOGOTA, COLOMBIA

Introduced by Senator Go

To the Committee on Rules

Proposed Senate Resolution No. 374, entitled

RESOLUTION CONGRATULATING AND COMMENDING JOEY MADERAL CANOY
FOR WINNING THE ORIENTAL AND PACIFIC BOXING FEDERATION (OPBF)
TITLE MATCH HELD IN OSAKA, JAPAN ON DECEMBER 4, 2022

Introduced by Senator Go

To the Committee on Rules

Proposed Senate Resolution No. 375, entitled

RESOLUTION CONGRATULATING AND COMMENDING WEIGHTLIFTER
HIDILYN DIAZ FOR BRINGING PRIDE AND HONOR TO THE COUNTRY
BY WINNING ALL THREE (3) GOLD MEDALS IN THE WOMEN'S 55KG
DIVISION AT THE 2022 WORLD WEIGHTLIFTING CHAMPIONSHIPS IN
BOGOTA, COLOMBIA

Introduced by Senator Cayetano (P)

To the Committee on Rules

Proposed Senate Resolution No. 376, entitled

RESOLUTION COMMENDING AND CONGRATULATING WEIGHTLIFTER



HIDILYN FRANCISCO DIAZ-NARANJO ON HER TRIPLE GOLD FEAT IN THE 2022 INTERNATIONAL WEIGHTLIFTING FEDERATION (IWF) WORLD CHAMPIONSHIPS HELD IN BOGOTA, COLOMBIA

Introduced by Senator Padilla

To the Committee on Rules

PRIVILEGE SPEECH OF SENATOR TULFO

Availing himself of the privilege hour, Senator Tulfo delivered the following statement:

No person shall be deprived of life, liberty and property without due process of law. *Ito po ang garantiya ng ating Konstitusyon. At kung titingnan po natin, ang sabi ay "No person shall be deprived" hindi "no rich person," hindi "no well-connected person," hindi rin "no person in power or authority."* It simply says "No person."

Pero sa mga nakikita at narinig ko sa mga lumalapit sa akin, ang mga mamamayan nating mahihirap at walang estado o koneksyon ang kadalasang hindi nabibigyan ng proteksyon na pinangako ng ating Saligang Batas.

Through the years, I have received so many complaints about the abusive law enforcers and people being wrongly accused of crimes just because they cannot defend themselves, and just because they are poor.

Kamakailan lang sa aking programa, may PWD na pinuntahan sa kaniyang bahay ng mga kapulisan na hindi man lang naka-uniporme. Inakusahan siya na nag-s snatch ng cellphone, hinalughog ng pulis ang bahay nila, at nang may nakitang mumurahing cellphone, iyon ang sinabing nakaw daw na cellphone. Ni wala man lang search warrant ang pulis, at dahil dito, inimbitahan ang PWD sa presinto.

"Invitation". Again, "invitation" – *ito po ang magic word na ginagamit ng mga pulis para sa mga mahihirap nating kababayan upang makaladkad nila sa presinto ng walang warrant of arrest. At pagdating sa presinto, ano ang nangyari sa PWD? Pinag-antay ang PWD. At nang walang dumating na complainant, pinauwi rin siya.*

Ano iyon, pasensiya na lang? Nayurakan na ang kaniyang pagkatao, nalabag na ang kaniyang mga karapatan, pero ano naman ang magagawa rin nila? Wala silang abogado, wala silang kakilala. Kapag mayaman, proseso. Pero kapag mahirap, abuso.

Nakita rin natin ang mga mapang-abuso nating mga law enforcers noong panahon na nauso ang tanim-bala o laglag-bala, mga pulis at airport security officials na nagnanais kumikil ng pera sa mga turista at pasahero. May isang kaso pa nga akong naalala, na limang araw nanatili ang kawawang turista na si Lane Michael White dahil sa bala na itinago raw sa kaniyang maleta.

At siyempre, andiyan din ang mga biktima ng tokhang, mga naakusahan at nataniman ng droga kahit inosente. Mga lumang tugtugin pero paulit-ulit pa rin.

Lilinawin ko lamang po at pasintabi sa idolo kong si Sen. Ronald M. Dela Rosa, hindi ko nilalahat ang mga kapulisan. Sa totoo lamang, madami rin po akong pinarangalan na mga pulis dahil sa katapatan nila sa kanilang serbisyo. Pero nais ko lamang maliwanagan kung saan nga ba ang problema sa mga operasyon ng ating mga law enforcers.

Sa totoo lamang po, si Senator Dela Rosa pa ang nag-expose sa mga "ninja cops" noong siya ang PNP chief. Ano ba ang "ninja cops"? This is a term coined to refer to uniformed personnel or government agents involved in illicit drug trade by reporting drugs seized from anti-drug busts and then selling the rest to their own network of dealers. Tapos hati-hati na sila sa kikitain.

Sen. Ronald Dela Rosa exposed that 300 of his officers were conspirators in the drug business. Just recently, our attention was called to "ninja cops" still existing within the ranks of PDEA. And not just lowly officers, but a high official in PDEA, Enrique Lucero who heads

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the PDEA Southern District Office, as well as anti-narcotic agents, Anthony Vic Alabastro and Jaireh Llaguno, were apprehended during a sting operation that yielded shabu valued at P9.18 million.

They were even conducting illegal operations in the building provided to them by the City of Taguig. I would like to congratulate the Southern Police District Director, BGen. Kirby John B. Kraft who headed the drug-bust operation. The suspects are now under the custody of NCRPO for proper disposition, pending the filing of appropriate charges in the Taguig City Prosecutor's Office.

With hopes that there are more of these officials who have the willpower to clean up their ranks, we can help them by checking if there is something we can improve in our laws so that they could be practical and effective when it comes to law enforcement, or maybe there are still gaps in the law that could be reinforced by new legislation.

My number one concern today is the protection of people, particularly the weak and the poor, being wrongly accused of crimes because it is far better to let 10 guilty men go free than one innocent man be wrongly convicted.

Based on the historical data of the Public Attorney's Office, since 2008, they have had 218,883 acquittals. I repeat, 218,883 acquittals. Just this year up to June 30, they have had 13,164 acquittals. That is an average of 2,194 per month. *Ibig pong sabihin nito, 2,194 na inosenteng tao ang naakusahan at nilitis kahit wala silang kasalanan. Masyado po bang malaki ang numero na ito? Siguro panahon na para tingnan kung kailangan ng itaas ang quantum of evidence na kailangan para masampahan ng kaso ang isang kriminal. Sa ngayon ay simpleng probable cause lamang, kaya bigay-hilig ang mga piskal na magsampa ng kaso, kaliwa't kanan.*

Another concern is the planting of evidence to wrongfully accuse a person. There are laws already in place punishing the planting of evidence, but it only covers the planting of firearms and ammunition under the Comprehensive Firearms and Ammunition Regulation Act, and of drugs under the Comprehensive Dangerous Drugs Act of 2022. These laws provided for such because these became a source of "kickbacks," considering that many accused of these cases are well-off.

But, how about the planting of other types of evidence—should this not be punished as well? My office is looking into cases involving planted evidence that do not involve drugs and firearms and we will prepare a bill that would hold those involved liable.

At sinusupportahan ko rin po ang mga panukala ng mga kasamahan ko rito na sina Senators Dela Rosa, Gatchalian, at Revilla. They already filed bills on the Law Enforcement Body Worn Camera Act. Malaking tulong po ito upang masiguro ang pagsunod sa tamang proseso sa mga operasyon ng mga kapulisan. Katulad sa aking programa na maraming mata na nakatingin, kapag may nakatutok na kamera, mapipilitang sumunod sa proseso ang mga pulis.

And if it is possible to include in the bill, I propose that the accused and his family or companion should be given the right to take their own videos of the arresting process and the search of their premises. I have seen many instances where the law enforcers would stop the accused or his family from taking a video of what is happening to cover up their abuse. If they are not doing anything wrong, they should never be afraid of being recorded.

Another bill filed by Senator Dela Rosa is Senate Bill No. 437, or the CCTV Act of 2022. The bill sought the installation of CCTVs in these establishments to aid Philippine National Police in deterring crimes. We have seen several crimes solved because of CCTVs. But I will submit a supporting bill that will also require the installation of CCTV cameras in police precincts and detention facilities. I seek the guidance of Senator Dela Rosa regarding this.

A lot of human right violations happen in the police precinct upon arrest or invitation of suspects or persons of interest. *Mapipigilan po ng CCTV sa mga presinto at detention facilities ang pambubugbog ng mga naaresto. Matitigil din po ang pagpasok ng mga unauthorized individuals sa presinto, sa loob ng kulungan para mambubugbog ng detainees. Mapipigilan din po ang pagpasok ng mga pinagbabawal na droga sa mga detention center at isa pa po ay mababantayan ang mga detained individual na minsan ay nakalulusot at nakakatakas dahil padrino nila ang officer-in-charge sa presinto.*

Sa next budget deliberation, I will focus on the budget of the PNP to ensure that they are equipped with the right budget to properly enforce the law. They should have body cams that do not obscure or hamper their movement during the operation. The police headquarters should have CCTVs.

*Another report that has reached me is that they do not have funds to conduct proper buy-bust operation due to lack of UV detection powder that will mark not only the money but also the subject. *Isa pang napansin ko po na kailangang ayusin ay mga abusadong pulis na nababalitaan ko ay pabata nang pabata, may bagito pa. Hindi sila sumusunod sa proseso; hindi nila ginagalang ang karapatan ng mga akusado na kung tutuusin ay innocent until proven guilty. We need to instill respect for due process. kailangang naiintindihan ng mga kapulisan ang halaga ng mga proseso na ginagawa nila. And if they have a deep understanding of the procedure, they will be more consistent in its application.**

Dapat alam nila kung para saan ba ang pagsasabi at pagpapaliwang ng Miranda Rights ng isang akusado sapagkat hindi ito seremonya na walang katuturan. Ito ay proteksiyon para sa akusado at sa law enforcer. Nasasayang din ang police operation kapag hindi nasusunod ang proseso kasi napapawalang bisa ang mga ebidensiyang nakukuha nila.

Reorganization Act of 1998, ano ang mga gumagana, ano ang walang silbi, at ano ang inaabuso sa batas na ito? Gusto ko rin pong banggitin ang PNP Memorandum Circular on Guidelines, Police Policies and Procedure in the Conduct of Complete Background Investigation in Recruitment and Selection of PO1. One of the policies in the said circular that should be made into law is the requirement of publication of the names of the PO1 applicants so that the community could be involved in the reporting of derogatory records of an applicant. Itong publication ay ginagawa rin ng JBC sa mga nag-aaplay na judges at justices, and it is very effective in sourcing background checks on applicants. We should also publish the names of police applicants in newspapers and relevant government websites and all the members of the force while they undergo review test and evaluation before their promotion. I propose that maybe it should be done regularly, or when a red flag is raised with regard to a particular officer, they should have periodic mandatory drug testing, regular lifestyle check beyond what is provided in the SALN, and neuropsychological examination.

To end my speech, I implore upon my colleagues na huwag tayong manhid sa pang-aabuso sa ilan nating kapulisan at huwag tayong masanay na may nakukulong na mga inosenteng tao. Our people deserve better. And as per our mandate, we need to elevate the poor so that they could come before the law with confidence and trust in the system.

INTERPELLATION OF SENATOR DELA ROSA

Senator Dela Rosa stated that he would like to be associated with the revelations made by Senator Tulfo. He affirmed that there are instances of abuse committed by some PNP personnel that require investigation. He also thanked the senator for receiving and acting upon complaints made by the public.

Asked whether the complainants have filed cases against errant PNP officers; Senator Tulfo replied that majority have not filed cases, and that it was his office that had initiated the filing of some cases on behalf of the complainants, and some police officers had been charged with crimes. He added that there were times when he used his own money to bail out someone he believed to be innocent of the crime. Occasionally, he added, police supervisors discover that rogue officers manufactured evidence against suspects, and those officers are punished for their misconduct.

Senator Dela Rosa stated that the PNP adheres to the mantra “regularity in the performance of duty.” He stated that police officers also complain that the media do not hear their side of the story.

Asked if the Office of Senator Tulfo would listen to the story of the police as well, Senator Tulfo replied in the affirmative. He stated that whenever the police are involved, they ensure that

they hear their side of the story. He stated that while some police officers would take their calls, others would avoid doing so. He stated that on some occasions, the police officer is found to be merely doing his job and the accuser would end up embarrassed in his show.

Senator Dela Rosa thanked Senator Tulfo for allowing the police the chance to give their side of the story before pursuing charges against them. He stated that while it is proper to charge errant cops, the police should also be advised to simply file a case in court. He hoped that Senator Tulfo and his staff would not be offended, as he was merely trying to share the sentiments of the law enforcers who have been accused and tried by publicity not only in his programs but in others as well.

Senator Tulfo responded by citing an incident in which police raided the home of a person with disability who was accused of stealing a cellphone. He stated that the police retrieved an old phone and summoned the suspect to the police station for questioning. He clarified that the police may only execute raids in ungated areas, unlike in areas like Corinthians or Forbes Park where they are forced to face the lawyers of the suspects. He explained that once the invited person is brought to the station, the corrupt police officer would plant evidence or force the suspect to confess to the crime and would be jailed without due process.

Regarding trial by publicity, he emphasized that the only way for the public to be safeguarded is to allow them to expose errant police officers through the media. He remarked that the PNP is aware of his integrity and that he would thank them for a job well done. He stated that his program would solely expose the corruption, maladies, and wrongdoings of rogue police officer because the public has the right to know and should be made aware of such *modus operandi*.

Regarding the filing of a case in court, he stated that only those who can afford are able to do so, while those who cannot are usually abused, dragged to the police station, and beaten to confess to a crime. He added that he has received numerous complaints of the same nature, which he would later find out to be accurate. He emphasized that he was merely acting on behalf of the poor to expedite the process by bailing them out with the use of his own money and to do everything in his power to assist and safeguard the people,

Senator Dela Rosa encouraged the Body to assist each other in notifying the public about the police officers' practice of inviting suspects to the precincts. He remarked that the public should be informed that they have the right to refuse to go to the station if there is no valid basis for their presence there, otherwise, the police could be charged with arbitrary detention.

He disclosed that when he was still with the police, he witnessed one of the escorts of a politician carrying an allegedly authorized firearm. He stated that he invited the escort to the station to explain himself and eventually charged him with illegal possession of firearm, for which the politician accused him of arbitrary detention. He stated that when he asked the fiscal's office to drop the charges, he was informed that the invitation in itself constitutes a restraint of liberty of movement, thus, he was liable for arbitrary detention. He emphasized the need for people to be informed about arbitrary detention and that, if invited, they should be able to refuse to report to the police station. However, he stated that the difficulty arises when a corrupt police officer plants evidence against an innocent subject.

Senator Tulfo stated that the police should be made to memorize the Miranda Rights, as some of them still commit errors when reading it to arrested suspects. While Senator Dela Rosa admitted to such cases, he noted that police enforcers would be criminally liable if they fail to read the Miranda Rights to the suspect they were arresting. As a former PNP Chief, Senator Dela Rosa said that there are instances wherein a police officer would subdue first the suspect before reading the Miranda Rights. In such emergency cases, it would be advisable to read the Miranda Rights at the police station right before the investigation starts.



Senator Tulfo suggested that the PNP install CCTV cameras in police detentions or custodial facilities in order to avoid and address complaints wherein suspects under the police station's custody were being borrowed or "*inarbor*" by taking them out of the cell and thereafter assaulted or tortured someplace else under the order of a powerful complainant who might be a politician. He also cited instances wherein persons under custody allegedly died by hanging themselves, committed suicide, or were strangled by fellow detainees when in truth the police actually caused their death or maltreatment. He reiterated that he would be proposing a measure that would have CCTV cameras installed in detention cells and make the desk officer on duty, the supervisor, and the police station commander liable for negligence and presumptive irregularity should they fail to ensure that the installed CCTV cameras in the detention cell are functioning and recording properly.

On whether he would agree to the proposal, Senator Dela Rosa replied in the affirmative, saying that it was a good proposal and that he was looking forward for it to be discussed at the committee level. He said that he would be willing to hear the same if the proposal would be assigned to his committee. While he opined that the policemen should not be afraid of being recorded or monitored if they are doing their jobs properly, he expressed concern, however, on the possible violation of human rights and right to privacy of the detainees if they are subjected under CCTV monitoring.

Senator Tulfo said that the inmates he consulted about his proposal agreed to it because it would protect them from being subjected to police brutality, forced to admit to a crime and sign a document to that effect, or planted evidence especially in drug buy-bust operations. He noted that the police conduct their operation without the presence of a barangay official or reporter, and sometimes the police do not record the serial numbers of the marked money nor use UV powder on it. He said that he would find out that the serial numbers were not recorded and that the UV powder was not used. He then stated that he would be suggesting to the Commission on Human Rights to send someone who would observe incognito the operation as a preventive or monitoring measure against the planting of evidence.

Senator Dela Rosa gave the assurance that he would cooperate with Senator Tulfo on this proposal which would help the poor victims of abuse.

Senator Tulfo stated that Public Attorney's Office (PAO) records indicated that 218,000 accused Filipinos have been acquitted since 2008 and that 13,164 accused Filipinos 99 percent of which were poor had been acquitted from January 1 to June 30, 2022. He expressed sympathy to the poor and innocent people who had been detained for many months or years. He then stated that he would also be proposing the filing of charges against erring policemen who filed those cases against the accused who have been proven innocent. He added that his legislative staff was studying on how the acquitted and proven innocent Filipinos would be able to demand monetary damages as compensation for the harm caused to one's life, honor, and livelihood from the government for the wrongful accusation and the unwarranted planting of evidence committed against them. Senator Dela Rosa, however, explained that not all cases of the 13,000 acquitted persons were truthfully innocent or were real victims of planted evidence, as some cases were dismissed due to other reasons.

Senator Tulfo averred that some cases were dismissed due to technicality or the chain of custody rule. He revealed that some policemen were also instrumental to the dismissal of cases at the prosecutor's office level depending on whether they could extort and how much money they could extort from the suspect. He added that if the extortion succeeds, the arresting officer would either bangle the evidence against the suspect or would not appear before the investigating prosecutor during the investigation and, as a result, the case would be dismissed for lack of evidence; but if the suspect could not produce the money being extorted, the poor suspect would

have to continue facing the charges against him. He clarified, however, that while there are erring policemen, there are also policemen who are committed to their duties.

Reacting to the statement that cases were dismissed due to technicalities or the chain of custody rule, Senator Dela Rosa informed the Body that the police level was just one of the five pillars of the criminal justice system which includes prosecution, courts, correction, and community. Based on his experience, he also sympathized with policemen who became whipping boys of the faults in the criminal justice system when cases filed were dismissed for not maintaining the chain of custody of evidence when it was actually because the fiscal or the judge accepted bribe in exchange for the dismissal of the case. He said that it broke his heart whenever policemen had a very good case buildup and filed their cases well but ended up with dismissal of cases and getting blamed for it even though the same was due to corruption at the prosecutor's office or court level.

Senator Tulfo also mentioned that charging direct assault to a person in authority was among the most used excuses for police abuse against the poor. He stated that he also intended to propose amendments to the criminal law relative thereto.

INTERPELLATION OF SENATOR VILLANUEVA

Senator Villanueva expressed his appreciation to Senator Tulfo for his privilege speech and noted that they were discussing how to strike a balance between the police force and people. He informed the Body that the victim of Nuesca was the husband of his cousin. Due to the widespread circulation of the video footage, he stated that everybody was aware of the incident in Bulacan where the mother and his son were killed helplessly. However, he also pointed out that there are also police officers who are sincere about their jobs but are also harmed because of their jobs.

He then emphasized Senator Dela Rosa's statement that it is the role of Congress to ensure that there is balance in the writing of the law and that not one sector is put in risk – whether police officers performing their jobs obligations or the general public. He lauded Senator Tulfo's program, but noted that instead of going to police stations or even government offices, individuals go to his office for assistance. He reasoned that the people had little choice and were desperate for aid, which was why he admired Senator Tulfo, who would always stand up and rise if similar circumstances arose.

He questioned how the issues might be balanced, stating that it was concerning that 13,000 people were imprisoned because they were unfairly charged, despite the fact that some of them have procedural or technical issues in their cases. Also, he pondered how body cameras would be used, given that the movements of a person would change if a camera would be attached to his body. He inquired as to how Congress could protect police officers in such instances.

He also expressed regret over the issue raised by Senator Tulfo cellphones being confiscated or destroyed to prevent civilians from taking videos or photos of certain incidents.

Senator Tulfo stated that body cameras could not be utilized in operations because they would ruin the cover of operatives. He stated that it could help operatives in conducting raids, similar to how those in police headquarters and stations in the U.S. and Europe could see a blow-by-blow account of how the actual raid was happening, and most importantly, if the operation's procedure was followed. He said that small cameras are available if certain police officers are uncomfortable using big cameras. He surmised that police officers who refuse to wear body cameras might be hiding something. He underlined Senator Dela Rosa's statement that body cameras are vital for the protection of both police officers and citizens.

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Senator Villanueva expressed hope that police officers would be trained in the use of the equipment because there had been incidents when some criminals would immediately fire at policemen if they could see cameras attached to their bodies.

On the subject of wrongful convictions, he stated that a report published in the United States called the Innocence Project revealed that 1% of the U.S. prison population, or approximately 20,000, had been wrongfully convicted since 1989, and that same year, there had been a total of 3,250 exonerations, which translates to 28,171 years lost or an average of 8.7 years lost per case.

As to the number of victims of arbitrary detention and/or imprisonment in the Philippines in relation to the 13,000 wrongfully accused, Senator Tulfo replied that he was relying on data provided by the Public Attorney's Office, which provides legal assistance to Filipinos who cannot afford the services of a private lawyer.

Asked what reforms should be implemented to strengthen the investigative process of law enforcement agencies and what percentage of those wrongfully accused because of a technicality and because of procedural errors, he replied that the PAO promised to submit to his office the same data as regards the breakdown of those not guilty and those acquitted due to a technicality.

He then proposed the following measures to improve the performance of the police force: 1) police officers should be trained in anti-drug operations; 2) all anti-drug operatives should undergo periodic random drug testing; 3) periodical lifestyle checks, as he noticed that operatives who joined the drug enforcement initially had motorcycles but in less than a year already had already acquired BMWs or condominium units, and the standard alibi being that they were gifts from relatives abroad; 4) anti-drug operatives should not stay in an area for more than one year, noting the adage "familiarity breeds contempt," as operatives may form connections with the lawless elements in the area; and 5) operatives should not live in an area known to be a haven for drug personalities, as they may be befriended by drug personalities, for example, making them godfathers to their children or sponsors to their weddings, thereby making it difficult to arrest them.

Senator Villanueva expressed hope that the PNP, DOJ, and the Judiciary, which have budgets in 2023 of P193 billion, P28 billion, and P53 billion, respectively, would use their finances wisely. He noticed two types of police officers—those who do their jobs honestly and should be supported by Congress, and those who abuse their authority and should be penalized. However, he emphasized that the police's ultimate role is to protect the citizenry, who are the bosses of all public servants and should not be taken for granted by anyone in government service.

He stated that he had filed Senate Bill No. 1607 to amend Republic Act No. 7309. He stated that the law, enacted in 1992, established the Board of Claims within the Department of Justice and mandated that claims or compensations for those individuals unfairly charged would be P1,000 per month, with a maximum compensation of only 10 months. He stated that the bill seeks to expand the list of claimants who can file claims. Furthermore, he stated that his bill recommends increasing the compensation to P5,000 per month because he believed that P1,000 is no longer sufficient recompense for the unfairly accused.

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

Senator Villanueva also expressed his desire to lengthen the period of filing of claims from six months to one year, and to establish a trust fund for those unfairly accused.

Asked if it was time to amend Republic Act No. 7309, Senator Tulfo answered in the affirmative. However, he proposed that instead of of P5,000, the compensation be based on the

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minimum wage. Senator Villanueva agreed to the proposal. He commended Senator Angara, chair of the finance committee, for his effort to double the funding for the aforementioned law. He hoped that RA 7309 would be amended the following year.

INTERPELLATION OF SENATOR DELA ROSA

Senator Dela Rosa cited Senator Tulfo's suggestion that operatives be barred from staying in one location for more than one year because "familiarity breeds contempt." He stated that the notion was good, but with a caveat that there are honest operatives with exceptional skills who can be retained in the place so that their expertise could be exploited by the unit in the area.

He then recalled his privilege speech the previous day regarding Police Master Sergeant Mayo, whom he assigned at ARMM, while he was PNP Chief in 2016, because he was listed as a ninja cop. He, however, revealed that Mayo was reassigned to Manila as intelligence officer of PDEG NCR-SOU. He stated that Mayo was later apprehended in a buy-bust operation and that 990 kilos of shabu worth approximately P6.7 billion was confiscated from him. He agreed with Senator Tulfo's recommendation that operatives' exposure in their tasks be limited in order to keep them from being tempted by drug money.

Senator Tulfo stated that his proposal for a one-year limit in the tour of duty or assignment would not apply to all anti-drug operatives. He explained that the duration of deployments would depend on the periodic review of the operatives' performance and a lifestyle check in order to prevent the spread of police officers who would merely collude with lawless elements.

Finally, Senator Tulfo called for a stop to the "quota system" wherein each operative is required to apprehend a number of people over a certain period of time in order to receive a certificate and monetary award which they could brag about, as this induces the policemen to devise illegal activities, especially the enforcers who were known as "ninja cops" involved in the drug trade.

Senator Dela Rosa noted that the quota system was only used as an excuse because when he was PNP Chief, he never made a policy about meeting any quota to the operatives; instead, he simply instructed the police to keep their areas drug-free.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Villanueva, there being no objection, the Chair referred the privilege speech of Senator Tulfo and the interpellations thereon to the Committee on Public Order and Dangerous Drugs.

PRIVILEGE SPEECH OF SENATOR PADILLA

On a matter of personal and collective privilege, Senator Padilla delivered the following speech on Proposed Senate Resolution No. 349 concerning the death of three teenagers in the hands of law enforcers in Barangay Didtaras, Lambayong, Sultan Kudarat:

Sa atin pong mga iginagalang na kasamahan dito sa Senado, ako po ay tumitindig base sa personal at kolektibong pribiliheyo upang maglahad ng aking sentimiyento sa isang pangyayaring pumukaw sa aking atensyon at damdamin noong nakalipas ng linggo.

Sa kalagitnaan ng dilim, makalagpas ng hatinggabi noong ika-1 ng Disyembre, umalingawngaw ang nakabibinging putukan ng baril sa maliit na bayan ng Lambayong, Sultan Kudarat. Bago pa man sumikat ang buhang liwayway ay isang kagimbal-gimbal na tagpo ang



tumambad sa mga residente ng Lambayong nang mabatid nilang tatlong kabataan ang binawian ng buhay sa nasabing putukan.

Mas masama pa sa isang bangungot para sa mga pamilya nina Samanoden Ali, Horton Ansa Jr., at Arshad Ansa ang balitang ang mga labi ng kanilang mga anak at mga kapatid ay aabutan na lamang nila sa morge ng isang ospital. Hindi maipaliwanag ang kanilang hinaggis at galit nang malamang nakitil ang buhay ng kanilang mga kapamilya.

Ang tanong po ng karamihan: Ano ang tunay na kaganapan sa likod ng malagim na pangyayaring ito?

Ito po ang bersyon ng ating kapulisan. Sang-ayon po sa lahad ni Chief of Lambayong Police, P/Maj. Jenahmeel Toñacao, diumano, lagpas ng hating-gabi noong ika-1 ng Disyembre nang harangin sa check point sa Barangay Didratas ng mga nakadestinong pulis ang tatlong lalaking lulan ng motorsiklo patungo sa kabayanan. Sa hindi inaasahang pagkakataon ay biglang humarurot diumano ng takbo palayo ang motorsiklo. Ang kahina-hinalang aksyon na ito ang nagtulak sa mga pulis upang habulin ang mga hindi kilalang kalalakhian.

Ayon kay Chief Toñacao naunang nagpapatok ang mga pasahero sa nasabing motorsiklo nang ma-corner sila ng mga pulis sa karatig na barangay na siyang dahilan kung bakit nakipagpalitan ng putok ang mga humahabol na mga alagad ng batas.

Ayon pa sa ulat, agarang isinugod pa ng mga pulis ang mga biktima sa Evangelista Medical Clinic and Hospital ngunit dead on arrival na ang hatol ng mga sumaklolong doktor.

Dagdag pa ng hepe ng Lambayong, kasamang na-recover sa tatlong binatilyo ang dalawang .45 kalibreng baril, isang hand grenade, at isang sachet ng shabu.

Ngunit ang mga detalye ng bersyong ito ng PNP ay pinabubulaanan po ng mga kaanak ng mga biktima.

Maraming bumabalot na agam-agam sa kapaligiran ng insidente sa Lambayong. Sa gitna ng masukal na isyung ito, nangingibabaw po ang pagsusumamo ng mga kaanak ng mga nasawi para sa hustisya.

Ang kanilang hiling ay maliwanagan ng bawat isa sa atin sa pamamagitan ng paghimay ng naratibo at iba't-ibang bersyon ng kwento bago pa tayo humantong sa madugong insidente na bumawi ng buhay ng tatlong kabataan.

Tulad ng ating paglimi sa isinasaad ng police report, parehong atensyon po ang ating nais ibigay upang makilala sina Sama, Horton, at Arshad at ang kanilang nilisan na buhay bago pa sila maging ulo sa mga balita at pahayagan.

Si Samanoden Mustapha Ali, 19 na taong gulang, ay Grade 12 student po sa Lambayong National High School. Bunso sa tatlong magkakapatid at mabuting anak ni Aripudin, isang driver, at Samina, isa pong tindera.

Si Horton Ansa, Jr. ay kilala rin bilang "Mokong." Siya po ay 20 taong gulang at first year Criminology student ng Southern Mindanao Institute of Technology. Tulad ng kaniyang ama at lolo, pinangarap din po ni Horton na maging isang pulis balang araw.

Si Arshad Tingao Ansa, 18 taong gulang, ay nagsumikap mag-aral sa ilalim ng Alternative Learning System (ALS) Program. Isa po siya sa anim na anak nina Nasser at Soraine, kapwa nagtitinda sa kanilang lugar.

Para sa kanilang mga kapamilya, hindi naiiba sina Sama, Horton, at Arshad sa mga karaniwang binata: palakaibigan, masayahin, at makulit.

Sinasabing ang bisyo lamang daw po ng mga ito, tulad ng marami sa mga kabataan, ay ang magdamag na paglalaro ng Mobile Legends at madalas na panonood ng Motorshow.

Kung kaya naman gayon na lamang ang pag-alma ng mga kaanak sa mga sangkot na kapulisan. Anila, mayroong mga magpapatunay na diumano'y kabulaanan sa naging ulat ni Chief Toñacao and totoong pangyayari. Gayon din ang sinasabi na naka-recover ng baril, granada, at shabu sa katawan ng mga binatilyo.



Ayon po sa pamilya, mayroon silang mga saksi na nagsasabing hindi mismo sa checkpoint ng Barangay Didratas nangyari ang habulan kundi sa poblacion kung saan rumeresponde ang ating mga pulis sa diumano'y naulat na kaguluhan.

Ang mas nakababahala na ulat mula sa isa sa mga kamag-anak ay sinakal muna ng mga pulis gamit ang sariling damit ang isa sa mga nasawi habang ang isa naman ay nagtamo ng mga tama ng bala sa magkabilang palad— patunay na nagtaas na ito ng kamay na hudyat ng pagsuko, bago pinagbabaril nang malapitan.

Masidhi rin po ang hinagpis ng kaanak ni Horton Ansa, Jr. partikular na ang ama nitong si Patrolman Horton Ansa, Sr. na isa rin pong pulis na nakadestino sa isa mga bayan sa probinsya ng Maguindanao. Sinasabing mayroong mga indikasyon na ang tatlong biktima ay binaril ng mga pulis nang malapitan.

Dagdag pa po ni Patrolman Ansa, imposible ang pahayag na nakipagpalitan ng putok ang binata sa mga alagad ng batas sapagkat dadaan pa lamang sa training ang kanyang anak tungkol sa paghawak ng armas bilang bahagi ng kanyang kursong Criminology.

Sinisita rin po ng ama ang naging proseso sa paghawak ng kaso ng mga binatang napaslang sapagkat aniya walang naganap na post-investigation sa mismong mga crime scene. Itong mga batang ito, hindi po natin gustong madagdag lamang sila bilang mga nasawi sa katimugan ng bansa na kadalasan ay ipinagkikibit-balikat na lamang po natin lalo ng marami dahil sa normal naman ito sa Lupang Pangako.

Ayon sa isang statement ng 47 civil society groups na inilabas noong ika-17 ng Hunyo 2021- mula noong 2017, mayroon na pong higit sa 80 na Moro na napaslang sa probinsiya ng Region XII na naging biktima ng extra-judicial killings na kagagawan ng mga goons na pulis at mga vigilantes sa nakalipas na apat na taon. Anila, mayroon daw bang “widespread” at “systemic” killings na tuma-target sa mga komunidad ng mga moro sa bahagi ng Region XII at SOCCSKSARGEN?

Noong ika-16 ng Hulyo 2020, naghayag ng pagkabahala ang Parlamento ng Bangsamoro Transition Authority sa sunod-sunod na patayan sa rehiyon at kalapit na mga probinsiya sa pamamagitan ng isang resolusyon na inihain ni Sister Aida Silongan, Miyembro ng Parlamento. Binigyang-diin din ni Mohagher Iqbal, coauthor ng resolusyon, at chair ng Moro Islamic Liberation Front’s Peace Implementing Panel, na ang ilan sa mga biktima ng EJK ay mga miyembro ng MILF.

Noong nakaraang linggo ay inihain po natin ang Resolusyon Blg. 349 upang magkaroon ng imbestigasyon, in aid of legislation, upang busisiin ang tunay na pangyayari sa likod ng pagkamatay ng tatlong kabataan sa Lambayong, Sultan Kudarat. Layon din nating usisain kung ano ang tunay na pangyayari. Bilang panghuli, layunin natin ang pagpapaigting ng kapayapaan at pagbibigay-proteksiyon sa mga komunidad ng ating kapatid na Moro.

Ako ay nagpapasalamat kay Sen. Raffy Tulfo sa kaniyang sinabi na siya ay susuporta sa hakbangin na ito. At tayo rin ay nagpapasalamat kay Senator Dela Rosa sapagkat siya ay nagbigay din ng kaniyang salita na ilalabas natin ang katotohanan sa ganap na ito.

Tayo rin ay nagpapasalamat sa pamilya ng tatlong binata na ito sapagkat nailibing na ang mga ito, pero pumayag silang ma-exhume ang mga katawan ng mga batang ito upang maisagawa ng NBI ang autopsy. Kaya natin ito ginagawa, tayo ay nakiusap sa NBI na gawin ito dahil ayaw natin na magkaroon ng biased na imbestigasyon. Dahil alam ninyo, ako ay estudyante rin ng Criminology. Bagamat ako ay graduate ng Criminology, ako rin ay nangarap maging pulis; iyan ay aking isinagawa at tinapos ko ang kursong iyan noong ako ay lumabas sa bilibid. Natapos ko iyan at graduate ako ng Criminology. Idol ko ang mga pulis kaya masakit sa akin kapag may ganitong mga balita na ako ay parang nadidismaya sapagkat para sa akin, ang isang pulis ay ehemplo. Ang mga pulis ay living heroes; sila ang ating tagapagligtas. Kaya kapag nakakakita ako ng patch na nakalagay ay “Tagapagligtas,” ako ay talagang tuwang-tuwa.

Kaya ang aking hiling ay magkaroon tayo ng patas na imbestigasyon dito. Patunayan natin na mahal natin ang kabataan, maging Kristiyano man, maging Muslim man, maging Lumad man, dapat ay pantay-pantay, maging sila man ay nasa malayong lugar.

MANIFESTATION OF SENATOR VILLANUEVA

Senator Villanueva thanked Senator Padilla for bringing to light the heinous killing of three young men in an alleged shootout in Sultan Kudarat on December 2, 2022. He also expressed his deepest sympathies and condolences to the families and friends of the young adults who could have had bright futures ahead of them, namely, Horton Ansa, Jr., 20 years old; Samanoden Ali, 19 years old; and Arshad Ansa, 18 years old. He expressed hope that concerned government agencies would work to put end lawlessness by holding those who use senseless violence accountable.

INTERPELLATION OF SENATOR DELA ROSA

Senator Dela Rosa thanked Senator Padilla for standing up for their fellow Mindanaoans, particularly the three teens. He stated that they should investigate what transpired to prevent it from happening again and to give justice to the victims.

He informed the Body that he had agreed to Senator Padilla's request to form a subcommittee to investigate the incident under the Committee on Public Order and Dangerous, which he chaired, and designated him to be the subcommittee chairperson. He then inquired as to when Senator Padilla would begin his investigations.

Senator Padilla thanked Senator Dela Rosa for granting him the authority to chair a subcommittee to investigate the incident in aid of legislation. He stated that like Senator Tulfo, he does not want a biased investigation, so he will wait for the results of the NBI autopsy conducted the day before, which will be released in a week. He stated that he would begin the committee hearing once the Senate resumed its sessions the following year, but that he would begin his preliminary investigations even if the Senate was on recess for the rest of the month.

Senator Dela Rosa explained that because the incident was very sensitive and involved his fellow Mindanaoans, he hoped that all the members of the Body would be present in the committee hearing. He suggested that they begin the hearing only after the Christmas holiday.

INTERPELLATION OF SENATOR TULFO

Senator Tulfo lauded Senator Padilla for his privilege speech, which showed his care and concern for his helpless and innocent countrymen.

Concerning the victims' gunshot wounds on both palms, Senator Padilla stated that the victims' parents indicated that they were shot at close range, as shown in the picture they sent him. He stated that, on the advice of Senator Tulfo, he coordinated with the NBI to conduct an autopsy on the victims, which they did the day before. He expressed his gratitude to the parents' victims for allowing the NBI to exhume the human remains of the three teenagers for an autopsy, despite the fact that it is forbidden under Islamic law.

Senator Tulfo explained that he simply wanted to prove that the victims did not engage in a shootout with the police officers because there were gunshots in both of their palms, as shooting requires both hands. He believed that it would mean that they were raising their hands when they were shot. He also inquired about the bullet's trajectory, because if it was straight, it meant that the victims were standing at the time of the shooting; or it was curved, it meant the victims were kneeling.

Asked what happened to the police officers involved in the shootout, whether they were disarmed or detained, Senator Padilla responded that, according to Sultan Kudarat Governor Datu



Pax Mangudadatu, the police officers were relieved of their duties pending the outcome of an ongoing investigation.

Senator Tulfo lamented that when the police officers committed brutality or abuse of authority, they are always given due process; whereas if a crime is allegedly committed by impoverished civilians, especially against police officers, they are immediately detained. He emphasized that the issue was the government's due process system.

He underscored that, while there was clearly foul play in the alleged shootout, the police officers were only relieved of their duties and were still free to do whatever they wanted. In such a case, he believed that the proper authorities should have immediately ordered an inquest into the incident, as is customary when civilians are involved in a crime.

MANIFESTATION OF SENATOR DELA ROSA

Senator Dela Rosa expressed concern that the three privilege speeches delivered on the PNP by three senators, would give the impression that the Senate was mounting an orchestrated attack against them. He hoped the PNP would not be offended by the fact that they were the subject of the speeches as it was purely coincidental.

INTERPELLATION OF SENATOR VILLANUEVA

Senator Villanueva reiterated that he has a relative who was a victim of an abusive police officer and a police officer friend who was also allegedly accused of a crime. He stated that he would want to strike a balance because there are good members of the police force who should be supported, while abusive officers should be removed.

He recalled that when he filed Resolution No. 600 in the previous Congress, which was about the crimes committed against professionals such as doctors, he stated that his goal was to identify possible gaps in law enforcement in achieving justice for all victims and breaking the culture that those who are powerful would not be penalized. He then inquired about the reforms that should be implemented within the police force to ensure that incidents like the alleged shootout do not occur again.

In the course of Senator Villanueva's interpellation, Senate President Zubiri relinquished the Chair to Senator Ejercito.

Senator Padilla responded that in the case of checkpoints, uniformed personnel should be properly stationed in a well-lit area and should not engage in overkill as shown in the photos of the victims, noting that there were strangulation marks on the victims' neck, complicated wounds, and bullet hits that were difficult to explain. In this regard, he stated that if the police officers went too far, they should face harsh punishment because, as public servants, they have taken an oath before God and the law that to protect civilians.

He also informed the Body that he did not want to judge whether or not the PNP personnel committed a crime, and that he was simply doing his job to find out what happened in light of protests conducted by youths and the victims' parents calling for an investigation into the incident.

Senator Padilla stated that all he wanted was a fair investigation on the matter. He said that any wrongdoing by the suspects should be meted with a punishment; however, should they be proven innocent, then apologies would be in order. He stressed that the crux was that the victims be given justice.

Senator Villanueva agreed with Senator Padilla that public office is a public trust. He stated that in his 20 years of public service, he had been pushing for stiffer penalties for violations of the law committed by public officials as they are given greater responsibilities.

As regards the case of the young victims from Sultan Kudarat, Senator Villanueva stated that feedback from the ground was that people were wondering why the three youths seemed to have been deliberately targeted. However, he said that he will defer to the final investigation report by the NBI and the evidence that will be presented in the committee hearings.

At this point, Senator Villanueva raised the matter of countless untoward incidents and misencounters occurring during the PNP's checkpoint operations all over the country. He surmised that the irregularities in checkpoint procedures might have caused the incidents, like the conduct of such operations in dark areas and the lack of competence by the implementors. He narrated an incident where a misencounter happened between members of the PNP and soldiers of the AFP at a checkpoint area.

He then asked for data regarding untoward incidents during checkpoint operations of the PNP and what could be done to abate such incidents. Senator Padilla said that he did not have the data at the time but agreed that more could be done to avoid any such untoward incidents. He averred that a bill laying down and strengthening checkpoint guidelines and procedures would be helpful. He narrated his experience in Australia where checkpoints were conducted in well-lit areas and the procedures were clear to all parties involved. He also suggested that Senator Dela Rosa take the lead in the drafting of such a bill because of his vast experience in law enforcement. He stated that although law enforcement agents were being provided with the guidelines in the conduct of checkpoints, the procedures were often disregarded.

At this point, Senator Villanueva underscored that steps had to be made to ensure the proper conduct of checkpoints in the country. He also narrated a misencounter which happened in his home town which caused the death of a soldier who was part of a checkpoint team, but who was not in uniform. He emphasized the need for stronger enforcement of proper checkpoint guidelines.

MANIFESTATION OF SENATOR HONTIVEROS

At this juncture, Senator Hontiveros expressed her condolences to the families of the victims, as well as her support for Senator Padilla's search for justice for the victims.

She affirmed that public servants and officials have greater responsibility than the rest of the citizenry, but more so with uniformed personnel who should follow the law and uphold and protect the rights of the people. She expressed dismay over the fact that many times, public servants themselves violate human rights.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Villanueva, there being no objection, the Chair referred the privilege speech of Senator Padilla and the interpellations and manifestations thereon to the Committee on Public Order and Dangerous Drugs, which speech was relevant to Senate Resolution No. 349 that had been previously referred to the same committee.

SUSPENSION OF SESSION

Upon motion of Senator Villanueva, the session was suspended.

It was 6:49 p.m.

RESUMPTION OF SESSION

At 6:52 p.m., the session was resumed.



MEMBERSHIP IN THE EDUCATION, LEGISLATION, AND POLICY ADVISORY COUNCIL

Pursuant to Section 13 of Republic Act No. 11899 or the Second Congressional Commission on Education Act, upon motion of Senator Villanueva, there being no objection, the following were designated members of the Education, Legislation and Policy Advisory Council:

From the academe:

1. Fr. Bienvenido Nebres; and
2. Dr. Ma. Cynthia Rose Bautista

From the business sector:

1. Mr. Alfredo Ayala; and
2. Dr. Chito Salazar

From the government education agencies:

1. Former TESDA Director Irene Isaac; and
2. Ms. Doris Ferrer

Heads of the Local Government Units:

1. Mayor Victor Ma. Regis "Vico" Sotto; and
2. Mayor Ma. Laarni "Lani" Cayetano

From the civil society organization and development partners engaged in education:

1. Synergeia Foundation; and
2. E-NET Philippines.

CREATION OF SUBCOMMITTEE TO TACKLE PROPOSED SENATE RESOLUTION NO. 349

Pursuant to Section 18 of the *Rules of the Senate* and upon the instruction of Senator Padilla with conformity of Senator Dela Rosa, chairperson of the Committee on Public Order and Dangerous Drugs, Senator Villanueva manifested the creation of a subcommittee headed by Senator Padilla, which shall tackle Proposed Senate Resolution No. 349 pertaining to the alleged shootout in Didtaras, Lambayong, Sultan Kudarat, and such other bills and resolutions which may be referred to the Committee on Public Order and Dangerous Drugs covering the same topic.

CREATION OF SUBCOMMITTEE TO TACKLE BILLS ON THE CREATION OF THE VIROLOGY INSTITUTE OF THE PHILIPPINES

Pursuant to Section 18 of the *Rules of the Senate* and upon the instruction of Senator Cayetano (A), Senator Villanueva manifested the creation of the subcommittee, with Sen. Pia S. Cayetano as chairperson, which shall tackle bills creating the Virology Institute of the Philippines—Senate Bill Nos. 196, 281, 489, 599, 941, 981, 1130, 1161, 1322, 1363—and such other bills which may be referred to the Committee on Science and Technology covering the same topic.

MANIFESTATION OF SENATOR VILLANUEVA

Senator Villanueva informed that Body that Senator Angara intended to deliver a privilege speech on the Philippine congressional visit for several interparliamentary meetings with the European Parliament in Brussels, Belgium from October 25-28, 2022. Instead, he said that Senator Angara requested that his speech be inserted into the *Journal and Record of the Senate*.

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PRIVILEGE SPEECH OF SENATOR ANGARA

Pursuant to the manifestation of Senator Villanueva, following is the privilege speech of Senator Angara which was deemed read into the *Journal* and *Record* of the Senate:

I stand proudly today to report to this august Chamber highlights of the Philippine Congressional Visit to Brussels, Belgium for several interparliamentary meetings from October 25 to 28 this year.

It was this representation's honor to have co-headed this Congressional delegation with Deputy House Speaker Ralph Recto, and to have been accompanied by Deputy Majority Leader Mark Villar, Senators Win Gatchalian, and Imee Marcos, as well as Representatives Maria Rachel J. Arenas, Mario Vittorio "Marvey" A. Mariño Marlyn "Len" B. Alonte, and former Deputy Speaker Rose Marie "Baby Arenas." Throughout the visit, no less than our Senate President Migz Zubiri joined the delegation, as well as Senate President Pro Tempore Loren B. Legarda, and Senators JV Ejercito, Grace Poe, and Nancy Binay.

We traveled to Brussels upon the invitation of the European Parliament's Delegation for relations with the countries of Southeast Asia and ASEAN (DASE), which is chaired by MEP Daniel Caspary of the European People's Party. While relations between the Philippines and European Union have continued to be cordial since diplomatic ties were established in 1964, formal interparliamentary exchanges and engagements may have not been pursued as vigorously as possible. In fact, it could even be argued that our trip was the first instance under the 1987 Constitution that the Senate sent a formal delegation to the European Parliament.

Hence, our visit was largely seen to be mutually beneficial and largely auspicious for closer Philippine-EU Relations. For one, it was explained to us that the European Parliament had identified the Philippines as among the priority countries for interparliamentary dialogue—considering that the European Union, in general, aims to enhance its engagement in the Indo-Pacific Region.

Furthermore, the Philippines is currently designated as the country coordinator for dialogues between the European Union (EU) and the ASEAN from 2021 to 2024. This makes it logical to strengthen interparliamentary relations between the Philippines and the EU, given that the former will in a sense act as the go-between for the latter and the rest of the ASEAN.

On the part of the Philippines, the visit was seen as a fresh opportunity to engage with one of the core institutions that play an influential role in Philippines-EU relations. This is critical, considering that in the recent past disagreements and heated rhetoric have led to diplomatic snags between the Philippines and the EU.

The hope was that by ramping up face-to-face and person-to-person interparliamentary engagements, we would be able to renew ties, reaffirm that the Philippines continues to be an important partner and ally of the EU in the region, and ensure more favorable outcomes for all sides in such critical areas as our continued membership in the EU's Generalized Scheme of Preferences Plus (GSP+), and even the much-anticipated Philippine-EU Free Trade Agreement (FTA).

Highlights

- *October 26, Wednesday:*
 - Meeting with European Parliament (EP) Subcommittee on Human Rights (DROI);
 - Meeting with the EP Committee on Foreign Affairs (AFET);
 - Meeting with EP Committee on International Trade (INTA);
 - Meeting with Directorate General for Trade (DG Trade)
- *October 27, Thursday:*
 - 12th Philippines-EU Interparliamentary Meeting/Meeting with DASE;
 - Meeting with Chairperson Els Van Hoof and Members of the Commission on Foreign Relations of the Federal Parliament of Belgium
- *October 28, Friday:*
 - Cultural Tour of the Bruges — a preserved medieval town and a UNESCO World Heritage Site



While we are content that we met with our counterparts in the European Parliament, we fully understand that more still needs to be done to fully realize our aspirations. Meetings alone will not make for better balance-of-trade or closer Philippine-EU relations.

This is why we are happy to note that as a direct result of our trip to Brussels, MEP Tomasz Piotr Poreba, one of the vice-chairpersons of the DASE, will be visiting the Philippines and paying a courtesy call on members of the Senate next week, to continue the dialogue on common interests such as the renewal of the Philippines' membership in the GSP+ and the realization of the proposed FTA with the EU.

It is important to note that earlier this week, President Bongbong Marcos Jr. and his delegation left for Brussels to attend the ASEAN-EU Commemorative Summit scheduled for today. The said summit celebrates 45 years of diplomatic relations between the two supranational blocs, and marks the first time that ASEAN and EU leaders shall meet collectively in a single meeting, where topics of mutual benefit such as better trade relations in the region are included. At the sidelines of the summit, President Marcos is expected to hold bilateral talks with 10 of his counterparts in Belgium, Estonia, the Czech Republic, Spain, Denmark, Germany, Poland, Finland, the Netherlands, as well as the leadership of the EU.

We are confident that all this activity happening there in Brussels and here in Manila is generating momentum—to hopefully culminate in something that will benefit both the Philippines and the European Union.

The future is bright if we continue engaging each other, if we remain united in our pursuit of mutual prosperity. This applies not only between us Filipinos, but also to our relations with countries around the world. With the new administration of President Bongbong Marcos, the Senate remains committed to spreading the mantra of unity even on the international stage.

To close, allow me to quote what Pope Francis told participants in the 7th World Government Summit in 2019, which I believe applies to us today: "I am thinking of you and your commitment in these days as you face fundamental issues including political challenges, economic development, protection of the environment and the use of technology. My sincere hope is that the question underlying your reflections will not only be "what are the best opportunities to take advantage of" but "what kind of world do we want to build together?" We cannot really speak of sustainable development without solidarity. We could even say that the good, if it is not the common good, is not actually good. Perhaps now more than ever, thinking and acting require a true dialogue with others because without others there is no future."

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 6:56 p.m.

I hereby certify to the correctness of the foregoing.

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

Approved on December 14, 2022