FOURTEENTH CONGRESS OF THE REPUBLIC)
    OF THE PHILIPPINES)   7 OCT -2 '1 :
First Regular Session)

SENATE
P.S. RESOLUTION NO. **164** RECEIVED BY: _____

Introduced by Senator Lacson

RESOLUTION
DIRECTING THE PROPER COMMITTEE/S OF THE SENATE TO INVESTIGATE THE SEPTEMBER 26, 2007 "EXECUTIVE SESSION" OF THE SENATORS WHERE AN UNINVITED GUEST ALLEGEDLY HINDERED THE TESTIMONY OF A WITNESS AND THE SUBSEQUENT PUBLICATION OF WHAT SUPPOSEDLY TRANSPIRED IN THE SAID SESSION, WITH THE END IN VIEW OF AMENDING AND STRENGTHENING THE RULES OF THE SENATE ON EXECUTIVE SESSION

Whereas, last September 26, 2007, during the hearing of the Blue Ribbon Committee on the controversial National Broadband Deal, Commission on Higher Education Chairman Romulo Neri invoked executive privilege when asked by Senators with respect to his communications with the President on the matter;

Whereas, in view of this invocation, the members of the committee requested that his testimony be heard on an executive session pursuant to Section 27 of Rule XLVII of the Rules of the Senate which provides that *"executive sessions shall be held whenever a Senator so requests it and his petition has been duly seconded, or when the security of the state or public interest so requires. Thereupon, the President shall order that the public be excluded from the gallery and the doors of the session hall be closed"*;

Whereas, Section 26 of Rule XLVII also provides that *"the executive session of the Senate shall be held always behind closed doors. In such sessions, only the Secretary, the Sergeant-At-Arms, and/or other persons as may be authorized by the Senate may be admitted to the session hall";*

Whereas, according to newspapers reports, Budget Secretary Andaya who was not even invited in the supposed executive session entered the Senator's Executive Lounge and represented himself as the legal counsel of Secretary Neri;

Whereas, the presence of Secretary Andaya in the said meeting even without a proper invitation from the Senate could render said executive session academic. Moreover, Secretary Andaya cannot be considered the legal counsel of Secretary Neri as he is a fellow cabinet official;

Whereas, while this session may not be considered an executive session, there is still a need to look into the subsequent publication of what transpired during the said session so as to protect the secrecy of communications in an executive session for such constitutes a violation of Section 128 of Rules XLVII;

Whereas, Section 128 of the above-mentioned rule also provides that *"the President as well as the Senators and the officials and employees of the Senate shall absolutely refrain from divulging any of the confidential matters taken up by the Senate, and all proceedings which might have taken place in the Senate in connection with the said matters shall be likewise considered as strictly confidential until the Senate, by two-thirds (2/3) vote of all its members, decides to lift the ban on secrecy;"*

Whereas, violation of this ban on secrecy is punishable by expulsion from the Senate if the violator is a Senator and dismissal from the service if the violator is an *official or an employee of the Senate pursuant to* Section 129 of the above-mentioned rule;

Whereas, there is a need to investigate this matter so as not to shatter the cloak of secrecy of an executive session which is a great tool by Congress in getting information necessary for it to perform it's solemn duty without sacrificing the need to protect communications or testimonies that tend to prejudice the security of the state and the public interest, NOW, THEREFORE,

BE IT RESOLVED, AS IT IS HEREBY RESOLVED, to direct the proper Committee/s of the Senate, to investigate the circumstances leading to the presence of Secretary Andaya in an executive session to hear the testimony of Secretary Neri and the subsequent publication of what supposedly transpired in the said session, with the end in view of strengthening *the rules of the Senate during an executive session* so as to prevent the occurrence of the same in future hearings of the Senate.

Adopted,

PANFILO M. LACSON
Senator