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OF THE REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )

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SENATE  
P.S. Res. — 298

RECEIVED BY: 

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*Introduced by Sen. M.A. Madrigal*

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**RESOLUTION**

**DIRECTING THE COMMITTEE ON NATIONAL DEFENSE AND SECURITY TO INVESTIGATE, IN AID OF LEGISLATION, THE ALLEGED WIRETAPPING ACTIVITIES COMMITTED BY THE KIDNAPPERS OF ZTE-NBN DEAL CONTROVERSIAL WITNESS MR. RODOLFO LOZADA, JR, PARTICULARLY ON MEMBERS OF THE SENATE SERGEANT-AT-ARMS AND POSSIBLY OF THE LEGISLATURE, WITH THE END IN VIEW OF ENACTING REMEDIAL LEGISLATION THEREIN.**

WHEREAS Mr. Rodolfo Lozada, Jr. was mentioned by CHED Secretary Romulo Neri to be one of those who had personal knowledge regarding the controversies surrounding the overpriced and anomalous ZTE-NBN deal. Accordingly, he was ordered, through a subpoena, to appear and testify at the hearing on 30 January 2008 being jointly conducted by the Senate Committee on Accountability of Public Officers, Senate Committee on Trade and Commerce and Senate Committee on National Defense and Security pertaining to said ZTE-NBN deal;

WHEREAS on 30 January 2008, Mr. Rodolfo Lozada, Jr. went to Hongkong upon the orders of DENR Secretary Lito Atienza, and thus, was not able to attend the Senate hearing on 30 January 2008. Consequently, the Senate issued a warrant of arrest against him;

WHEREAS it was reported that Mr. Rodolfo Lozada, Jr. would return to the Philippines on 5 February 2008 at the NAIA Terminal I aboard Cathay Pacific flight no. CX919 from Hongkong to arrive at 4:40 p.m. Accordingly, the members of the Senate Sergeant-at-Arms went to NAIA Terminal I to serve the warrant to Mr. Rodolfo Lozada, Jr. Together with the members of the Senate Sergeant-at-Arms, the relatives and several friends of Mr. Rodolfo Lozada, Jr. waited for his arrival;

WHEREAS at around 5:30 to 6:00 p.m. of the same date, the Senate Sergeant-at-Arms discovered that Mr. Rodolfo Lozada, Jr. had arrived but was whisked away by armed men in the VIP lobby lounge of NAIA Terminal I;

WHEREAS despite reports that Mr. Rodolfo Lozada, Jr. was abducted by policemen in order to silence him regarding the ZTE-NBN deal, the Philippine National Police initially denied having custody of Mr. Rodolfo Lozada, Jr. However, PNP Dir. Gen. Avelino Razon, Jr. subsequently made a statement that they have Mr. Rodolfo Lozada, Jr. in their custody upon request of the latter;

**WHEREAS** on 7 February 2008 at around 3:00 a.m., Mr. Rodolfo Lozada, Jr. appeared in a press conference held at the La Salle Greenhills wherein he said that armed men grabbed him by his arm and had him on a road trip which reached Villamor Airbase, Fort Bonifacio, and even Tagaytay. He narrated that after being forced to sign affidavits to the effect that he never met or discussed the NBN project with any government official or personality except for Sec. Romulo Neri, he was brought to La Salle Greenhills;

**WHEREAS** at 5:00 a.m. of the same day, Mr. Rodolfo Lozada, Jr. voluntarily surrendered to the jurisdiction of the Philippine Senate and manifested that he had decided to testify on the anomalous ZTE-NBN project;

**WHEREAS** the Senate immediately conducted a hearing on ZTE-NBN deal on 8 February 2008 in order to listen to the testimony of Mr. Rodolfo Lozada, Jr.;

**WHEREAS** in the course of his testimony, Mr. Rodolfo Lozada, Jr. recounted the events that took place from the time he was whisked away from NAIA Terminal I until he was brought to La Salle Greenhills;

**WHEREAS** Mr. Rodolfo Lozada, Jr. narrated that, during the time when he was in the vehicle with his kidnappers, he could hear the conversation of the members of the Senate Sergeant-at-Arms over the radios in possession at that time of his kidnappers. He even made a comment that "naawa nga ako sa mga taga-Senado dahil usap sila ng usap eh naririnig naman sila";

**WHEREAS** Mr. Rodolfo Lozada, Jr. also narrated that he sent a text message to his brother through his cellphone that he was kidnapped and, when he tried to send again a text message to his brother, one of his kidnappers told him "huwag ka na mag-text kasi natatanggap naman namin, e." This only means that his kidnappers were able to intercept the text messages being sent by Mr. Rodolfo Lozada, Jr.;

**WHEREAS** considering the equipments and gadgets of his kidnappers and his knowledge in telecommunications being an engineer, Mr. Rodolfo Lozada, Jr. described his kidnappers to be fully-equipped to conduct wiretapping;

**WHEREAS** in the middle of his testimony, Mr. Rodolfo Lozada, Jr. further narrated that his kidnappers turned him over to the police who then brought him to La Salle Greenhills. He stated that this led him to conclude that his kidnappers were not policemen. Considering that the kidnappers were armed, had several vehicles in a convoy, and had the high technology gadgets and equipments, it may be said that his kidnappers were military or members of the intelligence;

**WHEREAS** it is clear that our police, military, or intelligence community are very capable of wiretapping anyone's cellphone and listen to private conversations;

WHEREAS in the narration of Mr. Rodolfo Lozada, Jr., there was an obvious violation of the Anti-Wiretapping Law or RA 4200 which states that:

“Section 1. It shall be unlawful for any person, not being authorized by all the parties to any private communication or spoken word, to tap any wire or cable, or by using any other device or arrangement, to secretly overhear, intercept, or record such communication or spoken word by using a device commonly known as a dictaphone or dictagraph or detectaphone or walkie-talkie or tape recorder, or however otherwise described.”

Sec. 2. Any person who willfully or knowingly does or who shall aid, permit, or cause to be done any of the acts declared to be unlawful in the preceding Section or who violates the provisions of the following Section or of any order issued thereunder, or aids, permits, or causes such violation shall, upon conviction thereof, be punished by imprisonment for not less than six months or more than six years and with the accessory penalty of perpetual absolute disqualification from public office if the offender be a public official at the time of the commission of the offense, and, if the offender is an alien he shall be subject to deportation proceedings.”

WHEREAS the narration of Mr. Rodolfo Lozada, Jr., together with the “Hello Garci” wiretapping issue, proves that ongoing wiretapping activities are being undertaken by the police, military or intelligence community in clear violation of the people’s right to privacy of communication and imminent threat to national security, particularly members of the legislative department and their staff;

WHEREAS it is proper that the Committee on National Defense and Security, which has been investigating the alleged wiretapping activities in connection with the 2004 election, conduct an investigation into this equally serious allegations of wiretapping supposedly perpetrated upon members of the Senate Sergeant-at-Arms and possibly of the legislature;

WHEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED TO DIRECT THE COMMITTEE ON NATIONAL DEFENSE AND SECURITY TO INVESTIGATE, IN AID OF LEGISLATION, THE ALLEGED WIRETAPPING ACTIVITIES COMMITTED BY THE KIDNAPPERS OF ZTE-NBN DEAL CONTROVERSIAL WITNESS MR. RODOLFO LOZADA, JR, PARTICULARLY ON MEMBERS OF THE SENATE SERGEANT-AT-ARMS AND POSSIBLY OF THE LEGISLATURE, WITH THE END IN VIEW OF ENACTING REMEDIAL LEGISLATION THEREIN.

Adopted,

  
M. A. MADRIGAL