



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 53
Tuesday, January 24, 2017

SEVENTEENTH CONGRESS
FIRST REGULAR SESSION

SESSION NO. 53
Tuesday, January 24, 2017

CALL TO ORDER

At 3:08 p.m., the Senate President, Hon. Aquilino “Koko” Pimentel III, called the session to order.

PRAYER

Sen. Franklin M. Drilon led the prayer, to wit:

Heavenly Father, we thank You for giving us the strength and energy in facing our sworn tasks.

We invoke Your presence and guidance and instill in us the spirit of Your love – love for You, love for our fellowmen and love for our country.

Give us the grace to follow Your lead and let us not be misled in any way. Help us to work in harmony to be successful in our obligations as leaders of this nation.

Share with us Your wisdom and vision that we may be guided in all our deliberations and decisions.

Share with us Your courage that we

may overcome all the temptations and challenges that may come our way.

Share with us Your humility and compassion that we may always be mindful of the needs of all.

Our gracious God, continue to remind us that everything we accomplish today is for the service of humanity, for the greater glory of You, and for the promotion of the common good of all Your people.

All these we ask in the Holy Name of Your Son, Jesus Christ.

Amen.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 3:10 p.m.

RESUMPTION OF SESSION

At 3:18 p.m., the session was resumed.



ROLL CALL

Upon direction of the Senate President, the Secretary of the Senate, Atty. Lutgardo B. Barbo, called the roll, to which the following senators responded:

Aquino, P. B. IV. B.	Lacson, P. M.
Binay, M. L. N. S.	Legarda, L.
De Lima, L. M.	Pangilinan, F. N.
Drilon, F. M.	Pimentel III, A. K.
Ejercito, J. V. G.	Poe, G.
Escudero, F. J. G.	Recto, R. G.
Gatchalian, W.	Sotto III, V. C.
Gordon, R. J.	Villanueva, J.
Honasan, G. B.	Villar, C.
Hontiveros, R.	

With 19 senators present, the Chair declared the presence of a quorum.

Senators Angara, Pacquiao, Trillanes and Zubiri arrived after the roll call.

Senator Cayetano was on official business as indicated in the January 24, 2017 letter of the Senator's chief of staff.

APPROVAL OF THE JOURNAL

Upon motion of Senator Sotto, there being no objection, the Body dispensed with the reading of the Journal of Session No. 52 (January 23, 2017) and considered it approved.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

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

- Students from the Polytechnic University of the Philippines, Sta. Mesa, Manila, College of Education, Bachelor of Secondary Education, Major in English, headed by class vice president Fiona Erica Soro;
- Students from PUP College of Communication, Advertising Department, headed by class president Kim Sapaga; and
- Local government officials from Sual, Pangasinan;
- Ferdie Sia, vice president of the AMA Educational System for Marketing; and

- Teresita Herbosa and Blas James Viterbo, chairperson and commissioner of the Securities and Exchange Commission (SEC), respectively.

Senate President Pimentel welcomed the guests to the Senate.

REFERENCE OF BUSINESS

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

RESOLUTION

Proposed Senate Resolution No. 277, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE PROGRESS OF THE PLANS AND PROGRAMS OF THE DEPARTMENT OF TRANSPORTATION (DOTR) TO RATIONALIZE FLIGHTS AT THE NINOY AQUINO INTERNATIONAL AIRPORT (NAIA) IN ORDER TO DECONGEST AIR TRAFFIC AT THE RUNWAYS AND SPEED UP THE DEVELOPMENT OF OTHER AIRPORTS AS ALTERNATIVES TO NAIA

Introduced by Senator Grace Poe

To the Committee on Public Services

COMMUNICATIONS

Letters from the *Bangko Sentral ng Pilipinas*, transmitting to the Senate copies of Circular Letter Nos. CL-2017-001, 002 and 003, dated 9 January 2017, duly certified and authenticated in compliance with Section 15(a) of Republic Act No. 7653 (The New Central Bank Act).

To the Committee on Banks, Financial Institutions and Currencies

PROPOSED SENATE RESOLUTION NO. 252

Upon motion of Senator Sotto, there being no objection, the Body considered Proposed Senate Resolution No. 252, entitled

RESOLUTION HONORING AND COMMENDING THE OUTSTANDING YOUNG MEN (TOYM) 2016 AWARDEES,

taking into consideration Proposed Senate Resolution No. 263.

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

The Chair recognized Senator Ejercito to sponsor the measure.

**SPONSORSHIP SPEECH
OF SENATOR EJERCITO**

Senator Ejercito presented to the Body for its adoption Proposed Senate Resolution No. 252, taking into consideration Proposed Senate Resolution No. 263 - Honoring and Commending The Outstanding Young Men (TOYM) 2016 Awardees.

The full text of Senator Ejercito's sponsorship speech follows:

For 57 years now, the Junior Chamber International-Philippines and TOYM Foundation yearly recognize at least ten outstanding individuals.

Today, we are honored to meet, recognize, and congratulate the 2016 TOYM awardees — 11 notable individuals selected among millions of Filipinos nationwide — known not only for their accomplishments and excellent leadership, but also for the heartfelt change they have effected in their respective fields and in the people's lives.

I am fortunate to receive the same citation in 2007 for Public Service and Governance while I was still mayor of San Juan. Receiving it was an affirmation that I have truly done something good as a public servant.

Eventually, my TOYM award and accomplishments in San Juan also provided a distinction for our city which, after a year, was converted into a highly urbanized city from the status of third-class municipality. As a result, for nine years now, San Juan City is recognized nationwide as a haven for businessmen and foreign investors, go-to place for shoppers in our Greenhills *tiangge* markets, and for tourists who join our *Wattah Wattah* Festival.

Being a TOYM awardee inspired me to become a better public servant. I believe this resonates to most of our colleagues here who are TOYM awardees as well. We know that as a TOYM awardee, being a leader who strictly follows the rules is not good enough.

A TOYM awardee should be a cut above the rest and one who thinks out of the box. He should have done something distinct, heartfelt, and extraordinary in his profession. He should have run the extra mile and responded beyond the call of duty. It is about being an outstanding individual.

Hence, being a recipient of the TOYM award, just like most of our colleagues here, does not require plenty of monuments or having established many buildings and infrastructure. Some of whom are: Sen. Francis Joseph G. Escudero, Sen. Sonny M. Angara, Sen. Win Gatchalian, Sen. Risa Hontiveros, Sen. Paolo Benigno B. Aquino III, Sen. Franklin M. Drilon, Sen. Loren Legarda and Sen. Alan Peter S. Cayetano. These are the TOYM awardees who are in the halls of the Senate.

Again, I believe that much of being a TOYM awardee is the fact that you were able to bring significant change to your respective fields and were able to uplift the living conditions of our people.

Again, I have the honor to present the TOYM awardees this afternoon.

**ADOPTION OF PROPOSED
SENATE RESOLUTION NO. 252**

Upon motion of Senator Sotto, there being no objection, the Body adopted Proposed Senate Resolution No. 252, taking into consideration Proposed Senate Resolution No. 263.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended for the presentation of the resolution of commendation to the awardees.

It was 3:27 p.m.

RESUMPTION OF SESSION

At 3:36 p.m., the session was resumed.

MANIFESTATION OF SENATOR SOTTO

Senator Sotto manifested that the Senate resolutions earlier approved, Proposed Senate Resolution



No. 252 was authored by Senator Binay while Proposed Senate Resolution No. 263 was authored by Senator Ejercito.

PRIVILEGE SPEECH OF SENATOR DE LIMA

Availing herself of the privilege hour, Senator De Lima spoke on the proliferation of fake news online and called for an inquiry on how to strengthen the fight against it.

Following is the full text of Senator De Lima privilege speech:

ZOMBIE APOCALYPSE:

*The Rise of Fake News and the Death Knell
for Philippine Democracy*

I rise on a matter of personal privilege and public interest.

As a freshman senator and as the favorite whipping girl of the current Administration, I must say that I have learned a lot about myself in the last seven months. *Talagang nakagugulat mapagtanto kung gaano karaming bagay pala ang hindi ko pa pala nalalaman tungkol sa sarili ko.*

Mabuti na lamang at nandiyan ang Internet, lalo na ang social media, para ipaalam at ikuwento sa akin ang mga importanteng bagay at kaganapan sa buhay ko.

*Halimbawa na lamang, nalaman kong nag-resign na pala ako bilang senador. Imagine that. I never even knew that I had tendered my resignation until someone showed me an article published online. Thank you, *cnn-alive.com*. No, not CNN as in "Cable News Network," but *cnn-alive* as in "Carl Nixon Newton All Alive," whoever that may be.*

Maybe my resignation had something to do with the other "news" about my election as the new U.N. Secretary General to replace outgoing Secretary General Ban Ki-Moon. That is really news to me, but maybe it really should have not come as a surprise because, as I also discovered online, I apparently have such a high profile on a global scale that world leaders like Queen Elizabeth II and then US President Barack Obama all felt compelled to comment on the status of my career and mental health. So much so that, back on September 19, 2016, Queen Elizabeth II personally expressed her "joy" and congratulations to you, my colleagues in the Senate, for successfully ousting me because, after all, as

reported by the so-called news article, I "wanted to bring confusion in Duterte's government" and, therefore, I obviously "should be dealt with."

Former President Obama, for his part, is quoted by an article published on the site *dutertemedia.com* as saying that I must be "abnormal" for not appreciating the extrajudicial killings being committed in the name of the so-called "War on Drugs" as "the good thing leaders are doing to this world." To that, I could only respond, in the parlance of our times, "*Eh di wow.*"

Aside from those "news" stories about my career, I also learned some shocking news about my personal life. I apparently attempted to commit suicide. Thanks to a webpage that came complete with advertisements for an online shopping site and invitations to like and/or join "Pres. Rody Duterte Worldwide," "Duterte-Marcos Tandem" and "Pres. Rody Duterte 'The Real Change' Group" pages on Facebook; and another article published by *dutertemedia.com*, I found out some interesting information about my suicide attempt. It is starting to look like President Duterte's supporters care more about my welfare than they let on, given how much information they know about me than I myself had no clue about! How so very touching.

Another that should have not surprised me was a headline that reads "DOJ Sec. Aguirre *sinapak si* De Lima, De Lima *natulala.*" After all, it is well known that Secretary Aguirre has disrespected another Lady Senator at least once before in his legal career and given the reaction that he has whenever I make pun of his you know what.

These are all fake news articles, of course.

I sincerely hope it was not that hard to figure out because these ones are so downright absurd that, a few months ago, I would have simply laughed them off or waved them aside, believing that no self-respecting person would fall for them, let alone be associated with the embarrassing act of spreading them around. After all, I am far from being the only person, or even senator, to be targeted by fake news.

For instance, back in the day, about six years ago, I do not know if he knows this, but there was a so-called "Ping Lacson Tracker" that was put up on the website of MosquitoPress's tumblr page. It asked and purported to provide the answer to the simple but nagging question that once preoccupied the entire Filipino nation's mind, including yours truly's, that is, "Where

has Sen. Ping Lacson been hiding?" The site invited visitors to "Click through to use MosquitoPress's Ping Lacson Finder!," which consists of an interactive Google map view of the Philippines, with various locations marked up, along with the instructions to "Click on the blue pins to see details of the Ping Lacson sighting." Eleven locations are pinned, with accompanying details that explain what Senator Lacson was supposedly doing in each. For instance, in Siargao Islands, he was "surfing"; in Albay, he was "playing with Mt. Mayon's..." ahem, peak; somewhere off the coast of Donsol, he was "making friends with a butanding"; to the South, he was supposedly "riding Asia's longest zip line" in Bukidnon and, I kid you not, supposedly "working for the Davao Death Squad." My personal favorite, however, is perhaps his supposed skill for multitasking while in Metro Manila, where he was "partying" while, at the same time, "Hiding under Leila de Lima's nose."

At least that page was obviously meant to be a joke, and I am pretty sure no one tried to ask Senator Lacson to confirm or deny any of these alleged activities. The same, however, cannot be said about the satirical piece that once plagued Sen. Jinggoy Ejercito back in November of 2013, when his camp was forced to acknowledge and deny the fake "news" that he was arrested in the US after he was caught trying to smuggle millions of pesos that were surgically implanted in his breasts, after the article was picked up by mainstream media.

But things are getting much, much worse.

Kung anu-anong iniimbento nila laban sa akin, sa pamilya ko, sa anak ko, sa kapatid ko, kahit sa pamangkin ko.

Just to cite a few examples: "NBI confirms Leila de Lima is the Queen of all drug lords in Philippines and pork barrel," "Leila de Lima does pole dancing in front of Jaybee Sebastian in Bilibid," "Leila De Lima thrown out of conference hall in Berlin, Germany," "De Lima's sister Caroline De Lima arrested in China for drug trafficking," "De Lima's son arrested at airport with 50 kgs of drugs," "Bagman at pamangkin ni Sen. De Lima dawit sa kalakaran ng droga."

I am fortunate to have the strength to stand up and defend myself, but my relatives and family members who have done nothing to deserve being at the receiving end of these lies should not have to be obliged to even acknowledge these lies. More importantly, I will not stand here and wait for them to invent hurtful and damaging

rumors about my special child, Israel, or my ailing mother. I am here to say, enough is enough.

And it is not just me or my family. The rush of fake news is complemented and sustained by spurious accounts, or the so-called "trolls," who vigorously disseminate and promote fake news in social media, as if these are gospel truth.

Sila ang tagapagtanggol ng kasinungalingan at mga nang-aapi. Wala po silang pinapalampas: sa kababaihan nga, mas malala at mas matindi pa ang pambabastos at pagpapahiya nila sa social media.

Sinuman ang makipagdiskurso nang maayos, babantaan nila: "Mamatay ka na sana pati magulang mo," "ma-rape ka sana at yung anak mo." Di pa nakuntento, may nagkakat pang "isa kang prostitute o babaeng nagpa-abort."

Have we lost our sense of decency and respect?

Fake news is also damaging political careers and serious advocacies that seek to protect the national interest by undermining the integrity of advocates like myself and Senator Trillanes, who one website accused of having received a P500 million check from me, which he allegedly used to pay for political ads against the President during the election period. The website claims this to be "viral news," but is actually just a personal blog that lures people to click and visit it so that its owner can make money from the lies it publishes.

Even the Ombudsman has been the victim of fake news. *Ayon sa isang headline, "Sabwatang De Lima at Ombudsman Conchita Carpio Nabunyag Na!!"* May dalawang exclamation points pa! *At nag-aanyaya pang "Alamin" ang istoryang naka-tag na "local news," "news" at "video" kuno, pero wala namang video na mapapanood!* That site even has the guts to hold itself out to the cyberspace public as a "social news" site publishing "breaking news," but, curiously does not even state a date or time stamp for its article, or even the name of the author or contributor and, worse, contains a moronic disclaimer that it "cannot guarantee the legitimacy of some of the information" it publishes on its own site.

I bring these up in order to demonstrate a clear pattern of escalation here. Fake news went from being so absurd that it cannot be taken seriously, to something that is getting more and more indistinguishable from the real thing – so much so that netizens, public officials, and even

seasoned journalists are falling for them. Even the conscious act of compiling fake news articles is becoming tricky because these fake news sites are not named satirically like "*The Adobo Chronicles*," but are mimicking legitimate news outfits like BBC and CNN.

But what is most disturbing, and the reason why I am standing here today bringing it front and center of the attention of the Senate and of the nation, is the evident fact that this escalation is not happening by chance. Fake news articles these days are, in fact, deliberately being manufactured, delivered and spread around in ways that disguise their fakeness, with the clear intent to fool people.

We only need to ask "*cui prodest*"? Whom does it profit? *Sino ang nakikinabang sa mga kasinungalingang ito*? For he who derives advantage from these fake news is the one most likely to be actively working towards its proliferation.

If we even stop for a moment and think about it, it does not take a genius to know that these are all connected:

- The so-called "war on drugs," which is really nothing but a continuing shameless, dishonorable, cowardly and lazy act of serial killing and butchering of the vulnerable, the poor, our economically and socially challenged brothers and sisters by the very people who are responsible for their well-being;
- The apparent downplaying, if not attempted whitewashing, of the apparent involvement of certain personalities in questionable, if not downright criminal activities, such as the alleged unsuccessful bribery attempts made by Jack Lam, or the fading into obscurity of the inclusion of Peter Lim in the President's drug list;
- The Duterte administration's curious and suspicious cowering and kowtowing to Chinese authorities, even conveniently forgetting that, back in April 2016, when he was still a candidate courting the people's votes, he claimed that if China refuses to honor the arbitration ruling regarding the West Philippine Sea, he will ask the Philippine Navy to bring him to the boundary of the Spratlys so he can "ride a jet ski while bringing the Philippine flag" so that he can plant the Philippine flag on the reclaimed land in the Spratlys; and even denying inconvenient truths, such as the real source of the illegal drugs flowing into our country

and, thus, the real identity of those who are reaping the economic benefits of the illegal drug trade;

- Even the reality that the blind faith and license to kill that Duterte has given his police officers is not really solving our criminality problems or even really strengthening our law enforcement agencies, but is, in fact, creating a moral vacuum that enables corrupt and evil elements in the police force to prey on people, such as the rise of *tokhang*-for-ransom incidents and, thus, further weaken the people's trust and confidence in the police;
- The murmurs and whispers about martial law that are growing louder and louder every day and becoming more and more of an overt threat on our rights, freedoms, security and democratic way of life.

These are all connected to the proliferation of fake news.

Fake news, the outrageous, the half-truths, the outright lies, the misleading headlines, and even the crass jokes and the profanity that accompany the President's every appearance on our television screens – these are all nothing but the sticks that make up the broom that this Administration and its supporters use to sweep under the rug their crimes, their incompetencies, their laziness, their lack of dedication to the public's interests, their broken campaign promises that are, apparently, nothing more than empty boasts, and their betrayal of our independence in favor of their newly-minted foreign BFFs.

And I am standing here today to say that I am not fooled, *at hindi ako papayag na patuloy maloko ang mga tao*.

That is what makes it a matter needing legislative attention from the Senate: because fake news has become, and has been for a while a weapon that is being wielded against the Filipino people and their exercise of their rights, freedoms and the enjoyment of their democratic way of life. *Hindi po ako nagiging eksaherado*. I am not being exaggerated here. This is serious business.

Democracy is the power of choice and that power belongs to the Filipino people.

The true value of that power of choice is its ability to address and solve the real conditions, problems and challenges that are facing our people. *Anong uri, kalidad at klase ng mga desisyon sa buhay at pagpapalakad sa Estado ang magagawa natin kung puro kasinunga-*

lingan ang ipinapalunok sa atin? In other words, the power of choice must be based on accurate information, and it is useless if it is based on false information. Need I remind my colleagues in the Senate that our role as lawmakers and, indeed, as one of the safeguards against grave abuses that may be committed by the other branches of government, including an arbitrary, whimsical or capricious declaration of martial law, heavily relies on the accuracy of the information we know to be true or factually established?

Now, we are faced with the situation where there are elements in our society who are deliberately poisoning the well of information that is readily available to the Filipino people and to us, their public servants.

Certainly, fake news is old news. We have known it all our lives, albeit by different names: some may call it a joke, some may call it speculation or rumors but if it is used to subvert the Rule of Law, the mandate of the Constitution, the true welfare of the people, and is being used to perpetuate a false idea of the status quo, then it is something more sinister and one that has been in existence since the dawn of society; it is nothing more, and nothing less than propaganda. *Puro pagpapaganda sa sarili, at puro paninira sa kapwa.*

As the saying goes, it is all fun and games until somebody loses an eye. With this fake news epidemic we are experiencing, we are in a very real danger of not just losing eye, limb or even life, but of gouging out our own fundamental rights and freedoms, the safeguards from abuse and authoritarian rule and all the other benefits of democracy that we once secured for ourselves through our Constitution but now seem to take for granted.

'Ika nga, ang katotohanan at demokrasya ay parang pag-ibig. We do not know what a great thing we have until you lose it. Our rights and freedoms are like the devoted girlfriend, boyfriend, best friend, parent or family member you always took for granted: we know how good they are for us, and how our world will crumble without them, but we neglected them because we never thought they would ever leave us.

But leave us, they will.

Every lie, every piece of fake news, every form of propaganda that is manufactured and shared by people is like a disease or a poison that will kill everything that is good and just about our beautiful nation. It does not matter that not everyone is fooled. It only matters that

there are people being fooled. *Ano ang silbi ng tahasan at paulit-ulit na pagtanggap kung napakadaling magtahi ng kuwentong bubulag sa tao!*

Kung noon ang paniniwala natin ay may dalawang klase ng tao sa mundo, iyong nangloloko at iyong nagpapaloko, sa kasamaang palad, hindi na ganoon kasimple ang problema. Hindi lamang kamangmangan o katamaran ang problema. The ugly and shameful truth is that the bigger, more insidious and more destructive problem we are facing is truly an unholy trinity made up of: (1) the power-hungry who have no scruples about lying to people's faces in order to destroy and silence their critics; (2) the money-hungry people who are willing to sell their services in order to help them achieve that goal by manufacturing, delivering and perpetuating those lies in exchange for profits or influential posts in government; and (3) an unchecked medium that not only makes it easy to spread these lies to the most number of people in the shortest possible time, but is also driven by the mentality that being "first!", "viral" or "famous," and having the most "likes," "shares," "follows," "re-tweets" and so forth are more important than being "right," "credible" or "truthful." That is the unholy trinity.

Make no mistake, the worst form of cancer afflicting our society are the people who fall under the first category. But what enables them to do what they want is the fact that it is profitable to assist them, as reports by the *Washington Post* and *The Straits Times* have indicated, through paid services and advertisement money. People get paid to troll and to spread discord. People's integrity now has a going market price.

Blood money is what that is.

Some people might not think that there is anything wrong about making money by making up stories, but they cannot be more wrong.

People's morals are degraded by fake news, some of which thrive on plain salaciousness or *kabastusan at kalaswaan*. Nothing is off limits. The personal life, good name and reputation of women, and even men, are fair game. It is open season for anyone who dares criticize this government, and it is severely skewing the moral compass of our people, not to mention our youth.

People die from false information. How many news stories have we heard of people killing people because of *tsismis*? How many of those killed because of the "war on drugs" were victims of unverified accusations? And, yet, there is an even bigger public safety and security aspect to it, not just because hate crimes are committed

mpet

because of propaganda that thrive in sowing divisiveness in an otherwise civilized society, but also because how can we protect ourselves adequately against real threats, while living full and normal lives, when we have lost the ability to tell what is real from what is fake?

Nations are weakened by false information.

External forces gain footing in domestic affairs through false information.

I would like to think that, though we are not a rich nation, we are, at least, a proud nation. Proud of our independence. Proud of our freedoms. Proud of our ability to determine our own fate through the exercise of our basic and constitutionally-guaranteed rights. *Tayong mga Pilipino ay mga tunay at lubos na mga tao, hindi parang mga palakang may tiyan, walang sikmura.*

We must break up this unholy alliance. Or, at the very least, make them feel that crime does not pay and, yes, lest people forget rumor-mongering was declared a crime under our laws, particularly Presidential Decree No. 90.

Some of us may be well-versed about the nuances and differences between “fake news,” “satire,” “fiction” or “yet unverified information,” but not everyone is. And, worse, there are elements who cowardly hide behind the alibi of “satire” and deceptively worded and/or located disclaimers, while actively dressing themselves up in the clothing of real “news,” hoping that there are enough people that they can fool. Such exploitation must be stopped.

After all, if we have laws that protect against intellectual property right infringement, and consumer protection laws that protect against false advertisement, fraudulent products and product-labeling, and protecting the people against products not fit for human consumption, there is all the more reason for Congress to protect the people from misleading or outrightly false information that contaminate the very life source of our nation: Truth, from which everything else, including justice, flows.

Therefore, I call on our people not to believe everything they hear or read; but, instead, to be critical and to be inquisitive. *Magtanong. Magmatyag. Magsaliksik. Mag-isip.*

Ika nga, chew before you swallow and, as one children’s safety public service announcement goes, “Don’t Put It in Your Mouth” until you have checked what it is, and know where it is from. *Hindi ka si Snow White. Sabi nga ng Eraserheads, “May mga kumakalat na balita/*

Na ang kaligtasa’y madaling makuha/Bago maniwala/Mag-isip-isip ka muna/Marami ang namamatay/Sa Maling Akala.”

Remember, fake news is like a drug: it makes you feel good by making you see or hear things that you badly want to believe are real; but, in reality, it is a form of poison that will destroy from within, the virus that will bring about a zombie apocalypse in a form we least expected.

To my colleagues in the Senate, I implore to all of you, whether you feel personally interested in combating fake news or not, to support, as I wholeheartedly do, Senate Resolution Nos. 259 and 271 of Senators Sonny Trillanes and Kiko Pangilinan, respectively, calling for the conduct of an inquiry on the spate of fake news in social media in order to find legislative measures to stem their proliferation, such as imposing stronger requirements for websites to take effective responsibility for what they publish, such as by limiting the legal effect of disclaimers, especially those that are inadequately phrased or positioned to give their readers sufficient notice of the nature of what they are publishing, and the imposition of severe penalties that will make it financially burdensome to spread false news, as such, for profit. These are but some legislative measures we can look into in order to address the problem of proliferation of destructive fake news on the purveyors’ end.

But I am also calling for an inquiry on how we can strengthen the fight against fake news and propaganda on the other end: the recipient’s or the receiver’s end. I believe that a strong foundation in critical thinking, established as part of free basic education, will help our nation achieve its goal of establishing a strong and productive citizenry, who will not fall for the tricks of conmen and cult leaders so easily. There comes a point where we can only do so much to protect our people from fraudsters; beyond that it falls upon them to protect themselves. But our duty is to adequately equip them to make the distinction and to think for themselves. That is the least that we owe to ourselves, our children, and to the future of our nation.

As Ralph Waldo Emerson once said, “Every violation of truth is not only a sort of suicide in the liar, but is a stab at the health of human society.”

Our present leaders have already given lawless elements the guns, the license, the impunity and the opportunity to butcher us. Let us not make it easy for them to kill us by willingly and submissively swallowing the poison they feed us.

INTERPELLATION OF SENATOR HONTIVEROS

Preliminarily, Senator Hontiveros noted the urgency of addressing the phenomenon of fake news in social media, as she disclosed that she too had been a victim of fake news, for instance: that she sponsored a bill on color coding the MRT and LRT passengers based on their surnames through the stored value card; that she sponsored a bill that if one has full-sleeved tattoos, he/she has to wear a jacket or long sleeves, and if one has a face tattoo, he/she has to wear a concealer or make-up, especially in churches and schools, according to *Everlasting News 8 Bureau*; and that her aide supposedly disclosed that she planned to go on a hunger strike to convince the Supreme Court then to reverse its decision on the burial of former President Marcos in the Libingan ng mga Bayani; and that she wanted to pay salaries to rallyists to remove Marcos' name from history, both according to *OKD2.com*.

Senator Hontiveros stated that fake news have been part of the death of civility in social media. To partly counter it, she said that she filed a Tres Marias bills, one of which is relevant to the subject of Senator De Lima's privilege speech, which is the Gender-Based Electronic Violence bill which seeks penalties for gender-based electronic violence against women and lesbian, gay, bisexual and transgenders (LGBTs). However, she stressed the need to consider the facts thoroughly as she believed that the most appropriate response to the problem of fake news, in addition to imposing penalties, is the active promotion of the truth. She said that penalties without weighing their repercussions to democratic rights might lead to censorship which would be dangerous.

Senator Hontiveros then asked who would be the truth referee, who would determine what news are fake or not, and whether it would be better to provide additional platforms or spaces for the people to have open dialogue with each other and point out indisputable facts.

Senator De Lima stated that the points raised by Senator Hontiveros were issues that could very well be debated on in the course of inquiries to be conducted in response to the resolutions filed by Senators Trillanes and Pangilinan. She said that she also shares the concern of Senator Hontiveros that the bill could be viewed as a form of censorship. But she underscored that censorship was never the intent

of the proposed measures, that the case against fake news is not an issue of censorship against free speech but an exercise of police power to protect legitimate journalism, which is one of the pillars of democracy. She stated that the difference between fake news, parodies and satires is that fake news presents itself as real news; thus, the use of fake news is not an exercise of free speech but a malicious act designed to muddle the discourse on matter of public interest. She pointed out that the objective of journalism is to make the citizens well-informed and engaged, while fake journalism seeks to create the opposite by sowing misinformation and unfounded hatred against legitimate public institutions.

Senator De Lima said she would leave it to the wisdom of the Body to determine how exactly to correct the scourge of fake news. She cited the proposed measure of Senator Pangilinan which imposes stiff penalties or exacting responsibility on the fake news sites and those who created the same.

In addition, Senator De Lima stated that she was contemplating on the appropriate amendments to the Anti-Rumor Mongering Law. She noted that in the explanatory note of Senator Pangilinan, a proposal from the German Parliament was cited, in particular the Bundestag Floor Leader of the country's ruling democrats announcing the party's intention to present legislation that would empower the government to fine Facebook a substantial amount for every problematic post that does not vanish within 24 hours. She said that she was pondering on the possibility of going to such lengths in imposing stiff penalties.

Senator Hontiveros inquired which agency would be responsible in implementing the law. She expressed concern that penalties which could lead to censorship could be used by an undemocratic regime to persecute legitimate new organizations. She then asked what would stop powers-that-be from saying that a certain news story by the *Philippine Daily Inquirer* or by *Rappler* is fake and must be taken down. She recalled the time of President Marcos when many mainstream news organizations were either co-opted or muzzled by the government, while the alternative press, called the "mosquito press," served as was the beacon of truth. She expressed apprehension that the proposed measure could bring about potential censorship in response to fake news and that the rights and freedom to free expression and media rights would be trampled upon.

Senator De Lima clarified that the proposed measures do not intend to target any alternative form of journalism nor stifle free expressions but to go after the purveyors of false, illegitimate and misleading information. She stated that she has read several complaints about critics of the present government having certain social media sites being taken down or suspended simply because they are criticizing President Duterte.

Senator Hontiveros stated that underlying her concern is that she does not want the Senate to be accused of passing some kind of class legislation. She said that the Body should caution itself against putting weapons against falsehood into the hands of those who would instead turn these weapons against those who are trying to bring out real news to the people.

Moreover, Senator Hontiveros expressed concern that asking social media sites like Facebook to use computer-coded algorithms to determine which news are fake or not would be in itself undemocratic. She stated that many netizens proclaim that the beauty of the internet is that it is free, that it is one of the public's precious democratic spaces, and anyone could easily access it and not one could control it, that was why like her, victims of fake news have mourned the death of civility in social media.

She likewise expressed the belief that among the reasons behind the proliferation of fake news is the lack of free and/or affordable social media platforms and channels for the public to access news. She noted that majority of the people who are active in social media get their news on Facebook which is provided for free by different service providers, but everytime when they try to go to a particular link, he or she is asked for a certain fee which does not come cheap in the Philippines, that is why most of the time, they rely on mere titles of the news without the option of verifying its accuracy. She said that this is one of the vulnerabilities that is being exploited by trolls, leading many to fake news sites.

She believed that it is time for Congress to push for a more affordable, if not free, access to fast and reliable internet service. She stated that the people deserve to be given the widest array of sources to access real news and information. She believed that if the public can have free and affordable access to information and news from different sources, the truth would eventually come out and triumph and that

people would not be at the mercy of online trolls and fake news peddlers.

In response, Senator De Lima expressed appreciation and thanked Senator Hontiveros for her insights and proposal to give free and affordable access to news sites. She believed that one of the reasons why so many people are gullible and would easily believe in fake news is that real sites can be expensive. While it used to be easy to detect fakery because of certain elements in the news, she said that fake sites have improved. She recalled that when a news report came out that her sister was arrested in China, when, in fact, she was in a hospital watching over her sick mother, friends called her to confirm.

She stated that the proposals of Senator Hontiveros were valid and were articulated very well. If studied carefully, she said that the so-called disclaimers would include the deception of the purveyor of fake news. She stressed the need for Congress to introduce certain features in the bill that would address fake news.

MANIFESTATION OF SENATOR SOTTO

Senator Sotto placed on record that he understood the points raised by Senator De Lima because he too used to be the favorite whipping boy of cyberbullies four years ago.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Sotto, there being no objection, the Chair referred the privilege speech of Senator De Lima and the interpellation thereon to the Committee on Public Information and Mass Media.

SPECIAL ORDER

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 28 on Senate Bill No. 1304 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 28 ON SENATE BILL NO. 1304

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading,

Senate Bill No. 1304 (Committee Report No. 28), entitled

AN ACT PROVIDING FOR A FULL TUITION FEE SUBSIDY FOR STUDENTS ENROLLED IN STATE UNIVERSITIES AND COLLEGES (SUCs), AND APPROPRIATING FUNDS THEREFOR.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, with the permission of the Body, upon motion of Senator Sotto, only the title of the bill was read without prejudice to the insertion of its full text into the Record of the Senate.

The Chair recognized Senator Aquino for the sponsorship.

**SPONSORSHIP SPEECH
OF SENATOR AQUINO**

Senator Aquino presented to the Body Senate Bill No. 1304, otherwise known as "An Act Providing For A Full Tuition Fee Subsidy For Students Enrolled In State Universities And Colleges (SUCs), And Appropriating Funds Therefor."

The full text of Senator Aquino's sponsorship speech follows:

Today, I am privileged to address you to sponsor a measure that can help make the dream and promise of a college degree a reality for a number of Filipinos and their families.

This measure has received tremendous support from our colleagues, from the public and especially our youth, the students.

I stand before the Body to sponsor Senate Bill No. 1304, entitled "An Act Providing for a Full Tuition Fee Subsidy for Students Enrolled in State Universities and Colleges (SUCs) and Appropriating Funds Therefor", otherwise known as the "Free Higher Education For All Act," which seeks to subsidize tuition fees in all our SUCs.

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

Simply put, *kapag naisabat na po ang panukalang ito, magiging libre na ang tuition fee sa ating SUCs.*

Ang batas po na ito ay para sa mga kabataang Pilipino na nagsusumikap upang

makapagtapos ng kolehiyo, at para na rin sa kanilang mga magulang na nagtatrabaho upang mabayaran ang gastos sa pag-aaral.

Let us imagine the lives of four students ready and eager to earn a college degree in a state university and college. Let us imagine the lives of Liza, Kathy, Norman, and Trisha. All four of them have graduated from Grade 12 and now have the opportunity to study in an SUC.

Perhaps Liza dreams of graduating and earning a degree so she can work as a manager in a 5-star hotel in Singapore. Kathy is hopeful that becoming an engineer will provide her with higher pay so she can contribute for her family's monthly expenses. Norman is determined to graduate so he can find a challenging and profitable job in media to help put his sister through elementary school, and Trisha is studying hard so she can become a public school teacher and help shape the next generation of Filipinos.

The key to all four of these dreams is to graduate from a college or university. But sadly, most likely only one out of the four will earn a degree. And the number one reason for students dropping out of a higher education institution? That number one reason is *financial issues or poverty.*

Ipagpalagay na po natin na kay Liza, Kathy, Norman, at Trisha, si Kathy po ang nakapag-graduate. Masaya po tayo para sa kanya at sa kanyang pamilya. Congratulations, Kathy! At tuluy-tuloy ang pagtatrabaho natin para makakuha ng magandang trabaho si Kathy!

Ngunit paano naman ang pangarap ni Liza na makapagtrabaho sa isang 5-star hotel sa ibang bansa? Paano po si Norman na gustong magtrabaho sa media at tulungan ang kanyang kapatid sa elementarya? Paano po matutulungan si Trisha na gustong maging guro at gusto pong magsilbi sa bayan?

What happens to the other three? What happens to the rest of the youth who cannot finish because of lack of finances?

We now have an opportunity to unlock the door to a brighter future for more Filipinos. Let us make higher education more accessible to our struggling students!

Currently, there are 1,645,566 students in our state universities and colleges and the Annual Weighted Average Tuition in SUCs is P9,407 per year. That gives us a cost of about P16 billion every year to make tuition fees free across our SUCs.

This measure covers only tuition fees, which refers to the cost of instruction and training of our students. This is about 30 percent of the cost of expenses of our students.

I believe it is high time we invested boldly on education, especially now that we have the means and resources to make this happen!

It is a fair price to pay to embolden and empower more Filipinos like Liza, Kathy, Norman and Trisha to achieve their dreams—for themselves, for their families, and for their country. We need to take a look at our proposed measure as one, albeit important reform that we wish to pass to address the perennial issue of access to quality education.

Our proposed measure can be coupled with other policies already found in our laws, like the *Iskolar ng Bayan* Act, streamlining the StuFAP or Student Financial Assistance Program (StuFAP) found in the UniFAST Law, and scholarships lodged in CHED, DOST, DND, among other agencies. Together, they can improve access to higher education and empower more Filipinos with a promise of a college diploma!

Together with policies already passed, laws already passed, programs already being implemented, our measure can complete the picture and support our students and our SUCs further.

Isa lang po ito sa mga inaalay naming reporma sa hanay ng edukasyon. Marami pa po tayong kailangang i-trabaho at gawin upang tunay na umasenso ang buhay ng bawat estudyante at buhay ng bawat pamilyang Pilipino. Marami pa po tayong kailangan gawin, at tuluy-tuloy lang po ang pagtatrabaho ng ating komite!

Pero makakasigurado po tayo na ang batas na ito ay isang napakahalagang reporma sa pangarap at pangakong iyan.

Let us give our countrymen, not just hope, but tangible support in achieving their dreams.

Together, if we pass Senate Bill No. 1304, the Free Higher Education for All Act, we are investing in the future of our promising young Filipinos!

COSPONSORSHIP SPEECH OF SENATOR RECTO

As cosponsor of Senate Bill No. 1304 under Committee Report No. 28, Senator Recto highlighted the need for the government to subsidize state

universities and colleges so that deserving students can avail themselves of free tuition fees.

The full text of Senator Recto's speech follows:

“FREE PUBLIC COLLEGE TUITION IS NOT TOO BIG TO FUND”

The House had passed the proposed amendments to the New Bangko Sentral Act.

Buried in its fine print is the appropriation of P150 billion for additional capital, couched in that familiar banker's language of “payable immediately upon approval of the Act.”

The BSP had served taxpayers a large bill, yet it registered a faint beep in the social media radar, when trolls had been agitated for amounts far more puny.

Yet when we infused P8 billion for free public college tuition, which is just a discount on total college matriculation because tuition is only a part of it, we saw official hyperventilation.

What the BSP is asking for could fund about two decades' worth of tuition subsidy to millions and millions of SUC students.

But the official attitude, it seems, is deference to the BSP but doubt on the idea of free public college tuition.

In other words, banks are too big to fail, public college is too big to fund.

The government books are, however, dotted with expenditures that manifest this bias.

About P70.29 billion in contingent debts attached to PPPs are categorized as either being high or medium risk of being called, and funds have been reserved in case they come to collect.

Another criticism which trended is that tuition-free SUCs is an entitlement genre which is alien to the government.

But the national budget is a catalogue of entitlements.

We will spend P78.2 billion this year for 4Ps, P17.9 billion for senior citizen allowances, and speaking of pension, P102.4 billion for uniformed personnel retirees and veterans, amounts which dwarf the P8 billion that will benefit 1.4 million SUC students.

And SUC students have a higher bar to hurdle to keep the aid. They must show a report card proving that they passed the subjects.

For 4Ps kids, being checked as present in attendance sheets 80 percent of the time is

not

enough for their family to encash the P16,000 annual check.

Let me cite another comparison: A retired AFP one-star general gets P35,534 in monthly pension, courtesy of yearly congressional appropriations.

In contrast, if the P8 billion will be distributed equally to all SUC students for two semesters, the subsidy will come up to about P571 a month.

Although I cited amounts, please do not view them as unrecoverable expenses. Treat them rather as investments with high returns.

Some will see the billions as deficit numbers. Let us see them, for what they really are, as means to realize dreams.

A nation's progress depends on the quality of its human capital. Education dictates whether it prospers or it remains poor.

But building the country's talent pool is not the responsibility of families alone. Government has to do and give its share.

I see this kind of division of labor: *Papakainin ng pamilya ang anak, bibihisan, bibigyan ng pamasaha, pambayad ng lab fees, pambili ng libro, damit, sapatos at pati na rin pang-load, gamot pag nagkasakit, payong para di maulan, at marami pa.*

Ano ang equity ng gobyerno? Libreng tuition fee. Pati ba naman ang katiting na yan, ipagkakait pa natin?

As I have said, college education has a good rate of return, better than what banks can offer. In fact, the best form of investment is to educate oneself.

In one study, college education posts a 15 percent return, which shows that the best investment certificate is a college diploma.

A college graduate earns 140 percent more than that of a high school graduate—well, except notable outliers like Steve Jobs, Richard Branson, John Gokongwei and Ricky Razon.

In the local ICT sector, the wage ratio between a skilled college graduate and an unskilled personnel is as high as 6.

"The rates of returns to high school and college graduates are rising, accompanied by a widening of the gap between them."

No, a college diploma may not make one as rich as Gates, but it is a ticket out of poverty.

But sadly, there are many students who cannot make this trip on their own. Many poor and middle-class youth do not have the financial self-propulsion.

In fact, in a survey of 16 and 17 year olds who ought to be in college, "lack of financial means" was cited by 4 out of 10.

Accessibility was cited by one-tenth of one percent. Marriage was invoked by 8 percent, mostly by men who perhaps preferred the discipline of being homeschooled by the wife to the rigors of academia.

Overall, 40 percent of high school graduates do not proceed to college. And for those who managed to enter college campus as freshmen, only six out of 10 will march up the stage to claim their diplomas.

It is a marathon with a high mortality rate, and oftentimes not because a student does not have the head for it—he even has the heart—but because he does not have the money.

This is the truth: More are waylaid by financial exhaustion than by intellectual burnout.

Madalas kong sabihin na ang diploma ay hindi lang katibayan ng pagtatapos, ito rin ay resibo ng gastos.

Kaya nga naiwan ito sa mga magulang, at buong yabang na idini-display sa sala. At sa lahat ng kagamitan sa bahay, ang mistulang kuwadradong papel na yan ang pinakamahal.

Kaya ang panukalang ito ay naglalayong obligahin ang pamahalaan na tumulong sa gastos.

To those who are still unconvinced, let me reiterate that tuition is only part of the cost of college education.

We are not asking government for food or fare money, or allowances for books and board. Tuition *lang po*.

For apostles of austerity, it should dawn upon you that "school is the last expenditure upon which the Philippines should be willing to economize."

If the two houses of Congress can have an annual budget of P15 billion, and such is seen as an expense vital to democracy, then why is public college being disparaged as a non-essential luxury?

For those who plead that they can't manage this fund, let me tell you this: If phone companies can bill millions of its customers for billions of

calls on a per minute basis and water companies can meter each drop of water, where is the hardship or the handicap in the wholesale distribution of money to 114 state universities and colleges?

To those who have a binary view of public tertiary education system, who think that the P2.5 million subsidy to produce a PMA graduate or that the per student subsidy to the *Iskolar ng Bayan* at UP, which is 10, 15 times bigger than what an SUC student in Surigao, or Sultan Kudarat, or Ifugao is just enough, if not lacking, yet dismiss the idea of free public tuition because it would benefit the moneyed rural class, a fact-free assertion, have your capacity to fairly analyze things taken a leave of absence?

If this bill is to be critiqued then let studies be cited, and please *lang*, not "alternative facts."

Isa sa ibinibintang ay tumataas daw ang subsidy per SUC student. Hindi po totoo yan. It has been on a downward trend.

While nominal amounts on a per school basis are on the rise, the increases failed to keep up with the rise in student enrollees, resulting in per capita subsidy decrease.

And the biggest bogey of them all: That free SUC tuition will only benefit the affluent.

For the life of me, I cannot imagine Batangas State University as a bastion of the one or even ten percenters. Like all SUCs, an enclave of the moneyed class it is not.

This misinformation started with the claim that 23 percent of total SUC enrollment are from the top 20 percent of the richest families.

Shocking at first glance, right?

But if you examine the data coming from the Commission on Higher Education, the richest 20 percent are families whose annual expenditure is P370,140 and up.

So by their reckoning, if you are in the expenditure bracket that spends about P32,500 a month, you are in the top 20 percent of *gastador* families, with the insinuation that you are rich.

Data provided by CHED to my staff showed that the first or the poorest quintile of families with a member enrolled in college as having a yearly expenditure of P13,100 to P91,500.

Second quintile families spend between P91,525 to P140,510 annually. Third quintile: P140,600 to P217,380 annually. Fourth quintile: P217,400 to P370,100 annually.

Take note those are annual expenditures. And not by any stretch of imagination or

elasticity of interpretation can they be considered rich.

If another metric will be used, such as the Family Income and Expenditures Survey, the results will be the same as the formula used by CHED.

The richest quintile or 20 percent under FIES has an average yearly income of P600,000.

Fifty thousand pesos a month *'yan*. *Kung merong mag-asawang Master Teacher I, pasok na sa bracket na 'yon*. Moneyed *na ba 'yon?* On paper, a monthly family income of P50,000 would land you in the upper 20 percent. But in reality, many families in that class are having a hard time making ends meet.

The fourth quintile will have an average family monthly income of P24,017. *Mayaman na ba 'yan?*

I acknowledge the challenge to draw in more students from ultra-poor families to college, but their being underrepresented in SUC campuses should not be used as an argument against free public college tuition.

A rising tide raises all ships. *Oo, merong marangya, pero karamihan ay near-poor* at middle class — especially the middle class who bears the tax burden, so this legislation is for them.

The biggest equity will be borne by the student himself. Free tuition is not an entitlement without condition.

First, a student must qualify for college admission. That is the starting hurdle he must pass. Of course, he must pass the tests.

What I am saying is that free tuition should not be equated with free admission. It does not override admission protocols. Thus, it is a merit-based aid. And one that can be maintained by merit alone.

Because they go against convention, brave social legislations are birthed under hard circumstances. Thirty years ago there was no universal high school education.

The law making it free and mandatory only came in 1988, sponsored by the Elder Angara, and this bill, by the way, and I am happy to note, is also sponsored by the Better Angara.

And free public high school was first implemented during the 1988-1989 school year. So this bill is but a natural progression on how our education system matures and develops.

Education, it is said, is the progressive discovery of our shortcomings. And to act when we are confronted with one.

And if public universities are hotspots of innovation, then those appointed to supervise them must not fear change.

Let us therefore act on this measure which makes our education system better and the future of our country and our children bright.

And in the coming days, let us also act on measures that will improve, reform, modernize, and energize our educational system. This bill should be deemed as but one of many.

MANIFESTATION OF SENATOR SOTTO

Senator Sotto informed the Body that Senator Gatchalian would deliver his cosponsorship speech the following day.

COAUTHOR

Upon her request, and with the concurrence of Senator Aquino, Senator De Lima was made coauthor of Senate Bill No. 1304.

COSPONSORSHIP SPEECH OF SENATOR EJERCITO

Senator Ejercito expressed support to the initiative of providing free quality tertiary education to all qualified and financially disadvantaged students.

The following is the full text of Senator Ejercito's speech:

Globally, young people are fighting for their right to have access to quality education. In the Philippines and in many countries, we see the high demand for better education services and for it to become state priority; however, not all demands are being met.

As guaranteed under our Constitution, "the State shall protect and promote the right of all citizens to quality education at all levels, and shall take appropriate steps to make such education accessible to all." The State is also mandated to assign the highest budgetary priority to education.

From the time I became mayor of San Juan City in 2001 and as San Juan City representative in 2013 until today—that is for almost 18 years, I have been pushing for measures that seek to

promote the welfare and empowerment of the Filipino youth. A tangible testament of this advocacy is the establishment of the Polytechnic University of the Philippines - San Juan campus in 2008, our city's very own SUC that provides free tuition fee and quality education to all San Juanenos for eight years now. This bill on providing free higher education for all is another fulfillment of this advocacy.

This bill seeks to provide quality tertiary education to all qualified and financially disadvantaged students. Considering that only 8% of Class E are able to enter college, the more we should pursue to allocate the highest budget to education. As proposed, students who will enrol in any state college or university would no longer be required to pay for tuition fee as it will now be funded under the annual national budget.

The tuition-free policy is sustainable considering that our annual budget reaches trillions of pesos. The annual budget allocation for education will be subject to legislation and the government is committed to give every student the education they deserve.

Let us pass and support the Free Higher Education Act for All Act.

COSPONSORSHIP SPEECH OF SENATOR ANGARA

Senator Angara thanked Senators Aquino for prioritizing the measure, and Senators Legarda and Lacson for the big breakthrough that they did when they pushed for free college education in the 2017 GAA deliberations.

The following is the full text of Senator Angara's speech:

One can argue that no great individual has ever succeeded or progressed in life without devoting time to his or her learning.

For example, the great Apolinario Mabini was born poor as his parents were unable to pay for his education. He worked as a houseboy in exchange for board and lodging in a regular school. In between chores, he would study. He possessed unparalleled intelligence that eventually earned him a year's scholarship at the Colegio de San Juan de Letran. Still, he lacked the funds for further studies so he worked as an instructor; even opening a school at his home in Tanauan, Batangas. Eventually, he finished his law studies and along the way, he earned the reputation that would merit him being called the "Brains of the Revolution" and the "Sublime Paralytic."



History is full of people like Mabini who, despite dire circumstances, succeed because education was made available to them or that they toiled and labored just to put themselves through school.

My father, former Senate President Edgardo Angara, always brag to me that he never paid a single centavo for his tuition having been a scholar at the University of the Philippines and a scholar for his Master of Law studies at the University of Michigan. And through scholarships, he was able to venture out of the small town of Baler, formerly of Quezon and Aurora, to study in Manila and abroad, and to eventually pass laws such as the Free High School Act and Government Assistance to Students and Teachers in Private Education (GATSPE), among many others.

It is no wonder that people fight so ardently for their right to be educated.

Libu-libong na pong placard ang nagawa. Ganun na din po ang bilang ng mga namaos dahil pasigaw silang nananawagan sa bangketa. May nagkikilos-protesta dahil may nakakakita ng pagkukulang sa ating sistemang pang-edukasyon.

Huwag po sana nating kalimutan na magkasing-sigasig din po ang mga debate dito sa Kongreso at aksyon ng gobyerno para pagandahin ang ating edukasyon. Marahil, bawat dekada mula noong rebolusyon ng 1986, may mahalaga tayong naipasa na repormang pang-edukasyon tulad ng Free High School Act, GASTPE Law, Kindergarten Education Act, Early Years Act of 2013 at K to 12 Program. Ilan po dito ay aming ipinaglaban noong kami ay nag-uumpisa pa lamang sa Kamara.

Tinututukan ng lahat ang edukasyon dahil ito po ang pangunahing paraan para masiguro ang ating kinabukasan. Kaya po pinahalagahan ito ng napakaraming pamilyang Pilipino. Sa mga tahanan, mayaman man o mahirap, nakapaskil ang mga diploma o graduation picture maging ang mga medalya at award certificate. Madalas, pinakamasaya ang mga magulang kapag taas-noo nila nasasabing, "Nakapagtapos na po ang aking mga anak."

Recently, there was a Facebook post which went viral posted by UP Los Baños graduate Glandale Hibaya. The post was about her father, a taxi driver, who, the story goes, was not paid the P400 fare from Quezon City to the South. But what grabbed attention the most was the picture of her father's taxi dashboard which prominently featured her and her graduation picture wearing the typical UP Sablay.

In her post, Glandale wrote, "*Yang naka-Sablay sa larawan, ako yan. Nilagay yan ng Tatay ko dyan para naman daw mas ma-inspire pa siya magtrabaho. Para maalala niya na dahil sa paghahatid niya ng mga pasahero may napatapos siya sa kolehiyo.*"

Mahalaga po kasing makapag-aral para magkahanapbuhay. Mas madali ngang magka-trabaho kapag nakapagtapos. Madalas, mas mataas nga ang kita o sahod ng mga college graduate kaysa sa mga hindi nagtatapos.

A 2014 UP School of Statistics study found that nearly 60% of the heads of households in the lower high income class were college graduates, while if we are looking at the upper high income class, nearly 83% of those were college graduates.

Kaya nakakatuwa na umaaksyon na tayo rito ngayon para gawing libre ang matrikula sa mga state universities and colleges ng buong bansa. Sa ganitong paraan po, binubuksan natin ang pinto ng pagkakataon para sa nakararami.

No less than the Constitution safeguards that the State "shall protect and promote the right of all citizens to quality education at all levels, and shall take appropriate steps to make such education accessible to all." The measure we are cosponsoring brings life to this mandate in a very real and concrete way.

We should not think, however, that by enacting this measure alone, our work is finished. On the contrary, an entire package of reform is still needed. We filed measures that give underprivileged students certain discounts such as for public transportation, books and medicines because students are not only hobbled by tuition but also by other so-called miscellaneous fees.

We also need reforms that raise the quality of our SUCs and HEIs as well as to boost our capacity to innovate and generate new knowledge.

Making higher education tuition-free is the biggest step among many more we ought to take to vastly improve education across the country. We not only want it to be widely accessible; we also want it to be topnotch, responsive and relevant.

The late Senator Rafael Palma, the fourth president of the University of the Philippines, once said: "Education must produce individuals who are both useful to themselves and to society."

Sa mga silid-aralan po tayo natututo at nagsasanay. Doon din po hinahasa ang ating

mga kakayahan at talento. Sa ganitong paraan, lalong nagiging produktibo ang ating ekonomiya. Strengthening education is, in fact, the most solid economic development strategy.

The author Victor Hugo once said, "He who opens a school door, closes a prison." Consider the following: last year, it was calculated that we spent an average P73,910 a year for every inmate under the jurisdiction of the Bureau of Corrections (BuCor) and the Bureau of Jail Management and Penology (BJMP). In contrast, during a meeting yesterday, the Chair of the Commission on Higher Education, Patricia Licuanan, said that we can fully cover a year's education, all expenses paid, of a student in a state university and college with roughly P60,000—P73,000 para sa BuCor, P60,000 para sa SUCs. *Siguro naman po, malinaw kung saan dapat dalhin ang pera ng bayan.*

This is not to say that we should not spend for the fair and humane treatment of our inmates, but with the fiscal space we now enjoy, there is a real opportunity for us to bet heavily on the most tried and tested of investments—our people's education. *Sa edukasyon rin po kasi natin pinapatibay ang ating kasaysayan, kultura, moralidad at pagkakakilanlan. Dito natin pinapasa ang ating pamana o heritage sa mga susunod na henerasyon. Dito po natin pinahihigpit ang mga hiblang bumubuklod sa ating bansa. Sa madaling salita, dito po hinuhulma ang ating bansa at ang ating kinabukasan.*

In his column, the National Artist for Literature, F. Sionil Jose once wrote: "The solution to the national malaise is education... This education is not just about learning how to manufacture better and cheaper goods, as did Korea or Taiwan. It has to do with our insides ... our minds, and our guts. ..." Through better education can we achieve real change in our country.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 5:01 p.m.

RESUMPTION OF SESSION

At 5:01 p.m., the session was resumed.

COSPONSORSHIP SPEECH OF SENATOR LEGARDA

Senator Legarda delivered her cosponsorship speech, to wit:

I have the honor to cosponsor this landmark legislative measure that aims to institutionalize on a national scale the provision of a full tuition fee subsidy for students enrolled in all of the country's 114 state universities and colleges

Under the General Appropriations Act for Fiscal Year 2017, this august Chamber approved the amount of P5,753,537,000 for CHED's Student Financial Assistance Programs (StuFAPs) which covers both the regular StuFAPs such as its Scholarship Grants-In-Aid Program and Student Loan Programs, and other StuFAPs like the *Tulong-Dunong* and *Iskolar ng Bayan*.

Moreover, an additional P8 billion has been appropriated for CHED's Higher Education Support Fund, while another P300 million has been approved to serve as cash grants to medical students enrolled in the country's SUCs offering the Doctor of Medicine Program.

With the passage of this proposed measure, we will be legislating, in effect, the system or mechanism by which the funding for free tuition already appropriated for this year, will be utilized. However, mindful of the government's limited resources, we must also ensure that public funds will be used equitably and serve first the poorest of the poor. In fact, in our discussions yesterday, in the consultation chaired by Senator Bam Aquino, and Senator Gatchalian as well, it was presented to us the need for resources outside the tuition subsidy which would include 60% of additional cost such as transportation, allowances and dormitory, and this would round up to at least P100 billion for the 1.6 million students.

We hope that in the coming years, those who will remain in this Chamber will endeavor to fund this so that the 1.6 million students and growing, will receive not just free tuition subsidy but all the allowances and educational costs needed. And so, what we intend to do, aside from supporting this very important legislative measure, is also to hopefully fund the lowest 20% quantile, the poorest of the poor, which would cost around P9 billion for them to receive at least P60,000 a year.

If the second to the last quantile of 20% would be included so it would be 40%, we would need at least P32 billion. We hope to find that in the budget for 2018, but the first most important step is the legislation of the free tuition subsidy which is enshrined in the proposed measure.

I therefore urge my colleagues to lend their valuable support so we can enact the best



possible version of this bill as we seek to uphold the constitutional mandate that education shall be the State's highest priority in terms of allocation of resources.

Let it also be said that with this subsidy for free tuition for the 114 SUCs, it does not mean that we are neglecting the opportunity for poor indigent but deserving students from entering the private educational system. In fact, under the StuFAP of more than P5 billion, this is already allowed. And so, this answers the questions that were posted by the COCOPEA and the PASUC yesterday in consultation with Senator Aquino.

With that, I lend my support to this measure.

COSPONSORSHIP SPEECH OF SENATOR VILLANUEVA

Senator Villanueva commended Senator Aquino for swiftly acting on the measure, and Senators Legarda and Recto, for raising important issues that led to the government's initiative of offering full tuition subsidy to students enrolled in SUCs.

Following is the full text of Senator Villanueva's cosponsorship speech:

I believe that a full tuition subsidy for all our students in state universities and colleges will surely give our young people reasons to dream for a better life. *Sabi po nila, libreng mangarap, pero tuwing tatanungin mo ang ating mga kababayan lalo na doon sa mga mahihirap na lugar — oo, libreng mangarap pero mahal ang daan para makamit ang pangarap.*

Marami na po kayo sigurong narinig sa akin na mga success stories tungkol sa mga kabataang nangarap, nabigyan ng libreng pagsasanay, nagsumikap, at nagkaroon ng trabaho. Doon po sa stint natin sa TESDA, nag-uumpaw po ang mga pangarap ng ating mga kabataan na makamit nila ang kanilang pangarap at maging successful. Babanggitin ko lang po ulit si Eric Benlot na isang welder at si Rey Caseres na isang automotive technician na susmusweldo ng mas malaki pa sa suweldo ng pangulo ng Republika ng Pilipinas.

Again, these stories show how the Filipino workers benefit from abundant opportunities through our free tech-voc training programs. *At alam natin lahat ang epekto ng maayos na edukasyon lalo na itong free tuition fee na ating dinidinig ngayong araw na ito. Ito ho ay nagiging daan para magkaroon ng trabaho;*

nagiging daan para magkaroon ng magandang hanapbuhay ang ating mga kababayan. Kung may trabaho o magandang hanapbuhay, naiiwasan po iyong mga masasamang bisyo tulad ng droga; naiiwasa po iyong pagnanakaw o pag-iisip na gumawa ng masama. Mas nagiging masaya ang pamilya. Nagkatotoo po ito sa buhay ng napakaraming mga natulungan natin noon dahil sa pagbibigay ng free tech-voc education.

Kung sa unang semestere pa lamang sa kolehiyo ay tiyak na ng mga kabataan na makakatapos po sila ng kolehiyo dahil sa libreng tuition fee, mas magiging malalim ang kanilang motibasyon para mag-aral at magsumikap para sa araw ng kanilang graduation day.

I fully support this measure. *Naniniwala po ako na ang magandang edukasyon ay makakatulong upang magkaroon ng mas magandang kinabukasan ang ating mga kababayan.*

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

Lack of financial capacity should not be a constraint for any Filipino to pursue the best versions of themselves. They say that education is a great equalizer and we strongly believe that a free higher education tuition fee will enable households that normally forego higher education due to financial constraints, to go to college and pursue higher education.

Giving free education will also give Filipinos more career options.

Again, *hindi po kayang suklian o hindi kayang sukatin ang balik sa ating bayan ng inisyatibong ito na bigyan at mag-invest tayo sa larangan ng edukasyon.*

Tulungan po natin ang ating mga kababayan na hindi lamang mangarap kung hindi maabot at matupad ang kanilang mga pangarap.

Maraming salamat po at magandang hapon.

MANIFESTATION OF SENATOR SOTTO

Senator Sotto manifested that the request of Senators De Lima and Villanueva, along with other members, to be coauthors of the measure would be taken up at a later time.



**SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 1304**

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

**COMMITTEE REPORT NO. 19
ON SENATE BILL NO. 1277**

(Continuation)

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1277 (Committee Report No.19), entitled

**AN ACT ESTABLISHING THE FREE
INTERNET ACCESS PROGRAM IN
PUBLIC SPACES IN THE COUNTRY
AND APPROPRIATING FUNDS
THEREOF.**

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

Thereupon, the Chair recognized Senator Aquino, sponsor of the measure, and Senator Villanueva for his interpellation.

**INTERPELLATION
OF SENATOR VILLANUEVA**

At the outset, Senator Villanueva commended Senator Aquino for sponsoring a timely measure considering its significance on the economy and on job generation. For instance, he said that telecommuting is one of the growing flexible arrangements practiced globally and is expected to help improve worker productivity and work-life balance. This, he said, was precisely the reason he filed Senate Bill No. 1033 (Telecommuting Act of 2016) to encourage the practice of telecommuting in the Philippines and aid government in addressing traffic in metropolitan areas by reducing the number of road users. However, he pointed out that internet access would be a prerequisite to enable telecommuters to work effectively.

Senator Villanueva stated that the proposed free public access to WiFi would likely result in a sharp increase in overall internet usage. Noting that the proposed funding for the program would be sourced from the budgets of the DICT, concerned LGUs and the NGAs along with the Department of Education

and DOH, Senator Villanueva asked how much government funds would be utilized in the first year of its implementation. Senator Aquino explained that the program began on a smaller scale in 2016 with a funding of P1.6 billion and P1.7 billion set aside for 2017. He posited that the national government's budget for the program would go up to P7 billion because it would include putting up additional sites to fast-track its implementation.

On whether local government units would have a separate budget for the program, Senator Aquino clarified that while it is primarily a national government program, nothing would prevent LGUs from funding their own internet rollout as was being done by other local government units like the city of Manila.

Asked if private sector resources would be tapped to complement government funds for the infrastructure investment through a partnership with the government, Senator Aquino replied in the affirmative, saying that the government would be purchasing the needed infrastructure from private vendors.

Asked about the target pilot areas for the implementation of the program, Senator Aquino replied that the bill contains a description of the areas that would be covered by the project such as all national and local government offices, public basic education institutions, state universities and colleges, public hospitals and health centers, public parks, plazas and libraries, public seaports and public transport terminals. However, he said that it is up to the DICT to determine when and where the rollout would be based on the availability of the infrastructure needed for proper implementation.

Senator Villanueva believed that it would be appropriate to consult different industry stakeholders that would benefit from the program such as the IT-BPM sector which is highly dependent on the internet infrastructure, citing the call centers which need about 130,000 agents annually, as well as the health information office industry and other industries. Senator Aquino gave assurance that the DICT has been making such consultations and would continue to do so.

Asked how the measure would impact on internet efficiency given the limitations of existing infrastructure, Senator Aquino replied that about 50 gigabytes of internet allocation would be needed for 13,000 sites.

As regards preparations for the possible problem of congestion even with the assurance of the DICT that it would have an exclusive infrastructure specifically for the program, Senator Aquino replied that the internet allocation would be purchased directly from international vendors. He explained that government usage of private sector infrastructure should not affect congestion since the current load of the private sector, along with the additional load from the program, would still weigh less than the total current fiber optic network which can accommodate more digital information than what is being utilized. Moreover, he underscored the fact that the DICT would be utilizing a different and committed internet resource for the program. Senator Villanueva welcomed the clarification, saying that he was simply raising concerns that offering free WiFi would result in a further slowdown in internet congestion.

For his part, Senator Aquino explained that the DICT would implement a three-tier program which provides 50 megabytes for every individual, 100 megabytes for registered users, and 300 megabytes for public key infrastructure users like students. As an example, he said that a job applicant or someone waiting for communication from loved ones would have access to the free Wi-Fi while small businesses or BPOs would need a higher allocation than what is provided by the program.

In closing, Senator Villanueva underscored the importance of the measure considering that the scholarship at the TESDA online training program had grown to 600,000 users during his time. He believed that the measure would also complement government programs that would enhance skills and generate jobs as well. He said that he was looking forward to working with the DICT on the project.

TERMINATION OF THE PERIOD OF INTERPELLATIONS

There being no further interpellation, upon motion of Senator Sotto, there being no objection, the Body closed the period of interpellations.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1277

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

SUSPENSION OF SESSION

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

It was 5:25 p.m.

RESUMPTION OF SESSION

At 5:26 p.m., the session was resumed.

COMMITTEE REPORT NO. 8 ON SENATE BILL NO. 1233

(Continuation)

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1233 (Committee Report No.8), entitled

AN ACT CREATING THE COCONUT FARMERS AND INDUSTRY TRUST FUND, PROVIDING FOR ITS MANAGEMENT AND UTILIZATION, AND FOR OTHER PURPOSES.

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

Thereupon, the Chair recognized Senator Pangilinan, sponsor of the measure, and Senator De Lima for her interpellation.

INTERPELLATION OF SENATOR DE LIMA

Preliminarily, Senator De Lima noted that the core thrust of the measure is the consolidation of all coconut levy funds or assets which have been established under several statutes into a single trust fund or perpetual fund that would be managed by a trust fund committee.

To the observation that the measure gives the impression that the other funds which were established under different statutes were not in the nature of a trust fund in its truer sense, Senator Pangilinan replied in the affirmative, as he acknowledged that there was no existing trust fund that would encompass all the coco levy funds and assets that have been generated and whose principal has earned interest in the last 44 years since the levy was collected. He explained that when the coco levy funds were embroiled in a lot of legal disputes, they were placed,

by virtue of a judicial act and not pursuant to a legislation, in the nature of a trust fund pending the resolution of the cases before the Supreme Court. On whether the mechanism being envisioned under the proposed measure is for the Trust Fund Committee to manage it, Senator Pangilinan agreed.

Regarding Section 11 of the bill, Senator De Lima pointed out that the plan provides for the policies and guidelines in the utilization of the coco levy fund and for the development and rehabilitation of the coconut industry, and that after approval of the plan by the President, it would be implemented by the Trust Fund Committee attached to the Office of the President. She asked if the Trust Fund Committee would operate under the control or merely under the supervision of the President, positing that the President may perform some specific acts such as overriding the decisions of the Trust Fund Committee and replacing the non-*ex-officio* members of the committee anytime. In reply, Senator Pangilinan stated that the President does not exercise control over the Trust Fund Committee. Although it is an attached entity under the Office of the President, he said that the role of the President is limited to two: first, the designation or appointment of the members of the Trust Fund Committee as stipulated; and second, the approval of the Industry Development Plan.

Senator De Lima explained that she asked the question on the role of the President insofar as the Trust Fund Committee is concerned because administrators with fixed term appointments usually encounter problems during changes in administration. Since its composition is primarily presidential appointees, particularly the *ex-officio* members who are Cabinet members, she assumed that the Trust Fund Committee should follow the President's direction. However, she asked what would happen supposing the industry representatives who have six-year terms – three years plus renewal – would disagree with the new president before their term expires. Senator Pangilinan replied that their fixed term will be respected even with a change in administration, but he clarified that members of the Trust Fund Committee, as public officials, may be removed for cause because, as Senator De Lima pointed out, they are subject to Civil Service rules and they serve under the mechanism of accountability.

Senator De Lima asked if the Coconut Industry Plan may be amended by the Trust Fund Committee with the approval of the President, or by another *Ad*

Hoc committee, noting that the committee has the power to amend the investment guideline as provided for in Section 12. Senator Pangilinan replied that the bill is silent as to whether or not the Trust Fund Committee could make amendments. To clarify the issue, he said that possible amendments on the matter can be introduced, for instance, following the same process of convening the *Ad Hoc* Committee that would go through the process of reviewing, consultation, amendments and submission to the President for approval, after which the amended plan may be effectively implemented by the Trust Fund Committee. Should there be new findings or research material made available that would require an amendment to the development plan, he said that there should be a manner by which amendments to the plan are undertaken and provided for.

Senator De Lima stated that whatever the proposal — whether to create another *ad hoc* committee in order to come up with an amendment to the plan, or give it altogether to the Trust Committee to undertake the amendment — there might be possibilities or eventualities that would warrant the amendment of any particular feature or provisions of the plan. Senator Pangilinan agreed, as he assured that the Committee would try to find the language to be able to provide for a clear-cut process of amendment.

To Senator De Lima's concern that in giving to the Trust Fund Committee the mandate to administer the fund with fairly broad powers, the Philippine Coconut Authority (PCA) has been somewhat marginalized in the measure. Senator Pangilinan stated that the PCA has a specific mandate apart from its participation and involvement in the utilization of the coco levy fund which would require a broader field of expertise considering the amount involved – P76 billion in cash and P25 to 35 billion in assets. He underscored and acknowledged the need to provide the necessary safeguards in the disbursement and utilization of the fund and the necessary support and expertise that the PCA, as presently constituted, might not necessarily have.

To the observation that the mandate of the Trust Fund Committee in implementing the Coconut Industry Plan under P.D. No. 2342 may overlap or supplant the existing functions of the PCA, Senator Pangilinan admitted that there is always a possibility of overlapping of functions and duplication in terms of execution, that was why the PCA was included as part of the Trust Fund Committee so that with their presence,

✓

participation and role in the committee, certain overlapping functions and duplication of programs could be avoided.

Relative thereto, Senator Pangilinan cited a provision under Section 11 of the proposed measure, to wit: "For the avoidance of doubt, programs relating to planting, replanting, fertilization, research and development, market promotion, farm-to-market roads, and direct lending shall be funded through regular appropriations." At the proper time, he said that the language could be strengthened further to ensure minimal duplication of functions and overlapping of programs. He further affirmed Senator De Lima's proposition that the proposed measure recognizes the fact that there are certain specific functions or areas of competence that belong to existing agencies of government, and the Trust Fund Committee is not meant to take over, absorb or assume such functions.

Asked on the working relationship between the Trust Fund Committee and the PCA, Senator Pangilinan replied that the former will augment, complement and provide necessary expertise to the latter. For instance, he said that the Department of Finance and Bureau of Treasury could provide expertise in investments, and the DTI could provide expertise in enterprise development, entrepreneurial training, entrepreneurship development and skills training. He agreed that it would be a multi-disciplinary approach to the utilization of the coco levy fund to ensure effective utilization of resources, with the end in view of ensuring that it would be for the benefit of coconut farmers and the development of the coconut industry.

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

For clarification and to figure out the existence of overlapping or conflict of concerns and jurisdiction, Senator De Lima asked if the plan refers only to activities that may be undertaken in the utilization of the coco levy fund, or to the development plan for the whole coconut industry, noting that the PCA is in charge of the coconut industry. Senator Pangilinan replied that it is for both purposes as it presupposes that the coconut industry would benefit from the utilization, disposition and management of the coco levy funds and assets. He said that the Trust Fund Committee would have to get experts to handle specific situations.

Asked if there could be situations when the PCA, citing its own mandate, would try to raise

issues on certain decisions or actions of the committee, Senator Pangilinan answered in the affirmative, saying that the leadership of the PCA may see things from a different vantage point in contrast to the positions taken by other members of the Trust Fund Committee. Since it is a collegial body, with six representatives from the agriculture/farming sector and five *ex-officio* members from the government, he said that they would have to determine by way of consensus or voting.

If the Trust Fund Committee supervises and monitors the execution of the Coco Industry Plan under Section 12(a) of the bill, Senator De Lima asked who would be in charge of its execution. Senator Pangilinan replied that it would depend on the nature of the program to be executed or implemented, like inter-agency cooperation through the Trust Fund Committee, or the PCA.

Asked by Senator De Lima whether he would be open to inserting an appropriate provision, phrase or portion in the bill that could clarify the roles of the various agencies with regard to the implementation of the plan, Senator Pangilinan replied that during the period of amendments, he would be willing to accommodate proposed amendments on the matter.

Asked by Senator De Lima whether the appointment of an executive director under the Trust Fund Committee as provided in Section 17 of the bill would entail the creation of a whole office with permanent positions, Senator Pangilinan replied in the affirmative. He said that the creation of the Office of the Executive Director was intended to ensure the effective implementation of the development plan as approved by the Trust Fund Committee and the proper disbursement of funds that are to be made available.

On further queries by Senator De Lima whether the Trust Fund Committee has power over the investments of the coco levy fund much like the DBP or ADB where they have some level of control on how the investments are spent because it is mandated to come up with an investment plan, Senator Pangilinan replied in the affirmative.

Senator De Lima observed that under Section 10 of the bill, the Bureau of Treasury is appointed as the depository of the Trust Fund and may be appointed by the Trust Committee as a fund manager of the investments, while under Section 10 of the bill, the Trust Committee is empowered to appoint fund

managers as it deems necessary to manage the investments of the Trust Fund. She asked whether there may be other agencies apart from the Bureau of Treasury which may be appointed as fund manager as contemplated under the aforementioned provisions or whether the bill limits the appointment of the fund manager to government depositories like the Land Bank of the Philippines and the DBP. Does the Trust Committee have full discretion on who to designate as fund manager, she further asked.

Senator Pangilinan said that if the questions are towards ensuring that there are safeguards in the investments, he would be amenable to accommodate amendments that would limit the designation of fund managers. He said that this matter was one of the concerns of Senator Villar in her interpellation on the measure and that she wanted to limit the type of investments that the Trust Committee could enter into.

Senator De Lima asked what was meant by the phrase "with the authority and accountability of a private fund manager" under Section 10c.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 5:55 p.m.

RESUMPTION OF SESSION

At 5:57 p.m., the session was resumed.

In reply to Senator De Lima's query, Senator Pangilinan said that he was informed by the Bureau of Treasury that under existing law and the charter of the Bureau of Treasury, it could only invest in government securities. He explained that the particular provision would empower the Bureau of Treasury to not only invest in government securities but in other high yielding instruments which are yet to be identified.

Asked by Senator De Lima whether there was a different dimension of accountability as far as the private fund managers are concerned in case of bad judgment, Senator Pangilinan said that accountability would be based on guidelines that are actually approved by the Trust Fund Committee. He said that the Bureau of Treasury would be made to account for its investments and that it should be consistent

with the investment guidelines and not to go beyond what was provided for in the investment guidelines.

Finally, Senator De Lima asked whether the Trust Fund Committee, even if it was meant to become an income earning agency, would still not have corporate existence like a GOCC and would not be regulated by the GCG. She said that there was a school of thought which subscribes that it would serve the principles of accountability and transparency to submit the Trust Fund Committee under the supervision of the GCG.

Senator Pangilinan agreed to Senator De Lima's observation that the Trust Fund Committee was not envisioned to be a GOCC but just an executive body attached to the Office of the President. He said that considering that the composition of the *ex-officio* members of the Trust Fund Committee are heads of agencies, he felt that it would suffice in ensuring that the funds to be utilized and invested would not go the same fate that other GOCCs in the past suffered in terms of bad investments.

Senator De Lima said that the opposite view would argue that the GCG was precisely created to forestall recurrence of similar abuses on the part of GOCCs.

Senator Pangilinan said that he would be open to imposing more stringent reportorial requirements on the Trust Fund Committee. He clarified that his concern really is that the Trust Fund Committee was not envisioned as a corporation but with a top-level nature that would require greater public scrutiny because it has for its members the finance, agriculture and trade secretaries.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1233

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

COMMITTEE REPORT NO. 10 ON SENATE BILL NO. 1239

(Continuation)

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1239 (Committee Report No. 10), entitled

r

AN ACT AMENDING SEC. 35 B (40) OF REPUBLIC ACT NO. 6975, OTHERWISE KNOWN AS AN ACT ESTABLISHING THE PHILIPPINE NATIONAL POLICE UNDER A REORGANIZED DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT, AND FOR OTHER PURPOSES.

Senator Sotto stated that the parliamentary status was the period of individual amendments.

DE LIMA AMENDMENT

Senator De Lima proposed to replace Section 1 with a new Section 1, to read as:

SECTION 1. A new Section 26-A shall be inserted after Section 26 of Republic Act No. 6975, to wit:

SEC. 26-A. *SUBPOENA POWERS.* THE PNP CHIEF, DIRECTOR AND DEPUTY DIRECTOR OF THE CRIMINAL INVESTIGATION AND DETENTION GROUP (CIDG), REFERRED TO AS THE CRIMINAL INVESTIGATION UNIT IN SECTION 35(B-4) OF THIS ACT SHALL HAVE THE POWER TO ADMINISTER OATH, AND ISSUE SUBPOENA AND SUBPOENA IN RELATION TO HIS INVESTIGATION; *PROVIDED,* THAT SUCH POWERS SHALL BE EXERCISED SOLELY BY THE AFOREMENTIONED OFFICIALS AND MAY NOT BE FURTHER DELEGATED TO ANY OTHER PERSON OR OFFICE.

THE SUBPOENA SHALL STATE THE NATURE AND PURPOSE OF INVESTIGATION, SHALL BE DIRECTED TO THE PERSON WHOSE ATTENDANCE IS REQUIRED, AND IN THE CASE OF SUBPOENA *DUCES TECUM*, IT SHALL ALSO CONTAIN A REASONABLE DESCRIPTION OF THE BOOKS, DOCUMENTS OR THINGS DEMANDED WHICH MUST BE RELEVANT TO THE INVESTIGATION.

FAILURE TO COMPLY WITH SUBPOENA AND SUBPOENA *DUCES TECUM* SHALL AUTHORIZE THE FILING OF A CASE FOR INDIRECT CONTEMPT UNDER RULE 71 OF THE RULES OF COURT WITH THE REGIONAL TRIAL COURT.

Senator De Lima explained that it would be better if the subpoena power of the PNP official be stated in a new section rather than just stating it in

a general law. She said that with her amendment, R.A. No. 6975, in effect, would now be authorizing the issuance of subpoena by the PNP through the stated officials.

Senator De Lima said that she also adopted Senator Drilon's proposal that the power to administer oath should be given not only to the CIDG director and deputy director but the PNP Chief as well. She explained that the authority to issue subpoena which compels the testimony of witnesses or the production of evidence is a broad power that is susceptible to abuse which the qualification seeks to prevent.

She also explained that the second paragraph of the proposed new provision on the non-delegation of power seeks to prevent the arbitrary and indiscriminate issuance of subpoena to lower-ranking officers.

Noting that there are standards for the issuance of subpoena both under the Rules of Court and other case law or jurisprudence, Senator De Lima said that the proposed amendment also seeks to adopt the standards laid by jurisprudence, citing the 1975 case of *Evangelista vs. Jarencio* wherein the Supreme Court provided the basic requirements of law enforcement agencies for due process in the exercise of subpoena powers. She said that although the proposed amendment does not quote the standards laid down in given case, she felt that the proposed second paragraph of the new provision, Section 26-A, which is actually the proposal of Senator Drilon, would very well address the need for standards.

She said that it would be prudent to include the standards laid out for the proper exercise of subpoena powers by subjecting it to available checks by the Judiciary as it would ensure that such power would not be abused by the PNP officials.

As regards the last paragraph of the proposed new Section 26-A, she pointed out that the PNP cannot be given the power to hold any person in contempt for failure to comply with the subpoena; however, willful failure to comply with the subpoena would authorize the filing of a case for indirect contempt under Rule 71 of the Rules of Court with the Regional Trial Court which has jurisdiction over the place where the subpoena was issued. She said that it is the prevailing rule insofar as other administrative subpoenas are concerned.

3

SUSPENSION OF SESSION

Upon motion of Senator Recto, the session was suspended.

It was 6:14 p.m.

RESUMPTION OF SESSION

At 6:15 p.m., the session was resumed.

Senator Recto asked if it is only the director and the deputy director of the CIDG who are being authorized to issue subpoena and to administer the oath, noting that the proposed amendment of Senator De Lima seeks to authorize also the PNP Chief to issue a subpoena and administer oath.

Senator Recto said that he was thinking of an idea similar to how the Senate is conducting its investigation where the chairman of a committee cannot issue a subpoena but could only recommend to the Senate President to whom it would be issued.

Senator Recto then proposed that the PNP Chief be given the authority to issue a subpoena, upon the recommendation of the CIDG director who would only be authorized to administer the oath. He disclosed that the amendment was proposed by Senator Trillanes.

Senator De Lima replied that the proposal would actually cause limitations or unreasonable complications. She explained that if the CIDG director and the deputy director cannot issue subpoena but would just recommend to the PNP Chief to issue a subpoena, it would create operational difficulties because the PNP Chief has very vast area of concerns and responsibilities which would require him to be everywhere in the country to address pressing problems of peace and order. She disclosed that in the existing subpoena power of other investigate bodies like the NBI, the grant of subpoena power is up to the regional director level because NBI directors are required to be lawyers.

Senator De Lima further pointed out that the original measure was to grant subpoena powers only to the director and deputy director of the CIDG.

As to how it would be difficult operationally for the PNP Chief to sign the subpoena since it is merely a signature that is requested, Senator De Lima replied that the mandate of the CIDG is to handle

numerous cases under the same law, RA 6975, thus, the PNP Chief cannot be expected to be familiar with the cases under investigation by the CIDG. She added that it would be giving access to the PNP Chief to just sign subpoenas without him determining the necessity of issuing the subpoena. She said that in directly granting the subpoena powers to the director and deputy director of the CIDG, it is expected that they are more acquainted with the facts of the case which would justify the issuance of subpoena.

Senator Lacson said that there is an assumption that the director and the deputy director of the CIDG are not responsible people. Senator Recto believed that the PNP Chief would be more responsible as the supervising authority.

Senator Lacson said that allowing only the PNP Chief to sign subpoena and subpoena *duces tecum* would only add to bureaucratic red tape which would somehow have a negative effect, as it would impact on the urgency of certain situations when the CIDG is conducting an investigation.

Senator De Lima informed the Body that there are units under the PNP, and CIDG is just one of them. She said that the power now being restored to the CIDG could simply be confined to the expertise of the investigators within that particular unit.

Senator Lacson said that the intention of the proposed measure is to allow the PNP Chief to sign only for the CIDG, being the primary investigative unit of the PNP.

SUSPENSION OF SESSION

Upon motion of Senator Recto, the session was suspended.

It was 6:26 p.m.

RESUMPTION OF SESSION

At 6:27 p.m., the session was resumed.

Senator Lacson informed the Body that he had discussed with Senator De Lima the deletion of the words "RULE 71 OF" in the proposed amendment simply because the Supreme Court might amend Rule 71 in the future. Senator De Lima agreed.

Senator Lacson added that there might be a necessity to change the title of the measure.

not pro

MANIFESTATION OF SENATOR SOTTO

Upon consultation with Senator Recto and Senator Lacson, Senator Sotto informed that Body that Senator Recto has withdrawn his amendment to the amendment of Senator De Lima.

APPROVAL OF THE DE LIMA AMENDMENT, AS AMENDED

Submitted to a vote, there being no objection, the Body approved the De Lima amendment, as amended, which reads:

SECTION 1. A new Section 26-A shall be inserted after Section 26 of Republic Act No. 6975, to wit:

SEC. 26-A. *SUBPOENA POWERS.* THE PNP CHIEF, DIRECTOR AND DEPUTY DIRECTOR OF THE CRIMINAL INVESTIGATION AND DETENTION GROUP (CIDG), REFERRED TO AS THE CRIMINAL INVESTIGATION UNIT IN SECTION 35(B-4) OF THIS ACT SHALL HAVE THE POWER TO ADMINISTER OATH, AND ISSUE SUBPOENA AND SUBPOENA IN RELATION TO HIS INVESTIGATION; *PROVIDED*, THAT SUCH POWERS SHALL BE EXERCISED SOLELY BY THE AFOREMENTIONED OFFICIALS AND MAY NOT BE FURTHER DELEGATED TO ANY OTHER PERSON OR OFFICE.

THE SUBPOENA SHALL STATE THE NATURE AND PURPOSE OF INVESTIGATION, SHALL BE DIRECTED TO THE PERSON WHOSE ATTENDANCE IS REQUIRED, AND IN THE CASE OF SUBPOENA *DUCES TECUM*, IT SHALL ALSO CONTAIN A REASONABLE DESCRIPTION OF THE BOOKS, DOCUMENTS OR THINGS DEMANDED WHICH MUST BE RELEVANT TO THE INVESTIGATION.

FAILURE TO COMPLY WITH SUBPOENA AND SUBPOENA *DUCES TECUM* SHALL AUTHORIZE THE FILING OF A CASE FOR INDIRECT CONTEMPT UNDER THE RULES OF COURT WITH THE REGIONAL TRIAL COURT.

AMENDMENT TO THE TITTLE OF THE BILL

As proposed by Senator Lacson, there being no objection, the Body approved to amend the title of the bill, to read as follows:

AN ACT GRANTING THE CHIEF PNP AND THE DIRECTOR AND DEPUTY DIRECTOR OF THE CRIMINAL INVESTIGATION AND DETECTION GROUP THE AUTHORITY TO ADMINISTER OATH AND TO ISSUE SUBPOENA AND SUBPOENA *DUCES TECUM*, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 6975 AS AMENDED, OTHERWISE KNOWN AS THE DILG ACT OF 1990.

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

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

APPROVAL OF SENATE BILL NO. 1239 ON SECOND READING

Submitted to a vote, there being no objection, Senate Bill No. 1239 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1239

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

SUSPENSION OF SESSION

At this juncture, the session was suspended.

It was 6:30 p.m.

RESUMPTION OF SESSION

At 6:30 p.m., the session was resumed with Senator Villanueva presiding.

CHANGE OF REFERRAL

Upon motion of Senator Sotto, there being no objection, the Chair referred Senate Bill No. 507 (Jail Integration Act), which was originally referred to the Committee on Public Order and Dangerous Drugs, instead to the Committee on Civil Service, Government Reorganization and Professional Regulation as the


primary committee and to the Committee on Public Order and Dangerous Drugs as the secondary committee.

ADJOURNMENT OF SESSION

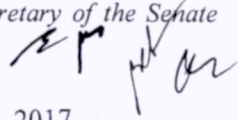
Upon motion of Senator Sotto, there being no objection, the Chair declared the session adjourned until three o'clock in the afternoon of the following day.

It was 6:32 p.m.

I hereby certify to the correctness of the foregoing.



ATTY. LUTGARDO B. BARBO
Secretary of the Senate



Approved on January 25, 2017