



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 86
Wednesday, May 24, 2017

SEVENTEENTH CONGRESS
FIRST REGULAR SESSION

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Wednesday, May 24, 2017

CALL TO ORDER

At 3:25 p.m., the Senate President Pro Tempore, Hon. Ralph G. Recto, called the session to order.

PRAYER

Sen. Grace Poe led the prayer, to wit:

Sa Ngalan ng Ama, ng Anak, at ng Espiritu Santo. Amen.

Diyos na aming mahal, hinihingi po namin sa Inyo ang Inyong patuloy na gabay at proteksyon lalung-lalo na para sa aming mga kababayan sa Mindanao at Marawi. Nawa'y liwanagin N'yo po ang isip ng aming Sandatahang Lakas at bigyan sila ng tamang mga desisyon na magpoprotekta lalung-lalo na sa buhay ng mga sibilyan sa lugar na iyon.

Bigyan N'yo rin po ng gabay kaming nasa Kongreso at Senado na aming tukuyin kung ano ang makabubuti para sa Inyong mga tao, para sa mga nakararami.

Hinihiling po namin ito, Mahal na Panginoon.

Amen.

ROLL CALL

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

Angara, S.	Legarda, L.
Aquino, P. B. IV. B.	Pacquiao, E. M. D.
Binay, M. L. N. S.	Poe, G.
Drilon, F. M.	Recto, R. G.
Ejercito, J. V. G.	Sotto III, V. C.
Escudero, F. J. G.	Villanueva, J.
Honasan, G. B.	Villar, C. A.
Hontiveros, R.	Zubiri, J. M. F.
Lacson, P. M.	

With 17 senators present, the Chair declared the presence of a quorum.

Senators Gordon, Pangilinan and Trillanes arrived after the roll call.

Senate President Pimentel and Senator Gatchalian were on official mission abroad.

Senator De Lima was unable to attend the session as she was under detention.

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DEFERMENT OF THE APPROVAL OF THE JOURNAL

Upon motion of Senator Sotto, there being no objection, the Body deferred the consideration and approval of the Journal of Session No. 85 (May 23, 2017) to a later hour.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, there being no objection, the session was suspended for a senators' caucus at the Senators' Lounge.

It was 3:28 p.m.

RESUMPTION OF SESSION

At 4:11 p.m., the session was resumed.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

Senator Sotto acknowledged the presence in the gallery of Senator Aquino's guests – the representatives from the Lakbay Buhay Anti-Death Penalty Pilgrim, who made a 21-day march from Cagayan De Oro City to the Senate.

REFERENCE OF BUSINESS

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

BILL ON FIRST READING

Senate Bill No. 1469, entitled

AN ACT EXTENDING THE TERM OF OFFICE OF ELECTIVE BARANGAY OFFICIALS, POSTPONING THE OCTOBER 2017 BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9164, AS AMENDED, ENTITLED AN ACT PROVIDING FOR SYNCHRONIZED BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS, AMENDING REPUBLIC ACT NO. 7160, AS AMENDED, OTHERWISE KNOWN AS THE "LOCAL GOVERNMENT

CODE OF 1991," AND FOR OTHER PURPOSES

Introduced by Senator Sotto III

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

RESOLUTION

Proposed Senate Resolution No. 387, entitled

RESOLUTION CONGRATULATING AND COMMENDING INDIRA LACERNA-WIDMANN FOR BRINGING HONOR TO THE COUNTRY BY BEING AMONG THIS YEAR'S RECIPIENTS OF THE PRESTIGIOUS WHITLEY AWARD PRESENTED BY HER ROYAL HIGHNESS, THE PRINCESS ROYAL AT THE ROYAL GEOGRAPHICAL SOCIETY IN LONDON, ENGLAND ON 18 MAY 2017

Introduced by Senator Zubiri

To the Committee on Rules

PRIVILEGE SPEECH OF SENATOR ZUBIRI

Availing himself of the privilege hour, Senator Zubiri spoke of the recent incident of terrorism committed by the Maute group in Marawi City and its adjoining provinces and cities and the declaration of martial law in Mindanao by President Rodrigo Duterte.

Following is the full text of Senator Zubiri's privilege speech:

Yesterday the whole nation was shocked to learn of two incidents of terrorism. One was in Manchester, United Kingdom at the concert of pop artist Ariana Grande at the Manchester Arena where 22 lives were lost. The other one is within our shores, at the heartland of Mindanao in Marawi City where, as we speak, lives are being lost and innocent people are taken against their will. As a senator from Mindanao, I am appalled and indignant with the brazen manner that this Maute group, and I dare say, terrorists have occupied certain buildings and installations in the city, burned some buildings and terrorized

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not only the people of Marawi but even the adjoining provinces and cities.

Let us take a look at some of the terrorism and havoc these terrorists have done in Marawi City.

At this juncture, pictures and a short video were shown.

This is a picture of Dansalan College being burned. Here are some of the pictures shared to us. That is the college this morning; these are some of the members of the Maute group. As we can see, they are riding openly in pick-ups fully armed and, surprisingly, they do not have any face masks. That is how brazen they are now, not afraid to show their identities. On the next slide, we see them congregating on the left side of the picture. These are parts of the city, some barangays in Marawi. Some of them have commandeered even armored vehicles of banks. On the next slide, the picture will show they even commandeered the PNP personnel carrier and flew the flag of ISIS on top of it. This is the picture of ISIS controlling the Bureau of Fire Protection (BFP) fire trucks and we can see some of the ISIS members congregating on the sides of the streets. Here is one mosque where they planted the famous flag of ISIS. These are some pictures in other parts of the city where we see dozens of armed men looking like *ninjas* in their black fatigues, scurrying the streets, looking for the next victim. These are the residents of the city leaving the areas for fear of their lives and I believe it is a humongous traffic going towards Iligan City, as we speak. These are some of the residents that are fleeing the area.

I will show the Chamber a very strange video that we had come across. We can see the Maute group patrolling the streets. In this case, there was a convoy of SUVs, Land Cruisers and Nissan Patrols. The Land Cruiser opened its window — I presume these people are officials. They open the windows and we can see on the right side the Maute group members waving at those inside the SUV. We can see that after a few seconds, they are waving like saying "Hello, sir." And then they let them across and leave the area.

Enough is enough. This group has just pushed back the gains we have achieved in the aspect of the peace process with the secessionist groups, and for the economic development of Mindanao. We have taken great strides to bring development in Mindanao and pursue inclusive growth for our people, and this incident has brought us a step backward.

I believe we should rally behind the President. This is a time for unity and courage. We should show our people and the whole world that the Philippines is no place for terrorists. We have to use all constitutional means to suppress lawlessness and, once and for all, eradicate terrorism from our land without disregarding the paramount safety of the civilian population. We should fully support the AFP and PNP in fighting and neutralizing these terrorists and place them before the bar of law. These terrorists should fully account for the man-made disaster they are creating and the miseries they are causing the people of Marawi City.

As a senator from Mindanao, I understand the President's frustration in dealing with armed groups across all regions. We should take this as a chance to finally disarm them and deal with their sympathizers from some LGUs coddling these terrorists.

With the declaration of Martial Law in Mindanao, it is hoped that any threat to national security and public safety will be neutralized.

The military and police should be prepared to take extreme action themselves. We could be looking at a total lockdown of the whole Mindanao mainland and the Sulu and Tawi-Tawi archipelagos and cordon off the coastal areas. We know that many of the terrorists are often better armed and equipped than our soldiers and police. They sometimes carry more lethal weapons plus the fact that they know the terrain and have sympathizers on the ground, frighteningly catch our soldiers and police flat-footed.

We, as lawmakers and policymakers, with the power of the purse, should reverse this disservice to our troops and equip them with better and modern weaponry to boost their fighting capability and bring up the morale of our soldiers and police.

We should not let these incidents become a contagion that will destroy several decades of gains in integration, tolerance and peaceful co-existence.

The Marawi conflagration, if uncontained, will send us back to square one. These terrorists want to bring us back to the middle ages with a clash of religions and civilizations and back to the violent 12th century A.D. where the crusaders would be fighting the soldiers of the Caliphate of Salahudin. That is the agenda of these terrorists.

If we do not eliminate these terrorists, we shall lose the gains we achieve for inclusiveness and religious tolerance, especially that we, in

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government, has passed laws for Mindanao and for our Islamic brethren. Our government, recognizing the importance of our Muslim brethren, have passed laws and holidays such as commemorating *Eid'l Fitr* and *Eid'l Adha*, the creation of the National Commission for Muslim Filipinos, graduating them from a mere office of the past which was the OMA, or the Office of Muslim Affairs. We even created the Mindanao Development Authority (MinDA) which, in fact, is led by a Maranao, Secretary Alonto. In fact the MinDA and my Office are in the midst of packaging an infrastructure program for Mindanao with inputs coming from the local communities, leaders and even lumads.

Congress is also eager to re-establish the arrested debates on the Bangsamoro organic law to prove to our Muslim brothers and sisters that we are serious with our wish for further autonomy for our brothers there.

Military might is crucial. Victory cannot be won by statements and exhortations for peace alone. The force and direction of our anti-terrorist muscle and brains must jibe. Therefore, we appeal to the local communities and LGUs to support our combined military and police efforts. Help the government in intelligence gathering to rid their areas, finally, of extremists. Let us be vigilant so that we can re-establish peace and order. Let me ask: how did so many foreign terrorists gain footholds in so many pockets of Mindanao? Where were the civilian eyes and ears of the AFP and the PNP? I wonder why the LGUs do not know these or just look the other way.

I hope we can have a multi-racial, multi-faith society such as Singapore and Malaysia. These societies have prospered out of the productive economic, political and social peaceful co-existence of Muslims with people of other religions.

Sabah, for example, has a Christian governor leading a Muslim-dominated state. Singapore, the busiest trading and financial center in South East Asia, is a very multi-faith and multi-racial society. Remarkably, both these societies flourish under a strong rule of law. The law is applied equally across all faiths.

I believe Islam is a faith of peace. I have many Muslim friends who I consider sisters and brothers living in these areas. They do not share the extremist ideology of these terrorists. We know that a vast majority of Muslims do not like what is happening in Marawi right now. They also do not want the contagion to spread to Iligan City, Cagayan de Oro City and other cities of Mindanao, to enumerate a few of the

prosperous and peaceful centers of growth in our region. Many towns in my home province of Bukidnon also border Lanao Sur and are close to Marawi City.

As a Mindanaoan, I know majority of Muslim Filipinos want to achieve peace in their lifetime. So do we. Their neighbors are Christians. We do not want our children and grandchildren to cower in fear of terrorists as what had happened in Ipil and Zamboanga City sieges from where we should have learned our lessons. As we have spoken about inside the Lounge earlier, this has happened before.

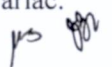
That is why I propose that the military and local chiefs draw up a Quick Reaction Protocol (QRP) so that the community can close ranks easily and repel such extremist incursions, or even just the sightings of suspicious individuals and movement of arms. This has been the case in the Province of Bohol where quick reaction of the communities helped our armed forces.

We have this now. Unfortunately, Senator Gordon is not here yet. But in our organization, the Philippine Red Cross, we have what we call the Barangay 143 program wherein one barangay will have 43 volunteers who will be in charge of blood, disaster management and preparedness and other needs of the barangay during a calamity. This could be a workable template for civilian and military anti-terrorist collaborations. If the Red Cross can be quick and effective in disaster-risk reduction and management, because we have volunteers in every barangay who monitor and report any disaster happening in their areas almost in real time, I believe we can replicate Barangay 143 effectively in anti-terrorism efforts.

Thus, this Representation stands behind the President, our Commander-in-Chief, in his declaration of Martial Law in Mindanao. Let us finish this menace once and for all. To my brothers and sisters in Mindanao, be assured that Congress will work with the Executive and guarantee that the strong arm of the law and justice will prevail in our island of Mindanao. As Congress will possibly hold a Joint Session on the declaration of martial law in mainland Mindanao, Tawi-Tawi and Sulu Archipelagos, the principles of justice, tolerance and peace shall be foremost in my mind.

MANIFESTATION OF SENATOR AQUINO

Preliminarily, Senator Aquino said that his mother hails from Davao, so that in many ways he is also a senator from Mindanao and not just from Tarlac.



He said that what happened in Marawi was very near him as he visited the place on Friday the other week to inaugurate the 508th Negosyo Center and the first Negosyo Center in the ARMM at the provincial capitol where the Negosyo Center was located. He said that with him at the inauguration were his friends from the military, businessmen and businesswomen, people from the academe and from the DTI-ARMM, all so hopeful that focusing on jobs and trade and supporting families through business could lead the way towards peace.

Senator Aquino said that when the news about the terrorists in Marawi broke out the other day, it was very troubling for him and his staff because they had just been there. He said that their hearts go out to their friends and supporters who are currently doing operations in the area. He also expressed his full support to the efforts of the AFP and PNP, hoping to see the end of the firefighting in Marawi as soon as possible.

Senator Aquino disclosed that as of lunchtime of the day, there was still sporadic gunfire in Marawi City. He said that the incident was a wake-up call for the government to put more development in the area as he believed that the long-term solution is to develop Mindanao. He opined that one of the reasons for the extremist behavior in the area, like the ease in recruiting members to engage in terror activities, was that Marawi City has been lagging far behind in terms of education with the rest of the cities and provinces in the country.

He said he supports the AFP, the PNP and the government in stopping the violence there the soonest and creating safe spaces for the citizenry, but he believed that the incident should serve as a wake-up call for the government to ensure that education and infrastructure in Marawi City must be at par with other areas nationwide. He also hoped that the fruits of the free higher education law and the free public WiFi bill could also reach the ARMM region.

He said that what is happening in Marawi is clearly a law enforcement and military issue, but he emphasized that the government must also focus on the issue of development to put an end to terror activities.

Thereafter, Senator Aquino thanked Senator Zubiri for his passionate speech.

INTERPELLATION OF SENATOR DRILON

Prefatorily, Senator Drilon disclosed that as agreed upon during the caucus, he would present a motion to invite responsible officials of the administration to personally brief the senators regarding the declaration of martial law in Mindanao.

Asked if there was already a call for Congress to hold a joint session as cited in the last sentence of his privilege speech, Senator Zubiri explained that since he wrote his speech before the Body had a caucus concerning the declaration for martial law where Senator Drilon mentioned that a joint session may not be necessary if the Chamber is not going against the declaration, he was then of the belief that a joint session may be necessary after 48 hours. This, he said, was the reason he put a colatilla by mentioning the word "possibly."

To clarify, Senator Drilon said that the concurrence of Congress is not necessary; however, since the Constitution provides that within 48 hours the President must notify the Congress of the declaration of martial law and its factual basis, Congress, in a joint vote, may revoke the declaration of martial law.

Senator Drilon inquired why the terrorist group was called Maute, noting that the said terrorist group appears to be well-organized considering their weaponries and logistics. Senator Zubiri said that Maute is the surname of the terrorist group's leader who is Maranao.

Senator Drilon agreed with Senator Zubiri that the terrorists were fully accountable for the disaster and misery caused to the people of Marawi City, but he asked if the AFP should also be held accountable for their failure to detect the terrorist activity. Senator Zubiri agreed, saying that he was likewise probing how the Maute group, together with the members of foreign terrorist group Jemaah Islamiyah, was able to gain foothold in many areas of Mindanao. He cited a video footage shown by ANC of terrorists training in the hinterlands of Mindanao—climbing walls, doing obstacle courses and practicing karate—and thereafter coming together to a graduation party where they celebrated without masks, as well as reports of bodies of foreign nationals recovered following a military encounter. Yet, he lamented that despite the video, the PNP and AFP intelligence operatives were not able to identify the terrorist members one by one until they took over a major city in Mindanao.

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He said that his concern would be in tune with Senator Drilon's motion to request a briefing from AFP and PNP together with Malacañang officials.

Asked if there was failure of intelligence, Senator Zubiri admitted that there were lapses in intelligence, like what also happened during the Zamboanga siege, noting that previously, Senator Hontiveros even mentioned about an intelligence report regarding the threat to take over Marawi City. He stated that he had been to Marawi City and had noted the presence of several police checkpoints with police headquarters established in every entrance of Marawi City; thus, he was surprised how the Maute group was able to commandeer government vehicles like PNP jeeps and BOF firetrucks.

Senator Drilon wondered how the Marawi City incident could have happened considering that the budget for intelligence fund was tremendously increased to more than 100% at P4.593 billion for 2017, which is proof that the AFP and PNP received so much support from Congress for their intelligence gathering. Relative thereto, he pointed out that Senator Honasan even asked for the activation of the Senate Select Committee on Intelligence Funds for the purpose of asking the recipients in closed session to account for the funds.

Senator Zubiri suggested that should the briefing called for by Senator Drilon push through, the AFP and PNP should be asked how they spent their respective intelligence fund.

Senator Drilon stated that the Office of the President must likewise be asked about the use of its intelligence fund. He believed that there seemed to be a failure of intelligence which, to him, is alarming considering the huge amount allocated for intelligence gathering.

MOTION OF SENATOR DRILON

At this point, Senator Drilon moved that the Body invite the DND secretary, the national security adviser, and the AFP chief of staff, to brief the senators in closed session on what transpired in Mindanao, taking note that under the Constitution the President has to submit within 48 hours from his declaration of martial law a report on the factual basis of such declaration. He believed that it may be best for the report to be explained in detail by responsible officials and for the senators to be given the opportunity to dig deeper on the facts of the case.

Submitted to a vote, there being no objection, the Body approved the motion to invite the secretary of the DND, the national security adviser, and the chief of staff of the AFP, to brief the senators in closed session on what transpired in Mindanao.

MANIFESTATION OF SENATOR GORDON

Saying that he spent the previous night at the Red Cross headquarters to monitor the event in Marawi City, Senator Gordon stated that he would not go as fast as saying that there was failure of intelligence because there were several sides to the incident.

He stated that he was one with Senate President Pimentel as well as Senators Drilon, Honasan, Lacson and Legarda, that they must get some sense into the abstraction on the intelligence gathering community. According to him, the NICA was supposed to be coordinating intelligence reports but was unable to make a proper analysis from the intelligence reports gathered to come out with the necessary operations that would succeed.

Senator Gordon expressed the view that the Body should also look into the other failures like the Zamboanga siege which practically lasted two to three years, and Nur Misuari's attack in Sulu. These failures, he said, were glaring and should be looked into in order to prevent further bloodshed in Mindanao.

He expressed his support for Senator Drilon's motion. He also informed the Body of a report that a hospital was taken over but it was not. According to him, there were nurses and doctors from the Red Cross who were at the hospital at that time but were now in Iligan. The real problem, he lamented, was that people were leaving the city in exodus which would certainly bring risks and stresses to them.

INSTRUCTION TO THE SECRETARIAT

Thereupon, Senator Sotto requested the Secretariat to inform the Senate President regarding the Body's approval of the motion made by Senator Drilon.

PRIVILEGE SPEECH OF SENATOR HONTIVEROS

Availing herself of the privilege hour, Senator Hontiveros delivered a speech on President Duterte's declaration of martial law in Mindanao:



The full text of Senator Hontiveros' privilege speech follows:

Yesterday afternoon, we were all jolted by news that elements of the Maute group had taken siege of Marawi City. Several facilities were occupied by this group, including a government hospital, city hall, the city jail and a school, the Dansalan College. Buildings were being set on fire, and firetrucks were detained and held by members of the terrorist group so that no assistance could be rendered. Chilling photos on social media and in news sites showed ISIS flags being hoisted over public buildings and on the streets. This was the same terrorist group responsible for the Davao night market bombing last year.

There are no words for this unspeakable tragedy. Just yesterday morning, we were commiserating with the citizens of Manchester, England whose young people became victims of a terrorist attack at a concert. Only a few hours later, our own countrymen and women from Marawi were flooding social media with desperate entreaties for help. *Sabi nga ni Marawi City Mayor Majul Usman Gandamra*, "We are not okay." I can only condemn in the strongest possible words this brazen act of terror and inhumanity that is an assault on our country, our people, and the peace-loving values of Muslim peoples all over the world.

Terrorism, however, should be responded to not with bloodlust nor unfettered state violence. Actions of the state must be measured, even as they should be prompt and decisive. I do not want to preempt the report of the President before the Congress, but I would like to express my concern over the words of President Duterte this morning, saying, and I quote, "Martial law is martial. It will not be different from what President Marcos did. I will be harsh."

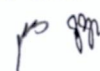
It concerns me that the President appears to be unaware that any martial law declaration done in the post-Marcosian era will, by necessity, be different from Proclamation No. 1081. Then, Marcos did not need Congress's approval. There was no possibility of overriding the proclamation. Now, the proclamation needs affirmation by Congress, that can revoke it. Then, the military took over the civilian courts and Congress was eventually abolished. Now, the judicial and legislative branches need to remain functioning and will continue to be headed by civilians. Then, when the privilege of the writ of habeas corpus was suspended, the suspension could apply to anyone. If the President suspends the privilege

of the writ now, it can and should only apply to those charged with rebellion or offenses connected with the invasion. Furthermore, that person arrested or detained should be judicially charged within three days. These changes have been installed in place precisely because of our nation's experiences with executive excesses and overreach.

Kaya po, isa ko pong tanong sa Pangulo: ano po ang ibig sabihin ninyo na ang inyong martial law ay igagaya ninyo sa martial law ng diktador? When you say you will be harsh, do you mean that you will be as harsh as the dictator who threw journalists and critics into prison? As harsh as the dictator that authorized waterboarding, Russian roulette, rape as forms of torture? As harsh as the dictator who co-opted the judicial and legislative branches and arrogated unto himself all the powers of state? As harsh as the dictator under whom the Malisbong massacre and the burning of Jolo were perpetrated, leaving searing memories of martial law in the minds of generations of Muslim Filipinos?

Terrorism must be met with decisiveness, but I fear the implementation of martial law in the hands of a government that has demonstrated a poor track record in the area of human rights, and in the hands of a President who has time and again expressed disdain towards the rule of law. If the people's human rights are wantonly violated under peacetime, what more under martial law? *Kung ang ating uniformed personnel ay hinahayaang maging abusado at marahas sa panahon na walang martial law, paano pa sa ilalim ng batas militar?* What has become of the declaration of the state of lawlessness imposed by the President in the aftermath of the Davao night market bombing? And has this been assessed in terms of what it has accomplished and where it remains deficient? Why do we keep resurrecting relics from our painful history instead of coming up with new solutions and modern strategies that are in accordance with the rule of law and our international commitments?

These are questions I, as a legislator and therefore constitutionally mandated to check on Executive excesses, need to ask at this difficult moment confronting our nation. These are questions that I call on you, my fellow legislators, to keep asking as we navigate our way through these murky waters and as we listen to the President deliver his report to Congress tomorrow. I call on this Chamber to, at the proper time, express the sense of the Senate as early as now to remain steadfast in our commitment to human rights, to protect the lessons that we have



learned from Marcos's martial law, and to ensure that that dark period of history will never happen again.

Yes, let us rally around the flag. But rallying around the flag means defending our cherished values that include human rights and civil liberties. It does not mean being blind to the excesses of leaders nor acceptance of authoritarianism. Let us rally behind the government, but let us do it for the right reasons.

Make no doubt about it: terrorism is a monster to be suppressed. But in suppressing this monster, let us not rouse another monster; one that carries with it the legacy of so much blood and pain.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 4:57 p.m.

RESUMPTION OF SESSION

At 4:58 p.m., the session was resumed.

PRIVILEGE SPEECH OF SENATOR PACQUIAO

Senator Pacquiao took the floor to speak on the terrorist attack in Marawi and the declaration of martial law in Mindanao.

The full text of Senator Pacquiao's privilege speech follows:

I rise on a matter of personal and collective privilege.

I fully support the declaration of martial law in Mindanao by Pres. Rodrigo Roa Duterte.

As a Mindanaoan, I believe this is timely and necessary. The violence perpetrated by the Moro extremists in Marawi City has to be stopped. Martial law is the right move to empower the military and the police to restore stability and order in the area.

Now is not the time for us to be divided as a nation. Let us understand that the President makes this tough decision with the welfare of the people in mind.

I am appealing to the civilian populace not only in Marawi City but in the entire country to

stay calm and vigilant. Let us support our government. Let us be responsible by not spreading unverified reports.

The President is constitutionally bound to provide explanation within 48 hours to justify his decision. Our current Constitution provides adequate safeguards against possible abuses which are not available in our previous Constitution. There is nothing to fear about martial law. It is for the good of our land and the safety of our people.

To our brothers and sisters in Marawi City, rest assured that you are in our thoughts and prayers. We are praying for your safety during these trying times. We are also praying for our brave soldiers and law enforcers who risk their lives in the field just to make our country a safe place to live in.

Stay strong Marawi. God bless us all.

REFERRAL OF SPEECHES

Upon motion of Senator Sotto, there being no objection, the Chair referred the privilege speeches of Senators Zubiri, Hontiveros and Pacquiao to the Committee on National Defense and Security.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 1353 AND HOUSE BILL NO. 5159

Upon motion of Senator Sotto, there being no objection, the Body considered the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1353 entitled

AN ACT INCREASING THE PENALTIES FOR THE REFUSAL OF HOSPITALS AND MEDICAL CLINICS TO ADMINISTER APPROPRIATE INITIAL MEDICAL TREATMENT AND SUPPORT IN EMERGENCY OR SERIOUS CASES, AMENDING FOR THE PURPOSE BATAS PAMBANSA BILANG 702, OTHERWISE KNOWN AS "AN ACT PROHIBITING THE DEMAND OF DEPOSITS OR ADVANCE PAYMENTS FOR THE CONFINEMENT OR TREATMENT OF PATIENTS IN HOSPITALS AND MEDICAL CLINICS IN CERTAIN AREAS" AS AMENDED BY REPUBLIC ACT NO. 8344 AND FOR OTHER PURPOSES;

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and House Bill No. 5159, entitled

AN ACT STRENGTHENING THE PROVISION OF EMERGENCY HEALTH CARE SERVICE TO PATIENTS, FURTHER AMENDING FOR THE PURPOSE BATAS PAMBANSA BILANG 702, AS AMENDED, ENTITLED "AN ACT PROHIBITING THE DEMAND OF DEPOSITS OR ADVANCE PAYMENTS FOR THE CONFINEMENT OR TREATMENT OF PATIENTS IN HOSPITALS AND MEDICAL CLINICS IN CERTAIN CASES."

The Chair recognized Senator Ejercito to sponsor the report.

JOINT EXPLANATION OF THE CONFERENCE COMMITTEE

Senator Ejercito, head of the Senate panel in the Bicameral Conference Committee on the disagreeing provisions of Senate Bill No. 1353 and House Bill No. 5159, submitted to the Body for its ratification and approval the Conference Committee Report, along with the reconciled version of the bill.

He then cited some of the salient features of the reconciled bill, to wit:

1. The definition of "Emergency" in BP 702, as amended, was further amended to include the case of a pregnant woman in active labor. "Emergency" is now defined as "a condition or state of a patient wherein based on the objective findings of a prudent medical officer on duty for the day, there is immediate danger and where delay in initial support and treatment may cause loss of life or cause permanent disability to the patient, or in the case of a pregnant woman, permanent injury or loss of her unborn child would result in a non-institutional delivery." Thus, it will be unlawful for hospitals or medical clinics to refuse pregnant women who are about to give birth just because they do not have money to give to the hospital as deposit which hospitals often require as a pre-requisite for administering basic emergency care.

He expressed hope that with with new definition, cases of women giving birth in a taxi because they

were turned away by a hospital would be a thing of the past.

2. To deter hospitals or medical clinics from demanding deposits from patients in emergency cases, the penalties were increased. Aside from imprisonment, any employee, medical practitioner or official of the hospital who violates the provisions of this Act will pay an increased fine of P100,000 up to P300,000.

Moreover, if the violation was committed pursuant to an existing hospital policy aside from imprisonment, the director or officer of the health facility will pay an increased fine of P500,000 up to P1 million. And upon the third violation, the license of the hospital shall be revoked by the Department of Health;

3. Lest it be misconstrued that this measure is merely punitive, the reconciled bill provides for PhilHealth reimbursement to hospitals for the expenses incurred in administering basic emergency care to indigent or poor patients.

Furthermore, the hospital can declare the other cost of basic emergency care given to indigent patients that are not reimbursed by Philhealth as tax-deductible.

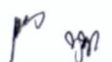
4. The reconciled bill provides a mechanism for mediation and resolution of complaints of patients against hospitals who demand deposit for emergency or serious cases.

A Health Facilities Oversight Board shall be established under the Department of Health to be composed of a DOH representative, a representative of the Philippine Medical Association, a representative from private health institutions and three representatives from the organizations advocating for patients' rights and public health, one of whom should be a licensed physician.

The oversight board shall investigate the claim of the patient and after adjudication, impose administrative sanctions such as the revocation of license and shall facilitate the filing of criminal cases in the proper courts.

APPROVAL OF THE CONFERENCE COMMITTEE REPORT

Submitted to a vote, there being no objection, the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1353 and House Bill No. 5159 was approved by the Body.



**CONFERENCE COMMITTEE REPORT
ON SENATE BILL NO. 1277 AND
HOUSE BILL NO. 5225**

Upon motion of Senator Sotto, there being no objection, the Body considered the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1277, entitled

AN ACT ESTABLISHING THE FREE
INTERNET ACCESS PROGRAM IN
PUBLIC PLACES IN THE COUNTRY
AND APPROPRIATING FUNDS
THEREFOR,

and House Bill No. 5225, entitled

AN ACT MANDATING THE PROVI-
SION OF FREE WI-FI INTERNET
ACCESS IN PUBLIC AREAS.

The Chair recognized Senator Aquino to sponsor the report.

**SPONSORSHIP SPEECH
OF SENATOR AQUINO**

Upon motion of Senator Aquino, there being no objection, the Joint Explanation of the Conference Committee was adopted as the sponsorship speech.

Following is the full text of the Joint Explanation of the Conference Committee:

The Bicameral Conference Committee on the disagreeing provisions of Senate Bill No. 1277 and House Bill No. 5225, after having met and fully discussed the subject matter in a conference, hereby submits the following joint explanation to both Houses of Congress on the provisions and amendments agreed upon by the conferees in the accompanying Conference Committee Report:

1. The Conference Committee agreed to adopt the Senate version as the working draft;
2. In Section 1. Short Title, the Senate version was adopted and shall now read as follows:

Section 1. Short Title. – This Act shall be known as the “Free Internet Access in Public Places Act.”

3. In Section 2. Declaration of Policy, the Senate version was adopted.

4. In Section 3. Free Public Internet Access Program, the Senate version was adopted with amendments and shall now read as follows:

SEC. 3. Free Public Internet Access Program. — there is hereby created a Free Public Internet Access Program, hereinafter referred to as the Program.

Under the Program:

- a) No fees shall be collected from users to connect to the public internet access points;
 - b) The free internet service provided shall be separate from the internet service used for backend computer systems and programs, databases, and/or management and information systems in government offices: *Provided*, That the shared use of infrastructure shall not be prohibited;
 - c) Technical solutions that may limit or restrict access shall only be employed when there is clear and present technical risk or breach that cannot be remedied through ordinary technical solutions: *Provided*, That technical solutions that can likewise maintain or promote ease of access shall be prioritized and pursued.
5. Section 5. Coverage of the Program of the Senate version was adopted as Section 4 of the reconciled version with amendments and shall now read as follows:

SEC. 4. Coverage of the Program. – Public places to be covered by this Act shall include the following:

- a) National and local government offices;
- b) Public basic education institutions;
- c) State universities and colleges, and TESDA Technology Institutions;
- d) Public hospitals, health centers, and rural health units;
- e) Public parks, plazas, libraries, and barangay reading centers;
- f) Public airports, seaports; and
- g) Public transport terminals.

At the minimum, the Program shall be made available in areas within the foregoing public places where maximum use and access to the benefits shall be ensured such as, but not limited to, computer laboratories and

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libraries in public basic education institutions and state universities and colleges, main lobbies and hallways of public buildings or transport terminals, and at main assembly points in public parks, hospitals, and health centers. Appropriate signage shall be placed in conspicuous areas of sites with access to the free internet service provided by the Program.

The DICT shall be authorized to set standards and qualifications in determining which public places shall be included and prioritized for the rollout of the Program.

6. Section 4. Lead Implementing Agency of the Senate version was adopted as Section 5 of the reconciled version with amendments and shall now read as follows:

SEC. 5. Lead Implementing Agency. – The Department of Information and Communications Technology (DICT) shall be the lead implementing agency that will oversee the effective and efficient implementation of this Act.

For purposes of administering the provisions of this Act, the DICT shall:

- a) Within one (1) year from the effectivity of this Act, develop a comprehensive plan for the timely and effective implementation and propagation of the program;
- b) Coordinate with national government agencies, local government units, private sector, and concerned organizations to ensure that the comprehensive plan is integrated with the plans and budgets of all agencies mandated to provide free internet access under this Act;
- c) Prescribe policies and regulations, and coordinate the timely and effective implementation of this Act;
- d) Enter into contracts to undertake the implementation of this Act subject to existing laws and regulations;
- e) Arrange funding for the program from any source, whether private, government, foreign, or domestic, including official development assistance and bilateral and multilateral loans, subject to existing laws and regulations;
- f) Ensure that the minimum internet speed per user is two megabits per second (2 mbps) or as prescribed by the National Broadband Plan, whichever is higher;

- g) Undertake the creation, establishment, installation, maintenance, and operation of infrastructure, equipment, systems, platforms, applications, and such other program requirements necessary to effectively provide free internet access in public places throughout the country;
- h) Train its personnel, and institute accounting and fiscal practices for the operation of the program, including in instances where the operation of the program is outsourced to a qualified private party;
- i) Prescribe regulations or subscribe to acceptable standards in the installation, construction, maintenance, and operation of infrastructure and equipment.

Provided, however, that nothing in this Act shall prohibit DICT from providing internet connectivity by installing equipment and establishing infrastructure.

7. Section 12 of the Senate version was adopted as Section 6 of the reconciled version with amendments and shall now read as follows:

SEC. 6. Public-Private Participation. – To promote an efficient and cost-effective delivery of the free internet access for public places, the DICT may partner with the private sector in the implementation of the Program.

The excess capacity of private sector partners may be offered to deliver supplemental internet access service for a reasonable fee to the users in the areas where program facilities are located: *Provided,* That said individuals or entities register to the NTC as value-added service providers.

In order to lower costs, increase and improve the free internet access for public places, private service providers are encouraged to exchange data traffic at domestic internet protocol (IP) exchanges, which may be designated by the DICT.

Internet Service Providers (ISPs) shall be allowed to acquire and utilize internet connectivity directly from satellites and other emerging technologies to ensure universal coverage, which when used to provide internet connectivity shall be considered value-added services.

8. Section 10. Exclusivity Arrangements of the Senate version was adopted as Section 7 of the reconciled version with amendments, and shall now read as follows:

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SEC. 7. Exclusivity Arrangements. – Any unfair methods of competition and exclusivity arrangements in favour of a single telecommunications entity shall be prohibited to promote the free and unrestricted access to public places covered under this Act for the purpose of installation and operation of broadband facilities. The DICT, in coordination with the Philippine Competition Commission (PCC), shall issue the appropriate rules and guidelines to enforce this provision. Any violation of said prohibition shall subject the concerned government officials and employees to administrative penalties under existing civil service laws, rules, and regulations.

9. Section 11 of Senate version was adopted as Section 8 of the reconciled version with amendments and shall now read as follows:

SEC. 8. Use of Available or Unassigned Spectrum. – The DICT, in coordination with the National Telecommunications Commission (NTC), shall be assigned such frequencies as it shall require for the Program: *Provided*, That this shall not cause interference to other private operators of the Program, or hinder the development of, the broadcast, telecommunications, internet service, or value-added services authorized by or registered with the NTC.

The use of available or unassigned spectrum may be granted to other agencies and private entities subject to transparent, fair, reasonable, and non-discriminatory terms and conditions as specified in the guidelines jointly issued by the DICT, NTC, and PCC after public stakeholder consultations.

Within one (1) year from the effectivity of this Act, the DICT, in consultation with the NTC and PCC, shall issue the guiding principles and policy direction for the open and shared use of spectrum, especially for the implementation of the Program.

10. Section 14 of the Senate version was adopted as Section 9 of the reconciled version with amendments and shall now read as follows:

SEC. 9. Data Collection and Monitoring. – Within one (1) year from the effectivity of this Act, the NTC shall issue rules on minimum standards for quality of service, including, but not limited to download speed, latency, packet loss, and jitter for public free internet service. The minimum quality of service standards for the Program shall not be lower than minimum quality of service

standards provided for retail basic internet connectivity services offered to the public.

The DICT shall periodically collect, update, and publish such information on the cost, performance, service quality, and compliance with the minimum standards on free public internet access points set by the NTC.

The DICT shall impose penalties upon internet service providers (ISPs) that do not comply with the minimum standards set by the NTC, and the agreed quality of service as specified in their contract with DICT.

The government shall respect the privacy of persons who use the Program. In no case shall the administrator or manager of the said Program engage in the collection, use, or disclosure of user data, including the collection of anonymous traffic data, in accordance with the provisions of Republic Act No. 10173, otherwise known as the "Data Privacy Act."

11. The Conferees agreed to insert a new Section 10, to read as follows:

SEC. 10. Prohibition on Access to Pornography. – Access to pornographic websites shall be prohibited under the Program.

12. The Conferees agreed to insert a new Section 11, to read as follows:

SEC. 11. Protection of Children. – The DICT, in coordination with the Inter-agency Council Against Child Pornography, and in consultation with telecommunications companies, and civil society organizations, shall develop standards and mechanisms for the protection of children online, consistent with existing laws on the rights and protection of the welfare of children.

13. Section 8. Protection of Public Health of the Senate version was adopted with amendments as Section 12 of the reconciled version and shall now read as follows:

SEC. 12. Public Safety Warning. – The DICT and the telecommunication companies shall ensure that facilities, such as relay stations, repeaters, boosters, and telecommunication towers shall, where warranted, bear appropriate warning signage when close and constant contact with such facilities may be harmful or hazardous.

14. Section 7. Private Property Ownership of the Senate version was adopted *en toto* as Section 13 of the reconciled version.

15. Section 9 of the Senate version was adopted with amendment as the new Section 14 of the reconciled version and shall now read as follows:

SEC. 14. Role of National Government Agencies and Local Government Units. — For the purposes of this Act, the concerned NGAs and LGUs shall:

- a) Coordinate with the DICT and the DILG in the streamlining of the application, renewal, and approval of permits and certificates, and the regulation, standardization, and implementation of fees pertinent to the effective implementation of the Program;
 - b) Facilitate the access of telecommunication companies in government or government-owned or -controlled properties and facilities for the deployment and temporary storage of equipment and property needed to construct infrastructure or install equipment necessary for the implementation of this Act;
 - c) Align or enroll their respective programs providing free access to internet service with that provided in this Act;
 - d) Ensure the security of installed equipment; and
 - e) Assign a designated personnel who can act as site coordinator as needed.
16. Section 6. Permitting and Certification of the Senate version was adopted with amendments as the new Section 15 of the reconciled version and shall now read as follows:

SEC. 15. Permitting and Certification. — The DICT shall streamline the process for the application, renewal and release of permits, licenses, and clearances, needed for the construction of infrastructure or installation of equipment in coordination with concerned national and local government agencies, instrumentalities, and departments for the effective implementation of this Act.

The DICT shall also standardize and regulate fees for the facilitation of permits, certificates, and the rental rates of government-owned or -controlled properties for the construction of infrastructure and installation of equipment necessary for the immediate and effective implementation of the Program: Provided, That the fees to be collected from local fees, charges, and other local impositions shall inure solely to the benefit of, and be

subject to disposition by the local government units (LGUs).

The DICT shall coordinate with the concerned National Government Agencies (NGAs) and LGUs, and conduct the necessary consultations with civil society organizations and other stakeholder groups in the development of the implementing rules and policies for the permitting and certification process.

Failure on the part of the issuing agency to release the applied license without informing the applicant business entity of the errors, omissions, or additional documents required shall mean automatic approval of the license or permit applied for within seven (7) days after submission of the applicant business entity of the complete requirements and payment of the corresponding fees: Provided however, That in case where the cause of delay is due to force majeure or natural or man-made disasters which may result to damage or destruction of documents, the prescribed processing time shall be suspended and appropriate adjustments shall be made.

No additional steps, permits, certificates, or fees shall be required from any applicant other than the requirements stipulated by the DICT.

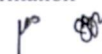
Initial issuances and agreements necessary to facilitate the implementation of the streamlines process shall be issued or released within three (3) months from the effectivity of this Act.

The Department of the Interior and Local Government (DILG) shall be responsible for monitoring the compliance of concerned LGUs with the requirements of the Program.

17. Section 15 of the Senate version was adopted as Section 16 of the reconciled version with the following amendments and shall now read as follows:

SEC. 16. Annual Report — The DICT, in coordination with other relevant NGAs and LGUs, shall prepare an annual report on the status of the implementation of the Program, and recommend necessary policies for the effective implementation of this Act.

This report shall be submitted to the President of the Philippines, the Senate of the President, the House Speaker, and the Chairpersons of the Committee on Science and Technology of the Senate of the Philippines, and the Committee on Information



and Communications Technology of the House of Representatives.

18. Section 16 of the Senate version was adopted as Section 17 of the reconciled version.
19. Section 17 of the Senate version was adopted as Section 18 of the reconciled version.
20. Section 18 of the Senate version was adopted as Section 19 of the reconciled version.
21. Section 19 of the Senate version was adopted as Section 20 of the reconciled version.
22. Section 20 of the Senate version was adopted as Section 21 of the reconciled version.
23. Section 21 of the Senate version was adopted as Section 22 of the reconciled version with amendment;

Delete the phrase "in the Philippines" after the word "circulation."

24. The title of the Senate version was adopted with amendment;

Delete the word "SPACES" and replace with the word "PLACES" which shall now read as follows;

"AN ACT ESTABLISHING THE FREE INTERNET ACCESS PROGRAM IN PUBLIC PLACES IN THE COUNTRY AND APPROPRIATING FUNDS THEREFOR."

In case of a conflict between the statements/amendments stated in this Joint Explanation and the provisions of the consolidated bill in the accompanying Conference Committee Report, the latter shall prevail.

APPROVAL OF THE CONFERENCE COMMITTEE REPORT

Submitted to a vote, there being no objection, the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1277 and House Bill No. 5225 was approved by the Body.

MANIFESTATION OF SENATOR AQUINO

At this juncture, Senator Aquino thanked his colleagues, his cosponsors Senators Recto, Poe, Pangilinan, Pacquiao, de Lima, Villanueva and Zubiri, who helped in the passage of the Free Internet Access in Public Places Act that would empower Filipinos with Internet access to opportunities, education, information, livelihood, jobs and businesses.

He also thanked the members of the Senate panel in the conference committee — Senators Binay, Ejercito, Recto and Villanueva.

In closing, Senator Aquino said that he was honored to have sponsored the measure which he hoped could be a step towards improving Internet services in the Philippines. He urged his colleagues to push for the swift and successful implementation of the Free Internet Access in Public Places Act and work on parallel efforts like the national broadband plan and the entry of more players and Internet providers into the country, in order to achieve the goal of faster, cheaper and more reliable internet services for every Filipino.

MANIFESTATION OF SENATOR PANGILINAN

As stated in the *Rules of the Senate* and as traditionally practiced, Senator Pangilinan said that the senator who filed the first among the bills consolidated in the final version is considered the principal author. Thus, he placed on record that he was the first senator to file a bill on Free Wifi.

Senate President Pro Tempore Recto stated for the record that he filed a similar bill several Congresses ago.

Senator Sotto gave the assurance that the Secretariat was aware of the Rules and practice as seen in the Records of the Senate and Journals. For senators sponsoring bills, he suggested that as practiced in the Ninth and Tenth Congresses, some credit be given to the previous senator who filed the same bill.

Senator Aquino stated that he was not contesting the rule or tradition in the Senate, only that it was a little disadvantageous for neophyte senators. He hoped that the Majority Leader could come up with a more equitable rule regarding the issue. Senator Sotto said that it was quite difficult to change tradition, especially since the practice has been observed since the First Congress.

SPECIAL ORDER

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 77 on Senate Bill No. 909 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 77 ON SENATE BILL NO. 909

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 909 (Committee Report No. 77), entitled

AN ACT INCREASING THE PENALTIES FOR OTHER ILLEGAL GAMBLING ACTIVITIES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9287, ENTITLED AN ACT INCREASING THE PENALTIES FOR ILLEGAL NUMBERS GAMES, AMENDING CERTAIN PROVISIONS OF PRESIDENTIAL DECREE NO. 1602, AND FOR OTHER PURPOSES.

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.

Thereupon, the Chair recognized Senator Lacson, sponsor of the measure.

SPONSORSHIP SPEECH OF SENATOR LACSON

Senator Lacson, on behalf of the Committee on Games and Amusements, submitted for plenary consideration Senate Bill No. 909, entitled "An Act Increasing the Penalties for Other Illegal Gambling Activities, Amending for the Purpose Republic Act No. 9287, entitled an Act Increasing the Penalties for Illegal Numbers Games, Amending Certain Provisions of Presidential Decree No. 1602, and for Other Purposes," under Committee Report No. 77.

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

Let me tell you a true story.

In early 1992, a young police superintendent, fresh from his 28-month stint as commander of the Cebu Metropolitan District Command (Metrodiscom) in Central Visayas, having been absorbed into the newly-constituted Philippine National Police by virtue of Republic Act No. 6975 enacted in 1991, received his marching order from Camp Crame to report as the new provincial director of

the Laguna Provincial Police Office in the Southern Tagalog region.

On the eve of his assumption of command, he heard loud knocks at the door of his house, at around 10:00 o'clock in the evening. It was his elder brother who was then a bank branch manager somewhere in Paranaque City of the now defunct Interbank. He said he was told by one of his bank's valued clients that his younger brother was to assume command in Laguna province.

With much excitement, he lost no time in saying, "*Tol, mayroon akong kausap na kliyente namin sa bangko. Nalaman niyang ikaw ay maa-assign na bagong hepe ng pulis sa Laguna. May offer siyang P1.2 million kada buwan. Wala kang dapat gawin basta huwag mo lamang pakikialaman ang operation ng jueteng sa probinsiya.*"

He went further by suggesting that he was told to open a numbered account in his branch. A monthly deposit of P1.2 million would be credited without fail. "Nobody would know," he assured. Just like that. Look the other way. Life would be easy and comfortable for the police superintendent probably for a long, long time enjoying the benefit of what could be his lifetime savings.

In the story, the younger brother firmly declined the offer but not without admonishing his *kuya* for his naivety and not realizing what he had just said to his younger sibling. A month later, the P1.2 million offer would become P1.8 million after the new police director went hammer and thongs raiding and running after the *jueteng* operations with such tenacity nobody could imagine.

I am sure, even as I speak and as you listen, there are many PNP officers, superintendents or even those of higher ranks who are going through what that police provincial director in my story had experienced.

Maybe some likewise resisted the temptation. Others have probably caved in and accepted such lucrative offer. For the latter, the huge amount of money in exchange for so little or no effort is, indeed, tempting. It is also risky yet addicting once it pays out, for once some people in authority or position of power have tasted the underground perks, they will always look for more, and there lies the risk or danger.

May matandang kasabihan: Nabasa na rin lamang, maligo na nang tuluyan. Human experience would tell us how petty corruption morphs into something big, then bigger and

bigger until a person mostly clothed with official authority does not know anymore how and when to stop. Worse, from monthly takes courtesy of gambling operators, he shifts to a much bigger protection money from smugglers, drug lords and the like, and before anybody realizes it, the whole country is faced with serious national security and economic problems.

From my previous statement, allow me to highlight the words “tempting,” “risky” and “addicting.” These words form part of the formula for corruption. Moreover, these exact words also fit perfectly to another menace in our society—illegal gambling. Both corruption and illegal gambling are prejudicial to society and destructive of good governance as they feed on man’s greed and craving for earthly possessions.

At present, illegal gambling has remained a multi-billion peso underground industry with patrons coming from all walks of life, cutting across sectors and social status. This is attributable to the fact that it comes in so many forms to cater to one’s preference and budget.

In 2004, during my first term as senator of the Republic, I authored Republic Act No. 9287 that increased the penalties for illegal numbers games. Thirteen years later, please allow me to recognize the fact that the same needs to be updated. It is my privilege and honor as chairman of the Committee on Games and Amusements to be standing here to present amendments to a law that I originally authored when I was a neophyte senator.

Moreover, allow me to say that the timing is no less than perfect considering that it will complement our Chief Executive’s directive to intensify our government’s fight against illegal gambling. May the same be as relentless and uncompromising as the war against illegal drugs in dealing with large-scale operators and their protectors in government and in law enforcement.

Senate Bill No. 909, courtesy of our colleague, Senator Gatchalian, adopts the same scale of penalties provided for under Republic Act No. 9287. Under the proposed amendment, the said penalties shall now be made applicable to other illegal gambling activities, namely:

- (1) cockfighting or *tupada*;
- (2) *jai alai* or horse-racing;
- (3) *cara y cruz* or *pompiang*;
- (4) 7/11 and any game using dice;
- (5) black jack, lucky nine, *pusoy* or russian poker, *monte*, baccarat, *sakla*, *wahaw*, *panggingge* and other card games;
- (6) mahjong, domino, and other games using plastic tiles and the like;
- (7) Slot machines, roulette, pinball, root game and other mechanical contractions and devices;
- (8) dog racing, boat racing, car racing, and other forms of races;
- (9) game fixing, point shaving and other machinations in individual or team effort contests; and
- (10) banking or percentage schemes or any other game of scheme and its derivatives, whether upon chance or skill, with wagers consisting of money, articles of value.

These illegal gambling activities are already long defined as criminal acts in our statutes. These days, we rely on navigational applications such as Waze to avoid traffic congestions. *Kung saan-saang kalye tayo padadaanin ni Waze* only to find out *na mababara ka sa napakasikip na kalye ng Metro Manila. Hindi na naka-kagulat na may makita kang kabaong sa tabi ng daan na ang mga tao at mga taong nagsusugal sa ilalim ng toldang may pangalan pa ni kagawad. ‘Pag pinabalik ka ni Waze matapos ang isang buwan, aba, nandoon pa rin ang kabaong sa tabi ng daan, nandoon pa rin ang tolda at pangalan ni kagawad, sampu ng mga taong nagsusugal.*

The practice of gambling in wakes has sadly formed part of the Filipino culture. As sociologists would say, illegal gambling is used as a means to keep mourners around and provide financial assistance to the family of the dead.

Sakla, for example, is just another lucrative scheme for illegal gambling operators by taking advantage of the loss of a family member.

Sixty-fourty *ang hatian*. Sixty percent *sa* operator, *at ang* forty percent *ay sa* *naulilang pamilya*. *Kabahagi sa 60% ay sa* police scalawag, barangay chairman *o* *kagawad at minsan umaabot pa sa* city hall. Illegal gambling is vulnerable to police harassment which ultimately translates to corruption.

The social problems created by illegal gambling such as addiction, domestic violence, indebtedness and other forms of crimes resulting thereto outweigh its supposed alluring benefits. Illegal gambling must be penalized heavily.

As stated in an article I read: “Gambling is an addictive behavior. Make no mistake about it. It has all the properties of a psychoactive substance. It changes the neurochemistry of the brain. In other words, the excitement of the

possibility of winning a huge sum of money with minimal investment has a narcotic plight effect on the brain that calls for greater and greater risks in the hope of the big win.”

The ultimate goal of this proposed measure is to put behind bars for a significant number of years not only the operators, but also those in positions of power colluding with them, who knowingly operate with the desire to keep patrons addicted, and in some cases, indebted without regard to its implications to the Filipino family.

Change has, indeed, come, although some changes resulted in divisiveness.

I hope you agree that we should have a common stand in the fight against illegal gambling in the Philippines. It must end here.

By the way, the bank manager in my short story at the opening of the sponsorship speech is my brother; the young police provincial director at that time was the police superintendent who would rise from the ranks to become chief of the Philippine National Police and later, senator of the Republic, his name—Panfilo M. Lacson, your chairman, Committee on Games and Amusement of the Seventeenth Congress.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 909

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

SPECIAL ORDER

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 97 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 97

Upon motion of Senator Sotto, there being no objection, the Body considered Committee Report No. 97, re: Privilege Speech of Senator Antonio F. Trillanes IV on the Public Confession of SPO3 Arturo Lascañas about the “Davao Death Squad” delivered on February 20, 2017.

With the permission of the Body, upon motion of Senator Sotto, only the title of the report was read without prejudice to the insertion of its full text into the Record of the Senate.

Thereupon, the Chair recognized Senator Lacson to sponsor the report.

SPONSORSHIP SPEECH OF SENATOR LACSON

Senator Lacson, on behalf of the Committee on Public Order and Dangerous Drugs, submitted for plenary consideration Committee Report No. 97 on the Privilege Speech of Senator Antonio F. Trillanes IV on the Public Confession of SPO3 Arturo Lascañas about the “Davao Death Squad” delivered on February 20, 2017.

The full text of Senator Lacson’s sponsorship speech follows:

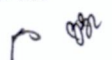
One night in September 2015, an ailing man, while undergoing dialysis in a hospital in Davao City, dreamt that the devil was inside his room. The dream seemed so real, he even had flashbacks on certain incidents of his life, particularly the times when he killed people. He recalled calling the name of Jesus and making a promise to serve His will from thereon. Thereafter, he found himself saved by a child-like image appearing from a bright light. He then woke up from his dream and became a renewed man. That was the story of the spiritual awakening of Mr. Arturo Lascañas.

More than a year later, or on October 3, 2016, the same man was summoned by the Senate Committee on Justice and Human Rights to testify under oath as to the alleged existence of and the President’s participation and involvement in the Davao Death Squad (DDS). Before proceeding, he took an oath before everyone present in this very hall and in front of the entire nation, invoking the Name of God, “to tell the truth, the whole truth and nothing but the truth.”

Not only did he deny the existence of DDS, he even declared it as nothing more than a media hype and testified on record that Mr. Edgar Matobato was a liar. Four months later, he was back here at the Senate and recanted his previous testimony.

It is no secret that several members of this august Body expressed apprehension in listening to what he had to say. I myself, too, had reservations as to giving him another chance after repudiating his previous testimony.

I made it on record during our hearing, and I am stating it once again, that I have grown averse to flip-flopping testimonies made under oath, probably because of similar incidents in the



past that directly and indirectly affected my person. My animosity, however, was no excuse to shirk my duties as Chairman of the Committee on Public Order and Dangerous Drugs to which this inquiry was referred.

Human experience tells us that lies open doors towards distrust and, more often than not, destroy relationships. In the case of Mr. Lascañas, the Senate has once again opened its doors to hear what he had to say, only because his statements may be imbued with public interest.

At the start of the inquiry, I openly posited two considerations by which Mr. Lascañas' testimony was to be evaluated.

First, it was up to Mr. Lascañas to prove not only his credibility as a witness, but also the credibility of his testimony. It was not only proper but right because he was presented as a recanting witness. Let us be guided by the wisdom of the Supreme Court in *People vs. Ayuman* [G.R. No. 133436. April 14, 2004] when it said:

"xxx mere retraction by a prosecution witness does not necessarily vitiate the original testimony if credible; that the Court looks with disfavor upon retractions of testimonies previously given in court; that the rationale for the rule is that affidavits of retraction can easily be secured from witnesses, usually through intimidation or for a monetary consideration; and that recanted testimony is exceedingly unreliable. There is always the probability that it will later be repudiated."

Let us not overlook the fact that Mr. Lascañas, a person who claimed as someone with close personal relations with the President of the Republic, admittedly tried but failed to close deals and secure contracts with the government, namely, Small Town Lottery (STL) franchises, customs brokerage, van terminal, and quarrying.

Second consideration is the *Res Inter Alios Acta* doctrine, which states that the rights of a party cannot be prejudiced by an act, declaration, or omission of another. Simply speaking, to successfully implicate President Duterte and other Davao City police officers, it was incumbent upon Mr. Lascañas to (1) prove the conspiracy by evidence other than the admission itself; (2) show that the admission relates to the common object; and (3) prove that it has been made while he was engaged in carrying out the conspiracy.

This Committee sought to be guided by the wisdom of our courts because ultimately, the matter will fall into their hands should the issue

be proven to be more than a political crusade. More importantly, I do not want the Senate of the Philippines to be used as a staging area to condition the minds of the people into accepting baseless testimonies offered to cause divisiveness to this nation.

We expected to hear details and receive other proof beyond what was easily accessible to a former police officer like Mr. Lascañas. The mosque bombings and the deaths of persons such as Pala and Bersabal are of public record. Any person with an evil design could easily fabricate allegations to be inserted in between circumstances already borne by official records. Moreover, his statements with respect to the raid of Alan Tancio's house as well as the killing of a certain Patajasa or Pasataja family were proven to be lies based on investigations conducted by not only the PNP, but also the media.

To elaborate, I beg your indulgence and may I request permission to show a PowerPoint presentation of your Committee's findings:

At this juncture, a powerpoint presentation was presented on the screen.

1. Regarding the alleged origins of the Davao Death Squad — based on the statements of Mr. Lascañas, the tag "Davao Death Squad" started after his team, composed of the select members of the Davao Police and several members of the "Rebel Returnees," raided the residence of a drug pusher named Alan Tancio.

He stated in his Affidavit, and I quote: "...we were not known as DDS until the raid on the residence of Alan Tancio when the Davao City Police Director was ISIDRO LAPEÑA."

Upon checking the service record of now PDEA Director Isidro Lapeña, we found out that he was assigned as the Davao City Police Director from 1996 to 1998.

In view of the foregoing, the moniker "Davao Death Squad" must have been coined sometime between 1996 and 1998.

Lo and behold, during his testimony before this committee, Mr. Lascañas narrated under oath and I quote: "2001, *dito po na-create ang heinous crime group. Isa ako sa mga senior na pasimuno ng death squad. Dito din, in between sa mga taon na ito, dito lumabas ang Davao Death Squad...*" *Ang taong 2001, hindi po ito sakop ng 1996 at 1998.*

2. This Committee also conducted a fact-check on the details of the raid of the residence of a known drug pusher in Davao City named

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Alan Tancio. Again, based on both the testimony and sworn affidavit of Mr. Lascañas, the residence of Alan Tancio was at Bacaca Heights, Davao City. Further, he narrated that the only occupant, a housemaid, was shot and killed.

At this point, allow me to show a video report by Ms. Maki Pulido which was aired on GMA-7's State of the Nation with Jessica Soho last February 23, 2017:

At this juncture, a video clip was played on-screen.

It is clear that the residents attested that the raid that Mr. Lascañas was referring to took place at Garcia Heights, Bajada, Davao City, and not in Bacaca Heights, Davao City. Further, contrary to Lascañas' claim that there is only one fatality, the residents, as they clearly remember the incident, attested that the said raid resulted the death of two individuals, one male and one female.

3. Among the alleged killings highlighted by Mr. Lascañas was that of the Patasaja Family.

Let it be of record that Mr. Lascañas referred to this personality as PATASAJA/PATAJASA/PASAJATA in his sworn affidavit and testimony.

That is fine and understandable. First and foremost, he said that Mr. Patasaja was ordered killed because he was allegedly the mastermind of the kidnapping of a certain Mrs. Abaca, purportedly a prominent person in Davao City. However, based on a Memorandum submitted by the PNP Anti-Kidnapping Group (AKG) dated March 3, 2017, there were no available records pertaining to the kidnapping of Mrs. Abaca.

Next point, according to Mr. Lascañas, the involvement of Mr. Patasaja was made known to the police based on information received from a certain P/Insp. Patayan who was purportedly a neighbor of Mr. Patajasa.

Once again, allow me to present a summary of the information gathered by the PNP Region 12 Office:

- a. Inspector Tzaddi W. Patayan formerly lived in Pendatun Avenue, Barangay West, General Santos City and passed away in 2008;
- b. Based on the respective interviews conducted of Inspector Patayan's sister and daughter, they have never heard of the kidnapping and that they never had neighbors living in their area with the family name Patasaja or Pasajata;
- c. Even the Purok Chairman in the person of

Roberto Dingal, who lived in the area since his childhood, gave similar statement; and

- d. All police stations in General Santos City issued certifications stating that there was no incident record or reports connected to the kidnapping of the Patasaja family.

Lastly, we noticed a glaring inconsistency in Lascañas' narration of facts pertaining to the killing of the Patasaja family in his press conference last February 20, 2017, and the affidavit that he signed the day before. During his press conference, he said that the entire Patasaja family was killed in his presence but in his affidavit, he said that he only heard gunshots coming from the small house where the Patasajas were killed. He further added that he did not know how the child was killed because it was dark.

It is true that a witness is not expected to give error-free testimony considering the lapse of time and the treachery of human memory as stated in *People vs. Mirandilla* (G.R. No. 186417 July 27, 2011), but the pronouncement of the Supreme Court on inconsistencies on minor lapses should not be twisted in order to be applicable to contradictions on relevant matters as to how a person witnessed the commission of a crime.

4. Mr. Lascañas also presented to this Committee his narrative as to the circumstances surrounding the death of Gaudencio "Jun" Bersabal, Jr.

As a brief overview, Jun Bersabal was a former leader of ex-PC soldiers engaged in various criminal activities. He was allegedly killed per order of then Mayor Duterte. To cover up the killing, Mr. Lascañas claimed that they connived with Insp. Rommel Mitra of Sigaboy Police Station to make it appear that Bersabal was properly turned over to the station after his arrest and thereafter escaped during the night.

Allow me to note that Mr. Lascañas, together with SPO4 Fulgencio Pavo, SPO3 Gerry Bagohin, SPO3 Stephen Abella, Edgar Matobato, SPO2 Ruben Laguesma and P/Sr. Insp. Rommel Mitra were all made respondents on the investigation conducted by the CHR on the death of Bersabal. The findings show that there was no clear and convincing evidence presented to prove their involvement and participation in said killing. Having said so, the presumption of regularity accorded to public officials in the performance of duty prevailed.

5. Then, there was the case of Juan "Jun" Porras Pala or more commonly known as Jun Pala. According to Mr. Lascañas, he was hired to kill Jun Pala in exchange for Three

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Million Pesos (P3,000,000.00). He substantiated that Pala was murdered upon the instructions of then Mayor Duterte because of the former's attacks against the mayor in his radio programs.

It is also difficult to single out then Mayor Duterte as the mastermind of Pala's death as CIDG 11 Report states, "Mrs. Louie Pala, the victim's wife, executed an Affidavit on October 16, 2003, stating that her late husband generated lots of enemies during his political career both public and private entities and received several threats to his life."

While it is easy to conclude that motive points to then Mayor Duterte, lest we should forget that the Supreme Court in *People vs. Maongco* (G.R. No. 108963) stated that motive alone is not proof of a crime. In order to tip the scales in its favor, intent and not motive must be established. Motive is hardly ever an essential element of a crime. A man driven by extreme moral perversion may be led to commit a crime, without a real motive but just for the sake of committing it.

6. Lascañas also claimed his involvement in the killing of Master Sergeant Donald Caigas in 2010. However, in a news report by GMA News Online on July 19, 2011, Col. Domingo Tutaan said that M/Sgt. Donald Caigas passed away in 2010 due to a lingering illness. In fact, the Department of Justice was furnished a copy of a certification proving his death. During that time, Caigas was a respondent in the preliminary investigation conducted by the DOJ regarding the disappearance of two UP students.
7. Lastly, there were also mentions of the killings of the following personalities: Fred Sotto; a certain Felicísimo Cunanan, Jr.; Eleven (11) Chinese nationals; a Taiwanese national and two (2) Filipino companions; and an unnamed dance instructor of Mayor Duterte's sister, Jocelyn.

These alleged murders were not included in the affidavit of Mr. Lascañas and the facts surrounding therein were not discussed in detail in his testimony. As such, the Committee was deprived of the opportunity to verify even the mere fact of death of the people mentioned. This portion of his testimony was disregarded due to his failure to establish the *corpus delicti* therein.

Corpus delicti refers to the fact of the commission of the crime charged or to the body or substance of the crime. In order to prove *corpus delicti*, Lascañas must have established

that (1) a certain fact has been proven — the persons mentioned died / were killed; and (2) the Davao Death Squad and Mayor Duterte are criminally responsible for the act.

This inquiry only highlighted the fact that there are individuals who have the audacity to spread falsity before this august body. These untruthful statements, given under oath before a Senate Committee, undermine Congress' constitutionally-granted authority to conduct inquiries in aid of legislation. These attempts to impede the Legislative branch from performing its constitutional function must therefore be punished accordingly.

Despite the fact that perjury and giving false testimony are already criminal in nature, the prevalence of committing such crimes remains. One solution is to impose heavier penalties to serve as deterrence against possible violators.

It is also high time to amend the Senate Rules of Procedure Governing Inquiries in Aid of Legislation, particularly the provision granting contempt power. At present, there are only two instances for a testimony made that may be subject of contempt: when he testifies falsely, or evasively. As it is currently worded, any witness can change his position or recant his testimony, without fear of penalty. Having said so, amendment should be made to punish witnesses presenting incompatible and inconsistent testimonies.

Allow me to end by giving emphasis to the fact that mere charge or allegation of wrongdoing will never suffice. Accusation is not synonymous with guilt. There must always be sufficient evidence to support the charge. This brings to the fore the application of the age-old but familiar rule that says "he who alleges must prove."

The recantation of Mr. Lascañas was evaluated in the context of his uncorroborated statement, as against public records and evidence that he and other witnesses presented and submitted in the previous inquiry conducted by the Committee on Justice and Human Rights. Finally, his recantation was interpreted as a mere sign of his unreliability.

Contrary to the media statement of a distinguished colleague, Mr. Lascañas was not denied the opportunity to testify here at the Senate with no evidence other than his self-serving statements that there was a motion to adjourn the inquiry which was seconded without any objection from any member of this committee.

Notwithstanding the inconsistencies and lack of evidentiary value of the testimony

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presented, stories and allegations as to the so-called "Davao Death Squad" will continue to plague this nation. One thing is for sure, Arturo Lascañas is not the person to prove its actual existence and finally bring to justice the perpetrators of numerous, unresolved crimes in Davao City or elsewhere in proving so.

Lastly, there is no better way to conclude this sponsorship speech than the words of retired SPO3 Arturo Lascañas himself (*video presentation*).

SUSPENSION OF CONSIDERATION OF COMMITTEE REPORT NO. 97

Upon motion of Senator Lacson, there being no objection, the Body suspended consideration of Committee Report No. 97.

ADDITIONAL REFERENCE OF BUSINESS

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

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

Letter from the House of Representatives, informing the Senate that on 22 May 2017, the House of Representatives designated Representatives Umali, Oaminal, Noel, Chipeco Jr. and Ferriol-Pascual as conferees to the Bicameral Conference Committee on the disagreeing provisions of House Bill No. 5513, entitled

AN ACT ADJUSTING THE AMOUNTS OR THE VALUE OF PROPERTY ON WHICH A PENALTY IS BASED, AND THE FINES IMPOSED UNDER THE REVISED PENAL CODE, AMENDING FOR THE PURPOSE ACT NO. 3815, OTHERWISE KNOWN AS "THE REVISED PENAL CODE," AS AMENDED; and

Senate Bill No. 14, entitled

AN ACT ADJUSTING THE AMOUNT INVOLVED, VALUE OF PROPERTY OR DAMAGE ON WHICH A PENALTY IS BASED AND THE FINES UNDER ACT NO. 3815, AS

AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE

To the Committee on Rules

COMMITTEE REPORT

Committee Report No. 105, submitted jointly by the Committees on Banks, Financial Institutions and Currencies; and Justice and Human Rights, on Senate Bill No. 1468, introduced by Senator Recto, entitled

AN ACT DESIGNATING CASINOS AS COVERED PERSONS UNDER REPUBLIC ACT NO. 9160, OTHERWISE KNOWN AS THE ANTI-MONEY LAUNDERING ACT OF 2001, AS AMENDED,

recommending its approval without amendment.

Sponsor: Senator Escudero

To the Calendar for Ordinary Business

SPECIAL ORDER

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 105 on Senate Bill No. 1468 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 105 ON SENATE BILL NO. 1468

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 14678 (Committee Report No. 105), entitled

AN ACT DESIGNATING CASINOS AS COVERED PERSONS UNDER REPUBLIC ACT NO. 9160, OTHERWISE KNOWN AS THE ANTI-MONEY LAUNDERING ACT OF 2001, AS AMENDED.

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.

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Thereupon, the Chair recognized Senator Escudero, sponsor of the measure.

SPONSORSHIP SPEECH OF SENATOR ESCUDERO

As chairman of the Committee on Banks, Financial Institutions and Currencies, Senator Escudero submitted to the Body for plenary consideration Senate Bill No. 1468 under Committee Report No. 105.

Following is the full text of Senator Escudero's sponsorship speech:

In 2012, Republic Act No. 10167, otherwise known as "An Act to Further Strengthen the Anti-Money Laundering Law", and Republic Act No. 10168, otherwise known as "Terrorism Financing Prevention and Suppression Act of 2012", were enacted. As a result, these laws prompted the FATF (Financial Action Task Force) to upgrade the Philippines from the dark grey list to its grey list in the same year.

In 2013, the enactment of Republic Act No. 10365 further strengthened our anti-money laundering drive and paved the way the removal of the Philippines from the FATF's list of vulnerable jurisdictions. This removal, however, is subject to the condition that the APG (Asia Pacific Group) on money laundering, an international body monitoring the implementation and enforcement of internationally accepted standards against money laundering and financing terrorism, shall monitor our compliance with respect to the enactment of a law, among others, including casino operators as covered persons.

The Philippines failed to enact the casino bill by 31st December 2016. In the Plenary Meeting of the APG on September 2016, the body decided to give the Philippines until June 2017 to pass the required legislation. Failure to enact the required legislation within the given time frame would possibly put the Philippines under monitoring of the International Corporation Review Group of the FATF monitoring, which could eventually result in the blacklisting of the Philippines.

Last year, our country barely escaped the FATF blacklist after hackers broke into Bangladesh bank's account with the Federal Reserve Bank of New York and successfully stole eighty-one million US dollars (US\$81,000,000.00), which found their way to four fake bank accounts in a Makati branch of RCBC. These monies were then transferred to Philrem Services Corporation and

then delivered in cash tranches to casinos. The heist therefore highlighted a vulnerable aspect in our anti-money laundering efforts and underlined the FATF's conditions with regard specifically to casinos.

The APG, in its report dated November 23, 2016, during the APG High Level Visit in Manila last November 17-18, 2016, urged the Philippine government to include casinos as covered persons in our anti-money laundering laws before the next APG meeting this coming June and July.

This bill is simple, being a mere component of Committee Report No. 13 which is now before us in plenary. We, therefore, used as basis and reference the results of the hearings and technical working group meeting conducted in connection with Committee Report No. 13, in proposing this measure and in the hope of being able to meet the deadlines imposed.

Under the proposed measure, casinos, including Internet and ship-based casino, with respect to all of their casinos cash transactions related to their gaming operations, shall be considered as "covered persons." Further, a single casino cash transaction involving an amount in excess of P5,000,000.00 or its equivalent in any currency will be considered as a "covered transaction."

Furthermore, the bill propose to clarify the extent and breadth of any freeze order or asset preservation order that the Court of Appeals may issue in accordance with its established precedents and practices in enforcing the anti-money laundering law.

Lastly, the bill proposes for the drafting of the law's implementing rules and regulations within 90 days from its effectivity by the Anti-Money Laundering Council, the Philippine Amusement and Gaming Corporation, and other government regulatory agencies, as the case may be, such as APECO, CEZA and other economic zones that may have allowed Internet or other forms of casinos or gambling within their territory.

Considering the urgency of the filing and approval of this measure, I humbly implore my colleagues for the passage of this bill.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1468

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

COMMITTEE REPORT NO. 52
ON SENATE BILL NO. 1390
(Continuation)

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1390 (Committee Report No. 52), entitled

AN ACT STRENGTHENING THE PHILIPPINE COMPREHENSIVE POLICY ON HUMAN IMMUNODEFICIENCY VIRUS (HIV) AND ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS) PREVENTION, TREATMENT, CARE, AND SUPPORT, AND ESTABLISHING THE PHILIPPINE NATIONAL AIDS COUNCIL (PNAC), REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 8504, OTHERWISE KNOWN AS THE "PHILIPPINE AIDS PREVENTION AND CONTROL ACT OF 1998," AND APPROPRIATING FUNDS THEREFOR.

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

SUSPENSION OF SESSION

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

It was 6:00 p.m.

RESUMPTION OF SESSION

At 6:01 p.m., the session was resumed with Senator Villanueva presiding.

Upon resumption, the Chair recognized Senator Hontiveros, sponsor of the measure and Senator Sotto for his interpellations.

INTERPELLATION OF SENATOR SOTTO

At the outset, Senator Sotto asked how many HIV and AIDS cases were reported in the Philippines. Senator Hontiveros replied that from January 1984 to March 2017, or a period of 33 years, there were 42,283 cases and that from January to March 2017, or a three-month period, there were 2,661 cases.

On whether the report of the DOH that there were 33,000 HIV and AIDS cases from 1984 to 2016 was correct, Senator Hontiveros replied that she would verify the particular statistic, because the 42,000 cases she reported were from 1984 to March 2017.

As regards the profiles of the persons with HIV and AIDS in the country, such as age, sex, profession and educational attainment, Senator Hontiveros cited the following breakdown for the period January 1984 to March 2017: male, 93% while female, 7%; ages: 15 to 24 years old – 27%; 25 to 34 years old – 51%; 35 to 49 years old – 18%, and 50 years old and above – 3%.

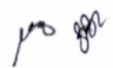
As to the profile based on profession and educational attainment, Senator Hontiveros replied that she has yet to get the breakdown.

Senator Sotto noted that the report that 93% of HIV/AIDS cases are male was correct and that its number one cause is MSM or male having sex with male.

On the current status of the implementation of Republic Act No. 8504, otherwise known as The Philippine Aids Prevention and Control Act of 1998, Senator Hontiveros replied that the number of Persons Living with HIV (PLHIVs) who are on Anti-Retroviral Treatment or ARTS totaled 19,375 as of March 2017, which would account for less than 50% of the 42,000 plus total reported cases, which means that the aims of the original HIV and AIDS law of the Philippines are not yet even half accomplished although it has made progress at present.

On whether RA 8504 has been effective, Senator Hontiveros replied that since it is less than 50% effective based on statistics, it would appear not.

Asked on the factors why RA 8504 was ineffective, Senator Hontiveros said that condom use in the Philippines is the second lowest in the Asia Pacific. She explained that only 38% of MSM under 25 years old used condoms in their sexual encounter according to a ranking by the UNICEF based on 2009 to 2014 data, and that condom use of MSM of any age is only 42%. She stated that the percentile would probably account for much less than the optimal implementation and outcome of the Philippine HIV and AIDS law.



Senator Hontiveros affirmed that one of the factors was the very low use of condoms, saying that based on studies on the recent increase of HIV and AIDS incidence, it pointed to young Filipinos aged 15 to 24 years as among the most vulnerable and who accounted the second highest percentage at 27%; while ages 25 to 34 years accounted to more than half or 51% of reported cases. Right now, she said that there are limitations on the access to HIV testing among young people despite reports from the DOH that HIV is now an epidemic of the youth.

She said that the current requirement for parental consent is actually a barrier to voluntary testing among young people who are mature enough to understand the situation and could benefit from counselling being provided during HIV testing. She stated that one of the reforms sought in the bill is to lower the age of consent for HIV testing on young people from 15 to 17 years since currently, HIV testing is only done on people of legal age. Through the bill, she said the 15 to 24 age group who makes up more than one-fourth of the total reported cases as of March 2017 would be covered.

As regards HIV on children, Senator Hontiveros explained that one mode of transmission was from pregnant mothers to their babies. She said that if earlier detected and treated, babies would not contract HIV even while in their mother's womb.

Asked if there are other strategies to arrest the growing number of cases involving males, Senator Hontiveros cited abstinence which is also listed in the menu of responses to prevent unplanned pregnancies and STDs including HIV and AIDS. However, she pointed out that the subgroup of people with HIV and AIDS were accounted for by pregnant women who were already infected with HIV prior to becoming pregnant so the virus was transmitted to the babies while in the uterus.

To the observation that the number of HIV/AIDS-infected people becomes less as they age, Senator Hontiveros supposed that the small percentage of 3% for persons 50 years and above might be due to the fact that since the HIV epidemic was first detected in the Philippines during the 1980s, there was still no Philippine HIV and AIDS law and the Filipinos who were infected at the time were among the greater number who did not receive the benefit of early detection and early treatment and most probably, have suffered the greatest number of

deaths from the illness. For instance, she pointed out that from January 1984 to March 2017 the total number of deaths was 2,124, whereas from January 2017 to March 2017, it was at 155. Thus, she opined that there could be younger sections in the population still living with HIV because they received treatment through early detection and treatment of their illness at a younger age.

As regards factors that contributed to the less than 50% effectiveness of RA 8504, Senator Hontiveros cited the late introduction of the harm reduction strategy which refers to evidence-based policies, programs and approaches that aim to reduce transmission of HIV and its harmful consequences on health, social relations and economic conditions. She also mentioned voluntary HIV testing and counseling which means that people being tested for HIV must not be coerced to take an HIV test. She noted that it has been reported by the health community that in earlier years, there was difficulty with mandatory HIV testing to the extent that instead of increasing the test-seeking behavior of persons who were vulnerable to HIV so he/she could seek early intervention and treatment, it scared away people from voluntary HIV testing and counselling. Ironically, she noted that mandatory testing served as a break on the full and beneficial implementation of the current HIV and AIDS law.

As regards harm reduction strategy, Senator Sotto expressed hope that it was not the same harm reduction strategy which he fought against in the United Nations Office on Drugs and Crime in 2008. He said that when it was being introduced in the UN Conference, he objected and debated against European representatives but he gained support from U.S., Russia and Asia contingents as he refuted the provision of syringes for addicts.

In reply, Senator Hontiveros clarified that the first comprehensive health strategy in the country to address HIV and AIDS was embodied in the current HIV and AIDS law, and harm reduction was contemplated as an additional component in the bill. Thereupon, she assured that there would be no needle or syringe program contemplated in the bill.

She explained that harm reduction refers to evidence-based policies, programs, and approaches that aim to reduce transmission of HIV and its harmful consequences on health, social relations and economic conditions.

Senator Hontiveros then proceeded to cite the objectives of the bill which seek to enhance the current law, as follows:

1. To reform the Philippine National AIDS Council as the main governance platform for the HIV response to guarantee efficiency and alignment with evidence-based approaches to address the HIV epidemic;
2. To establish a national HIV program with clear mechanisms for operationalization and implementation at the local level;
3. To introduce evidence-based human rights and form gender transformative HIV prevention and treatment approaches;
4. To improve access to HIV services especially for key populations and vulnerable communities and ensure social and financial risk protection for those who need to access these services;
5. To enhance anti-discrimination protection to promote the human rights of Filipinos living with HIV, key populations and vulnerable communities and providers of HIV services;
6. To promote a more collaborative framework for the HIV response especially to guarantee meaningful participation and involvement of civil society, communities and key populations; and lastly,
7. To guarantee sufficient investment for HIV response.

Senator Sotto said that he has no objection to those objectives enumerated by Senator Hontiveros. However, he noted that Section 23 of the bill has a different wording. Accordingly, he suggested retitling the section, saying that in the international community, harm reduction is the giving out of syringes to heroin addicts. Thereupon, he requested that he be furnished with a copy of the statements made by Senator Hontiveros on harm reduction so he could study incorporating the same on Section 23 of the bill.

Senator Hontiveros asserted that harm reduction is a broad menu of possible interventions that fall under the rubric of harm reduction wherein it is up to each country to select whether to adopt all or to choose the strategies which would be incorporated into their health strategy to address the needs and situations of people living with HIV and AIDS. Furthermore, she disclosed that in the committee

hearing, the Dangerous Drugs Board has agreed to support harm reduction, as broadly defined, as part of the health response or overall health strategy to stop HIV transmission even among persons who inject drugs so even if the government would not opt for the provision for needle and syringe programs, there would still be a wide variety of harm reduction interventions that could be included in the law.

At this juncture, Senator Sotto asked the date of the committee hearing when the DDB has agreed to support the harm reduction program. Senator Hontiveros replied that said hearing was conducted on November 29, 2016, and that the resource person from the DDB as Mr. Adeva.

As regards the suggestion to consult the present DDB chairperson, Dr. Benjie Reyes, and Undersecretary and DDB executive director Ling Matibag, both of whom, Senator Sotto said, would not share her view on the matter, Senator Hontiveros welcomed the idea and expressed confidence that the DDB supports "harm reduction" as one of the components of the HIV and AIDS strategy. She believed that it would be best to have the DOH determine what programs it would implement for persons who inject drugs and are suffering from HIV.

At this juncture, Senator Sotto said that he would suspend his interpellation on the measure because he wanted to hear first the position of the present DDB regarding harm reduction.

For her part, Senator Hontiveros explained that Dr. Reyes, who heads the DDB, has expressed his support for harm reduction at the International Harm Reduction Conference that was recently held in the country. She gave assurance that she would get a more updated response from the DDB on the issue of harm reduction and other aspects of the bill as the DOH would be implementing the bill in close coordination with the board.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1390

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

At this juncture, Senator Villanueva relinquished the Chair to Senate President Pro Tempore Recto.



**COMMITTEE REPORT NO. 105
ON SENATE BILL NO. 1468**
(Continuation)

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1468 (Committee Report No. 105), entitled

AN ACT DESIGNATING CASINOS AS COVERED PERSONS UNDER REPUBLIC ACT NO. 9160, OTHERWISE KNOWN AS THE ANTI-MONEY LAUNDERING ACT OF 2001, AS AMENDED.

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

Thereupon, the Chair recognized Senator Escudero, sponsor of the measure, and Senator Gordon for his interpellation.

INTERPELLATION OF SENATOR GORDON

Asked by Senator Gordon whether the only purpose of the Anti-Money Laundering Act (AMLA) is to satisfy the concerns of other countries that terrorist money may be flowing into the country to finance terrorism activities, Senator Escudero clarified that the Philippines needs money albeit not one that emanates from terrorist financing or from an illegal or dirty source.

Senator Gordon sought clarification on whether the people who have come up with their own definition of "dirty money" are actually robber barons, environmental polluters and beneficiaries of mafia money, Senator Escudero replied that it was a possibility.

Asked what would happen should the country not follow the recommendation of other countries, Senator Escudero pointed out that the country would either be grey-listed or blacklisted, which means that the country would be under the strict monitoring by either the Asia Pacific Group (APG) on Money Laundering or the Financial Action Task Force (FATF). This, he said, would make it more difficult for clean monies to flow into the country. However, Senator Gordon maintained that such a threat has not been proven since dirty money funds the drug business in the national penitentiary. Senator Escudero agreed.

At this juncture, Senator Drilon clarified that failing to pass the measure would result in remittances to the country being subjected to an enhanced inspection or enhanced examination which would primarily affect overseas Filipino workers who would likely be discouraged by the process of having to fill up voluminous forms and as such, end up turning to the grey market for their remittances. He said that this happened in 2001, when the FATF conducted an enhanced examination of OFW remittances in response to the Philippines' delayed compliance. He recalled that the OFWs in Japan, for instance, could no longer avail of the facilities of the Japanese post office to remit their money unless they fill up complicated forms, which naturally discouraged them from using the formal system.

Senator Gordon lamented that the government sends OFWs abroad because it is unable to get the economy to work to give Filipinos a future in their own country. He clarified that he was raising these questions because he wanted to be convinced that the Senate was doing the right thing in passing the measure particularly since the OFWs, whom the government ought to be protecting, are the ones being penalized should the country fail to adhere to the regulations.

For his part, Senator Escudero said that the matter is a source of concern for him since he was being placed in an awkward and difficult position given the current situation on the Anti-Money Laundering legislation and the fact that the measure has been amended no less than four times.

Clarifying that he wanted to understand the philosophy behind the measure and ensure that the Philippines was not merely being servile to these foreign organizations, Senator Gordon said that he admired President Duterte for rejecting financial aid from the European Union as this is a departure from how the Philippines has been bullied by the European community. He lamented that the government sometimes caters to the pragmatic because it does not want to suffer the inconvenient truth that it cannot raise the economy. He believed that the conditions imposed by foreign donors are a new form of imperialism or neo-colonialism which puts the country at a disadvantage in many aspects.

Senator Gordon also lamented how other countries were able to get away with their misdeeds but the Philippines was being threatened to suffer the con-

sequences and is deprived of opportunities because of these restrictions. He recalled that when laundered money was brought into the Philippines from Bangladesh, it was the RCBC bank that was being blamed as the money launderer even though it was the American federal system that allowed the money to enter the country through RCBC. He believed that casinos should be allowed to invest money in the Philippines and just have the government confiscate it if it is proven to have been funneled in illegally.

In a related matter, Senator Gordon pointed out that drug traffickers in the national penitentiary get away with drug money in the same way as smugglers or even those smuggling funds in Congress but are not even punished while OFWs bear the burden of these heavy regulations. He said that he wanted to know how this flaw can be fixed. Senator Escudero disclosed that the APG and the FATF have actually asked for far more than what is provided in the bill. He said that while the Committee may not be standing its ground to the extent being described by Senator Gordon, they have not yielded their position on many respects. However, he agreed that it is indeed difficult to have to face the FATF representatives who dictate the terms of how this measure ought to be crafted.

Instead of legislating for the money not to leave the country, Senator Gordon surmised that it would be better for the laundered money to be returned to banks to provide credit for loans. He said that he made these statements, hoping that they could provide a different perspective on the matter. He opined that there must be better reason for AMLA other than international economic punishment, as what China previously did to the country.

Senator Gordon hoped that the Body would eventually be intellectually fortified on the philosophy behind the law.

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 and proceeded to the period of committee amendments.

COMMITTEE AMENDMENT

As proposed by Senator Escudero, there being

no objection, the committee amendment on page 4 to delete lines 5 to 22 was approved by the Body.

TERMINATION OF THE PERIOD OF COMMITTEE AMENDMENTS

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

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

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

APPROVAL OF SENATE BILL NO. 1468 ON SECOND READING

Submitted to a vote, there being no objection, Senate Bill No. 1468 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1468

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

COMMITTEE REPORT NO. 55 ON SENATE BILL NO. 1393

(Continuation)

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1393 (Committee Report No. 55), entitled

AN ACT ESTABLISHING ON-SITE, IN-CITY, OR NEAR-CITY STRATEGY FOR INFORMAL SETTLERS FAMILIES IN CONSIDERATION WITH A PEOPLE'S PLAN AND MANDATING LOCAL GOVERNMENT UNITS TO PROVIDE OTHER BASIC SERVICES AND LIVELIHOOD COMPONENTS IN RESETTLEMENT SITES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7279, AS AMENDED, OTHERWISE KNOWN AS THE

URBBAN DEVELOPMENT AND HOUSING ACT OF 1992.

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

Thereupon, the Chair recognized Senator Ejercito, sponsor of the measure.

INTERPELLATION OF SENATOR DRILON

At the onset, Senator Drilon raised the issue involving the takeover of housing units in Bulacan which, he said, has set a bad precedent. He expressed the fear of many that the way the *Kadamay* takeover was handled would encourage a repetition of such practice. He asked how the impression of disregard of all norms of civilized conduct and gross violation of law could be remedied.

Senator Ejercito agreed that what the members of the *Kadamay* did in Pandi, Bulacan in taking over unoccupied AFP and PNP housing units was a bad precedent. He hoped that it would be the last of such incident, noting that the President had stated that he would not tolerate such action anymore. He stated that although the President gave in to the request to give the housing units to *Kadamay* and promised new housing units for the PNP and AFP, NHA General Manager Escalada explained that the turnover of the housing units would have to go through the process to ensure that only the qualified would benefit.

He also said that in his conversation with the *Kadamay* occupants and the leaders in Pandi, Bulacan, he made his position clear that the government cannot give the housing units for free as it would be unfair especially for the other beneficiaries from the AFP and PNP, the teachers and employees. He pointed out that even low-salaried government workers all work hard to have their own home. Thus, he said that the *Kadamay* occupants could work for it through house-for-work program, among others.

Asked if there had been other similar incidents similar to what *Kadamay* did in Pandi, Bulacan, Senator Ejercito answered in the affirmative, citing reports that some *Kadamay* members tried but failed to take over some housing units in Quezon City, in Bocaue and Montalban because they were driven out by the security and homeowners association, in those areas.

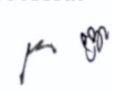
Senator Drilon lamented that nothing in the bill would solve the *Kadamay* issue. Senator Ejercito said that it opened the eyes of the public that there is, indeed, a big problem facing the housing sector and that the housing program should be reformed.

At this point, Senator Ejercito presented a PowerPoint presentation showing some pictures of NHA housing projects for AFP and PNP in Heroes Ville, Baras, Rizal, and in Barangay Dagatan in Amadeo, Tagaytay, where most of the housing units have been awarded but the beneficiaries have refused to move in. Conversely, he pointed out a housing project which embodies a good practice act—the housing project in Tanay, Rizal for informal settler families from Pasig which is being supported by the local government of Pasig through the establishment of schools, health centers and future hospital.

Senator Ejercito stated that the problem is not with the pricing scheme of socialized housing, but with location. He explained that the NHA and housing developers look for cheap land, which is usually far from the urban areas, educational institutions and health centers, and lack basic facilities like water or electricity. At present, he proposed that the NHA build townships, which would include health centers as well as in close proximity to school institutions and other services.

Senator Drilon invited Senator Ejercito to visit the housing project in Iloilo wherein those services were provided in cooperation with the private sector. He said that they had 1,000 units of raw housing, the Chinese Chamber of Commerce provided school buildings, and a prominent businesswoman provided a church. He added that the informal settlers who were relocated from the riverbanks were housed there on a usufruct basis, meaning they can use the property as long as they stay there and do not make a commercial transaction out of government assistance. He stated that the housing units were completed, but not in the same condition as those awarded to AFP and PNP beneficiaries.

Senator Ejercito said that he had witnessed the development in Iloilo, particularly in the riverside which used to be dirty due to restaurant wastes. He also mentioned that there are some successful socialized housing programs done by local governments, like St. Joseph Ville in San Juan, as well as the rental housing in Valenzuela City. He opined that one of the key components in having a successful



socialized housing program, and the most expensive, is land, but when the local and national government work together, they could produce wonders.

Senator Ejercito explained that the push for in-city housing is to minimize dislocation, and he agreed that the AFP-PNP housing was uninhabitable. He pointed out that the 22-square meter house he showed on screen could only probably house a couple with one kid when most Filipino families have an average of five members and since Filipinos have a closely-knit culture, other members of the family usually live with the couple. He surmised that the 22-square meter house must be very small and could be the reason why most of the AFP and PNP personnel who were awarded the houses refused to move into the housing projects.

Asked by Senator Drilon's query what could be done so as not to waste the billions of pesos spent on housing projects, Senator Ejercito said that in Pandi, Bulacan alone, there are about 11 relocation sites out of the 18 relocation sites in Bulacan while the relocation site which he visited in Amadeo, Cavite has about 2,300 units. He said that the NHA was able to produce a lot of housing units but the beneficiaries do not want to live in the housing units that were provided for them. He said that one of the possible solutions to the problem would be to allow the NHA to redistribute, upon its discretion, to other qualified beneficiaries such as the teachers and local government employees in the area so that these housing units would not go to waste. He noted that the AFP and PNP personnel beneficiaries are not interested to move in because they would rather stay where they are assigned in the provinces.

Senator Drilon said that the housing sector could consider the concept of a usufruct because in the particular case, the houses could not be used. He said that, in fact, it is not technically a usufruct because to encourage the people to occupy the units, the units would have to be repaired on their own account in exchange for the opportunity to be allowed perpetual use of the units.

Senator Drilon cautioned that letting the situation stay at it is would just result in a waste of people's money because there are assets which could not be used at all. He suggested that the housing sector set up something like a usufruct or "free-use" but is not actually "free" because there would be a condition attached to the award but without any cost to them

but only the commitment to repair the units and to utilize the houses. He said that this would achieve the original objective of providing shelter to the policemen, soldiers and teachers.

Senator Ejercito said that there are a lot of options that could be proposed to NHA. He acknowledged that the suggestion of Senator Drilon on usufruct, or public rental housing would make it easier for the intended beneficiaries to enjoy the housing units. He reported that in Pandi alone, there are about 60,000 units intended for the AFP and PNP but the occupancy rate is only at 13%.

Senator Drilon said that it would be logical to assume that these housing units would be attractive if these would be given to the beneficiaries without any cost except for the repair and make it habitable for their own use.

Senator Ejercito opined that what went wrong with the housing program intended for the AFP and PNP is that the 22-square meter floor area is on a 40-square meter lot. He said that the model houses were intended for informal settler families who could only afford as much. He said that he would propose to the NHA to come up with different housing unit models for the AFP and PNP who can afford the housing units because the payment would be directly deducted from their salary. He said that the AFP and PNP personnel are willing to pay for a bigger unit as long as it is in a good location. However, he believed that a 22-square meter house within the city would be acceptable because those who reside in the city are usually the breadwinners.

He said that among the successful in-city housing payment schemes is the rental housing scheme in Valenzuela City and the usufruct concept of San Juan and the Iloilo model of the socialized housing unit.

Senator Drilon said that when a road is built, the road users are not charged for the use of the road, unless it is a toll road which is usually developed by the private sector. He said that this example could be used to justify providing housing for those who would really need the shelter but would not have the means to afford it.

Adverting to Section 23 of the bill which calls for the creation of associations among affected ISFs, Senator Drilon noted that under the bill, the association

of ISFs, in coordination with PCUP and CSOs, shall formulate a People's Plan through a process of consultation which shall contain a site development plan, including non-physical development components such as self-help housing cooperative, livelihood, self-help development, and capability-building trainings. He said that the proviso also provides that the association shall agree on developing and implementing the plan. He acknowledged the consultative process wherein the constituents are consulted. However, he expressed concern that the way the provision was crafted would result in non-implementation of the socialized housing should the association not agree to the plan. He feared that the provision would cause delay in the implementation of the project if a noisy group from the members of the association would prevent the execution of the project. He suggested that the association may be consulted but its concurrence should not be required.

Agreeing with Senator Drilon's observation, Senator Ejercito said that he would be open to accepting amendments to the provision at the proper time. However, he pointed out that the old scheme of just coming up with one model house was not pleasing to the beneficiary. He suggested that perhaps there could be three schemes with different price ranges for every project aimed to satisfy the beneficiaries based on the affordability of the housing units and the beneficiary's capacity to pay. He noted that it would indeed be difficult to move forward if all the organizations would have to be consulted and concur in the projects.

Senator Drilon reiterated that the associations may be consulted but their concurrence as regards the implementation of the housing projects was unnecessary. He said that the final decision should be on the NHA.

Senator Ejercito explained that the provision was proposed because of complaints from the beneficiaries that they were not consulted with regard to the housing projects.

Senator Drilon adverted to the last paragraph of Section 29 of the bill which provides: "In addition to the funding sources provided under Section 42 of the Act, the allocation for the basic services and facilities may be taken by the LGU implementing the relocation or resettlement from the twenty percent (20%) of the Internal Revenue Allotment appropriate for development projects as mandated under Section 287

of Republic Act No. 7160, otherwise known as the 'Local Government Code of 1991'." He expressed concern that the proviso may not pass constitutional scrutiny because this is interfering with the manner by which the LGU would disburse their IRA for specific projects. He explained that there were two cases decided by the Supreme Court on the basic principle that local fiscal autonomy includes the power of the LGUs to allocate the resources in accordance with their own priorities. He recalled that in both instances, the GAA earmarked a few billion pesos as a fund for equalization, among others, but the High Court struck down the provision as an interference with the power of the LGU to allocate the resources in accordance with their own priorities. He suggested that the particular provision be deleted, otherwise, this may give the LGUs a reason to go to the Supreme Court to have the provision struck down as unconstitutional.

Senator Ejercito argued that the particular proviso in the bill with regard to the additional funding was merely permissive. He said that it was not mandatory for the LGU to allocate 20% of their IRA. He said that he was willing to accept an amendment on the provision at the proper time.

Senator Drilon said that he would propose an amendment that would enforce the discretionary nature of the earmarking. He said that the compulsory earmarking of the IRA was the reason why the appropriation or the earmarking in the case of the LGU was struck down as unconstitutional in the case of *Province of Batangas vs. Romulo* on May 27, 2004.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1393

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

COMMITTEE REPORT NO. 79 ON SENATE BILL NO. 1454

(Continuation)

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1454 (Committee Report No. 79), entitled

AN ACT REMOVING THE RESTRIC-

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TIONS IN THE REGISTRATION OF LAND TITLES UNDER SECTIONS 118, 119, AND OTHER RESTRICTIONS AGAINST ENCUMBRANCE OR ALIENATION ON FREE PATENTS ISSUED UNDER SECTION 44 OF COMMONWEALTH ACT NO. 141 OR THE PUBLIC LAND ACT, AS AMENDED.

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

Thereupon, the Chair recognized Senator Gordon, sponsor of the measure, and Senator Drilon for his interpellation.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 7:31 p.m.

RESUMPTION OF SESSION

At 7:31 p.m., the session was resumed.

INTERPELLATION OF SENATOR DRILON

Preliminarily, Senator Drilon said that he supports the measure and that his interpellation, in fact, intends to strengthen the concept that Senator Gordon would want to incorporate in the law on land titles.

Senator Drilon noted that the substance of the proposed measure is found in Section 3 and that it aims to remove the restrictions imposed under Sections 118 and 119 as regards agricultural public lands alienated or disposed under Section 44 of Commonwealth Act No. 141. He observed that the lifting of the restrictions is found only in the two sections but that there is also a restriction in Section 121 which he asked Senator Gordon to consider removing.

Senator Gordon agreed, saying that the title of the law says "and other restrictions."

Since Section 121 was not specified in the title of the measure as well as in Section 3, Senator Drilon suggested to include Section 121 so that the intention of the measure is made clear. Senator Gordon expressed willingness to accept the suggestions.

TERMINATION OF THE PERIOD OF INTERPELLATIONS

There being no other interpellation, upon motion of Senator Sotto, there being no objection, the Body closed the period of interpellations and proceeded to the period of committee amendments.

COMMITTEE AMENDMENTS

As proposed by Senator Gordon, there being no objection, the following committee amendments were approved by the Body:

1. On page 3, line 9, replace the phrase "Sections 118 and 119" with SECTIONS 118, 119, and 121; and
2. On the title of the bill, after the number "119," insert AND 121.

TERMINATION OF THE PERIOD OF COMMITTEE AMENDMENTS

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

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

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

APPROVAL OF SENATE BILL NO. 1454 ON SECOND READING

Submitted to a vote, there being no objection, Senate Bill No. 1454 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1454

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

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 7:40 p.m.

RESUMPTION OF SESSION

At 7:42 p.m., the session was resumed with Senator Villanueva presiding.

COMMITTEE REPORT NO. 23 ON SENATE BILL NO. 1281 (Continuation)

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1281 (Committee Report No. 23), entitled

AN ACT INSTITUTING THE FARMERS
AND FISHERFOLK ENTERPRISE
DEVELOPMENT PROGRAM OF
THE DEPARTMENT OF AGRI-
CULTURE AND FOR OTHER
PURPOSES.

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

Thereupon, the Chair recognized Senator Pangilinan, sponsor of the measure.

PANGILINAN AMENDMENTS

As proposed by Senator Pangilinan, there being no objection, the following amendments were approved by the Body, one after the other:

Page 1

1. On line 2, replace the year "2016" with 2017;
2. On line 6, replace the word "fishers" with FISHERFOLK;

Page 3

3. On lines 12 and 13, replace the phrase "The Farmers and Fisherfolk Enterprise Development Council, created under Section 8 of this Act" with THE DEPARTMENT OF AGRICULTURE (DA);
4. On line 20, replace the word "fisher" with FISHERFOLK;

Page 4

5. On line 3, replace the word "fishers" with FISHERFOLK;
6. On line 6, delete the phrase "THE DEPARTMENT OF";

7. On line 7, delete the word "Agriculture" and the acronym DA in parentheses;
8. On line 21, replace the word "fishers" with FISHERFOLK;

Page 5

9. Delete lines 8 to 29 and renumber the succeeding sections accordingly;

Page 6

10. Delete lines 1 to 10;
11. On line 28, after the word "mandates," insert the phrase SUCH AS BUT NOT LIMITED TO GOVERNMENT FEEDING PROGRAMS, CALAMITY AND RELIEF OPERATIONS AND HEALTH AND NUTRITION PROGRAMS, AMONG OTHERS;

Page 7

12. On line 8, delete the phrase starting with the word "and" up to the word "applicable" on line 15 and re-letter the succeeding items accordingly.
13. Delete lines 16 and 17;
14. On line 21, delete the comma (,) after the word "enterprise," replace the comma (,) with a colon (:) and replace the phrase "as provided under" with PROVIDED, THAT THE FARMER AND FISHERFOLK COOPERATIVES AND ENTERPRISES SHALL REGISTER AS BARANGAY MICRO BUSINESS ENTERPRISES PURSUANT TO; and
15. On line 22, after the word "Enterprises," insert (BMBEs) ACT OF 2002.

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

Upon motion of Senator Sotto, there being no objection, the Body closed the period of individual amendments.

APPROVAL OF SENATE BILL NO. 1281 ON SECOND READING

Submitted to a vote and there being no objection, Senate Bill No. 1281 was approved on Second Reading.

COMMITTEE REPORT NO. 59 ON SENATE BILL NO. 1431 (Continuation)

Upon motion of Senator Sotto, there being no

objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1431 (Committee Report No. 59), entitled

AN ACT INSTITUTING A PHILIPPINE LABOR FORCE COMPETENCIES COMPETITIVENESS PROGRAM, ESTABLISHING FREE ACCESS TO TECHNICAL AND VOCATIONAL TRAINING PROGRAMS AND FOR OTHER PURPOSES.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 7:48 p.m.

RESUMPTION OF SESSION

At 7:49 p.m., the session was resumed with Senate President Pro Tempore Recto presiding.

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

Thereupon, the Chair recognized Senator Villanueva, sponsor of the measure.

VILLANUEVA AMENDMENTS

As proposed by Senator Villanueva and accepted by the Sponsor, there being no objection, the Body approved the following amendments, one after the other:

1. Page 1, on line 15, after the word "industry," remove the semicolon (;) and insert the phrase TO PRIMARILY ADDRESS UNEMPLOYMENT AND JOB-SKILLS MISMATCH and a semicolon (;) thereafter;
2. On page 2, line 15, insert a new subsection (e), to read as follows:

(E) INDUSTRY BOARD OR BODY REFERS TO INDUSTRY ORGANIZATIONS RECOGNIZED BY TESDA ACCORDING TO SET GUIDELINES, AND THOSE THAT ARE DULY AUTHORIZED TO RECEIVE FUNDING IN ACCORDANCE WITH THIS ACT;
3. Renumber the succeeding subsections accordingly;

4. On page 3, line 16, delete the entire Section 9 and renumber the subsequent sections accordingly;
5. On the same page, line 27, insert another paragraph, to read as follows:

THE TESDA BOARD SHALL PROVIDE THE GUIDELINES TO DETERMINE THE QUALIFIED BENEFICIARIES ENTITLED TO RECEIVE FINANCIAL ASSISTANCE FROM THE TULONG-TRABAHO FUND;

Senator Villanueva stated that the amendment was in line with the discussions with Senator Drilon during the previous session which would allow the TESDA Board itself to determine the qualifications of the recipients of the financial assistance from the Tulong-Trabaho Fund and avoid the need to amend the law in the future.

6. On the same page, line 31, insert a new paragraph by interpolating the following sentence starting on line 30, as follows:

STPs MAY BE SCHOOL-BASED, CENTER-BASED, COMMUNITY-BASED, ENTERPRISE-BASED OR WEB-BASED PROGRAMS. THE STPs SHALL INITIALLY BE DETERMINED BASED ON THE FOLLOWING CONSIDERATIONS;

Senator Villanueva manifested that the inclusion of web-based programs as one of the training modalities would ensure the continuous development of the TESDA Online Program and of E-TESDA. Furthermore, he said that the integration of the ICT in TVET would make STPs more accessible and supportive of the trend in using "blended training" in TVET delivery.

7. On page 4, line 8, replace the words "heads of entities" with INDUSTRY BOARDS OR BODIES;
8. On the same page, line 17, replace the word "recipient-institutions" with RECIPIENT-INDUSTRY BOARDS;
9. On the same page, line 18, replace the figure "70%" with the number 80%;

Senator Villanueva explained that the amendment was in line with the suggestion to require at least 80% of the beneficiaries of the Tulong-Trabaho Fund to pass the Philippine TVET Competency Assessment and Certification System.

10. Still on the same page, line 34, after the word "disclosure" and the period (.), insert a new sentence, to read as follows:

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AN IMPACT EVALUATION MAY BE CONDUCTED FROM TIME TO TIME; and

11. On page 5, line 10, remove the apostrophe (') after the word "entrants."

APPROVAL OF SENATE BILL NO. 1431 ON SECOND READING

Submitted to a vote, there being no objection, Senate Bill No. 1431 was approved on Second Reading.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 7:54 p.m.

RESUMPTION OF SESSION

At 7:55 p.m., the session was resumed.

COMMITTEE REPORT NO. 103 ON SENATE BILL NO. 1465

(Continuation)

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1395 (Committee Report No. 56), entitled

AN ACT PROVIDING FREE IRRIGATION SERVICE TO SMALL FARMERS, REVOKING FOR THE PURPOSE THE CORPORATE STATUS OF THE NATIONAL IRRIGATION ADMINISTRATION, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES.

Senator Sotto stated that the parliamentary status was still the period of interpellations. He said that they are still waiting for Senator Villar, sponsor of the measure.

MANIFESTATION OF SENATOR DRILON

Senator Drilon asked how long the Body would stay in the hall before the measure would be taken up when it could be taken up next week, as it is not an urgent measure certified by the Office of the President. He said that he only has one question on the bill which was not even critical, and the bill could be passed on Second Reading the following week.

He said that while Senator Pangilinan has basic issues to raise, he can assure the passage of the bill on Second Reading by Monday without any objection on the part of the Minority bloc. As regards the three-day rule which might affect the approval of the bill, he said that the bill could be certified as urgent so that it could be passed on Third Reading at the last session week.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 7:58 p.m.

RESUMPTION OF SESSION

At 7:59 p.m., the session was resumed.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1465

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

REMARKS OF SENATOR DRILON

Since the following week would be the last three days of session, Senator Drilon requested the Office of the Majority Leader to provide all the senators with a list of measures to allow the Members to prepare for their interpellations or amendments on the measures.


Senator Sotto assured that he would convene with his staff after the session to take up the suggestion.

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 Monday, May 29, 2017.

It was 8:00 p.m.

I hereby certify to the correctness of the foregoing.


ATTY. LUTGARDO B. BARBO
Secretary of the Senate

Approved on May 30, 2017