

SENATE

P.S. Res. No. 922



Introduced by **SENATOR LEILA M. DE LIMA**

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE USE OF PRESIDENTIAL EMBLEM BY A FOREIGN NATIONAL WHO REPRESENTS HIMSELF AS PRESIDENTIAL ECONOMIC ADVISER, AND INTO THE APPOINTMENT OF FOREIGN NATIONALS TO PUBLIC OFFICE, WITH THE END IN VIEW OF PROTECTING NATIONAL SECURITY, GUARANTEEING THAT STATE SECRETS ARE PROTECTED, UPHOLDING OUR NATIONAL SOVEREIGNTY AND OUR RIGHT TO SELF-DETERMINATION, AND ENSURING THE INTEGRITY AND INDEPENDENCE OF OUR FOREIGN POLICY

1 WHEREAS, Article II, Section 7 of the Constitution states that “[t]he State
2 shall pursue an independent foreign policy. In its relations with other states the
3 paramount consideration shall be national sovereignty, territorial integrity, national
4 interest, and the right to self-determination”;

5 WHEREAS, Article II, Section 19 of the Constitution states that “[t]he State
6 shall develop a self-reliant and independent national economy effectively controlled
7 by Filipinos”;

8 WHEREAS, Section 4 (f) of Republic Act No. 6713, otherwise known as “An
9 Act Establishing a Code of Conduct and Ethical Standards for Public Officials and
10 Employees, to Uphold the Time-Honored Principle of Public Office Being a Public
11 Trust, Granting Incentives and Rewards for Exemplary Service, Enumerating
12 Prohibited Acts and Transactions and Providing Penalties for Violations Thereof and
13 For Other Purposes”, states that “[p]ublic officials and employees shall at all times be

1 loyal to the Republic and to the Filipino people, promote the use of locally produced
2 goods, resources and technology and encourage appreciation and pride of country
3 and people. They shall endeavor to maintain and defend Philippine sovereignty
4 against foreign intrusion”;

5 WHEREAS, the second whereas clause of Executive Order No. 310 of 2004
6 which prescribes the design and use of the coat-of-arms, seal, and flag of the
7 president and vice president of the Philippines states in part that “these symbols are
8 exclusively meant for the use of the President and Vice President of the Philippines
9 and no other officials”;

10 WHEREAS, Section 3 of Executive Order No. 310 states in part that “[e]xcept
11 as otherwise provided by law or Presidential issuance, the Coat-of-Arms, Seal, and
12 Flag of the President of the Philippines or of the Vice President of the Philippines
13 shall be exclusively used to represent the President of the Philippines or the Vice
14 President of the Philippines, respectively”;

15 WHEREAS, the last paragraph of Section 3 of Executive Order No. 310 states
16 that “the use of stationary, business cards, identification cards, or any other items
17 containing the Coat-of-Arms, Seal and/or Flag of the President or of the Vice
18 President of the Philippines, respectively, or any likeness or substantial part thereof,
19 by person other than the President or the Vice President of the Philippines is strictly
20 prohibited”;

21 WHEREAS, Section 4 of Executive Order No. 310 states that “[a]ny violation
22 of the provisions of this Executive Order shall be severely dealt with administratively,
23 civilly, and criminally”;

24 WHEREAS, Article 177 of Act No. 3815, otherwise known as “The Revised
25 Penal Code”, states that “[a]ny person who shall knowingly and falsely represent
26 himself to be an officer, agent or representative of any department or agency of the
27 Philippine Government or of any foreign government, or who, under pretense of
28 official position, shall perform any act pertaining to any person in authority or public
29 officer of the Philippine Government or any foreign government, or any agency
30 thereof, without being lawfully entitled to do so, shall suffer the penalty of *prision*
31 *correccional* in its minimum and medium periods”;

32 WHEREAS, Article 179 of the Revised Penal Code states that “[t]he penalty of
33 *arresto mayor* shall be imposed upon any person who shall publicly and improperly

1 make use of insignia, uniforms or dress pertaining to an office not held by such
2 person or to a class of persons of which he is not a member”;

3 WHEREAS, Yang Hong Ming, also known as Michael Yang, the chairman of
4 Full Win Company has reportedly been issuing calling cards which identifies him as
5 the Presidential Economic Adviser, and in which the seal of the Office of the
6 President of the Philippines is prominently displayed on one side, and the logo of the
7 aforementioned company on the other¹;

8 WHEREAS, photographs of Michael Yang’s lavish office has surfaced and has
9 circulated all over news articles, showing that it is the office of the Presidential
10 Economic Adviser where the Presidential Seal is emblazoned at the entrance
11 thereof²;

12 WHEREAS, in Michael Yang’s website www.oepa.com.ph, which is now
13 inaccessible, the title Presidential Economic Adviser has been reported to be
14 conspicuously exhibited³;

15 WHEREAS, in the October 2016 state visit in China, Malacañang photographs
16 show President Rodrigo Roa Duterte walking with Michael Yang, Chinese
17 Ambassador Zhao Jianhua and Foreign Secretary Alan Peter Cayetano in Wangfujing
18 street⁴;

19 WHEREAS, Michael Yang has also been reported to have hosted Foreign
20 Secretary Alan Peter Cayetano and Transportation Secretary Arthur Tugade in his
21 office as presidential adviser⁵;

22 WHEREAS, on October 4, 2018, in a speech before the top echelons of the
23 Philippine Military Academy Alumni Association, President Rodrigo Roa Duterte
24 himself spoke of Michael Yang and revealed the latter’s close relations with Chinese
25 Ambassador Zhao Jianhua⁶;

¹ Ranada, Pia. 10 October 2018. “Look: Michael Yang’s calling card bears Malacañang seal”. Rappler. Retrieved from <https://www.rappler.com/nation/213995-michael-yang-calling-card-bears-malacanang-seal>.

² Tordesillas, Ellen. 08 October 2018. “Opinion: Michael Yang is the Presidential Economic Adviser. ABS-CBN News. Retrieved from <https://news.abs-cbn.com/blogs/opinions/10/08/18/michael-yang-is-presidential-economic-adviser>.

³ Supra, Note 2.

⁴ Supra, Note 2.

⁵ Ranada, Pia. “Duterte Denies Michael Yang is His adviser”. 09 October 2018. Rappler. Retrieved from <https://www.rappler.com/nation/213909-duterte-denies-michael-yang-presidential-economic-adviser>.

⁶ Montalvan, Antonio II. 15 October 2018. A ‘wang-wang’ for Michael Yang. Inquirer. Retrieved from <https://opinion.inquirer.net/116755/wang-wang-michael-yang>.

1 WHEREAS, in the same aforementioned speech, President Duterte himself
2 volunteered an alarming revelation - that Michael Yang was indeed part of the
3 Presidential Entourage to China⁷;

4 WHEREAS, on October 9, 2018, President Duterte has denied that Michael
5 Yang is his Presidential Economic Adviser⁸;

6 WHEREAS, President Duterte exposed to the public the citizenship of Michael
7 Yang, declaring that the latter cannot be an official appointee as he is a Chinese
8 citizen⁹;

9 WHEREAS, public interest requires that inquiry be made as to the
10 authenticity of the identification made by Michael Yang of himself as a Presidential
11 Economic Adviser;

12 WHEREAS, the right of the people to information on matters of public
13 concern, as enshrined in Article III, Section 7 of the Constitution, demand that an
14 investigation must be made to determine the true nature of Michael Yang's
15 relationship to the Office of the President, and the extent of his access to information
16 relating to classified information, national security, national defense, military and
17 diplomatic secrets, and other confidential matters of the State;

18 WHEREAS, the independence of the State from foreign control necessitates
19 that the questionable citizenship of a Presidential adviser be authenticated, and the
20 nature and scope of his influence over foreign policy be fully disclosed;

21 WHEREAS, in conformity with the requirement exacted from public officers
22 to at all times maintain allegiance and loyalty to the Philippines, there is a need to
23 inquire into the citizenship of presidential appointees, as public office held by a
24 foreign national is inimical to the public interest and welfare;

25 WHEREAS, more stringent penalties must be imposed upon any foreign
26 national who willfully, knowingly and conspicuously usurps into public office;

27 WHEREAS, more severe penalties must be imposed upon any foreign national
28 who willfully, knowingly and conspicuously inscribes, displays and makes use
29 publicly and improperly insignia, uniforms or dress pertaining to an office not held
30 by such person or to a class of persons of which he is not a member;

⁷ Supra, Note 6.

⁸ Corrales, Nestor. 09 October 2018. "Duterte denies Chinese businessman is his economic adviser." Inquirer. Retrieved from <https://newsinfo.inquirer.net/1040982/rodrigo-duterte-economic-adviser-michael-yang>.

⁹ Cuazon, Christhel. 10 October 2018. "Michael Yang is not my presidential economic adviser since he is Chinese. - Prez Duterte". DZRH News. Retrieved from <http://dzrhnews.com.ph/michael-yang-is-not-my-presidential-economic-adviser-since-he-is-chinese-prez-duterte>.

1 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to direct the
2 appropriate Senate Committee to conduct an inquiry, in aid of legislation, into the
3 use of presidential emblem by a foreign national who represents himself as
4 presidential economic adviser, and into the appointment of foreign nationals to
5 public office, with the end in view of protecting national security, guaranteeing that
6 state secrets are secured, upholding our national sovereignty and our right to self-
7 determination, and ensuring the integrity and independence of our foreign policy.

Adopted,


LEILA M. DE LIMA