

SENATE

P. S. Res. No. 51



Senate  
Office of the Secretary

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Introduced by Senators FRANKLIN M. DRILON and PANFILO M. LACSON

RESOLUTION

**ALLOWING SENATOR LEILA M. DE LIMA TO PARTICIPATE IN PLENARY SESSIONS THROUGH TELECONFERENCING, VIDEO CONFERENCING OR OTHER FORMS OF REMOTE OR ELECTRONIC COMMUNICATIONS**

1       **WHEREAS**, Senator Leila M. De Lima has been in detention for more than two  
2 years and five months;

3       **WHEREAS**, even as a detention prisoner, Senator De Lima remains entitled to  
4 enjoy her constitutional rights such as the right to be presumed innocent, as well as  
5 her full civil and political rights;

6       **WHEREAS**, as duly-elected Senator of the 17<sup>th</sup> and 18<sup>th</sup> Congress, Senator De  
7 Lima has the mandate to participate in the lawmaking process and deliberations of  
8 proposed legislation and her absence unduly deprives the 14 million Filipinos who  
9 voted for her their proper representation in the Senate;

10       **WHEREAS**, on 23 August 2010, the Senate adopted Senate Resolution No. 7  
11 and fully concurred with the opinion of the Senate Legal Counsel that: "[T]he  
12 collective wisdom and judgement of the Senate and the Senators is greatly diminished  
13 if not impaired even if only seat in the Senate is made unnecessarily vacant, and the  
14 inability of Senator Antonio Trillanes IV, a member of the Senate, to attend Senate  
15 sessions, hearings, and meetings necessarily affects and impairs the capability of the  
16 Senate as a whole to discharge its role and functions in the Legislature, accordingly  
17 depriving the 11 million citizens who voted for him of representation in the parliament,  
18 can only have a detrimental effect on the democratic process";

1       **WHEREAS**, in *Trillanes v. Pimentel* (G.R. No. 179817, 27 June 2008), the  
2 Supreme Court ruled that the limitation in the practice of profession only applies in  
3 situations where the person in detention seeks to leave the detention center, to wit:  
4 *"These inherent limitations, however, must be taken into account only to the extent*  
5 *that confinement restrains the power of locomotion or actual physical movement. It*  
6 *bears noting that in Jalosjos, which was decided en banc one month after Maceda,*  
7 *the Court recognized that the accused could somehow accomplish legislative results";*

8       **WHEREAS**, with the enactment of the Electronic Commerce Act of 2000  
9 (Republic Act No. 8792) and the promulgation by the Supreme Court of the Rules on  
10 Electronic Evidence in 2001, the use of electronic communications technology in  
11 government and commercial transactions as well as in court proceedings is already an  
12 accepted practice in this jurisdiction;

13       **WHEREAS**, arrangements may be made to allow Senator De Lima to  
14 participate in Senate Plenary Sessions through communications technology that will  
15 allow audio-visual interactions with remote audiences or co-participants through  
16 secure connections, without violating the Supreme Court ruling on the limitation of  
17 practice of profession, without compromising the security in her detention facility, and  
18 without being inconsistent with the Rules of the Senate;

19       **WHEREAS**, under Rule XLI, Sec. 117 of the Rules of the Senate, physical  
20 presence is only required for voting;

21       **WHEREAS**, as a deliberative legislative body, it is incumbent upon the Senate  
22 to take necessary measures to ensure that its members will be given every possible  
23 opportunity to participate in its Plenary Sessions: Now, therefore, be it

24       **RESOLVED BY THE SENATE**, To allow, as it hereby allows, Senator Leila M.  
25 De Lima to participate in Senate Plenary Sessions through teleconferencing, video  
26 conferencing, or other reliable forms of remote or electronic communications through  
27 the use of the appropriate electronic equipment and/or devices or medium of  
28 information, broadcast or telecommunications facilities or equipment;

29       **RESOLVED, FURTHER**, That the Secretary of the Senate shall coordinate and  
30 make appropriate arrangements with concerned public officials and such other  
31 institutions and individuals for the setting up of the appropriate telephone, video,

1 broadband and/or wireless link necessary for the selected mode of remote  
2 participation;

3 **RESOLVED, FINALLY,** That the Secretary of the Senate shall ensure the  
4 following:

- 5 a) safeguarding the integrity of the session via teleconferencing or video  
6 conferencing or other forms of electronic or telecommunications medium;  
7 and  
8 b) proper archiving of the audio-visual or electronic recording as part of the  
9 records of the Senate.

*Adopted,*

  
**PANFILO M. LACSON**  
*Senator*

  
**FRANKLIN M. DRILON**  
*Senator*