



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 24
Wednesday, September 18, 2019

EIGHTEENTH CONGRESS
FIRST REGULAR SESSION

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CALL TO ORDER

At 3:00 p.m., the Senate President, Hon. Vicente C. Sotto III, called the session to order.

PRAYER

Sen. Juan Miguel F. Zubiri led the prayer, to wit:

Let us come together in prayer to seek guidance from the wise and benevolent Lord, that He may steer us towards the right path as our people's appointed servant-leaders.

As Jesus humbled Himself to His disciples and washed their feet with no qualms, may we also submit ourselves fully to the Filipino people who are our true masters.

As the Holy Father sacrificed his only Son for the redemption of humankind, may we also be prepared to set ourselves aside in the service of the greater good.

As the Virgin Mary offered herself to be a vessel for the Lord, may we also allow ourselves to be vessels of goodness and truth.

We pray that the good Lord grant us the wisdom and understanding to know what

true leadership is, and the strength and conviction to accomplish it.

We pray as well that eternal rest grant unto the soul of the great Sen. Rene Espina. His legacy of leadership and service is a constant reminder of what we must strive towards.

Guide us always, O Lord, as humble servants of this great nation.


Amen.

ROLL CALL

Upon direction of the Senate President, the Secretary of the Senate, Atty. Myra Marie D. Villarica, called the roll, to which the following senators responded:

Angara, S.	Pacquiao, E. M. D.
Binay, M. L. N. S.	Pangilinan, F. N.
Cayetano, P. S.	Pimentel III, A. K.
Dela Rosa, R. B. M.	Revilla Jr., R. B.
Drilon, F. M.	Sotto III, V. C.
Go, C. L. T.	Tolentino, F. T. N.
Hontiveros, R.	Villanueva, J.
Lacson, P. M.	Villar, C. A.
Lapid, M. L. M.	Zubiri, J. M. F.
Marcos, I. R.	

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



Senators Gatchalian, Poe and Recto arrived after the roll call.

Senator Gordon was absent.

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

ACKNOWLEDGMENT OF THE PRESENCE GUESTS

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

- Senator James C. Moylan of the 35th Guam Legislature accompanied by Mr. Bobby A. Shringi;
- Mayor Alfredo Matugas Coro of Del Carmen, Surigao Del Norte;
- Mayor Vergel Meneses of Bulacan, Bulacan;
- Mayor Noel B. Luistro of Mabini, Batangas;
- Mayor Rogelio Raymund I. Tongson, Jr. of Himamaylan City, Negros Occidental;
- Mayor Ronald Apostol together with the Liga ng mga Barangay members from Cabangan, Zambales;
- Board members from North Cotabato, namely, Ivy Dalumpines-Ballitoc, Mohammad Kelie U. Antao, and Councilor Elenito Cuzon;
- Mayor Anthony “Cheche” A. Uy of Impasugong, Bukidnon;
- Mayor Angel Sia Jr. of La Paz, Leyte;
- Mayor Rhodessa Delante-Revita of Caibiran, Biliran;
- Mayor Danny A. Martinez together with the municipal health officers of Kiamba, Sarangani; and
- Members of the Paralegal Training Program Alumni Association, Inc. from the U.P. Law Center.

Senate President Sotto welcomed the guests to the Senate.

APPROVAL OF THE JOURNAL

Upon motion of Senator Zubiri, there being no objection, the Body dispensed with the reading of the Journal of Session No. 23 (September 17, 2019) and considered it approved.

REFERENCE OF BUSINESS

The Secretary of the Senate read the following bills which the Chair referred to the committees hereunder indicated:

BILLS ON FIRST READING

Senate Bill No. 1056, entitled

AN ACT PROVIDING FOR A COMPREHENSIVE AND RESPONSIVE CIVIL REGISTRATION AND VITAL STATISTICS SYSTEM, PROVIDING FUNDS THEREOF, AND FOR OTHER PURPOSES

Introduced by Senator Hontiveros

To the Committees on Health and Demography; and Finance

Senate Bill No. 1057, entitled

AN ACT INSTITUTIONALIZING THE COMMUNITY-DRIVEN DEVELOPMENT APPROACH AS A NATIONAL STRATEGY FOR INCLUSIVE GROWTH AND SOCIAL PROTECTION, MANDATING ALL NATIONAL GOVERNMENT AGENCIES AND DEPARTMENTS, INCLUDING THEIR ATTACHED AGENCIES, OFFICES AND BUREAUS, LOCAL GOVERNMENT UNITS, AND OTHER GOVERNMENT INSTRUMENTALITIES TO IMPLEMENT THEIR COMMUNITY-BASED PROGRAMS, ACTIVITIES, AND PROJECTS, APPROPRIATING FUNDS THEREFOR

Introduced by Senator Hontiveros

To the Committees on Social Justice, Welfare and Rural Development; Local Government; and Finance

Senate Bill No. 1058, entitled

AN ACT REGULATING THE PRACTICE OF MICROBIOLOGY IN THE PHILIPPINES AND FOR OTHER PURPOSES

Introduced by Senator Zubiri

To the Committees on Civil Service, Government Reorganization and Professional Regulation; Science and Technology; and Finance

Senate Bill No. 1059, entitled

AN ACT RECOGNIZING THE CIVIL EFFECTS OF CHURCH DECREED ANNULMENT

Introduced by Senator Zubiri

To the Committee on Women, Children, Family Relations and Gender Equality

Senate Bill No. 1060, entitled

AN ACT ESTABLISHING THE JOSE B. LINGAD MEMORIAL REGIONAL HOSPITAL SATELLITE EMERGENCY AND TRAUMA CENTER, TO BE KNOWN AS THE JOAQUIN VILLANUEVA EMERGENCY TRAUMA CENTER

Introduced by Senator Angara

To the Committees on Health and Demography; and Finance

**COMMITTEE REPORT NO. 4
ON SENATE BILL NO. 1043**

(Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1043 (Committee Report No. 4), entitled

AN ACT POSTPONING THE MAY 2020 BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9164, AS AMENDED BY REPUBLIC ACT NO. 9340, REPUBLIC ACT NO. 10632, REPUBLIC ACT NO. 10656, REPUBLIC ACT NO. 10923, AND REPUBLIC ACT NO. 10952, AND FOR OTHER PURPOSES.

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

Thereupon, the Chair recognized Senator Marcos, sponsor of the measure, and Senator Go for his interpellation.

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 3:08 p.m.

RESUMPTION OF SESSION

At 3:09 p.m., the session was resumed.

INTERPELLATION OF SENATOR GO

At the outset, Senator Go reiterated his support for Senate Bill No. 1043, specifically as regards the postponement of the barangay and SK elections to a date following the next presidential elections, and he asked the Body to consider the second Monday of October 2022 as the date of the elections. He believed that the interval would grant more time for the next elected president and barangay officials to work hand in hand in accomplishing their projects and programs. He recalled that when President Duterte was elected in 2016, he was determined to eradicate illegal drugs in the country; however, at that time more than 200 barangay officials were linked to illegal drugs according to the PDEA, and that it took two more years to elect new sets of barangay officials who would help the administration deliver reforms to their respective communities.

Senator Go said that by moving the next barangay elections immediately after the 2022 national elections, the country would have a new set of leaders — from the barangay to the national level — enabling the next administration to buckle down and set a direction. He noted that a shorter gap between the two elections would mean shorter waiting time for the officials to work collectively and readily align their agenda, direction, objectives and programs for the benefit of the people; on the other hand, a year after the presidential election might be too long for the new president to effect change in every barangay.

Furthermore, he stated that he saw no reason for the Comelec to defer the elections for a year because they have done it before. He then asked why the Comelec chose to schedule the date of barangay and SK elections in May 2023. In reply, Senator Marcos

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cited Comelec's complaint of lack of material time to conduct the elections, as she recalled the agency's experience in 2010 when the national, local and barangay elections were held within that year. She narrated that at that time, there were 48 million registered voters, 2,512 barangays encountered failure of elections, and 6,496 clustered precincts involving two million voters were not able to vote because the Comelec was pressed for time, was unable to properly print verified ballots for manual and hybrid voting and was not able to distribute the same due to the inclement weather condition in the country at the time. She added that they hardly had time to register voters for the SK elections.

Senator Marcos further stated that while the Comelec was willing to set the elections to an earlier time, the new table of events they have worked on, starting from October 2021 up to December 2022, revealed an improbability in printing the ballots within four to five months, aside from the activities they have to undertake such as verification, packaging, delivery and verification of distributed official ballots to the local treasurers. She stated that while the most compressed time frame possible for the Comelec is six and a half months, there must be time allowance for weather conditions and printing/verification to ensure that the ballots are error-free.

Senator Go maintained that the Comelec was able to hold both the national and barangay elections in 2010, and he cautioned that the waiting period might delay the programs of the new administration, similar to what happened in 2016 when President Duterte had to wait until all the barangay officials involved in drugs had vacated their offices and were replaced by new ones.

Senator Marcos replied that if the Comelec would hold the national and barangay elections in 2020, there might be a repeat of what happened in 2010 when millions of voters were disenfranchised. She said that in contrast, there was no account of failure of elections when the barangay and SK elections were held separate from the schedule of the national elections in 2018.

Senator Go reiterated his suggestion for the barangay and SK elections to be moved to the second Monday of October 2022, or five months after the presidential elections. He opined that while it might prove difficult for Comelec, they still have ample time to prepare the ballots.

Senator Marcos said that she was amenable to changing the date of the barangay and SK elections, clarifying it was the Comelec that was protesting the lack of material time to prepare.

INTERPELLATION OF SENATOR TOLENTINO

Replying to Senator Tolentino's observation that postponing the barangay elections to year 2023 would, in effect, grant a term of five years to the incumbent barangay officials, Senator Marcos confirmed that they would serve for five years — from 2018 to 2023 — and every three years from 2023 thereafter.

Senator Tolentino clarified that he was particularly referring to the city councilors, board members, municipal councilors, SK federation presidents who are *ex officio* members of the councils *vis-a-vis* the regular Sanggunian members who are bound by the three-year term. For instance, he asked what would happen to the Association of Barangay Captains (ABC) presidents and the SK federation presidents who are *ex officio* members of the Sanggunian supposing the barangay and SK elections were postponed.

Senator Marcos cited as precedent the *ex officio* Sanggunian members who held their post from 2013 to 2018, or an extended term of five years.

Senator Tolentino expressed his concern that the proposed law, in effect, would be extending the terms of office of the barangay officials as well as the *ex officio* members in violation of existing laws that provide a regular term of three years only, as he noted further that the *ex officio* members were being placed in a better position than the regularly elected Sanggunian members. Thus, he said that in the period of amendments, he would propose that the ABC and SK federation hold new elections to elect their respective representatives to sit as *ex officio* Sanggunian members.

Senator Marcos agreed that the leagues and the federations can organize a second round of election for their respective *ex officio* representatives.

To the possibility that an extended SK president would be sitting as an *ex officio* member beyond the age limit, Senator Marcos acknowledged that such a possibility is bound to happen since some assumed their posts while already near the age limit.

Asked if she would consider a proviso stating that those who will not be beyond the age limit by 2023 or whichever the agreed date, would be the one to assume office by an implied law on succession, Senator Marcos replied that the rule is that the age of the SK official at the date of the election would prevail, and that if the SK official was still within the qualified age at the time of his or her extension of term, the official shall be retained in his or her post. She said that it would still be the discretion of the federation and the league whether or not to change their respective representatives in the council.

INTERPELLATION OF SENATOR DRILON

Senator Drilon stated that the consensus among the members of the Chamber is that there would be a postponement of the barangay election and that the only issue is when it should be held.

Taking off from the issue raised by Senator Tolentino earlier on the *ex officio* members of the different local legislative bodies who would be holding a term longer than that of the regularly elected members which is three years, Senator Drilon noted that precisely, the stand of Senator Go and Senator Binay under Senate Bill Nos. 201 and 869, proposing that the election be held in October 2022, was to avoid the problem of having barangay and SK officials serving as *ex officio* Sanggunian members for five years instead of the three-year limit. He said that as proposed by Senators Go and Binay, the term of office would only be three years and subsequent elections would already be more or less, synchronized.

Senator Marcos stated that if they were to tally the term of office from 2018, which was when barangay and SK officials were elected, to 2022, there would still be an excess of one year of the stipulated three years.

But Senator Drilon pointed out that it would be worse if the term is extended beyond October of 2022. Senator Marcos agreed, saying that it was precisely the reason she asked the Comelec on the earliest date possible to conduct the elections and in response, the Comelec said that it could be done on the first or second week of December 2022 so that it would not take too long for the elections to proceed.

SUSPENSION OF SESSION

At this juncture, upon motion of Senator Drilon, the session was suspended.

It was 3:30 p.m.

RESUMPTION OF SESSION

At 3:30 p.m., the session was resumed.

INTERPELLATION OF SENATOR DRILON (Continuation)

Asked by Senator Drilon if the principal reason why the Committee proposed that the elections be done in May 2023 was that the Comelec preferred a one-year gap between the two elections, Senator Marcos replied in the affirmative.

But Senator Drilon recalled that in the hearing on the budget of the Comelec last September 16, 2019, Comelec Executive Director Jose Tolentino, reacting to the proposal to hold the elections earlier than May of 2023, noted that the gap is too short and said, "*Mahihirapan kami* but it does not mean we cannot do it."

Senator Marcos said that the Comelec will do what they will be asked to do, but she foresaw some difficulty because the Comelec fears a repeat of what happened in 2010 when there was failure of election in some areas, and almost two million registered voters were disenfranchised.

Asked by Senator Drilon if she is amenable to holding the elections in December of 2022, Senator Marcos replied in the affirmative, saying that she too was not very keen to keep extending these terms forever.

Senator Drilon stated that at the appropriate time, he would propose such an amendment.

Senator Drilon noted that in the current National Expenditure Program, there was an item in the Comelec budget for the barangay and SK elections with a budget of P5,774,958,000. Asked if moving the election date to December of 2022 would mean that the budget of the Comelec could be reduced by that same amount, Senator Marcos replied that there should be no reason anymore for that P5.8 billion budget if the barangay and SK elections are postponed.

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and she recommended that the said amount could be used for other important programs whose budgets were cut, such as the Salary Standardization Law V (SSL V) for government employees, including the teachers, and the Agrarian Reform Program which should end by 2022.

Considering that the present law called for an election next year, Senator Drilon asked if the present General Appropriations Act has items related to the preparation for the next year's barangay election. Senator Marcos replied that there was none in the 2019 General Appropriations Act.

Senator Drilon said that while it was their common belief that there was no such particular item in the 2019 national budget, Director Maria Lea Alarcon, Director III, Finance Services Department of Comelec, stated before the September 16, 2019 Committee on Finance hearing on the Comelec budget, to wit:

Ms. Alarcon: "Your Honor, the Sangguniang Kabataan and Barangay Election (SKBE) has a budget of P5,744,948,000. This provides for all necessary expenses for the 63 million registered voters. It has 177,000 cluster precincts out of the 389,000 established precincts. Now, Your Honor please, based on the current statement of allotment, obligations and balances of the Comelec, it still has a balance of P3.7 billion in its current budget but these are already earmarked as follows: P1 billion for the preparatory activities of the SK and barangay election."

Senator Marcos said that she was informed that the P1 billion did not come from a separate item but was culled from the savings of the Comelec, and was earmarked for early procurement of carbonless paper, ballot paper, other accountable and non-accountable forms. She said that she was guaranteed that not a cent has yet been expended.

That being the case, Senator Drilon stated that the Senate can reduce the proposed budget for 2020 of the Comelec by another P1 billion, or a total of P6.7 billion.

At this juncture, Senate President Sotto asked Senator Drilon if in the 2019 GAA, the Comelec has already a budget if elections were to be held in May 2020. Senator Drilon replied that the Comelec has a savings of roughly P3.7 billion, of which the Comelec earmarked P1 billion for the barangay elections in addition to the P5.775 billion in the National Expendi-

ture Program next year. He added that the Comelec was, in fact, asking for additional P2 billion for next year. In sum, he noted that they were looking at a possible almost P9 billion supposedly for the SK and the barangay elections which would be available for realignment for other worthy projects. Thus, he believed that it was very important that the Body should pass the measure as early as they can, so that there would be no reason anymore for the Comelec to continue with the preparatory activities towards the holding of the elections next year because these preparatory activities would involve spending of public funds which would be useless if the elections were eventually postponed.

INTERPELLATION OF SENATOR LACSON

Asked by Senator Lacson why the barangay and SK elections were proposed to be postponed, Senator Marcos explained that both the Local Government Code and Republic Act No. 9164 mandate a three-year term for barangay and SK officials, thus, proceeding with the elections as scheduled would give them only less than two years which is in violation of said laws.

To Senator Lacson's suggestion to follow the regular term of office and hold the next elections in May 2021, Senator Marcos recalled that during the first public hearing on the bill, Senator Drilon also suggested setting the next election to May 2021.

Asked whether any law would be violated if the barangay and SK elections would be held in May or October 2023, or if they would be held in May 2021, Senator Marcos said that holding the elections in May 2021 would not violate any laws.

To Senator Lacson's suggestion to hold the elections in May 2021 if it does not anyway violate any laws, Senator Marcos said that it would not be possible to hold the elections in May 2021 for a number of reasons: first, the national elections should proceed ahead of the barangay and SK elections because the former needs two and a half years of preparation time; second, there is the procurement process that takes time; and third, there are precedents in 2013 and 2018 where the barangay and SK elections were postponed.

Asked if there were political considerations behind the postponement, like the possibility that the holding of the barangay and SK elections ahead of the national and local elections would be more costly or

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expensive because there could be more candidates for barangay posts who would be seeking financial assistance from national and local officials, Senator Marcos replied that in reality, the sense was there was no desire for a proxy war in the barangay level that would presage the national election. She said that the Committee preferred a fresh mandate for whoever the national or local officials would be and a neater and more effective governance to be instituted if the barangay and SK elections were conducted after the national and local elections.

Senator Lacson said that he would be amenable to the proposal if there was a more practical reason, for instance, if it would be more expensive and costly to conduct barangay and SK elections ahead of the national and local elections. He said that if no law was being violated, it would be less complicated to merely follow the regular terms of office of barangay officials and hold the elections in May 2021.

Senator Marcos explained that the Committee was not complicating things; rather, it was trying to simplify matters inasmuch as the Comelec was all set for a hybrid system and would like to prepare for it for the 2022 national and local elections. On the other hand, she pointed out that the barangay and SK elections are conducted manually and it would entail a lot of preparations. She also cited the complaints of some barangay officials about their shortened term of office.

To Senator Lacson's observation that their term of office would be still shortened if the elections were to be conducted in May 2021, Senator Marcos reiterated that the Committee wanted a fresh mandate for those in the national and local levels and, thereafter, the barangay and SK elections would be held regularly one year after the national and local elections in order to avoid further postponements as well as amendments to the law.

Asked on the difference between holding the barangay and SK elections one year before the national and local elections and one year after, Senator Marcos believed that if the barangay and SK elections were to be held one year before the national and local elections, it becomes a proxy war at the barangay level and a testing ground for national and local officials as they field their bets in the barangay level; on the other hand, if the barangay and SK elections were held one year after the national and local elections, there would be a fresh mandate for a new administration.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1043

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

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Zubiri acknowledged the presence in the gallery of students from San Beda University.

Senate President Sotto welcomed the guests to the Senate.

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 3:48 p.m.

RESUMPTION OF SESSION

At 4:10 p.m., the session was resumed.

MEMBERSHIP IN THE JOINT CONGRESSIONAL OVERSIGHT COMMITTEE ON THE NATIONAL HEALTH INSURANCE PROGRAM

Upon motion of Senator Zubiri, there being no objection, the following senators were designated to constitute the Joint Congressional Oversight Committee on the National Health Insurance Program on the part of the Senate: Senator Go as chairperson; and Senators Dela Rosa, Tolentino, Gordon and Hontiveros as members.

CHANGE OF COMMITTEE REFERRAL

Acting on the request of Senator Pimentel, chair of the Committee on Trade, Commerce and Entrepreneurship, upon motion of Senator Zubiri, there being no objection, the Body approved to change the referral of Senate Bill No. 472 (*Green Vehicles Incentive Act*), Senate Bill No. 479 (*Plug-In Hybrid Electric Vehicles Incentive Act*), Senate Bill No. 538 (*Green Vehicles Incentive Act*) and Senate Bill No. 638 (*Electric and Hybrid Vehicles Incentive Act*) from the Committee on Trade, Commerce and Entrepre-

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neurship to the Committee on Energy as the primary committee, with the Committee on Trade, Commerce and Entrepreneurship as the secondary committee.

COAUTHOR

Upon her request, Senator De Lima was made coauthor of Senate Bill No. 365 (amending R.A. No. 7277 to accommodate PWDs needing special assistance of guide animals) and Senate Bill No. 570 (increasing the monthly social pension of senior citizens).

MANIFESTATION OF SENATOR TOLENTINO

Senator Tolentino informed the Body of the resolution he filed relative to the recent circular of the Bangko Sentral ng Pilipinas (BSP) concerning cryptocurrency in light of reports that a group of Chinese nationals allegedly involved in a cryptocurrency scam were arrested in Ortigas Avenue.

In view of the BSP circular legitimizing bitcoin or virtual currency used in social media applications like Facebook or Telegram and granting the Union Bank of the Philippines the power to issue cryptocurrency, and the recent arrest of Chinese nationals, Senator Tolentino urged the Body to act on the resolution as it might affect the remittances of OFWs that are sent via the internet.

REFERRAL OF MANIFESTATION TO COMMITTEE

Upon motion of Senator Zubiri, there being no objection, the Chair referred the manifestation of Senator Tolentino to the Committee on Banks, Financial Institutions and Currencies.

ADDITIONAL 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. 1061, entitled

AN ACT PROVIDING FOR RENUMERATION, BENEFITS, ALLOWANCES, AND OTHER ENTITLEMENTS FOR

FRONTLINE CIVIL SERVANTS AT THE BARANGAY LEVEL, ESTABLISHING FOR THE PURPOSE A MAGNA CARTA FOR BARANGAY OFFICIALS, PERSONNEL AND VOLUNTEER WORKERS, AND FOR OTHER PURPOSES

Introduced by Senator Recto

**To the Committees on Local Government;
and Finance**

RESOLUTION

Proposed Senate Resolution No. 139, entitled

A RESOLUTION DIRECTING THE SENATE COMMITTEE ON ENERGY TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE SHORT, MEDIUM, AND LONG-TERM PLANS OF THE DEPARTMENT OF ENERGY TO ACHIEVE ENERGY SECURITY TO MITIGATE THE ADVERSE REPERCUSSIONS OF SUPPLY SHOCKS ON PHILIPPINE OIL SUPPLY AND PRICES FOLLOWING THE 14 SEPTEMBER 2019 ATTACK ON THE SAUDI ARABIAN OIL COMPANY"

Introduced by Senator Gatchalian

To the Committee on Energy

ADJOURNMENT OF SESSION

Upon motion of Senator Zubiri, there being no objection, the Chair declared the session adjourned until three o'clock in the afternoon of Monday, September 23, 2019.

It was 4:16 p.m.

I hereby certify to the correctness of the foregoing.



ATTY. MYRA MARIE D. VILLARICA

Secretary of the Senate

Approved on September 23, 2019