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SESSION NO. 31
Monday, November 4, 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. Christopher Lawrence T. Go led the prayer, to wit:

O Lord, the source of life and peace, bless us as we gather here today to resume the session of the 18th Congress.

May You grant us the strength to serve the Filipino people to the utmost of our abilities and to give us the resolve to work without counting the hardships and the costs, because we know that by serving the people, we are glorifying You, Lord.

We also pray for courage and persistence to succeed in our fight against the societal ills of illegal drugs, criminality, and corruption.

As we seek Your blessing today in this august Chamber, we also fervently pray that

You protect and bless our brothers and sisters in Mindanao who were recently devastated by natural calamities. Bless them, O Lord, that they may be relieved from the trauma, from their suffering and difficulties.

As one nation, may You give us the strength to work together to overcome the challenges we face in rebuilding what has been destroyed.

May You unceasingly guide and inspire this honorable Body and its members.

Lord, celebrating 103 years is a feat which the Senate truly could not have achieved without Your guidance.

All this we humbly ask in Your Holy Name.

Amen.

NATIONAL ANTHEM

The Senate Choir led the singing of the national anthem.



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.	Pimentel III, A. K.
Cayetano, P. S.	Poe, G.
Dela Rosa, R. B. M.	Recto, R. G.
Drilon, F. M.	Revilla Jr., R. B.
Gatchalian, W.	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 21 senators present, the Chair declared the presence of a quorum.

Senator Pangilinan was on official mission.

Senator Gordon arrived after the roll call as he came from “a meeting with the Philippine Red Cross and its partners to plan and discuss responses regarding the Mindanao earthquake.”

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

APPROVAL OF THE JOURNALS

Upon motion of Senator Zubiri, there being no objection, the Body dispensed with the reading of the Journals of Session No. 29 (October 1, 2019) and Session No. 30 (October 2, 2019) and considered them approved.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

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

- Ladies of the members of Philippine Military Academy’s *Dimalupig* Class of 1991;
- GSIS Board Member Lt. Gen. Alan R. Luga and staff;
- Mayor Manuel T. Saladaga and Vice Mayor Lester Espina of Mahayag, Zamboanga del Sur; and

- Mayor Midpantao M. Midtimbang Jr. of Guindulungan, Maguindanao.

Senate President Sotto welcomed the guests to the Senate.

MANIFESTATION OF SENATOR ZUBIRI

Senator Zubiri said the session would be adjourned early in deference to the passing of former Senate President Aquilino “Nene” Q. Pimentel Jr.

APPROVAL OF SENATE JOINT RESOLUTION NO. 8 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, Senate Joint Resolution No. 8, printed copies of which were distributed to the senators on October 1, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the resolution, to wit:

JOINT RESOLUTION AUTHORIZING THE USE OF THE RICE SUBSIDY AS PROVIDED UNDER THE *PANTAWID PAMILYANG PILIPINO* PROGRAM (4Ps) IN THE GENERAL APPROPRIATIONS ACT (GAA) OF 2019 FOR THE PURCHASE OF PALAY FROM FARMERS, MANDATING FOR THE PURPOSE THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD) IN COORDINATION WITH THE NATIONAL FOOD AUTHORITY (NFA) TO BUY PALAY FROM THE LOCAL FARMERS FROM THE PROVINCES OF PANGASINAN, ILOCOS NORTE, CAGAYAN, ISABELA, NUEVA VIZCAYA, MINDORO ORIENTAL, MINDORO OCCIDENTAL, TARLAC, NUEVA ECIJA, ZAMBOANGA DEL SUR AND ILOILO AND DISTRIBUTE RICE SUBSIDY IN THE FORM OF ACTUAL RICE, INSTEAD OF CASH ASSISTANCE, TO THE QUALIFIED BENEFICIARIES.

Secretary Villarica called the roll for nominal voting.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor

Angara	Pacquiao
Binay	Pimentel
Cayetano	Poe
Dela Rosa	Recto
Drilon	Revilla
Gatchalian	Sotto
Go	Tolentino
Hontiveros	Villanueva
Lacson	Villar
Lapid	Zubiri
Marcos	

Against

None

Abstention

None

With 21 senators voting in favor, none against, and no abstention, the Chair declared Senate Joint Resolution No. 8 approved on Third Reading.

**EXPLANATION OF VOTE
BY SENATOR DRILON**

Senator Drilon explained his affirmative vote, as follows:

I voted for the approval of Senate Joint Resolution No. 8 authorizing the DSWD and NFA to use the rice subsidy under the General Appropriations Act of 2019 to buy *palay* from our local farmers. I voted "yes" in order to help our farmers cope with the effects of the Rice Tariffication Law which lifted the quantitative import restriction on rice.

May I, however, state for the record my serious concern that the application, validity and constitutionality of this measure and our future joint resolutions might be challenged in court. Last October 9, in the case of *Ang Nars Party List vs. The Executive Secretary* (G.R. No. 215746), the Supreme Court ruled that a joint resolution, being a mere resolution, cannot amend or repeal a prior law.

While I respect the decision of the Supreme Court, I disagree with the ruling. A joint resolution is not a mere resolution as ruled by the Supreme Court. It has the force and effect of a law once approved.

Based on our rules and established precedents, the procedure for the passage of a joint resolution is identical to that of a bill. It requires three readings on separate days unless certified as urgent; the approval of both chambers of Congress; the signature of the President; and publication in the *Official Gazette* and/or in a newspaper of general circulation.

A joint resolution is an act of Congress of limited application which becomes *functus officio* once the purpose for its enactment is fulfilled. Therefore, once the purpose of the Joint Resolution is achieved, it ceases to become part of our statute books. Such is the nature of a joint resolution. However, it does not lose its character as a law.

Nonetheless, the Supreme Court decision in *Ang Nars* involves an interpretation of the Constitution and should therefore be adhered to until and unless subsequently modified or reversed by the High Court.

In *Ang Nars*, there was no separate law providing for the budget for the salary of the concerned nurses. Congress cannot be compelled to enact a law providing for such budget, and the national government cannot be forced to implement the same without the appropriate funding from Congress.

On the contrary, the rice subsidy fund, which is the subject of this Joint Resolution, is expressly allocated for in the 2019 General Appropriations Act, and this Joint Resolution authorizes the use of rice subsidy provided under the 4Ps program in the 2019 GAA for the purchase of *palay* directly from local farmers. It also authorizes the distribution of rice subsidy in the form of actual rice instead of cash. In effect, this Joint Resolution entails a realignment of the budget and can be implemented upon approval.

Having said that, while we disagree with the ruling that a Joint Resolution cannot amend a law, we cannot continuously disregard the Supreme Court decision. We therefore need to exercise extreme caution in adopting a similar resolution in the 2020 General Appropriations Act, particularly with regard to the purchase of *palay* directly from farmers.

SUSPENSION OF SESSION

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

It was 3:13 p.m.

RESUMPTION OF SESSION

At 3:17 p.m., the session was resumed.

PROPOSED SENATE RESOLUTION NO. 168

Upon motion of Senator Zubiri, there being no objection, the Body considered Proposed Senate Resolution No. 168, entitled

RESOLUTION EXPRESSING THE PROFOUND SYMPATHY AND SINCERE CONDOLENCES OF THE SENATE ON THE DEATH OF THE HONORABLE AQUILINO "NENE" QUILING PIMENTEL JR., FORMER SENATE PRESIDENT AND FATHER OF THE "LOCAL GOVERNMENT CODE."

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

COSPONSORS

Upon Senator Zubiri's request, there being no objection, all senators were made cosponsors of Proposed Senate Resolution No. 168.

MANIFESTATION OF SENATOR ZUBIRI

Senator Zubiri again expressed the condolences of the Senate to the Pimentel family as he recalled the wonderful and heart-warming necrological service the previous Wednesday for former Senate President Nene Pimentel.

ADOPTION OF PROPOSED SENATE RESOLUTION NO. 168

Upon motion of Senator Zubiri, there being no objection, Proposed Senate Resolution No. 168 was adopted by the Body, subject to style.

MANIFESTATION OF SENATOR PIMENTEL

On behalf of his family, relatives, friends and supporters of his late father Senator Aquilino "Nene" Pimentel, Jr., Senator Pimentel thanked everyone for their expression of sympathy and condolences.

MANIFESTATION OF THE CHAIR

Senate President Sotto stated that traditionally, the plenary session is adjourned early in deference to the death of a former colleague. He said that even as the necrological services and internment had already been held, it was still fitting to honor the tradition.

He also said that there were requests from the Members that they adjourn into an all-senators' caucus to tackle the budget.

ADJOURNMENT OF SESSION

Following tradition and in deference to the passing of former Sen. Aquilino "Nene" Pimentel Jr., upon motion of Senator Zubiri, there being no objection, the Chair declared the session adjourned until three o'clock in the afternoon the following day.

It was 3:21 p.m.

I hereby certify to the correctness of the foregoing.



ATTY. MYRA MARIE D. VILLARICA

Secretary of the Senate



Approved on November 5, 2019