



REPUBLIC OF THE PHILIPPINES  
**Senate**  
Pasay City

# Journal

**SESSION NO. 54**  
Wednesday, February 12, 2020

**EIGHTEENTH CONGRESS**  
**FIRST REGULAR SESSION**

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Wednesday, February 12, 2020

**CALL TO ORDER**

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

**PRAYER**

Sen. Richard J. Gordon led the prayer, to wit:

Lord, these days have been very hard days for our country and for the world. We are severely challenged, especially in our country; our people are lashed by typhoons; volcanic eruptions have destroyed many homes; and people are in want and looking for hope.

Lord, there are people here who are threatened by the coronavirus, and have put sometimes fear in the solution which is not.

So, today, Lord, the Senate asks for discernment, wisdom, and compassion to be able to beat all these challenges and to make sure, Lord, that we are able to use our discernment, wisdom, and compassion in

helping us decide the challenges of the times, the political as well as the enormous challenges that come to our country.

All these we pray in Jesus Christ, our Lord.

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.
Dela Rosa, R. B. M.	Poe, G.
Drilon, F. M.	Recto, R. G.
Gatchalian, W.	Revilla Jr., R. B.
Go, C. L. T.	Sotto III, V. C.
Gordon, R. J.	Tolentino, F. T. N.
Hontiveros, R.	Villanueva, J.
Lacson, P. M.	Villar, C. A.
Marcos, I. R.	Zubiri, J. M. F.

*per net*



With 20 senators present, the Chair declared the presence of a quorum.

Senator Cayetano arrived after the roll call.

Senator Lapid was unable to attend the session "because he will be out of town on official business" as indicated in the February 12, 2020 letter of Senator Lapid's authorized representative.

Senator Pimentel was absent.

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

#### **ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS**

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

- Mayor Jose O. Padrid of Bay, Laguna;
- Mayor Edito B. Saludaga of Lavezares, Northern Samar; and
- Mayor Richard B. Streegan and Vice Mayor Lissa Marie "Moonyeen" Durano-Streegan of Sogod, Cebu, and Mrs. Flor Streegan of Cebu City.

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. 53 (February 11, 2020) and considered it approved.

#### **REFERENCE OF BUSINESS**

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

#### **BILLS ON FIRST READING**

Senate Bill No. 1332, entitled

AN ACT TRANSFERRING THE CONTROL AND SUPERVISION OF THE PROVINCIAL AND SUB-PROVINCIAL JAILS TO THE BUREAU OF JAIL MANAGE-

MENT AND PENOLOGY, AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 6975, OTHERWISE KNOWN AS THE "DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT ACT OF 1990" AS AMENDED, AND FOR OTHER PURPOSES

Introduced by Senator Zubiri

**To the Committees on Public Order and Dangerous Drugs; and Local Government**

Senate Bill No. 1333, entitled

AN ACT CREATING A DISTRICT ENGINEERING OFFICE IN THE SEVENTH LEGISLATIVE DISTRICT OF THE PROVINCE OF CEBU, AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Zubiri

**To the Committees on Public Works; and Finance**

#### **COMMUNICATIONS**

Letters from the Bangko Sentral ng Pilipinas, transmitting to the Senate copies of the following certified and authenticated BSP issuances, in compliance with Section 15 (a) of Republic Act No. 7653 (The New Central Bank Act):

Circular Letter Nos. CL-2020-007 and 008 dated 21 and 29 January 2020.

**To the Committee on Banks, Financial Institutions and Currencies**

#### **PROPOSED SENATE RESOLUTION NO. 317**

Upon motion of Senator Zubiri, there being no objection, the Body considered Proposed Senate Resolution No. 317, entitled

RESOLUTION HONORING AND REMEMBERING GABINO "GABY" DE GUZMAN TABUÑAR, JR. FOR HIS EXEMPLARY AND OUTSTANDING CONTRIBUTION TO JOURNALISM AND PRESS FREEDOM.



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.

Thereupon, the Chair recognized Senator Gordon for the sponsorship.

#### **SPONSORSHIP SPEECH OF SENATOR GORDON**

Senator Gordon said that with a heavy but proud heart, he was presenting Proposed Senate Resolution No. 317 to commend Gaby Tabuñar, a distinguished gentleman of the international media, a Filipino who rose from the ranks to become one of the pillars of journalism.

He stated that on February 4, 2020, Gaby Tabuñar, one of the country's most respected journalists, passed away quietly after a bout with pneumonia at the age of 94. He said that he had the privilege of knowing Gaby throughout his career to be very fatherly, very courageous, full of integrity, an embodiment of what a media man should be, a true friend to many, and a mentor to countless journalists who exemplified the highest ideals of courageous, compassionate and committed journalism throughout the ever-changing landscape of Philippine history, especially the political transitions in the succeeding decades after World War II.

Senator Gordon stated that Gaby's experience as an intelligence officer during the guerilla movement against the Japanese gave him a strong passion for freedom; he became the father of the Foreign Correspondents Association of the Philippines (FOCAP) who fought for freedom of the press and civil liberties during the dangerous Martial Law era under President Marcos. He said that even in his retirement, Gaby was active in FOCAP activities, guiding young journalists to run the association's undertakings.

Senator Gordon also cited Gaby's accomplishments dating back in the 1940s: a long-time correspondent for Columbia Broadcasting System (CBS) News, an American-English language commercial broadcast television and radio network, from 1986 until his retirement in 2008, worked at Philippine Liberty News after World War II and immediately after liberation at the War Information Office of the U.S. government in Manila from 1945 to 1946, and as media director for an American pharmaceutical company, Sterling Winthrop Inc. He said that Gaby

always provided a platform upon which the goodness of the Philippines would be projected.

On a personal level, Senator Gordon acknowledged Gaby's help in the rapid transformation and development of Subic in the 1990s, in overcoming the impact of the SARS outbreak, terrorism, and Abu Sayyaf kidnappings which disturbed the tourism industry in the year 2000, and for covering the 1991 Mt. Pinatubo eruption and the turnover of the U.S. military bases.

Senator Gordon said that according to Gaby, "Character is the basis of all virtues; you talk about kindness and generosity... it all to character. Character is the main driver of a man, whether for good or for bad." He said that Gaby's own character, in fact, was forged when he stepped up during the Japanese occupation.

He said that a CBS article described Gaby as a legend among Filipino journalists, serving as a mentor to countless journalists as he was fond of telling stories about his many experiences as a teenager running errands for the guerrilla movement during the war, besides his experiences with powerful people.

He also revealed that Gaby's wife Maria Antonia Eguaras Tabuñar, died in 2008 and that he left behind his daughter Maria Teresa "Mao," a family counselor; Ramon, who works in a steel industry; Maria Antonia, an administrative staff for International Finance Corporation (IFC); and Maria Elisa Tabuñar, a registered practical nurse for Hospice Care in Ottawa, Canada.

Senator Gordon stated that the adoption of Proposed Senate Resolution No. 317 would be a very good and honorable gesture on the part of the Senate to honor the late Gaby Tabuñar, a Filipino journalist, for his exemplary and outstanding contribution to journalism and press freedom.

#### **MANIFESTATION OF SENATOR DRILON**

Senator Drilon joined Senator Gordon in endorsing Proposed Senate Resolution No. 317 for adoption by the Chamber. He said that as an active member and officer of the FOCAP, Gaby was indeed the exponent of press freedom in the country because he did not shirk from confronting the government with issues which must be responded to.

Thereupon, he requested that he be made coauthor of the proposed resolution.





## COAUTHORS

Upon Senator Zubiri's request, there being no objection, all senators present were made coauthors of Proposed Senate Resolution No. 317.

## ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Zubiri acknowledged the presence in the gallery of the family of Mr. Gaby Tabuñar, namely, Maria Teresa Cardenas, Maria Elisa Tabuñar, and granddaughter Lucia.

Senate President Sotto welcomed the guests to the Senate.

## ADOPTION OF PROPOSED SENATE RESOLUTION NO. 317

Upon motion of Senator Zubiri, there being no objection, Proposed Senate Resolution No. 317 was adopted by the Body, subject to style.

## SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

*It was 3:13 p.m.*

## RESUMPTION OF SESSION

At 3:16 p.m., the session was resumed.

## ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

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

- Mayors from Maguindanao, namely, Datu Shameem B. Mastura of Sultan Kudarat; Mohammad Ali "Kits" S. Guro of Matanog; Datu Midpantao M. Midtimbang, Jr. of Guindulungan; Abolais A. Manalao of Buldon; Al-Fizzar Allandatu M. Angas of Sultan sa Barongis; and Cahar P. Ibay of Parang, with board members;
- Bangsamoro Parliament member Sitti Shahara Mastura; and
- Former mayor Ibrahim P. Ibay of Parang, Maguindanao.

Senate President Sotto welcomed the guests to the Senate.

## MANIFESTATION OF SENATOR DRILON

Senator Drilon said that the day's news carried the statement of Senate President Sotto that he was considering bringing to the Supreme Court the issue of whether or not the termination of a treaty needs the concurrence of the Senate. In this regard, he requested the Committee on Foreign Relations to act on the resolution that he filed, Proposed Senate Resolution No. 305 which seeks to express the sense of the Senate that the termination of treaties should be with the concurrence of the Senate, as he also reminded the Body that in the Seventeenth Congress, he filed Senate Resolution No. 289 concurred in by 14 senators.

He clarified that he was not preempting whatever decision the Committee on Foreign Relations would have on the resolution, saying that his request was simply in anticipation of whatever decision Senate President Sotto would have on the issue so that he would be guided by the sentiments of the Chamber in case Proposed Senate Resolution No. 305 would be reported out and acted upon in plenary.

Senate President Sotto concurred with the manifestation of Senator Drilon, saying that it would always be sensible to listen to the sense of the Senate before any actions are taken.

Senator Zubiri agreed to inform Senator Pimentel, chairperson of the Committee on Foreign Affairs, regarding Senator Drilon's manifestation.

## COMMITTEE REPORT NO. 9 ON SENATE BILL NO. 1083

*(Continuation)*

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1083 (Committee Report No. 9), entitled

AN ACT TO PREVENT, PROHIBIT  
AND PENALIZE TERRORIST ACTS,  
THEREBY REPEALING REPUBLIC  
ACT NO. 9372, OTHERWISE KNOWN  
AS THE "HUMAN SECURITY ACT  
OF 2007," APPROPRIATING FUNDS  
THEREFOR, AND FOR OTHER  
PURPOSES.

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Senator Zubiri stated that the parliamentary status was still the period of amendments.

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

## AMENDMENT BY SUBSTITUTION

Senator Lacson said that pursuant to Rule XXIX, Section 82, paragraph 2 of the Rules of the Senate, and as agreed upon by the Body during the session on February 3, 2020, he would introduce an amendment by substitution to Senate Bill No. 1083 under Committee Report No. 9 which was a compilation of the amendments proposed and submitted by Senators Ronald Dela Rosa, Zubiri, Revilla, Marcos, Gordon, Villanueva, and Hontiveros, including the issues raised during the interpellations of several other members of the Body, notably, Senators Drilon, Pimentel, Tolentino, and Pangilinan. He explained that the substitute bill, the short title of which is "The Law on the Prevention of the Terrorist Acts of 2020," seeks to expressly repeal in its entirety Republic Act No. 9372, also known as The Human Security Act of 2007. He said that with the substitute bill, the Body would have only one cohesive and continuous bill containing some sections lifted from the current law as well as the amendments and the new provisions introduced under the committee report. He added that he has furnished all members of the Chamber with the text of the proposed amendment by substitution which consisted of 33 pages.

Upon motion of Senator Lacson, there being no objection, his proposed amendment by substitution was deemed read and inserted into the record.

Senate President Sotto instructed the Secretariat to reflect the full text thereof into the record.

*Following is the full text of the amendment by substitution of Senate Bill No. 1083, entitled*

AN ACT TO PREVENT, PROHIBIT AND  
PENALIZE TERRORIST ACTS, THEREBY  
REPEALING REPUBLIC ACT NO. 9372,  
OTHERWISE KNOWN AS THE "HUMAN  
SECURITY ACT OF 2007," APPROPRIATING  
FUNDS THEREFOR AND FOR OTHER  
PURPOSES

Be it enacted by the Senate and the House  
of Representatives of the Philippines in  
Congress assembled:

**SECTION 1. Short Title.** - This Act shall henceforth be known as "**THE LAW ON THE PREVENTION OF TERRORIST ACTS OF 2020.**"

**SECTION 2. Declaration of Policy.** - It is declared a policy of the State to protect life, liberty, and property from terrorist acts, to condemn terrorist acts as inimical and dangerous to the national security of the country and to the welfare of the people, and to make any terrorist act a crime against the Filipino people, against humanity, and against the law of nations.

In the implementation of the policy stated above, the State shall uphold the basic rights and fundamental liberties of the people as enshrined in the Constitution.

The State recognizes that the fight against terrorist acts requires a comprehensive approach, comprising political, economic, diplomatic, military, and legal means duly taking into account the root causes of terrorist acts without acknowledging these as justifications for terrorist and/or criminal activities. Such measures shall include conflict management and post-conflict peacebuilding, addressing the roots of conflict by building state capacity and promoting equitable economic development.

Nothing in this Act shall be interpreted as a curtailment, restriction or diminution of constitutionally recognized powers of the executive branch of the government. It is to be understood, however, that the exercise of the constitutionally recognized powers of the executive department of the government shall not prejudice respect for human rights which shall be absolute and protected at all times.

**SECTION 3. Definition of Terms.** - as used in this Act:

(A) "CRITICAL INFRASTRUCTURE" shall refer to an asset or system that is essential for the maintenance of vital societal functions, health, safety, security, economic, or social well-being. It may include, but is not limited to, communications, emergency services, fuel, energy, dams, finance, food, public services, industry, transport, radio and television, information systems and technology, commercial facilities, chemical and nuclear sectors, and water

(B) "DESIGNATED PERSON" shall refer to:

1. Any individual, group of persons, organizations, or associations designated and/or identified by the United Nations Security Council, or another jurisdic-

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tion, or supranational jurisdiction as a terrorist, one who finances terrorist acts, or a terrorist organization or group; or

2. Any person, organization, association, or group of persons designated under paragraph 3 of Section 25 of this Act.

For purposes of this Act, the above definition shall be in addition to the definition of designated persons under Section 3(e) of Republic Act No. 10168, otherwise known as the "Terrorism Financing Prevention and Suppression Act of 2012".

- (C) "EXTRAORDINARY RENDITION" shall refer to the transfer—without legal process—of a detainee to the custody of a foreign government for purposes of detention and interrogation.
- (D) "INTERNATIONAL ORGANIZATION" shall refer to an organization established by a treaty or other instrument governed by international law and possessing its own international legal personality;
- (E) "MATERIAL SUPPORT" shall refer to any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel (one or more individuals who may be or include oneself), and transportation;
- (F) "PROLIFERATION OF WEAPONS OF MASS DESTRUCTION" shall refer to the transfer and export of chemical, biological, radiological, or nuclear weapons, their means of delivery and related materials;
- (G) "PROPOSAL TO COMMIT TERRORIST ACTS" is committed when a person who has decided to commit any of the crimes defined and penalized under the provisions of this Act proposes its execution to some other person or persons;
- (H) "RECRUIT" shall refer to any act to encourage other people to join a terrorist individual or organization, association or group of persons proscribed under Section 26 of this Act, or designated by the United Nations Security Council as a terrorist organization, or organized for the purpose of engaging in terrorist acts;
- (I) "SURVEILLANCE ACTIVITIES" shall refer to the act of tracking down, following, or investigating individuals or organizations; or

the tapping, listening, intercepting, and recording of messages, conversations, discussions, spoken or written words, including computer and network surveillance, and other communications of individuals engaged in terrorist acts as defined hereunder;

- (J) "SUPRANATIONAL JURISDICTION" shall refer to an international organization or union in which the power and influence of member states transcend national boundaries or interests to share in decision-making and vote on issues concerning the collective body, i.e. the European Union;
- (K) "TRAINING" shall refer to the giving of instruction or teaching designed to impart a specific skill in relation to terrorist acts as defined hereunder, as opposed to general knowledge;
- (L) "TERRORIST INDIVIDUAL" shall refer to any natural person who commits any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act;
- (M) "TERRORIST ORGANIZATION, ASSOCIATION OR GROUP OF PERSONS" shall refer to any entity organized for the purpose of engaging in terrorist acts, or those proscribed under Section 26 hereof or the United Nations Security Council-designated terrorist organization; and
- (N) "WEAPONS OF MASS DESTRUCTION" (WMD) shall refer to chemical, biological, radiological, or nuclear weapons which are capable of a high order of destruction or causing mass casualties. It excludes the means of transporting or propelling the weapon where such means is a separable and divisible part from the weapon.

**SECTION 4. *Terrorist Acts.*** – Any person who commits any of the following, in or outside of the Philippines, regardless of its stage of execution:

- A. Acts that may cause death or serious bodily injury to any person, or endanger a person's life;
- B. Acts that may cause extensive damage or destruction to a government or public facility, critical infrastructure, public place or private property;
- C. Development, manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of biological, nuclear, radiological or chemical weapons; and,
- D. Release of dangerous substances, or causing fire, floods or explosions when the purpose

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of such act, by its nature and context, is to intimidate, put in fear, force or induce the government or any international organization, or the public to do or to abstain from doing any act, or seriously destabilize or destroy the fundamental political, economic, or social structures of the country, or create a public emergency or undermine public safety, shall be guilty of committing a terrorist act and shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of R.A. No. 10592, otherwise known as "An Act Amending Articles 29, 94, 97, 98 and 99 of Act No. 3815, as amended, otherwise known as the Revised Penal Code"; *Provided*, That, terrorist acts as defined under this Section shall not cover legitimate exercises of civil and political rights as provided for in the Constitution and other pertinent laws, rules and regulations, including but not limited to engaging in advocacy, protest, dissent or mass action where a person does not have the intention to use or urge the use of force or violence or cause harm to others.

**SECTION 5. *Threat to Commit Terrorist Acts.*** - Any person who shall threaten to commit any of the acts mentioned in Section 4 hereof shall suffer the penalty of imprisonment of twelve (12) years and one day to twenty (20) years.

**SECTION 6. *Planning, Training, Preparing, and Facilitating the Commission of a Terrorist Act.*** - It shall be unlawful for any person to participate in the planning, training, preparation and facilitation in the commission of a terrorist act, possessing objects connected with the preparation for the commission of a terrorist act, or collecting or making documents connected with the preparation of a terrorist act. Any person found guilty of the provisions of this Act shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of R.A. No. 10592.

**SECTION 7. *Conspiracy to Commit a Terrorist Act.*** - Any conspiracy to commit terrorist acts as defined and penalized under Section 4 of this Act shall be penalized by life imprisonment without the benefit of parole and the benefits of R.A. No. 10592.

There is conspiracy when two (2) or more persons come to an agreement concerning the commission of terrorist acts as defined in Section 4 hereof and decide to commit the same.

**SECTION 8. *Proposal to Commit Terrorist Acts.*** - Any person who proposes to commit terrorist acts as defined in Section 4 hereof shall

suffer the penalty of imprisonment of eight (8) years and one day to twelve (12) years.

**SECTION 9. *Inciting to Commit Terrorist Acts.*** - Any person who distributes or otherwise makes a message available to the public, with the intent to incite the commission of terrorist acts penalized under Section 4 of this Act, where such conduct advocates the commission thereof, thereby causing a danger that such terrorist acts may be committed shall suffer the penalty of imprisonment of six (6) years and one day to ten (10) years.

**SECTION 10. *Recruitment to and Membership in a Terrorist Organization.*** - Any person who shall recruit another to participate in, join, commit or support any terrorist act or a terrorist individual or any terrorist organization, association or group of persons proscribed under Section 26 of this Act, or designated by the United Nations Security Council as a terrorist organization, or organized for the purpose of engaging in terrorist acts, shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of R.A. No. 10592.

Any person who shall voluntarily and knowingly join any organization, association or group of persons knowing that such organization, association or group of persons is proscribed under Section 26 of this Act, or designated by the United Nations Security Council as a terrorist organization, or organized for the purpose of engaging in terrorist acts, shall suffer the penalty of imprisonment of eight (8) years and one day to twelve (12) years.

**SECTION 11. *Foreign Terrorist.*** - The following acts are unlawful and shall be punished with the penalty of life imprisonment without the benefit of parole and the benefits of R.A. No. 10592:

- a. For any person to travel or attempt to travel to a state other than his/her state of residence or nationality, for the purpose of perpetrating, planning, or preparing for, or participating in terrorist acts, or providing or receiving terrorist training; or
- b. For any person to organize or facilitate the travel of individuals who travel to a state other than their states of residence or nationality knowing that such travel is for the purpose of perpetrating, planning, training, or preparing for, or participating in terrorist acts or providing or receiving terrorist training, including acts of recruitment which may be committed through any of the following means:
  - i. recruiting another person to serve in any capacity in or with an armed force in

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a foreign state, whether the armed force forms part of the armed forces of the government of that foreign state or otherwise;

- ii. publishing an advertisement or propaganda, for the purpose of recruiting persons to serve in any capacity in or with such an armed force;
  - iii. publishing an advertisement or propaganda containing any information relating to the place at which, or the manner in which, persons may make applications to serve, or obtain information relating to service, in any capacity in or with such armed force or relating to the manner in which persons may travel to a foreign state for the purpose of serving in any capacity in or with such armed force; or
  - iv. performing any other act with the intention of facilitating or promoting the recruitment of persons to serve in any capacity in or with such an armed force.
- c. For any person residing abroad who comes to the Philippines to participate in perpetrating, planning, training, or preparing for, or participating in terrorist acts or provide support for or facilitate or receive terrorist training here or abroad.

**SECTION 12. *Providing Material Support to Terrorists.*** - Any person who knowingly provides material support to any terrorist individual or terrorist organization, association or group of persons committing any of the acts punishable under Section 4 hereof, or who should have known that such individual or organization, association, or group of persons is committing or planning to commit such acts, shall be liable as principal to any and all terrorist activities committed by said individuals or organizations, in addition to other criminal liabilities he/she or they may have incurred in relation thereto; *Provided*, That the provision of religious materials, legal assistance, medical assistance, or humanitarian activities undertaken by state-recognized impartial humanitarian partners or organizations, such as the International Committee of the Red Cross (ICRC) or the Philippine Red Cross (PRC), in conformity with International Humanitarian Law (IHL) does not fall within the meaning of this Section.

**SECTION 13. *Accessory.*** - Any person who, not being a principal under Article 17 of the Revised Penal Code or a conspirator as defined in Section 7 hereof, cooperates in the execution of any of the crimes defined and penalized under

Section 4 of this Act, by previous or simultaneous acts, shall be liable as an accomplice and shall suffer the penalty of imprisonment of seventeen (17) years, four (4) months and one day to twenty (20) years.

**SECTION 14. *Accessory.*** - Any person who, having knowledge of the commission of any of the crimes defined and penalized under Section 4 of this Act, and without having participated therein, either as principal or accomplice under Articles 17 and 18 of the Revised Penal Code, takes part subsequent to its commission in any of the following manner: (a) by profiting himself or assisting the offender to profit by the effects of the crime; (b) by concealing or destroying the body of the crime, or the effects, or instruments thereof, in order to prevent its discovery; or (c) by harboring, concealing, or assisting in the escape of the principal or conspirator of the crime, shall be liable as an accessory and shall suffer the penalty of imprisonment of ten (10) years and one day to twelve (12) years.

The exemption provided for under Article 20 of the Revised Penal Code with respect to the spouses, ascendants, descendants, legitimate, natural and adopted brothers and sisters or relatives by affinity within the same degrees shall not be applicable.

**SECTION 15. *Penalty for Public Official.*** - If the offender found guilty of any of the acts defined and penalized under the provisions of this Act is a public official or employee, he/she shall be charged with the administrative offense of grave misconduct and/or disloyalty to the Republic of the Philippines and the Filipino people, and be meted with the penalty of dismissal from the service, with the accessory penalties of cancellation of civil service eligibility, forfeiture of retirement benefits and perpetual absolute disqualification from running for any elective office or holding any public office.

**SECTION 16. *Surveillance of Suspects and Interception and Recording of Communications.*** - The provisions of R.A. No. 4200, otherwise known as the "Anti-Wire Tapping Law" to the contrary notwithstanding, law enforcement agent or military personnel may, upon a written order of the Court of Appeals secretly wiretap, overhear and listen to, intercept, screen, read, surveil, record or collect, with the use of any mode, form, kind or type of electronic, mechanical or other equipment or device or technology now known or may hereafter be known to science or with the use of any other suitable ways and means for the above purposes,

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any private communications, conversation, discussion/s, data, information, messages in whatever form, kind or nature, spoken or written words (a) between members of a judicially declared and outlawed terrorist organization, as provided in Section 26 of this Act; (b) between members of a designated person as defined in Section 3(E) of R.A. No. 10168; or (c) any person charged with or suspected of committing any of the crimes defined and penalized under the provisions of this Act: *Provided, That*, surveillance, interception and recording of communications between lawyers and clients, doctors and patients, journalists and their sources and confidential business correspondence shall not be authorized.

The law enforcement agent or military personnel shall likewise be obligated to (1) file an *ex-parte* application with the Court of Appeals for the issuance of an order, to compel telecommunications service providers (TSP) and internet service providers (ISP) to produce all customer information and identification records as well as call and text data records, content and other cellular or internet metadata of any person suspected of any of the crimes defined and penalized under the provisions of this Act; and (2) furnish the National Telecommunications Commission (NTC) a copy of said application. The NTC shall likewise be notified upon the issuance of the order for the purpose of ensuring immediate compliance.

**SECTION 17. Judicial Authorization, Requisites.** – The authorizing division of the Court of Appeals shall issue a written order to conduct the acts mentioned in Section 16 of this Act upon:

- (1) Filing of an *ex parte* written application by a law enforcement agent or military personnel, who has been duly authorized in writing by the Anti-Terrorism Council (ATC); and
- (2) After examination under oath or affirmation of the applicant and the witnesses he may produce, the issuing court determines:
  - (a) that there is probable cause to believe based on personal knowledge of facts or circumstances that the crimes defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act has been committed, or is being committed, or is about to be committed; and
  - (b) that there is probable cause to believe based on personal knowledge of facts or circumstances that evidence, which is essential to the conviction of any

charged or suspected person for, or to the solution or prevention of, any such crimes, will be obtained.

**SECTION 18. Classification and Contents of the Order of the Court.** – The written order granted by the authorizing division of the Court of Appeals as well as the application for such order, shall be deemed and are hereby declared as classified information. Being classified information, access to the said documents and any information contained in the said documents shall be limited to the applicants, duly authorized personnel of the ATC, the hearing justices, the clerk of court and duly authorized personnel of the hearing or issuing court. The written order of the authorizing division of the Court of Appeals shall specify the following: (a) the identity, such as name and address, if known, of the person or persons whose communications, messages, conversations, discussions, or spoken or written words are to be tracked down, tapped, listened to, intercepted, and recorded; and, in the case of radio, electronic, or telephonic (whether wireless or otherwise) communications, messages, conversations, discussions, or spoken or written words, the electronic transmission systems or the telephone numbers to be tracked down, tapped, listened to, intercepted, and recorded and their locations or if the person or persons suspected of committing any of the crimes defined and penalized under the provisions of this Act are not fully known, such person or persons shall be the subject of continuous surveillance; (b) the identity of the law enforcement agent or military personnel, including the individual identity of the members of his team, judicially authorized to undertake surveillance activities; (c) the offense or offenses committed, or being committed, or sought to be prevented; and, (d) the length of time within which the authorization shall be used or carried out.

**SECTION 19. Effective Period of Judicial Authorization.** – Any authorization granted by the Court of Appeals, pursuant to Section 17 of this Act, shall only be effective for the length of time specified in the written order of the authorizing division of the Court of Appeals which shall not exceed a period of sixty (60) days from the date of receipt of the written order by the applicant law enforcement agent or military personnel.

The authorizing division of the Court of Appeals may extend or renew the said authorization to a non-extendible period, which shall not exceed thirty (30) days from the expiration of the original period: *Provided, That* the issuing court is satisfied that such extension or renewal

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is in the public interest: and *Provided, Further*, That the *ex parte* application for extension or renewal, which must be filed by the original applicant, has been duly authorized in writing by the ATC.

In case of death of the original applicant or in case he is physically disabled to file the application for extension or renewal, the one next in rank to the original applicant among the members of the team named in the original written order shall file the application for extension or renewal: *Provided, Finally*, That, the applicant law enforcement agent or military personnel shall have thirty (30) days after the termination of the period granted by the Court of Appeals as provided in the preceding paragraphs within which to file the appropriate case before the Public Prosecutor's Office for any violation of this Act.

**SECTION 20.** *Custody of Intercepted and Recorded Communications.* - All tapes, discs, other storage devices, recordings, notes, memoranda, summaries, excerpts and all copies thereof obtained under the judicial authorization granted by the Court of Appeals shall, within forty-eight (48) hours after the expiration of the period fixed in the written order or the extension or renewal granted thereafter, be deposited with the issuing court in a sealed envelope or sealed package, as the case may be, and shall be accompanied by a joint affidavit of the applicant law enforcement agent or military personnel and the members of his team. The joint affidavit shall provide the chain of custody or the list of persons which exercised possession or custody over the tapes, discs and recordings.

It shall be unlawful for any person, law enforcement agent or military personnel or any custodian of the tapes, discs, other storage devices recordings, notes, memoranda, summaries, excerpts and all copies thereof to remove, delete, expunge, incinerate, shred or destroy in any manner the items enumerated above in whole or in part under any pretext whatsoever.

Any person who removes, deletes, expunges, incinerates, shreds or destroys the items enumerated above shall suffer the penalty of imprisonment of six (6) years and one day to twelve (12) years.

**SECTION 21.** *Contents of Joint Affidavit.* - The joint affidavit of the law enforcement agent or military personnel shall state: (a) the number of tapes, discs, and recordings that have been made; (b) the dates and times covered by each of such tapes, discs, and recordings; and (c) the chain of custody or the list of persons who had

possession or custody over the tapes, discs and recordings.

The joint affidavit shall also certify under oath that no duplicates or copies of the whole or any part of any of such tapes, discs, other storage devices, recordings, notes, memoranda, summaries, excerpts and all copies thereof and that no duplicates or copies thereof, have been made, or, if made, that all such duplicates and copies are included in the sealed envelope or sealed package, as the case may be, deposited with the authorizing division of the Court of Appeals.

It shall be unlawful for any person, law enforcement agent or military personnel to omit or exclude from the joint affidavit any item or portion thereof mentioned in this Section.

Any person, law enforcement agent or military officer who violates any of the acts proscribed in the preceding paragraph shall suffer the penalty of imprisonment of ten (10) years and one day to twelve (12) years.

**SECTION 22.** *Disposition of Deposited Materials.* - The sealed envelope or sealed package and the contents thereof, referred to in Section 20 of this Act, shall be deemed and are hereby declared classified information. The sealed envelope or sealed package shall not be opened, disclosed, or used as evidence unless authorized by a written order of the authorizing division of the Court of Appeals which written order shall be granted only upon a written application of the Department of Justice (DOJ) duly authorized in writing by the ATC to file the application with proper written notice to the person whose conversation, communication, message, discussion or spoken or written words have been the subject of surveillance, monitoring, recording and interception to open, reveal, divulge, and use the contents of the sealed envelope or sealed package as evidence.

The written application, with notice to the party concerned, for the opening, replaying, disclosing, or using as evidence of the sealed package or the contents thereof, shall clearly state the purpose or reason for its opening, replaying, disclosing, or its being used as evidence.

Violation of this Section shall be penalized by imprisonment of eight (8) years and one day to ten (10) years.

**SECTION 23.** *Evidentiary Value of Deposited Materials.* - Any listened to, intercepted, and recorded communications, messages, conversations, discussions, or spoken or written words, or any part or parts thereof, or any



information or fact contained therein, including their existence, content, substance, purport, effect, or meaning, which have been secured in violation of the pertinent provisions of this Act, shall be inadmissible and cannot be used as evidence against anybody in any judicial, quasi-judicial, legislative, or administrative investigation, inquiry, proceeding, or hearing.

**SECTION 24. *Unauthorized or Malicious Interceptions and/or Recordings.*** - Any law enforcement agent or military personnel who conducts surveillance activities without a valid judicial authorization pursuant to Section 17 of this Act shall be guilty of this offense and shall suffer the penalty of imprisonment of ten (10) years and one day to twelve (12) years.

**SECTION 25. *Designation of Terrorist Individual, Groups of Persons, Organizations or Associations.*** - Pursuant to our obligations under United Nations Security Council Resolution No. 1373, the ATC shall automatically adopt the United Nations Security Council Consolidated List of designated individuals, group of persons, organizations, or associations designated and/or identified as a terrorist, one who finances terrorist acts, or a terrorist organization or group.

Request for designations by other jurisdictions or supranational jurisdictions may be adopted by the ATC after determination that the proposed designee meets the criteria for designation of UNSCR 1373.

The ATC may designate an individual, groups of persons, organization, or association, whether domestic or foreign, upon a finding of probable cause that the individual, groups of persons, organization, or association commit, or attempt to commit, or conspire in the commission of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act.

The assets of the designated individual, groups of persons, organization or association above-mentioned shall be subject to the authority of the Anti-Money Laundering Council (AMLC) to freeze pursuant to Section 11 of R.A. No. 10168.

The designation shall be without prejudice to the proscription of terrorist organizations, associations, or groups of persons under Section 26 of this Act.

**SECTION 26. *Proscription of Terrorist Organizations, Association, or Group of Persons.*** - Any group of persons, organization, or association, which commits any of the acts defined and penalized under Sections 4, 5, 6, 7,

8, 9, 10, 11 and 12 of this Act, or organized for the purpose of engaging in terrorist acts shall, upon application of the DOJ before a competent Regional Trial Court, with due notice and opportunity to be heard given to the group of persons, organization or association, be declared as a terrorist and outlawed group of persons, organization or association, by the said Regional Trial Court.

The application shall be filed with an urgent prayer for the issuance of a preliminary order of proscription. No application for proscription shall be filed without the authority of the ATC upon the recommendation of the National Intelligence Coordinating Agency (NICA).

**SECTION 27. *Preliminary Order of Proscription.*** - Where the Regional Trial Court judge has determined that probable cause exists on the basis of the verified application which is sufficient in form and substance, he/she shall, within seventy two (72) hours from the filing of the application, issue a preliminary order of proscription declaring that the respondent is a terrorist and an outlawed organization or association within the meaning of Section 26 of this Act.

The court will schedule a summary hearing at a date and time within a six-month period from the filing of the verified application, when the respondent may, for good cause, show why the order of proscription should be set aside. The court shall determine within the same six-month period whether the questioned orders should be made permanent, set aside, modified or be lifted as the case may be.

The order of proscription herein granted shall be posted in a newspaper of general circulation. It shall be valid for a period of three (3) years after which, a review of such order shall be made and if circumstances warrant, the same shall be lifted.

**SECTION 28. *Request to Proscribe from Foreign Jurisdictions and Supranational Jurisdictions.*** - Consistent with the national interest, all requests for proscription made by another jurisdiction or supranational jurisdiction shall be referred by the Department of Foreign Affairs (DFA) to the ATC to determine, with the assistance of the NICA, if proscription under Section 26 of this Act is warranted. If the request for proscription is granted, the ATC shall correspondingly commence proscription proceedings through the DOJ.

**SECTION 29. *Detention Without Judicial Warrant of Arrest.*** - The provisions of Article 125 of the Revised Penal Code to the contrary



notwithstanding, any law enforcement agent or military personnel, who, having been duly authorized in writing by the ATC has taken custody of a person charged with or suspected of committing any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act, shall, without incurring any criminal liability for delay in the delivery of detained persons to the proper judicial authorities, deliver said charged or suspected person to the proper judicial authority within a period of fourteen (14) calendar days counted from the moment the said charged or suspected person has been apprehended or arrested, detained, and taken into custody by the law enforcement agent or military personnel if it is established that (1) further detention of the person/s is necessary to preserve evidence related to the terrorist act or complete the investigation; (2) further detention of the person/s is necessary to prevent the commission of another terrorist act; and (3) the investigation is being conducted properly and without delay; *Provided, That*, the period of detention may be extended to a non-extendible period of ten (10) calendar days upon an *ex parte* application of the ATC with the Regional Trial Court having jurisdiction, upon showing that there is a continuing need to detain the person in the interest of public safety and order.

Immediately after taking custody of a person charged with or suspected of committing terrorist acts or any member of a group of persons, organization or association proscribed under Section 26 hereof, the law enforcement agent or military personnel shall notify in writing the judge of the court nearest the place of apprehension or arrest of the following facts: (a) the time, date, and manner of arrest; (b) the location or locations of the detained suspect/s and (c) the physical and mental condition of the detained suspect/s. The law enforcement agent or military personnel shall likewise furnish the ATC and the Commission on Human Rights (CHR) of the written notice given to the judge.

The head of the detaining facility shall ensure that the detained suspect is informed of his/her rights as a detainee and shall ensure access to the detainee by his/her counsel or agencies and entities authorized by law to exercise visitorial powers over detention facilities.

The penalty of imprisonment of ten (10) years and one day to twelve (12) years shall be imposed upon the police or law enforcement agent or military personnel who fails to notify any judge as provided in the preceding paragraph.

**SECTION 30. *Rights of a Person under Custodial Detention.*** - The moment a person charged with or suspected of committing any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act is apprehended or arrested and detained, he shall forthwith be informed, by the arresting law enforcement agent or military personnel by the law enforcement agent or military personnel to whose custody the person concerned is brought, of his or her right: (a) to be informed of the nature and cause of his arrest, to remain silent and to have competent and independent counsel preferably of his choice. If the person cannot afford the services of counsel of his or her choice, the law enforcement agent or military personnel concerned shall immediately contact the free legal assistance unit of the Integrated Bar of the Philippines (IBP) or the Public Attorney's Office (PAO). It shall be the duty of the free legal assistance unit of the IBP or the PAO thus contacted to immediately visit the person/s detained and provide him or her with legal assistance. These rights cannot be waived except in writing and in the presence of his/her counsel of choice; (b) informed of the cause or causes of his/her detention in the presence of his legal counsel; (c) allowed to communicate freely with his/her legal counsel and to confer with them at any time without restriction; (d) allowed to communicate freely and privately without restrictions with the members of his/her family or with his/her nearest relatives and to be visited by them; and, (e) allowed freely to avail of the service of a physician or physicians of choice.

**SECTION 31. *Penalty for Violation of the Rights of a Detainee.*** - The penalty of imprisonment of ten (10) years and one day to twelve (12) years shall be imposed upon any law enforcement agent or military personnel who has violated the rights of persons under their custody, as provided for in Sections 29 and 30 of this Act.

Unless the law enforcement agent or military personnel who violated the rights of a detainee or detainees as stated above is duly identified, the same penalty shall be imposed on the head of the law enforcement unit or military unit having custody of the detainee at the time the violation was done.

**SECTION 32. *Requirement for an Official Custodial Logbook and Its Contents.*** - The law enforcement custodial unit in whose care and control the person charged with or suspected of committing any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this

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Act has been placed under custodial arrest and detention shall keep a securely and orderly maintained official logbook, which is hereby declared as a public document and opened to and made available for the inspection and scrutiny of the lawyer of the person under custody or any member of his/her family or relative by consanguinity or affinity within the fourth civil degree or his/her physician at any time of the day or night subject to reasonable restrictions by the custodial facility. The logbook shall contain a clear and concise record of: (a) the name, description, and address of the detained person; (b) the date and exact time of his/her initial admission for custodial arrest and detention; (c) the name and address of the physician or physicians who examined him/her physically and medically; (d) the state of his/her health and physical condition at the time of his/her initial admission for custodial detention; (e) the date and time of each removal of the detained person from his/her cell for interrogation or for any purpose; (f) the date and time of his/her return to his/her cell; (g) the name and address of the physician or physicians who physically and medically examined him/her after each interrogation; (h) a summary of the physical and medical findings on the detained person after each of such interrogation; (i) the names and addresses of his/her family members and nearest relatives, if any and if available; (j) the names and addresses of persons, who visit the detained person; (k) the date and time of each of such visit; (l) the date and time of each request of the detained person to communicate and confer with his/her legal counsel or counsels; (m) the date and time of each visit, and date and time of each departure of his/her legal counsel or counsels; and (n) all other important events bearing on and all relevant details regarding the treatment of the detained person while under custodial arrest and detention.

The said law enforcement custodial unit shall, upon demand of the aforementioned lawyer or members of the family or relatives within the fourth civil degree of consanguinity or affinity of the person under custody or his/her physician, issue a certified true copy of the entries of the logbook relative to the concerned detained person subject to reasonable restrictions by the custodial facility. This certified true copy may be attested by the person who has custody of the logbook or who allowed the party concerned to scrutinize it at the time the demand for the certified true copy is made.

The law enforcement custodial unit who fails to comply with the preceding paragraph to

keep an official logbook shall suffer the penalty of imprisonment of ten (10) years and one day to twelve (12) years.

**SECTION 33. *No Torture or Coercion in Investigation and Interrogation.*** –The use of torture and other cruel, inhumane and degrading treatment or punishment, as defined in Sections 4 and 5 of R.A. No. 9745 otherwise known as the “Anti-Torture Act of 2009,” at any time during the investigation or interrogation of a detained suspected terrorist is absolutely prohibited. Any evidence obtained from said detained person resulting from such treatment shall be, in its entirety, inadmissible and cannot be used as evidence in any judicial, quasi-judicial, legislative, or administrative investigation, inquiry, proceeding, or hearing.

**SECTION 34. *Restriction on the Right to Travel.*** – Prior to the filing of an information for any violation of Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act, the prosecutor handling the case shall apply for the issuance of a precautionary hold departure order (PHDO) against the respondent in accordance with the Supreme Court rule on PHDO.

Upon the filing of the information regarding the commission of any acts defined and penalized under the provisions of this Act, the prosecutor shall apply with the court having jurisdiction for the issuance of a hold departure order (HDO) against the accused. The said application shall be accompanied by the complaint-affidavit and its attachments, personal details, passport number, and a photograph of the accused, if available.

In cases where evidence of guilt is not strong, and the person charged is entitled to bail and is granted the same, the court, upon application by the prosecutor, shall limit the right of travel of the accused to within the municipality or city where he/she resides or where the case is pending, in the interest of national security and public safety, consistent with Article III, Section 6 of the Constitution. The court shall immediately furnish the DOJ and the Bureau of Immigration with the copy of said order. Travel outside of said municipality or city, without the authorization of the court, shall be deemed a violation of the terms and conditions of his/her bail, which shall be forfeited as provided under the Rules of Court.

He/she may also be placed under house arrest by order of the court at his/her usual place of residence.

While under house arrest, he/she may not use telephones, cellphones, e-mails, computers,



the internet, or other means of communications with people outside the residence until otherwise ordered by the court.

If the evidence of guilt is strong, the court shall immediately issue an HDO and direct the DFA to cancel the passport of the accused.

The restrictions above-mentioned shall be terminated upon the acquittal of the accused or of the dismissal of the case filed against him/her or earlier upon the discretion of the court on motion of the prosecutor or of the accused.

**SECTION 35. *Bank Inquiry and Examination*** – Upon the issuance by the court of a preliminary order of proscription or in case of designation under Section 25 of this Act, the AMLC, either upon its own initiative or at the request of the ATC, is hereby authorized to investigate: (a) any property or funds that are in any way related to financing of terrorism as defined and penalized under R.A. No. 10168, or violation of Sections 4, 6, 7, 10, 11 or 12 of this Act; (b) property or funds of any person or persons in relation to whom there is probable cause to believe that such person or persons are committing or attempting or conspiring to commit, or participating in or facilitating the financing of the aforementioned sections of this Act.

The AMLC may also enlist the assistance of any branch, department, bureau, office, agency or instrumentality of the government, including government-owned and controlled corporations in undertaking measures to counter the financing of these terrorist acts, which may include the use of its personnel, facilities and resources.

For purposes of this Section and notwithstanding the provisions of R.A. No. 1405, otherwise known as the "Law on Secrecy of Bank Deposits", as amended; R.A. No. 6426, otherwise known as the "Foreign Currency Deposit Act of the Philippines", as amended; R.A. No. 8791, otherwise known as "The General Banking Law of 2000" and other laws, the AMLC is hereby authorized to inquire into or examine deposits and investments with any banking institution or non-bank financial institution and their subsidiaries and affiliates without a court order.

**SECTION 36. *Authority to Freeze***. – Upon the issuance by the court of a preliminary order of proscription or in case of designation under Section 25 of this Act, the AMLC, either upon its own initiative or request of the ATC, is hereby authorized to issue an *ex parte* order to freeze without delay: (a) any property or funds that are in any way related to financing of terrorism as defined and penalized under R.A. No. 10168, or

any violation of Sections 4, 5, 6, 7, 8, 9, 10, 11 or 12 of this Act; (b) property or funds of any person or persons in relation to whom there is probable cause to believe that such person or persons are committing or attempting or conspiring to commit, or participating in or facilitating the financing of the aforementioned sections of this Act.

The freeze order shall be effective for a period not exceeding twenty (20) days. Upon a petition filed by the AMLC before the expiration of the period, the effectivity of the freeze order may be extended up to a period not exceeding six (6) months upon order of the Court of Appeals: *Provided*, That, the twenty-day period shall be tolled upon filing of a petition to extend the effectivity of the freeze order.

Notwithstanding the preceding paragraphs, the AMLC, consistent with the Philippines' international obligations, shall be authorized to issue a freeze order with respect to property or funds of a designated organization, association, group or any individual to comply with binding terrorism-related resolutions, including Resolution No. 1373 of the UN Security Council pursuant to Article 41 of the charter of the UN. Said freeze order shall be effective until the basis for the issuance thereof shall have been lifted. During the effectivity of the freeze order, an aggrieved party may, within twenty (20) days from issuance, file with the Court of Appeals a petition to determine the basis of the freeze order according to the principle of effective judicial protection; *Provided*, That the person whose property or funds have been frozen may withdraw such sums as the AMLC determines to be reasonably needed for monthly family needs and sustenance including the services of counsel and the family medical needs of such person.

However, if the property or funds subject of the freeze order under the immediately preceding paragraph are found to be in any way related to financing of terrorism as defined and penalized under R.A. No. 10168, or any violation of Sections 4, 5, 6, 7, 8, 9, 10, 11 or 12 of this Act committed within the jurisdiction of the Philippines, said property or funds shall be the subject of civil forfeiture proceedings as provided under R.A. No. 10168.

**SECTION 37. *Safe Harbor Provision***. – No administrative, criminal or civil proceedings shall lie against any person acting in good faith when implementing the United Nation Security Resolutions in relation to targeted financial sanctions.



**SECTION 38. *Penalty of Bank Officials and Employees Defying a Court Authorization.*** - An employee, official, or a member of the board of directors of a bank or financial institution, who refuses to allow the examination of the deposits, placements, trust accounts, assets, and records of a terrorist or an outlawed group of persons, organization or association, in accordance with Section 26 hereof, shall suffer the penalty of imprisonment of ten (10) years and one day to twelve (12) years.

**SECTION 39. *Immunity and Protection of Government Witnesses.*** - The provisions of R.A. No. 6981, otherwise known as "The Witness Protection, Security and Benefits Act" to the contrary notwithstanding, the immunity of government witnesses testifying under this Act shall be governed by Sections 17 and 18 of Rule 119 of the Rules of Court: *Provided, That* said witnesses shall be entitled to the benefits granted to witnesses under said R.A. No. 6981.

**SECTION 40. *Penalty for Unauthorized Revelation of Classified Materials.*** - The penalty of imprisonment of six (6) months and one day to six (6) years shall be imposed upon any person, law enforcement agent or military personnel, judicial officer or civil servant who, not being authorized by the Court of Appeals to do so, reveals in any manner or form any classified information under this Act. The penalty imposed herein is without prejudice and in addition to any corresponding administrative liability the offender may have incurred for such acts.

**SECTION 41. *Penalty for Furnishing False Evidence, Forged Document, or Spurious Evidence.*** - The penalty of imprisonment of twelve (12) years and one day to twenty (20) years shall be imposed upon any person who knowingly furnishes false testimony, forged document or spurious evidence in any investigation or hearing conducted in relation to any violations under this Act.

**SECTION 42. *Continuous Trial.*** - In cases involving crimes defined and penalized under the provisions of this Act, the judge concerned shall set the case for continuous trial on a daily basis from Monday to Thursday or other short-term trial calendar to ensure compliance with the accused's right to speedy trial.

**SECTION 43. *Anti-Terrorism Council.*** - An Anti-Terrorism Council (ATC) is hereby created. The members of the ATC are: (1) the Executive Secretary, who shall be its Chairperson; (2) the National Security Adviser who shall be its Vice Chairperson; and (3) the Secretary of Foreign Affairs; (4) the Secretary of National Defense; (5)

the Secretary of the Interior and Local Government; (6) the Secretary of Finance; (7) the Secretary of Justice; (8) the Secretary of Information and Communications Technology; (9) the Secretary of Science and Technology; (10) the Secretary of Transportation; (11) the Secretary of Labor and Employment; (12) the Secretary of Education; (13) the Secretary of Social Welfare and Development; (14) the Presidential Adviser for Peace, Reunification and Unity (PAPRU, formerly PAPP); (15) the Chief Minister of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), and (16) the Executive Director of the Anti-Money Laundering Council (AMLC) Secretariat as its other members.

The ATC shall implement this Act and assume the responsibility for the proper and effective implementation of the policies of the country against terrorist acts. The ATC shall keep records of its proceedings and decisions. All records of the ATC shall be subject to such security classifications as the ATC may, in its judgment and discretion, decide to adopt to safeguard the safety of the people, the security of the Republic, and the welfare of the nation.

The NICA shall be the Secretariat of the ATC. The ATC shall define the powers, duties, and functions of the NICA as Secretariat of the ATC. The Anti-Terrorism Council-Program Management Center (ATC-PMC) is hereby institutionalized as the main coordinating and program management arm of the ATC. The ATC shall define the powers, duties, and functions of the ATC-PMC. The National Bureau of Investigation (NBI), the Bureau of Immigration (BI), the Office of Civil Defense (OCD), the Intelligence Service of the Armed Forces of the Philippines (ISAFP), the Philippine Center on Transnational Crimes (PCTC), the Philippine National Police (PNP) intelligence and investigative elements, the Commission on Higher Education (CHED), and the National Commission on Muslim Filipinos (NCMF) shall serve as support agencies for the ATC.

The ATC shall formulate and adopt comprehensive, adequate, efficient, and effective plans, programs, or measures to prevent, counter, suppress, or eradicate the commission of terrorist acts in the country and to protect the people from such acts. In pursuit of said mandate, the ATC shall create such focus programs to prevent and counter terrorist acts as necessary, to ensure the counterterrorism operational awareness of concerned agencies, to conduct legal action and to pursue legal and legislative initiatives to counter terrorism, prevent and stem terrorist financing, and to ensure compliance with international commitments to counterterrorism-related

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protocols and bilateral and/or multilateral agreements, and identify the lead agency for each program, such as:

1. Preventing and countering violent extremism program – The program shall address the conditions conducive to the spread of terrorism which include, among others: ethnic, national, and religious discrimination; socio-economic disquietment; political exclusion; dehumanization of victims of terrorist acts; lack of good governance; and prolonged unresolved conflicts by winning the hearts and minds of the people to prevent them from engaging in violent extremism. It shall identify, integrate, and synchronize all government and non-government initiatives and resources to prevent radicalization and violent extremism, thus reinforce and expand an after-care program;
2. Preventing and combating terrorism program – The program shall focus on denying terrorist groups access to the means to carry out attacks to their targets and formulate response to its desired impact through decisive engagements. The program shall focus on operational activities to disrupt and combat terrorism activities and attacks such as curtailing, recruitment, propaganda, finance and logistics, the protection of potential targets, the exchange of intelligence with foreign countries, and the arrest of suspected terrorists;
3. International affairs and capacity building program – The program shall endeavor to build the State's capacity to prevent and combat terrorism by strengthening the collaborative mechanisms between and among ATC members and support agencies and facilitate cooperation among relevant stakeholders, both local and international, in the battle against terrorist acts; and
4. Legal affairs program – The program shall ensure respect for human rights and adherence to the rule of law as the fundamental bases of the fight against terrorist acts. It shall guarantee compliance with the same as well as with international commitments to counterterrorism-related protocols and bilateral and/or multilateral agreements.

Nothing herein shall be interpreted to empower the ATC to exercise any judicial or quasi-judicial power or authority.

**SECTION 44. Functions of the Council. -** In pursuit of its mandate in the previous Section, the ATC shall have the following functions with

due regard for the rights of the people as mandated by the Constitution and pertinent laws:

1. Formulate and adopt plans, programs, and preventive and counter-measures against terrorists and terrorist acts in the country;
2. Coordinate all national efforts to suppress and eradicate terrorist acts in the country and mobilize the entire nation against terrorist acts prescribed in this Act;
3. Direct the speedy investigation and prosecution of all persons detained or accused for alleged violation of any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act;
4. Monitor the progress of the investigation and prosecution of all persons accused and/or detained for alleged violation of any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act;
5. Establish and maintain comprehensive database information systems on terrorism, terrorist activities, and counterterrorism operations;
6. Enlist the assistance of and file the appropriate action with the AMLC to freeze and forfeit the funds, bank deposits, placements, trust accounts, assets and property of whatever kind and nature belonging (i) to a person suspected of or charged with alleged violation of any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act, (ii) between members of a judicially declared and outlawed terrorist organization or association as provided in Section 26 of this Act; (iii) to designated persons defined under Section 3(e) of R.A. No. 10168; (iv) to an individual member of such designated persons; or (v) any individual, organization, association or group of persons proscribed under Section 26 hereof;
7. Grant monetary rewards and other incentives to informers who give vital information leading to the apprehension, arrest, detention, prosecution, and conviction of person or persons found guilty for violation of any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act; *Provided, That*, no monetary reward shall be granted to informants unless the accused's demurrer to evidence has been denied or the prosecution has rested its case without such demurrer having been filed;
8. Establish and maintain coordination with and the cooperation and assistance of other states, jurisdictions, international entities and



organizations in preventing and combating international terrorism;

9. Take action on relevant resolutions issued by the UN Security Council acting under Chapter VII of the UN Charter; and consistent with the national interest, take action on foreign requests to designate terrorist, individuals, associations, organizations or group of persons;
10. Take measures to prevent the acquisition and proliferation by terrorists of weapons of mass destruction such as, but not limited to the imposition of economic and financial sanctions and import restrictions in coordination with the AMLC;
11. Lead in the formulation and implementation of a national strategic plan to prevent and combat terrorist acts;
12. Request the Supreme Court to designate specific divisions of the Court of Appeals or Regional Trial Courts to handle all cases involving the crimes defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act, and all matters incident to said crimes;
13. Require other government agencies, offices and entities and officers and employees and non-government organizations, private entities and individuals to render assistance to the ATC in the performance of its mandate; and
14. Investigate *motu proprio* or upon complaint any report of abuse, malicious application or improper implementation by any person of the provisions of this Act.

**SECTION 45.** *Role of the Commission on Human Rights (CHR).* - The CHR shall give the highest priority to the investigation and prosecution of violations of civil and political rights of persons in relation to the implementation of this Act; and for this purpose, the CHR shall have the concurrent jurisdiction to prosecute public officials, law enforcers, and other persons who may have violated the civil and political rights of persons suspected of, or detained for the violation of this Act.

**SECTION 46.** *Ban on Extraordinary Rendition.* - No person suspected or convicted of any of the crimes defined and penalized under the provisions of Sections 4, 5, 6, 7, 8, 9, 10, 11 or 12 of this Act shall be subjected to extraordinary rendition to any country.

**Section 47.** *Extraterritorial Application of this Act.* - Subject to the provision of any

treaty of which the Philippines is a signatory and to any contrary provision of any law of preferential application, the provisions of this Act shall apply:

1. To a Filipino citizen or national who commits any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act outside the territorial jurisdiction of the Philippines;
2. To individual persons who, although physically outside the territorial limits of the Philippines, commit any of the crimes mentioned in Paragraph 1 hereof inside the territorial limits of the Philippines;
3. To individual persons who, although physically outside the territorial limits of the Philippines, commit any of the said crimes mentioned in Paragraph 1 hereof on board Philippine ship or Philippine airship;
4. To individual persons who commit any of said crimes mentioned in Paragraph 1 hereof within any embassy, consulate, or diplomatic premises belonging to or occupied by the Philippine government in an official capacity;
5. To individual persons who, although physically outside the territorial limits of the Philippines, commit said crimes mentioned in Paragraph 1 hereof against Philippine citizens or persons of Philippine descent, where their citizenship or ethnicity was a factor in the commission of the crime; and
6. To individual persons who, although physically outside the territorial limits of the Philippines, commit said crimes directly against the Philippine government.

In case of an individual who is neither a citizen or a national of the Philippines who commits any of the crimes mentioned in Paragraph 1 hereof outside the territorial limits of the Philippines, the Philippines shall exercise jurisdiction only when such individual enters or is inside the territory of the Philippines; *Provided, That,* in the absence of any request for extradition from the state where the crime was committed or the state where the individual is a citizen or national, or the denial thereof, the Republic of the Philippines, without exception whatsoever, shall submit the case without undue delay to the DOJ for the purpose of prosecution in the same manner as if the act constituting the offense had been committed in the Philippines.

**SECTION 48.** *Joint Oversight Committee.* - Upon the effectivity of this Act, a Joint Congressional Oversight Committee is hereby



constituted. The Committee shall be composed of twelve (12) members with the chairperson of the Committee on Public Order of the Senate and the House of Representatives as members and five (5) additional members from each House to be designated by the Senate President and the Speaker of the House of Representatives, respectively. The minority shall be entitled to a pro-rata representation but shall have at least two (2) representatives in the Committee.

In the exercise of its oversight functions, the Joint Congressional Oversight Committee shall have the authority to summon law enforcement or military officers and the members of the ATC to appear before it, and require them to answer questions and submit written reports of the acts they have done in the implementation of this Act and render an annual report to both Houses of Congress as to its status and implementation.

**SECTION 49. *Promoting Peace and Inclusivity in Schools, Learning Centers and Training Institutions.*** – The Department of Education (DepEd), Commission on Higher Education (CHED), and Technical Education and Skills Development Authority (TESDA) shall promulgate rules and regulations to promote ideas and practice on the culture of peace and inclusivity in schools, learning centers, and training institutions under their respective jurisdictions.

Further, informal learning centers, regular weekend classes and other continuing educational activities should also be reported to the DepEd, CHED, and TESDA. They may be officially recognized to avail of the government assistance to students and teachers in private education as provided under R.A. No. 8545, otherwise known as "The Government Assistance to Students and Teachers in Private Education Act" through curriculum assistance, teacher training, development of facilities, and free student vouchers.

Schools, learning centers, and training institutions found by the appropriate administrative or licensing agency to be promoting or encouraging acts of violence, extremism, and any terrorist acts punishable under this Act based on substantive evidence shall have its license revoked and shall immediately cease operations. This is without prejudice to other criminal, civil and administrative actions that may be filed against the officials and personnel of the school, learning center, or training institution and other individuals associated with the schools, learning center, or training institution.

**SECTION 50. *Protection of Most Vulnerable Groups.*** - There shall be due regard

for the welfare of any suspects who are elderly, pregnant, persons with disability, women and children while they are under investigation, interrogation or detention.

**SECTION 51. *Management of Persons Charged Under this Act.*** – The Bureau of Jail Management and Penology (BJMP) and the Bureau of Corrections (BUCOR) shall establish a system of assessment and classification for persons charged for committing terrorist acts and preparatory acts punishable under this Act. Said system shall cover the proper management, handling, and interventions for said persons detained.

Persons charged under this Act shall be detained in existing facilities of the BJMP and the BUCOR.

**SECTION 52. *Trial of Persons Charged Under this Act.*** – Any person charged for violations of Sections 4, 5, 6, 7, 8, 9, 10, 11 or 12 of this Act shall be tried in special courts created for this purpose. In this regard, the Supreme Court shall designate certain branches of the Regional Trial Courts as anti-terror courts whose jurisdiction is exclusively limited to try violations of the abovementioned provisions of this Act.

Persons charged under the provisions of this Act and witnesses shall be allowed to remotely appear and provide testimonies through the use of video-conferencing and such other technology now known or may hereafter be known to science as approved by the Supreme Court.

**SECTION 53. *Applicability of the Revised Penal Code.*** – The provisions of Book 1 of the Revised Penal Code not inconsistent with the provisions of this Act shall have suppletory application; *Provided, That*, in the case of minor offenders in conflict with the law, the provisions of R.A. No. 11188, otherwise known as the "Special Protection of Children in Situations of Armed Conflict Act" shall apply.

**SECTION 54. *Appropriations.*** - The amount of five hundred million pesos (PHP 500,000,000.00) is hereby appropriated to the ATC as an initial fund, for the effective and immediate implementation of this Act. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act (GAA).

**SECTION 55. *Implementing Rules and Regulations.*** - The ATC and the DOJ, with the active participation of police and military institutions, shall promulgate the rules and regula-



tions for the effective implementation of this Act within ninety (90) days after its effectivity. They shall also ensure the full dissemination of such rules and regulations to both Houses of Congress, and all officers and members of various law enforcement agencies.

**SECTION 56. *Separability Clause.*** - If for any reason any part or provision of this Act is declared unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby shall remain and continue to be in full force and effect.

**SECTION 57. *Repealing Clause.*** - R.A. 9372 otherwise known as the "Human Security Act of 2007" is hereby repealed. All laws, decrees, executive orders, rules or regulations or parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

**SECTION 58. *Saving Clause.*** - All judicial decisions and orders issued, as well as pending actions relative to the implementation of R.A. 9372 otherwise known as the "Human Security Act of 2007" prior to its repeal shall remain valid and effective.

**SECTION 59. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Upon motion of Senator Lacson, there being no objection, the Body approved the amendment by substitution, dated February 12, 2020, which shall now serve as the working draft for purposes of further individual amendments.

Senate President Sotto said that the Body could proceed to the period of individual amendments once the draft copies have been distributed to the senators.

## SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

*It was 3:25 p.m.*

## RESUMPTION OF SESSION

At 3:35 p.m., the session was resumed.

## MANIFESTATION OF SENATOR LACSON

Senator Lacson manifested that the new title of

Senate Bill No. 1083 as amended by substitution, would now read:

AN ACT TO PREVENT, PROHIBIT AND PENALIZE TERRORIST ACTS, THEREBY REPEALING REPUBLIC ACT NO. 9372, OTHERWISE KNOWN AS THE "HUMAN SECURITY ACT OF 2007," APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

## MANIFESTATION OF SENATOR DRILON

Senator Drilon stated that his understanding of the parliamentary situation was that even as the Body proceeds to the period of individual amendments, the members are allowed to review the amendment by substitution and to introduce later their individual amendments. He recalled that the Rules was suspended to allow the introduction of the amendment by substitution which, as moved earlier, would serve as the working draft, the same procedure that the Body had observed in the past in order to facilitate the consideration of the bill.

Senate President Sotto affirmed that there have been similar precedents on bills reported out by committees which were substituted on the floor in order to facilitate the introduction of individual amendments.

Senator Lacson accepted the suggestion of Senator Drilon, noting that Senators Gordon and Zubiri would already be proposing their individual amendments on page 8, Section 12 to introduce a new section pertaining to the Philippine Red Cross.

## ZUBIRI AMENDMENT

Senator Zubiri noted that Section 12 on page 8, line 31 had the following proviso: "*Provided*, That the provision of religious materials, legal assistance, medical assistance, or humanitarian activities undertaken by state-recognized impartial humanitarian partners or organizations, such as the International Committee of the Red Cross (ICRC) or the Philippine Red Cross (PRC), in conformity with International Humanitarian Law (IHL) does not fall within the meaning of this Section."

He then proposed to put a period (.) after the words "in relation thereto," and to convert the proviso from line 31 of page 8 to line 3 of page 9 into a separate Section 3 which, as amended, would read:

*MTS*



SECTION 13. *HUMANITARIAN EXEMPTION CLAUSE*. – THE PROVISION OF HUMANITARIAN ACTIVITIES UNDERTAKEN BY STATE-RECOGNIZED IMPARTIAL HUMANITARIAN PARTNERS OR ORGANIZATIONS, SUCH AS THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) AND THE PHILIPPINE RED CROSS (PRC), IN CONFORMITY WITH INTERNATIONAL HUMANITARIAN LAW (IHL) DOES NOT FALL WITHIN THE SCOPE OF THIS ACT.

At this juncture, Senator Gordon said that he would no longer add to the proposed amendment of Senator Zubiri because the activities of the Philippine Red Cross such as giving non-food items and aiding the wounded are covered by the country's commitments to the international convention that created the International Committee of the Red Cross.

Senator Lacson inquired whether religious materials would be covered by the term "humanitarian assistance". He said that he was inclined to accept the proposed amendment provided the language of the provision is clear that it would not cover the other stages of terrorist acts like planning.

Senator Gordon said that the Red Cross would definitely not get involved itself in planning for terrorist acts. He explained that the Red Cross, a 157-year old humanitarian organization, is independent, neutral, impartial, voluntary and universal.

Senate President Sotto observed that "religious materials" might be misinterpreted to include Jihad materials.

To avoid confusion, Senator Drilon proposed that the words "legal assistance" be deleted since the Red Cross and the ICRC do not provide legal assistance, and that humanitarian assistance has acquired a specific meaning in the charter and practices of the Red Cross. He also proposed that the term "CLAUSE" be deleted from the section's title.

Senator Gordon assured Senator Lacson that the Red Cross does not involve itself with religious activities because they are impartial and independent.

Subject to style, as proposed by Senator Zubiri, and amended by Senator Drilon, there being no objection, the Body approved the insertion of a new Section 13 to read as follows:

SEC. 13. *HUMANITARIAN EXEMPTION*. – HUMANITARIAN ACTIVITIES UNDERTAKEN BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC), THE PHILIPPINE RED CROSS (PRC), AND OTHER STATE RECOGNIZED IMPARTIAL HUMANITARIAN PARTNERS OR ORGANIZATIONS IN CONFORMITY WITH INTERNATIONAL HUMANITARIAN LAW (IHL) DO NOT FALL WITHIN THE SCOPE OF SECTION 12.

## **MANIFESTATION OF SENATOR HONTIVEROS**

Senator Hontiveros placed on record that she earlier submitted to the office of Senator Lacson her proposed amendments which, she noted, were not included in the substitute bill. She explained that her proposed amendments were all for purposes of strengthening or restoring some of the safeguards in favor of the citizens.

Senator Lacson acknowledged receipt of the proposed amendments of Senator Hontiveros but he observed that the reference used was a committee report in the 17<sup>th</sup> Congress and not the committee report under the 18<sup>th</sup> Congress which was under consideration.

## **SUSPENSION OF SESSION**

Upon motion of Senator Hontiveros, the session was suspended.

*It was 3:56 p.m.*

## **RESUMPTION OF SESSION**

At 3:57 p.m., the session was resumed.

Senator Lacson requested that the proposed amendments of Senator Hontiveros be taken up on Monday, February 17, 2020, to allow time so that they would accordingly be adjusted based on the new working draft.

## **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1083**

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

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**COMMITTEE REPORT NO. 12  
ON SENATE BILL NO. 1086**

*(Continuation)*

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1086 (Committee Report No. 12), entitled

**AN ACT CREATING AND ESTABLISHING THE PHILIPPINE HIGH SCHOOL FOR SPORTS AND PROVIDING FUNDS THEREFOR.**

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

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

**SUSPENSION OF SESSION**

Upon motion of Senator Zubiri, the session was suspended.

*It was 3:59 p.m.*

**RESUMPTION OF SESSION**

At 4:01 p.m., the session was resumed.

**INTERPELLATION OF SENATOR DRILON**

At the outset, Senator Drilon noted that under Section 3 of the proposed measure, the Philippine High School for Sports (PHSS) shall be attached to the Department of Education (DepEd) which shall coordinate with the Philippine Sports Commission (PSC) for policy and program formulation and implementation of subjects pertaining to sports.

Asked to explain the difference between what was proposed in the bill and the concept of a sports track under the K-12 program, Senator Gatchalian stated that under the PHSS, the concept of sleep, train and study would be promoted because based on the research that the Committee conducted, the "downtime" or the time when students travel to and from school is actually wasted when it could be put into training or studying. He emphasized that the idea is to put a school located within the compound of the athletic facility, so that the moment students wake

up, there would be training and other times would be spent for studying.

Senator Drilon stated that currently, under the K-12 program, a senior high school student has four tracks to choose from – academic, technical-vocational-livelihood, arts and design, and sports. He then inquired about the difference in curricula between the PHSS and the sports track of the K-12 program.

Senator Gatchalian explained that under the PHSS, there would be two core subjects in one curriculum: academics and specialized subjects in athletics; while in the K-12 program, sports track is an option. He said that students entering the PHSS would start from junior high school to senior high school or from Grade 7 to 12.

On whether students who get into the PHSS are presumed to have chosen the sports track, Senator Gatchalian replied in the affirmative. He pointed out that there are two ways in admitting a student to the PHSS: the PSC could recruit an excellent athlete from the *Palarong Pambansa*, for instance; or a student could apply to the sports high school. He clarified that there would be an admission program to test the student's athletic abilities. He assured that the K-12 program would remain as part of the academic side of the curriculum.

As regards the location of the PHSS, Senator Gatchalian stated that initially, the campus would be located in the New Clark City because of the existing facilities there, but in the future, if there would be a lot of potential athletes in Mindanao, for instance, existing facilities there would be enhanced and a devolved PHSS in Mindanao could be established.

Senator Drilon inquired if the senior high school students in the K-12 program who choose the sports track would be the same students who could potentially be enrolled in the PHSS. Senator Gatchalian replied that a student enrolled in the sports track of the K-12 program would not necessarily mean he/she excels in sports because the ordinary K-12 program does not look into the potential but only the interest in sports of the student; on the other hand, the PHSS would look into the athletic potentials of a student.

At this juncture, Senator Gatchalian presented to the Body the proposed site of the PHSS campus



inside the New Clark City. He explained that the picture represented the area where the students would be billeted which is two minutes away from the athletics stadium, aquatic center and the athletes' village. He said that the current athletes' village could house 1,200 athletes.

Citing Republic Act No. 11214, or the Philippine Sports Training Center Act, which was passed in 2019, Senator Drilon stated that the law mandated the establishment of a Philippine Sports Training Center (PSTC) that would include training facilities for Olympic sports and other sports activities that are deemed significant and necessary by the Philippine Sports Commission. He noted, however, that Section 3 of the bill provides for the construction of the training center within a period of 18 months. He then inquired about the difference between the training facilities contemplated in RA 11214 and the sports facility being contemplated under the bill.

Senator Gatchalian explained that the PSTC trains the national athletes, coaches and referees, and hosts local and international competition.

To Senator Drilon's observation that there was practically no difference between the facilities that the PSTC Act requires to be constructed and that of the proposed training centers found in the bill, Senator Gatchalian agreed, saying that the facilities could be co-used by both the PHSS and the PSTC. However, he pointed out that the facilities for some adult athletes who require different training, machines and type of coaches, would be different.

Asked about the status of the construction of facilities that the PSTC law mandates, Senator Gatchalian replied that they were still at the feasibility study stage, undergoing location studies, what facilities to build, and what sports to focus on.

Being at the initial stage, Senator Drilon proposed that a provision could be introduced that would mandate the integration of the sports facilities contemplated in RA 11214 into that of the PHSS so that they would not end up unutilized.

Senator Gatchalian agreed that it would be good to synergize the sports facilities wherein the proposed high school for sports would be training the youth and the PSTCs would be training the national athletes.

On whether the facility to be constructed under the PSTC would have a cauldron, Senator Gatchalian replied that one is already existing.

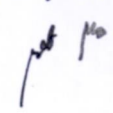
At this juncture, Senator Gatchalian presented to the Body several slides showing his visit to the Singapore Sports School which, he believed, is a model worth emulating. He informed the Body that the school's motto, "Learned Champions with Character" gives emphasis on academics. He stated that the seven-hectare school has facilities for sports focused on bowling, computerized practical shooting, table tennis and track and field, among others. He underscored that academics is a very important core of the school, similar to the proposed measure.

As regards the sports facilities used in the SEA games, Senator Gatchalian replied that the facilities would be turned over to the BCDA by mid-2020. He stated that the BCDA would allow the PHSS to use the facilities and would be given priority, free of charge.

Senator Drilon expressed concern over the assurance that the facilities would be self-generating for its maintenance. Asked if there were athletes using the facilities, Senator Gatchalian informed the Body that the national athletes use the facilities to train there but only 30% was being utilized. He said that the excess capacity would be perfect for the PHSS.

Asked who presently owns the facilities, Senator Gatchalian replied that the sports facilities used in the recent SEA Games would be turned over to the BCDA by the middle of the current year. He explained that the facilities were built by the BCDA in a joint venture agreement with MTD, a Malaysian firm, and that after the BCDA paid in full the MTD, the ownership of the sports facilities would be turned over to the former.

To Senator Drilon's observation that the payment would not end in the middle of 2020 based on the schedule of payment that was stipulated in the contract for the construction of the facilities, Senator Gatchalian said that he was informed by the BCDA that they have programmed to fully pay the property by the middle of the year. Senator Drilon surmised that the full payment was programmed presumably by the middle of the year because the fund in the General Appropriations Act, which would be used to pay the loan that was secured from the Development Bank of the Philippines (DBP), would already be available. He noted that it was a smart way of





avoiding the Government Procurement Reform Act insofar as bidding was concerned.

Senator Gatchalian said that he would check the process of how the BCDA undertook the construction of the facilities.

Asked how much is needed for the infrastructure development of the Philippine High School for Sports taking into consideration the existing facilities, Senator Gatchalian replied that the BCDA committed to spend P212 million to build classrooms and other facilities, while the DepEd committed to finance the operation and maintenance of the academic facilities amounting to about P100 million, or about 90% of the projected budget for the construction of classrooms and other facilities of P391,036,562. He affirmed that the existing sports facilities in the New Clark City would be used by the PHSS for the proposed sports as shown on screen (*Slide 12*).

On whether arnis was included in the proposed sports, Senator Gatchalian replied that the Committee would definitely include it.

At this juncture, Senator Zubiri pointed out that arnis is the Philippines' national martial arts sport and renowned all over the world. Thus, he believed that it should be given priority. He also recalled that during the Palarong Pambansa, the largest contingent of players belonged to the sport of arnis.

Asked why arnis was not included in the proposed sports, considering that the arnis athletes during the recent Southeast Asian Games won a total of 14 gold medals, Senator Gatchalian gave the assurance that arnis would be included as the first in the list of the proposed sports.

Asked by Senator Zubiri if the facility would be run by the DepEd, Senator Gatchalian replied in the affirmative, adding that it would be in coordination with the Philippine Sports Commission (PSC) and the different sporting councils.

Senator Zubiri pointed out that the Philippine Science High School (PSHS) is not run by the DepEd but by the DOST, while the Philippine High School for the Arts in Makiling, Los Baños is run by the National Commission for Culture and the Arts (NCCA). Senator Gatchalian explained that the reason the PHSS was placed under the DepEd instead of

the PSC is to give priority and focus to academics and make sports part of the curriculum.

As to why the PHSS could not just focus on sports so that it would not be any different from other national high schools, Senator Gatchalian stated that the PHSS Board of Trustees would partly be composed of the secretary of the Department of Education as the chairperson, chairperson of the Philippine Sports Commission as the vice chairperson and three representatives from the different POC-accredited National Sports Associations (NSAs) as members.

Asked by Senator Drilon if the incumbent secretary of the DepEd could carry out the functions of running a sports facility, Senator Gatchalian said that the presence of the chairperson of the PSC would give a lot of weight to the athletic aspect of the school.

Asked why there are representatives from the House of Representatives and the Senate in the nine-member Board of Trustees, Senator Gatchalian replied that it was patterned after the Philippine High School for the Arts, primarily for the budgetary support as well as policy support if ever there would be changes in policy for the school. He also informed the Body that the Philippine High School for the Arts is also an attached agency of the DepEd.

#### MANIFESTATION OF SENATOR ZUBIRI

At this juncture, Senator Zubiri said that he would not be raising questions anymore but would find out how he could further strengthen the proposed measure during the period of amendments.

#### INTERPELLATION OF SENATOR TOLENTINO

Senator Tolentino recalled that when he was still in high school, DepEd used to be called the "Department of Education, Culture and Sports" and later on, changes were made to remove the mandate of "culture" and to retain the mandate of "sports"; thereafter, "culture and sports" were deleted from the functions, making DECS as DepEd. He said that he was a little bit perplexed why the Philippine High School for Sports would be attached to the DepEd when the agency is not primarily involved in sports. He then asked if the DepEd is the proper agency to handle the PHSS.





Senator Gatchalian replied that during the committee hearings, the heads of DepEd and the PSC have both agreed that academics should be given priority at the PHSS. He said that the DepEd would be primarily responsible for the academics of the students, while the PSC would handle the sports and athletic component of the school.

Senator Tolentino referred Senator Gatchalian to Republic Act No. 5708, or "The Schools Physical Education and Sports Development Act of 1969," which put the Department of Education in charge of the general fitness for all pupils "in the elementary and secondary schools, through an observance of a daily routine of calisthenics exercises and a separate daily period in the school program for physical education including folk dancing and gymnastics." He said that under the same law, "competitive athletics in all schools starting in the intermediate grades with a view to identifying promising athletes whose participation in individual and team athletics should be further encouraged, developed and supervised more intensively in the secondary schools." He then asked if the law is a very defective program that should be amended by creating a new program for sports involving high schools.

Senator Gatchalian replied that the DepEd continues to promote sports and that, in fact, it is the prime proponent of the *Palarong Pambansa*, a venue to locate potential athletes for the country. He said that the PHSS would be a specialized facility meant to hone and sharpen the athletic skills without sacrificing the academic learning of the students. He said that the proposed measure would not amend RA 5708 and that the DepEd would continue to promote physical fitness, scout and locate potential athletes who would be billeted and housed in the PHSS so that they could be trained further scientifically in the area of sports science using the existing facilities.

On whether Senate Bill No. 1086, if enacted into law, would, in effect, supplement and complement the existing RA 5708 through a specialized program that would involve a select elite core of secondary athletes who would be trained physically and academically in separate facilities, Senator Gatchalian replied in the affirmative. He said that the *Palarong Pambansa* is a good venue to scout and locate potential athletes but because provincial facilities are inadequate to further train the elite athletes, a complete specialized facilities would be built. He added that the New Clark City would have a polyclinic wherein

specialized doctors would be housed and the students could take advantage of the facilities and talents for their training.

Senator Tolentino noted that through the slides earlier shown, there was a combination of various skills, except for kickboxing, and a lot of team sports. He then asked if the purpose is to vet, pinpoint and select individual athletes, for instance, from different provinces, and train them in an elite manner as a team considering that the measure would focus mostly on team sports, and not on individual athletes. He wondered if it would be the right module to select athletes performing in individual events.

Senator Gatchalian replied that the process of selecting the athletes who would be trained would be discussed by the board, given that choosing and focusing sports would be a dynamic decision. He said that the national policy, for example, might be to train kickboxing athletes, or basketball players, or swimming athletes but it could change depending on the situation. This, he said, is the reason the presence of a sporting expert, a member from the PSC, a member from the POC and other sporting organizations is important because they would be the ones to pinpoint which sports to focus on. He said that he would expect the number and variety of sports to grow in the future depending on the situation and on what sports the country would want to focus on.

Senator Tolentino said that he is in full support of the measure, but he recalled that in the Sixteenth Congress, a number of laws were enacted, such as Republic Act No. 10674, "An Act Establishing the Davao del Norte Regional Sports Academy to be Located in the Davao del Norte Sports and Tourism Complex and Allocating Funds Therefor," Republic Act No. 10680, entitled "An Act Establishing the Misamis Occidental Sports Academy in the Capital of Oroquieta, Province of Misamis Occidental," Republic Act No. 10681, entitled "An Act Establishing the Talisay Sports Academy and Training Center in the City of Talisay, Province of Cebu," Republic Act No. 10682, entitled "An Act Establishing the Alfonso Sports Academy and Training Center in the Municipality of Alfonso, Cavite," and Republic Act No. 10683, entitled "An Act Establishing the Siargao Island Sports Academy and Training Center in the Municipality of Dapa, Province of Surigao del Norte." He then asked what sports academies would be established and how they would supplement or complement the sports high school to be created by

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Senate Bill No. 1086. In reply, Senator Gatchalian said that, primarily, the functions of the regional sports facilities would be in cooperation with the local government units; thus, its operation would depend on what the local government unit would want to promote in their own locality and what talents are available therein; on the other hand, the facility, as mentioned in the bill, would be concentrated on a national basis, and those areas that do not have sporting facilities and sports program could access the facility and train their students to become future athletes. He added that the facilities in the regional centers have no academic component as they are purely training facilities both for potential student-athletes, adults, as well as national athletes.

Asked whether the regional training centers are for physical fitness, Senator Gatchalian answered in the affirmative. He said that they could also serve as a training venue as he had seen some regional sports facilities which conduct basic training for track and field and football. He said that the intention also was to train adult athletes.

Referring to the plan to initially establish a high school in the Clark City area and expand the sports high school program to encompass other regions, Senator Tolentino suggested the inclusion of the facilities in the regional sports centers he mentioned earlier as part of the sports high school program.

Senator Gatchalian welcomed the proposal of Senator Tolentino, saying that the regions cited, although they might not be at the same level as the one in New Clark City, would have the basic facilities. He likewise believed that the academic components could be cascaded in the facilities so that students would have options whether to train regionally or nationally.

Senator Tolentino stated that, instantly, there would already be five or six regional centers aside from the New Clark City Sports facilities. Senator Gatchalian added that the facilities could also be used to scout potential athletes for tryouts and other scouting purposes.

#### INTERPELLATION OF SENATOR ZUBIRI

At the outset, Senator Zubiri expressed support for the bill, saying that the aim of the measure would be to create something like a super program for sports similar to the *Gintong Alay* sports program

of President Marcos which gathered and trained super athletes at that time. He then asked whether the real intent of establishing the sports high school was to produce super athletes, because otherwise it would just be a duplication of all the high schools in the country that have their own sports programs. Senator Gatchalian affirmed, adding that the PHSS would also employ top-of-the-line coaches in the future and that in the early stages, the school would train super athletes and eventually acquire world-class facilities.

Senator Zubiri asked how the selection process would operate, whether anybody can apply or whether there would be a colatilla that qualifiers should be winners in the three major sporting events in the country, namely, the *Palarong Pambansa*, the *Batang Pinoy*, and the Philippine National Games.

At this point, Senator Gatchalian showed a slide containing the admission requirements for the sports high school, citing for instance criteria No. 3 which stated that the student must be talented or have exceptional skills in their preferred sports, have participated in national or international sports competitions, and have passed the skills tests that are appropriate for the sports.

For his part, Senator Zubiri pointed out the second criterion, which refers to nationally recognized athletes but are not winners in the *Palarong Pambansa* because they come from private schools.

Asked if tuition fees would be collected from the students, Senator Gatchalian answered in the negative, as he also affirmed that those who would be admitted would be considered *Iskolar ng Bayan*.

Senator Zubiri stated that he was happy to see that the athlete must go through a certain set of criteria for admission. But he opined that to be in tune with the establishment of a superfacility for the athletes, a regional setup might not be too practical. He said that 16 regional centers might be hard to maintain, and that a more practical scheme would be to have a training center in Luzon, Visayas, and Mindanao.

Senator Gatchalian explained that the bill included a mandate that other regional centers could be established in the future which is similar to the Philippine Science High School which has regional and even provincial schools. But initially, he said that



the sports high school should be concentrated in one location to take advantage of the talents as well as the existing facilities in the New Clark City which was the hub of the SEA Games.

Senator Zubiri joined Senator Tolentino in asking that more martial arts sports or individual sports be included, as he noted that in the SEA Games, kickboxing won six gold, five silver and one bronze medals, while arnis harvested 14 gold, four silver and two bronze medals. He said that regional meets like the Asian Games or even the Olympics, for example, already include karate, taekwondo and other individual martial arts contact sports where Filipinos excel or do very well.

Senator Gatchalian agreed with Senator Zubiri as he stressed that the selection of the sports would be dynamic and would depend on the situation and on national policy.

#### INTERPELLATION OF SENATOR GORDON

Senator Gordon said that the objective of the measure was laudable, but he noted that there have been other programs like *Gintong Alay*, or the *Palarong Pambansa*, where the idea was to create in every region a nice sports complex, all geared to getting talent or young blood to continue the march towards athletic prowess and intellectual capabilities as many of the athletes are products of the public school system.

Asked by Senator Gordon whether the proposed bill was part of a national sports program or was merely created to maximize the use and to take advantage of the newly built sports complex, Senator Gatchalian replied that the PSC's mandate is grassroots sports development and that the objective of the Philippine High School for Sports is to develop potential athletes at an early age. He said that the mandate of recruiting from the grassroots and developing it from such level is in line with the sports high school and the PSC's mandate.

Senator Gordon said that ideally, having a school sports program should involve DepEd. However, he wondered whether DepEd should be involved because the PHSS would more likely be a specialized agency aimed at intensifying the talent development of young people.

Senator Gordon lamented the lack of vision of some of the schools, saying that he was fortunate

because his parents sent him to schools which have intramural programs from grade school to high school, thus getting him involved with sports early and quickly.

Asked whether the proposed bill was aimed at getting a potential athlete into an institution that would train him/her to become an elite player, Senator Gatchalian answered in the affirmative. However, he clarified that the sports high school has one component which sets it apart from the others — academics. He said that academics is essential in the development of the athlete as a complete person.

Senator Gordon agreed with Senator Gatchalian as he cited UP and Ateneo in the UAAP, wherein all their UAAP athletes have to make the grade to stay in the program. He said that they need to get good grades and take care of the mind before taking care of a healthy body. Fearing that the bill might be replicating the program of UP and Ateneo, he emphasized the need for a purpose, although admittedly one of the purposes of the measure is to maximize the structure that was built for the SEA Games since the country had invested a lot in it and that there was a need to justify to the people that it was constructed for a purpose. He likewise expressed desire to see the endgame where the future students would in the end become educated and, at the same time, very skillful in their chosen field, imbibed with the value of teamwork.

On whether the program has its own budget or if it would be funded by the DepEd given that it would be expensive to implement, particularly since there are plans to hire talented coaches, Senator Gatchalian replied in the affirmative, noting that the idea of a high school for sports had been sponsored by Sen. Pia Cayetano and Sen. Eduardo Angara as early as the Fifteenth Congress.

On another matter, Senator Gordon expressed concern that the funding for the measure would end up being used to create a very elitist and concentrated institution instead of generating sports especially that there are already *Palarong Pambansa* areas and gymnasiums that are being built. He believed that the program should not only spot and educate potential athletes, but should also train students in the area of competitiveness, teamwork and discipline in grade school and high school levels.

Senator Gatchalian affirmed that the DepEd already has the mandate to develop potential athletes

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on the ground through its K-12 Program as well as in the *Palarong Pambansa* and the promotion of sports in their own schools. However, he pointed out that the PHSS intends to take it farther by developing and honing the student's athletic skills.

Since it is the DepEd and not the Philippine Sports Commission that would be in charge of the program, Senator Gordon opined that students of the sports school should have finished high school before being part of an elitist program developed as the national sports system where their talents could be maximized.

Senator Gatchalian emphasized that the philosophy of the program is to recruit potential athletes as early as possible just like in Singapore where athletes as young as 13 years old are already being trained to be potential national athletes. He explained that the DepEd infrastructure would be used to locate these athletes but the technical requirements would still come from the PSC because of its mandate of grassroots development.

Senator Gordon noted that in reality, many of the outstanding athletes in the country are actually products of mixed marriages. He lamented the lack of a talent pool from the grassroots level because most potential athletes are hybrid ones who have the advantage of having access to healthier and more nutritious food and training overseas. For instance, he said that Ateneo player Angelo Kouame grew up in the Philippines and wants to be a Filipino citizen and carry the Filipino colors. However, he pointed out that in its desire to make the Philippines a champion, the government granted instantaneous citizenship to foreign athletes like Andray Blatche and Marcus Douthit. He also mentioned the training program that young basketball talents in Zamboanga undergo which was being supported by the private sector similar to the one run by the late Kobe Bryant. He said that he was willing to vote in favor of the bill if such program is included and expressed his willingness to work with Senator Gatchalian on the matter.

For his part, Senator Gatchalian believed that the country, with its population of a hundred million, has the necessary talent as well as potential talent, but lacks super trainers and facilities.

Asked if the athletes would be getting living allowances for food and equipment, Senator Gatchalian replied in the affirmative, saying that it is part of the incentives.

In a related matter, Senator Gatchalian noted that the Philippines won 387 medals, which made it the biggest winner in the last 2019 SEA Games. However, he lamented that the country had won only four gold medals in individual sports like boxing and weight lifting for the Summer Olympics Games in the last 28 years. He posited that what the program should look for are talents like basketball legend Kobe Bryant, who did not finish high school but succeeded because he was a creative and self-made man.

Senator Gatchalian agreed that there are talents available and that they only need the opportunity, right training and right facilities. Senator Gordon believed that the proposed school is not panacea and that what should be done is to rationalize all the training centers in provinces like Siargao, Surigao, and Talisay, Cebu which are funded by the government, and create a national program which starts even from grade school. Thus, he suggested that the title be changed to "An Act Creating and Establishing the Philippine High School for Sports System" since other systems would fall under that umbrella.

Senator Gatchalian said that he wanted to emulate the model of the Philippine Science High School wherein regional schools were created to take advantage of the talent pool in the regions.

For his part, Senator Gordon lamented that sports authorities only lately realized the importance of prioritizing the development of a team. It is about time, he said, for the sports authorities to propagate teams and not just focus support for those who are into individual sports like weightlifting gold medalist Hidilyn Diaz. In this regard, he lauded Senators Zubiri and Tolentino for supporting the creation a program for the country's national sport arnis and kickboxing, respectively, which produced the spirit of competitiveness and discipline even though it is not an Olympic sport. He urged the Body to help the country graduate towards a bigger game by producing athletes like 15-year old Alexandra Ayala who won the 2020 Australia open in the doubles category and is recognized as one of the top players of tennis in the world. He commended Ceres, a transport company, for developing a football stadium in Barotac Nuevo in Iloilo that could be used for training young players.

Senator Gordon believed that the program will make way for the building of schools and be a means of fulfilling the dreams of poor but deserving potential athletes. He related that his grandson who was

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accepted in the Philippine Science High School had given up his slot to give a chance to economically disadvantaged scholars. Similarly, he hoped that the program would not be prone to abuse and that it would benefit those with potential talent but are in need.

Senator Gordon stressed that only the best of the best should be allowed into the program to create a tradition of excellence that must be followed every year. He opined that the Philippine High School for Sports would be more successful if it would be connected to a national program.

Senator Gatchalian thanked Senator Gordon for his suggestions. He assured that after all, the PHSS is a national program that would also dictate what type of sports the schools should focus on.

For his part, Senator Gordon believed that the program would be successful if it would be managed by the Philippine Sports Commission (PSC). He said that the Department of Education would always prove that education is great, but it would be challenge for the PSC to run the program and produce young athletes who would elevate the country's sports program. He averred that the improvement of the situation of the Overseas Filipino Workers (OFWs), as well as the new investments in business processing outsourcing (BPOs), and the rise of young entrepreneurs, is corollary to success in sports and in education.

Senator Gatchalian observed that the reason why most developed nations win more in the Olympics is that their athletes are better funded, have better nutrition, and have access to better coaches. Therefore, he pointed out that a rise in the economy also brings about a natural rise in sports and talent development.

Senator Gordon noted that Singapore is a very rich country with a developed armed forces and economy but that it is not because of the number of gold medals it has won, but it is due to the status of a community of people that are endowed, inspired and motivated to excel and to compete.

Asked by Senate President Sotto if a high school for sports has also been established in other countries, Senator Gatchalian cited Southeast Asian countries like Singapore, Malaysia and Thailand. Senate President Sotto noted that Indonesia has over a hundred million population like the Philippines.

Senator Gordon noted that Sweden, which has a population of 10 million, had won a total 652 golds and had even added two more gold medals, six silver medals, and three bronze medals in the last Olympics. Moreover, he said that Serbia, which has a population of eight million, has won two gold medals, four silver medals and two bronze medals as of the last Olympics. He lamented that the Philippines, which has over 100 million population, does not have a single gold medal.

Senator Gatchalian believed that a combination of proper training and early intervention is very important in developing Olympic athletes, as in the case of 16-year old Kai Sotto who is being trained in a specialized basketball school.

## INTERPELLATION OF SENATOR HONTIVEROS

Prefatorily, Senator Hontiveros believed that putting together the *Batang Pinoy* Program and a national sports program would slowly form a puzzle where the essential starting point is the grassroots sports development program.

She said that sports reform advocates see the *Batang Pinoy* Program as the seed to grassroots sports development, similar to how the Netherlands became a football powerhouse by recruiting and training grade school kids in every village, ensuring that they would graduate in high school and join collegiate varsity teams which is their own version of *Palarong Pambansa*.

Asked if the measure could help put together a complete puzzle for national sports program in the country by giving premium to grassroots sports development, Senator Gatchalian replied in the affirmative. He said that the *Batang Pinoy* Program is the first phase towards *Palarong Pambansa*, and that children with potential to become good athletes must first be scouted; however, there would be a missing link as to the venue where they would be trained as well as the facilities that would provide them proper nutrition and clinical treatment without sacrificing their equally important academics. He pointed out that an intermediate intervention in the sports program all the way to a professional or national athlete is necessary, the reason why a high school for sports should be established that would train elite athletes to become national Olympic athletes.



At this point, Senator Hontiveros expressed support to the bill, being a passionate spectator supporter of sporting dreams that come true with the help of grassroots sports development program.

#### **FURTHER INTERPELLATION OF SENATOR TOLENTINO**

Asked by Senator Tolentino why there was no outstanding PBA basketball player coming from the Cordillera highlands, like Ifugao, Kalinga, and Apayao, Senator Gatchalian surmised that it could be related to Senate President Sotto's previous view regarding the selection of players. For instance, he said that the average height for a male basketball player is about 5'10 or 5'11 which does not provide a good chance for winning any Olympic medal.

Adverting to Republic Act No. 8371, or the Indigenous Peoples' Rights Act of 1997, Senator Tolentino inquired whether indigenous peoples (IPs) like the Lumads, Aetas and ethnic groups from Kalinga could likewise have access to the sports high school, or whether it would just be an elitist school. In reply, Senator Gatchalian pointed out that the sports high school is open to all Filipinos and would not classify the students' ethnicity or what region they come from.

Expressing concern against discrimination, Senator Tolentino disclosed that even during the hearing of the Committee on Public Order and Dangerous Drugs, he suggested the consideration of IPs in the recruitment of police and military officers for the PNP and PMA. Senator Gatchalian agreed.

At this juncture, Senator Dela Rosa remarked that the Cordillerans are not really keen about basketball but they excel in combat sports.

Senator Zubiri added that the athletes of *sanshou* (combat sports for wushu) as well as half of the members of SAF 44, who are Medal of Valor awardees, came from the Cordillera region.

Senator Dela Rosa opined that the Philippine High School for Sports should not limit the sports events but must also include in its program the expansion of mixed martial arts to other parts of the country.

Additionally, Senate President Sotto reminded the Body not to concentrate only on the inclusion

of IPs and out-of-school youth but also the *istambays*, like Francisco "Django" Bustamante and Efren "Bata" Reyes who became world champions.

To Senator Tolentino's request that in refining and retooling the bill, there should be space for IPs especially those coming from the highlands pursuant to Republic Act No. 8371 which mandates that "the State shall provide equal access to various cultural opportunities to the ICCs/IPs through the educational system, public or private cultural entities, scholarships, grants and other incentives without prejudice to their right to establish and control their educational systems and institutions," Senator Gatchalian assured that the school would be open to all Filipinos regardless of their race and ethnic background.

On another point, Senator Tolentino stated that Section 14 of Republic Act No. 7277 or the Magna Carta for Disabled Persons provides that "the Department of Education shall establish special education classes in public schools in cities or municipalities" for persons with disabilities (PWDs). Asked if PWDs who are para-athletes for sports such as para-archery, wheelchair basketball, sitting volleyball, para-badminton, wheelchair tennis would be given space in the high school for sports so that they would be given the chance to showcase their talent and abilities, Senator Gatchalian assured that the existing facilities at the New Clark City could cater to persons with disabilities as it is PWD-friendly, and the Athletes' Village is compliant with the PWD Law.

Asked on the possibility of organizing an elite group of selected para-athletes who would be properly coached, given proper nutrition and incentives in compliance with Section 15 of Republic Act No. 7277 which likewise mandates that the State should provide sports and physical fitness program for disabled athletes, Senator Gatchalian replied that the PHSS Board would be given the authority to select what sports to focus on and to ensure that the sports facilities are PWD-friendly and equipped to train PWDs.

Senator Tolentino said that during the period of amendments, he would propose to include provisions that would cater to para-athletes, people who play special intuitive games, and IP athletes from various ethnic groups. Senator Gatchalian said that he would gladly look at Senator Tolentino's proposed amendments.

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## **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1086**

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

## **ADDITIONAL REFERENCE OF BUSINESS**

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

### **RESOLUTIONS**

Proposed Senate Resolution No. 321, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE POSSIBLE MISUSE AND ALLEGED IRREGULARITIES IN THE DISBURSEMENT OF CONFIDENTIAL AND INTELLIGENCE FUNDS IN THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY

Introduced by Senator De Lima

**To the Committees on Accountability of Public Officers and Investigations; and Finance**

Proposed Senate Resolution No. 322, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON PUBLIC SERVICES TO LOOK INTO, IN AID OF LEGISLATION, THE OPERATIONS OF ABS-CBN CORPORATION TO DETERMINE COMPLIANCE WITH THE TERMS AND CONDITIONS OF ITS FRANCHISE UNDER REPUBLIC ACT NO. 7966

Introduced by Senator Poe

**To the Committee on Public Services**

### **COMMITTEE REPORT**

Committee Report No. 45, prepared and submitted jointly by the Committees on Women, Children,

Family Relations and Gender Equality; Social Justice, Welfare and Rural Development; Finance; and Health and Demography, on Senate Bill No. 1334, with Senators Hontiveros, Marcos, Revilla Jr., De Lima and Angara as authors thereof, entitled

AN ACT PROVIDING FOR A NATIONAL POLICY IN PREVENTING ADOLESCENT PREGNANCIES, INSTITUTIONALIZING SOCIAL PROTECTION FOR ADOLESCENT PARENTS, AND PROVIDING FUNDS THEREFOR,

recommending its approval in substitution of Senate Bill Nos. 161, 414 and 649, taking into consideration Proposed Senate Resolution Nos. 169 and 205.

Sponsor: Senator Hontiveros

**To the Calendar for Ordinary Business**

## **SUSPENSION OF SESSION**

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

*It was 5:39 p.m.*

## **RESUMPTION OF SESSION**

At 5:40 p.m., the session was resumed with Senator Gatchalian presiding.

## **SPECIAL ORDER**

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of Committee Report No. 45 on Senate Bill No. 1334 from the Calendar for Ordinary Business to the Calendar for Special Orders.

## **COMMITTEE REPORT NO. 45 ON SENATE BILL NO. 1334**

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1334 (Committee Report No. 45), entitled

AN ACT PROVIDING FOR A NATIONAL POLICY IN PREVENTING ADOLES-

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## CENT PREGNANCIES, INSTITUTIONALIZING SOCIAL PROTECTION FOR ADOLESCENT PARENTS, AND PROVIDING FUNDS THEREFOR.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, with the permission of the Body, upon motion of Senator Zubiri, only the title of the bill was read without prejudice to the insertion of its full text into the Record of the Senate.

The Chair recognized Senator Hontiveros for the sponsorship.

### SPONSORSHIP SPEECH OF SENATOR HONTIVEROS

Senator Hontiveros, on behalf of the Committee on Women, Children, Family Relations and Gender Equality, submitted for plenary consideration, Senate Bill No. 1334, entitled "An Act Providing for a National Policy in Preventing Adolescent Pregnancies, Institutionalizing Social Protection for Adolescent Parents, and Providing Funds Therefor," under Committee Report No. 45.

*The full text of Senator Hontiveros' speech follows:*

Around the globe, 16 million adolescent girls aged 15 to 19 years old give birth every year. In the same period, approximately one million young girls aged 15 years old and below gave birth. In the Philippines, 24 babies are born to young Filipino mothers every hour. At the end of every day, 504 children have borne a child.

Girls as young as nine are reported to be pregnant. They still have the body of a child that threatens to break under the pressure from the one inside of them. Have these girls ever doubted that they would survive the birth? The prospect is just too harrowing to think of but is a reality we cannot afford to ignore.

In 2012, 2,815 girls aged 15-19 years gave birth to their third child; 12 girls younger than 15 years have also borne three children each. In the same year, 302 girls aged 15-19 years old have given birth to their fourth child and 60 girls in the same age range were already mothers to five children. At an age where they should be busy going to school and worrying about school projects, they were burdened with the heavy responsibilities of parenthood.

Some girls were even more unlucky. One of the youngest reported maternal death in the Philippines was that of a girl who died of childbirth at the age of 11, a child in every sense of the word. In the Philippines, 128 per 1,000 girls aged 15-19 have died while giving birth while 255 per 1,000 girls aged 20-24 died in birthing rooms across the country. The gift of life shouldn't have to come at the cost of another.

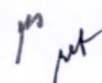
In light of this, the Committee on Women, Children, Family Relations and Gender equality presents to this chamber Committee Report No. 45 or the Prevention of Adolescent Pregnancy Act of 2020. This committee report consolidates Senate Bill Nos. 414 and 649 by Senators Marcos and Revilla, respectively, and Senate Bill No. 161 by yours truly.

This committee report was carefully written in order to ensure that it is a legislation that pushes for the rights of adolescents and their evolving capacities, one that is rooted in the principles of human rights and supported by interventions backed by evidence.

This bill pushes for the social protection of young parents by ensuring that our young mothers are getting the health care necessary at all stages of their pregnancy. Workshops and counseling services are also to be made available for them to ensure that they can get the all help and counsel they need when it comes to raising their children. By providing them with much needed guidance and information, we can prevent repeat pregnancies among our young mothers while we ensure their physical and mental well-being as they take on the heavy responsibilities of parenthood.

Special care is also accorded to first time parents, especially those who are economically disadvantaged and those who are in marginalized and hard-to-reach groups who may have limited access to healthcare and life-saving information.

The bill also provides strong protection for young girls and pushes for their right to continue their education despite the barriers erected against them. Flexible learning options are proposed in order to minimize the chances of disrupted education and to encourage young parents to continue and finish their education. Disrupting a girl's education because of her pregnancy exacerbates poverty. Low educational attainment adversely affects the lifelong earnings of a girl for the rest of her life. Education is so important. So much so that if we do not take our girls back to school, we stand to lose P33 billion in lost income.





Moreover, the bill recognizes the fact that young Filipinos are having earlier sexual initiations, sometimes unwanted and usually unprotected. The 2013 Young Adult Fertility and Sexuality Study reported that 23% of Filipino youth are having sex before the age of 18. This bill recognizes this reality and has formulated measures to equip our children with the knowledge and guidance to make choices that they believe are the best for themselves. Schools, parents, and guardians are recognized as important sources of unbiased and scientifically accurate information on sexual and adolescent reproductive health and as such, are respectively capacitated and trusted to deliver the correct and necessary information to our teenagers.

We cannot afford to have more and more children having children. The problem of adolescent pregnancy is completely preventable and doing little to prevent them will make us end up in a lose-lose situation. It perpetuates the intergenerational cycle of poverty and robs our children of their childhood. It is our duty as legislators and as parents to provide them with the knowledge they need and to empower them to make good choices and informed decisions as they grow into adulthood.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1334**

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

#### **SUSPENSION OF SESSION**

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

*It was 5:47 p.m.*

#### **RESUMPTION OF SESSION**

At 5:50 p.m., the session was resumed.

#### **MANIFESTATION OF SENATOR ZUBIRI**

Senator Zubiri informed the Body that Senate Bill No. 1296 would be the first topic on the agenda on Monday.

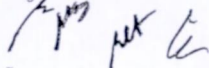
#### **ADJOURNMENT OF SESSION**

Upon motion of Senator Zubiri, there being no objection, the Chair declared the session adjourned until three o'clock in the afternoon of Monday, February 17, 2020.

*It was 5:51 p.m.*

I hereby certify to the correctness of the foregoing.

  
ATTY. MYRA MARIE D. VILLARICA

*Secretary of the Senate*  


Approved on February 17, 2020