



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 25
Monday, September 23, 2019

**EIGHTEENTH CONGRESS
FIRST REGULAR SESSION**

SESSION NO. 25
Monday, September 23, 2019

CALL TO ORDER

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

PRAYER

Sen. Sonny Angara led the prayer, to wit:

Panginoon, sa araw-araw ay iba't ibang pakikibaka ang kinakaharap ng sambayanan. Marami, lalo na ang mga kababayan naming salat sa buhay, ay pinanghihinaan ng kalooban.

Dalangin po namin sa Inyo, Panginoon, na bilang mga lingkod-bayan ay palagi Ninyo kaming gabayan upang makatulong nang walang katumbas na anuman.

May this august Body be an instrument for solving some of the biggest challenges that envelope our country.

May we remember that our nation can face down any crisis—especially with Your unwavering love and compassion.

Sa kabilang mga suliranin, kami po ay nagpasalamat dahil nananatiling produktibo ang aming paglilingkod-bayan dahil sa Inyong tulong.

Muli, kami po ay nananalangin ng Inyong pagpapala sa aming mga kababayhan.

Amen.

NATIONAL ANTHEM

The Adventist University of the Philippines' Little Singers led the singing of the national anthem and thereafter rendered the song, entitled "Alay."

ROLL CALL

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

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

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With 21 senators present, the Chair declared the presence of a quorum.

Senator Gordon was unable to attend the session as he was sick as stated in the letter of his Chief-of-Staff dated 23 September 2019.

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

Senator Pimentel was absent.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

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

- First District Rep. Jeffrey Khonghun and Vice Gov. Jay Khonghun of Zambales;
- Gov. Miguel Luis "Migz" Villafuerte of Camarines Sur;
- Mr. Raymond Christopher Garrett, Honorary Consul to Dublin, Ireland;
- Mr. Malcolm Conlan, the British friend of the Filipino Community in the United Kingdom; and
- Aljay Villena, a 12-year old table tennis champion.

Senate President Sotto welcomed the guests to the Senate.

APPROVAL OF THE JOURNAL

Upon motion of Senator Zubiri, there being objection, the Body dispensed with the reading of the Journal of Session No. 24 (September 18, 2019) and considered it approved.

REFERENCE OF BUSINESS

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

MESSAGE OF THE PRESIDENT OF THE PHILIPPINES

Letter of President Rodrigo Roa Duterte, dated 17 September 2019, certifying to the necessity

of the immediate enactment of House Bill No. 4228, entitled

AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERN- MENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY ONE TO DECEMBER THIRTY-ONE, TWO THOUSAND AND TWENTY, AND FOR OTHER PURPOSES,

in order to address the need to maintain continuous government operations following the end of the current fiscal year (FY), to expedite the funding of various programs, projects, and activities for FY 2020, and to ensure budgetary preparedness that will enable the government to effectively perform its constitutional mandate.

To the Committee on Rules

BILL ON FIRST READING

Senate Bill No. 1062, entitled

AN ACT CREATING THE PHILIPPINE SPORTS ACADEMY AS AN ATTACHED AGENCY OF THE PHILIPPINE SPORTS COMMISSION, PROVIDING ITS STRUCTURE, POWERS AND FUNCTIONS, AND FOR OTHER PURPOSES

Introduced by Senator Zubiri

To the Committees on Sports; Civil Service Government Reorganization and Professional Regulation; and Finance

RESOLUTION

Proposed Senate Resolution No. 140, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON SOCIAL JUSTICE, WELFARE AND RURAL DEVELOPMENT TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE STATE OF SOCIAL WELFARE PROGRAMS ADDRESS- ING THE PREVALENCE OF STREET CHILDREN AND STREET FAMILIES

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AROUND THE COUNTRY WITH THE END IN VIEW OF PROTECTING THE BASIC RIGHTS OF THESE CHILDREN AND PROVIDING LONG-TERM SOLUTIONS TO THEIR SITUATION

Introduced by Senator De Lima

To the Committee on Social Justice, Welfare and Rural Development

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 No. CL-2019-065, dated 9 September 2019; and

Circular Nos. 1048 and 1049 dated 6 and 9 September 2019.

To the Committee on Banks, Financial Institutions and Currencies

Letters from the Office of the President of the Philippines, transmitting to the Senate two (2) original copies of the following Republic Acts which were signed by President Rodrigo Roa Duterte:

Republic Act No. 11441, entitled

AN ACT INCREASING THE BED CAPACITY OF CORAZON LOCSIN MONTELIBANO MEMORIAL REGIONAL HOSPITAL IN THE CITY OF BACOLOD, PROVINCE OF NEGROS OCCIDENTAL FROM FOUR HUNDRED (400) BEDS TO ONE THOUSAND (1,000) BEDS, AUTHORIZING THE INCREASE OF ITS PERSONNEL, AND APPROPRIATING FUNDS THEREFOR;

Republic Act No. 11454, entitled

AN ACT AUTHORIZING THE SALE OF CERTAIN PARCELS OF LAND IN

BARANGAY KRUS NA LIGAS, QUEZON CITY BY THE UNIVERSITY OF THE PHILIPPINES TO THE QUEZON CITY GOVERNMENT, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9500, OTHERWISE KNOWN AS "THE UNIVERSITY OF THE PHILIPPINES CHARTER OF 2008," AND FOR OTHER PURPOSES;

Republic Act No. 11455, entitled

AN ACT CREATING TWO (2) ADDITIONAL BRANCHES OF THE REGIONAL TRIAL COURT IN THE PROVINCE OF SULTAN KUDARAT, ONE EACH TO BE STATIONED IN THE MUNICIPALITY OF ISULAN AND TACURONG CITY, FURTHER AMENDING FOR THE PURPOSE SECTION 14, PARAGRAPH (M) OF BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980," AS AMENDED, AND APPROPRIATING FUNDS THEREFORE;

Republic Act No. 11456, entitled

AN ACT CREATING AN ADDITIONAL BRANCH OF REGIONAL TRIAL COURT IN THE 3RD DISTRICT OF ZAMBOANGA DEL NORTE, TO BE STATIONED IN THE MUNICIPALITY OF LILOY, AMENDING FOR THE PURPOSE SECTION 14, PARAGRAPH (J) OF BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980," AS AMENDED, AND APPROPRIATING FUNDS THEREFOR; and

Republic Act No. 11457, entitled

AN ACT CREATING THE DAVAO INTERNATIONAL AIRPORT AUTHORITY, TRANSFERRING EXISTING ASSETS OF FRANCISCO BANGOY INTERNATIONAL AIRPORT TO THE AUTHORITY, VESTING THE AUTHORITY WITH POWER TO

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ADMINISTER AND OPERATE THE FRANCISCO BANGOY INTERNATIONAL AIRPORT AND APPROPRIATING FUNDS THEREFOR.

To the Archives

ADDITIONAL REFERENCE OF BUSINESS

BILLS ON FIRST READING

Senate Bill No. 1063, entitled

AN ACT ESTABLISHING A FRAMEWORK FOR FILM AND TELEVISION TOURISM IN THE PHILIPPINES, CREATING AN INTER-AGENCY COMMITTEE ON FILM AND TELEVISION TOURISM AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Public Information and Mass Media; Tourism; Ways and Means; and Finance

Senate Bill No. 1064, entitled

AN ACT PROVIDING FOR A BILL OF RIGHTS OF COMMUTERS, PROMOTING SAFE AND ACCESSIBLE PUBLIC TRANSPORTATION, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Pacquiao

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

Senate Bill No. 1065, entitled

AN ACT ACCELERATING PUBLIC SECTOR INVESTMENTS IN LOCAL INFRASTRUCTURE, ESTABLISHING FOR THE PURPOSE THE LOCAL BUILD, BUILD, BUILD PROGRAM, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Recto

To the Committees on Local Government; Public Works; Ways and Means; and Finance

**ACKNOWLEDGMENT
OF THE PRESENCE OF GUESTS**

At this juncture, Senator Zubiri acknowledged the presence in the gallery of His Excellency Ambassador Rodolfo Robles who is set for confirmation as the permanent representative of the Philippines to the U.N. on Wednesday by the Commission on Appointments.

Senate President Sotto welcomed Ambassador Robles to the Senate.

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

(Continuation)

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

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

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

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

INTERPELLATION OF SENATOR RECTO

Asked by Senator Recto what was so important in postponing the barangay elections, Senator Marcos replied that it was important to postpone the elections because the barangay and SK officials, who are at the forefront in the delivery of goods and services in the smallest unit of the country, were being deprived of another year of their term of office which was in

violation of the law which set their term of office at three years. In addition, she cited the six-month delay of the budget of the previous year that gave them hardly any time to execute any of their plans and programs.

But Senator Recto pointed out that it was Congress that provided, by law, a two-year term because the previous request was actually four years instead of three, so it cannot be said that Congress violated the law that they themselves enacted. Senator Marcos agreed that there had been, in fact, consecutive postponements—six times for the barangay officials and seven times for SK—but she maintained that two laws were violated, namely, the Local Government Code, specifically Article 43(c) thereof, and Republic Act No. 9164, both of which set a three-year term for barangay and SK officials.

Senator Recto clarified that the request for extension in the last Congress and consequently the postponement of the elections was because of Martial Law, thus limiting the term of office to only two years.

To Senator Recto's observation that passing the measure based on the recommendations of the Committee would also violate the same law cited earlier because it would effectively extend the term of office to five years, Senator Marcos noted that the Constitution did not actually provide for a term of office for barangay and SK officials and that it was left to Congress to determine the term. She said that the Committee recommendation was to finally put a stop to the constant changes and to make barangay and SK elections predictable and reliable by setting the schedule in the future one year after the national elections.

At this juncture, Senator Drilon clarified that Congress cannot violate a law by amending it. He clarified that it is the Constitution that would be violated if the proposed measure is contrary to it. He explained that regardless what that existing law is, it is within the plenary powers of Congress to amend it and that to enact a law different from the existing law is not in violation of the law. Senator Marcos maintained that while Congress could not be held in violation of the law, two laws actually stipulate the three-year term.

As to the number of times the national and local elections were postponed, Senator Marcos replied that to her knowledge, national and local elections

have never been postponed, reiterating that the barangay elections have been postponed six times and the SK elections, seven times.

Senator Recto agreed, saying that barangay elections were regularly postponed in almost all administrations, and that consistently, in every postponement, Congress would always say, "This will be the last time."

Asked how many years the term of office of a barangay official was the first time the law on the term of office was enacted, Senator Marcos replied that the first election happened in 1982, and the term of office was for six years until 1988.

As to the year when the barangay elections were first postponed, Senator Marcos said that it was in May 1988 resetting it to November 1988, which was reset again to March 1989, in effect extending the barangay officials' term of office from six years to seven years.

Senator Recto noted that the reasons for the postponement then and at the present were alike—elections are expensive, election fatigue, and insurgency. He recalled that the second barangay elections were held on May 9, 1994, and the first SK elections in 1992.

Pursuant to the Local Government Code of 1991, Senator Recto stated that the term of office of barangay officials was changed from six years to three years, similar to the term of office of the members of the Sangguniang Kabataan, although both elections were not synchronized with the national elections and as a consequence, the country had elections almost every year. He said that as a consequence of the postponements, the term of office of the barangay officials correspondingly changed: from 1989 to 1994 – five years; 1994 to 1997 – three years; 1997 to 2002 – five years; 2002 to 2007 – five years; 2007 to 2010 – three years; 2010 to 2013 – three years; and 2013 to 2018 – five years. He noted that from 1982 to present, the average term of office of barangay officials for the past 36 years was between three to five years, and that in all the postponements, it cost the government considerably.

Noting the very evident cost in the last elections' postponement, Senator Marcos stated that it was fortunate that the next barangay elections were being

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postponed earlier as the cost being expended so far was still part of Comelec's regular MOOE budget although the Comelec was hoping to earmark P1 billion of their savings for the early procurement of ballots and carbonless paper, among others. She agreed with Senator Recto that there was always a cost for every postponed election.

Asked how many years that the Committee recommended to extend the current two-year term, Senator Marcos stated that the term of office of barangay officials was being extended by another three years or a total of five years assuming the elections would be held on May 20, 2023, although the Comelec claimed that they could conduct the elections by December 20, 2022, to avoid longer extension of term.

Regarding the years that the barangay officials would be in a holdover capacity, Senator Marcos admitted that under the committee report, the holdover period being proposed is longer than the actual term of office—three years in a holdover capacity from 2018 to May 20, 2023.

Asked if there was ever a holdover provision in the previous term extensions which was longer than the term of office, Senator Marcos stated that there was a time that the term of office of barangay officials was six years which was extended by another year. She explained that what was discussed in the Committee was how soon the Comelec could conduct the elections since they were uncomfortable with extending the term of office so lengthily. Originally, she said that Senators Go and Binay proposed October 20, 2022 as the full extent of the postponement, but given the holding of the national election on May 20, 2022, Comelec requested at least four and a half to five months to print, verify and distribute the ballots, which brings the earliest barangay election date to December 10, 2022.

To Senator Recto's remark that the previous decision of Congress was to hold the elections in the month of May to make all the terms uniform, Senator Marcos said that it was for the same reason that the Committee recommended that barangay elections be conducted in May 2023, although it would extend the barangay officials' term of office even longer.

Asked who would benefit from the postponement of the barangay elections, Senator Marcos replied that roughly 673,000 incumbent officials would benefit

from the postponement in view of the extension of their term of office.

Asked how many voters would potentially be disenfranchised, Senator Marcos said that in theory, nobody would be disenfranchised.

To Senator Recto's assertion that about 80 million voters would be disenfranchised as they would not have the opportunity to vote next year, Senator Marcos agreed, particularly noting the case of some SK members who might not be able to vote again because they would be beyond the age limit.

Senator Recto said that ideally, Congress does not postpone elections. However, he noted that it has become a bad habit that in every new administration, the barangay elections were almost always postponed, with Congress always saying, "This will be the last time."

Asked how much would be saved assuming the barangay elections would be postponed, Senator Marcos said that the P5.7 billion allocated for the barangay elections would be saved for 2020.

Senator Recto noted that if around P18 billion was spent for the automated 2019 national and local elections, it would appear that an automated system is more expensive than a manual system when it should be cheaper and faster.

He further noted that if the barangay elections would be postponed until the next administration, the savings would be around P6 billion. Thus, he proposed that the barangay elections be held every six years because anyway the average term of office of the barangay chairman was more than three years and less than six years, and the savings realized from constant postponements could be used for the other priorities of the administration like the Magna Carta for Barangays. Senator Marcos remarked that it would be most welcome for the barangay captains if their term of office would be extended to six years.

But Senator Recto noted that when the barangay officials were elected in 2017, they effectively had a two-year contract to serve their constituents. Additionally, he said that barangay captains initially elected in 2010 would already be on their third term, thereby serving 13 years in office, while those elected in 2013 should have served for just nine years, given the three-year term limit. Thus, he believed that a



decision ought to finally be made on whether three years would be the best limit. He said that the options would be to continue the elections in 2020 or postpone it by one year, or schedule it after the national elections in 2022, so that it should be held every three years thereafter; if Congress decides to give a longer term, as seen in historical data, there would be savings that could be used for other things. But he stressed that there should be certainty in having elections. In the meantime, he said that the contract that the barangay officials have with their constituents should be respected, because extending it and having a holdover period that is longer than the term itself does not sound right.

MANIFESTATION OF SENATOR DRILON

Senator Drilon said that after listening to the debate between Senators Marcos and Recto, he was submitting a proposal which took into consideration the statement that the incumbent barangay officials have always understood that their term of office was three years given that all the other local officials have a term of three years. He proposed to set the election at least three years from the time they were first elected which is either May 2021 or December 2022, and that whatever date is set for the next election, a second date should be provided which should be three years from that time; for instance, if the elections would be held in December of 2022, the next elections should be scheduled in December 2025. He also proposed, subject to legal study, to require a qualified majority, say, three-fourths vote of the entire membership of the Senate, before Congress can postpone these elections in order to have stability with regard to the term of office.

Senator Marcos said that the election in December 2022, which is after the national elections, would be acceptable to almost all the stakeholders, as compared to May 2021. Regarding the provision of a second date, she stated that the final paragraph of the committee report sets the next elections to one year or less after the national elections, to provide stability and predictability.

On the proposal for a qualified majority to postpone the elections, Senator Marcos agreed that it is a bad habit to constantly change the dates of elections, but she doubted if it is constitutionally viable to limit the power of the next Congress. Senator Drilon clarified that his proposal would not remove the power of the next Congress to amend

the law. He said that he was submitting his proposals for the Committee to consider if they are viable, constitutionally and policy-wise.

Senator Marcos replied that she would take the proposals into consideration.

FURTHER INTERPELLATION OF SENATOR TOLENTINO

At the outset, Senator Tolentino said that as cosponsor, he was in favor of the committee report. He stated that he only wanted to seek answers to the continuing paradox involving *ex officio* members.

To illustrate, supposing Juan dela Cruz, a barangay chairman and an *ex officio* sanggunian member of Badoc, Ilocos Norte in his capacity as ABC president, ran for election as a regular sanggunian member and lost, Senator Tolentino asked if Juan dela Cruz would still be allowed to continue serving as *ex officio* sanggunian member. In reply, Senator Marcos stated that if the ABC would not call for another election, Juan dela Cruz would continue as *ex officio* sanggunian member but traditionally, she noted, the leagues or federations conduct new elections every time a new term begins.

Senator Tolentino pointed out that based on precedents, Mr. Dela Cruz is not deemed resigned even if he ran for another elective position. He cited DILG Opinion No. 5, series of 2017, which stated: "Liga presidents running for higher office are not automatically resigned for being an elective official." Thus, he said that even if Mr. Dela Cruz does not win, he remains a punong barangay after the elections, and that being the ABC president, he maintains his position as *ex officio* municipal councilor of Badoc, Ilocos Norte. He hoped that the Committee would find a proviso to resolve these incongruities/inconsistencies in the situation of ABC presidents.

Senator Tolentino discussed another paradox which, even if resolved in part by the IRR of the Local Government Code (LGC), he would continue to oppose because it runs in conflict with the LGC. Specifically, he quoted Section 494 thereof, to wit:

"Section 494. *Ex Officio Membership in Sanggunian.* — The duly elected president of the Liga at the municipal city and provincial levels, including the component cities and municipalities of Metropolitan Manila, shall serve as *ex officio* members of the Sanggunian

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Bayan, Sangguniang Panlungsod, Sangguniang Panlalawigan, respectively. They shall serve as such only during their term of office as presidents of the liga chapters, which in no case shall be beyond the terms of office of the sanggunian concerned."

He maintained that there should be a provision mandating another election for the *ex-officio* sanggunian members considering that the term of office of the sanggunian concerned is only three years.

Senator Marcos asked for Senator Tolentino's assistance in changing the implementing rules and regulations (IRR) so that such incongruities are avoided.

MANIFESTATION OF THE CHAIR

Senate President Sotto suggested that rather than relying on the IRR, all the different concerns and issues be included in the bill. Senator Marcos said that the Committee would consider introducing amendments so that those concerns are contained in the law itself.

INTERPELLATION OF SENATOR GATCHALIAN

Senator Gatchalian stated that constituents would naturally not complain against the extension of the term of office of the barangay official if that official is performing well. However, he asked who is tasked to investigate an official who is corrupt, underperforming, or not doing anything to benefit the barangay, whether it is the Office of the Mayor through the Sangguniang Bayan or Panglungsod. Senator Marcos replied that she was not certain if underperformance would qualify as a ground to remove the barangay chairman. She said that to her knowledge, the DILG and the Ombudsman can impose suspension, but in cases of removal, there must be a court order, meaning, a case has to be initiated and a conviction must be obtained.

Having identified the government bodies through which constituents may formally complain against their barangay officials: the Office of the President, DILG, Ombudsman, and LGU, Senator Gatchalian asked if all four modes would lead to a filing of a case for the

removal of a corrupt barangay captain. Senator Marcos replied in the affirmative.

Senator Gatchalian said that he simply wanted to spread into the record the mechanisms and responsible agencies which have jurisdiction over complaints against corrupt barangay officials who may be serving their post longer than they have to due to the term extensions.

MANIFESTATION OF SENATOR DRILON

Anent his previous manifestation, Senator Drilon said that he was withdrawing his proposal to require a qualified majority to amend the law in light of the Supreme Court ruling in the case of *Abbas vs. Senate Electoral Tribunal* that was decided in 2012.

TERMINATION OF THE PERIOD OF INTERPELLATIONS

There being no further interpellation, upon motion of Senator Zubiri, there being no objection, the Body closed the period of interpellations.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1043

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

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 4:08 p.m.

RESUMPTION OF SESSION

At 5:06 p.m., the session was resumed.

ADDITIONAL COMMITTEE REFERRAL

Upon motion of Senator Zubiri, there being no objection, the Body approved the referral of Senate Bill No. 65 (Sustainable Cities and Communities Act) to the Committee on Sustainable Development Goals, Innovation and Futures Thinking, as the secondary committee.

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 the following day.

It was 5:06 p.m.

I hereby certify to the correctness of the foregoing.



ATTY. MYRA MARIE D. VILLARICA

Secretary of the Senate



Approved on September 24, 2019