



REPUBLIC OF THE PHILIPPINES  
**Senate**  
Pasay City

# Journal

**SESSION NO. 46**  
Monday, December 12, 2016

**SEVENTEENTH CONGRESS  
FIRST REGULAR SESSION**

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Monday, December 12, 2016

**CALL TO ORDER**

At 3:17 p.m., the Senate President Pro Tempore, Hon. Franklin M. Drilon, called the session to order.

**PRAYER**

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

Dear God, grant us the blessings of this very important season in the life of our Savior Jesus Christ.

Today also comes close to the commemoration of the miracle of the Immaculate Concepcion just four days ago. The Immaculate Concepcion and the Nativity together shall bind us as brothers and sisters in God's image.

Dear Father, we shall be eternally grateful that You showed us Your greatest love by sending us Your only Son so that we may all be saved.

Let Christmas gather us to be kind to each other especially the poor and marginalized. May the season fill us with a generous spirit to address the material, emotional and spiritual needs of our fellow Filipinos. Let us live the values of Christmas when Jesus Christ visited the most humble of all places.

Let this season teach us to look at each other truthfully with forgiving eyes. Guide our hands to reach out to both the uplifted and the fallen. O God, grant us the peace, love and goodwill of this holy and joyful season.

Amen.

**NATIONAL ANTHEM**

The Senate Choir led the singing of the national anthem and thereafter rendered the song, entitled "Joyfully We Sing."

**SUSPENSION OF SESSION**

With the consent of the Body, the Chair suspended the session.

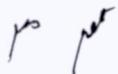
*It was 3:24 p.m.*

**RESUMPTION OF SESSION**

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

**ROLL CALL**

Upon direction of the Chair, the Secretary of the Senate, Atty. Lutgardo B. Barbo, called the roll, to which the following senators responded:



Angara, S.	Legarda, L.
Aquino, P. B. IV. B.	Pangilinan, F. N.
Binay, M. L. N. S.	Poe, G.
Drilon, F. M.	Recto, R. G.
Escudero, F. J. G.	Sotto III, V. C.
Gatchalian, W.	Trillanes IV, A. F.
Gordon, R. J.	Villanueva, J.
Honasan, G. B.	Villar, C.
Hontiveros, R.	Zubiri, J. M. F.
Lacson, P. M.	

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

Senate President Pimentel and Senator Cayetano were on “official business” as indicated in the December 12, 2016 letters of their respective chiefs of staff.

Senator De Lima was on official mission abroad.

Senator Ejercito was under preventive suspension.

Senator Pacquiao was absent.

#### **APPROVAL OF THE JOURNAL**

Upon motion of Senator Sotto, there being no objection, the Body dispensed with the reading of the Journal of Session No. 45 (December 7, 2016) and considered it approved.

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

At this juncture, Senator Sotto acknowledged the presence in the gallery of the Pag-Asa ng Bagong Talavera Senior Citizens Multipurpose Cooperative from Poblacion Sur, Talavera, Nueva Ecija, headed by Reynaldo Sinchioco, Chairman of the Board of Directors.

Senate President Pro Tempore Drilon welcomed the guests to the Senate.

#### **REFERENCE OF BUSINESS**

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

#### **MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

Letter from the House of Representatives, informing

the Senate that on 5 December 2016, the House of Representatives passed the following House bills, in which it requested the concurrence of the Senate:

House Bill No. 937, entitled

**AN ACT DIVIDING BARANGAY NORTH BAY BOULEVARD SOUTH IN THE CITY OF NAVOTAS INTO THREE (3) DISTINCT AND INDEPENDENT BARANGAYS TO BE KNOWN AS BARANGAY NBBS PROPER, BARANGAY NBBS KAUNLARAN AND BARANGAY NBBS DAGAT-DAGATAN**

**To the Committees on Local Government; and Electoral Reforms and People's Participation**

House Bill No. 4402, entitled

**AN ACT DIVIDING BARANGAY TANZA IN THE CITY OF NAVOTAS INTO TWO (2) DISTINCT AND INDEPENDENT BARANGAYS TO BE KNOWN AS BARANGAY TANZA 1 AND BARANGAY TANZA 2**

**To the Committees on Local Government; and Electoral Reforms and People's Participation**

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

Senate Bill No. 1272, entitled

**AN ACT RECOGNIZING THE GERMAN EUROPEAN SCHOOL MANILA, INCORPORATED AS AN EDUCATIONAL INSTITUTION OF INTERNATIONAL CHARACTER, GRANTING CERTAIN PREROGATIVES CONDUCIVE TO ITS GROWTH AS SUCH, AND FOR OTHER PURPOSES**

Introduced by Senator Richard J. Gordon

**To the Committee on Education, Arts and Culture**

Senate Bill No. 1273, entitled

**AN ACT GRANTING PHILIPPINE**

CITIZENSHIP TO BRUCE DONALD  
MCTAVISH

Introduced by Senator Richard J. Gordon

**To the Committee on Rules**

**RESOLUTION**

Proposed Senate Resolution No. 251, entitled

RESOLUTION HONORING AND COM-  
MENDING THE 2016 AWARDEES  
OF THE OUTSTANDING WOMEN  
IN THE NATION'S SERVICE  
(TOWNS) FOR THEIR COURAGE,  
INTEGRITY, AND COMMITMENT  
TO ENHANCING THE ROLE OF  
FILIPINO WOMEN IN NATION-  
BUILDING

Introduced by Senator Legarda

**To the Committees on Rules**

**COMMITTEE REPORTS**

Committee Report No. 17, prepared and submitted by the Committee on Women, Children, Family Relations and Gender Equality, on Senate Bill No. 1271, with Senator Risa Hontiveros as author thereof, entitled

AN ACT PROHIBITING DISCRIMINA-  
TION ON THE BASIS OF SEXUAL  
ORIENTATION AND GENDER  
IDENTITY OR EXPRESSION (SOGIE)  
AND PROVIDING PENALTIES  
THEREFOR,

recommending its approval in substitution of Senate Bill No. 935.

Sponsor: Senator Risa Hontiveros

**To the Calendar for Ordinary Business**

Committee Report No. 18, submitted jointly by the Committees on Justice and Human Rights; and Public Order and Dangerous Drugs, on Proposed Senate Resolution No. 9, introduced by Senator Leila M. de Lima, entitled

RESOLUTION DIRECTING THE SENATE  
COMMITTEE ON JUSTICE AND

HUMAN RIGHTS TO INVESTIGATE,  
IN AID OF LEGISLATION, THE  
RECENT RAMPANT EXTRAJUDICIAL  
KILLINGS AND SUMMARY EXECU-  
TIONS OF SUSPECTED CRIMINALS,  
TO STRENGTHEN THE MECHAN-  
ISMS OF ACCOUNTABILITY OF  
LAW ENFORCERS, AND TO INSTI-  
TUTE CORRECTIVE LEGISLATIVE  
MEASURES TO ENSURE FULL  
RESPECT FOR BASIC HUMAN  
RIGHTS, ESPECIALLY THE RIGHT  
TO LIFE,

Proposed Senate Resolution No. 151, introduced by Senator Trillanes IV, entitled

RESOLUTION URGING THE SENATE  
COMMITTEE ON JUSTICE AND  
HUMAN RIGHTS TO CONDUCT AN  
INQUIRY, IN AID OF LEGISLATION,  
ON THE ALLEGED EXTRAJUDICIAL  
OR SUMMARY KILLINGS PUR-  
PORTEDLY COMMITTED BY THE  
'DAVAO DEATH SQUAD', WITH  
THE INTENTION OF COMING UP  
WITH REMEDIAL LEGISLATION TO  
ENSURE THE PROTECTION OF THE  
PEOPLE'S BASIC HUMAN RIGHTS,  
AND THEIR RIGHT TO LIFE AND  
THE OBSERVANCE OF DUE  
PROCESS OF LAW IN THE  
GOVERNMENT'S CONDUCT OF ITS  
CAMPAIGN AGAINST TERRORISM,  
DRUGS AND STREET CRIMES,

and the Privilege Speeches of Senator Leila M. de Lima, Senator Cayetano and Senator Risa Hontiveros about extra-judicial killings,

recommending its approval .

Sponsor: Senator Richard J. Gordon

Dissenting: Dissenting Report filed by Senator Leila M. de Lima on 12 December 2016

**To the Calendar for Ordinary Business**

**SPECIAL ORDER**

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 18 on Proposed Senate

Resolution Nos. 9 and 151 from the Calendar for Ordinary Business to the Calendar for Special Orders.

#### **COMMITTEE REPORT NO. 18**

Upon motion of Senator Sotto, there being no objection, the Body considered Committee Report No. 18 on Proposed Senate Resolution No. 9, introduced by Senator De Lima, entitled

**RESOLUTION DIRECTING THE SENATE COMMITTEE ON JUSTICE AND HUMAN RIGHTS TO INVESTIGATE, IN AID OF LEGISLATION, THE RECENT RAMPANT EXTRAJUDICIAL KILLINGS AND SUMMARY EXECUTIONS OF SUSPECTED CRIMINALS, TO STRENGTHEN THE MECHANISMS OF ACCOUNTABILITY OF LAW ENFORCERS, AND TO INSTITUTE CORRECTIVE LEGISLATIVE MEASURES TO ENSURE FULL RESPECT FOR BASIC HUMAN RIGHTS, ESPECIALLY THE RIGHT TO LIFE;**

Proposed Senate Resolution No. 151, introduced by Senator Trillanes, entitled

**RESOLUTION URGING THE SENATE COMMITTEE ON JUSTICE AND HUMAN RIGHTS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ALLEGED EXTRAJUDICIAL OR SUMMARY KILLINGS PURPORTEDLY COMMITTED BY THE "DAVAO DEATH SQUAD," WITH THE INTENTION OF COMING UP WITH REMEDIAL LEGISLATION TO ENSURE THE PROTECTION OF THE PEOPLE'S BASIC HUMAN RIGHTS, AND THEIR RIGHT TO LIFE AND THE OBSERVANCE OF DUE PROCESS OF LAW IN THE GOVERNMENT'S CONDUCT OF ITS CAMPAIGN AGAINST TERRORISM, DRUGS AND STREET CRIMES;**

and the Privilege Speeches of Senator Leila M. De Lima, Senator Cayetano and Senator Risa Hontiveros about extrajudicial killings.

Thereupon, the Chair recognized Senator Gordon, sponsor of the committee report.

#### **SUSPENSION OF SESSION**

Upon motion of Senator Gordon, the session was suspended.

*It was 3:37 p.m.*

#### **RESUMPTION OF SESSION**

At 3:38 p.m., the session was suspended.

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

At the outset, Senator Gordon presented before the Body the Joint Committee Report of the Committee on Justice and Human Rights and the Committee on Public Order and Dangerous Drugs chaired by Senator Lacson which, he said, was an offshoot of Proposed Senate Resolution No. 9 filed by Senator De Lima and later Proposed Senate Resolution No. 15 filed by Senator Trillanes, both of which dealt on the matter of the extrajudicial killings.

Senator Gordon stated that using both resolutions as its framework, the Committee on Justice and Human Rights conducted six hearings, the first three of which were conducted by and under the supervision of Senator De Lima who was then the committee chair and the other three hearings conducted by him after he reluctantly accepted and took over the committee chairmanship from Senator De Lima who was removed following a reorganization of the committee. He said that when he accepted the committee chairmanship, the only recommendation that he made was to still include Senator De Lima as member of the committee so that the credibility of the Senate would not be stained by partisanship.

Thereupon, Senator Gordon proceeded to quote from the Executive Summary of the joint committee report, the following: "*Kinakailangan mapuksa ng gobyerno ang patuloy na paglaganap ng patayan sa ating bansa sa kasalukuyan at sa mga nagdaang taon. Kailangang alam nating mga Pilipino at pati na ng buong mundo na tayo ay may pagpapahalaga sa buhay at dignidad ng sinumang tao at may mabilis na katarungan para sa lahat. Sa ganitong paraan, maibabalik ng tao ang tiwala at kumpiyansa nito sa pulis at sa gobyerno.*"

He explained that the Committee was called to investigate whether there were rampant killings in the country and whether or not the killings were



state-sponsored. He said that when he took over the committee, he did not miss a beat and he continued with the hearings scheduled by Senator De Lima, including hearing the testimonies of Mr. Edgar Matobato and some witnesses allegedly coming from the Commission on Human Rights.

Senator Gordon said that the Committee studied the affidavits of the alleged witnesses to the killings, but it found no scintilla of evidence to show that there were orders made by any member of the government, especially by policy-makers, to commit extrajudicial killings as a matter of policy.

Saying that Mr. Matobato was no stranger to Senator De Lima and vice versa, Senator Gordon pointed out that Senator De Lima was secretary of justice when Mr. Matobato was placed under the Witness Protection Program in 2014 until he left the program, and that Senator De Lima was already aware of Mr. Matobato even when she was chair of the CHR.

Senator Gordon pointed out that tens of thousands of people have been killed every year since 1999, and that it was a known fact that the US State Department has been sending notes to the Department of Foreign Affairs about extrajudicial killings in the country. He presented murder and homicide statistics from 2001 to August 2016, or a total of 177,000 over a period of almost 16 years.

He acknowledged that killings were aplenty since the time of President Marcos but rarely, he lamented, had the citizenry heard of investigations conducted, save perhaps the arrest of two Mindoro police officers riding in motorcycle who were identified as the perpetrators in the killing of Ms. Zenaida Luz, an anti-crime crusader.

He said that there is a law in the country, R.A. No. 8551, that created the Internal Affairs Service (IAS) under the PNP to investigate police-related killings; however, the IAS has become "IWAS" because it takes this office about 125 days before any punitive action can be taken. He cited as an example the case of the recent death of Albuera Leyte Mayor Espinosa who was evidently killed by policemen but no action was undertaken by the IAS and the NBI had to take over the investigation.

Senator Gordon cautioned, however, that in the absence of evidence the Senate could not conclude

that there are state-sanctioned extrajudicial killings. To do otherwise, he warned, would put the Senate, the entire government in general, in a bad light. He reiterated that there was no evidence proving that the killings were authorized by the State as a matter of policy.

He said that he could not help noticed that when Senator De Lima was named chair of the justice and human rights committee, the first resolution she filed was on extrajudicial killings. Was it because the Duterte administration was persecuting her, he asked, because it could not be denied that the present administration was really going after her. He also said he could not understand why she was removed from the chairmanship of the committee, but he surmised that one of the reasons was that the hearings were no longer orderly, that they were solely directed against the President, especially when Matobato was presented to testify without any presentation of affidavits first, in violation of the Rules. He recalled that the Committee was even surprised over the presence of Matobato who, without affidavit, admitted many things but could not prove his allegations.

He further narrated that while the investigation was ongoing, another resolution was suddenly filed calling for an investigation of the alleged Davao Death Squad during the time when President Duterte was still mayor of Davao City. Again, he said, Mr. Matobato was called to testify who, in the end, was proven not only inconsistent but lying about many incidents he alleged, such as his memberships in the CHDF, the killing of a prominent businessman, the involvement of policemen in the bombing of a Muslim mosque. He also cited Matobato's claim that Sali Makdum was a terrorist when, in fact, they were business partners. He said that Matobato's conflicting statements became the subject of heated debates and eventually prompted him to state that there was material concealment because, although the Committee was aware of the investigation conducted by the NBI, they did not know of a case already filed against Matobato which Senator De Lima was aware of. He said that the Committee gave Matobato several opportunities to tell the truth but he destroyed his credibility by being inconsistent.

*At this juncture, Senate President Pro Tempore Drilon relinquished the Chair to Senator Villanueva.*

Senator Gordon said that the Committee found no sufficient evidence to prove the existence of the

Davao Death Squad, as well as Matobato's employment with Paolo Duterte, because Senator Trillanes decided to dismiss Matobato before the latter was called to testify.

Senator Gordon said that looking at all the incidents, apart from the fact that there was no evidence to show that there is a state-sponsored policy to commit killings to eradicate illegal drugs in the country, whether or not the reported killings beginning mid-1990s in Davao were perpetrated allegedly by the Davao Death Squad, he found out from the chiefs of police of different cities and provinces that the killings really occurred because lawless elements have become emboldened to fight police, that some would really kill with impunity and some police authorities who are involved in drug trafficking would kill their accomplices to escape criminal liability. He cited the recent killing of a mayor in Leyte to silence him from implicating his accomplices in the drug trade.

Senator Gordon stated that the third finding in the Senate investigation was that through the years up to the present, many killings with impunity have not been resolved by the police, leaving the people unprotected, insecure, fearful and cynical about the ability of the police to protect and serve them. He stressed the urgent need to undertake reforms in law enforcement to strengthen the criminal justice system and fortify the rule of law.

Senator Gordon lamented that many of his fellow senators wanted the Committee to confirm that there were EJKs even in the absence of evidence to prove the same. He said that as a lawyer, he cannot charge somebody without evidence. However, he clarified that even if the Committee has reported, it does not mean it cannot open the investigation again. He said that the committee would reinvestigate, if there is any proof that PNP Chief Dela Rosa or President Duterte indeed ordered the police to kill all the pushers.

As he proceeded to cite the Committee's recommendations, Senator Gordon adverted to the social contract theory, which is an agreement to give power to the police over the lives and property of the country. He pointed out that the police need not be proven guilty beyond reasonable doubt for administrative hearings to commence but should be terminated or suspended upon summary hearing. He explained that in an IAS investigation which usually takes about 125 days, the Committee recommended that the case must be reported within five days from the time of

incident so that charges could be filed, and that the law authorizing the PNP director general or the regional commander to terminate or suspend the erring police officer while the case is pending summary hearing, must be implemented.

Senator Gordon recalled that when he was still a mayor, he realized that the mayors no longer had absolute control or even a lot of control over the police because under the Constitution, there is only one national police force. He said that in order to protect the people from misconduct or abuse of police officers, he lobbied with Congress for the enactment of the People's Law Enforcement Board (PLEB), but lamentably, he said, only 88 cases per year were tried even when each municipality, province, or city has a PLEB. He said that the President would be enhanced if the people would see that he would not tolerate corruption in the police force. He suggested that the PLEBs, Napolcom, PNP prevail over the erring policemen as he recommended the following:

- 1) Termination of erring policemen from work after a summary hearing, and not after 125 days, allowing them to submit a counter-affidavit or an appeal of their case;
- 2) Within five days from the time the IAS reports the incident, the PNP may suspend the police officer, disarm and confiscate his gun and within 15 days, a case must be filed if warranted;
- 3) Creation or designation of a a special criminal court for erring and abusive police officers, alongside illegal drugs courts; and
- 4) Creation of the Joint Congressional Committee to monitor killings and paramilitary units.

He said that it was suggested that the statistics on killings, be they vigilante or police killings, should be submitted to the oversight committee on a monthly basis to justify the P306 million budget of the PNP's intelligence fund.

He suggested to include in the special court for policemen representatives from the Executive department, the police force, the Judiciary and Congress so that the people would know the joint efforts of government agencies to finally solve the problem of killings with impunity.

Senator Gordon recalled that the Committee was asking the Local Government secretary for a

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P100-million allocation for PLEBs for 2017 so that they could start solving their problems with the abusive police officers in their localities. He stated that the citizens should also be involved in fighting crimes because the police cannot do everything and it would be unfair to say that the police are the only ones responsible.

As regards riding-in-tandem suspects, Senator Gordon suggested curbing the crimes they perpetrate by enlarging the registration plates of motorcycles and even of vehicles, front and rear. He said that he had filed a bill for this purpose, including the confiscation of motorcycles with no plate number, or a fine for failure to report loss of plate number.

He also proposed that the Land Transportation Office (LTO) should have a master file of all the plate numbers issued for quick assistance to the police officers, detectives, NBI or even local citizens in times of emergency. He said that the opportunity of the criminals to escape using motor vehicles should be narrowed down.

Senator Gordon also proposed public information and education, citing cases of “*tokhang*” where people were forced to sign documents admitting they are drug users without the presence of their lawyers. He said that the people should be educated about signing documents with or without the aid of their lawyers, as he cited that democracy in other countries becomes real democracy because their people know what to do. He said that people must be part of the process of change, like parent-teacher associations which could help fight crime and eradicate the drug menace.

Senator Gordon stated that under Article XIII, Section 18 of the Constitution, the CHR has, among other powers and functions, the power to investigate, on its own or on complaint by any party, all forms of human rights violations involving civil and political rights.

He noted that Senator De Lima had investigative powers in her capacity as the Secretary of Justice with the NBI under her and as CHR Chair. He then asked why Senator De Lima for eight years was unable to file charges against Mr. Matobato or then Mayor Duterte. He stressed that as CHR Chair, she should have prosecuted EJK suspects at that time. He recalled that in 2009, Chairperson De Lima offered to have PO3 Ayao reinstated in exchange for his testimony against Mayor Duterte.

Moreover, he stated that the CHR, *motu proprio* could look into complaints by any party on all forms of human rights violations involving civil and political rights. He said that the CHR has guidelines, rules of procedures and could cite for contempt for violations thereof in accordance with the Rules of Court. He clarified that he was not against the CHR and that he has high regard for the Commission, but he ruefully noted that one of its commissioners made snide remarks against the Committee. He said that when the Committee invited the Commission to its hearing, Chairman Gascon did not present any witness on the EJK cases. He maintained that since there was no credible witness to testify against the EJK, the Committee ended its hearing as it had already satisfied the framework of the investigation.

Senator Gordon averred that the Commission could grant immunity from prosecution to any person whose testimony or who is in possession of documents or any evidence that is necessary in determining the truth in any investigation. He stated that under its powers and functions, the CHR could, on its own, try cases involving EJKs because it is a frontline agency, unlike Congress, which conducts investigations in aid of legislation.

He stated that he had issued a brief to the media that the Committee already has its recommendation and that everyone should read the report. He averred that people complained that all that Congress would do is investigate and not issue a report. He refuted such assertions, saying that every investigation in aid of legislation that he has handled in the Blue Ribbon Committee had reports and that the necessary bills were filed. He said that as an offshoot of Committee Report No. 18, he had filed Senate Bill No. 1274 (Police Court Act of 2016) and Senate Bill No. 1275, (IAS Act of 2016). He added that there are other bills that would be filed as a result of the committee report.

Moreover, he stated that he would respect the opinion of other Members if they were not satisfied with the result of the investigation and the proposed measures. He appealed to the members of the Committee not to call the report garbage and to stay within the fold. He said that a lot of work was put into making the 125-page report and that it would hurt him, the other members and the staff if it would go to waste. He supposed that if there was anyone who was not satisfied, he/she should not whine by the corner like a spoiled brat. He said that the

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Members should conduct themselves like senators, true to form.

On the manner on how the proceedings were held, Senator Gordon expressed regret that some members had become short-sighted or may have ignored the *Rules* of the Senate during the hearing. He lamented that a member resorted to a walk-out and threw tirades outside the hall when she should have addressed her concerns, filed a bill or show new evidence during the hearing.

He stated that as a team player, he would defend the Senate because it is right thing to do. He said that he does not take it upon himself to be the knight who champions the Senate. However, he maintained that for as long as he is the Chairman of the Committee, he would defend its work. He said that the number of hours that were put in the work and the staff almost surrendering to the task was no joke. He added that while everyone was bent on the work, the accusing party or the persons who filed the resolutions should also work on the matter. He asserted that he was not taking the side of the President. He recalled that during the opening of the hearing, he even cautioned President Duterte "not to fall on his own sword," that he should not make a lot of noise because the children were listening.

He averred that while the President is passionate on his war on drugs, he should not be heard uttering invectives and abusive language like killing people. He observed that the President would say one thing, one day and would take it back the next day. He said that such actions are perilous and should not go on any further.

Thereafter, Senator Gordon read the epilogue of the dispositive portion of the report, to wit:

#### *"6. Epilogue*

##### **A Word of Caution: Loose Lips, Sink Ships.**

*Trust in the Lord with all your heart and lean not on your own understanding; In all your ways submit to Him, and He will make your path straight.*

*Proverbs 3:5-6*

A word of caution to the President is warranted. While there is no doubt that he has the country's best interests at heart when he waged his war against illegal drugs and criminality, his ways and methodology may not

be readily understood and acceptable to all. He thus should seek to epitomize a man of the law, and be an exemplary role model. All Presidents must be role models in word and in deed. Leaders raise the values and performance of a people.

The President needs to be mindful of his role as head of State and be careful with his words, avoid inappropriate statements lest they be construed as policies of the State. There may also be accusations of tolerance hurled against him because the overwhelming support he gives to the police, manifested by his colorful language against drug pushers, may be perceived as a condonation of the violations of human rights and due process that the police are committing, in the guise of putting an end to the drug menace. While the people recognize his fearless naming of generals and prominent personalities, including politicians and judges, as protectors of drug lords, due process must still be observed. The accused deserve their day in court to prove their innocence. While he has gained the admiration of many for his no-nonsense style, he will further national interest if he bears in mind that he must be not only be a force for good but perceived to be so. Children listen to him. He both has a local and an international audience who scrutinize his every move. He will all the more maintain the trust of the people when he transforms into a leader worthy of emulation, in every sense of the word.

The President should likewise not just account for the misdeeds of the police, but raise their standards of accountability so that they become paragons of protectors of the people. When the police violate the law, they must be punished. The doctrine of command responsibility obligates the President to take necessary and reasonable measures to prevent the commission of an illegal act or an irresponsible omission, and to punish the perpetrator. Uncorrected or unpunished even when they have erred, the police may believe that they are above the law.

When the police deem themselves to be omnipotent, they are emboldened and more killings ensue; the duty to protect the people is thrown out the window. The offshoot will be silencing accused drug pushers and drug lords without affording them the Bill of Rights guaranteed to them by the Constitution. In turn, the accused, fearful of their lives, arm themselves and fight back without resorting to the legal processes. The result is public disorder and the waning respect for the rule of law. Civilians must be dissuaded from taking the law into their own hands; they must be empowered to become part of the change without utterly disregarding the law. The war against illegal drugs must be won

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within the legal system, and the President must lead in reminding the people of this important message. After all, he has sworn as President of the Republic to "faithfully and conscientiously fulfill [his] duties as President of the Philippines, preserve and defend its Constitution, execute its laws, do justice to every man, and consecrate [himself] to the service of the nation." Serving the nation entails doing justice to every man, even if he is a drug pusher or a drug lord.

By all means, we must support the President for his resolute stand against illegal drugs as well as our police force who are at the forefront of the war against illegal drugs and criminality. The people will not follow a President who has lost the legal and moral high ground. We just have to do things right and within boundaries in a regime where the law is supreme and where there is justice for all. The time to act and end impunity of killings is now.

## **MANIFESTATION OF SENATOR SOTTO**

Senator Sotto manifested that Senator Trillanes had reserved the right to interpellate Senator Gordon. However, he sought the indulgence of the Body to suspend the session to accept the Speaker of the House and the Chairperson of the House Committee on Justice.

## **SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 4:31 p.m.*

## **RESUMPTION OF SESSION**

At 4:53 p.m., the session was resumed with Senate President Pro Tempore Drilon presiding.

Upon resumption, Senator Sotto stated that the parliamentary status of the Committee Report was the period of interpellations. He clarified that the gesture made by Senator Trillanes which Senator Gordon mistook as pointing to him while he was delivering his privilege speech was actually directed towards him as the Majority leader. He said that Senator Trillanes was signaling that he would want to be the first to interpellate on the Committee Report.

Thereupon, the Chair recognized Senator Gordon, sponsor of the Committee Report, and Senator Trillanes for his interpellation.

## **INTERPELLATION OF SENATOR TRILLANES**

At the outset, Senator Trillanes stated that he was almost impressed by the sponsorship speech of Senator Gordon which, he said, sounded like an opening statement of the counsel for the defense of President Duterte.

Senator Trillanes noted that the bottomline of the Committee Report was that there were no pieces of evidence to prove that there are extrajudicial killings (EJKs), but he cautioned that such findings pose a huge problem as the whole world has already been alarmed about EJKs in the Philippines. He also noted that the proceedings in the Committee which was supposed to ferret out the truth were abruptly stopped. He believed that it was not for lack of evidence but because the Committee might not have conducted a thorough investigation on the EJKs. He said that nine CHR witnesses were not presented in the hearing while two clearly pointed out the participation of state actors. He said that it was also clear that when the Committee hearing started, there were only 3,000 alleged EJK victims and that as Senator Gordon was delivering his speech, there were already 6,000 deaths.

Senator Trillanes said that one does not need to dig deeper because open sources would show video recordings of admission, campaign promise and the actual policy pronouncements of President Duterte to kill Filipinos in his war on drugs. Also, he said that the acts were perpetuated by the state actors who are from the Philippine National Police and who always consistently justified their actions by saying that the victims resisted arrest or "*nanlaban*." He lamented that the six-month period would go down in history as the period with the most number of people resisting arrest. He said that the suspects must be monumentally stupid as to resist arrest if they knew that they could not escape from getting killed. He revealed that Reuters even recorded a 97% kill rate.

Senator Trillanes also cited a CCTV footage from the Cavite Police of an OFW who was accosted in a checkpoint and was found dead the following day with the placard, "*drug addict, huwag tularan.*" He noted that the video was not mentioned in the committee report which carried general statements like "EJKs must be stopped." He lamented the lack of any policy to stop and prevent EJKs which proves that they are state-sponsored as President Duterte

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would proudly claim that he was a man of action. He noted that while the President would fondly say "Stop It," he could not be heard as saying "Stop EJKs."

Senator Trillanes recalled pointing out to General Dela Rosa during the committee hearing that a rigidly hierarchical organization such as the uniformed services would immediately stop EJKs if there is a categorical command to stop. He wondered why no such order was given out.

He also recalled asking General Dela Rosa whether such an order was given, to which he replied in the negative. Thus, he believed that it was not the policy to stop EJKs; instead, the policy was the President's order to kill drug offenders. He said that the sad part was that it was the petty drug pushers, users and innocent bystanders who were victimized and not the President's *kumpadre*, Peter Lim, who had been seen posing with the President in some photographs, proof that they knew each other, and a manifestation of the hypocrisy of the war on drugs.

Senator Trillanes also cited the alleged impunity that is happening because of the prevalence of riding-in-tandem vigilantes. He took exception to one of the comments of a Member who said that the Philippines has become safe like Singapore, arguing that the presence of vigilantes does not make the country safe. He wondered if riding-in-tandems have immunity and why no investigation has been conducted about its prevalence. He further lamented that no reports about riding-in-tandem were ever submitted even if they were requested during the hearings. He censured the PNP for its failure to submit the requested reports, but he surmised that it could be because it was the policy of the President to finish off all drug offenders.

Senator Trillanes pointed out that the two persons riding-in-tandem who killed an anti-crime activist in Mindoro were arrested and they turned out to be members of the PNP. He asked whether there were attempts to summon in the hearing the arrested PNP personnel despite the fact that he filed a resolution asking the Committee why the personnel were not called in the hearing. He surmised that they were not summoned because the PNP did not want them to be investigated. He also mentioned the committee's request from the Internal Affairs Services (IAS) regarding the results of their investigation on the suspects who were killed because they supposedly

resisted arrest but no report has yet been submitted. He said that there were even no reports as to whether they were dismissed from the service or brought to court for murder.

As regards the opinion that he displayed bad behavior when he ordered Matobato to leave the Senate premises, Senator Trillanes explained that the transcript would bear him out that he explained why he let Matobato leave the hearing. He said that it was a judgment call on his part after his security officer recommended that Matobato who was in the Senate as early as 5:00 a.m., be sent to his quarters as it was already late in the night. He recalled that it was already 8:30 p.m. and there were 16 PNP personnel who were questioned, thus he suggested that the questioning of Matobato be done in the next hearing scheduled on October 4, 2016, at ten o'clock in the morning; however, his suggestion was not heeded because, he suspected, it was not part of the script of the committee.

He said that during the hearing of October 3, a manifestation was raised in the committee as regards the move to test the credibility of Matobato. He said the plan was to present Matobato first so he could identify the 16 PNP personnel since there were hunches that Matobato was just a bystander who was picked to play as witness; however, the PNP personnel were positively identified by Matobato, thus bolstering credibility of Matobato. Given such a scenario, he questioned why the Committee changed the procedure of letting Matobato testify first, and he surmised that it was because Matobato could identify the 16 policemen and the script would not be followed.

Senator Trillanes said that Senator Gordon, in his sponsorship speech, asked for the courtesy of informing him about his decision to let Matobato leave the hearing. He said that when he explained to the committee, none of the members protested or rejected his manifestation. He said that the accusations against him were made to put him in bad light, adding that there were reports that he allegedly went to the office of Senator Gordon to apologize which he belied. He said that what he told Senator Gordon was "*pasensiyan tayo* at very passionate *tayo*," after which they shook hands and parted amicably.

At this juncture, Senator Gordon asked whether Senator Trillanes was delivering a privilege speech, or was trying to interpellate given the multiplicity of his questions. Senator Trillanes replied that he was laying the predicate for his multiple questions.

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## SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

*It was 5:09 p.m.*

## RESUMPTION OF SESSION

At 5:10 p.m., the session was resumed.

Upon resumption, Senator Trillanes stated that he was just being generous and kind during the hearing because Senator Gordon has been put to shame when he asserted that there was material concealment, yet the transcript revealed that Matobato admitted to the kidnapping case because he wanted to prove the truth about Sali Makdum, who filed a case against him in 2002. He said that Senator Gordon suddenly was looking for a way out and he thought it was over until Senator Gordon again tried to turn the table against him. He stated that the videos of the hearing could attest to what Senator Gordon was saying during the hearing and what he has written in the report.

As regards the Davao Death Squad (DDS), Senator Trillanes stated that he wanted to establish a pattern of behavior, the reason why he brought out Matobato. He said that President Duterte admitted in interviews that there was a DDS and that he killed people. He asked whether the admission of the President would not count.

As regards the background of Matobato, Senator Trillanes said that Matobato was a member of the CAFGU which later became CHDF whose records were unknown because the recruitment at that time was localized. He said that Matobato's membership was confirmed by two policemen who also testified that Matobato had an M-14 rifle and a grenade and that he was in fatigue uniform when he visited their office. He said that Matobato has documents to prove that he was with the City Mayor's Office from 1988 to 2013. He pointed out that Matobato has a gun license, and the firearm that was given to him by Lascañas, his handler, had complete papers; Matobato also had an appointment order in the Heinous Crime Investigation Division. He stressed that all of the documents were on record, including the 2002 kidnapping case that was filed against Matobato in Davao City, but that he still was not dismissed from office even if he was accused of kidnapping because they were just doing their job.

He also cited the Laud quarry dumpsite wherein the description of how the murder was done was affirmed by the Supreme Court. He said that there was no reason not to believe Matobato, noting that Matobato would be accused of perjury on one side and murder on the other side, because the Committee believed his admission of Sali Makdum's killing.

Senator Trillanes stated that the Committee could not admit or believe portions of testimony and dump the others at the same time, noting that Matobato having worked as an employee at the Heinous Crime Investigation Unit with Lascañas and 16 other policemen, Senator Gordon should have proceeded with the hearing on October 4 and 5, 2016, as Senator Trillanes believed that the policemen involved in the case should have been investigated. However, he said it was Matobato who was harassed with two cases filed against him — frustrated murder and kidnapping with murder.

To the statement regarding inconsistencies and contradictions in the committee report, Senator Gordon said that he was standing by the committee report signed by 11 senators, and that the Committee on Justice and Human Rights did not spin a yarn. In fact, he stated that on January 21, 2016, the Ombudsman held that there was no evidence to prove the existence of the Davao Death Squad. In this regard, he quoted the letter sent by the Office of the Ombudsman to the Commission on Human Rights, which reads: "As this position, approved by the overall Deputy Ombudsman Melchor Arthur H. Carandang, showed that no evidence was gathered to support the killings attributable to the DDS, therefore, the investigation was closed and terminated." He pointed out that the frontline offices of the government such as the Office of the Ombudsman, the CHR, the DOJ and the NBI were involved in that investigation. He said that the Committee simply abided by the framework provided by the resolutions filed by Senators De Lima and Trillanes; however, due to lack of evidence presented, the Committee held that there was no sufficient evidence to form a belief that there was indeed a Davao Death Squad nor were the EJKs state-sponsored.

Senator Gordon pointed out the Committee is not a police-investigating body, but still, he said, he and Senator Lacson urged the PNP chief to investigate the policemen involved in the killing of the anti-crime crusader in Oriental Mindoro as well as the murder of an OFW in Tanza, Cavite. He noted that notwithstanding the number of killings done with impunity,

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he would provide all the necessary recommendations so that all pieces of evidence may be presented by those who filed the resolutions.

Regarding the marathon hearings with Matobato, Senator Gordon stated that everybody was invited and subpoenaed in the hearing, including those coming from Davao, noting that the subpoenas were coursing through then committee chair, Senator Leila De Lima. Regrettably, he noted that when Senator Trillanes did not get the answers he wanted to hear from the witness and resource persons, he would accuse them of lying, when, in truth, it was Matobato who was lying.

He highlighted Matobato's material concealment when he made the impression that Makdum was a terrorist that is why he was killed, but actually it was because of a business deal that did not push through, as well as the disparity of his statements as to how Makdum was killed by the perpetrators that prompted the NBI to charge him of murder as initiated by the complaint of Macdum's wife.

Senator Gordon emphasized that there was no disrespect on his part when he claimed there was material concealment. In fact, he pointed out that he defended Senator De Lima during the proceedings telling the Committee that it was just an oversight on the part of Senator De Lima until Senator Trillanes arrived and learning that Mr. Matobato had left, things became heated, prompting her to walk out.

He also mentioned that Senators Trillanes and De Lima even went to his office on separate occasions when he was about to file an ethics case, and because of that visit, he said that he would not file an ethics case anymore and that they should not discuss what happened anymore.

To the supposed visit to Senator Gordon's office, Senator Trillanes clarified that he never apologized but if indeed it was over, he asked why would that episode be included in the committee report.

As to the claim of conflicting statements of Mr. Matobato about Makdum, that he used to charge Matobato with murder, and to the claim that he was contradicting himself, Senator Gordon explained that when Matobato made his remarks, Lascañas was on record when he stated that they both made P800,000 from land deals. At the same time, he noted that it was the NBI which charged Matobato of kidnapping with murder and not as being part of the Davao

Death Squad as alleged. Also, he said that different personalities were concealed from the panel aside from Matobato's affidavit, saying that had the affidavit been shown to them, the investigation would not have proceeded.

Senator Gordon remarked that he considered Senator Trillanes' appeal not to carry out the ethics case against Senator De Lima and as a gesture of friendship, he told him that the issues which ensued were over. Unfortunately, he lamented that Senators De Lima and Trillanes still continued commenting on the investigation.

He pointed out that when Senator De Lima presented Matobato, the panel was made to believe that he was an honorable witness, notwithstanding the fact that at the time, Matobato has a pending warrant for illegal possession of firearms. He regretted being led to believe that Matobato, a self-confessed killer, was able to transact land dealings having finished only Grade 1, and how he claimed that one victim, a businessman, was killed somewhere else when he and Senator Lacson knew that the victim was killed in an office.

Senator Gordon said that while he cannot convince Senator Trillanes regarding his belief, he cautioned him to be more critical of every allegation because not every allegation speaks of truth. Evidence must first be proven, he stated.

Senator Gordon claimed that nothing in the committee report was restricting the extension of investigations *ad absurdum* and *ad nauseam*, citing that he even made proposals to create special courts and that he even demanded PNP Chief dela Rosa to dismiss erring policemen, the reason Albuera, Leyte Chief of Police Espenido was removed from his post.

Lastly, he enjoined everyone to read the epilogue of the committee report which shows that the senators did their best to decide on the investigation in accordance to the high standards set before the Senate.

Senator Trillanes clarified that the statements he had issued to the media were made prior to his visit and meeting with Senator Gordon.

Moreover, he explained that the "McDonald" statement of Edgar Matobato was not an eyewitness account but merely a narration of what had been relayed to him and as such, should not be used to

discredit him. However, Senator Gordon said that such statements were hearsay and could not be accepted as evidence.

Senator Trillanes lamented how some people remain oblivious to what is really happening even though 6,000 people have already been killed because they refuse to see what is visibly obvious. He pointed out that he was objecting to the committee report because it cleared the man that could have stopped it or killed the man who was responsible for it.

For his part, Senator Gordon clarified that he did not find it enjoyable to attack the President, but he believed it is his responsibility to remind the Chief Executive to be careful in his speech because children are listening. He also cautioned the President against giving even the slightest impression that he was encouraging the killing of people. This, he stressed that he would not be a dog barking at caravans passing through the night specially since the committee had no evidence to show that President Duterte had ordered the extrajudicial killings.

Prior to heading the Committee on Justice and Human Rights, Senator Gordon recalled how the whole nation had been aghast at the unparliamentary behavior of some members during the EJK hearings. This, he said, was precisely the reason why senators must be careful when representing their constituents and abide by the civil 10-minute limit set for making inquiries during committee hearings. In fact, he said that he allowed Senators de Lima and Trillanes much latitude when it was their turn to speak during the meetings. He hoped that Senator Trillanes had presented more clear evidence rather than merely making statements since without proof, only the words that come out of a person's mouth will be used to judge his depth of character.

While he would have wanted to present more evidence to support his claims, Senator Trillanes said that this did not happen because Senator Gordon cancelled hearings scheduled on October 4 and 5, 2016 and did not even present the nine CHR witnesses who were in attendance at the hearing.

At this juncture, Senate President Pro Tempore Drilon requested Senators Trillanes and Gordon to move on to other topics since the current issue which had been debated for over an hour, was sufficiently put on record and there were other members who wanted to avail of the period of interpellation.

Senator Gordon clarified that the CHR witnesses had been immediately presented during the hearing and that only after two presentations, Edgar Matobato was brought before the committee. Further, he said that the records of the CHR witnesses were all complaints against police actions but there was no evidence that showed that the abuses stemmed from a pattern of an order or a policy that was being undertaken. He pointed out that any senator who believes the committee report is in error has the privilege not to sign the same and he would respect that.

To allow other colleagues who would want to make inquiries, Senator Trillanes said that he was suspending his interpellation for the meantime but expressed his intention to submit a more detailed dissenting report to the Body.

#### **INQUIRY OF SENATOR RECTO**

Senator Recto inquired whether amendments could still be made to the committee report. The Chair replied in the affirmative.

#### **INTERPELLATION OF SENATOR SOTTO**

Senator Sotto asked whether the committee could verify reports he had received from a very reliable source that only a little less than 3,000 of the 6,950 killings in 2016 are drug-related and that the rest were murders and were not connected to the drug operations of the police. Senator Gordon confirmed that the statistics he presented were from the Philippine National Police and the Philippine Statistics Authority. He pointed out that while many of the deaths were vigilante killings, not all were drug-related. However, he said that there were still a significant number of drug-related killings between police and drug pushers. He said that one recommendation would be to destroy all guns confiscated from such operations so that these could not be used in the planting of evidence.

#### **MANIFESTATION OF SENATOR SOTTO**

Senator Sotto informed the Body that Senator De Lima would be presenting a dissenting opinion to the Committee report. As such, he said that he would await her opinion before he moves for the approval of the report.

#### **MANIFESTATION OF SENATOR PANGILINAN**

As a member of the Committee, Senator

Pangilinan informed the Body that he would also submit a separate opinion on the report.

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

At this juncture, Senator Drilon stated that any member may submit amendments to the report and that it is up to the Body to act on those amendments. He added that the dissent submitted by Senator De Lima was included in the Order of Business.

#### **SUSPENSION OF CONSIDERATION OF COMMITTEE REPORT NO. 18**

Upon motion of Senator Sotto, there being no objection, the Body suspended consideration of the committee report.

#### **MANIFESTATION OF SENATOR GORDON**

Senator Gordon expressed his gratitude to Senator Lacson and other members, including the staff who worked hard to get the evidence to justify their presentations. He also thanked the members who would want to issue a dissent as anyone is free to make their dissenting opinion and interpellate.

#### **COMMITTEE REPORT NO. 8 ON SENATE BILL NO. 1233**

*(Continuation)*

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1233 (Committee Report No. 8) entitled,

#### **AN ACT CREATING THE COCONUT FARMERS AND INDUSTRY TRUST FUND, PROVIDING FOR ITS MANAGEMENT AND UTILIZATION, AND FOR OTHER PURPOSES.**

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

Thereupon, the Chair recognized Senator Pangilinan, sponsor of the measure, and Senator Hontiveros for her interpellation.

#### **INTERPELLATION OF SENATOR HONTIVEROS**

Preliminarily, Senator Hontiveros lauded the

declaration of policy under Section 1 which stated: "It is the declared policy of the State to consolidate the benefits due to coconut farmers, especially the poor and marginalized" because it suggests a bias for the underprivileged coconut farmers who still constitute the poorest of the rural poor.

As there was no definition of "coconut farmers" in the committee report, Senator Hontiveros asked whether Senator Pangilinan would be amenable to include a definition in the bill since one of the ways that the coco levy was hijacked for private interest was due to an overly broad conception of coconut farmers which included large corporations and rich coconut traders like COCOFED. She also noted that the definition is vital because of policy statement favoring the marginalized.

She expressed her intention to propose a definition of "coconut farmer" which is lifted from an administrative order of the Philippine Coconut Authority as:

- (1) Farmer-owner of a coconut farm, which is not more than five (5) hectares, who:
  - (i) Tills the land (owner-cultivator); or
  - (ii) Does not till the land, but had control and supervision over the cultivation of a farm which is not more than five(5) hectares; and
- (2) A non-owner of the coconut farm who is either a
  - (i) leaseholder or tenant who tills or supervises the cultivation of the farm; or
  - (ii) Farm worker or laborer, whether seasonal or itinerant, engaged in the harvesting of the nuts and processing of copra sa major means of livelihood.

Senator Pangilinan said that he was willing to accommodate the definition at the appropriate time.

On another matter, Senator Hontiveros noted that civil society organizations (CSOs) representatives were no longer in the list of members of the trust fund committee. She asked whether it would be possible to involve CSOs in the trust fund committee considering that they have played a vital part in the assertion of farmers' claims on the coco levy by helping farmer organizations understand and unravel the thicket of coco levy policies and jurisprudence.

Senator Pangilinan replied that the Committee

recognizes the important role of civil society and community-based organizations in terms of providing support, guidance, training and capacity-building for the coconut farmers. However, he said that the priority in terms of the representation of the marginalized sector in the Trust Fund Committee should be the farmers themselves, although it does not preclude the Trust Fund Committee from engaging the services of or from partnering with CSOs in the process of capacity-building of the coconut farmers and their organizations.

Senator Hontiveros agreed with the prioritization of coconut farmers, but she asked if the Sponsor would be amenable to opening up one seat in the Trust fund Committee for a CSO to have a six-five-one composition. Senator Pangilinan said that the proposal could be considered, but he expressed concern that other sectors might also seek representation. He said that the proposals could be discussed and reconciled at the proper time. Senator Hontiveros said that she would be glad to discuss the possibility of including a CSO representation in the Trust Fund Committee to be able to manage the expectations of other current stakeholders.

Citing a news report the previous week, Senator Hontiveros said that PCA Administrator Avelino Andal was quoted as saying that "If the coco levy fund should be released, it should be under the administration of the PCA - nothing else and nobody else but the PCA." Asked why a Trust Fund vehicle is necessary as opposed to the position of the PCA administrator, Senator Pangilinan replied that the PCA has jurisdiction over coco levy funds under existing laws. He, however, pointed out that there is also an existing restraining order on the utilization of the fund upon the petition filed before the Supreme Court questioning Executive Order Nos. 179 and 180 issued by former President Noynoy Aquino. He recalled that those EOs were issued by the President after the Supreme Court issued the Partial Entry of Judgment, thereby putting closure the dispute regarding the now P75 billion – then P72 billion coco levy fund. He added that the former administration saw it fit to put in place the necessary EOs so that the fund could be utilized.

Senator Pangilinan then quoted part of the Supreme Court TRO, to wit: "(b) Issue a temporary restraining order, effective immediately and continuing until further orders from this Court, enjoining the respondents from implementing Executive Order

Nos. 179 and 180, series of 2015, and from using, disbursing and disposing the subject coconut levy assets funds."

He explained that the argument was that the Executive encroached on the jurisdiction and authority of the Legislative branch as well as the Judiciary when it issued the EO. He also pointed out that the measure seeks to address some of the legal issues surrounding the utilization of the fund. He said that an act of Congress would be a strong and solid basis for finally utilizing the coco levy fund for the benefit of the coconut farmers and the industry.

Senator Hontiveros agreed that establishing a trust fund vehicle through the bill would put a clear closure to the issue, for the interest of the coconut farmers, especially the small coconut farmers and the industry as a whole.

Senator Pangilinan added that according to law, absent the TRO, the PCA can disburse the fund; however, given some major concerns and issues raised by stakeholders on the track record of PCA, which had become an instrument to keep coconut farmers poor during the time of dictatorship, corrective remedial legislation is necessary. He said that they would not want a repeat of the previous experience when the fund was utilized for other purposes, or for the benefit of cronies, which happened under the previous legal regime. Until now, he said that the coconut farmers remain poor despite having huge funds and even a bank.

Senator Pangilinan reiterated that a remedial legislation by way of the Coconut Levy Trust Fund measure is necessary. He stated that one major feature of the measure is the perpetual fund which was not included in the Presidential Decree No. 1234. He said that he wanted to ensure that the painful experience of the past would be avoided, and he reiterated the necessity of passing the bill for the benefit of the coconut farmers and the development of the industry.

Senator Hontiveros commended Senator Pangilinan for highlighting the points which make the bill important, like the track record of PCA from the early 1970s to mid-1980s, and the misplacement and misuse of the fund.

Regarding the Coconut Farmers Registry as stated in Section XIII of the Committee Report,

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Senator Hontiveros pointed out that according to the Senate LBRMO, the National Coconut Farmers Registry was started two years ago.

Asked if they have a copy of the registry, Senator Pangilinan said that it was still being completed. Senator Hontiveros explained that it is important for the small coconut farmers and their organizations to be able to see and validate the registry to ensure that it is both complete and accurate. She said that the recognized small coconut farmers and stakeholders could better participate in and benefit from the administration of the coconut trust fund vehicle of the coco levy fund.

#### **DISCLOSURE OF SENATE PRESIDENT PRO TEMPORE DRILON**

Senate President Pro Tempore Drilon disclosed that he is a stockholder of ACCRA Investments Corporation which owns Class B shares in UCPB. Although it does not pose any conflict of interest in the creation of the coconut farmers' industry trust fund, he said that he deemed it proper not to take part in the deliberation and abstain from any voting on the proposed measure.

#### **MANIFESTATION OF SENATOR SOTTO**

Senator Sotto stated that there are other senators who made reservations to interpellate on the measure.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1233**

Upon motion of Senator Sotto, there being

no objection, the Chair suspended consideration of the bill.

#### **OVERSIGHT COMMITTEE MEMBERSHIPS**

Upon nomination by Senator Sotto, there being no objection, the following were elected to represent the Senate on the Congressional Oversight Committee on Tourism:

*Chairman:* Binay

*Members:*

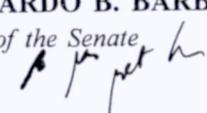
Gatchalian Villanueva

#### **ADJOURNMENT OF SESSION**

Upon motion of Senator Sotto, there being no objection, the Chair declared the session adjourned until three o'clock in the afternoon of the following day.

*It was 6:11 p.m.*

I hereby certify to the correctness of the foregoing.

  
ATTY. LUTGARDO B. BARBO  
*Secretary of the Senate*  


Approved on December 13, 2016