



REPUBLIC OF THE PHILIPPINES  
**Senate**  
Pasay City

# Journal

**SESSION NO. 88**  
Tuesday, May 30, 2017

**SEVENTEENTH CONGRESS  
FIRST REGULAR SESSION**

---

**SESSION NO. 88**  
Tuesday, May 30, 2017

**CALL TO ORDER**

At 3:22 p.m., the Senate President, Hon. Aquilino K. Pimentel III, called the session to order.

**PRAYER**

Sen. Vicente C. Sotto III led the prayer, to wit:

Our Father almighty, sovereign ruler of the universe, creator of heaven and earth, we humbly come to You in the name of Your Son, Jesus Christ, our Lord and Savior.

Lord Jesus, You are the Prince of Peace. Let Your peace reign over our nation, the Philippines. Touch our land — Luzon, Visayas and now, especially, Mindanao. We specifically ask You to take hold of Marawi by Your mighty hand and let peace, justice and righteousness reign over this city and its people.

Remove the shadow of terror and the evils of war that create fear in the hearts of our people. You said in Your Word in *2 Chronicles 7:14* that: "If my people who are called by my name, will humble them-

selves and pray and seek my face and turn from their wicked ways, then I will hear from heaven and will forgive their sin and will heal their land."

Dear Sovereign Lord, we humble ourselves today and seek Your forgiveness, as individuals and as a nation. We ask You to hear our prayer and heal our land. Bless Marawi and its people, especially those affected by the recent violent attacks in that city. Protect and strengthen Your armed forces in the fight against chaos and lawlessness, by the power of Your Holy Spirit.

We also pray for our leader, President Rodrigo Duterte. Give him the wisdom, guidance and strength that he needs to lead us through the challenges we face as a nation.

Together we declare: "*Pinagpala ang bayan na ang Diyos ay ang Panginoon*"; that You, Lord God, are sovereign over Marawi and that You reign over the Philippines.

This is our prayer in the mighty Name of our Lord Jesus Christ.

Amen.



## ROLL CALL

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

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

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

Senator Gordon arrived after the roll call.

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

## APPROVAL OF THE JOURNALS

Upon motion of Senator Sotto, there being no objection, the Body dispensed with the reading of the Journals of Session No. 85 (May 23, 2012), Session No. 86 (May 24, 2012), and Session No. 87 (May 29, 2012) and considered them approved.

## ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

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

- Mayor Joan Lorenzana, Vice Mayor Manata Vicente, and Sangguniang Bayan members from Castillas, Sorsogon;
- Dr. Florentino Tesoro from DENR-Ecosystem Research and Development Bureau;
- Leonor B. Panigbatan of DTI;
- Nestor Arcansalin and Arriane Ada Z. Antoni from the Board of Investments;
- Rodelia Pagaddu and Renato Viado from the Philippine Crop Insurance Corporation;

- Rhea Matute and Ms. Jo Cruz from Design Center of the Philippines;
- Delegates from the Bamboo Foundation;
- Country Director Canny Geyer, Ceska Teresa, Gabrielova Katerina and Hasna Adi of People in Need;
- Rainer Vakra of Estonia Parliament;
- Pavel Plzak from Czech Republic;
- Lubos Blaha from Slovak Republic;
- Richards Kols from Latvia;
- Virginijus Sinkevicius from Lithuania; and
- Mayor Francis Espiritu, Jr. from the Municipality of Dumalneg, Ilocos Norte.

Senate President Pimentel 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:

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Letter from the House of Representatives, informing the Senate that on 22 May 2017, the House of Representatives passed the following House bills, in which it requested the concurrence of the Senate:

House Bill No. 5633, entitled

**AN ACT PROMOTING UNIVERSAL  
ACCESS TO QUALITY TERTIARY  
EDUCATION BY PROVIDING FOR  
FREE TUITION AND OTHER SCHOOL  
FEES IN STATE UNIVERSITIES  
AND COLLEGES AND STATE-  
RUN TECHNICAL-VOCATIONAL  
INSTITUTIONS, STRENGTHENING  
THE UNIFIED STUDENT FINA-  
NCIAL ASSISTANCE SYSTEM  
FOR TERTIARY EDUCATION,  
AND APPROPRIATING FUNDS  
THEREFOR**

To the Committee on Rules



House Bill No. 5648, entitled

**AN ACT RATIONALIZING AND STRENGTHENING THE POLICY REGARDING DRIVER'S LICENSE, PROVIDING FOR A FIVE (5)-YEAR VALIDITY AND PENALIZING ACTS IN VIOLATION OF ITS ISSUANCE AND APPLICATION**

**To the Committee on Rules**

House Bill No. 725, entitled

**AN ACT PROHIBITING THE COLLECTION OF FEES FROM PASSENGERS FOR THE USE OF SANITARY FACILITIES LOCATED IN THE LAND TRANSPORTATION TERMINALS, STATIONS, STOPS AND REST AREAS**

**To the Committee on Public Services**

House Bill No. 5342, entitled

**AN ACT REGULATING PUBLIC SOLICITATIONS AND PROVIDING PENALTIES FOR VIOLATION THEREOF, REPEALING FOR THE PURPOSE ACT NO. 4075, AS AMENDED BY PRESIDENTIAL DECREE NO. 1564, OTHERWISE KNOWN AS THE SOLICITATION PERMIT LAW**

**To the Committee on Social Justice, Welfare and Rural Development**

House Bill No. 5347, entitled

**AN ACT ESTABLISHING A LOCAL GOVERNMENT RESETTLEMENT PROGRAM THAT IMPLEMENTS AN ON-SITE, IN-CITY OR NEAR-CITY STRATEGY FOR INFORMAL SETTLER FAMILIES IN ACCORDANCE WITH A PEOPLE'S PLAN AND MANDATING THE RELOCATING LOCAL GOVERNMENT UNIT TO PROVIDE OTHER BASIC SERVICES AND LIVELIHOOD COMPONENTS IN FAVOR OF THE RECIPIENT LOCAL GOVERNMENT UNIT, AMENDING**

**FOR THE PURPOSE REPUBLIC ACT NO. 7279, AS AMENDED, OTHERWISE KNOWN AS THE URBAN DEVELOPMENT AND HOUSING ACT OF 1992**

**To the Committees on Urban Planning, Housing and Resettlement; and Local Government**

House Bill No. 5350, entitled

**AN ACT EXTENDING THE PERIOD FOR INDIGENOUS CULTURAL COMMUNITIES/INDIGENOUS PEOPLES TO EXERCISE THE OPTION TO SECURE CERTIFICATES OF TITLE TO THEIR ANCESTRAL LANDS UNDER COMMONWEALTH ACT 141, AS AMENDED, OR THE LAND REGISTRATION ACT 496, AMENDING FOR THE PURPOSE SECTION 12 OF REPUBLIC ACT NO. 8371, OTHERWISE KNOWN AS THE INDIGENOUS PEOPLES RIGHTS ACT OF 1997**

**To the Committee on Cultural Communities**

House Bill No. 5576, entitled

**AN ACT ESTABLISHING A CAREER GUIDANCE AND COUNSELLING PROGRAM FOR ALL SECONDARY SCHOOLS AND APPROPRIATING FUNDS THEREFOR; and**

House Bill No. 5577, entitled

**AN ACT MANDATING THE CONSERVATION OF GABALDON SCHOOL BUILDINGS NATIONWIDE, PROVIDING PENALTIES FOR VIOLATIONS, AND APPROPRIATING FUNDS THEREFOR**

**To the Committees on Education, Arts and Culture; and Finance**

House Bill No. 5568, entitled

**AN ACT ESTABLISHING A LAND TRANSPORTATION OFFICE (LTO)**

SATELLITE OFFICE IN TICAO ISLAND, PROVINCE OF MASBATE AND APPROPRIATING FUNDS THEREFOR

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

House Bill No. 5585, entitled

AN ACT REAPPORTIONING THE LONE LEGISLATIVE DISTRICT AND THE SANGGUNIANG PANLUNGSOD OF THE CITY OF ILOILO

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

House Bill No. 1865, entitled

AN ACT DECLARING MARCH 21 OF EVERY YEAR A SPECIAL NON-WORKING HOLIDAY IN THE MUNICIPALITY OF SAN FABIAN, PROVINCE OF PANGASINAN, IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY;

House Bill No. 2131, entitled

AN ACT DECLARING JULY 22 OF EVERY YEAR A SPECIAL NON-WORKING HOLIDAY IN THE MUNICIPALITY OF CLAVERIA, PROVINCE OF MISAMIS ORIENTAL, IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY, TO BE KNOWN AS ARAW NG CLAVERIA;

House Bill No. 2132, entitled

AN ACT DECLARING JUNE 15 OF EVERY YEAR A SPECIAL NON-WORKING HOLIDAY IN THE MUNICIPALITY OF OPOL, PROVINCE OF MISAMIS ORIENTAL, IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY, TO BE KNOWN AS ARAW NG OPOL;

House Bill No. 5552, entitled

AN ACT DECLARING APRIL 3 OF

EVERY YEAR A SPECIAL NON-WORKING HOLIDAY IN THE PROVINCE OF ALBAY, INCLUDING THE CITIES THEREIN, IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY, TO BE KNOWN AS ALBAY DAY;

House Bill No. 5563, entitled

AN ACT DECLARING APRIL 21 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY OF ORANI, PROVINCE OF BATAAN, IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY, TO BE KNOWN AS ORANI FOUNDATION DAY;

House Bill No. 3404, entitled

AN ACT DECLARING AUGUST 30 OF EVERY YEAR A SPECIAL NON-WORKING HOLIDAY IN THE CITY OF MANDAUE, PROVINCE OF CEBU, IN COMMEMORATION OF ITS CHARTER DAY;

House Bill No. 3526, entitled

AN ACT DECLARING JUNE 20 OF EVERY YEAR A SPECIAL NON-WORKING HOLIDAY IN THE MUNICIPALITY OF GUINAYANGAN, PROVINCE OF QUEZON, IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY;

House Bill No. 5551, entitled

AN ACT DECLARING SEPTEMBER 2 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE PROVINCE OF ALBAY, INCLUDING THE CITIES THEREIN, IN COMMEMORATION OF THE BIRTH ANNIVERSARY OF GENERAL SIMEON A. OLA, TO BE KNOWN AS SIMEON OLA DAY;

House Bill No. 5553, entitled

AN ACT DECLARING SEPTEMBER 2

M<sup>o</sup>  
J. Leon

OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE PROVINCE OF IFUGAO, IN COMMEMORATION OF THE SURRENDER OF GENERAL TOMOYUKI YAMASHITA, COMMANDER OF THE JAPANESE IMPERIAL ARMY IN THE PHILIPPINES, IN KIANGAN, IFUGAO;

House Bill No. 5554, entitled

AN ACT DECLARING DECEMBER 9 OF EVERY YEAR A SPECIAL WORKING HOLIDAY IN THE PROVINCE OF DINAGAT ISLANDS IN COMMEMORATION OF THE BIRTH ANNIVERSARY OF RUBEN EDERA ECLEO, SR.;

House Bill No. 5562, entitled

AN ACT DECLARING APRIL 5 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE PROVINCE OF PANGASINAN, IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY, TO BE KNOWN AS THE PANGASINAN DAY;

House Bill No. 5564, entitled

AN ACT DECLARING FEBRUARY 3 OF EVERY YEAR A SPECIAL NON-WORKING HOLIDAY IN THE CITY OF CABANATUAN, PROVINCE OF NUEVA ECIJA, IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY;

House Bill No. 5565, entitled

AN ACT DECLARING JANUARY 24 OF EVERY YEAR A SPECIAL NON-WORKING HOLIDAY IN THE PROVINCE OF PALAWAN AND THE CITY OF PUERTO PRINCESA IN HONOR OF THE MARTYRDOM OF GOVERNOR HIGINIO ACOSTA MENDOZA, SR., TO BE KNOWN AS GOVERNOR HIGINIO ACOSTA MENDOZA, SR. DAY; and

House Bill No. 5566, entitled

AN ACT DECLARING NOVEMBER 2 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE PROVINCE OF MISAMIS OCCIDENTAL, IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY, TO BE KNOWN AS ARAW NG MISAMIS OCCIDENTAL

#### To the Committee on Local Government

Letter from the House of Representatives, informing the Senate that on 22 May 2017, the House of Representatives designated Representatives Hofer, Salceda, Escudero, Tinio and Arcillas as conferees to the Bicameral Conference Committee on the disagreeing provisions of House Bill No. 5633, entitled

AN ACT PROMOTING UNIVERSAL ACCESS TO QUALITY TERTIARY EDUCATION BY PROVIDING FOR FREE TUITION AND OTHER SCHOOL FEES IN STATE UNIVERSITIES AND COLLEGES AND STATE-RUN TECHNICAL-VOCATIONAL INSTITUTIONS, STRENGTHENING THE UNIFIED STUDENT FINANCIAL ASSISTANCE SYSTEM FOR TERTIARY EDUCATION, AND APPROPRIATING FUNDS THEREFOR; and

Senate Bill No. 1304, entitled

AN ACT ACCELERATING UNIVERSAL ACCESS TO TERTIARY EDUCATION BY PROVIDING FOR A TUITION SUBSIDY AND FINANCIAL ASSISTANCE TO STUDENTS ENROLLED IN STATE UNIVERSITIES AND COLLEGES (SUCs), PRIVATE HIGHER EDUCATION INSTITUTIONS (HEIs) AND TECHNICAL-VOCATIONAL INSTITUTIONS (TVIs) AND APPROPRIATING FUNDS THEREFOR

#### To the Committee on Rules

Letter from the House of Representatives, informing the Senate that on 23 May 2017, the House of Representatives designated Representatives



Evardone and Lobregat as additional conferees to the Bicameral Conference Committee on the disagreeing provisions of House Bill No. 5633, entitled

**AN ACT PROMOTING UNIVERSAL ACCESS TO QUALITY TERTIARY EDUCATION BY PROVIDING FOR FREE TUITION AND OTHER SCHOOL FEES IN STATE UNIVERSITIES AND COLLEGES AND STATE-RUN TECHNICAL-VOCATIONAL INSTITUTIONS, STRENGTHENING THE UNIFIED STUDENT FINANCIAL ASSISTANCE SYSTEM FOR TERTIARY EDUCATION, AND APPROPRIATING FUNDS THEREFOR; and**

Senate Bill No. 1304, entitled

**AN ACT ACCELERATING UNIVERSAL ACCESS TO TERTIARY EDUCATION BY PROVIDING FOR A TUITION SUBSIDY AND FINANCIAL ASSISTANCE TO STUDENTS ENROLLED IN STATE UNIVERSITIES AND COLLEGES (SUCs), PRIVATE HIGHER EDUCATION INSTITUTIONS (HEIs) AND TECHNICAL-VOCATIONAL INSTITUTIONS (TVIs) AND APPROPRIATING FUNDS THEREFOR**

**To the Committee on Rules**

Letter from the House of Representatives, informing the Senate that on 23 May 2017, the House of Representatives ratified the Conference Committee Report on the disagreeing provisions of House Bill No. 5225, entitled

**AN ACT MANDATING THE PROVISION OF FREE WI-FI INTERNET ACCESS IN PUBLIC AREAS; and**

Senate Bill No. 1277, entitled

**AN ACT ESTABLISHING THE FREE INTERNET ACCESS PROGRAM IN PUBLIC SPACES IN THE COUNTRY AND APPROPRIATING FUNDS THEREFOR**

**To the Archives**

**BILLS ON FIRST READING**

Senate Bill No. 1470, entitled

**AN ACT CREATING THE PHILIPPINE CHARITY OFFICE**

Introduced by Senator Lacson

**To the Committees on Games and Amusements; Government Corporations and Public Enterprises; and Ways and Means**

Senate Bill No. 1471, entitled

**AN ACT AMENDING PRESIDENTIAL DECREE NO. 1869 AS AMENDED BY REPUBLIC ACT NO. 9487, OTHERWISE KNOWN AS THE PAGCOR CHARTER**

Introduced by Senator Lacson

**To the Committees on Games and Amusement; Government Corporations and Public Enterprises; and Ways and Means**

Senate Bill No. 1472, entitled

**AN ACT ESTABLISHING RESOURCE DEVELOPMENT AND CRISIS CENTERS FOR WOMEN AND CHILDREN IN EVERY PROVINCE AND CITY OF THE PHILIPPINES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES**

Introduced by Senator Maria Lourdes Nancy S. Binay

**To the Committees on Women, Children, Family Relations and Gender Equality; Social Justice, Welfare and Rural Development; and Finance**

**COMMITTEE REPORTS**

Committee Report No. 106, submitted jointly by the Committees on Local Government; and Electoral Reforms and People's Participation, on House Bill No. 4937, introduced by Representative Yap (V.), entitled

*JLW*

**AN ACT CREATING A BARANGAY TO BE KNOWN AS BARANGAY CARE IN THE CITY OF TARLAC, PROVINCE OF TARLAC,**

recommending its approval with amendments.

Sponsor: Senator Sonny Angara;

Committee Report No. 107, submitted jointly by the Committees on Local Government; and Electoral Reforms and People's Participation, on House Bill No. 4942, introduced by Representative Dalog, entitled

**AN ACT CREATING A BARANGAY TO BE KNOWN AS BARANGAY PUDO IN THE MUNICIPALITY OF NATONIN, MOUNTAIN PROVINCE,**

recommending its approval with amendments.

Sponsor: Senator Sonny Angara;

Committee Report No. 108, submitted jointly by the Committees on Local Government; and Electoral Reforms and People's Participation, on House Bill No. 2924, introduced by Representative Villanueva, entitled

**AN ACT CREATING A BARANGAY TO BE KNOWN AS BARANGAY CRISTO REY IN THE MUNICIPALITY OF CAPAS, PROVINCE OF TARLAC,**

recommending its approval with amendment.

Sponsor: Senator Sonny Angara;

Committee Report No. 109, submitted jointly by the Committees on Local Government; and Electoral Reforms and People's Participation, on House No. 4934, introduced by Representative Hofer, entitled

**AN ACT CREATING A BARANGAY TO BE KNOWN AS BARANGAY SAN ISIDRO IN THE MUNICIPALITY OF TITAY, PROVINCE OF ZAMBOANGA SIBUGAY,**

recommending its approval with amendments.

Sponsor: Senator Sonny Angara;

Committee Report No. 110, submitted jointly by the Committees on Local Government; and Electoral Reforms and People's Participation, on House Bill No. 4938, introduced by Representative Uy (J.), entitled

**AN ACT CREATING A BARANGAY TO BE KNOWN AS BARANGAY POBLACION 3 IN THE MUNICIPALITY OF VILLANUEVA, PROVINCE OF MISAMIS ORIENTAL,**

recommending its approval with amendment.

Sponsor: Senator Sonny Angara;

Committee Report No. 111, submitted jointly by the Committees on Local Government; and Electoral Reforms and People's Participation, on House Bill No. 4935, introduced by Representative Matugas, entitled

**AN ACT CREATING A BARANGAY TO BE KNOWN AS BARANGAY DON ALBINO T. TARUC IN THE MUNICIPALITY OF SOCORRO, PROVINCE OF SURIGAO DEL NORTE,**

recommending its approval with amendments.

Sponsor: Senator Sonny Angara;

Committee Report No. 112, submitted jointly by the Committees on Local Government; and Electoral Reforms and People's Participation, on House Bill No. 4924, introduced by Representative Alvarez (P.), entitled

**AN ACT DIVIDING BARANGAY MAGUGPO IN THE CITY OF TAGUM, PROVINCE OF DAVAO DEL NORTE INTO FIVE (5) DISTINCT AND INDEPENDENT BARANGAYS TO BE KNOWN AS BARANGAY MAGUGPO POBLACION, BARANGAY MAGUGPO EAST, BARANGAY MAGUGPO WEST, BARANGAY MAGUGPO NORTH AND BARANGAY MAGUGPO SOUTH,**

15

Juan

recommending its approval with amendments.

Sponsor: Senator Sonny Angara;

Committee Report No. 113, submitted jointly by the Committees on Local Government; and Electoral Reforms and People's Participation, on House Bill No. 4943, introduced by Representative Gatchalian, entitled

**AN ACT DIVIDING BARANGAY CANUMAY IN THE CITY OF VALENZUELA INTO TWO (2) DISTINCT AND INDEPENDENT BARANGAYS TO BE KNOWN AS BARANGAY CANUMAY WEST AND BARANGAY CANUMAY EAST,**

recommending its approval with amendment.

Sponsor: Senator Sonny Angara; and

Committee Report No. 114, submitted jointly by the Committees on Local Government; and Electoral Reforms and People's Participation, on House Bill No. 4923, introduced by Representative Garcia-Albano, entitled

**AN ACT DIVIDING BARANGAY PAMPANGA IN THE CITY OF DAVAO INTO THREE (3) DISTINCT AND INDEPENDENT BARANGAYS TO BE KNOWN AS BARANGAY PAMPANGA, BARANGAY ALFONSO ANGLIONGTO, SR., AND BARANGAY V. HIZON,**

recommending its approval with amendments.

Sponsor: Senator Sonny Angara

#### **To the Calendar for Ordinary Business**

#### **ADDITIONAL REFERENCE OF BUSINESS**

#### **MESSAGE OF THE PRESIDENT OF THE PHILIPPINES**

Letter of President Rodrigo Roa Duterte, dated 16 May 2017, submitting for the Senate's

consideration the "International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 (AFS 2001 Convention)," which was adopted on 05 October 2001 in London.

#### **To the Committee on Foreign Relations**

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

Letter from the House of Representatives, informing the Senate that on 24 May 2017, the House of Representatives ratified the Conference Committee Report on the disagreeing provisions of House Bill No. 5159, entitled

**AN ACT STRENGTHENING THE PROVISION OF EMERGENCY HEALTH CARE SERVICE TO PATIENTS, FURTHER AMENDING FOR THE PURPOSE BATAS PAMBANSA BILANG 702, AS AMENDED, ENTITLED AN ACT PROHIBITING THE DEMAND OF DEPOSITS OR ADVANCE PAYMENTS FOR THE CONFINEMENT OR TREATMENT OF PATIENTS IN HOSPITALS AND MEDICAL CLINICS IN CERTAIN CASES; and**

Senate Bill No. 1353, entitled

**AN ACT INCREASING THE PENALTIES FOR THE REFUSAL OF HOSPITALS AND MEDICAL CLINICS TO ADMINISTER APPROPRIATE INITIAL MEDICAL TREATMENT AND SUPPORT IN EMERGENCY OR SERIOUS CASES, AMENDING FOR THE PURPOSE BATAS PAMBANSA BILANG 702, OTHERWISE KNOWN AS "AN ACT PROHIBITING THE DEMAND OF DEPOSITS OR ADVANCE PAYMENTS FOR THE CONFINEMENT OR TREATMENT OF PATIENTS IN HOSPITALS AND MEDICAL CLINICS IN CERTAIN CASES" AS AMENDED BY REPUBLIC ACT NO. 8344, AND FOR OTHER PURPOSES**

#### **To the Archives**



**BILLS ON FIRST READING**

Senate Bill No. 1473, entitled

**AN ACT PROVIDING FOR AN INCREASE IN THE STANDING FORCE OF THE ARMED FORCES OF THE PHILIPPINES THROUGH THE RECRUITMENT AND SPECIAL ENLISTMENT OF PROVISIONAL ENLISTED PERSONNEL**

Introduced by Senator Trillanes IV

**To the Committees on National Defense and Security; and Finance**

Senate Bill No. 1474, entitled

**AN ACT PROVIDING FOR THE SPECIAL PROTECTION OF CHILDREN IN SITUATIONS OF ARMED CONFLICT AND PROVIDING PENALTIES FOR VIOLATION THEREOF**

Introduced by Senator Sotto III

**To the Committees on Women, Children, Family Relations and Gender Equality; National Defense and Security; and Finance**

Senate Bill No. 1475, entitled

**AN ACT AMENDING REPUBLIC ACT 8972 OTHERWISE KNOWN AS THE ACT PROVIDING FOR BENEFITS AND PRIVILEGES TO SOLO PARENTS AND THEIR CHILDREN, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

Introduced by Senator Sotto III

**To the Committees on Women, Children, Family Relations and Gender Equality; Social Justice, Welfare And Rural Development; Ways and Means; and Finance**

Senate Bill No. 1476, entitled

**AN ACT REPLACING QUANTITATIVE IMPORT RESTRICTIONS ON RICE**

**WITH TARIFFS AND CREATING THE RICE COMPETITIVENESS ENHANCEMENT FUND, AMENDING FOR THE PURPOSE REPUBLIC ACT NUMBER 8178, AS AMENDED, AND FOR OTHER PURPOSES**

Introduced by Senator Recto

**To the Committees on Agriculture and Food; Ways and Means; and Finance**

**RESOLUTIONS**

Proposed Senate Resolution No. 388, entitled

**RESOLUTION EXPRESSING THE SENSE OF THE SENATE, SUPPORTING THE PROCLAMATION NO. 216 DATED MAY 23, 2017, ENTITLED "DECLARING A STATE OF MARTIAL LAW AND SUSPENDING THE PRIVILEGE OF THE WRIT OF HABEAS CORPUS IN THE WHOLE OF MINDANAO" AND FINDING NO CAUSE TO REVOKE THE SAME**

Introduced by Senators Sotto III, Aquilino "Koko" Pimentel III, Recto, Angara, Maria Lourdes Nancy S. Binay, Joseph Victor Ejercito, Win Gatchalian, Richard J. Gordon, Honasan II, Lacson, Legarda, Emmanuel "Manny" D. Pacquiao, Joel Villanueva, Cynthia A. Villar and Zubiri

**To the Committee on Rules**

Proposed Senate Resolution No. 389, entitled

**RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED GARLIC IMPORTATION DONE BY THE DEPARTMENT OF AGRICULTURE AND ITS IMPLICATION TO THE SUDDEN RISE OF PRICES IN THE MARKET**

Introduced by Senator Cynthia A. Villar

**To the Committee on Agriculture and Food**

Proposed Senate Resolution No. 390, entitled

**RESOLUTION TO CONVENE CONGRESS IN JOINT SESSION AND DELIBERATE ON PROCLAMATION NO. 216 DATED 23 MAY 2017 ENTITLED, "DECLARING A STATE OF MARTIAL LAW AND SUSPENDING THE PRIVILEGE OF THE WRIT OF HABEAS CORPUS IN THE WHOLE OF MINDANAO"**

Introduced by Senators Pangilinan, Drilon, Risa Hontiveros, Trillanes IV, Paolo Benigno "Bam" Aquino IV and Leila M. de Lima

**To the Committee on Rules**

Proposed Senate Resolution No. 391, entitled

**RESOLUTION EXPRESSING THE SENSE OF THE SENATE TO SUPPORT SENATOR LEILA DE LIMA'S REQUEST TO VOTE ON LANDMARK PIECES OF LEGISLATION SUBJECT TO COURT APPROVAL**

Introduced by Senators Pangilinan, Drilon, Risa Hontiveros, Trillanes IV, and Paolo Benigno "Bam" Aquino IV

**To the Committee on Rules**

Proposed Senate Resolution No. 392, entitled

**RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION THROUGH THE LAND TRANSPORTATION OFFICE TO CONDUCT A STUDY FOR THE ESTABLISHMENT AND IMPLEMENTATION OF AN ONLINE REGISTRATION PROCESS OF MOTOR VEHICLES WITH THE END IN VIEW OF PROVIDING EFFECTIVE AND EFFICIENT PUBLIC SERVICE FOR A PROGRESSIVE LAND TRANSPORT SECTOR**

Introduced by Senator Joseph Victor Ejercito

**To the Committee on Public Services**

Proposed Senate Resolution No. 393, entitled

**RESOLUTION DIRECTING THE SENATE COMMITTEE ON TOURISM TO INVESTIGATE, IN AID OF LEGISLATION, THE ALLEGED DEGRADATION AND POLLUTION OF PRIME ISLAND BEACH DESTINATIONS AND OTHER COASTAL RECREATION WATERS IN THE COUNTRY WITH THE END VIEW OF CRAFTING LAWS, RULES AND REGULATIONS TO PROTECT AND CONSERVE OUR BEACHES, SHORELINES AND OTHER ECO-TOURISM SITES**

Introduced by Senator Joseph Victor Ejercito

**To the Committees on Environment and Natural Resources; and Tourism**

**COMMITTEE REPORTS**

Committee Report No. 115, prepared and submitted jointly by the Committees on Women, Children, Family Relations and Gender Equality; Youth; and Finance, on Senate Bill No. 1477, with Senators Grace Poe, Maria Lourdes Nancy S. Binay, Risa Hontiveros and Leila M. de Lima as authors thereof, entitled

**AN ACT PROMOTING POSITIVE AND NON-VIOLENT DISCIPLINE OF CHILDREN, PROHIBITING ALL FORMS OF CORPORAL PUNISHMENT, HUMILIATING AND DEGRADING TREATMENT, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES,**

recommending its approval in substitution of Senate Bill Nos. 1136, 1170, 1189 and 1348.

Sponsor: Senator Risa Hontiveros

**To the Calendar for Ordinary Business**

Committee Report No. 116, prepared and submitted jointly by the Committees on Trade, Commerce and Entrepreneurship; Ways and Means; and Finance, on Senate Bill No. 1478, with Senators Paolo Benigno "Bam" Aquino IV, Legarda, Cynthia A. Villar and Zubiri as authors thereof, entitled



AN ACT INSTITUTIONALIZING THE BAMBOO INDUSTRY DEVELOPMENT IN THE PHILIPPINES, CREATING THE BAMBOO INDUSTRY RESEARCH AND DEVELOPMENT CENTER (BIRDC), APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES,

recommending its approval in substitution of Senate Bill Nos. 652, 665 and 716.

Sponsor: Senator Zubiri

#### To the Calendar for Ordinary Business

#### APPROVAL OF SENATE BILL NO. 1468 ON THIRD READING

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading, Senate Bill No. 1468, printed copies of which were distributed to the senators on May 25, 2017.

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

AN ACT DESIGNATING CASINOS AS COVERED PERSONS UNDER REPUBLIC ACT NO. 9160, OTHERWISE KNOWN AS THE ANTI-MONEY LAUNDERING ACT OF 2001, AS AMENDED.

Secretary Barbo called the roll for nominal voting.

#### RESULT OF THE VOTING

The result of the voting was as follows:

##### *In favor*

Angara	Legarda
Aquino	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

##### *Against*

None

##### *Abstention*

None

With 21 senators voting in favor, none against, and no abstention, the Chair declared Senate Bill No. 1468 approved on Third Reading.

#### APPROVAL OF HOUSE BILL NO. 4848 ON THIRD READING

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading, House Bill No. 4848, printed copies of which were distributed to the senators on May 23, 2017.

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

AN ACT ESTABLISHING A MULTI-SPECIES MARINE HATCHERY IN THE CITY OF BISLIG, PROVINCE OF SURIGAO DEL SUR AND APPROPRIATING FUNDS THEREFOR.

Secretary Barbo called the roll for nominal voting.

#### RESULT OF THE VOTING

The result of the voting was as follows:

##### *In favor*

Angara	Legarda
Aquino	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

##### *Against*

None



*Abstention*

None

With 21 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 4848 approved on Third Reading.

**APPROVAL OF HOUSE BILL NO. 4850  
ON THIRD READING**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading, House Bill No. 4850, printed copies of which were distributed to the senators on May 23, 2017.

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

AN ACT ESTABLISHING A MULTI-SPECIES MARINE HATCHERY IN THE MUNICIPALITY OF LOPEZ, PROVINCE OF QUEZON AND APPROPRIATING FUNDS THEREFOR.

Secretary Barbo called the roll for nominal voting.

**RESULT OF THE VOTING**

The result of the voting was as follows:

*In favor*

Angara	Legarda
Aquino	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

*Against*

None

*Abstention*

None

With 21 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 4851 approved on Third Reading.

**APPROVAL OF HOUSE BILL NO. 4851  
ON THIRD READING**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading, House Bill No. 4851, printed copies of which were distributed to the senators on May 23, 2017.

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

AN ACT ESTABLISHING A MULTI-SPECIES MARINE HATCHERY IN THE MUNICIPALITY OF ATIMONAN, PROVINCE OF QUEZON AND APPROPRIATING FUNDS THEREFOR.

Secretary Barbo called the roll for nominal voting.

**RESULT OF THE VOTING**

The result of the voting was as follows:

*In favor*

Angara	Legarda
Aquino	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

*Against*

None

*Abstention*

None

With 21 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 4851 approved on Third Reading.

## APPROVAL OF HOUSE BILL NO. 4852 ON THIRD READING

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading, House Bill No. 4852, printed copies of which were distributed to the senators on May 23, 2017.

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

AN ACT ESTABLISHING A MULTI-SPECIES MARINE HATCHERY IN THE MUNICIPALITY OF GUMACA, PROVINCE OF QUEZON AND APPROPRIATING FUNDS THEREFOR.

Secretary Barbo called the roll for nominal voting.

## RESULT OF THE VOTING

The result of the voting was as follows:

### *In favor*

Angara	Legarda
Aquino	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

### *Against*

None

### *Abstention*

None

With 21 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 4852 approved on Third Reading.

## APPROVAL OF HOUSE BILL NO. 4853 ON THIRD READING

Upon motion of Senator Sotto, there being no

objection, the Body considered, on Third Reading, House Bill No. 4853, printed copies of which were distributed to the senators on May 23, 2017.

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

AN ACT ESTABLISHING A MULTI-SPECIES MARINE HATCHERY IN THE MUNICIPALITY OF BOROBO, PROVINCE OF SURIGAO DEL SUR AND APPROPRIATING FUNDS THEREFOR.

Secretary Barbo called the roll for nominal voting.

## RESULT OF THE VOTING

The result of the voting was as follows:

### *In favor*

Angara	Legarda
Aquino	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

### *Against*

None

### *Abstention*

None

With 21 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 4853 approved on Third Reading.

## APPROVAL OF HOUSE BILL NO. 4854 ON THIRD READING

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading, House Bill No. 4854, printed copies of which were distributed to the senators on May 23, 2017.

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

**AN ACT ESTABLISHING A MULTI-SPECIES MARINE HATCHERY IN THE MUNICIPALITY OF TAGKAWAYAN, PROVINCE OF QUEZON AND APPROPRIATING FUNDS THEREFOR.**

Secretary Barbo called the roll for nominal voting.

**RESULT OF THE VOTING**

The result of the voting was as follows:

*In favor*

Angara	Legarda
Aquino	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

*Against*

None

*Abstention*

None

With 21 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 4854 approved on Third Reading.

**APPROVAL OF HOUSE BILL NO. 4855  
ON THIRD READING**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading, House Bill No. 4855, printed copies of which were distributed to the senators on May 23, 2017.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Sotto, there

being no objection, Secretary Barbo read only the title of the bill, to wit:

**AN ACT ESTABLISHING A MULTI-SPECIES MARINE HATCHERY IN THE MUNICIPALITY OF QUEZON, PROVINCE OF QUEZON AND APPROPRIATING FUNDS THEREFOR.**

Secretary Barbo called the roll for nominal voting.

**RESULT OF THE VOTING**

The result of the voting was as follows:

*In favor*

Angara	Legarda
Aquino	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

*Against*

None

*Abstention*

None

With 21 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 4855 approved on Third Reading.

**APPROVAL OF HOUSE BILL NO. 4856  
ON THIRD READING**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading, House Bill No. 4856, printed copies of which were distributed to the senators on May 23, 2017.

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

**AN ACT ESTABLISHING A MULTI-**



SPECIES MARINE HATCHERY IN THE MUNICIPALITY OF HINATUAN, PROVINCE OF SURIGAO DEL SUR AND APPROPRIATING FUNDS THEREFOR.

Secretary Barbo called the roll for nominal voting.

### RESULT OF THE VOTING

The result of the voting was as follows:

#### *In favor*

Angara	Legarda
Aquino	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

#### *Against*

None

#### *Abstention*

None

With 21 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 4856 approved on Third Reading.

### APPROVAL OF HOUSE BILL NO. 4857 ON THIRD READING

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading, House Bill No. 4857, printed copies of which were distributed to the senators on May 23, 2017.

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

AN ACT ESTABLISHING A MULTI-SPECIES MARINE HATCHERY IN THE MUNICIPALITY OF PEREZ, PROVINCE OF QUEZON AND APPROPRIATING FUNDS THEREFOR;

Secretary Barbo called the roll for nominal voting.

### RESULT OF THE VOTING

The result of the voting was as follows:

#### *In favor*

Angara	Legarda
Aquino	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

#### *Against*

None

#### *Abstention*

None

With 21 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 4857 approved on Third Reading.

### APPROVAL OF HOUSE BILL NO. 4858 ON THIRD READING

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading, House Bill No. 4858, printed copies of which were distributed to the senators on May 23, 2017.

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

AN ACT ESTABLISHING A MULTI-SPECIES MARINE HATCHERY IN THE MUNICIPALITY OF CALAUAG, PROVINCE OF QUEZON AND APPROPRIATING FUNDS THEREFOR.

Secretary Barbo called the roll for nominal voting.

**RESULT OF THE VOTING**

The result of the voting was as follows:

*In favor*

Angara	Legarda
Aquino	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

*Against*

None

*Abstention*

None

With 21 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 4858 approved on Third Reading.

**APPROVAL OF HOUSE BILL NO. 4859  
ON THIRD READING**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading, House Bill No. 4859, printed copies of which were distributed to the senators on May 23, 2017.

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

AN ACT ESTABLISHING A MULTI-SPECIES MARINE HATCHERY IN THE MUNICIPALITY OF PLARIDEL, PROVINCE OF QUEZON AND APPROPRIATING FUNDS THEREFOR.

Secretary Barbo called the roll for nominal voting.

**RESULT OF THE VOTING**

The result of the voting was as follows:

*In favor*

Angara	Legarda
Aquino	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

*Against*

None

*Abstention*

None

With 21 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 4859 approved on Third Reading.

**APPROVAL OF HOUSE BILL NO. 4860  
ON THIRD READING**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading, House Bill No. 4860, printed copies of which were distributed to the senators on May 23, 2017.

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

AN ACT ESTABLISHING A MULTI-SPECIES MARINE HATCHERY IN THE MUNICIPALITY OF GUINAYANGAN, PROVINCE OF QUEZON AND APPROPRIATING FUNDS THEREFOR.

Secretary Barbo called the roll for nominal voting.

**RESULT OF THE VOTING**

The result of the voting was as follows:

*In favor*

Angara	Legarda
Aquino	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

*Against*

None

*Abstention*

None

With 21 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 4860 approved on Third Reading.

**APPROVAL OF HOUSE BILL NO. 4861  
ON THIRD READING**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading, House Bill No. 4861, printed copies of which were distributed to the senators on May 23, 2017.

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

AN ACT ESTABLISHING A MULTI-SPECIES MARINE HATCHERY IN THE MUNICIPALITY OF ALABAT, PROVINCE OF QUEZON AND APPROPRIATING FUNDS THEREFOR.

Secretary Barbo called the roll for nominal voting.

**RESULT OF THE VOTING**

The result of the voting was as follows:

*In favor*

Angara	Legarda
Aquino	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

*Against*

None

*Abstention*

None

With 21 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 4861 approved on Third Reading.

**APPROVAL OF HOUSE BILL NO. 4862  
ON THIRD READING**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading, House Bill No. 4862, printed copies of which were distributed to the senators on May 23, 2017.

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

AN ACT ESTABLISHING A MULTI-SPECIES MARINE HATCHERY IN THE MUNICIPALITY OF LIGAO, PROVINCE OF ALBAY AND APPROPRIATING FUNDS THEREFOR.

Secretary Barbo called the roll for nominal voting.

**RESULT OF THE VOTING**

The result of the voting was as follows:

*In favor*

Angara	Legarda
Aquino	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

*Against*

None

*Abstention*

None

With 21 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 4862 approved on Third Reading.

**APPROVAL OF SENATE BILL NO. 812  
ON THIRD READING**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading, Senate Bill No. 812, printed copies of which were distributed to the senators on May 24, 2017.

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

AN ACT INSTITUTIONALIZING THE GRANT OF A TEACHING SUPPLIES ALLOWANCE FOR PUBLIC SCHOOL TEACHERS AND APPROPRIATING FUNDS THEREFOR.

Secretary Barbo called the roll for nominal voting.

**RESULT OF THE VOTING**

The result of the voting was as follows:

*In favor*

Angara	Legarda
Aquino	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

*Against*

None

*Abstention*

None

With 21 senators voting in favor, none against, and no abstention, the Chair declared Senate Bill No. 812 approved on Third Reading.

**APPROVAL OF SENATE BILL NO. 1449  
ON THIRD READING**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading, Senate Bill No. 1449, printed copies of which were distributed to the senators on May 24, 2017.

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

AN ACT EXTENDING THE VALIDITY PERIOD OF DRIVER'S LICENSES, AMENDING FOR THAT PURPOSE SECTION 23 OF REPUBLIC ACT NO. 4136, AS AMENDED BY BATAS PAMBANSA BLG. 398 AND EXECUTIVE ORDER NO. 1011, OTHERWISE KNOWN AS THE LAND TRANSPORTATION AND TRAFFIC CODE.

Secretary Barbo called the roll for nominal voting.



**RESULT OF THE VOTING**

The result of the voting was as follows:

*In favor*

Angara	Legarda
Aquino	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

*Against*

None

*Abstention*

None

With 21 senators voting in favor, none against, and no abstention, the Chair declared Senate Bill No. 1449 approved on Third Reading.

**APPROVAL OF SENATE BILL NO. 1454  
ON THIRD READING**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading, Senate Bill No. 1454, printed copies of which were distributed to the senators on May 25, 2017.

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

AN ACT REMOVING THE RESTRICTIONS IN THE REGISTRATION OF LAND TITLES UNDER SECTIONS 118, 119 AND 121, AND OTHER RESTRICTIONS AGAINST ENCUMBRANCE OR ALIENATION ON FREE PATENTS ISSUED UNDER SECTION 44 OF COMMONWEALTH ACT NO. 141 OR THE PUBLIC LAND ACT, AS AMENDED.

Secretary Barbo called the roll for nominal voting.

**RESULT OF THE VOTING**

The result of the voting was as follows:

*In favor*

Angara	Legarda
Aquino	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

*Against*

None

*Abstention*

None

With 21 senators voting in favor, none against, and no abstention, the Chair declared Senate Bill No. 1454 approved on Third Reading.

**APPROVAL OF SENATE BILL NO. 1281  
ON THIRD READING**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading, Senate Bill No. 1281, printed copies of which were distributed to the senators on May 25, 2017.

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

AN ACT INSTITUTING THE FARMERS AND FISHERFOLK ENTERPRISES DEVELOPMENT PROGRAM OF THE DEPARTMENT OF AGRICULTURE AND FOR OTHER PURPOSES.

Secretary Barbo called the roll for nominal voting.

## RESULT OF THE VOTING

The result of the voting was as follows:

### *In favor*

Angara	Legarda
Aquino	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

### *Against*

None

### *Abstention*

None

With 21 senators voting in favor, none against, and no abstention, the Chair declared Senate Bill No. 1281 approved on Third Reading.

## APPROVAL OF SENATE BILL NO. 1431 ON THIRD READING

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading, Senate Bill No. 1431, printed copies of which were distributed to the senators on May 25, 2017.

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

AN ACT INSTITUTING A PHILIPPINE LABOR FORCE COMPETENCIES COMPETITIVENESS PROGRAM, ESTABLISHING FREE ACCESS TO TECHNICAL AND VOCATIONAL TRAINING PROGRAMS AND FOR OTHER PURPOSES.

Secretary Barbo called the roll for nominal voting.

## RESULT OF THE VOTING

The result of the voting was as follows:

### *In favor*

Angara	Legarda
Aquino	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

### *Against*

None

### *Abstention*

None

With 21 senators voting in favor, none against, and no abstention, the Chair declared Senate Bill No. 1431 approved on Third Reading.

## CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 14 AND HOUSE BILL NO. 5513

Upon motion of Senator Sotto, there being no objection, the Body considered the Conference Committee Report on the disagreeing provisions of Senate Bill No. 14, entitled

AN ACT ADJUSTING THE AMOUNT INVOLVED, VALUE OF PROPERTY OR DAMAGE ON WHICH A PENALTY IS BASED, AND THE FINES UNDER ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE,

and House Bill No. 5513, entitled

AN ACT ADJUSTING THE AMOUNTS OF THE VALUE OF PROPERTY ON WHICH A PENALTY IS BASED, AND THE FINES IMPOSED UNDER THE REVISED PENAL CODE,

**AMENDING FOR THE PURPOSE  
ACT NO. 3815, OTHERWISE KNOWN  
AS THE REVISED PENAL CODE,  
AS AMENDED.**

The Chair recognized Senator Drilon to sponsor the report.

**SPONSORSHIP SPEECH  
OF SENATOR DRILON**

Senator Drilon read into the record as his sponsorship speech the joint explanation of the Conference Committee on the disagreeing provisions of Senate Bill No. 14 and House Bill No. 5513 as follows:

The Bicameral Conference Committee on the disagreeing provisions of Senate Bill No. 14 and House Bill No. 5513, after having met and fully discussed the subject matter in conference, hereby report to their respective Houses the following that:

1. The conferees agreed to use the Senate version as the working draft;
2. Sections 1 and 2 of the working draft were adopted as Sections 1 and 2 of the reconciled version;
3. Section 3 of the working draft was deleted;
4. Sections 4 to 40 of the working draft were adopted as Sections 3 to 30 of the reconciled version;
5. Section 42 of the House version was adopted as Section 40 of the reconciled version;
6. Sections 42 to 74 of the working draft were adopted as Sections 41 to 73 of the reconciled version;
7. Section 76 of the House version was adopted as Section 74 of the reconciled version;
8. Sections 76 to 81 of the working draft were adopted as Sections 75 to 80 of the reconciled version;
9. Section 83 of the House version was adopted as Section 81 of the reconciled version;
10. Sections 83 to 85 of the working draft were adopted as Sections 82 to 84 of the reconciled version;
11. Section 87 of the House version was adopted as Section 85 of the reconciled version;
12. The first two paragraphs of Section 87 of the working draft were adopted as Section 86 of the reconciled version. The rest of the provisions on arson were deleted;

13. Sections 88 to 102 of the working draft were adopted as Sections 87 to 101 of the reconciled version;
14. Section 103 of the working draft was deleted;
15. Section 104 of the working draft was adopted as Section 102 of the reconciled version;
16. The titles of both version were merged and amended to read as follows:

**AN ACT ADJUSTING THE AMOUNTS OR  
VALUE OF THE PROPERTY AND  
DAMAGE ON WHICH A PENALTY IS  
BASED AND THE FINES IMPOSED  
UNDER THE REVISED PENAL CODE,  
AMENDING FOR THE PURPOSE ACT  
NO. 3815 OTHERWISE KNOWN AS "THE  
REVISED PENAL CODE," AS AMENDED.**

In case of conflict between the statements/amendments stated in this Joint Explanation and that of the provisions of the consolidated bill in the accompanying Conference Committee Report, the provisions of the latter prevail.

Senator Drilon then moved for the approval of the Conference Committee Report.

**APPROVAL OF THE CONFERENCE  
COMMITTEE REPORT**

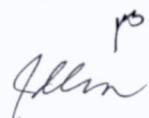
Submitted to a vote, there being no objection, the Conference Committee Report on the disagreeing provisions of Senate Bill No. 14 and House Bill No. 5513 was approved by the Body.

**CONFERENCE COMMITTEE REPORT  
ON SENATE BILL NO. 1304 AND  
HOUSE BILL NO. 5633**

Upon motion of Senator Sotto, there being no objection, the Body considered the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1304, entitled

**AN ACT ACCELERATING UNIVERSAL  
ACCESS TO TERTIARY EDUCATION  
BY PROVIDING FOR A TUITION FEE  
SUBSIDY AND FINANCIAL ASSIST-  
ANCE TO STUDENTS ENROLLED  
IN STATE UNIVERSITIES AND  
COLLEGES, PRIVATE HIGHER  
EDUCATION INSTITUTIONS AND  
TECHNICAL-VOCATIONAL INSTI-  
TUTIONS, AND APPROPRIATING  
FUNDS THEREFOR,**

and House Bill No. 5633, entitled



**AN ACT PROMOTING UNIVERSAL ACCESS TO QUALITY TERTIARY EDUCATION BY PROVIDING FOR FREE TUITION AND OTHER SCHOOL FEES IN STATE UNIVERSITIES AND COLLEGES AND STATE-RUN TECHNICAL-VOCATIONAL INSTITUTIONS, STRENGTHENING THE UNIFIED STUDENT FINANCIAL ASSISTANCE SYSTEM FOR TERTIARY EDUCATION, AND APPROPRIATING FUNDS THEREFOR.**

The Chair recognized Senator Escudero to sponsor the report.

**JOINT EXPLANATION  
OF THE CONFERENCE COMMITTEE**

Upon motion of Senator Escudero, there being no objection, the Joint Explanation of the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1304 and House Bill No. 5633 was inserted into the Record of the Senate.

*The following is the full text of the joint explanation of the Conference Committee:*

The Conference Committee on the disagreeing provisions of Senate Bill No. 1304 and House Bill No. 5633, after having met and fully discussed the subject matter in a conference, hereby report to their respective Houses the following, that:

1. This Joint Explanation used the House version as the working draft, with the adoption of some provisions from the Senate version, the merger of some provisions of both the House and Senate versions and the inclusion of new amendments to the provisions of the bill;

2. The conferees agreed that on Section 2, in the “*Declaration of Policy*”, the word “citizens” on line 7 would be deleted, and in lieu thereof, the word “students” was inserted; and a new letter (e) was inserted to read as follows:

“(e) Provide adequate guidance and incentives in channeling young Filipinos in their career choices and towards the proper development and utilization of human resources;” and the original letter (e) becomes letter (f);

3. On Section 3, “*Definition of Terms*”, a new

Subsection (a) was inserted, to read as follows:

“(a) *Cost of Tertiary Education* refers to (1) tuition and other school fees, (2) Educational expenses and (3) the cost of living allowance”;

4. With the new Subsection (a), the whole Section was amended so that the original letter (a) became letter (b), the original letter (b) became letter (c), etc.:

1. On Section 3, “*Definition of Terms*”, letter (d) “*Higher Education Institution*” was reworded to read as follows :

“(d) *Higher Education Institution (HEI)* refers to an education institution authorized and recognized by CHED to offer bachelor’s degree or graduate courses;”

6. On Section 3, Subsection (d), the definition of “*K to 12 Program*” was deleted.

7. On Section 3, “*Definition of Terms*”, the definition of “*Local universities and colleges*” in Subsection (e) was reworded to read as follows:

“(e) *Local universities and colleges (LUCs)* refer to CHED-accredited public higher education institutions established by local government units (LGUs) through an enabling ordinance, financially supported by the LGU concerned, and compliant with the policies, standards and guidelines of CHED;”

8. On Section 3, a new Subsection (f) “*National Household Targeting System for Poverty Reduction (NHTS-PR) or Listahanan 2.0*” was added to read as follows:

“(f) *National Household Targeting System for Poverty Reduction (NHTS-PR) or Listahanan 2.0* refers to the information management of the Department of Social Welfare and Development (DSWD) that identifies who and where the poor are in the country. The system makes available to national government agencies and other social protection stakeholders a database of poor families as reference in identifying potential beneficiaries of social protection programs;”

9. On Section 3, Subsection (h), the definition of “*Other school fees*”, was reworded to read as follows:

“(h) *Other school fees* refer to fees charged by higher education institutions and



- technical-vocational institutions which cover other necessary costs supportive of instruction, specifically the following: library fees, computer fees, laboratory fees, school ID fees, athletic fees, admission fees, development fees, guidance fees, handbook fees, entrance fees, registration fees, medical and dental fees, cultural fees and other similar or related fees;"
10. On Section 3, Subsection (i), in the definition of "*Private higher education institution*", the phrase "authorized to operate by the CHED" was deleted;
  11. On Section 3, Subsection (k), the definition of "*Qualified student*" is reworded to read as follows:
 

"(k) *Qualified student* refers to any student who possesses all the qualifications under Sections 4 and 5 and none of the disqualifications under Sec. 6 hereof;"
  12. On Section 3, Subsection (l), the definition of "*State-run technical-vocational institution*", was reworded to read as follows:
 

"(l) *State-run technical-vocational institutions* refer to technical-vocational institutions operated by the TESDA or LGUs: *Provided*, That in the latter case, the same should be accredited by TESDA;"
  13. Section 3, Subsection (n) was reworded to read as follows:
 

"(n) *Student loan program for tertiary education* refers to a loan program established under Section 8 of this Act;"
  14. On Section 3, Subsection (p), in the definition of "*Technical-Vocational Institutions (TVIs)*", the words "and training" were added after the words "technical-vocational education";
  15. On Section 3, Subsection (r) was reworded to read as follows:
 

"(r) *Tertiary education subsidy (TES)* refers to a subsidy established under Section 7 of this Act;"
  16. On Section 3, Subsection (s), in the definition of "*Tuition fees*", the words "as indicated in the prospectuses of SUCs and private HEIs, which may either be on a term or yearly basis, or per unit/s" after the words "Technical-Vocational course", were deleted;
  17. Section 4 of the House version was adopted with amendments to read as follows:
 

"Sec. 4. *Free Higher Education in State Universities and Colleges and Local Universities and Colleges.* – All Filipino students who are either currently enrolled at the time of the effectivity of this Act, or shall enroll at any time thereafter, in courses in pursuance of a bachelor's degree, certificate degree, or any comparable undergraduate degree in any SUC and LUC shall be exempt from paying tuition and other school fees for units enrolled in: *Provided*, That they pass the entrance examination and other admission and retention requirements of the SUCs and LUCs: *Provided further*, That all SUCs and LUCs shall create a mechanism to enable students with the financial capacity to pay for their education in the SUC and LUC to voluntarily opt out of the tuition and other school fees subsidy or make a contribution to the school. SUCs and LUCs must report the tuition payments and contributions collected from these students to CHED: *Provided finally*, that the amount required to implement the free tuition and other school fees in SUCs and LUCs shall be determined by the respective governing boards of SUCs and LUCs based on the projected number of enrollees for each academic year, which shall be the primary factor in computing the annual proposed budget of SUCs and, in the case of LUCs, CHED for such purpose. This shall in turn serve as the baseline during the preparation of the annual National Expenditure Program (NEP) by the Department of Budget and Management (DBM).
  18. Section 5, "*Free Technical Vocational Education and Training in Post-Secondary Technical-Vocational Institutions*", was reworded to read as follows:
 

"Section 5. All Filipino students who are currently enrolled at the time of the effectivity of this Act, or shall enroll at any time thereafter, in any post-secondary TVET leading to nondegree certificate or diploma programs offered by any state-run TVI under the TESDA shall be exempt from paying tuition and other school fees; *Provided*, That all state-run TVIs shall create a mechanism to enable students with the financial capacity to pay for their education in the TVI to voluntarily opt out of the tuition and other school fees subsidy or make a contribution to the TVI. TVIs must report the tuition payments and contributions collected from these students.
- The amount required to implement the free tuition and other school fees in state-run



TVIs shall be determined by the governing board of the TESDA based on the projected number of enrollees for each course, which shall be the primary factor in computing for the annual proposed budget of the TESDA for such purpose. This shall in turn serve as the baseline during the preparation of the annual NEP by the DBM.”

19. A new Section 6 was adopted to read as follows :

*“Section 6. Exceptions to Free Tertiary Education. – The following students are ineligible to avail of the free tertiary education:*

- 1) In SUCs and LUCs :

- a) Students who have already attained a bachelor’s degree or comparable undergraduate degree from any higher education institution, whether public or private;
- (b) Students who fail to comply with the admission and retention of the SUC or LUC;
- (c) Students who fail to complete their bachelor’s degree or comparable undergraduate degree within a year after the period prescribed in their program; and

- 2) In State-Run TVIs :

- (a) Students who have obtained a bachelor’s degree, as well as those who have received a certificate or diploma for a technical-vocational course equivalent to at least National Certificate III and above;
- (b) Students who fail in any course enrolled in during the course of the program.

Students ineligible to avail of the free tertiary education shall be charged the tuition and other school fees, as determined by the respective boards of the SUCs and LUCs, and in the case of the state-run TVIs , to be determined by the TESDA.”

20. Section 7 of the House version was reworded to read as follows:

*“SEC. 7. Tertiary Education Subsidy for Filipino Students.— To support the cost of tertiary education or any part or portion thereof, a Tertiary Education Subsidy (TES) is hereby established for all Filipino students who shall enroll in undergraduate post-*

secondary programs of SUCs, LUCs, private HEIs and all TVIs. The TES shall be administered by the UniFAST Board and the amount necessary to fund the TES shall be included in the budgets of the CHED and the TESDA: *Provided*, That prioritization shall be given to students in the following order: (1) Students who are part of households included in the *Listahanan* 2.0, ranked according to the estimated per capita household income, and (2) students not part of the *Listahanan* 2.0, ranked according to estimated per capita household income based on submitted documentation of proof of income to be determined by the UniFAST Board: *Provided further*, That such prioritization shall not apply to Filipino students in cities and municipalities with no existing SUC or LUC campus.

The TES may, among others, and to support the cost of tertiary education or any part or portion thereof, cover the following:

- (a) Tuition and other school fees in private HEIs, and private or LGU-operated TVIs, which shall be equivalent to the tuition and other school fees of the nearest SUC or state-run TVI in their respective areas;
- (b) An allowance for books, supplies, transportation, and miscellaneous personal expenses, including a reasonable allowance for the documented rental or purchase of a personal computer or laptop, and other education-related expenses;
- (c) An allowance for room and board costs incurred by the student;
- (d) For a student with a disability, an allowance for expenses related to the student’s disability, including special services, personal assistance, transportation, equipment, and supplies that are reasonably incurred; and
- (e) For a student in a program requiring professional license or certification, the one (1)-time cost of obtaining the first professional credentials or qualifications, which may include the following: application fees, notarial fees, review classes fees, insurance premium fees and documentation fees: *Provided*, That the amount of subsidy shall be based on the guidelines set forth by the UniFAST Board and on the annual budgetary appropriation for this purpose.”



21. Section 8 of the House version was reworded to read as follows:

*"SEC. 8. Student Loan Program for Tertiary Education.* – To support further the cost of tertiary education or any part or portion thereof, a student loan program for tertiary education is hereby likewise established for all Filipino students who shall enroll in an SUC, LUC, private HEI and TVET program in all TVIs registered under the TESDA. The loan program shall be administered by the UniFAST Board and the amount necessary to fund the program shall be included in the budgets of the CHED and the TESDA: *Provided*, That the UniFAST may offer short-term or long-term loans: *Provided further*, That those who availed of the loan during their undergraduate degree may still avail of another cycle of student loan for their pursuit of graduate studies, including medicine and law after they have fully paid the previously availed loan: *Provided further*, That those who did not avail of the loan program during their undergraduate studies may avail of it to pursue graduate studies including medicine and law: *Provided finally*, that those who did not avail of the loan program during their undergraduate studies may avail of the loan program for their review expenses for licensure examinations administered by the Professional Regulation Commission.

Repayment shall be effected by incorporating a portion of the loan amount or a percentage thereof in the employee's monthly Social Security System (SSS) or Government Service Insurance System (GSIS) contribution, as the case may be, based on a reasonable schedule of repayment and interest rates, as may be formulated by the UniFAST Board.

Payment of the loan amount will commence once the beneficiary secures any gainful employment with compensation, remuneration or earnings that reaches the Compulsory Repayment Threshold (CRT). For purposes of this Act, the CRT shall be set and reviewed by the UniFAST Board, and adjusted when necessary.

The UniFAST Board, in consultation with relevant agencies, shall formulate loan repayment guidelines for loan beneficiaries whose earnings are not covered by the GSIS or the SSS programs, including those of overseas Filipino workers (OFWs), emigrants, and self-employed persons and professionals (SEPs)."

22. A new Section 9 was adopted to read as follows:

*"SEC. 9. Requirements for SUCs and LUCs.* – SUCs and LUCs are hereby mandated to:

- (a) Establish a learner information system in accordance with the guidelines to be developed by CHED in order to facilitate the tracking of students and their performance;
- (b) Submit relevant information as determined by CHED on school quality and performance; and
- (c) Formulate and submit to CHED and to the Joint Congressional Oversight Committee on Universal Access to Tertiary Education created under Section 17 of this Act, a detailed SUC development plan updated every ten (10) years, which shall include plans for facilities and infrastructure development and expansion."

23. Section 9, *"Quality Standards for SUC Budgets and Student Loan Programs"*, was renumbered as Section 10 and reworded to read as follows:

*"SEC. 10. Quality Standards for SUC and LUC Budgets, TES and Student Loan Programs.* – The CHED and the TESDA shall ensure quality standards in the review and consequent endorsement of the budget of the SUCs, LUCs and state-run TVIs, respectively. The detailed design of the TES and student loan programs shall also be subject to similar quality indicators defined by the UniFAST Board."

24. Section 10, *"Limitations in SUCs/State-Run TVIs"*, in the House version was deleted, having been subsumed in the new Section 6.

25. Section 6, *"Prohibited Act*, in the House version was renumbered as Section 11 and reworded to read as follows:

*"SEC. 11. Prohibited Act.* – Upon effectivity of this Act, it shall be unlawful for any person, SUC, LUC and state-run TVI to collect tuition and other school fees from qualified students: *Provided*, That this section shall not apply to collections from students who voluntarily opt out of the tuition and other school fees subsidy or make a contribution to the school."

26. Section 19, *"Penalties"*, in the House version is renumbered as Section 12, and the words "Under Section 6 of this Act" were deleted,

and in lieu thereof, the words "Under Section 11 of this Act", were inserted.

27. Section 15 of the House version was renumbered as Section 13 and amended to read as follows:

*"SEC. 13. Expansion of the UniFAST Board. – The UniFAST Board shall be expanded to include the following:*

- (a) President of the Philippine Association of State Universities and Colleges as Member;
- (b) Chairman of the Coordinating Council of Private Educational Associations as Member;
- (c) President of the Association of Local Colleges and Universities as Member;
- (d) President of the Government Service Insurance System (GSIS) as a nonvoting Member; and
- (e) President of the Social Security System (SSS) as a nonvoting Member.

The UniFAST Board is authorized to establish an enhanced organizational structure, staff development and incentives and such other administrative measures needed for the efficient discharge of tasks and commensurate to the level and scope of its responsibilities. It may tap the expertise and management services of eligible service providers subject to the appropriate guidelines promulgated by the UniFAST Board.

28. Sections 11 to 14 of the House version were deleted and a new Section 14 was introduced to read as follows:

*"SEC. 14. Reporting Requirements.— All SUCs, LUCs and state-run TVIs shall submit to CHED and TESDA, respectively, within five (5) days after the last day of late registration for each semester, a report detailing the names of students eligible for the free tuition and other school fees in their institutions."*

29. On Section 16, the Appropriations provision was renumbered as Section 15 and reworded to read as follows:

*"SEC. 15.Appropriations. – The amounts necessary to carry out the provisions of this Act, specifically Sections 4, 5, 7 and 8, shall be included in the annual General Appropriations Act (GAA) and shall be appropriated under SUCs, CHED and TESDA in accord-*

ance with the provisions of this Act: *Provided*, That an amount equivalent to not more than three percent (3%) of the TES and student loan program for tertiary education provided under this Act may be used as administrative cost under the UniFAST."

30. Section 22, *Implementing Rules and Regulations*, was renumbered as Section 18 and reworded to read as follows:

*"SEC. 18. Implementing Rules and Regulations. – Within sixty (60) days from the effectivity of this Act, the UniFAST Board, in consultation with the CHED, the TESDA, and other relevant stakeholders in higher and technical education, shall promulgate the implementing rules and regulations necessary to ensure the efficient and effective implementation of this Act: *Provided*, That the failure of the Board to promulgate the said rules and regulations shall not prevent or delay the effectivity and implementation of this Act in accordance with Section 21 hereof."*

31. That the implementation of this Act for November 2017 shall be specified in the Implementing Rules and Regulations (IRR) which will be completed within sixty (60) days.

32. On the Title of the Consolidated Bill, the words "Local Universities and Colleges" were inserted between the words "State Universities and Colleges" and the words "and State-Run Technical-Vocational Institutions" and the words "Establishing the Tertiary Education Subsidy and Student Loan Program" were inserted between the words "Technical-Vocational Institutions" and the words "Strengthening the Unified Student Financial Assistance System".

The complete Title would thus read as:

**"AN ACT PROMOTING UNIVERSAL ACCESS TO QUALITY TERTIARY EDUCATION BY PROVIDING FOR FREE TUITION AND OTHER SCHOOL FEES IN STATE UNIVERSITIES AND COLLEGES, LOCAL UNIVERSITIES AND COLLEGES AND STATE-RUN TECHNICAL-VOCATIONAL INSTITUTIONS, ESTABLISHING THE TERTIARY EDUCATION SUBSIDY AND STUDENT LOAN PROGRAM, STRENGTHENING THE UNIFIED STUDENT FINANCIAL ASSISTANCE SYSTEM FOR TERTIARY EDUCATION, AND APPROPRIATING FUNDS THEREFOR"**



In case of a conflict between the statements/amendments stated in this Joint Explanatory Statement and that of the provisions of the consolidated bill in the accompanying Conference Committee Report, the provisions of the latter shall prevail.

### STATEMENT OF SENATOR ESCUDERO

By way of a summary of what was agreed upon in the Bicameral Conference Committee Report, Senator Escudero explained that the Senate panel agreed with the House panel to pass the bill providing for universal access to quality tertiary education by doing the following:

1. Students enrolled in all state universities and colleges and all local universities and colleges accredited and recognized by CHED will no longer pay tuition and other fees, including miscellaneous fees;
2. State-owned and local government unit-owned technical-vocational institutions approved and recognized by the TESDA were also covered;
3. A tertiary education subsidy which basically provides for a grant to any Filipino student studying in any SUCs, LUCs, any private higher education institution, any public or state-owned as well as private TVIs (tech-voc institutions) was established to enable his/her to complete his/her tertiary education;

Senator Escudero stated that the conference committee strengthened the UniFAST board by adding some members to provide for more representations from the association/organization of state colleges as well as private tertiary institutions. He added that the UniFAST board was also given the power to set up its own organizational structure to implement the Tertiary Education Subsidy and the Student Loan Program.

As regards the appropriation clause, Senator Escudero informed the Body that the Committee did not specify the amount needed since the bill is yet to be approved by the President. Anyway, he said that Congress will be passing the General Appropriations Act for 2018 and that it has every intention to fund or provide for the amount necessary to implement the program from within the existing budget as far as the scholarships and the grants under the CHED or TESDA are concerned.

Thus, Senator Escudero asked the Members to support the ratification of the conference committee report on the disagreeing provisions of Senate Bill No. 1304 and House Bill No. 5633.

### MANIFESTATION OF SENATOR AQUINO

Senator Aquino stated that Senate Bill No. 1304 was an initiative that the Body pushed as a priority bill at the start of the 17<sup>th</sup> Congress. He recalled that Senators Legarda, Lacson and Recto moved to include in the GAA an advance budget of P8.3 billion to be implemented by CHED for the first semester, because the idea was that the bill should cover the second semester of school year 2017 to 2018.

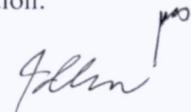
Senator Aquino reiterated that Senate Bill No. 1304 is one measure where all the Members were united in pushing for it as a major reform that would truly create change among the lives of the Filipinos when the President signs it into law. Saying that the measure is the Body's gift to every youth in the Filipino family, he expressed his gratitude to Senator Escudero, who chairs the Committee on Education, as well as Senators Recto and Gatchalian, who were part of the Senate panel in the Bicameral Conference Committee, for coming up with an even better version after it was consolidated with its counterpart bill in the House of Representatives.

Senator Aquino also expressed his gratitude to all the Members as he hoped that Congress would find the necessary budget during the GAA 2018 deliberations to fully implement the measure.

### MANIFESTATION OF SENATOR LEGARDA

Senator Legarda expressed her support and congratulated Senators Aquino and Escudero for their efforts in expediting the passage of Senate Bill No. 1304. She recalled that Congress, during the 2017 GAA deliberations, already provided P8.3 billion for the measure, although P300 million was allocated for medical institutions of higher learning and only the remaining P8 billion would be for the tuition of SUCs.

However, Senator Legarda said that she was informed by Senators Escudero and Aquino that the measure would need a budget of more than P50 billion since it would already cover not only the tuition fees but also the miscellaneous expenses as well as the needs of private higher education institutions which would be seeking funding assistance from the Commission on Higher Education.



As chair of the Committee on Finance, Senator Legarda promised to look for the budget needed for the speedy implementation of the measure in the current year and not the following year. She said that she is willing to work extra hard, including drafting a supplemental budget to be able to fund the P58 billion needed for the miscellaneous expenses. Again, she congratulated Senator Aquino, who started the initiative, the other members who are authors of the measure, as well as Senator Escudero who took over the chairmanship of the Education Committee.

Senator Legarda said that Senate Bill No. 1304 is the gift of Congress to the Filipino people especially during these troubled times.

### **MANIFESTATION OF SENATOR ESCUDERO**

Given the ordinary course of events, Senator Escudero stated that both Houses agreed that the bill would take effect on August or the start of the second semester of the current school year on the understanding that the bill would be funded either by supplemental budget to be passed by Congress or by way of an accounts payable for the SUCs and LUCs covered by the Act.

### **INQUIRY OF SENATOR DRILON**

At the outset, Senator Drilon expressed his appreciation to Senators Escudero, Aquino and Legarda for their efforts in working for and putting in place this landmark legislation as he recognized its value and importance to the youth and the education sector.

However, Senator Drilon admitted that he was bothered by the lack of appropriation as he recalled that the amount of P8.3 billion was already realigned in the 2017 GAA. He said that the earlier suggestion of Senator Legarda to come up with a supplemental budget for that purpose needs to comply with the constitutional requirement which is a certification from the National Treasurer to ascertain the availability of funds amounting to about P50 billion. He estimated that the measure would need another P58 billion in the 2018 GAA.

Asked what would happen if the supplemental budget could not be enacted because the National Treasurer would not issue a certification or supposing the GAA or the President's budget for 2018 would

not include the required appropriation notwithstanding the full support of both Houses, Senator Escudero replied that precisely the bicameral panel decided not to indicate the amount in the appropriation clause because the bill might be vetoed by the President and its implementation would again rely on the unsatisfactory IRR issued by both the DBM and the CHED on how the P8.3 billion would be implemented for the current school year. However, he pointed out that there is approximately P800 billion worth of unfunded funds in the GAA which could be realigned for the purpose. He explained that the current amount of money that Congress appropriated for scholarship grants and tuition, both under the TESDA and CHED, amounted to over P30 billion excluding the P8.3 billion that was inserted as advance budget for the current year, so that they are looking at about P38 billion as the possible source and, if at all, the difference needed would be in the area of P20 billion. He believed that given the under-spending and low absorptive capacity of the previous and the current administrations, Congress could fill up the needed funds either from the savings of the current year or the proposed budget for the next year.

Asked whether Congress needs P20 billion to fully fund the measure, Senator Escudero explained that since the school year does not follow the fiscal year, the budget would apply only to the second semester of the current year or the school year covering November to March depending on when the school year starts. He admitted that he does not know when Congress would appropriate the fund – either for the current year or the next year. He then asked Senator Legarda to appropriate and divide the funds accordingly within the fiscal year, given that the school year does not follow the fiscal year. He stated that if the supplemental budget would be passed, it would be an accounts payable for the previous year which would be included in the 2018 GAA on top of what would be appropriated for School Year 2018 to 2019.

To Senator Drilon's proposition that Congress could always realign portions of the 2018 GAA, Senator Escudero clarified that the measure actually has proposed a paradigm shift where the SUCs and the LUCs, through the CHED, and the TVIs, through TESDA, would present directly to Congress the number of potential enrollees in the coming school year and ask for the budget to pay for the tuition of the students on top of their locally-generated income,



and Congress would grant them subsidies not only for their expenses but also for the tuition that should have been paid by the students enrolled in their institution.

Asked whether the bill covers students enrolled in locally-funded schools or those established by LGUs which exist all over the country, Senator Escudero replied that the locally-funded schools are included as long as they are accredited and recognized by the CHED. He added that not all local colleges and universities are accredited and recognized by CHED and that their funding comes from the local government unit.

As regards the students enrolled in schools not accredited and recognized by the CHED, Senator Escudero replied that they would not be covered because while the government wanted free tertiary education and equal access to education to every Filipino student, there is also a need to maintain quality education that is going to be offered to them.

#### **APPROVAL OF THE CONFERENCE COMMITTEE REPORT**

Submitted to a vote, there being no objection, the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1304 and House Bill No. 5633 was approved by the Body.

#### **SECOND ADDITIONAL REFERENCE OF BUSINESS**

The Secretary of the Senate read the Message of the President of the Philippines which the Chair referred to the Committee on Rules:

Letter of the President Rodrigo Roa Duterte, dated 25 May 2017, submitting to the Senate the Report relative to Proclamation No. 216, dated 23 May 2017, entitled, **“Declaring a State of Martial Law and Suspending the Privilege of the Writ of Habeas Corpus in the Whole of Mindanao,”** pursuant to Section 18, Article VII of the 1987 Constitution.

#### **SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 4:36 p.m.*

#### **RESUMPTION OF SESSION**

At 6:02 p.m., the session was resumed.

#### **PROPOSED SENATE RESOLUTION NO. 388**

Upon motion of Senator Sotto, there being no objection, the Body considered Proposed Senate Resolution No. 388, entitled

**RESOLUTION EXPRESSING THE SENSE OF THE SENATE SUPPORTING PROCLAMATION NO. 216 DATED MAY 23, 2017, ENTITLED “DECLARING A STATE OF MARTIAL LAW AND SUSPENDING THE PRIVILEGE OF THE WRIT OF HABEAS CORPUS IN THE WHOLE OF MINDANAO AND FINDING NO CAUSE TO REVOKE THE SAME.”**

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 Zubiri for the sponsorship.

#### **SPONSORSHIP SPEECH OF SENATOR ZUBIRI**

Senator Zubiri submitted for plenary consideration Proposed Senate Resolution No. 388, entitled “Supporting Proclamation No. 216 (Declaring a State of Martial Law)”. He stated that he would take excerpts from his privilege speech in the previous session, and read into the record the same as his sponsorship speech.

*The full text of Senator Zubiri’s sponsorship speech follows:*

Last week, the whole nation was shocked to see on TV screens incidents of terrorism and rebellion in the heartland of Mindanao in Marawi City where, as we speak, lives are still being lost and innocent people are taken against their will.

As a senator from Mindanao, I am appalled and indignant at the brazen manner with which the Maute terrorist group occupied certain buildings and installations in the city, burned some buildings and terrorized not only the people of Marawi but even the adjoining provinces and cities.

Yesterday, in a briefing with DND Secretary Delfin Lorenzana and National Security Adviser Hermogenes Esperon, they showed us a grim picture of what these terrorists want to happen to us in Mindanao by setting up a “*wilayat*,” or a caliphate, joining Indonesia, Malaysia and Mindanao as one in the delivery of these areas for the *Daesh* or the ISIS. It showed us that almost all terrorist groups now have united as one to fight for the *Daesh* or the ISIS to set up this caliphate. Enough is enough! This group has just pushed back the gains we have achieved in the aspect of the peace process with the cessationist groups and for the economic development of Mindanao.

We have taken great strides to bring development in Mindanao and pursue inclusive growth for our people. But this incident has brought us a step backward. I believe we should rally behind the President. This is a time for unity and courage. We should rally behind our troops like how we rallied behind them during the SAF 44 Mamasapano incident. We should show our people and the whole world that the Philippines has no place for terrorists. We have to use all constitutional means to suppress lawlessness and once and for all eradicate terrorism from our land without disregarding the paramount safety of the civilian population. We should fully support the AFP and PNP in fighting and neutralizing these terrorists and place them before the bar of law. These terrorists should fully account for the man-made disaster they are creating and the miseries they are causing the people of Marawi City and the rest of Mindanao.

As a senator from Mindanao, I fully understand the President’s frustration in dealing with the armed groups across all regions. We should take this as a chance to finally disarm them and deal with their sympathizers from some LGUs coddling these terrorists.

With the declaration of martial law in Mindanao, it is hoped that any threat to national security and public safety will be neutralized. If we do not eliminate these terrorists, we shall lose the gains—what we have achieved for inclusiveness and religious tolerance—that for so many years we have been working for together with Senate President Pimentel and Senator Manny Pacquiao.

I hope one day we can have a multi-racial, multi-faith society like Singapore and Malaysia. These societies have prospered out of the productive economic, political and social and peaceful coexistence of Muslims with the people of other religions. Sabah, for example, has a

Christian governor leading a Muslim-dominated state. Singapore, the busiest trading and financial center in Southeast Asia, is a very multi-racial and multi-faith society. Remarkably, both these societies flourished under a strong rule of law which is applied equally across all faiths.

I believe that Islam is a faith of peace. I have many Muslim friends, not only friends but staff, and half of my staff are my Muslim brothers and sisters living in these areas. They do not share the extremist ideology of these terrorists. We know that a vast majority of Muslims do not like what is happening in Marawi City right now. They also do not want the contagion to spread to other city centers like Iligan, Cagayan de Oro, Davao and Zamboanga.

As a Mindanaoan, I know that majority of our Muslim brothers and sisters want to achieve peace in their lifetime, and so do we, their Christian neighbors. They do not want, and we do not want our children and grandchildren to cower in fear of terrorists like what is happening now in Marawi City as well as what happened in Ipil and Zamboanga City. From these sieges, we should have learned our lesson.

I would also like to highlight the number of our Muslim brothers and sisters who helped save so many of our Christian brothers in this conflict. Today, the story that really lifted my spirit up was from the owners of these two stores in Marawi City whose staff were Christians: when they were asked by the ISIS to open the gates because they wanted to get these Christian workers of theirs, *ang sabi po ng dalawang babae na may-ari ng mga store na iyan*, “*Patayin ninyo muna kami bago ninyo kunin ang aming mga kapatid na Christian*.” We have to highlight this, to show that we should live together as one. We believe in each other.

Let us finish this menace once and for all. Thus, this Representation stands behind the President, our Commander-in-Chief, and his declaration of martial law in Mindanao. May God bless the people of Mindanao and may God bless the Philippines.

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

Prefatorily, Senator Hontiveros asked if the resolution validly substitutes the requirement under Section 18, Article VII of the 1987 Constitution. Having read Section 18 countless times, Senator Zubiri said that the provision was simple. Thereafter, he presented the minutes of the Constitutional

Commission that convened in 1987 and quoted the statement made by Commissioner Christian Monsod, author of the amendment to remove the affirmation needed for the 60-day ruling which was carried, to wit: "I believe that at least for the first 60 days, which is a time fuse for it automatically expires at the end of 60 days, we should at least give the President the flexibility to act in cases of invasion and rebellion." Clearly, he pointed out, the intent of Constitutional Commission was to adopt a non-interference policy in the presidential prerogative of declaring martial law for a period of 60 days. He said that the essence of the Monsod amendment adopted by the 1987 Constitutional Commission and as reflected in Section 18, Article VII of the Constitution is that a joint session is required only if Congress deems it necessary to revoke or extend martial law, and not for concurrence.

At this juncture, with the permission of Senators Zubiri and Hontiveros, the Chair recognized Senator Escudero for an intervention.

Senator Escudero pointed out that the resolution does not even make mention of whether or not the Senate should convene but simply expresses the sense of the Senate whether to revoke or not to revoke the martial law declaration. Moreover, he noted that the Body would be taking up another resolution filed by Senators Drilon, Aquino, Pangilinan, Trillanes and Hontiveros which would squarely deal on the issue of whether or not Congress should convene for whatever reason or purpose.

But Senator Hontiveros maintained that based on the Record of the Constitutional Commission, specifically, pages 386-387 thereof, during the debate on whether a majority concurrence or a two-thirds concurrence is required, it was pointed out that a very dangerous situation in the country may arise if the enemies of the State may try to prevent the Members of Congress from attending the session just to prevent a two-thirds concurrence in the declaration of martial law. Furthermore, she said that the Monsod amendment provides that while concurrence is not required to trigger martial law, a joint session is still required within a reasonable time.

On another point, Senator Hontiveros quoted Senator Zubiri who, during a Senate discussion in 2009, said, "*Ito pong joint session ay isang constitutional duty natin. Hindi po natin puwedeng hindi bigyan ng pansin itong joint session na ito*

*dahil* it will become a bad precedent. Think about the future administration." Asked if the resolution presupposes that no joint session would be called whether before or after the end of session, Senator Zubiri clarified that in 2009, he was for the revocation of martial law, and he admitted that he erred at that time because he believed that had the government run after the terrorists with full force of the law then, maybe the incident in Marawi City would not have been as grave as it was. He stated that based on what he heard from the briefing yesterday, it was the first time that a key city has been taken over by terrorists. He posited that had the terrorist attack happened in the City of Manila, the Filipino people in the NCR would similarly be appalled and indignant.

Having erred before, Senator Zubiri said he has already realized the gravity of the situation, especially that it was happening right in his homeland, bringing fear among the populace, the reason they understood what prompted President Duterte to declare martial law.

But Senator Hontiveros pointed out that although Senator Zubiri's opinion has changed, the Constitution has not.

Senator Hontiveros again asked Senator Zubiri whether the resolution would validly substitute the requirement of a joint session.

At this point, Senator Escudero interjected to point out that resolution being discussed pertains to whether or not the sense of the Senate would be in favor of revocation or non-revocation; on the other hand, the matter being raised by Senator Hontiveros pertains to whether or not Congress should convene in a joint session, which shall be the subject of debate when the other resolution would be brought to the floor. He maintained that Proposed Senate Resolution No. 388 would not, in any way, impinge or affect their decision on the other resolution as to whether or not Congress should convene in a joint session.

Senator Zubiri clarified that the resolution would not substitute the requirement of a joint session since the Body would debate on that issue later on.

At this point, Senator Gordon also interjected to raise a point of clarification and information. Regarding the revocation of martial law under Article VII, Section 18, he stated that the Constitution clearly states that "xxx The Congress, voting jointly, by a

vote of at least a majority of all its Members in regular or special session, may revoke such proclamation or suspension, which revocation shall not be set aside by the President." He pointed out that the Constitution clearly specifies certain instances which require a joint session, to wit: when Congress, in joint session assembled, exercise its power to declare a state of war (Article VI, Section 23(1)); and when Congress canvasses the votes cast in the presidential and vice-presidential elections (Article VII, Section 4). On the other hand, he noted that the pertinent provision only refers to revocation by Congress voting jointly.

Senator Hontiveros quoted the words of Senator Zubiri in 2009 when he was in favor of the revocation of the declaration of martial law by former President Gloria Macapagal-Arroyo in Maguindanao, to wit: "To my mind, Mr. President, if I may be so bold, we are a coequal branch of government. And the Constitution provides that we must review and, therefore, it behooves the Executive that he sends the highest officials involved in the declaration of Martial Law. *Sa hindi nila pagdalo dito, lumalabas po na tila binabalewala ang kahalagahan ng Kongreso, ng House at Senate, sa isang napakahalagang bagay.*"

Senator Hontiveros said that there was no reason to fear the holding of a joint session, as she reminded everyone that in 1972, the Senate was padlocked when martial law was declared. She hoped that the Senate would not "padlock" themselves by not convening in a joint session to review the declaration of martial law.

Senator Gordon pointed out that the President was not setting aside Congress, the reason for the meeting the previous day with the representatives of the President who explained the factual basis for the martial law declaration. He reiterated that the Constitution only specified two instances when a joint session should be convened, and revocation was not one of them. Furthermore, he pointed out that in case of revocation, the voting may be done separately, and he noted that both the Senate and House of Representatives have already made their respective decisions after exercising extraordinary diligence when they called upon the representatives of the President to explain.

Senator Hontiveros said that the sponsor of the Minority resolution would later explain why they believe there is a need for a joint session. She also

pointed out the difference between the briefing held the previous day and a joint session, explaining that in a joint session, the officials from the Executive department and the AFP who are called to appear, are put under oath. She said that the Minority have full faith and confidence in the report given to them, but she maintained that it would be better to have the testimonies placed under oath. She stated that if resource persons in investigative inquiries are made to swear under oath, it is all the more necessary during an inquiry to determine the factual basis of the martial law declaration. She added that the statements would also carry greater probative value.

Senator Gordon pointed out that in a joint session, the officials would not be there, and Congress would debate and decide based on what they know from research. As what happened in the briefing, he said that most of the senators decided on their own. He disclosed that in truth, he would also want a joint session, but given the gravity of the circumstance, the sense of the Senate must be expressed to preserve unity and stability in the country and for peace to triumph. He then showed the headline of a newspaper that day regarding Muslim women defending Christians, saying that such acts should be highlighted instead of politics.

At this point, the Chair interjected to state that aside from the briefing the previous day, the Senate also received the President's written report consisting of seven pages. Senator Gordon thus noted that the President followed the constitutional provision and respects Congress by sending such document for their agreement or disagreement.

Senator Hontiveros stated that the officials of the AFP could be invited to speak in a joint session, as what happened in 2009. She recalled that the issue then was the absence of former President Gloria Macapagal-Arroyo, although there were AFP officials present.

Regarding his statement in 2009 as cited by Senator Hontiveros, Senator Zubiri recalled that there was a call for Congress to convene a joint session because majority of the senators were for the revocation of the declaration of martial law, which is not in the present case. He said that the videos presented in the briefing were enough proof to justify the martial law declaration, as he hoped that what was happening in Mindanao would not happen in Luzon and Visayas.

Senator Hontiveros maintained that previous statements remain important, especially when faced with making a decision on a similar situation. Although they may differ in opinion, she hoped that they would unify in their position regarding the issue. She exhorted the Members not to be afraid of a joint session.

Senator Zubiri stated that his passion and anger was directed at the enemy and not at the Minority. He also pointed out that people change their views on issues, especially when they become enlightened. He recalled that in 2004, he was among those who wanted to retain the death penalty, but he is now one with Senator Hontiveros on her advocacy against the death penalty.

#### **STATEMENT OF SENATOR SOTTO**

Senator Sotto took exception to the use by Senator Hontiveros' statement, "Huwag po tayong matakot mag-joint session." He said that the others belonging to the Majority were not scared either. He clarified that in 2009, the Senate called for a joint session because the Senators then wanted to revoke President Macapagal-Arroyo's declaration of martial law.

#### **TERMINATION OF THE PERIOD OF INTERPELLATIONS**

Upon motion of Senator Sotto, there being no objection, the Body closed the period of interpellations and proceeded to the period of individual amendments.

Thereupon, the Chair recognized Senator Escudero for his individual amendments.

#### **AMENDMENT BY SUBSTITUTION OF SENATOR ESCUDERO**

Senator Escudero submitted his proposed amendment by substitution to Proposed Senate Resolution No. 388, which he read into the record, to wit:

**RESOLUTION EXPRESSING THE SENSE OF THE SENATE NOT TO REVOKE, AT THIS TIME, PROCLAMATION NO. 216, SERIES OF 2017, ENTITLED, "DECLARING A STATE OF MARTIAL LAW AND SUSPENDING THE PRIVILEGE OF THE WRIT OF HABEAS CORPUS IN THE WHOLE OF MINDANAO."**

**WHEREAS**, the 1987 *Philippine Constitution*, Article VII, Section 18 provides that:

"... In case of invasion or rebellion, when the public safety requires it, he (President) may, for a period of not exceeding sixty days, suspend the privilege of the writ of habeas corpus or place the Philippines or any part thereof under martial law....";

**WHEREAS**, President Rodrigo Roa Duterte issued *Proclamation No. 216, series of 2017*, entitled, "Declaring a State of Martial Law and Suspending the Privilege of the Writ of Habeas Corpus in the whole of Mindanao," on May 23, 2017 (the "Proclamation");

**WHEREAS**, pursuant to this duty under the *Constitution*, on May 25, 2017, and within forty-eight hours after the issuance of the Proclamation, President Duterte submitted to the Senate his report on the factual and legal basis of the Proclamation;

**WHEREAS**, on May 29, 2017, the Senators were briefed by the Department of National Defense (DND), the Armed Forces of the Philippines (AFP), and by the National Security Council (NSC) on the factual circumstances surrounding the Proclamation as well as the updates on the situation in Mindanao;

**WHEREAS**, on the basis of information received by the Senators, the Senate is convinced that President Duterte declared martial law and suspended the privilege of the writ of *habeas corpus* in the whole of Mindanao because actual rebellion exists and that public safety requires it;

**WHEREAS**, the Senate, at this time, agreed that there is no compelling reason to revoke *Proclamation No. 216, series of 2017*;

**WHEREAS**, the Proclamation does not suspend the operation of the *Constitution* which, among others, guarantees respect for human rights and guards against any abuse or violation thereof.

**NOW, THEREFORE, BE IT RESOLVED**, as it is hereby resolved, to



express the sense of the Senate, that there is no compelling reason to revoke *Proclamation No. 216, series of 2017* at this time.

#### **MANIFESTATION OF SENATOR POE**

Senator Poe thanked Senator Escudero for having brought up a very important reminder that the proclamation of martial does not suspend the operation of the Constitution which, among others, guarantees respect for human rights and guards against any abuse or violations thereof. She said that while it is redundant to others because it is already in the law, it is important to stress it through the resolution expressing the sense of the Senate not to revoke the proclamation of martial law considering the prevailing situation in the country.

#### **APPROVAL OF THE ESCUDERO AMENDMENT BY SUBSTITUTION**

Upon motion of Senator Sotto, there being no objection, Senator Escudero's amendment by substitution was approved by the Body.

#### **ADOPTION OF PROPOSED SENATE RESOLUTION NO. 388**

Senator Sotto moved that the Body adopt Proposed Senate Resolution No. 388.

Senator Drilon objected to the motion and asked for a roll call vote.

Upon direction of the Chair, the Secretary of the Senate called the roll for nominal voting.

The result of the voting was as follows:

##### *In favor*

Angara	Pacquiao
Binay	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Lacson	Zubiri
Legarda	

##### *Against*

Aquino	Pangilinan
Drilon	Trillanes
Hontiveros	

#### *Abstention*

None

With 17 senators voting in the affirmative and five voting against, Proposed Senate Resolution No. 388 was approved by the Body.

#### **EXPLANATIONS OF VOTE**

##### *By Senator Angara*

Senator Angara said that he voted in favor of Proposed Senate Resolution No. 388 because as revealed during the senators' caucus, almost 50 people have so far been killed in the Marawi clash. He believed that the Senate should give the AFP all the support they need at this time.

##### *By Senator Drilon*

Senator Drilon said that five senators belonging to the Minority authored Proposed Senate Resolution No. 390, calling for the "Convening of Congress in a Joint Session and Deliberate on Proclamation No. 216 which Declared State of Martial Law and Suspended the Writ of Habeas Corpus in the Entire Mindanao." He expressed regret that the Minority could not support Proposed Senate Resolution No. 388 as it did not include a call for a joint session. He, however, expressed that the Minority support and laud the efforts of the men and women of the Armed Forces to suppress lawlessness in Marawi City.

##### *By Senator Pangilinan*

Senator Pangilinan stated that while they in the Minority have different positions as to whether or not to support the martial law declaration, they are united on the need for Congress to convene in joint session to deliberate whether to concur or to revoke the declaration of martial law which is a matter so grave and which involves the exercise of extraordinary powers.

Senator Pangilinan stressed that to revoke a martial law declaration means to remove the curtailment of the rights of the people, and he maintained that it was never the intention of the framers of the Constitution that on a matter involving the curtailment of the rights of Filipinos, Congress need not convene. He believed that a resolution that expresses the sense of Congress not to revoke the declaration must be deliberated upon in a joint session.

*net po*

***By Senator Aquino***

Senator Aquino said that the members of the Body may not agree with Proposed Senate Resolution No. 388, but he believed that the Senate, after the other day's briefing, was one in supporting the actions of the country's armed forces and the Executive to stop terrorism. He said that he understood the intention of hastening things up through the resolution but he felt that it was not the time to create shortcuts as far as the declaration of martial law was concerned.

He stated that his concern was on the title of the resolution, specifically on the use of the phrase "not to revoke", because the word "revoke", he pointed out, refers to an article in the Constitution. He maintained that expressing the sense whether or not to revoke the proclamation must be done through a joint session. He said that he would not want to make it appear that the Minority was against the proclamation of martial law, or be misunderstood as not supporting the armed forces or against the suppression of lawless violence because he believed that the Senate is one in this regard. He said that he only wanted to discuss publicly the pros and cons of whether to revoke or not to revoke the proclamation.

Senator Aquino emphasized that on the part of the Minority, they only wanted to follow the proper procedure and he hoped that a number of senators would agree to vote on the resolution in favor of a joint session.

***By Senator Escudero***

Senator Escudero said that the Constitution provides two requirements for the declaration of martial law: 1) there is rebellion or invasion; and 2) public safety requires it. He said that he voted in favor of the resolution because both requirements are present in the present situation.

Responding to the earlier statement of Senator Aquino, Senator Escudero believed that a joint session is not mandatory, but if there is one member of either the House of Representatives or the Senate who desires to have the proclamation revoked, that desire is sufficient enough for Congress to convene in a joint session because there is no other way by which the motion may be resolved.

He said that the vote of the five members of the Senate against the resolution has formalized their position against the proclamation and its revocation

which the Body would take into consideration when it votes on the resolution proposed by Senator Drilon.

He reiterated that what the Body was voting on was merely the existence of two requirements: rebellion and public safety. He said that with or without the briefing and with or without the report of President Duterte, they, who voted for the resolution, took the position that there was factual basis of the proclamation based on what was happening in Marawi City and its adjacent areas.

***By Senator Trillanes***

Senator Trillanes clarified that his negative vote on the resolution does not mean that he does not support the ongoing military operations nor does it mean that he was not sympathizing with the people of Marawi and Mindanao. He believed that all the members of the Body support and acknowledge the sacrifices of the AFP for the country.

However, he maintained that the declaration of martial law was not the correct or proportionate response of the government to address the crisis at hand. He said that the other day's briefing reinforced his belief that the AFP is very much capable of crushing the Mautes without martial law as it did in 1995 during the Ipil massacre wherein hundreds of Abu Sayyaf members raided Ipil, Zamboanga del Sur and randomly killed civilians and military personnel. He said that the whole of Mindanao then was not inconvenienced by any martial law and the mission was accomplished and the economic progress of the area was not hampered. Another instance, he said, was the Cabatangan-Sulu siege, involving a much larger enemy force in a much larger area, where the response of government forces was swift and decisive and the AFP crushed the enemy and restored law and order without resorting to martial law.

Senator Trillanes also cited the all-out war launched by President Erap against 15,000 armed Moro Islamic Liberation Front (MILF) regulars, as well as the Zamboanga siege where the AFP faced a much larger enemy force in a much larger area in the city of Zamboanga who were crushed without then President Aquino declaring martial law.

He recalled that only then President Marcos declared martial law for the whole country in 1972 precisely to crush and solve lawlessness. Adverting



to the incident mentioned by Senator Zubiri that he was 10 years old when the NPAs raided their home and shot his brother, he reminded Senator Zubiri that the incident actually happened during martial law in 1979 or seven years into martial law. Thus, he opined that martial law was not the cure as proven from the experience during the Marcos years. He believed that there was a misplaced expectation: everybody assumes that by declaring martial law, all the enemies of the state would cower in fear and that the AFP would have superpowers to obliterate the enemy.

However, Senator Trillanes reminded the Body that whether or not there is martial law, the capability of the AFP is limited because its forces have been stretched thin for various reasons. He expressed confidence though that the AFP can do the job without martial law.

As a counter-proposal, Senator Trillanes suggested that sustained military operations would solve the problem without Congress getting in the way. He expressed confidence that the AFP, a professional armed forces led by generals who have been schooled in the art of ground warfare, know their job but need help by way of an increased intelligence funds. Malacañang, he said, could easily realign a portion of its P18-billion intelligence and confidential funds to the intelligence operations of the Armed Forces. At present, he said that Malacañang has P2.5 billion in intelligence funds and P15.5 billion in confidential funds broken down as follows: P11 billion for the Office of the President for the Conduct of the ASEAN activities, and P2 billion for the DILG presumably for the PNP. However, he questioned why the Presidential Communications Office of Secretary Andanar has a P1.4-billion budget as compared to the total intelligence budget of the AFP of only P1.6 billion. He said that the funds could be easily realigned if the government really wanted to serve and protect the Filipino people.

Senator Trillanes also proposed the immediate passage of the national ID system, noting that millions already passed through the checkpoints in Mindanao, whether in Davao City or Zamboanga City, and yet not a Maute member has been apprehended because IDs can easily be fabricated and there is no database that has a biometric reference for the population.

Finally, Senator Trillanes pushed for the immediate passage of the Provisional Enlisted Personnel bill that would allow the Armed Forces to recruit as many as

20,000 troops without being burdened by the pension system. He said that the new troops would have a new pension system when they retire while the active personnel will still retain the old system. He said that his proposals are some of the ways that can help the soldiers on the ground and eventually crush not only the Maute terrorist group but all the other lawless elements.

### **MANIFESTATION OF SENATOR SOTTO**

Senator Sotto clarified that his earlier intervention during the explanation of vote of Senator Trillanes was a reminder of the rules governing executive session and not distracting a vote. He said that he was merely explaining and making a reminder that the issues tackled in the executive session could not be divulged in public. He said that Senator Trillanes has already cast his vote and under the *Rules of the Senate*, other Members cannot interrupt anyone who is voting.

### **EXPLANATION OF VOTE OF SENATOR VILLANUEVA**

Senator Villanueva stated that his father was a victim of martial law and that he and his family are “allergic” every time they hear the words “martial law.” He recalled that during the briefing held the day before, he listened attentively to the stories of what was happening on the ground and of the heroic acts of the men in uniform from the AFP and the PNP, and that he was touched by the story of two Muslim women who defended and helped save the Christians caught in the crossfire.

He recalled asking during the briefing what Congress could do to help – whether to revoke or concur, whether it would be a morale booster to the men in uniform if Congress would concur, and the answer was that it would encourage the AFP to fight even harder as Congress is rallying behind them. He said that he clearly realized during the briefing that the AFP and the PNP and those fighting for the country need the help of Congress. He stated that his position on whether or not to hold a joint session is public – that he would join and participate if invited.

Thus, Senator Villanueva said that he voted for the resolution because, to him, there was no compelling reason to revoke the proclamation at the current time.

### **MANIFESTATION OF SENATOR ZUBIRI**

Adverting to Senator Trillanes’ statement about

him, Senator Zubiri clarified that he was taught how to use a firearm around 1979 when he was 10 years old because of the atmosphere in Mindanao. However, he said that the raid in their home in Quezon, Bukidnon, where two NPA commanders died, happened on April 5, 1991, the reason his family transferred to Maramag, Bukidnon, or eight days before his birthday.

## **REMINDER OF THE SENATE PRESIDENT**

Senate President Pimentel reminded the senators that they have seven (7) days to submit their written explanation of their votes for Proposed Senate Resolution No. 388 as provided by the *Rules of the Senate*.

## **PROPOSED SENATE RESOLUTION NO. 390**

With the consent of the Body, upon motion of Senator Sotto, the Body considered Proposed Senate Resolution No. 390, entitled

**RESOLUTION TO CONVENE CONGRESS  
IN JOINT SESSION AND DELIBERATE ON PROCLAMATION NO. 216  
DATED 23 MAY 2017 ENTITLED,  
“DECLARING A STATE OF MARTIAL  
LAW AND SUSPENDING THE  
PRIVILEGE OF THE WRIT OF  
HABEAS CORPUS IN THE WHOLE  
OF MINDANAO.”**

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

The Chair recognized Senator Pangilinan for the sponsorship.

## **SPONSORSHIP SPEECH OF SENATOR PANGILINAN**

Senator Pangilinan recalled his personal experiences when martial law was declared in the country and proceeded to highlight the arguments which led him and Senators Drilon, De Lima, Aquino, Hontiveros and Trillanes to file Proposed Senate Resolution No. 390.

*The full text of Senator Pangilinan's sponsorship speech follows:*

*Noong isang gabi, nakatanggap kami sa aming tanggapan ng text message mula sa isang residente ng Marawi City na lumikas mula sa lungsod kasama ang kanyang pamilya dahil sa bakkakan.*

*Sa kanyang text message, sinabi niya, “dahil sa mga airstrikes, nasunog na ang kanyang bahay at iyong mga negosyo o business establishments doon sa Marawi City.” At sa ngalan ng mga kababayan natin sa Marawi, tinanong niya sa gobyerno, kailan ba matatapos ang bakkakan para sa kanilang kaligtasan? Isa po siyang sibilyan.*

*Ang sabi niya, marami na ang nangangamba kung ano ang magiging kahihinatnan ng labanan. Pagkatapos ng krisis, mayroon pa ba silang uwian? Ano ang buhay at kabuhayan na kanilang babalikan?*

These brief yet gripping messages make the best arguments for Proposed Senate Resolution No. 390 which I, together with Senators Drilon, De Lima, Aquino, Hontiveros and Trillanes, have filed.

It calls on both Chambers of Congress—the Senate and the House of Representatives—to perform their “sacred duty and peremptory obligation” and hold a joint session and deliberate Proclamation 216 that declared martial law and suspended the privilege of the writ of habeas corpus in the entire Mindanao.

We stress, however, that we fully back efforts to neutralize the enemies of the state, bring them to the bar of justice, and restore peace and order in Marawi City and other areas affected by the terroristic and criminal activities of these armed groups.

Peace, justice and development should reign in Mindanao.

We lay down four bases in making this call to convene the joint session.

1. The Supreme Court decision in *Fortun v. Macapagal-Arroyo*, explains that the President and the Congress “act in tandem” in exercising the power to proclaim martial law or suspend the privilege of the writ of habeas corpus.

According to the Supreme Court: “They exercise the power, not only sequentially, but in a sense jointly, since after the President has initiated the proclamation or the suspension, only the Congress can maintain the same based on its own evaluation of the situation on the ground, a power that the President does not have.”

13

Jollor

"Consequently, although the Constitution reserves to the Supreme Court the power to review the sufficiency of the factual basis of the proclamation or suspension in a proper suit, it is implicit that the Court must allow Congress to exercise its own review powers, which is automatic rather than initiated. Only when Congress defaults in its express duty to defend the Constitution through such review should the Supreme Court step in as its final rampart. The constitutional validity of the President's proclamation of martial law or suspension of the writ of habeas corpus is first a political question in the hands of Congress before it becomes a justiciable one in the hands of the Court," read the same decision.

I will reiterate:

The Court must allow Congress to exercise its own review powers, which is automatic. A review power that is automatic. It is not optional.

2. As the President exercises the most extensive government powers as head of state, head of government and the commander-in-chief, his extra powers to declare martial law and suspend the privilege of the writ of habeas corpus must strictly comply with the Constitution.

3. The Constitution guarantees transparency, accountability in government, respecting the right of citizens to information of public interest, and the fundamental underlying principle of checks and balances amongst the separate branches of government. And, in this case, the Executive and the Legislative branch.

In a joint session of the Senate and the House of Representatives, we can determine the constitutional and factual validity of the proclamation, prevent abuses in its implementation, and ensure the safety of the people of Marawi and the whole of Mindanao.

Congress may also make recommendations on guidelines regarding the proper conduct of martial law, as part of its duty to ensure such are consistent with the rights of our citizens.

4. We should not forget our painful experience with the imposition of martial law under the Marcos dictatorship.

This period in our history has, in fact, become impetus for the clear limitations on the President's exercise of the extraordinary powers, including the mandate granted to Congress to

make an independent determination of the constitutional grounds for the limited curtailment of the people's rights are followed.

*Ang usapin tungkol sa martial law noong panahon ng mga Marcos ay hindi lamang kuwento. May pinaghuhugutan ito mula sa personal na karanasan bilang isang aktibista na noon ay nakipaglaban din sa diktadurya. Hindi kami makauwi ng bahay. Naalaala ko sa bahay namin sa Antipolo na sa loob po ng kuwarto ay mayroon collapsible floor iyong aming kabinet just in case kami ay puntahan at subukang arestuhin ng militar. At iyong collapsible floor na iyon ay dire-diresto na po sa kalye sa labas. Dahil nga po hindi biro ang martial law.*

*Hindi nagbibiro si Pangulong Duterte nang sabihin niya na naging marahas ang martial law noon, at magiging marahas din siya ngayon kung kinakailangan. Ito ay kinakailangan nating bantayan.*

True, some have become disillusioned, some have grown tired, and some have grown old. *Matagal na tayo sa pakikibaka. Matanda na tayo.* Perhaps, we think we have done our share. But then we look at the situation and see that before us, the problems are still there. Martial law is upon us. And the challenges are far-reaching.

For the Marawi resident who sent us these text messages and other families fleeing from the skirmishes; for our soldiers in the battlefield fighting the enemy, risking and giving up their lives; for the social workers and civic groups aiding the evacuees; for the ordinary Filipino who are wary about what lies ahead, Congress should not simply nod and agree to martial law. Congress cannot simply be a passive observer. Rather, Congress must be an active participant. This, we believe, is the intent of the framers of the Constitution. *Tungkulin ho natin ito sa Kongreso; huwag sana nating talikuran ang obligasyong ito.*

And for this, I move that we approve Proposed Senate Resolution No. 390.

## MANIFESTATION OF SENATOR LACSON

Senator Lacson informed the Body that during a huddle with Senator Drilon while Senator Pangilinan was delivering his sponsorship speech on Proposed Senate Resolution 390, it was enlightening to know that Senator Drilon has not changed his position or interpretation of Section 18, Article VII of the Constitution, that if the Body is for revocation, then it should support Proposed Senate Resolution

13

*J. Lacson*

No. 390, but if the Body is for affirming the proclamation of martial law, then it should not vote in favor of convening Congress in a joint session.

Senator Lacson also recalled that during the first caucus on the matter, Senator Drilon had manifested that there was no need to convene a joint session if the Body does not intend to revoke the proclamation, a stand which, according to Senator Lacson, the Minority Leader validated during a huddle with him. Still, he said that he would like to be further enlightened because he respects the opinion of the Minority Leader on legal matters even as he noted that because there were already 17 votes in favor of Proposed Senate Resolution No. 388, there was no need for Congress to convene in a joint session.

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

Senator Drilon clarified that what he said was that there was no need to confirm the declaration of martial law in order for it to be effective, so that even if the Body does not confirm it and Congress does not hold a joint session, the declaration continues to be valid until revoked by Congress or declared as lacking in factual basis by the Supreme Court. That, he stated, was his legal position on the matter.

Senator Lacson said that he would follow the Constitution and that since he is not for revocation, then he would vote against Proposed Senate Resolutino No. 390.

#### **MANIFESTATION OF SENATOR AQUINO**

Senator Aquino explained that the Minority's position, and maybe of some Members of the Majority, was that 1) a joint session needs to be convened because it is a constitutional requirement; and 2) a joint session would enable the public to know the reasons why martial law was declared in Mindanao, how would it be implemented by the Armed Forces and until when, among others, without breaching any national security matters.

He said that the call for a joint session should not be equated with the revocation of the declaration but to fulfill a constitutional requirement and to enable the public to know from their representatives what the security situation is. He admitted that while almost all of them have expressed their support for the Armed Forces, and while they in the Minority have also taken different stands on the declaration

of martial law in Mindanao, they all agreed that the constitutional process should be followed whatever the outcome of the vote is in a joint session.

For his part, Senator Drilon said that it was obvious from the signatures of the five members of the Minority on the resolution that they would want to revoke martial law based on the briefing made by the security advisers the other day that lawlessness in Marawi could be resolved within a week and that the situation is under control. He recalled that even the Defense Secretary during the briefing had specifically replied that there was no need for martial law to defeat the Maute group.

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

Senator Sotto agreed that there would be no need for martial law if the Maute group was the only enemy, but as revealed during the briefing, there were other enemies. He declined to further divulge what was taken up during the executive session.

He informed the Body that he has received from the House of Representative some records of the proceedings of the Constitutional Commission pertaining to Section 18, Article VII of the 1987 Constitution. He said that based on the records, Section 18 clarified the justiciability of the proclamation of martial law and the suspension of the privilege of the writ of habeas corpus, as well as the limitations and procedures upon declaration of martial law. He said that based on the proceedings, the original proposal was to have Congress concur in the declaration of martial law and in the suspension of the privilege of the writ of habeas corpus; however, the commissioners deleted the provision and made it clear that no concurrence from Congress was necessary but Congress was given the power to revoke or extend the proclamation by a majority of all its Members. He quoted Commissioner Ambrosio Padilla, to wit:

"I have no objection to the proposal of Commissioner Monsod in the sense that the suspension of the writ of habeas corpus by the President, under certain conditions, does not need the concurrence of the majority of members of Congress. And I would go further that even the proclamation of the state of martial law, under certain conditions, also should not secure the prior concurrence of the majority of the members of Congress. For, after all, as the section provides, Congress may revoke such

proclamation or suspension or even extend the period of 60 days. But for the initial declaration, either of the suspension of the writ or of the proclamation of martial law, it should not be necessary to secure the concurrence of a majority of the members of Congress."

*At this juncture, Senate President Pimentel relinquished the Chair to Senate President Pro Tempore Recto.*

Senator Sotto noted that the provision was very much influenced by the martial law experience under then President Marcos that it was even proposed that the extraordinary emergency powers of the President may not be exercised without the concurrence of Congress which was opposed on the argument that such limitation would hamper the President's capacity for quick response. He then asked whether or not the proponents of Proposed Senate Resolution No. 390 are actually calling for a revocation.

For his part, Senator Aquino clarified that the Minority's call for a joint session did not necessarily mean they are for revocation, noting that even some members of the Majority would want to support a joint session in the interest of transparency and to carry out a constitutional mandate even if they are not in favor of revocation.

To the earlier statements of Senator Sotto, Senator Aquino agreed that the President does not need congressional concurrence to implement martial law, as it is already being implemented even without the explicit concurrence of Congress. He said that he also understood why the framers of the 1987 Constitution provided that no congressional concurrence is needed to declare martial law, admitting that there are indeed reasons for the President to act expediently in times of emergency situations.

But Senator Aquino maintained that a joint session is still warranted even if, as pointed out by the discussion between Constitutional Commissioners Soc Rodrigo and Christian Monsod, the Senate votes would be outnumbered by the votes of the greater number of congressmen. He noted that during the debate, the two commissioners made a clear reference to a joint session where matters would be discussed and voted upon, so that a call for a joint session does not mean a revocation.

Senator Sotto thanked Senator Aquino for the clarification but he maintained that convening Congress to a joint session when the intent of both Houses is not to revoke the declaration of martial law would just distract the AFP from doing their work in Mindanao.

#### MANIFESTATION OF SENATOR ESCUDERO

Senator Escudero noted that Senator Drilon earlier mentioned that the Minority voted against the resolution not to revoke the proclamation of the President because they already have taken the position that it should be revoked; on the other hand, Senator Aquino took the position that voting for the resolution to convene a joint session does not necessarily mean a vote to revoke the proclamation. He said that Senator Aquino was contradicting what the Minority Leader has said.

He explained that his vote on the resolution calling for a joint session would depend on how the members of the Minority interpret their respective votes on Proposed Senate Resolution No. 388. He said that he would want to know whether or not the Minority has formally taken the position of revoking the proclamation of martial law.

After describing some highlights of events surrounding the crafting of the Constitution during the Cory Aquino administration, especially the provision on the declaration of martial law, Senator Escudero claimed that martial law under the present Constitution is a toothless tiger that has a more psychological effect than anything else because even when a President declares martial law, the Constitution is not suspended, the Bill of Rights would still apply, only the courts can issue search and arrest warrants, the suspension of the privilege of writ of habeas corpus only applies to rebellion cases, and that a person should be charged within three days, the same period provided for in the Revised Penal Code. He explained that the only distinction is that when martial law is declared under the present Constitution, the President can call on the Armed Forces to perform police functions to maintain peace and order and suppress lawless violence.

However, Senator Escudero reiterated his interpretation of the Constitution: that for as long as there is one out of the 292 members of the House of Representatives and one out of the 23 senators who would ask for a revocation of the proclamation by



the President of martial law, the only manner or procedure that the motion could be disposed of and be voted upon is through a joint session.

Senator Escudero clarified that his was not a vote against the administration. In fact, he said that the declaration made by the President was a unilateral act by him, such that if Congress in a joint session should reject a motion to revoke, then such declaration and/or proclamation would be democratized with the participation of an additional institution of government. He said that if Congress would convene, it would bring better sense that the declaration of martial law was not just a mere opinion or decision of one person but would be supported by the majority of Congress. He expressed certainty that all legislators from Mindanao would vote on the declaration of martial law because they are aware of the real situation and know what Mindanao needs at the moment. Hence, he said that it would bode well for the administration to place on record the deliberations on the matter not just for future reference but also as precedent so that it would be easy to convene for the joint session to deliberate, discuss and vote upon the declaration for as long as one Member asks for it.

#### **INTERPELLATION OF SENATE PRESIDENT PIMENTEL**

Asked by Senate President Pimentel if the theory behind the resolution was to determine if the holding of the joint session in case of a martial law declaration and the suspension of the writ of habeas corpus is either automatic or mandatory, Senator Pangilinan said that the word used by the Supreme Court to describe the role of Congress to review was "automatic."

Asked if the basis for the theory was the case of *Fortun vs. Macapagal-Arroyo*, Senator Pangilinan replied in the affirmative, saying that it is the only Supreme Court decision that touches on the declaration of martial law under the 1987 Constitution.

Senate President Pimentel said that he has a problem with the citation of that case because the *ponente* himself clearly stated that the case and the consolidated petitions must be dismissed because they were rendered moot and academic with the withdrawal of the proclamation of martial law. He questioned how the position to call for a joint session is automatic based on that cited Supreme Court decision when that decision itself admitted that it was

moot and academic. He believed that the statements being quoted from the decision to dispose of the case should not have been made at all because they are considered *obiter dicta*.

Senator Pangilinan pointed out that the Minority position was not relying solely on the *Fortun* case but also on legislative precedents, citing, in particular, the declaration of martial law in 2009, when Congress automatically convened but eventually adjourned when martial law was lifted.

But Senate President Pimentel pointed out that in December 2009, the Senate was for revocation when it adopted then Resolution No. 217, entitled "Resolution expressing the sense of the Senate that the proclamation of Martial law in the Province of Maguindanao is contrary to the provisions of the 1987 Philippine Constitution," as opposed to the Senate now which adopted Proposed Senate Resolution No. 388 expressing its sense that it has no intention to revoke President Duterte's martial law declaration.

Senator Pangilinan recalled that as the one who drafted Resolution No. 217 (Proposed Senate Resolution No. 1522 as filed), he personally went around asking the Members of the Senate to sign the resolution which was crafted in such a manner that did not provide for a position that there is intent to revoke the declaration of martial law as they believed then that any talk about the revocation should be discussed in the joint session of Congress and not in the Upper Chamber; otherwise, he would have placed the revocation as part of the resolution's title. He emphasized that the Senate then believed that the proper jurisdiction regarding the matter of revocation was not the Upper Chamber but through a joint session which they felt was the intention and mandate of the Constitution.

For his part, Senate President Pimentel pointed out that the legislative precedent being cited cannot be invoked because in 2009, when the Senate then adopted Resolution No. 217, it was pushing for the revocation of the martial law proclamation.

In reply, Senator Pangilinan maintained that under the Constitution, the joint session of Congress is the proper forum where the issue and matter of revocation regarding the declaration of martial law should be properly debated. On the other hand, he pointed out that when the Senate adopted Proposed Senate Resolution No. 388, authored by 15 Members, express-

P

John

ing the sense of the Senate not to revoke the martial law declaration, the deliberations on the merits of the declaration cannot be considered valid because they were not done in a joint session. Thereupon, he asked what official record, proceeding, or act of Congress should be observed to proceed with the debate on the declaration of martial law.

Senate President Pimentel said that based on his understanding of the Constitution, an official record is necessary if the intent is to revoke the declaration of martial law. He then asked Senator Pangilinan if his understanding that a joint session is automatic prevents a House from expressing its own sense concerning the proclamation of martial law just like what the Senate did through Proposed Senate Resolution No. 388.

Senator Pangilinan said that precisely Proposed Senate Resolution No. 1522 (Senate Resolution No. 217) did not touch the issue of whether the Senate would concur or reject the martial law declaration because they believed then that the discussion on the merits of the revocation or concurrence should be made in a joint session of Congress.

Senate President Pimentel disclosed that while Proposed Senate Resolution No. 388 was being debated on, he was exchanging text messages with the Speaker of the House who informed him that they will not agree to the holding of a joint session as they see no need for it, their interpretation being in cases of declaration of martial law or suspension of the privilege of the writ of habeas corpus, a joint session was not automatic. As regards the *Fortun* case, he pointed out that the Supreme Court's *ratio decidendi* was that the case had become moot and academic.

Asked if the issue was still unsettled and lacking guidance from the Supreme Court, they had to rely on their own interpretation, Senator Pangilinan pointed out the *Fortun* case is an *en banc* decision of the Supreme Court which, according to the Civil Code, provides that judicial decision applying or interpreting the laws of the Constitution forms part of the law of the land. He said that while what he quoted from the decision was, in effect, an *obiter dictum*, there were other bases for the argument, among which was the decision of Congress to convene in 2009, and several constitutional tenets such as transparency, the right of the public to information on matters of public interest, as well as accountability which is way for Congress to check on the Executive department.

Senate President Pimentel stated that comparing past legislative acts with the present situation is like comparing an apple to an orange since the parliamentary situations then and now are not the same.

Senator Pangilinan admitted that although he was unable to attend the caucus, he had assumed that similar to what happened in 2009 when the Senate's position then was that a joint session was mandatory, there would no longer be a debate on whether both Houses of Congress would convene or not, the reason he was surprised that there was a debate on whether a joint session was mandatory or optional. But Senate President Pimentel pointed out that the intention of the Senate then was to revoke, as contemplated by its adoption of Senate Resolution No. 217.

Senator Pangilinan stated that the resolution was only adopted a few days after the declaration, such that before it was adopted by 17 senators, the Senate had no real sense of whether or not the revocation would have been the course of action. He added that even without an official document, they all agreed that a joint session was mandatory and that no debate to determine if it was optional occurred.

With the permission of Senate President Pimentel and Senator Pangilinan, Senate President Pro Tempore Recto recognized Senator Zubiri to reply to Senate President Pimentel's query as to who were the Senators then in 2009 who are members of the present Senate.

Senator Zubiri stated that he was the Majority Leader at that time, and he recalled that he, together with Senator Aquilino Pimentel Jr. and Senator Juan Ponce Enrile, all agreed that the Senate should have a joint session as they were for revocation of the martial law declaration. He disclosed that he even had a shouting match with Representative Boyet Gonzales because the position of the House of Representatives was for concurrence and that a joint session was not necessary, but the Senate wanted to revoke the martial law order of then President Gloria Macapagal Arroyo as they believed then that the elements of rebellion or invasion were not present during the Maguindanao massacre, and that it was purely a police matter. He reiterated that they pushed for a joint session because they were for revocation, not because it was mandatory.

Asked by Senator Pangilinan if he was supportive of the revocation considering that he was part of

*pet p*

President Arroyo's administration, Senator Zubiri clarified that the Senate was unanimous when it adopted Senate Resolution No. 217.

Senator Pangilinan said he did not recall any debate as to whether a joint session was mandatory or optional. Senator Zubiri said that the meeting he was referring to was in Edsa Shangri-La Hotel.

Senate President Pimentel said that he has asked the Secretariat on the proper way to initiate a joint session with the House of Representatives and he was told that there should be a concurrent resolution to be adopted by both Houses. He said that the present resolution being discussed must already have a counterpart in the House of Representatives.

Asked if there is a counterpart resolution pending before the House of Representatives, Senator Pangilinan assumed that there was none. However, he pointed out that the concurrent resolution to convene Congress in a joint session for the State of the Nation Address does not entail debates since it is mandatory under the Constitution. Given the gravity of the matter and the serious nature of the extraordinary powers given to the President, he argued that the martial law declaration has to be deliberated upon in a joint session.

Senate President Pimentel stated that in the case of the concurrent resolution for the SONA, both Houses coordinate with each other even before the filing, that is why there are no debates; on the other hand, in this particular case, there is no counterpart resolution in the House of Representatives. Senator Pangilinan said that there are differing interpretations regarding the joint session of Congress to check on the basis of the martial law declaration.

At this point, Senator Drilon interjected to state that although there is no equivalent resolution filed in the House of Representatives, the proper procedure would be to pass the resolution and send it to other House for its concurrence or non-concurrence; hence, there is no need to debate on whether there is a House version or not.

Asked if the Sponsor would still push through with the resolution even with the information that the House would not agree to a joint session because its interpretation is that it is not automatic or necessary, Senator Pangilinan answered in the affirmative, saying he would do so for record purposes.

## INQUIRY OF THE CHAIR

Senate President Pro Tempore Recto asked if the position of the Minority, as shared by some members of the Majority, is that it is a constitutional duty of Congress to have a joint session. Senator Pangilinan answered in the affirmative.

Asked if nothing would prevent the joint session of Congress from affirming the declaration of the President, Senator Pangilinan answered in the affirmative. He also confirmed that an affirmative vote by both Chambers to support the martial law declaration of the President would strengthen the President's position and the mandate of the AFP.

## MANIFESTATION OF SENATOR HONTIVEROS

Citing Article VII, Section 18, Senator Hontiveros questioned the rationale behind the provision that if Congress is not in session, it would be mandatory to call for a joint session; but if Congress is in session, it is not mandatory.

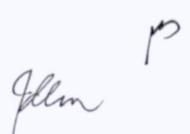
Senator Hontiveros stated that Proposed Senate Resolution No. 390 is about convening Congress in a joint session, and she appealed to the members of the Majority to support the passage of the same, regardless of the decision of the House of Representatives. If the Majority needs one member of the Senate to move for revocation, she said that there is at least one apart from herself.

Senator Hontiveros pointed out that the AFP had said that they can contain the Maute terror group in Marawi even without martial law. She emphasized that she is against the Maute terrorism, in the same manner that she is also against creeping state authoritarianism.

Senator Hontiveros stated that she is for the revocation of martial law because she has full confidence in the capacity of the AFP to defeat the Maute terrorist group in Marawi City or wherever else they may run.

## MANIFESTATION OF SENATOR PACQUIAO

Senator Pacquiao pointed out that since the Senate and the House of Representatives have declared their support for the proclamation of martial law, there is therefore no need for Congress to convene in a joint session.



## MANIFESTATION OF SENATOR SOTTO

Senator Sotto stated that Senator Pangilinan earlier moved for the adoption of Proposed Senate Resolution No. 390, to which Senator Lacson objected. He also manifested his objection to the resolution. Thus, he moved for a division of the house, clarifying that a "yes" vote would be in favor of the resolution asking for a joint session, and a "no" vote would be against the convening of a joint session.

## SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

*It was 8:15 p.m.*

## RESUMPTION OF SESSION

At 8:16 p.m., the session was resumed.

## NOMINAL VOTING ON PROPOSED SENATE RESOLUTION NO. 390

Upon resumption, the Chair called for a division of the House and directed the Secretary to call for a nominal vote.

The result of the voting was as follows:

### *In favor*

Aquino	Pangilinan
Drilon	Poe
Escudero	Recto
Gatchalian	Trillanes
Hontiveros	

### *Against*

Angara	Legarda
Binay	Pacquiao
Ejercito	Pimentel
Gordon	Sotto
Honasan	Villar
Lacson	Zubiri

### *Abstention*

None

With nine senators voting in favor, 12 against, and no abstention, Proposed Senate Resolution No. 390 was lost.

## EXPLANATIONS OF VOTE

### *By Senator Angara*

Senator Angara expressed his regret that he could not join the well-intentioned resolution of the Minority. In extraordinary times like the present, he said that it is always better to err on the side of transparency and accountability and explain to the people why their representatives act in certain ways, given the urgency of the situation. He believed, however, that the Body's explanation on the earlier resolution whether to revoke or not to revoke the declaration of martial law has, for practical intents, already served the purpose of a joint session.

From a legal standpoint, he said that he joins the reasons that Senator Sotto cited earlier, not only the text of the Constitution but also the records of the Constitutional Commission where the text of the martial law provision was amended to reflect the intent that in case of Congress concurring in the presidential declaration of martial law, there is no need to have a joint session and that it would be necessary only in case of revocation. This thinking, he said, was supported by the words of Commissioner Ambrosio Padilla, a known constitutionalist, in the records of the Constitutional Commission, as well as by the remarks of former Justice Vicente Mendoza in his submissions to the Senate that there are only few instances where a joint session is called for by the Constitution, one of which is the revocation of the declaration of martial law.

He said that for reasons of law, of policy and for prudential reasons, if the Body were to engage in a joint session, they would just be repeating what they had done in the last 48 hours and they would just be asking the same questions to the AFP; however, if the Body supports the declaration of martial law, it is but practical to leave the AFP to concentrate on what is happening in Mindanao.

### *By Senator Gatchalian*

Senator Gatchalian explained that he voted not to revoke martial law earlier on because he believed that chaos and violence should be prevented from spreading across Mindanao. He then quoted a Supreme Court decision taken from the case of *Davide vs. Arroyo*, to wit "The power to declare martial law poses the most severe threat to civil liberties. It is a strong medicine which should not be resorted to lightly."

10

Jdlm

He said that his reasons why he voted “yes” were: 1) martial law is indeed a very strong medicine or strong tool to arrest violence and chaos in Mindanao and therefore deserves a larger body to deliberate on and to assess whether the medicine is correctly implemented; and 2) a joint session or joint convention would legitimate and give a stronger mandate to President Duterte’s proclamation of martial law and concurrence or affirmation would strengthen the mandate and the proclamation.

*By Senator Legarda*

Senator Legarda requested that her explanation of vote on Proposed Senate Resolution No. 390 be inserted into the record of the Senate.

*Following is the explanation of vote of Senator Legarda:*

I vote *No* to Proposed Senate Resolution No. 390 proposing that Congress convene in joint session to deliberate on the President’s proclamation of martial law and the suspension of the privilege of the writ of habeas corpus. I do so for national security considerations, to uphold the sense of the majority of the members of the Senate supporting the proclamation and the suspension, and to give life to the intent of the framers of the Constitution.

Like all powers granted by the Constitution, the power of the President to suspend the privilege of the writ of habeas corpus or place any part of the country under martial law is not without limitation. Article VII, Section 18 confers to the President the prerogative to decide to issue such proclamation or suspension, and then carefully confers on Congress a specific mandate alongside the President in terms of the duty to revoke or extend the period for enforcement of the same. The Constitution also renders the question of sufficiency of the factual basis for such proclamation or suspension as a justiciable question subject to review by the Judiciary.

The three branches of government must always strive to work in harmony for the national interest. Opposing positions must only be taken when unavoidable and there is no other recourse.

With full appreciation of the facts to the issuance of Proclamation No. 216 from our top defense and security officials in the briefing to the senators on May 29<sup>th</sup>, I see that a joint session at this time, where issues of national security may be laid out in the open, will put our

armed forces at greater risk as the firing continues to rage in Marawi and threatens Mindanao and the entire nation.

This concern for national security and intent to provide the President sufficient powers to be able to act swiftly and invoke military powers to quell the rebellion is at the heart of Senate Resolution No. 388, expressing the sense of the Senate supporting Proclamation No. 216 and finding no cause to revoke the same. Thus, along with the majority of the members of the Senate, I supported this resolution.

I remain firm in my belief that at the proper time, Congress may convene in a joint session and vote to revoke or even to reduce the period of the proclamation and suspension, which should last for not more than sixty days. Yet this is fully in keeping with the intention of the framers of the Constitution, as borne by the Record of the Constitutional Commission: **the effectiveness of the martial law proclamation does not require concurrence of Congress.** In adopting an amendment proposed by then Commissioner Christian Monsod, the framers deleted the phrase **“and with the concurrence of at least a majority of all members of Congress,”** as regards the power of the President to proclaim martial law. The amendment was adopted, **“to give the President the flexibility to act....”** The proclamation and suspension remains valid and in force without the need of concurrence from Congress.

We honor our brave men and women in uniform whose lives are on the line. Theirs is the ultimate sacrifice so that we remain safe here in the Senate and in the comfort of our homes and communities. We urge all Filipinos, especially the people of Marawi, to have faith that our nation will overcome this challenge.

*By Senator Gordon*

Senator Gordon stated that decisions on the matter are never easy for the Member of the Body, adding that they are voting with friends and colleagues whom they have nothing but respect for the principal stand of the Members who voted on the other side.

He noted that there are also emotional matters that have come into the picture since soldiers and civilians have died and the threat is spreading widely throughout the entire country.

He recalled a quote, which says “On the beaches of history bleach the bones of those who, at the moment of decision hesitated and having hesitated,



died." He said that at times, one has to take the risk. He disclosed that he would have wanted a discussion with the Senate's counterparts in the House of Representatives but because it has already been rendered academic by the previous vote, it would have been superfluous because it might be misinterpreted by people who are suffering in the midst of the conflict, including those who are trying to help them.

Commending those who voted for the resolution, he said that no one ever wins or loses but democracy was sustained that day. He said that he was happy that everyone debated and talked in a very gentle and cogent manner and that he was proud to be a member of the Senate.

*By Senator Ejercito*

Senator Ejercito said that he would have wanted a joint session because he felt that it would be an affirmation of President Duterte's declaration of martial law and it would show the support of both Houses of Congress.

He said, however, that the government is not dealing with ordinary bandits or criminals but with terrorists. He said that as what he stated earlier, there is an urgent and a compelling reason to declare martial law because what is happening at present is not an ordinary rebellion but terrorism. He pointed out that the military and the police would need full force and an instrument like martial law to quell the rebellion as soon as possible. He said that the moment the terrorists lay down their arms, it would be hard to identify them as such. Battling terrorist is really a compelling reason to support the declaration of martial law of President Duterte, he said.

*By Senator Poe*

Senator Poe said that as Senator Angara pointed out, it is important that there is transparency in their discussion so that the Filipino people would know exactly the reason behind their votes.

She said that their debate in Congress would not prevent the military or the government from doing their operations in Marawi. She felt that for the students of history, they would always refer to such discussions on the proclamation of martial law when they would have to make a similar decision in the future. She opined that it is the senators' primary

responsibility to debate on the matter as much as they can, without hampering the operations of the military and what they need to do immediately to secure the safety of the people in Marawi and Mindanao since martial law is already in effect and Congress has not rejected it yet.

Senator Poe said that it is best to air their side with caution so they could debate on the matter as lengthily as possible for the record.

**MANIFESTATION OF SENATOR AQUINO**

Senator Aquino said that Senator Villanueva would have voted for the joint session if he were present in the session hall.

*By Senator Escudero*

Senator Escudero said that he respected the position of those who voted yes and those who voted no, and given the lengthy debate on the declaration of martial law, it is a ripe issue for someone to bring it before the Supreme Court so that it could be finally clarified and settled by a petition for mandamus.

He said that when Congress convenes in a joint session, they would be doing their jobs without affecting what the soldiers are doing because as members of Congress and under the Constitution, they have a different calling and are not expected to fight against the Maute terrorists unless called upon. He explained that their duties are precisely to discuss the matter at hand, to discuss on the legality and to vote. For students of history, they would be able to place on record exactly what transpired during the most difficult time of the country's history, he said.

*By Senate President Pimentel*

Senate President Pimentel believed that the Constitution does not make the holding of a joint session mandatory. He said that it is actually a judgment call on each House of Congress whether it wants to invite the other House for a joint session, and that it will most likely happen if the prevailing sentiment within the House of Representatives or the Senate is for the revocation of the proclamation of martial law. He said, however, that the Senate or the House of Representatives will not be inviting each House for a joint session, considering the prevailing sentiment that each House had already determined



through caucuses or through the passage of resolutions not to revoke the proclamation and instead support the proclamation of martial law. He said that his position is that convening a joint session is not automatic and it is left to each House to decide what its position is. He stressed that if one House should request the other for a joint session, then it should be mandatory or there should be a moral obligation on the part of the other House to hold a joint session to hear out the prevailing sentiment of the requesting House. He opined that one House triggers the need for a joint session if that House should request the other House for a joint session.

*Hereunder is the written explanation of vote of Senate President Pimentel:*

Allow me to submit a written extended explanation of my negative vote on Proposed Senate Resolution No. 390, which seeks to convene Congress in joint session to deliberate on Proclamation No. 216 which declared a state of martial law and suspended the privilege of the writ of habeas corpus in the whole of Mindanao.

I believe the holding of a joint session of Congress after every declaration of martial law and/or suspension of the privilege of the writ of habeas corpus is not automatic or mandatory under our Constitution. The holding of such a joint session of Congress is discretionary and as a member of the Senate, I exercise my discretion towards not holding a joint session of Congress to deliberate on Proclamation No. 216.

Why do I say that the Constitution does not require the automatic or mandatory holding of a joint session of Congress after every declaration of martial law and/or suspension of the privilege of the writ of habeas corpus?

Take a look at the rule when Congress is not in session found in Article VII, Section 18:

“The Congress, if not in session, shall, within twenty-four hours following such proclamation or suspension, convene in accordance with its rules without any need of a call.”

It does not say that Congress shall convene in joint session. Had that been the intention of the framers of the Constitution, they could have very easily provided for that as follows:

“The Congress, if not in session, within twenty-four hours following such proclamation or suspension, convene **in joint session** in accordance with its rules without any need of a call.”

Also, we should be conscious of the fact that the 1987 Constitution was written by the framers and then ratified by the people way ahead of the drafting of the rules of each House of Congress mentioned in the above-cited constitutional provision. The 1987 Constitution was ratified on February 2, 1987, and the first Congress under the said Constitution first convened only on July 27, 1987. Hence, the framers of the 1987 Constitution did not know, when they wrote the above-cited provision, if the rules of each House of Congress would provide for an automatic holding of a joint session or not. Apparently, this was not crucial for them, as they were open to the possibility that the said rules would not provide for an automatic holding of a joint session.

Hence, I can already conclude that when Congress is not in session, the holding of a joint session of Congress after every declaration of martial law and/or suspension of the privilege of the writ of habeas corpus is not automatic.

What is the rule when Congress is in session? There is no specific rule or provision similar to the one quoted above. This is the entry of Article VII, Section 18 which had led to the opinion of some that the holding of a joint session is automatic or mandatory, to wit:

“The Congress, voting jointly, by a vote of at least a majority of all its Members, in regular or special session, may revoke such proclamation or suspension, which revocation shall not be set aside by the President. Upon the initiative of the President, the Congress may, in the same manner, extend such proclamation or suspension for a period to be determined by the Congress, if the invasion or rebellion shall persist and public safety requires it.”

Only because of the phrase “voting jointly” found above.

But can that phrase “voting jointly” imply, all by itself, that the holding of a joint session of Congress after every declaration of martial law and/or suspension of the privilege of the writ of habeas corpus is automatic under the 1987 Constitution?

I am not convinced that such a phrase has a powerful meaning.

The phrase “voting jointly” only means that if Congress wants to overrule the presidential proclamation or suspension and end it immediately, or extend it upon the request (or “initiative”) of the President, then Congress must

express its ruling in a joint session because it must “vote jointly.” This is an “easier” method because no House can exercise some sort of a veto power over the other House, which would be the case if the rule had been “voting separately.” (In a voting jointly scenario, the vote of one congressman is equal to the vote of one senator.)

If the representatives of the people in Congress want to overrule the decision of the other representative of the people in Malacañang Palace, who is their theoretical “co-equal,” then the members of Congress have the obligation to meet in joint session and vote jointly to do so. This is the burden of procedure provided by our Constitution.

If Congress agrees with the President’s request to extend the period for the proclamation or suspension beyond the time limit provided by the Constitution, then the members of Congress have the obligation to meet in joint session and vote jointly to do so. This is the burden of procedure also provided by our Constitution. And there is this “burden” because we are extending beyond the initial period allowed by the framers of the Constitution and ratified by the people.

My reading of the Constitution is that there is nothing that prevents each House of Congress to assess the propriety of the declaration of martial law in separate proceedings in accordance with their own rules. But if the prevailing sentiment of at least the majority of all the members of Congress is to revoke the President’s proclamation or suspension, then they have somehow to get their act together and hold that joint session required by the Constitution. My position is if one House requests for a joint session, then the other House has the moral obligation to agree and hear out the sentiment of the requesting House.

In our particular case, the prevailing sentiment in the Senate is not to revoke the proclamation of martial law as expressed in Senate Resolution No. 49 which was adopted on May 30, 2017, by a vote of 17 in favor, five against.

In the House of Representatives, I have been informed that the prevailing sentiment is also not to revoke.

Senate Resolution No. 49 was adopted by the Senate after the senators were each given a copy of the written report of the President and were briefed by the martial law civilian administrator in the person of Defense Secretary Delfin N. Lorenzana, the National Security Adviser Hermogenes C. Esperon Jr. and others

involved in the implementation of martial law in Mindanao.

During the briefing, each senator was given sufficient time to ask questions of the resource persons. No topic was off limits. The briefing took more or less four hours, including the questions and answers.

Sufficient time was also given for the discussion of the pros and cons of Senate Resolution No. 49. No one was prevented from speaking his or her mind out.

In short, the Senate has already complied with its “sacred duty and peremptory obligation” to go over and review President Duterte’s Proclamation No. 216 which declared a state of martial law and suspended the privilege of the writ of habeas corpus in the whole of Mindanao.

With or without that joint session, we already did our duty.

The proponents of the proposed resolution also argued that the Supreme Court, in *Fortun v. Macapagal-Arroyo* (G.R. No. 190293, 20 March 2012) ruled that the President and Congress must “act in tandem” in exercising the power to proclaim martial law.

The opinion cited, however, is mere *obiter dictum* because the Decision of the court dismissed the Petition questioning the constitutionality of the declaration of martial law. The Petition was dismissed because it was rendered moot and academic when Pres. Gloria Macapagal-Arroyo lifted the declaration of martial law. The opinion cited is a mere incidental expression, not essential to the decision and does not and cannot establish precedent.

Each senator, therefore, is free to form his own opinion and interpretation of the applicable provisions of the Constitution. My interpretation is that each House of Congress may make its own separate determination of the propriety of the declaration of martial law in its proceedings, according to its own rules. It is only when, after its own assessment, a House of Congress is of the opinion that the declaration of martial law is not in accord with the Constitution or disagrees with the declaration of martial law as a matter of policy, that it may invite the other House to convene in joint session to now discuss the possible revocation of the proclamation of martial law.

And since the joint session is not automatic or mandatory but discretionary, I vote to exercise my discretion towards no longer holding any joint session of Congress to go over and review Proclamation No. 216 especially since the Senate

has already made such a review and has come to the conclusion that it agrees with the proclamation and sees no compelling reason to revoke the same, at this time.

#### **MANIFESTATION OF SENATOR RECTO**

Senator Recto manifested that he would submit his explanation of vote in writing.

#### **EXPLANATION OF VOTE**

*(Continuation)*

*By Senator Zubiri*

Preliminary, Senator Zubiri expressed his appreciation to his colleagues for their statements acknowledging the situation in Mindanao. He hoped that after their vote that day, they could stop the conflict among themselves and rally behind the troops in Mindanao.

He informed the Body that he just got the information that the police lost a V-150 and the terrorists seized an armored personnel carrier and flanked it in another area.

He said that at that moment, the members of the Body could end the political noise, agree upon themselves that they have to rally behind the troops and to support their efforts to get rid of the terrorists in Mindanao.

#### **MANIFESTATION OF SENATOR AQUINO**

In response to Senator Zubiri's manifestation, Senator Aquino stated that rallying behind the government troops was never a question. What matters, he said, is that senators do their duty. He said that the Minority respected the decision of their colleagues, their numbers and their vote; however, he clarified that there has never been any time when their debates on the floor affected the troops or meant that they were not behind the troops.

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

By way of a reply, Senator Zubiri explained that his position was that the political noise that the members of the Body make also affect the troops. He said that if they had a joint session, members of Congress would have debated and would have been on TV as they make their points clearly heard. He said that he never meant nor considered the debates

they have on the floor as not rallying or supporting the government troops. He said that he was simply appealing that all should rally behind the troops.

He apologized if he had rubbed the Minority wrongly, suggesting that they move forward as a chamber, unite together despite their different causes and ideologies to help the troops in the field. He again appealed to the Body to rally together, unite for flag and country and pass legislation to help the people of the country.

#### **MANIFESTATION OF SENATOR POE**

Senator Poe stated that holding a joint session would empower the soldiers more and might dispel any possible questioning in the Supreme Court. She believed that it is better to show that there is a strong support in both Houses convening together and debating the issue constructively.

#### **SENATE CONFEREES**

Upon nomination by Senator Sotto, there being no objection, the following senators were elected as member of the Senate panel in the Bicameral Conference Committee on the Disagreeing Provisions of Senate Bill No. 1449 and House Bill No. 5648 (Extending the Validity of Driver's License): Senator Poe as chair; and Senators Recto and Drilon as members.

#### **COMMITTEE CHAIRMANSHIP**

Upon nomination by Senator Sotto, there being no objection, Senator Legarda was elected chair of the Committee on Foreign Relations.

#### **ADJOURNMENT OF SESSION**

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

*It was 8:41 p.m.*

I hereby certify to the correctness of the foregoing.

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

Approved on July 26, 2017

