



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal 1

SESSION NO. 49
Monday, January 16, 2017

**SEVENTEENTH CONGRESS
FIRST REGULAR SESSION**

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Monday, January 16, 2017

CALL TO ORDER

At 3:06 p.m., the Senate President, Hon. Aquilino “Koko” Pimentel, called the session to order.

PRAYER

Prefatorily, Sen. Paolo Benigno “Bam” Aquino IV stated that as the Members return to the Senate to begin a new session, may they see their work with fresh eyes and renewed inspiration. He exhorted everyone to reaffirm their commitment to work together for the good of every Filipino guided by their common values and shared dreams for the country.

Senator Aquino then recited the prayer of St. Francis, “Make Me An Instrument of Your Peace,” to wit:

Lord, make me an instrument of Your peace.
Where there is hatred, let me sow love;
Where there is injury, pardon;
Where there is doubt, faith;
Where there is despair, hope;
Where there is darkness, light;
Where there is sadness, joy.

O, Divine Master, grant that I may not
so much seek
To be consoled as to console;
To be understood as to understand;

To be loved as to love;
For it is in giving that we receive;
It is in pardoning that we are pardoned;
It is in dying that we are born again to
eternal life.
Amen.

NATIONAL ANTHEM

The Philippine Normal University Chorale led the singing of the national anthem and thereafter rendered the song, entitled “*Magkaisa*.”

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.	Legarda, L.
Aquino, P. B. IV B.	Pacquiao, E. M. D.
Binay, M. L. N. S.	Pangilinan, F. N.
De Lima, L. M.	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.

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With 22 senators present, the Chair declared the presence of a quorum.

Senator Gordon arrived after the roll call.

Senator Cayetano was on official business as indicated in the 16 January 2017 letter of the Senator's chief of staff.

APPROVAL OF THE JOURNAL

Upon motion of Senator Sotto, there being no objection, the Body dispensed with the reading of the Journal of Session No. 48 (December 14, 2017) and considered it approved.

MANIFESTATION OF SENATOR SOTTO

Senator Sotto recalled that on November 7, 2016, Senator Ejercito delivered a privilege speech informing the Senate that he would start serving his 90-day preventive suspension out of respect for the rule of law and his belief in the fairness and probity of the Sandiganbayan. He stated that following Senate practice, as chairman of the Committee on Rules, he was bound to bring before the Body the suspension order; however, he acknowledged that the voluntary submission of Senator Ejercito would have made any decision of the Committee of Rules moot and academic.

He informed the Body that during the holiday break, the committee received an information that the Fifth Division of the Sandiganbayan, in a resolution it issued on December 22, 2016, had acquitted Senator Ejercito from all the charges filed against him, leading to the lifting of the 90-day suspension from the Senate. Thus, he declared that insofar as the Senate was concerned, the 90-day suspension of Senator Ejercito has officially ended.

Senate President Pimentel noted Senator Sotto's manifestation and thereafter, he congratulated and welcomed back Senator Ejercito to the Chamber.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Sotto acknowledged the presence in the gallery of Board Member Ismael Mamarita of the First District of Lanao del Sur and other guests.

Senate President Pimentel welcomed the guests to the Senate.

BIRTHDAY GREETINGS

Senate President Pimentel announced that during the holiday break, Senator Ejercito celebrated his birthday on December 26, 2016, while Senator Recto celebrated his birthday on January 11, 2017.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended to allow the senators to greet Senators Ejercito and Recto.

It was 3:16 p.m.

RESUMPTION OF SESSION

At 3:25 p.m., the session was resumed.

REFERENCE OF BUSINESS

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

MESSAGE OF THE PRESIDENT OF THE PHILIPPINES

Letter of President Rodrigo Roa Duterte, dated 9 December 2016, submitting for the Senate's consideration and concurrence the Convention on Cybercrime, which was signed on 23 November 2001 in Budapest, Hungary.

To the Committee on Foreign Relations

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

Letter from the House of Representatives, informing the Senate that on 13 December 2016, the House of Representatives ratified the Conference Committee Report on the disagreeing votes of House Bill No. 3408, entitled

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

To the Archives

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BILLS ON FIRST READING

Senate Bill No. 1285, entitled

AN ACT TO STRENGTHEN THE INTERNAL AFFAIRS SERVICE OF THE PHILIPPINE NATIONAL POLICE, AMENDING CERTAIN PROVISIONS OF THE PNP LAW UNDER REPUBLIC ACT NO. 6975 AS AMENDED BY REPUBLIC ACT NO. 8551, AND FOR OTHER PURPOSES

Introduced by Senator Paolo Benigno "Bam" Aquino IV

To the Committees on Public Order and Dangerous Drugs; and Finance

Senate Bill No. 1286, entitled

AN ACT ESTABLISHING THE VIRTUAL ONE STOP SHOP FOR THE PURPOSE OF STREAMLINING THE PERMITTING PROCESS OF POWER GENERATION PROJECTS

Introduced by Senator Win Gatchalian

To the Committees on Energy; and Finance

Senate Bill No. 1287, entitled

AN ACT LOWERING THE COMPULSORY AND OPTIONAL RETIREMENT AGE OF PUBLIC SCHOOL TEACHERS

Introduced by Senator Win Gatchalian

To the Committees on Government Corporations and Public Enterprises; and Civil Service, Government Reorganization and Professional Regulation

Senate Bill No. 1288, entitled

AN ACT DECLARING THE PUNONG BARANGAY AS DEEMED IPSO FACTO RESIGNED UPON THE FILING OF CERTIFICATE OF CANDIDACY, REPEALING FOR

THE PURPOSE REPUBLIC ACT NO. 9006, OTHERWISE KNOWN AS THE "FAIR ELECTIONS ACT" AND BATAS PAMBANSA BLG. 881, ENTITLED "OMNIBUS ELECTION CODE OF THE PHILIPPINE" AND OTHER ELECTION RELATED LAWS

Introduced by Senator Win Gatchalian

To the Committee on Electoral Reforms and People's Participation

Senate Bill No. 1289, entitled

AN ACT LOWERING THE COMPULSORY AND OPTIONAL RETIREMENT AGE OF GOVERNMENT EMPLOYEES, AMENDING FOR THE PURPOSE SECTIONS 13(B) AND 13-A OF REPUBLIC ACT NO. 8291, OTHERWISE KNOWN AS THE GOVERNMENT SERVICE INSURANCE SYSTEM ACT OF 1997

Introduced by Senator Win Gatchalian

To the Committees on Government Corporations and Public Enterprises; and Civil Service, Government Reorganization and Professional Regulation

Senate Bill No. 1290, entitled

AN ACT ESTABLISHING THE PHILIPPINE ENERGY RESEARCH AND POLICY DEVELOPMENT INSTITUTE, DEFINING ITS OBJECTIVES, POWERS AND FUNCTIONS, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Win Gatchalian

To the Committees on Energy; Science and Technology; and Finance

RESOLUTIONS

Proposed Senate Resolution No. 256, entitled

RESOLUTION DIRECTING THE

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**COMMITTEE ON CIVIL SERVICE,
GOVERNMENT REORGANIZA-
TION AND PROFESSIONAL
REGULATION TO LOOK INTO THE
POSSIBLE REORGANIZATION OF
THE BUREAU OF IMMIGRATION**

Introduced by Senator Drilon

**To the Committee on Civil Service, Govern-
ment Reorganization and Professional Regulation**

Proposed Senate Resolution No. 257, entitled

**RESOLUTION RECOMMENDING THE
METRO MANILA DEVELOPMENT
AUTHORITY (MMDA) TO ESTAB-
LISH A FILM FESTIVAL EXCLUSI-
VELY FOR THE INDEPENDENT
FILMS DURING THE LONG
SEMESTRAL BREAK**

Introduced by Senator Sotto III

**To the Committee on Public Information
and Mass Media**

**PARLIAMENTARY INQUIRY
OF SENATOR ZUBIRI**

At this juncture, Senator Zubiri inquired whether it would be prudent to refer Proposed Senate Resolution No. 256 which seeks to look into the possible reorganization of the Bureau of Immigration, to the Committee on Justice and Human Rights since the Department of Justice has jurisdiction over the Bureau of Immigration. Senator Sotto said that he has no objection if the proposal is to refer the resolution to the justice committee as a secondary committee.

Senator Drilon stated that he is the author of Proposed Senate Resolution No. 256 which primarily speaks of a possible reorganization of the Bureau of Immigration, a subject matter that falls under the jurisdiction of the Committee on Civil Service, Government Reorganization and Professional Regulation. He said that the Committee on Justice and Human Rights, in the exercise of its oversight functions over the Department of Justice, can be a secondary committee in accordance with the Rules of the Senate.

Senator Zubiri clarified that as a matter of parliamentary courtesy, he simply wanted that the views of Senator Gordon be heard inasmuch as

the resolution involves a bureau under the Department of Justice.

For his part, Senator Gordon stated that since the resolution involves the Bureau of Immigration which is part of the Department of Justice, it is within the Rules of the Senate to refer it to the Committee on Justice and Human Rights.

Senator Drilon maintained that the resolution falls squarely under the Committee on Civil Service, Government Reorganization and Professional Regulation because pursuant to Section 13, Rule X of the Rules of the Senate, it has jurisdiction over matters relating to reorganization of the government or any of its branches or instrumentalities. On the other hand, he pointed out that the Committee on Justice and Human Rights has jurisdiction on matters relating to the organization and administration of justice, civil courts, penitentiaries, reformatory schools; probation; impeachment proceedings, etc.

To the statement of Senator Gordon that the Committee on Justice and Human Rights has jurisdiction over all matters relating to the organization and administration of justice which refers to the day-to-day purpose of the Department of Justice, Senator Drilon argued that the matter of jurisdiction of the said committee only concerns substantial matters on immigration but not the reorganization of the Bureau of Immigration which falls squarely under the Committee on Civil Service, Government Reorganization and Professional Regulation.

At this juncture, Senate President Pimentel clarified the parliamentary situation, saying that although there was possible overlap on the jurisdiction of the committees concerned, Proposed Senate Resolution No. 256 has already been referred to the Committee on Civil Service, Government Reorganization and Professional Regulation, and that there was no motion yet to reconsider its referral.

Thereupon, Senator Gordon manifested to refer the resolution to the Committee on Rules so that the matter of jurisdiction could be substantially and intelligently discussed. Senator Drilon maintained, however, that the referral to the Committee on Civil Service, Government Reorganization and Professional Regulation is consistent with precedents involving resolutions of similar nature.

Senator Gordon explained that he has no argument with the word "reorganization," but he maintained

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that Proposed Senate Resolution No. 256 applies to a cabinet position that included immigration and the substantive elements of immigration which, pursuant to the Rules, fall under the jurisdiction of the Committee on Justice and Human Rights because they not only relate to the administration of justice but also reorganization of positions in bureaus under the Department of Justice.

At this juncture, Senate President Pimentel stated that the word "reorganization" both appear in the functions of the committees concerned.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 3:36 p.m.

RESUMPTION OF SESSION

At 4:00 p.m., the session was resumed.

MANIFESTATION OF SENATOR GORDON

Before proceeding with his manifestation, Senator Gordon requested the Secretariat to furnish all the Members with a copy of Proposed Senate Resolution No. 256 so that they could see its objective and decide for themselves where the resolution is headed.

Senator Gordon said that he was not questioning Senator Drilon's intentions for filing the resolution but clarified that it was only out of mutual respect for each other as gentlemen and as friends that he was asking everyone to study the matter intelligently.

He pointed out that looking at the resolution's primary purpose, it is not really to reorganize as it merely speaks about reforms in general terms.

Thereupon, the Chair directed the Secretariat to provide all senators with a copy of the resolution.

SUSPENSION OF SESSION

Upon motion of Senator Gordon, the session was suspended.

It was 4:02 p.m.

RESUMPTION OF SESSION

At 4:04 p.m., the session was resumed.

Senator Gordon noted that it is only the title of the resolution itself that refers to reorganization, and reading the entire text of the resolution indicated that there was no hint whatsoever of reorganization. Instead, he claimed that corruption was being used as the reason for the reorganization. If this were allowed, he cautioned that the Committee on Civil Service, Government Reorganization and Professional Regulation would become a very powerful committee. He then proceeded to read into the record the functions of the Committees on Civil Service, Government Reorganization and Professional Regulation, and Justice and Human Rights according to the Rules of the Senate, to wit:

Rule X, Sec. 13 (31). *Committee on Civil Service, Government Reorganization and Professional Regulation – Seven (7) members.* All matters relating to the Civil Service and the status of officers and employees of the government including their appointment, discipline, retirement; their compensation privileges, benefits and incentives; implementation of the constitutional provisions on the rights of government workers to form and join labor organizations; public sector labor management relations and collective negotiation agreements; the regulation of and admission to and the practice of the professions; and reorganization of the government or any of its branches or instrumentalities; all human resource development programs pertaining to the Government; and all other matters relating to the bureaucracy.

(15) *Committee on Justice and Human Rights – Nine (9) members.* All matters relating to the organization and administration of justice, civil courts, penitentiaries and reformatory schools; probation; impeachment proceedings against constitutional officers and other officers legally removable by impeachment; registration of land titles; immigration and naturalization; the implementation of the provisions of the Constitution on human rights; and all matters pertaining to the efficiency and reforms in the prosecution service.

Given the substance and objective of the proposed resolution, Senator Gordon maintained that it would be better to refer the measure to the justice committee and if there is a desire to reorganize, appropriations would have to be provided, in which case, it would require its referral to the Committee on Ways and Means or to the Committee on Finance.

Senator Gordon further stated that if it is, in fact, an investigation pursuant to the Rules, it should be

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handled by the proper committee, in this case, the Committee on Accountability of Public Officers and Investigations. He said that he was, in fact, asked by the media if he would investigate the Bureau of Immigration and his reply was that he would still think about it since the Department of Justice, under the doctrine of exhaustion of administrative remedies, should be allowed to cleanse itself.

Senator Gordon stated that he and Senator Lacson have been working hard in the committee to come up with proposals, and that he himself never concluded an investigation without coming out with a recommended legislation. He pointed out the need for everyone to follow the proper course of events and not resort to forum-shopping. He maintained that the Senate should be more interested in catching corrupt officials before reorganizing.

MANIFESTATION OF SENATOR DRILON

Senator Drilon stated that the Senate, being a legislative Body, has always considered precedents. He noted that on record, in the 13th Congress, a similar resolution, Proposed Senate Resolution No. 319, entitled "A Resolution Directing the Committee on Civil Service and Government Reorganizations to Review the Mandate and Organizational Structure of the Bureau of Immigration with the end in view of Reorganizing the Bureau," was filed on August 23, 2005, and was referred primarily to the Committee on Civil Service, Government Reorganization and Professional Regulation.

Similarly, in the 16th Congress, Senator Drilon pointed out that the late Senator Defensor Santiago filed Proposed Resolution No. 1247 which was based on a report that at least 40 officials of the Bureau of Customs were still receiving salaries despite having expired job contracts. He said that the reorganization proposal was also referred to the Committee on Civil Service, Government Reorganization and Professional Regulation.

He took exception to the statement that what was filed was merely a resolution as he explained that he was simply invoking the authority of Congress, through a resolution, to conduct investigation in aid of legislation, so that at the conclusion of the investigation, a proposed law could be submitted as has been previously done. He cited as an example the GOCC Governance Act which was enacted following the conclusion of the investigation regarding corruption

in the GOCCs that was prompted by a simple resolution that he filed.

Regarding the statement that the Committee on Civil Service, Government Reorganization and Professional Regulation has become very powerful, Senator Drilon stated that it could be debated on when the Body reexamines the Rules and the jurisdictions of the committees.

Senator Drilon said that he would submit to the majority vote if the proposal is to refer the proposed resolution to the Committee on Rules.

MANIFESTATION OF SENATOR ZUBIRI

Senator Zubiri recalled that when he was Majority Leader during the 14th Congress, there were also other bureaus and departments that were subject of reorganization and that parliamentary courtesy was given to the committees in charge of the concerned departments. He cited as an example Senate Bill Nos. 17, 85 and 501 on the Philippine Immigration Act. He said that the discussions on the modernization of the Bureau of Immigration was handled by the Committee on Justice and Human Rights, then headed by Senator Escudero. He also pointed out the bill for the modernization of the Coast Guard which was referred to the Committee on Public Services which handled transportation and communication matters at that time.

MANIFESTATION OF SENATOR GORDON

Senator Gordon requested the Secretariat for a copy of the precedent resolution mentioned by Senator Drilon. He agreed that precedents are respected and act as guide, but maintained that every case has to be resolved by looking at the substance of the law.

Senator Gordon presented a letter addressed to Director Ma. Antoinette Arisztiza of the Legislative Bills and Index Service signed by Senator De Lima regarding the withdrawal of the filing of Proposed Senate Resolution No. 258, entitled "A Resolution Directing the Committee on Accountability of Officers and Investigations to Conduct an Inquiry, in Aid of Legislation, on the recent Jack Lam Bribery Scandal Involving Bureau of Immigration Officials and the Secretary of Justice."

Senator Gordon said that while it is the prerogative of any senator to do so, the original intention was to

investigate the alleged corruption perpetrated in the Bureau of Immigration as reported by the Secretary of Justice, and that it was originally referred to the Committee on Accountability of Public Officers and Investigations.

Senator Gordon surmised that it was either that some senators do not trust his leadership in the committee or that somebody might be forum-shopping. He said that some may be trying to avoid the Committee on Accountability of Public Officers and Investigations and make a way for the measure to be in the right committee to investigate as they wish.

Senator Gordon stated that he was not eager to investigate, but with the state of events, he would *motu proprio* conduct an investigation which is within the powers of the Committee on Accountability of Public Officers and Investigations. He assured the Body that any senator who wishes to ask questions would be given the time to raise them.

Senator Gordon said that he came into the session hall unknowing of what was happening on the floor, but he said that he knows when it appears that there was flouting of the Rules. He said that he would not want to be a party to that. He explained that he was not trying to downgrade another committee by taking a bill from a committee. He recalled that in the past Congress, there were some bills which were not referred to his committees but were asked by their chairpersons to sponsor them, such as the bill on the international monetary law, the Mariveles Free Port Zone bill, and the Law on Free Patent, all of which later on became laws. He said that changes in referrals had been done before but were done above board and not in a very insidious way or through the back door. He said that when a senator files a bill, the Committee on Rules takes a look at the substance or the intention of the law before it makes the corresponding referral to a committee.

MANIFESTATION OF SENATOR DRILON

Senator Drilon said that he rejects any insinuation that there was a cabal involved in the filing of the resolution. He explained that he filed Proposed Senate Resolution No. 256 on December 15, 2016, at which time Proposed Senate Resolution No. 258 was not yet filed by Senator De Lima. He said that the language used by Senator Gordon implied there was a conspiracy.

Senator Gordon denied saying that there was a cabal. He explained that he asked for a copy of Proposed Senate Resolution No. 256 and Proposed Senate Resolution No. 258 because he felt that the original intention of Senator De Lima was to have the matter investigated by the Blue Ribbon Committee but she withdrew Proposed Senate Resolution No. 258 out of respect for the seniority of Senator Drilon.

MANIFESTATION OF SENATOR DE LIMA

Senator De Lima lamented that the matter of withdrawing Proposed Senate Resolution No. 258 was made an issue by questioning her motivation in filing the measure and subsequently withdrawing it. She explained that it was necessary and appropriate for her to withdraw the original Proposed Senate Resolution No. 258 because her attention was called to the prior filing by Senator Drilon of Proposed Senate Resolution No. 256. She said that when she went over the resolution, she realized that Senator Drilon's resolution was broader in scope because it seeks to further inquire into all the structural deficiencies that may be attributed as a cause for some acts of corruption within the Bureau of Immigration.

She admitted that while it was the intent of the original Proposed Senate Resolution No. 258 to go into the alleged acts of corruption involving two BI commissioners, and even with respect to the Secretary of Justice who admitted that there was also an offer to bribe him by Mr. Jack Lam, she withdrew the resolution upon realizing that Senator Drilon's resolution was broader in scope.

She said that she found the imputation of bad faith or ill motive offensive.

MANIFESTATION OF SENATOR TRILLANES

Senator Trillanes said that there are several items in the agenda for the day and that the issue on the floor has been exhausted. He believed that the Body must already resolve it, noting that as it stands Proposed Senate Resolution No. 256 had already been referred to the Committee on Civil Service, Government Reorganization and Professional Regulation.

He noted that as mentioned earlier by Senate President Pimentel, most of the committees have overlapping functions, and he believed that what the

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senator-author prefers must given respect and some sense of propriety.

He noted that even as Senator Gordon manifested that he was not casting aspersion on his colleagues, on the contrary, it seemed Senator Gordon has doubts on his capacity to conduct fair and objective committee hearings on the matter or that he feels superior in handling such hearings.

He said that if Senator Gordon doubts the intentions of Senator Drilon and himself, he could also throw the same doubt to the "defenders of the faith" who seem to be closing their ranks to prevent the resolution from falling into his committee.

MOTION TO RECONSIDER THE REFERRAL OF PROPOSED SENATE RESOLUTION NO. 256

Senator Zubiri recalled one particular bill which sought to amend the Corporation Code. He said that the bill was referred to the Committee on Trade and Commerce which he chairs, but Senator Drilon asked him if he could hear the bill and take over it. He said that as a matter of parliamentary courtesy, he gladly obliged because Senator Drilon is a seasoned and experienced lawyer.

Thereupon, he moved to reconsider the referral of Proposed Senate Resolution No. 256 and to refer it instead to the Committee on Rules for further discussion and study.

Senator Trillanes objected.

There being an objection, the Chair called for a division of the House.

Asked by Senator Recto to explain the motion being voted upon, Senator Sotto clarified that the Body should first resolve the motion of Senator Zubiri to reconsider the referral of Proposed Senate Resolution No. 256 to the Committee on Civil Service, Government Reorganization and Professional Regulation.

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 4:38 p.m.

RESUMPTION OF SESSION

At 4:53 p.m., the session was resumed.

Senator Sotto manifested that before the session was suspended, Senator Zubiri moved for the reconsideration of the referral of Proposed Senate Resolution No. 256 to the Committee on Civil Service, Government Reorganization and Professional Regulation and to refer it instead to the Committee on Rules, to which Senator Trillanes objected.

WITHDRAWAL OF MOTION OF SENATOR ZUBIRI

Thereupon, Senator Zubiri withdrew his motion.

MOTION TO RECONSIDER THE REFERRAL OF PROPOSED SENATE RESOLUTION NO. 256

Senator Sotto then moved that the Body reconsider the referral of Proposed Senate Resolution No. 256.

Senator Recto noted that Proposed Senate Resolution No. 256 had already been referred to a committee and that Senator Sotto's motion was similar to the motion of Senator Zubiri which was to reconsider the referral of the resolution to the Committee on Civil Service, Government Reorganization and Professional Regulation.

He proposed to amend the motion by maintaining the referral of the resolution to the Committee on Civil Service, Government Reorganization and Professional Regulation as the primary committee and additionally referring it to the Committee on Justice and Human Rights as the secondary committee.

Senator Sotto replied that Senator Recto's proposed amendment to the motion was similar to an earlier proposal that was objected to by Senator Gordon. He said that since issues were raised, he thought of asking the Body to consider the referral but the other Members have different perspectives on it. He clarified that what was going to be voted upon was to reconsider the referral of the resolution.

Senator Recto registered an objection to the motion. Senator Sotto moved to divide the House.

INQUIRY OF SENATOR PANGILINAN

Assuming that the Body approved the motion for reconsideration, Senator Pangilinan asked if the referral of Proposed Senate Resolution No. 256 to the Committee on Civil Service, Government Reorganization and Professional Regulation was going to be reconsidered. Senate President Pimentel replied in the affirmative.

Senator Pangilinan stated that as a consequence, therefore, the resolution would go back to plenary and the Body would decide on its referral. Senate President Pimentel replied in the affirmative.

DIVISION OF THE HOUSE

There being an objection, the Chair called for a division of the House as it requested those in favor of reconsidering the referral of Proposed Senate Resolution No. 256 to raise their hands and, thereafter, requested those against it to do the same.

With 14 senators voting in favor, seven against, and no abstention, the motion of Senator Sotto to reconsider the referral of Proposed Senate Resolution No. 256 to the Committee on Civil Service, Government Reorganization and Professional Regulation was approved by the Body.

REFERRAL OF PROPOSED SENATE RESOLUTION NO. 256 TO THE COMMITTEE ON RULES

As a consequence, upon motion of Senator Sotto, there being no objection, Proposed Senate Resolution No. 256 was referred to the Committee on Rules.

MANIFESTATION OF SENATOR DRILON

Adverting to Senator Trillanes' earlier statement that the referral of any resolution should take into account the wishes or the preference of the senator who authored it, Senator Drilon recalled that when he was the Senate President, in the determination of the referral of any resolution or bill, the Rules should govern and not the preference of a senator. He said that whether or not what he did when he was the Senate President would be followed by the current Congress was a matter that the Body should decide.

Senate President Pimentel agreed, adding that it should be the body of the measure that will govern rather than its title or caption.

REFERENCE OF BUSINESS

(Continuation)

The Secretary of the Senate read the following communications which the Chair referred to the Committee on Banks, Financial Institutions and Currencies:

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

Circular Letter Nos. CL-2016-096 and 097, dated 1 and 2 December 2016;

Circular No. 931, dated 9 December 2016; and

Memorandum No. M-2016-019, dated 29 November 2016.

COMMITTEE VICE CHAIRMANSHIP

Senator Poe manifested that Senator Escudero was designated as an additional vice chair of the Committee on Public Services.

COMMITTEE REPORT NO. 19 ON SENATE BILL NO. 1277

(Continuation)

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1277 (Committee Report No. 19), entitled

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

The Chair recognized Senator Poe for the cosponsorship speech.

COSPONSORSHIP SPEECH OF SENATOR POE

Preliminarily, Senator Poe manifested her desire to be made a coauthor of Senate Bill No. 1277 or the "Free Internet Access in Public Places Act."

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She said that she filed Senate Bill No. 1244, or "An Act Modernizing All Public Schools and State Colleges and Universities in the Philippines," which was referred to a different committee – the Committee on Education, Arts and Culture. She explained that her bill requires internet connectivity in all public schools and SUCs because she believed that having a free and stable internet access would enable people to access skills training, research, traffic updates, routes and other information speedily that would aid them in their everyday lives, and would also help them connect with others freely through wireless technology.

Believing the common saying that "knowledge is power," Senator Poe said that there are many benefits to having information at the tip of one's fingers that outweighs whatever negative impact it might allegedly bring, like the proliferation of "trolls" in social media.

She expressed her strong support for free internet access in public places and wished to be part of this landmark measure.

INTERPELLATION OF SENATOR DE LIMA

At the outset, Senator De Lima posited that Senate Bill No. 1277 is probably one of the most desired and awaited pieces of legislation insofar as the general public is concerned.

Senator De Lima noted that Senate Bill Nos. 58 and 816, authored by Senators Pangilinan and Recto, respectively, mentioned a two-year timeframe in the implementation of the free internet access program. She inquired why this two-year timeframe was not adopted in the committee report.

Responding to the query, Senator Aquino explained that the two-year timeframe was not adopted because the DICT was already in the midst of implementing the program and that, in fact, a number of provisions in the bill support it. He recalled that during the hearing, the DICT disclosed that among the difficulties being experienced in implementing the law are securing permits from LGUs and the availability of telecommunication providers. He said that the Committee thought it best to delete the two-year window as it is already an ongoing program and to allow the DICT to continue with the current schedule.

As regards the current schedule of the DICT, Senator Aquino stated that the department has given

a number of commitments to the Committee, one of which was that the first run would be done by November 2017, with 12,000 targeted public places. He clarified that there is funding and the intention is there but there are some factors beyond the control of the DICT that would prevent it from actually implementing the program all throughout. He stated that some of the provisions of the bill, like the fast-tracking and spectrum, were put in place so that the department could overcome some of the challenges in the roll-out.

As to the timeline for the roll-out of the program, Senator Aquino stated that the department gave the Committee its targets for 2017 and for the succeeding years which would be submitted to the Body. He said that the Committee expected the targets to be included in the IRR; however, at the proper time, any amendments to include targets would be welcomed.

He nevertheless expressed concern that even if the targets are in place, the absence of cell sites in a particular area might not fulfill the program in said area. He reiterated that the Committee is open to amendments but that there are concerns that are beyond the control of the DICT.

Senator De Lima noted that it would be too much for Congress to indicate a specific timeline for the coming out of a comprehensive plan and the schedule for the rolling out of the program itself. However, she said that it cannot be indefinite because there is public demand.

Senator Aquino stated that the Committee is open to putting back the provision on the timeline with the understanding that there are certain areas for roll-out that are probably out of DICT's control.

Senator De Lima stated that unlike other utilities, such as electricity and water, internet access necessitates certain disclosures from users like usernames, passwords or internet activities which, she believed, could result in vulnerabilities in privacy of the citizenry using public or government-run internet which the government as the provider could have access to.

Asked how access to internet would be regulated, Senator Aquino acknowledged that there no real or enough provisions on data privacy in the bill, he assured that the Committee made sure that the Data Privacy Act and some provisions of the Cybercrime Act would not be violated. He said that at the proper



time, he would welcome amendments that would support the data privacy of the users.

Senator De Lima noted that Section 10 of the bill provides that the DICT shall collect data which shall aid in monitoring and assessing the effective implementation of the Act. She expressed concern that the bill has to be certain as to what data would be collected as she recalled the breach in the Comelec data base during the elections in 2016. She informed the Body that she had filed a resolution calling for an inquiry in aid of legislation on the matter, taking into consideration the findings of the National Privacy Commission.

Senator Aquino clarified that the data to be collected are only the so-called “big data” which refers to the overall usage of the internet without necessarily pinpointing the individual user. He said that he actually filed a “Big Data” bill during the 16th Congress.

He stressed that the line on individual data such as browsing history should not be crossed. He stated that Section 10 could be amended during the period of amendments to make it more specific as to what data should not be taken by the government.

He informed the Body that in its current program, the DICT gets the personal data because it gives a larger data allocation for registered users, with guest users allowed 50 megabytes when logging on to pilot areas, and 250 megabytes allowed if the user registers his/her name, email address and other details.

On whether a user is required to give any information prior to internet access, Senator Aquino reiterated that a user or guest account does not need to disclose any information for 50 megabytes; however, a person who registers would be allowed a larger allocation of 250 megabytes as is the current program of the DICT. He recalled that during the hearing, it was discussed that the name, email address, telephone number and contact information are needed to register.

As regards time or data limit, Senator Aquino reiterated that there is a 50-megabyte cap per day for guests and 250 megabytes per day for registered users. He said that there is a different cap for state universities and colleges.

On another matter, Senator De Lima noted that Section 5 cites public places and government offices

that must give free internet access to the public, but she noted that the second paragraph thereof authorizes the DICT to set standards and qualifications in determining which public spaces and government offices should be included and prioritized for the rollout program. She then asked if there are mechanisms in place to settle issues of coverage even in the rollout stage.

Responding thereto, Senator Aquino stated that the DICT largely has the responsibility to determine the rollout and the priorities. He explained that the standards being mentioned are the infrastructure present to be able to roll out the program. He said that if there is no infrastructure in a particular area, it does not meet the standards of implementing the program, and is therefore not prioritized.

Senator De Lima noted that there could be certain issues and disputes in prioritizing SUCs or public airports.

Agreeing with Senator De Lima, Senator Aquino stated that the issue would have to be resolved by the implementing agency and in the IRR. He reiterated that at the proper time, the Committee would welcome amendments to the provision. However, he believed that the implementing agency should have the expertise on the matter to resolve the dispute that might come up.

As regards the permits and certificates being referred to in Section 6 of the measure, Senator Aquino stated that during the hearing, the DICT and the telcos mentioned that they needed to secure 25 to 30 permits at the local level in order to put up the proper infrastructure for internet needs. He said that securing the permits is one of the main reasons why it is difficult to roll out the program and why for many areas there are no telecommunication providers even though there is money to pay them.

He underscored that since free internet access is a national program, it has to be prioritized and considered an important program of the government. He stated that Section 6 is needed so that the DICT could run the program and to be able to set the standards and to fast-track the permits the infrastructures needed for the program to run.

Senator De Lima expressed hope that the required permits and certificates would not just be another bureaucratic mechanism. She stated that there has

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got to be some limitations in the the IRR as to their issuance.

Senator Aquino stated that the idea was to primarily go beyond or surpass the bureaucratic problems that the DICT is experiencing at the moment. He said that even the DICT, as a government agency, still has a hard time in securing permits to enable it to put up its own facilities. He stressed that Section 6 would allow DICT to put together the guidelines to fast-track the permitting issues. In addition, he said that Section 6 also provides that no additional steps, permits, certificates or fees shall be required from any applicant other than the requirements stipulated by the DICT. He expressed hope that the provision would streamline the necessary permits and that everyone involved would get the needed permits so that the program could be rolled out faster.

As regards Section 8 on exclusivity arrangements, Senator De Lima stated that the provision is allied with the anti-trust and fair and open competition endeavors of the government even if there are just a few players. She expressed hope that the number of players would expand in due time.

Responding to queries on penalties in case of violations of the provision, Senator Aquino stated that the Committee did not put a penal provision or administrative penalty specific to Section 8 because it is up to the DICT whether or not to implement the provision. He said that the Committee believes that Section 8 was enough guidance for the DICT not to engage in exclusivity because it is proscribed or prohibited.

Senator De Lima said that there could be violations of the particular provision because exclusivity arrangements or monopoly are precisely prohibited.

Senator Aquino explained that it would be up to the lead agency, which is the DICT, whether or not to get into an exclusive arrangement because the money also flows to them. He said that it is not possible for multiple groups to get into it because for this particular program the lead agency is the DICT. He expressed willingness to accept a provision providing for penalties related to the matter even as

he felt that such provision was already enough without a penal provision connected to it.

Senator De Lima stated that there certainly should be a statement of policy consistent with the existing law, particularly the Free and Fair Competition Law. However, she said that since it could be construed as going beyond a statement of policy if compliance would strictly be enforced, then there ought to be a corresponding penalty. Senator Aquino said that the matter could be tackled during the period of amendments.

SUSPENSION OF SESSION

Upon motion of Senator Aquino, the session was suspended.

It was 5:27 p.m.

RESUMPTION OF SESSION

At 5: 28 p.m., the session was resumed.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1277

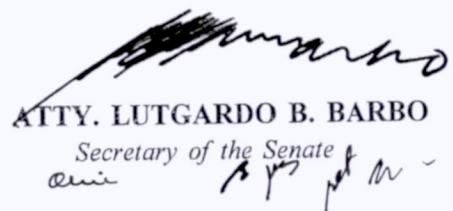
Upon motion of Senator Sotto, there being no objection, the Body suspended consideration of the bill.

ADJOURNMENT OF SESSION

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

It was 5:29 p.m.

I hereby certify to the correctness of the foregoing.


ATTY. LUTGARDO B. BARBO
Secretary of the Senate
encl *APR 17 2017*

Approved on January 17, 2017