



REPUBLIC OF THE PHILIPPINES  
**Senate**  
Pasay City

# Journal

**SESSION NO. 27**  
Wednesday, September 25, 2019

**EIGHTEENTH CONGRESS  
FIRST REGULAR SESSION**

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Wednesday, September 25, 2019

**CALL TO ORDER**

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

**PRAYER**

Sen. Pia S. Cayetano led the prayer, to wit:

Almighty Father,

We come together today with a shared goal of honoring Your great plans for the entire Filipino nation.

As servants of Your people, we are duty-bound to discuss and champion measures that will pave the way for the protection of our countrymen, especially the most vulnerable members of society.

Give us each a humble heart and the courage to open our minds, to explore ideas that are different from ours, because only then can we truly grow and find innovative solutions to the pressing needs of our times.

As we embark on this challenging yet fruitful task, we remember Your Holy words from 1 Peter 4:10: "As each has received a gift, use it to serve one another, as good stewards of God's varied grace."

We lift this up to You in Jesus' mighty Name.

Amen.

**ROLL CALL**

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

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

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

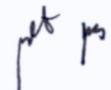
Senators Pangilinan and Recto arrived after the roll call.

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

Senator Marcos was absent.

**ACKNOWLEDGMENT  
OF THE PRESENCE OF GUESTS**

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



- Sec. Carlos Dominguez III and Usec. Karl Chua of the Department of Finance;
- CHED Chairperson Prospero “Popoy” De Vera;
- Gov. Damian Mercado of Southern Leyte;
- Students from Grace Christian School of Quezon City;
- Mayor Cindy Carolino of Sta. Maria, Laguna;
- Mayor Sun Shimura of Daanbantayan, Cebu; and
- Board Member Kerrie Shimura of the 4<sup>th</sup> District of Cebu.

Senate President Sotto welcomed the guests to the Senate.

### **BIRTHDAY GREETING**

At the instance of Senator Zubiri, the Members greeted Senator Revilla on the occasion of his birth anniversary.

### **SUSPENSION OF SESSION**

Upon motion of Senator Zubiri, the session was suspended.

*It was 3:03 p.m.*

### **RESUMPTION OF SESSION**

At 3:06 p.m., the session was resumed.

### **APPROVAL OF THE JOURNAL**

Upon motion of Senator Zubiri, there being no objection, the Body dispensed with the reading of the Journal of Session No. 26 (September 24, 2019) and considered it approved.

### **REFERENCE OF BUSINESS**

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

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

Letter from the House of Representatives, informing the Senate that on 23 September 2019, the House of Representatives passed the following House

bills, in which it requested the concurrence of the Senate:

House Bill No. 4611, entitled

**AN ACT DESIGNATING THE THIRD SUNDAY OF NOVEMBER EVERY YEAR AS THE NATIONAL DAY OF REMEMBRANCE FOR ROAD CRASH VICTIMS, SURVIVORS, AND THEIR FAMILIES, ENSURING ITS MEANINGFUL OBSERVANCE**

### **To the Committee on Public Services**

House Bill No. 4466, entitled

**AN ACT INTEGRATING LABOR EDUCATION INTO THE SOCIAL SCIENCE SUBJECTS IN THE HIGHER EDUCATION CURRICULUM**

### **To the Committees on Higher, Technical and Vocational Education; and Labor, Employment and Human Resources Development**

House Bill No. 4599, entitled

**AN ACT SEPARATING SITIO PANACAN-2 FROM BARANGAY PANACAN IN THE MUNICIPALITY OF NARRA, PROVINCE OF PALAWAN AND CONSTITUTING IT INTO A SEPARATE AND INDEPENDENT BARANGAY TO BE KNOWN AS BARANGAY PANACAN-2**

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

House Bill No. 4600, entitled

**AN ACT SEPARATING THE SITIOS OF ILEB, NEW COLAYO VILLAGE, KINAMA AND NAMBARAN DAYA FROM BARANGAY NAMBARAN, CITY OF TABUK, PROVINCE OF KALINGA AND CONSTITUTING THEM INTO A SEPARATE AND INDEPENDENT BARANGAY TO BE KNOWN AS BARANGAY NAMBARAN EAST**

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

*nbc ps*

House Bill No. 4601, entitled

**AN ACT CREATING A BARANGAY TO BE KNOWN AS BARANGAY NEW LOWER BICUTAN IN THE CITY OF TAGUIG, METROPOLITAN MANILA**

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

House Bill No. 4602, entitled

**AN ACT CREATING A BARANGAY TO BE KNOWN AS BARANGAY SAN MIGUEL IN THE CITY OF TAGUIG, METROPOLITAN MANILA**

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

and House Bill No. 4603, entitled

**AN ACT CREATING A BARANGAY TO BE KNOWN AS BARANGAY NORTH DAANG HARI IN THE CITY OF TAGUIG, METROPOLITAN MANILA**

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

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

Senate Bill No. 1072, entitled

**AN ACT REGULATING THE SALE, LEASE, OWNERSHIP AND OPERATION OF DRONES, MANDATING THE REGISTRATION OF DRONE DEALERS AND DRONE OWNERS/OPERATORS, AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF**

Introduced by Senator Lapid

**To the Committees on Public Services; and Trade, Commerce and Entrepreneurship**

Senate Bill No. 1073, entitled

**AN ACT TO PRESERVE THE EVIDENCE GENERATED FROM SECURITY CAMERAS**

Introduced by Senator De Lima

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

#### **RESOLUTIONS**

Senate Joint Resolution No. 6, entitled

**JOINT RESOLUTION EXTENDING THE AVAILABILITY OF THE 2019 APPROPRIATIONS FOR MAINTENANCE AND OTHER OPERATING EXPENSES AND CAPITAL OUTLAYS TO DECEMBER 31, 2020, AMENDING FOR THE PURPOSE SECTION 65 OF THE GENERAL PROVISIONS OF REPUBLIC ACT NO. 11260, THE GENERAL APPROPRIATIONS ACT OF FISCAL YEAR 2019**

Introduced by Senator Marcos

**To the Committee on Finance**

Proposed Senate Resolution No. 144, entitled

**A RESOLUTION CONGRATULATING AND COMMENDING HIDILYN DIAZ FOR WINNING TWO BRONZE MEDALS IN THE 2019 INTERNATIONAL WEIGHTLIFTING FEDERATION WORLD CHAMPIONSHIPS HELD IN PATTAYA, THAILAND**

Introduced by Senator Pacquiao

**To the Committee on Rules**

Proposed Senate Resolution No. 145, entitled

**RESOLUTION COMMENDING AND CONGRATULATING TABLE TENNIS PRODIGY ALJAY VILLENA FOR QUALIFYING IN THE WORLD CHAMPIONSHIP OF PING PONG (WCPP) TO BE HELD AT ALEXANDRIA PALACE, LONDON ON JANUARY 25-26, 2020**

Introduced by Senator Angara

**To the Committee on Rules**

*[Signature]*

## COMMITTEE REPORT

Committee Report No. 6, prepared and submitted by the Committee on Ways and Means, on Senate Bill No. 1074, with Senators Pacquiao and Cayetano as authors thereof, entitled

**AN ACT INCREASING THE EXCISE TAX ON ALCOHOL PRODUCTS, HEATED TOBACCO PRODUCTS AND VAPOR PRODUCTS, AMENDING FOR THIS PURPOSE SECTIONS 141, 142, 143, 144, 147, 150, AND 288, OF REPUBLIC ACT NO. 8424, AS AMENDED, OTHERWISE KNOWN AS THE NATIONAL INTERNAL REVENUE CODE OF 1997, AS AMENDED, AND FOR OTHER PURPOSES,**

recommending its approval in substitution of Senate Bill Nos. 383 and 987, taking into consideration House Bill No. 1026.

Sponsor: Senator Cayetano

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

### **SPECIAL ORDER**

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of Committee Report No. 6 on Senate Bill No. 1074 from the Calendar for Ordinary Business to the Calendar for Special Orders.

### **COMMITTEE REPORT NO. 6 ON SENATE BILL NO. 1074**

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1074 (Committee Report No. 6), entitled

**AN ACT INCREASING THE EXCISE TAX ON ALCOHOL PRODUCTS, HEATED TOBACCO PRODUCTS AND VAPOR PRODUCTS, AMENDING FOR THIS PURPOSE SECTIONS 141, 142, 143, 144, 147, 150, AND 288, OF REPUBLIC ACT NO. 8424, AS AMENDED, OTHERWISE KNOWN AS THE NATIONAL INTERNAL REVENUE CODE OF 1997, AS**

AMENDED, AND FOR OTHER PURPOSES.

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

The Chair recognized Senator Cayetano for the sponsorship.

### **SPONSORSHIP SPEECH OF SENATOR CAYETANO**

Senator Cayetano presented and sought the support of the Body for Senate Bill No. 1074, which aims to increase excise taxes on alcohol, e-cigarettes, and heated tobacco products. She then shared a video which was a compilation of news reports that everyone is confronted with on a regular basis, saying that she kept them in her mind as she embarked on the task of undertaking the tax reform programs, cognizant of the objectives set by the Finance and Health Departments:

1. Increasing taxes for products with higher alcohol content;
2. Addressing inequities in our current excise tax system; and
3. Achieving the revenue objective needed to fund the government's health care program.

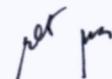
*The full text of Senator Cayetano's sponsorship speech follows:*

We listened to various stakeholders, questioned and analyzed relevant information provided by resource persons and experts, in both the private and public sectors. This process has led us to a singular, reasonable and patriotic conclusion to impose a significantly higher excise tax on these so-called sin products.

This is what our social conscience dictates, guided by our concern for the welfare of families and children, and in pursuit of the public good.

I am sure this Chamber knows the lyrics to this song by Louis Armstrong:

"I hear babies cry, I watch them grow. They'll learn so much more, than I'll ever know. And I think to myself, what a wonderful world."



I was going to ask Senator Dela Rosa to sing that for us but I did not want this Chamber's attention to be drawn to him instead of me.

Anyway, I am reminded of that song because, indeed we live in a wonderful world, but all these beauty in life can get distorted and lost, and diminished by certain addictions that we now have the opportunity to address.

### *Alcohol*

I will start with alcohol.

Wonderful lives are cut short because of people who drink and drive. We often hear about innocent people dying from road crashes—someone who was once a father, a mother, a child, or a friend. In seconds, their lives are forever changed or wasted because a drunk person foolishly decided to take the wheel and drive.

According to Dr. Orlando Ocampo, the chief of the Trauma Division of the Philippine General Hospital, 55% of the injured patients they treat in the emergency room have alcohol on their breath. Twenty-five percent (25%) of these injured patients are blood alcohol-content positive. These are just the reported cases. We are convinced that the number of those driving under the influence is much, much more.

There is glaring evidence that excessive alcohol use endangers people's health.

Alcoholism is associated with at least 39 main diseases, including liver cirrhosis, cancer, pancreatic disease, hypertensive disease, tuberculosis, diabetes, and even behavior and psychotic disorders. Data from the World Health Organization also show that in 2016, 4,431 per 100,000 population of Filipinos died from liver cirrhosis; 16,418 from hypertensive diseases; and 8,526 from tuberculosis, all of which were due to the excessive use of alcohol.

Meanwhile, Filipinos who died from injuries related to binge drinking reached 18,938.

Excessive drinking is a common cause of road crashes. From 2016 to 2018, there has been a total of 10,372 road crashes due to alcohol consumption. Nowadays, we talk about drug addiction as we would any other serious disease. Yet, how many of us talk about alcoholism in this way?

Alcoholism is the silent killer that keeps getting away because we do not talk about it. To many Filipinos, drinking alcohol is but an ordinary past time and an ultimate stress reliever.

*Hindi natin siya pinag-uusapan maski na sa halos bawat barangay kilala natin kung sino ang gabi-gabing umuuwi na lasing sa kanilang mga tahanan.*

The impact of our problem on alcoholism is not felt by the drinker alone. The lives of those around them — their families, bystanders, and innocent people — are also greatly affected. In fact, some of these victims have to suffer the consequences for the rest of their lives because not everyone who gets hit by a drunk driver dies.

As alcohol becomes cheaper with the rise in household incomes, and as alcohol becomes more affordable and accessible to vulnerable groups like the poor and the young, the risk is real that we will see these numbers grow.

Filipinos already consume, on average, 11 liters of hard alcoholic beverages per year, higher than the global and ASEAN averages of below 10 liters per year. If we look at the table on the left, that is the Philippine average. *Tayo po ang pinakamataas.*

Global champion *na po tayo sa inuman*. But that is not something we should be proud of. *Maging champion sana tayo sa sports katulad ni Senador Manny Pacquiao o sa darating na South East Asian Games. Pero 'wag naman sa inuman, patawarin.*

But on that note, Senator Manny has always been a champion, in and out of the ring. He filed Senate Bill Nos. 383 and 987, increasing excise taxes on alcohol, e-cigarettes, and heated tobacco products.

Global data show that on a per capita basis, Filipinos were the number one consumers of distilled spirits in 2017. We have consumed more brandy, gin and rum than the rest of the world combined.

Meanwhile, we are the largest gin consumer per liter in the world as you can see in this chart. *Ayon sa chart, No. 1 ang Pilipinas. Again, hindi po ako proud diyan.*

When heavy drinking is involved, severe physical violence is more likely to take place.

Studies found alcohol misuse to be a significant contributor to family violence. *Ilan na po ba ang mga bata na nakasaksi ng pambubugbog ng nanay dahil sa lasing na ama?* Millions of Filipino children endure this violence at home. Many of them end up developing mental and emotional problems, or worse, repeating the cycle of abuse themselves. It is within the Senate's power to create safer environment for our children. This situation has

*not yo*

deteriorated so much that some alcohol manufacturers see young people as consumers too.

I will ask our page to pass this around for all of you to see if you have not seen it (showing Gaz). *Talagang para sa lasing. Kahit balik-taran, makikita mo iyong pangalan niya. Ayan, kahit lasing ka puwede mo pa rin basahin kasi pag baliktad, nandoon pa rin ang pangalan niya.* There is no doubt that an alcohol drink presented in this kind of packaging targets children with their bright colors and the youth as potential consumers of their product.

The moral sense of any proposed sin tax rate is that it should serve as a deterrent to drinking. It should not be so cheap as to allow minors to afford and have access to these drinks. It should not be so cheap to make it easier for drunk fathers to be wife-beaters and for traumatized children to lead miserable lives.

This Representation wants you to know that I do not take the trust you have put in me as your chairperson lightly. Neither do I believe that taxation is a silver bullet for this addiction. I have painstakingly studied the different rates and price points of various alcohol products and took the time to deeply consider the sentiments of the consumers as well, particularly the responsible drinkers. So we asked the average Filipino drinker how they felt about the tax to be imposed on their favorite alcohol.

I direct you to the screen to watch this short clip.

*[Video screening]*

I just like to point out those are not actors, those are real people — our regular Juans and Juanas.

The proposed rate this Representation will be discussing shortly can save thousands of lives.

Time and again, the manufacturers of these products have asked us to be reasonable with rates. In our experience, this argument is rarely, if at all, used to advocate for the Filipino family. “Reasonable” should not be the code for “lower prices.”

For us senators of the Republic, a reasonable proposal is one that actively protects the Filipino family. The only way to go is that which leads to the protection of people’s lives.

This is just not me speaking as a mother or a health advocate. This is me speaking as an economics major. Demands for this product is inelastic. This means that even if we increase the prices by a great margin, the demand for these products will barely be affected. The rates we

proposed and the resulting retail prices will barely affect demand. *Kikita pa rin naman ang kanilang industriya.* Although the principles of economics show this, I choose to believe that by raising the excise tax once again, the State is delivering this message: If you must drink, then drink responsibly.

With all things considered, the Committee proposes this new excise tax rates on the different types of alcohol products:

Distilled spirits will be imposed an *ad valorem* tax of 20% and a specific tax of P90.00 per proof liter on Year 1 which will be increased by P10.00 every year until Year 4. The specific tax rate will increase by 10% every year thereafter.

The reason for this is as follows: Distilled spirits often have a high alcohol content, which is why the specific tax rate is based on proof liter. From a health standpoint, a bottle with a higher alcohol content will be taxed higher than those with a lower alcohol content.

The *ad valorem* tax, meanwhile, addresses the range of price points among distilled liquor. Since this is based on the products’ prices, the cheapest brands will be taxed lower and the more expensive brands will be taxed higher.

For fermented liquor — this is what we know as beer and alcopops which is the sample that I showed just now — we propose a specific tax rate of P45.00 per proof liter on Year 1 increasing by P10.00 every year until Year 4. The specific tax rate will increase by 10% every year thereafter. I will give everyone a few seconds to look at the figures on the screen.

Finally, for wine products, there will be a specific tax of P600.00 per proof liter for sparkling wines and P43.00 per proof liter for still and carbonated wines. These rates will increase by 10% every year thereafter.

These are a lot of numbers to digest so please allow me to illustrate before we leave the subject of alcohol.

Let us take, for example, the product category which has the higher alcohol content — distilled spirits. I am holding in my hand the most popular product on the market called “gin bilog,” “gin bulag,” or “gin sipol.” The suggested retail price of this product is P45.97 for 350 ml. The Committee proposes an *ad valorem* rate of 20% on the net retail price and a specific tax rate per proof liter of P90.00 on the first year which will increase the price effectively by P20.59. However, I must emphasize that this 350 ml bottle is not meant to be consumed by one

*pet pos*

person in one sitting. *Kahit pa mabigat ang problema, kahit ilang beses pang nabasted*, it is generally shared by three or four people and contains roughly 10 shots or as we commonly know it as “tagay.” Therefore, per “tagay,” there is an increase of P2.00. Two pesos. Is P2.00 too high a price to pay to protect our citizens from consuming a product which health advocates refer to as pure poison? That is the question I leave with all of you.

#### ***E-Cigarettes and Heated Tobacco Products***

I move on now to e-cigarettes and heated tobacco products.

The Committee also sat through presentations from the health advocates and the industry players to acquaint itself with the different types of e-cigarettes and heated tobacco products or HTPs. The manufacturers and distributors presented to the Committee their positions that e-cigarettes and HTPs are viable alternatives to smoking regular tobacco cigarettes.

I will pass on a particular type of e-cigarette for those who have never seen it. It is here.

*At this juncture Senator Cayetano showed the e-cigarette.*

I am holding some now. These are the liquids but they will also be passed around for visual appreciation.

The manufacturers and distributors presented to the Committee their position that e-cigarettes and HTPs are viable alternatives to smoking regular tobacco cigarettes. In other words, they claim that e-cigarettes or vapes can help cigarette smokers shift to a less harmful product. I have met smokers who attest to this. They have shifted from regular cigarette smoking to vaping or HTPs. But the reasons they smoke e-cigarettes or vapes are very different from young people, teens, and children who have now taken this up as a habit. These young ones find flavors such as watermelon, mango, strawberry, or even their favorite cereal appealing, and the whole experience of vaping cool.

Allow me to quote biobehavioral scientist Suchitra Krishnan-Sarin who said:

“The first time I heard of and saw an e-cigarette, I knew right away that teens would love it. These devices are technology on a stick, a perfect fit for the smart-phone generation. Some even sync with your smartphone to let you know how much you have vaped. Since I had spent a long time researching

teen and adult addiction, I immediately realized that these devices fit perfectly into the teen psyche. Teens are impulsive and they love to try new things. They are also craving independence, and they love to make things their own. E-cigarettes meet these needs perfectly by allowing them the chance to both innovate and personalize their vape experience.”

The industry does claim that it is a safer product but medical experts have pointed out that safer does not mean safe or risk-free. In fact, the science is all very new and while experts around the world are still studying this, we have already seen and heard an avalanche of news of people who died because of lung failure in the United States – people who were consistent users of these vape products.

While investigations are ongoing, different states and cities in America are already moving to ban e-cigarettes and vapes, possibly joining a long list of countries who have already banned e-cigarettes and heated tobacco products.

The Philippine medical community is likewise one in expressing grave concern about the dangers of e-cigarettes.

Thus, this Representation asks that we err on the side of caution.

For the sake of our children, we must regulate and tax e-cigarettes at parity with regular tobacco products. Other countries are already doing this. We should at least keep pace. Vaping is not cool when it leads our kids to the path of new addictions.

And on a final note, this Committee is tasked with the taxation of these products. But this, in no way, limits the Department of Health and Congress to undertake steps to protect the health of the people.

#### ***Conclusion***

With the termination of our hearings on the excise taxes on alcohol, e-cigarettes, and heated tobacco products and the delivery of this sponsorship speech, which contains the recommendations of the Committee, the first part of my job is done. The second part will commence upon the period of interpellations and exchange of ideas, which I hope to have with all of our colleagues wherein I will gladly listen to our individual comments and recommendations, and take into consideration the collective wisdom of the Body in crafting an even better version than what this humble Representation has presented.

We are driven by the resolute support that President Duterte has expressed for higher taxes on alcohol and e-cigarettes.

During the hearings, the medical community and civil society were united in urging Congress to regulate and use the power of taxation as a regulatory measure.

This Representation understands that taxation is not a cure or solution but it is necessary to curb vices and addiction and we must utilize it.

We remain cognizant, however, that taxation is just one tool and that a comprehensive strategy is necessary. And we urge the DOH to work with our medical community on this through aggressive interventions and policies. I, for one, will also be filing measures to support a holistic approach to these ailments and addiction.

With around P40 to P50 billion incremental revenue for this bill, we are closer to being able to fully implement the Universal Health Care (UHC), a law that will benefit future generations. It will also help us fulfill our Sustainable Development Goals.

You have trusted this Representation to study the matter and make recommendation and I humbly ask that you review these numbers, keeping in mind that our higher calling is to improve people's lives. The choice we make today can lead to happier and healthier households in the future.

At this juncture, Senator Cayetano acknowledged the presence in the gallery of Finance Secretary Carlos G. Dominguez III, along with his tax reform team led by Undersecretary Karl Chua. She also acknowledged the presence of the Department of Health Undersecretary Eric Domingo and his team.

Senator Cayetano manifested her willingness to accept interpellation next week and she requested the Members of the Body to give their names to the Majority Leader and indicate the topic they wish to interpellate, whether alcohol or e-cigarettes, in order to facilitate the discussion and ensure the availability of the resource persons.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1074**

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

#### **SPECIAL ORDER**

Upon motion of Senator Zubiri, there being

no objection, the Body approved the transfer of Committee Report No. 5 on Senate Bill No. 1055 from the Calendar for Ordinary Business to the Calendar for Special Orders.

#### **COMMITTEE REPORT NO. 5 ON SENATE BILL NO. 1055**

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1055 (Committee Report No. 5), entitled

#### **AN ACT ESTABLISHING A SEPARATE FACILITY FOR PRISONERS CON- VICTED OF HEINOUS CRIMES.**

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

#### **SUSPENSION OF SESSION**

Upon motion of Senator Zubiri, the session was suspended.

*It was 3:38 p.m.*

#### **RESUMPTION OF SESSION**

At 3:40 p.m., the session was resumed with the Senate President Pro Tempore Recto presiding.

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

Senator Gordon, on behalf of the Committee on Justice and Human Rights, submitted for plenary consideration Senate Bill No. 1055, entitled "An Act Establishing a Separate Facility for Prisoners Convicted of Heinous Crimes," under Committee Report No. 5.

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

"It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its higher citizens, but its lower ones." This is a quote from Nelson Mandela.

The Committee on Justice and Human Rights now sponsors, for the consideration of this Chamber, Committee Report No. 5, and seeks approval of its proposed measure, Senate Bill No. 1055, entitled "An Act Establishing a Separate Facility for Prisoners Convicted of Heinous Crimes."

The following bills and resolutions relating to the proposed measure were referred to the Committee on Justice and Human Rights. These are the following: Senate Bill No. 953, introduced by this Representation, entitled "An Act Establishing a Separate Facility for Prisoners Convicted of Heinous Crimes"; Senate Bill No. 2, introduced by Sen. Vicente C. Sotto III, entitled "An Act Establishing a Detention Program and Facility for High-Level Drug Offenders within the National Penitentiary System Under the Bureau of Corrections, Appropriating Funds Therefor and For Other Purposes"; and Senate Bill No. 1004, introduced by Sen. Juan Miguel Zubiri, entitled "An Act Establishing a Separate Prison Facility for those Convicted of Heinous Crimes."

According to Article II, Section 5 of the 1987 Constitution, "The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy."

Article II, Section 11 of the 1987 Philippine Constitution provides that, "The State values the dignity of every human person and guarantees full respect for human rights."

Under Republic Act No. 10575, otherwise known as Bureau of Corrections Law, under its Declaration of Policy:

"It is the policy of the State to promote the general welfare and safeguard the basic rights of every prisoner incarcerated in our national penitentiary. It also recognizes the responsibility of the State to strengthen government capability aimed towards the institutionalization of highly efficient and competent correctional services.

"Towards this end, the State shall provide for the modernization, professionalization and restructuring of the Bureau of Corrections (BuCor) by upgrading its facilities, increasing the number of its personnel, upgrading the level of qualifications of their personnel and standardizing their base pay, retirement and other benefits, making it at par with that of the Bureau of Jail Management and Penology (BJMP)."

It sounds nice to hear but in reality, they are not really being done.

*"Section 4. The Mandates of the Bureau of Corrections.* – The BuCor shall be in charge of safekeeping and instituting reformation programs to national inmates sentenced to more than three (3) years.

(a) *Safekeeping of National Inmates* – The safekeeping of inmates shall include decent provision of quarters, food, water and clothing in compliance with established United Nations standards. The security of the inmates shall be undertaken by the Custodial Force consisting of Corrections Officers with a ranking system and salary grades similar to its counterpart in the BJMP."

Our Philippine criminal justice system creates just results for some people, but it is severely unjust for far too many others, particularly the poor. For decades, massive congestion and delay have plagued Philippine courts.

With increase in population, rising drug-related cases, lack of judges and court personnel, and slow disposition of cases, congestion and delay have reached critical proportions with courts registering thousands of cases and trials lasting for years.

Our jails have also become increasingly more packed, propelling the overall prison system of the country to the top of the World Prison Brief List of the most overcrowded incarceration systems in the world.

As you can see on the slide, the Philippines has a 463.6% congestion rate, the top of the heap.

Congestion in jails does not only result in health and sanitation problems, but also in increased gang affiliation of inmates. To sustain survival, inmates hold on to gangs or "pangkat" where they find protection, network of social support and more important, access to material benefits. In effect, the inmates have begun to run, if they have not yet been, they have been running the jail system for a long time. Consider the fact that they could bring in anything—from TV to cellphones, stereo, even concerts in jail in the BuCor.

This substitute bill, Senate Bill No. 1055, seeks the establishment of a separate facility for prisoners convicted of heinous crimes. The Heinous Crime Penitentiary will house the most dangerous, vicious, and violent criminals. Separating them from the public will ensure their personal safety, the safety of other personnel and the safety of the guards, and the safety of the public.

*pet po*

Justice Santiago Kapunan, in his dissenting opinion in *People vs. Alicanto*, traced the etymological root of the word “heinous” to the early Spartan word “*haineus*,” meaning hateful and abominable, which, in turn, was from a Greek prefix “*haton*,” denoting acts of hatefully or shockingly evil.

Under Republic Act No. 7659, heinous crimes are described as heinous for being grievous, odious, and hateful offenses in which, by reason of their inherent or manifest wickedness, viciousness, atrocity, and perversity, are repugnant and outrageous to the common standards and norms of decency and morality in a just, civilized and ordered society.

Need I talk about the crime of Mayor Sanchez and many others way back in the past, such as the Maggie Dela Riva case?

The main objectives of this bill are:

- to decongest our current penal facilities;
- to prevent those convicted of heinous crimes from influencing the general population of prisoners; and
- to protect all the prisoners and the general public from violence and unwarranted behavior.

I go back to the first objective—to decongest our current prisons.

As of September 18, 2019, there are a total of 47,354 inmates in the various prison facilities under the BuCor, which is supposedly for 12,299 inmates only—a congestion rate of 258%.

As of September 18, 2019, the National Bilibid Prison has a population of 27,619—a 329% congestion rate; Correctional Institute for Women at 3,255—86% congestion rate—even women are not spared; Iwahig Prison and Penal Farm, at 2,849—361% congestion rate; Davao Prison and Penal Farm, at 6,779—370% congestion rate; San Ramon and Penal Farm, at 2,235—338% congestion rate; Sablayan Prison and Penal Farm in Mindoro, at 2,697—200% congestion rate; and the Leyte Regional Prison, at 1,920—197% congestion rate.

As of September 13, 2019, there are 30,377 inmates confined at Bureau of Corrections who committed heinous crimes. Can you imagine that? Out of this number, 24,581 were sentenced to death/life imprisonment or *reclusion perpetua*.

As of September 18, 2019 data of the Bureau of Corrections—and I hate to say that I am not really reliant on their data. We need to bring all their data here and the staff has been working

day and night along with the Department of Justice to fix up the system by making sure that we go one by one at a time—the National Bilibid Prison has a population of 27,619. Out of this number, 18,456 or 67% inmates are in the maximum security compound; 6,525 or 24% in the medium security compound; 1,420 or 5% inmates in the reception and diagnostic center; and 1,087 or 4% inmates in the minimum security compound. *Baliktad, mas marami talaga iyong mga heinous criminals kaysa doon sa mga nasa minimum.*

The second objective of this bill is to stop those hardened criminals from influencing or running practically the general prison population.

In the case of *People of the Philippines vs. Delos Santos, et al.*, G.R. No. L-19067-68, July 10, 1965, the Supreme Court cited the impressions of Trial Judge Hon. Andres Reyes of the New Bilibid Prison saying:

“Hardened criminals were mixed with light offenders. Extortions and all sorts of crimes were being committed, most of the times right under the very noses of the guards, who, to top it all, could not maintain even a semblance of order and/or discipline as they were so outnumbered and themselves afraid that they might also be stabbed or liquidated.

In the raids made around 2015, if I am not mistaken, conducted by the BuCor, General Bucayo was quoted as saying, “I’m fearing for my life.” That was the excuse he gave to General Magalang.

“Because of this situation, helpless inmates, by reason of their physical build, have been abused and could not complain for fear of reprisal. All these contributed to augment the growing feeling of the inmates that they are living in a world of outcasts where only the mighty and the strong survive, where hope of redemption is illusory, and where lives had been subjected to the law of the jungle or the law of survival of the fittest.”

*Puwede nating sabihin iyan doon sa mga lugar natin na congested, na nagkalat ang droga, ganoon na rin ang pakiramdam nila. Ipinasok na rin sa preso iyan.*

And third, we want all our prisoners protected from violence. They still have their human rights. Separating heinous crimes convicts will help ensure their personal safety, the safety of other prisoners, the safety of the guards, and the safety of the public.

*jet ps*

We have had riots in other countries where they are not as congested as the Philippines.

As of 2017, jails and prisons in Brazil were operating in overcapacity that on average, a space designed to hold 10 prisoners was holding 17 according to the data from their Ministry.

Even in Scotland, the population reached 8,222 in 2019, from 7,400 inmates only in 2018. According to the reports, such overcrowding caused riots. It also caused levels of violence, self-harm and prison suicide to rise because they cannot cope with their current conditions.

In 2015 in Nebraska in the United States, a prison with 4,500 inmates or a 139% overcapacity, was taken over by its inmates for several hours. Two were killed before the staff regained control. The riot was worsened by the fact that it was horrifically overcrowded.

In 2018, a riot occurred at the State of Para, Brazil penitentiary which could only hold 7,950 but with an inmate population of 16,505. There were TV footages from that country of jails burning and people being killed while outside the jail, and families screaming and hoping that their loved ones should be spared.

An example of prison violence is when Tony Co in the Philippines died after a riot at Building 14. This is not uncommon. At the New Bilibid Prison, last September 28, 2016, Peter Co, Vicente Sy, Jaybee Sebastian, and retired Police Senior Inspector Clarence Dongail were also injured. Reports said that the two Cos and Sy were reportedly using shabu at the cell of Peter Co. Can you imagine they were using shabu right inside the prison? An inmate, Edgar Cingco, saw them and reported them to Dongail. Dongail reportedly called out the group for using illegal drugs and then went to the cell of Sebastian. Tony Co supposedly ran after Dongail and attempted to attack him.

On January 8, 2015, an inmate was confirmed dead and 19 hurt in an explosion inside the maximum security compound of the New Bilibid Prison. A grenade likely caused the explosion which occurred in the area of the Commando Gang. In previous dates, they confiscated weapons, they confiscated grenades, and all kinds of weapons that certainly have been smuggled.

On January 1, 2015, a visiting child of an inmate nearly got raped inside the maximum security facility. BuCor Director Franklin Jesus Bucayo said NBP personnel found the victim unconscious inside the toilet of the chapel, in the facility with no underwear and a rope around her neck.

This facility will ensure the control of these criminals and give the general public a sense of security and a peace of mind that they are away from those who have proven themselves depraved of basic moral aptitude necessary to live in a peaceful community.

And in other countries they have introduced this—they hold the highest level of security for heinous criminals.

One is the Supermax facility inside the Goulburn Correctional Centre in Australia, which is designed to accommodate male inmates who have been found to be an extremely high risk to the good order, safety, and security of other correctional centers, detained under national security provisions or considered high public profile.

You have the pictures there of the correctional facility—it seems like a good looking hotel, but that is Australia.

In China, they have the Qincheng Prison where prison cells are 20 square meters with its own toilet, and anything that they can use to commit suicide has been removed.

In Indonesia, they have their own Alcatraz. The Nusa Kambangan Island houses more than 1,500 inmates including those found guilty of drug trafficking and terrorism. Some of our Filipino compatriots have been brought there and one of them has been, so far, been able to escape the execution.

In Japan, the largest prison, the Fuchu Prison, houses male offenders with prison terms of 10 years or longer who have past prison records.

The United Kingdom has HMP Wakefield which houses a close supervision center to provide a supportive, safe structure, and consistent environment for some of the most challenging offenders.

The United States has ADX Florence where all outgoing and incoming mail, as well as cellphone calls, are monitored, and educational and recreational programs are played on inmate's televisions via closed-circuit system.

And finally, Russia's Black Dolphin Prison where every inmate is isolated in a single cell, kept under 24-hour supervision that includes guard checks every 15 minutes, and constant CCTV cell surveillance.

Now, what are the salient provisions of this bill?

The maximum penal institution shall be built in a suitable location to be determined by the Secretary of Justice, preferably within a military

establishment or in an island separate in the main land.

We need to build in Fort Magsaysay, for example, in Laur, Nueva Ecija. By the way, they have a very big drug rehabilitation center there that is not being utilized. And, I think, I have a picture of that somewhere that can be shown here. I understand also in Bukidnon, a Chinese guy also built a drug rehabilitation facility.

We also have the Iwahig Prison and Penal farm which has a total land area of — listen to this — 26,295.54 hectares. We can also expand the Sablayan Prison and Penal Farm which has a total land area of 8,372.40 hectares. Right now, Muntinlupa, which has a radius of 254-hectares — and it is shrinking — could also be utilized for development without being sold.

It shall be located in a secured and isolated place, ensuring that there would be no unwarranted contact or communication with those outside of the penal institution.

For a start, our proposal has three maximum penal institutions for heinous crimes starting in Luzon, in Visayas and in Mindanao. We can actually expand either the Iwahig or Sablayan Prison.

The maximum penal institution should be a state-of-the-art facility with surveillance cameras, with latest information and security system capable of 24/7 monitoring of prisoners, and with enhanced and extensive security fixtures on locks, doors and its perimeters. The facility must be maintained, clean and habitable at all times. Sanitary and hygienic comfort rooms shall be provided and maintained. We should really try to “unwild” and domesticate them. These can be done by various proposals which we are going to include in a more comprehensive bill later on.

We have been overtaken by events here as we were doing this bill. Because we wanted to make this bill very fast, we have to introduce this so we can start right away. The public deserves no less. According to Senator Zubiri *at saka si* Senate President Sotto, *naghihintay na ang publiko na magkaroon tayo ng bagong mga prison centers dito sa ating bansa.*

We can have a second law and we intend to file a second bill regarding the penology that includes training, rehabilitation of prisoners, and digitalization of all records or we can amend the bill and incorporate it now.

*In Iwahig, malaki ang lupa at ganoon din sa Sablayan.* As I said, we can have a total

reform measure but, for the moment, we simply have to do this so we can initially drain the swamp of Muntinlupa. We will distribute the heinous crime criminals in the places where their families are near. Drug addicts, rapists, murderers, and kidnappers *ang dapat nating himayin* within this bill. *Puweede natin silang ilagay sa isang island sa Palawan.*

*Para naman masabi natin na may konting vision naman,* we run the prison centers as a business. We could actually have them plant rice guided by the Department of Agriculture; we could actually have TESDA teach them; we could actually have the Red Cross teach them lifesaving methods; we can have retired military personnel — I am sure there are lot of military and police personnel — to conduct drills every morning so that they will have drill formation, have proper uniforms; we could have people making uniforms for the prisoners themselves and use the rice, use the piggery, so that they can feed themselves, it can be a self-sustaining facility. They can even be trained later on to run the facility themselves.

So far, they have simply done handicrafts. They do not have any design and capability. There are many number of talents in this prison system, they have lawyers there from UP, basketball players of Ateneo that graduated to Muntinlupa, there are many others I am sure that can help teach those who are unlettered and we can have a system and we should provide a budget for that.

So, this is what we intend to do. Either in this law, if we elect, we have to come up with a new bill shortly after we pass this. We will finally get confidence from society if most persons convicted of heinous crimes are separated from society and reform separately.

Now, I had an opportunity to visit a prison right in the middle of the city of New York where they had the first bombing of World Trade Center. He was alone in the prison, completely white and everything was cemented to the ground, concrete tables, his own comfort room, and he does not go out. There is just a small window that you can see him and it is just like looking at the devil because he does not want to see anybody, he does not want to look at anybody. And when we knocked there, he gave us the look of the devil indeed. And these are many, many persons that are incarcerated in some of the prison systems in the country. Of course, we cannot go to the Guantanamo Bay, we cannot go to Uzbekistan where a lot of reduction is taking place among what we call the so-called terrorists in the world today.

*pet jpa*

Having said all of these, I am passionate about the creation of a separate heinous facility just as I am sure, Senate President Sotto, who has shown the leadership and the drive to make sure this happens, along with Senator Zubiri, all the other senators like Senator Pacquiao wants to coauthor this, Senator Villanueva, Senator Gatchalian, Senator Revilla, and many others. This is just the first step, and I emphasize this. But there is a clamor to make sure that we do something about it. We must do it right, right away. We cannot do it piecemeal. We can think of distributing the 27,000 people in Muntinlupa to have a more manageable 8,000 prisoners per prison system and then we could come up with the necessary reforms that will make it a model instead of being talked about in the world as an uncivilized country. And mind you, we are not even in detention prisoners. This is just a Bureau of Corrections.

Our task is really huge. This Representation intends to address also the BJMP and we have started that already with the law that allowed the community service in return for *arresto mayor* and *arresto menor* first timers.

So, I hope that we will all pass this. I exhort everybody to listen to the speech of Senate President Sotto and the Majority Leader Zubiri, perhaps, even the Minority Floor Leader later on. Certainly, this is something that we must face and we cannot put our heads in the sand and say: "Well, these are bad prisoners and these are bad people, let them suffer." We can no longer do that anymore.

## COSPONSORSHIP SPEECH OF SENATE PRESIDENT SOTTO

As cosponsor of Senate Bill No. 1055, Senate President Sotto expressed support for the immediate passage of the measure to establish a separate penal institution for high-level offenders.

*Following is the full text of Senator Sotto's cosponsorships speech:*

Evil, it has been said, thrives in the dark. Crime and punishment have sought the comfort that darkness gives. The thief seeks the night though in these millennial times, it does not matter anymore. Crime happens in broad daylight.

Punishment, the requirement of reason and justice in payment of crime, also seeks darkness. We have all been kept in the dark as to what goes on inside the forbidding walls of our National Penitentiary facility at Muntinlupa. It

was the searchlight emanating from the power of Congress to inquire into the state of things that we are finally able to make sense of the shadows that lurk behind the walls of our prisons.

*Dati-rati mga tsismis lamang ang naririnig natin.* In light of the legislative inquiry and investigations, we have parted the curtains behind the dungeons where we are supposed to rehabilitate our prisoners. We now know that our system does not work.

A few years ago, we were given a hint of what goes on behind those walls. We thought it was prison. It turned out to be a village, a country club, where a new moral code was in place. It was a world turned upside down; where the prisoners were also the rulers, given the power of money and influence.

But just as what any reform movement needs, we must go back to basics. Let us not mix apples and oranges. The hardened criminals should not be in a position to further aggravate the ones who still have hope in their hearts to be productive members of society.

My thesis is that we must differentiate the system of rehabilitating the hopeless from the hopeful. *Ihiwalay natin ang mga bulok na manga sa mga bagong pitas.*

The purpose of this bill being sponsored by Sen. Richard Gordon, other than to decongest existing penal institutions and accommodate the increasing number of inmates committed to the existing prison and penal farms, is to prevent the taking advantage of lax general rules for all inmates that allow these high-level offenders to continue their nefarious activities. This measure shall likewise regionalize the maximum penal institution by establishing this penal institution in Luzon, Visayas, and Mindanao, and shall provide a more secured and state-of-the-art facility.

Prison location and the soundness of the facility in terms of infrastructures or security protocols greatly affect the government's ability to incapacitate as well as to rehabilitate prisoners. These factors dictate the effective removal of the offender from the society, thus incapacitating prisoners from committing further crimes; and, at the same time, bring them closer to their families – which could help in their rehabilitation.

With the overwhelming revelations on the state of corruption in the Bureau of Corrections, the appalling condition of our inmates, and the poor quality of our prison facilities, there is no appropriate time to correct these but now. I, therefore, urge this Body to support the immediate passage of this proposed measure.

*mt ps*

## **ACKNOWLEDGEMENT OF THE PRESENCE OF GUEST**

At this juncture, Senator Zubiri acknowledged the presence in the gallery of newly appointed director of the Bureau of Corrections Gerald Bantag.

Senate President Sotto welcomed Director Bantag to the Senate.

## **COSPONSORSHIP SPEECH OF SENATOR ZUBIRI**

Senator Zubiri likewise expressed his support for the measure, as he believed that establishing a separate prison facility for convicts of heinous crimes would not only stop collusion within the prison system but would also set low-level offenders off on a path of correction and allow the loved ones of high-level convicts to rebuild their lives and heal.

*Following is the full text of Senator Zubiri's cosponsorship speech:*

As the past few weeks have made clear, our current penitentiary system is severely flawed.

High-level convicts and corrupt prison officials have made a joke of our system, turning our penitentiary facilities into luxury suites to bide their time in until they get out on so-called "good conduct." So long as they have the money for it, they can do anything. They can get jailed for running a drug ring, and then continue running said ring from within their cells as the pictures I show you today are the actual footage of drugs and drug paraphernalia apprehended in our jail systems.

They can defile a young girl, pass her on to their cronies, and get her and her boyfriend mercilessly killed – and after all of that, get preferential treatment in jail, easily smuggling drugs into their air-conditioned cell with their own flat-screen TV. This is not justice.

While moneied convicts of heinous crimes enjoy their sweet stay in prison, their victims have to deal with unspeakable trauma and grief. A drug lord's countless victims have to continue grappling with the messy demon of addiction. A rapist's victim will be forever changed and hunted by the violation that she has experienced. A murderer's victim will leave a hole that their grief-stricken family will never be able to fill. This is perhaps the bigger injustice. We cannot allow these convicts to live in comfort while their victims—or the families of their victims—suffer the aftermath left in these criminals' wake.

It is on behalf of these victims, and of concerned Filipino people at large, that I, together with Senator Gordon and Senate President Tito Sotto, sponsor this bill establishing a separate prison facility for convicts of heinous crimes. This super-maximum prison facility will eliminate inmates' chances at escaping or even having unwarranted contact with the civilian population outside. This is an example of a super-max facility in the United States called the ADX Florence.

*Senator Zubiri showed a picture of ADX Florence in the United States.*

This will be located in a remote and, preferably, uninhabited island to firmly keep these convicts from posing any sort of physical threat to society. This super-max prison facility will be similar to what most of the people around the world already know as the Alcatraz prison in San Francisco in the U.S.

No TVs, no cell site reception, no Wi-Fi. Absolutely no connectivity. In this super-max facility, we are eliminating all windows for collusion. Even family visits will be restricted. There will be no more face-to-face conversations. Visits will be conducted through a physical barrier like a glass window, and all conversations will be recorded and monitored, so convicts cannot slip on instructions for illegal activities to their visitors, have people assassinated, have people ambushed, or continue their drug trafficking activities.

This super-max facility will also put a stop to collusion within the prison system, as is happening in our current penitentiary facilities, where high-level convicts use their power to influence and radicalize low-level offenders and commit their dirty work for them. Without the influence of high-level convicts, we will be able to set low-level offenders off on a path to redemption and correction.

What we also ultimately hope to achieve with this super-max penitentiary is to deter people from committing heinous crimes in the first place, because life in isolation, in a super-max facility, can be in many ways, more terrifying punishment than death. There can be no more agonizing experience than living with one but themselves and the pressing weight of their own actions. With this super-max prison facility, we may not even need to impose death penalty as capital punishment.

I feel, as long as the criminals know what they are going to go to such as these facilities, I think, *siguro hindi na sila gagawa ng*



*ganoong klaseng krimen.* This bill is our stand for justice. Heinous crime convicts deserve a more highly secured penitentiary facility than they currently have, and their victims deserve the peace of knowing that these convicts are securely kept far away from them and their loved ones. This sense of peace and security is essential as they rebuild their lives and heal their wounds. This bill, more than anything, is for them, the victims of these crimes.

It is in this spirit of justice that I enjoin our colleagues to see to the passage of this supermax facility bill.

## INTERPELLATION OF SENATOR REVILLA

Asked by Senator Revilla if the proposed measure that seeks to establish a separate facility for prisoners convicted of heinous crimes was an offshoot of the GCTA anomalies, Senator Gordon said that it was not only an offshoot of the hearings but also an idea whose time has come because of the urgency of addressing the problem of severe congestion in penal institutions.

As to how many prison units or penal farms are under the jurisdiction of the Bureau of Corrections, Senator Gordon said that the Bureau of Corrections has seven, to wit: New Bilibid Prison in Muntinlupa City; Sablayan Prison and Penal Farm in Occidental Mindoro; Iwahig Prison and Penal Farm in Palawan; San Ramon Prison and Penal Farm in Zamboanga City; Leyte Regional Prison; Davao Prison and Penal Farm; and the Correctional Institution for Women (CIW) in Mandaluyong City.

Regarding the jail population in each prison unit or penal farm, Senator Gordon stated that in the New Bilibid Prison, which was designed for only 6,000 prisoners but houses 27,619 inmates, has a congestion rate of 329%; the 26,000-hectare Iwahig Penal Farm has a congestion rate of 361%; the Davao Prison and Penal Farm, which also has a correctional facility for women, has 333% congestion rate as its 1,443 prison capacity has a population of 6,255; the Correctional Institute for Women with a prison population of 524 has a congestion rate of 185% as it has an overcapacity of 184 inmates; the San Ramon Prison and Penal Farm which was built for 510 inmates has a population of 2,235, thus a congestion rate of 338%; the Sablayan Prison and Penal Farm in Mindoro which has a capacity of 897 inmates holds 2,697 prisoners with a congestion rate of 201%; and the 861-hectare regional prison in Leyte

with a capacity of 646 has a prison population of 1,920, or an occupancy rate of 297%, and 197% congestion rate.

Asked how many of these inmates had been convicted of heinous crimes, Senator Gordon said that 67% of the inmates in Muntinlupa were heinous crime convicts, and of the Bureau of Correction's 30,377 convicts, 24,581 were sentenced to *reclusion perpetua* and/or death.

Asked what crimes are classified as heinous, Senator Gordon cited treason; piracy; qualified piracy; qualified bribery; parricide; murder; infanticide; kidnapping and serious illegal detention; robbery with violence against or intimidation of persons; destructive arson; rape; plunder; crimes under Sections 3, 4, 5, 7, 9, 14, 14-A, 15 and 16 of Article III of Republic Act No. 6425 (*Dangerous Drugs Law of 1972*); and Republic Act No. 9165 (*Comprehensive Dangerous Drugs Act of 2002*).

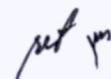
Asked if the 30,377 prisoners convicted of heinous crimes are the ones who would be transferred to the new penitentiary and if such transfer would help decongest BuCor's jail facility, Senator Gordon confirmed that the plan is to establish three new facilities, each with a prison capacity of 8,000 so that 24,000 inmates could be transferred right away, that is, unless the Body agrees to distribute the penal institutions or to build additional facilities nationwide.

As to the prison arrangement of those convicted for heinous crimes, particularly the bed capacity of inmates in one room as well as the provision for restrooms, Senator Gordon said that they would be placed in a maximum prison facility.

Regarding the budget in maintaining seven prison units and penal farms, Senator Gordon stated that the BuCor and the DOJ will submit their budgets in accordance with the plan as there is funding for the establishment of new penal institutions.

Asked how much of the P4.99 million budget of the BuCor was being spent for prisoners convicted of heinous crimes, Senator Gordon disclosed that a witness at the Senate hearing set on October 1 would disclose how the food budget of inmates are being stolen in the NBP.

Regarding the budget allocated for the construction of the proposed facility, Senator Gordon assured that



at the proper time he, in coordination with the DOJ Secretary, would prepare the budget for the Body's perusal and approval.

Asked if the proposed prison facility would be a state-of-the-art facility with surveillance cameras or latest information security system, Senator Gordon replied that it would be, adding that there would be digitalization and a computer facility to monitor the inmates 24/7 and to secure the facility's perimeters. He said that since the new BuCor chief is a former Philippine Marines Corps officer, he might incorporate morning drills, clean-ups, a merit and demerit system, and other activities in the penitentiary, such as manufacturing LTO plate numbers, home addresses or uniforms, operating piggeries or rice farming which could be adequately established in Laur, Sablayan, Iwahig and Leyte. What is important, he said, is for government to build a decent and secured penitentiary where the inmates are disciplined and could be visited by their families. Through the CCTVs, he said that the operation in the penal facility would be monitored even from the outside as he believed that the DOJ must not only exercise administrative supervision but also control, except in the computation of sentence, the cut-and-dried service of which was done by the Prisons superintendent. He also stressed that the major policies in the BuCor must be approved by the Secretary of Justice.

At this point, Senator Revilla showed photos of the condition of inmates and detention prisoners in the country's jails. Senator Gordon remarked that the situation is a time bomb that should not be tolerated as riots between inmates might occur at any time. Expressing the need for the inmates and detention prisoners to be rehabilitated, he commended President Duterte for assigning judges-at-large to facilitate the justice system and to decongest court dockets.

Senator Gordon disclosed that the DOJ had requested an additional budget of P478 million for the improvement of BuCor prisons.

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

Senator Drilon stated that the P478 million budget would just be Capital Outlay for the purchase of a sophisticated surveillance and monitoring system to better monitor the inmates.

#### **MANIFESTATION OF SENATOR GO**

Senator Go stated that the proliferation of heinous crimes has ignited a call for a tougher and more definitive stance against crimes that have plagued the security and development of the nation.

He said that he has always been steadfast in his position against any and all forms of criminality especially heinous crimes, the very reason he was pushing for the death penalty. He said that in its absence, he was supporting the proposal to establish a separate facility to ensure that the inmates would not be a threat to the society or to their fellow inmates and the prison guards pursuant to the State's mandate to ensure and maintain the security of the public in general.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1055**

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

#### **SUSPENSION OF SESSION**

Upon motion of Senator Zubiri, the session was suspended.

*It was 4:39 p.m.*

#### **RESUMPTION OF SESSION**

At 6:18 p.m., the session was resumed with Senate President Sotto presiding.

#### **ADJOURNMENT OF SESSION**

Upon motion of Senator Zubiri, there being no objection, the Chair declared the session adjourned until three o'clock in the afternoon of Monday, September 30, 2019.

*It was 6:19 p.m.*

I hereby certify to the correctness of the foregoing.

*Myra Marie D. Villarica*  
**ATTY. MYRA MARIE D. VILLARICA**  
*Secretary of the Senate*

Approved on September 30, 2019