



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 52
Monday, February 10, 2020

**EIGHTEENTH CONGRESS
FIRST REGULAR SESSION**

SESSION NO. 52
Monday, February 10, 2020

CALL TO ORDER

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

PRAYER

Sen. Win Gatchalian led the prayer, to wit:

Heavenly Father, we thank You for bringing us together in this august Chamber in the service of the Filipino people.

We ask You to strengthen our hearts and minds so we can unite our country in all the crises that we face. Grant us the clarity of thought and the resolve to lead our people in these trying times.

Panginoon, ipinapanalangin namin ang kaligtasan ng aming bansa mula sa mga sakunang aming kinakaharap. Ilayo po Ninyo ang aming mga kababayan mula sa panganib na dulot ng novel coronavirus na kumakalat sa buong mundo.

Patnubayan din po Ninyo ang mga naapektuhanhang pamilya at mga bayaning rumeresponde sa kanilang kalagayan.

Tulungan Ninyo po sanang makabangon muli ang mga kababayan naming nasalanta ng pag-alboroto ng Bulkang Taal.

Guide us, Lord, so that we can be the instruments of bringing Your love and peace to our country. Fill us with Your wisdom so that through the measures we pass, we can uphold the will of the Filipino people and bring glory to Your Name.

These we ask through Your Son, Jesus.

Amen.

NATIONAL ANTHEM

The Senate Choir led the singing of the national anthem.

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:

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

With 17 senators present, the Chair declared the presence of a quorum.

Senators Gordon, Pimentel and Recto arrived after the roll call.

Senator Lapid was on official mission abroad.

Senator Pangilinan was on sick leave as stated in a letter from his chief of staff dated February 10, 2020.

Senator Pacquiao was unable to attend the session “due to a family matter that he needed to attend to,” as stated in the February 10, 2020 letter of his chief of staff.

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

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

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

- The national finalists in the search for Ten (10) Accomplished Youth Organizations (TAYO); and
- Mr. Jimmy Pacquing and Ma. Baby Pacquing from Florida, USA.

Senate President Sotto welcomed the guests to the Senate.

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. 51 (February 5, 2020) and considered it approved.

REFERENCE OF BUSINESS

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

BILL ON FIRST READING

Senate Bill No. 1325, entitled

AN ACT RENAMING MANDAUE CAUSEWAY IN THE CITY OF MANDAUE, CEBU TO OUANO AVENUE

Introduced by Senator Gordon

To the Committee on Rules

RESOLUTION

Proposed Senate Resolution No. 317, entitled

RESOLUTION HONORING AND REMEMBERING GABINO “GABY” DE GUZMAN TABUÑAR, JR. FOR HIS EXEMPLARY AND OUTSTANDING CONTRIBUTION TO JOURNALISM AND PRESS FREEDOM

Introduced by Senator Gordon

To the Committee on Rules

MANIFESTATION OF SENATOR ZUBIRI

Senator Zubiri informed the Body of Senator Cayetano's request for a caucus so that she could present the Corporate Income Tax and Incentives Rationalization Act (CITIRA) to the senators.

Senate President Sotto suggested that the Body take up the Visiting Forces Agreement (VFA) issue first.

Senator Zubiri stated that they would take up some items in the agenda while awaiting the chairman of the Committee on Foreign Relations.

COMMITTEE REPORT NO. 27 ON SENATE BILL NO. 1224

(Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second

10th met

Reading, of Senate Bill No. 1224 (Committee Report No. 27), entitled

AN ACT INSTITUTIONALIZING COMPREHENSIVE VALUES EDUCATION IN THE K TO 12 CURRICULUM AS A CORE SUBJECT INCLUDING GOOD MANNERS AND RIGHT CONDUCT, AND FOR OTHER PURPOSES.

Senator Zubiri stated that the parliamentary status was the period of individual amendments.

Thereupon, the Chair recognized Senator Gatchalian, sponsor of the measure.

GATCHALIAN AMENDMENTS

As proposed by Senator Gatchalian, there being no objection, the Body approved the following amendments, one after the other:

1. On page 3, line 19, after the word "Activities," replace the "period" (.) with a comma (,), and insert the phrase SUCH AS ROLE PLAYING IN THE CLASSROOM, COMMUNITY IMMERSION ACTIVITIES, TEACHER-PARENT COLLABORATIVE LEARNING ACTIVITIES, SCHOOL-INITIATED VALUES FORMATION ACTIVITIES, SIMULATED ACTIVITIES, AND OTHER FORMS OF EXPERIENTIAL LEARNING;
2. On page 4, between lines 20 and 21, insert a new Section 9 to read as follows:

SEC. 9. PARENT-TEACHER PARTNERSHIP AND COLLABORATION IN VALUES EDUCATION. — IN RECOGNITION OF THE NATURAL AND PRIMARY RIGHT AND DUTY OF PARENTS IN THE REARING OF THE YOUNG FOR THE DEVELOPMENT OF MORAL CHARACTER, THE DEPED SHALL ESTABLISH LINKAGES AND PROVIDE THE NECESSARY SUPPORT TO STRENGTHEN PARENT-TEACHER PARTNERSHIPS TO ENABLE PARENTS TO PERFORM THEIR VITAL ROLE IN THE EFFECTIVE INSTITUTIONALIZATION OF VALUES EDUCATION UNDER THE WHOLE SCHOOL APPROACH.; and

3. Renumber the succeeding sections accordingly.

TOLENTINO AMENDMENT

On page 4, line 4, between the word "justice" and the comma (,), as proposed by Senator Tolentino and accepted by the Sponsor, there being no objection, the Body approved the insertion of the phrase OBEDIENCE TO THE LAW.

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

There being no other individual amendment, upon motion of Senator Zubiri, there being no objection, the Body closed the period of individual amendments.

COAUTHORS

Senator Zubiri manifested that all Members present are coauthors of Senate Bill No. 1224.

APPROVAL OF SENATE BILL NO. 1224 ON SECOND READING

Submitted to a vote, there being no objection, Senate Bill No. 1224 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1224

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 3:13 p.m.

RESUMPTION OF SESSION

At 3:26 p.m., the session was resumed.

**COMMITTEE REPORT NO. 31
ON SENATE BILL NO. 1240
(Continuation)**

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1240 (Committee Report No. 31), entitled

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

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

Thereupon, the Chair recognized Senator Pimentel, sponsor of the measure.

WITHDRAWAL OF PROPOSED AMENDMENT

Senator Pimentel manifested for the record that he was withdrawing his pending proposed amendment that he introduced in the previous session.

DRILON AMENDMENTS

As proposed by Senator Drilon and accepted by the Sponsor, there being no objection, the following individual amendments were approved by the Body, one after the other:

Page 2

1. Delete lines 4 to 7.

Senator Drilon said that the phrase “bamboo backyard farming” was never mentioned in the body of the bill.

Page 2a

1. On line 19, between the word “*Processing*,” and the dash (-), insert the words PROCESS OF;
2. On line 25, delete the words “for plantation”;
3. Delete lines 28 to 30;

Page 3

4. Delete lines 28 and 29 and in lieu thereof, insert the following:

THE PHILIPPINE BAMBOO INDUSTRY DEVELOPMENT COUNCIL IS HEREBY CREATED. IT SHALL BE COMPOSED OF THE FOLLOWING:

TOLENTINO AMENDMENT

On the same page, line 21, after the word “technologies,” as proposed by Senator Tolentino

and accepted by the Sponsor, there being no objection, the Body approved to insert the words FOR COMMERCIAL, INDUSTRIAL, HOUSING OR MILITARY PURPOSES.

DRILON AMENDMENTS

As proposed by Senator Drilon and accepted by the Sponsor, there being no objection, the Body approved the following amendments one after the other:

Page 4

1. On line 2, delete the phrase “who has sufficient expertise on the Philippine bamboo industry”;
2. On lines 5 and 6, delete the phrase “who shall come from the Bureau of DA-Agricultural Research (DA-BAR)”;

The session was suspended and was resumed shortly thereafter

3. On line 8, after the word “representative,” delete the phrase starting from the phrase “who shall come from” up to the acronym “DOST-PTRI” on line 9c;
4. Delete lines 13 to 19a, and in lieu thereof insert the following:
E. THREE (3) REPRESENTATIVES FROM THE PRIVATE SECTOR AND THE NON-GOVERNMENTAL ORGANIZATIONS INVOLVED IN THE BAMBOO INDUSTRY.
5. Delete lines 20 to 22.

Senator Drilon stated that the DTI Secretary should be able to designate his/her representative.

6. Delete lines 23 and 24 and in lieu thereof, insert the following: THREE REPRESENTATIVES FROM THE PRIVATE SECTOR AND NON-GOVERNMENTAL ORGANIZATIONS INVOLVED IN THE BAMBOO INDUSTRY;

Page 5

7. On lines 5 and 6, replace the phrase “Department of Trade and Industry (DTI)” with DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR).

Senator Drilon stated that in reality, when the DENR is directed to devote 25% of the area to bamboo, the bill, in effect, was providing that the funds would come from the DENR's National Greening Program; thus, it would be administratively difficult to attach the Council to the DTI. He recalled how Senator Lacson went through the same ordeal as rehabilitation czar in the aftermath of the Typhoon *Yolanda* as he had to talk to all the agencies where the budgets that he was supposed to use were lodged because he had no budget of his own.

Senator Pimentel expressed his openness to the amendment, saying that the bamboo industry could not be developed without bamboo propagation which is under the DENR.

8. Transfer the text found in lines 1 to 4 and convert it as subparagraph (F) of Section 6, subject to style, to be inserted after line 19;
9. On line 22, put a period (.) after the word "Council" and replace the word "to" with IT SHALL.

At this juncture, Senate President Sotto noted that lines 30a to 30g of page 5a should be amended since the administrative function had been transferred earlier to the DENR.

SUSPENSION OF SESSION

Upon motion of Senator Drilon, the session was suspended.

It was 3:49 p.m.

RESUMPTION OF SESSION

At 4:08 p.m., the session was resumed.

RECONSIDERATION OF AMENDMENT

Upon motion of Senator Zubiri, there being no objection, the Body reconsidered the amendment on Section 5, lines 5 and 6 of page 5.

DRILON AMENDMENTS

(Continuation)

As proposed by Senator Drilon and accepted by the Sponsor, there being no objection, the Body approved the following amendments, one after the other:

Page 5

1. Subject to style, reword lines 5 and 6, to read as follows:

THE COUNCIL SHALL BE ADMINISTRATIVELY ATTACHED TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) FOR THE FIRST THREE YEARS FROM THE EFFECTIVITY OF THIS ACT AND, THEREAFTER, SHALL BE ATTACHED TO THE DEPARTMENT OF TRADE AND INDUSTRY (DTI).

2. Reinstate lines 28 to 30, to read as follows: "The organizational structure, staffing patterns and compensation schedule of the Center shall be drawn up in accordance with the Civil Service Commission (CSC) law, rules and regulations";
3. Delete line 30, starting with the word "THE" up to the acronym "(CSC)" on line 30g of page 5A;

Page 6

4. On lines 5 and 5a, delete the acronyms "-FPRDI, DOST-PCAARRD AND DOST-PTRI";
5. On lines 7 and 7a, delete the acronyms "-FPRDI, DOST-PCAARRD AND DOST-PTRI";

Page 7

6. On line 21, delete the phrase "(DENR) on Bamboo" and insert the word THE before the word "Department";
7. On line 22, delete the words "for Commercialization" and delete the comma (,) after the word "mandate";
8. On line 24, replace the word "commercialization" with COMMERCIAL; and
9. On line 25, delete the word "while".

PIMENTEL AMENDMENT

On page 7, line 27, after the period (.), as proposed by Senator Pimentel, there being no objection, the Body approved the insertion of the following sentences to read as follows: LIKEWISE, THE DENR SHALL USE BAMBOO AS THE PLANTING MATERIAL FOR AT LEAST TWENTY FIVE PERCENT (25%) OF ITS ANNUAL REFORESTATION AND REHABILITATION AREAS ESPECIALLY IN PROVINCES AND TOWNS WHICH ARE ENGAGED IN OR HAVE

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THE POTENTIAL TO ENGAGE IN BAMBOO-BASED INDUSTRIES OR WHERE TREES ARE DIFFICULT TO GROW BECAUSE OF POOR SITE QUALITY, SUSCEPTIBILITY TO EROSION OR ADVERSE AND STEEP GRADIENTS. DENR, THROUGH THE ECOSYSTEMS RESEARCH AND DEVELOPMENT BUREAU (ERDB) AND OTHER CONCERNED OFFICES, SHALL CONTINUOUSLY GENERATE BAMBOO PRODUCTION TECHNOLOGY WHICH SHALL BE TRANSFERRED AND DISSEMINATED TO FARMERS.

DRILON AMENDMENTS

(Continuation)

As proposed by Senator Drilon and accepted by the Sponsor, there being no objection, the Body approved the following amendments, one after the other:

Page 7

1. On line 28, delete the phrase “*for Research and*”;
2. On line 29, delete the word “*Development*”; and delete the phrase “Forest Products Research and Development Institute;
3. On line 30, delete the acronym “(DOST-FPRDI); and
4. On line 31, replace the phrase “work closely in coordination” with COORDINATE.

VILLAR AMENDMENT

On page 8, line 3, as proposed by Senator Villar and accepted by the Sponsor, there being no objection, the Body approved to insert a new Section 11, to read as follows:

SEC. 11. ROLE OF THE DEPARTMENT OF TRADE AND INDUSTRY (DTI) – IN ADDITION TO ITS CURRENT MANDATE UNDER THIS ACT AND OTHER EXISTING LAWS, THE DTI SHALL CONTINUE TO PROVIDE CO-OPERATORS SUCH AS BUT NOT LIMITED TO NGOS, LGUS, COOPERATIVES, PEOPLE'S ORGANIZATIONS OR BUSINESS ASSOCIATIONS, SHARED SERVICE FACILITIES FOR BAMBOO PROCESSING AND MANUFACTURING. FURTHERMORE, THE TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY (TESDA), UNDER THE DTI, SHALL CONTINUE TO PROVIDE TRAININGS ON BAMBOO INDUSTRY-RELATED COURSES UNDER ITS SCHOLARSHIP PROGRAM.

PIMENTEL AMENDMENT

On page 8, line 2, after the word “practices,” Senator Pimentel proposed to insert a new sentence, to read as follows: THE DOST SHALL LIKEWISE ALLOCATE TWENTY PERCENT (20%) OF THE BUDGET FOR ITS SMALL ENTERPRISE TECHNOLOGY UPGRADING PROGRAM (SETUP) AND THE TECHNOLOGY APPLICATION AND PROMOTION INSTITUTE (TAPI) VENTURE CAPITAL PROGRAM TO BAMBOO-BASED ENTERPRISES. He said that the sentence was lifted from Executive Order No. 879.

But Senator Drilon noted that the text in EO 879 reads: “It shall likewise allocate 20% of its MSME assistance funds such as SETUP and TAPI venture capital to bamboo-based enterprises.” He then asked if the intent of Senator Pimentel's proposal was to amend the sentence as it appeared in EO 879.

Acknowledging Senator Drilon's observation, Senator Pimentel proposed to amend the earlier amendment to read as follows: THE DOST SHALL LIKEWISE ALLOCATE TWENTY PERCENT (20%) OF ITS MSME ASSISTANCE FUNDS SUCH AS SMALL ENTERPRISE TECHNOLOGY UPGRADING PROGRAM (SETUP) AND THE TECHNOLOGY APPLICATION AND PROMOTION INSTITUTE (TAPI) VENTURE CAPITAL PROGRAM TO BAMBOO-BASED ENTERPRISES.

Submitted to a vote, there being no objection, Senator Pimentel's amendment, as amended, was approved by the Body

TOLENTINO AMENDMENTS

As proposed by Senator Tolentino and accepted by the Sponsor, there being no objection, the Body approved the following amendments:

1. On page 8, line 8, after the word “promoting,” insert the phrase AND PROMOTING AND UTILIZING BAMBOO PRODUCTS; and
2. On the same page and line, delete the word “enterprises.”

Senator Tolentino explained that the purpose of his amendment was to specify the role of the local government units in their respective localities.

At this juncture, Senator Drilon cited Section 11 on the role of the LGUs, which states: “Local



Government Units, in cooperation with the DENR, DTI and the DOST, and in consultation with the DA and the National Commission on Indigenous People when necessary, shall regularly conduct surveys of existing bamboo stands, nurseries and plantations in their respective localities, and shall strengthen the bamboo industry by promoting bamboo enterprises in their respective localities.” He then asked what is expected of the LGU and how it is proposed to be done. He also asked how it would be read as amended.

Senator Pimentel read the last portion of Section 11, renumbered as Section 12, to wit: **SHALL STRENGTHEN THE LOCAL BAMBOO INDUSTRY BY PROMOTING AND UTILIZING BAMBOO PRODUCTS IN THEIR RESPECTIVE LOCALITIES.**

DRILON AMENDMENT

(Continuation)

On page 8, line 4, as proposed by Senator Drilon and accepted by the Sponsor, there being no objection, the Body approved to delete the acronym “FPRDI.”

At this juncture, Senator Drilon asked on the meaning of the words “when necessary” in the phrase “in consultation with the DA and National Commission on Indigenous People when necessary.” Senate President Sotto replied that it applies when there are IPs in the area.

Senator Pimentel said that it is necessary when there are properties of the indigenous people which might be affected by the survey preparatory to the establishment of bamboo plantations.

Given that the role of the LGUs in consultation with the NCIP was mentioned, Senator Hontiveros believed that the consultation must be explicitly required when surveys and other activities aimed at strengthening the local bamboo industry would be undertaken in ancestral domains of the indigenous peoples as it is consistent with the Indigenous Peoples Rights Act (IPRA).

Senator Drilon stated that his experience with the NGCO has not been favorable, the reason why he inquired on the exact meaning of “when necessary.” He asked if the provision on free, prior and informed consent in the IPRA should apply.

Senator Pimentel stated that the mandate is for the LGUs to know the extent of the indigenous

people’s ancestral domain. Hence, he reiterated the need for a regular conduct of surveys to find out if there are bamboo plantations not only in their locality but also inside the ancestral domains of the indigenous peoples.

Asked by Senator Drilon if free, prior and informed consent of the indigenous people is required before planting bamboo in the denuded area covered by the ancestral domains law, Senator Pimentel replied in the affirmative, as he echoed Senator Hontiveros’ call to follow the law. He said that the policy in the propagation of the bamboo industry is still to observe the Indigenous People’s Rights Act.

PIMENTEL AMENDMENTS

(Continuation)

As proposed by Senator Pimentel, there being no objection, the Body approved the following amendments, one after the other:

1. Insert a new Section 12, to read as follows:

SEC. 12. DEPARTMENT OF AGRICULTURE – THE DEPARTMENT OF AGRICULTURE SHALL IDENTIFY IDLE AND MARGINALIZED AGRICULTURAL AREAS SUITABLE FOR BAMBOO PLANTATIONS. THIS SHOULD BE DONE WITHOUT SACRIFICING AREAS USED FOR FOOD PRODUCTION. IT SHALL ALSO ASSIST IN ESTABLISHING BAMBOO NURSERIES AND IN BAMBOO PROPAGATION WITH FOCUS ON BAMBOO SHOOTS PRODUCTION.

Senator Pimentel explained that the new section was also culled from Executive Order No. 879.

2. Insert a new Section 13, to read as follows:

SEC. 13. NON-GOVERNMENTAL ORGANIZATIONS – THE NON-GOVERNMENTAL ORGANIZATIONS (NGO) AND THE PRIVATE SECTOR REPRESENTATIVES SHALL LEAD IN ADVOCATING THE PLANTING AND UTILIZATION OF BAMBOO NATIONWIDE AND IN PROVIDING MARKET INFORMATION, MARKET RESEARCH DEVELOPMENT, AND OTHER SIMILAR UNDERTAKINGS; and

3. Renumber the succeeding sections accordingly.

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Senator Pimentel proposed to insert a new section, to read as follows:

SEC. ____. *BAMBOO IN PUBLIC SCHOOLS* – AT LEAST 25 % OF THE ANNUAL SCHOOL DESKS AND ARM-CHAIRS A REQUIREMENT OF ALL OF PUBLIC ELEMENTARY AND SECONDARY SCHOOLS NATIONWIDE PROCURED BY THE DEPARTMENT OF EDUCATION (DEPED) SHALL BE MADE FROM BAMBOO.

Relative thereto, Senator Drilon commented that the proposed new section was a reproduction of a similar provision in Executive Order No. 879. He then asked if the said provision has been complied with. Senator Pimentel replied in the negative.

Senator Drilon then questioned the basis of the proposal to increase it from 20% to 25% when it has not been implemented in the last 10 years.

Senator Pimentel believed that the measure would be a landmark law that would push the bamboo industry to start, propagate, and strengthen itself.

Recalling Senator Drilon's suggestion to incorporate the important provisions of Executive Order No. 879 in the proposed bill so that there would be no other executive order to look back to, Senate President Sotto asked what Senator Pimentel's preference would be.

Although the mandate of Executive Order No. 879 for the annual provision of school desks and armchairs in public elementary and secondary schools was not complied with since 2010, Senator Pimentel said that by increasing the target, the stakeholders would be pressured to improve the bamboo industry.

Submitted to a vote, there being no objection, the amendment to insert a new section (*Bamboo in Public Schools*) was approved by the Body.

On page 8, as proposed by Senator Pimentel, there being no objection, the Body approved the deletion of lines 12 to 17.

DRILON AMENDMENT

On page 8, line 9, as proposed by Senator Drilon and accepted by the Sponsor, there being no objection, the Body approved to replace the title of Section 12, simply as *INCENTIVES*.

PIMENTEL AMENDMENTS

As proposed by Senator Pimentel, there being no objection, the Body approved the following amendments, one after the other:

Page 8

1. On line 19, replace the term "share" with RENT;
2. On line 20 after the word "plantation," delete the phrase "for the first ten (10) years or when the plantation owner starts to harvest the nursery or plantation";
3. On line 24, after the word "government," delete the phrase "and other fees or taxes imposed by local government units";
4. Delete lines 26 to 29;
5. Delete lines 30 to 31;

Page 9

6. Delete lines 1 to 5;
7. On line 27, after the word "products," delete the comma (,);

Senator Drilon inquired if the provision under subparagraph (j) has been cleared with the Philippine Crop Insurance Corporation (PCIC) and if it would change any assumptions under the Crop Insurance Law. Senator Pimentel assured that the provision has been cleared and that at the moment, the bamboo plantation and plantation development equipment are covered.

8. On line 31, replace the acronym "DENR" with DOST;

Page 10

9. On line 13, before the word "any," insert the sentence EXECUTIVE ORDER NO. 879 S. 2010 IS HEREBY REPEALED; and
10. On line 15, replace the word "hereby" with LIKEWISE.

DRILON AMENDMENT

On the title, as proposed by Senator Drilon and accepted by the Sponsor, there being no objection, the Body approved the deletion of the acronym "(BIDC)." *R. pet*

CLEAN COPY

Senator Drilon asked the Secretariat to prepare a clean copy of Senate Bill No. 1240.

INQUIRY OF SENATOR RECTO

Asked by Senator Recto how much would be allocated for the Bamboo Development Act based on the approved amendments, Senator Pimentel stated that P100 million would be sourced from the unexpended contingency fund of the Office of the President. He added that the DTI, DOST-Forest Products Research and Development Institute (FPRDI), and DENR-Bamboo Plantation Development Project (BPDP) also have existing funds for bamboo industry development and research.

Asked how much from the allocation of P4 billion for the National Greenery Program would be spent for the bamboo industry, and if funds would be taken away from other industries, Senator Pimentel noted that the bill was just directing the National Greening Program to plant at least 25% bamboo.

As to what type of bamboo would be planted, Senator Pimentel said that the Philippine Bamboo Industry Development Council is tasked to follow a roadmap to ascertain where various species of bamboo would be planted.

Asked on the total fund to be spent for the bamboo industry, Senator Pimentel stated that under the DOST, the Small Enterprise Technology Upgrading Program (SETUP) allocates 20% of P850 million, or P170 million, aside from a venture capital of 20% of P36 million, or P7 million, from the Technology Application and Promotion Institute (TAPI).

SUSPENSION OF SESSION

Upon motion of Senator Pimentel, the session was suspended.

It was 4:55 p.m.

RESUMPTION OF SESSION

At 5:01 p.m., the session was resumed.

MANIFESTATION OF SENATOR PIMENTEL

Senator Pimentel manifested that he would need

more time to come up with the figures that would properly address the query of Senator Recto.

INQUIRY OF SENATOR HONTIVEROS

Senator Hontiveros asked why only subparagraph (b) of Section 12 has time limit while the other subparagraphs have no time limits.

Senate President Sotto replied that the time limit has been removed for consistency.

CLEAN COPY

Senate President Sotto expressed the need for a clean copy of the bill so that the Body could properly scrutinize the amendments that had been introduced before the proposed measure is passed on Second Reading.

Thereafter, Senator Zubiri directed the Secretariat to provide the Members with a clean copy of the amended version.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1240

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 5:04 p.m.

RESUMPTION OF SESSION

At 6:35 p.m., the session was resumed.

ADDITIONAL REFERENCE OF BUSINESS

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

RESOLUTION

Proposed Senate Resolution No. 318, entitled

A RESOLUTION CONGRATULATING
AND COMMENDING ALEX EALA

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**FOR WINNING FIRST JUNIORS
GRAND SLAM TITLE IN 2020
AUSTRALIAN OPEN**

Introduced by Senator Pacquiao

To the Committee on Rules

COMMITTEE REPORT

Committee Report No. 42, submitted jointly by the Committees on Justice and Human Rights; Constitutional Amendments and Revision of Codes; and Accountability of Public Officers and Investigations, on Proposed Senate Resolution No. 106, introduced by Senator Drilon, entitled

RESOLUTION DIRECTING THE COMMITTEE ON JUSTICE AND HUMAN RIGHTS TO CONDUCT AN INQUIRY IN AID OF LEGISLATION INTO THE REPORTED ELIGIBILITY OF ANTONIO SANCHEZ FOR AN EARLY RELEASE FROM PRISON WITH THE END IN VIEW OF ENSURING THE PROPER IMPLEMENTATION OF, AND ENACTING REMEDIAL LEGISLATION TO REPUBLIC ACT NO. 10592;

Proposed Senate Resolution No. 107, introduced by Senator Sotto III, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEES ON JUSTICE AND HUMAN RIGHTS; CONSTITUTIONAL AMENDMENTS, REVISION OF CODES AND LAWS; AND OTHER APPROPRIATE COMMITTEES TO REVIEW, IN AID OF LEGISLATION, THE IMPLEMENTATION OF REPUBLIC ACT NUMBER 10592 ON GOOD CONDUCT TIME ALLOWANCE (GCTA) WITH THE END IN VIEW OF AMENDING THE SAME IN ORDER TO ENSURE THAT THOSE PRISONERS WHO TRULY DESERVE THE LAW'S BENEFITS SHALL BE GRANTED OF THE SAME;

Proposed Senate Resolution No. 108, introduced by Senator Binay, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEES, TO

CONDUCT AN INQUIRY IN AID OF LEGISLATION, ON THE IMPLEMENTATION OF REPUBLIC ACT 10592 PARTICULARLY THE COMPUTATION OF THE GOOD CONDUCT ALLOWANCES (GCTA) OF PERSONS DEPRIVED OF LIBERTY, IN LIGHT OF THE IMPENDING RELEASE OF 11,000 INMATES DUE TO THE REVISION OF THE COMPUTATION OF GCTA AND ITS RETROACTIVE APPLICATION;

Proposed Senate Resolution No. 123, introduced by Senator Dela Rosa, entitled

RESOLUTION URGING THE DEPARTMENT OF JUSTICE AND DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT TO REVIEW, AMEND, AND MODIFY THE ISSUED IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 10592 TO REFLECT THE LEGISLATIVE INTENT OF THE CONGRESS WITH THE END IN VIEW OF UPHOLDING THE IMPARTIAL DELIVERY OF JUSTICE;

The Privilege Speech on the Good Conduct Time Allowance of Sen. Richard J. Gordon, delivered on August 27, 2019; and

MOTU PROPRIO BY THE COMMITTEE ON ACCOUNTABILITY OF PUBLIC OFFICERS AND INVESTIGATIONS – INVOCATION BY THE BLUE RIBBON COMMITTEE CHAIRMAN OF RULE 10, SEC. 13 OF THE SENATE RULES THAT THE BLUE RIBBON COMMITTEE MAY UNDERTAKE AN INVESTIGATION ON ANY MATTER OF PUBLIC INTEREST ON ITS OWN INITIATION MOTU PROPRIO (TSN DATED SEPTEMBER 2, 2019 P. 3),

recommending the adoption of the recommendations and their immediate implementation.

Sponsor: Senator Gordon

To the Calendar for Ordinary Business

PROPOSED SENATE RESOLUTION NO. 310

Upon motion of Senator Zubiri, there being no objection, the Body considered Proposed Senate Resolution No. 310, entitled

RESOLUTION CREATING A SELECT OVERSIGHT COMMITTEE ON INTELLIGENCE AND CONFIDENTIAL FUNDS, PROGRAMS AND ACTIVITIES.

With the permission of the Body, only the title of the resolution was read without prejudice to the insertion of its full text into the Record of the Senate.

MANIFESTATION OF SENATOR ZUBIRI

Senator Zubiri stated that the Oversight Committee on Intelligence and Confidential Funds is a special committee that was also created during the Seventeenth Congress.

TERMINATION OF THE PERIOD OF INTERPELLATIONS

There being no interpellation, upon motion of Senator Zubiri, there being no objection, the Body closed the period of interpellations and proceeded to the period of amendments.

TERMINATION OF THE PERIOD OF AMENDMENTS

There being no committee or individual amendment, upon motion of Senator Zubiri, there being no objection, the Body closed the period of amendments.

ADOPTION OF PROPOSED SENATE RESOLUTION NO. 310

Upon motion of Senator Zubiri, there being no objection, Proposed Senate Resolution No. 310 was adopted by the Body.

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 6:42 p.m.

RESUMPTION OF SESSION

At 6:42 p.m., the session was resumed.

OVERSIGHT COMMITTEE MEMBERSHIP

Pursuant to Proposed Senate Resolution No. 310, Senate President Sotto designated the following senators to constitute the Select Oversight Committee on Intelligence and Confidential Funds, Programs and Activities: Senator Lacson as chairman; and Senators Go, Dela Rosa, Tolentino, Binay, Pangilinan and Hontiveros as members.

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 6:43 p.m.

RESUMPTION OF SESSION

At 6:43 p.m., the session was resumed.

SECOND ADDITIONAL REFERENCE OF BUSINESS

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

COMMITTEE REPORT

Committee Report No. 43, submitted by the Committee on Foreign Relations, on Proposed Senate Resolution No. 312, introduced by Senator Drilon, entitled

RESOLUTION EXPRESSING THE SENSE OF THE SENATE FOR THE PRESIDENT TO RECONSIDER HIS PLAN TO UNILATERALLY WITHDRAW FROM THE VISITING FORCES AGREEMENT WITH THE UNITED STATES OF AMERICA

Introduced by Senator Pacquiao

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. 43 on Proposed Senate Resolution No. 312 from the Calendar for Ordinary Business to the Calendar for Special Orders.

**COMMITTEE REPORT NO. 43
ON PROPOSED SENATE
RESOLUTION NO. 312**

Upon motion of Senator Zubiri, there being no objection, the Body considered Proposed Senate Resolution No. 312 (Committee Report No. 43), entitled:

**RESOLUTION EXPRESSING THE SENSE
OF THE SENATE FOR THE PRES-
IDENT TO RECONSIDER HIS PLAN
TO UNILATERALLY WITHDRAW
FROM THE VISITING FORCES
AGREEMENT WITH THE UNITED
STATES OF AMERICA.**

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 resolution was read without prejudice to the insertion of its full text into the Record of the Senate.

Thereupon, the Chair recognized Senator Pimentel, Sponsor of the measure.

**SPONSORSHIP SPEECH
OF SENATOR PIMENTEL**

Senator Pimentel submitted to the Body for plenary consideration Proposed Senate Resolution No. 312 under Committee Report No. 43, otherwise known as the "Sense of the Senate for the President to Reconsider His Plan to Withdraw from the Visiting Forces Agreement with the United States of America in the Meantime that the Senate is Conducting a Thorough Review of the Same."

Following is the full text of Senator Pimentel's sponsorship speech:

Senate Resolution No. 312, authored by Senate President Sotto, Senator Drilon, Senator Lacson, was filed after and in reaction to President Duterte's pronouncement to terminate the Visiting Forces Agreement, also known as the VFA.

According to the Resolution, the VFA provides for the "regulatory mechanism" by which the "United States military and civilian personnel may visit temporarily in the Philippines in connection with activities approved by the Philippine government."

On April 28, 2014, an additional agreement in the form of the Enhanced Defense Cooperation Agreement was entered into with the goal of supplementing the existing VFA.

Although the resolution concedes that the President is the sole organ and authority in the external affairs of the country, it requests the President to reconsider his planned abrogation of the VFA in the meantime that the Senate is conducting a thorough review of the same.

At this juncture, Senate President Sotto relinquished the Chair to Senator Villanueva.

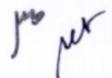
The Committee on Foreign Relations conducted a public hearing on the VFA last February 6, 2020. During the said hearing, Foreign Affairs Secretary Teodoro Locsin, Jr. stated that the termination of the VFA must be weighed in terms of the overall national interest of the country.

Secretary Locsin listed four areas where the direct benefits derived from the VFA are most manifest. The Foreign Affairs Secretary said that these will be in respect of Philippine defense, military and security arrangements. Some of the benefits mentioned are:

1. The VFA ensures operability of other Philippines-US defense agreements and modalities of cooperation;
2. The VFA allows the US to provide a total-package approach on defense articles that would be compatible with equipment, assets, and systems that are already in place;
3. The VFA promotes interoperability between Philippine forces and law enforcement agencies and their US counterparts; and
4. The VFA allows for continued support for addressing non-traditional security threats.

Moreover, according to Secretary Locsin, the following is an enumeration of six areas where the indirect benefits of continuing the VFA are manifest or, put differently, may be put at risk should the VFA be terminated:

1. The Philippines' international standing as viewed by other US allied countries is maintained;
2. Recent actions by the US have shown its renewed commitment to its defense obligations to the Philippines through the pronouncements of Secretary of State Michael R. Pompeo and Secretary of Defense Mark T. Esper during their visits to Manila in 2019;



3. The existing goodwill and friendly relations between the Philippines and the US may be compromised;
4. Philippines-US robust economic relations may be affected. The US is the Philippines' third largest trading partner at \$18.7 billion — that is end of 2018 figure — and the US is our biggest export market and our fourth largest import source;
5. The healthy state of our bilateral trade, investments, and tourism may be imperiled. The US is the Philippines' fifth largest source of investments, accounting for some P12.9 billion in 2018. The US is also the Philippines' third largest tourism market with over one million tourist arrivals in 2018. Finally, with respect to official development assistance or ODA, the US is the largest source of grants accounting for 36.89% share of total grants in 2018, and the total amount of grants for that year was \$886.4 million; and
6. US assistance facilitated by the VFA may dry up. From 2016 to 2019, the US provided substantial development assistance in the amount of \$336.306 million.

On the other hand, during the course of the hearing, there was also mention of how the Philippines has been disadvantaged by and has suffered with the lopsided provisions of the VFA and the unequal treatment provided to Filipino soldiers visiting the US contained in the counterpart agreement known as the VFA 2, which provides for the treatment of Philippine defense and military personnel and their dependents visiting the US for training or other official purposes. The following impositions underscore or highlight the unequal treatment of Filipino soldiers under VFA 2:

1. While US military personnel shall be exempt from passport and visa regulations when entering the Philippines, for Philippine military personnel, the US will issue them multiple entry visas but the US embassy reserves the right to deny visas to persons ineligible under US laws;
2. While Philippine authorities shall accept the driving permit/license issued by US authorities for the operation of military or official vehicles, the US shall accept as valid the driving permit or license issued by competent Philippine authorities in accordance with the Geneva Convention on Road Traffic;
3. In terms of criminal jurisdiction, custody of any US personnel over whom the Philippines

is to exercise jurisdiction shall immediately reside with the US military authorities, if they so request, from the commission of the offense until completion of all judicial proceedings. In the case of Philippine personnel, when requested, the Philippine government will ask appropriate US authorities to waive in favor of the Philippines their right to exercise jurisdiction, except when the US Department of Defense/State determines that US federal or state jurisdiction should be exercised; and

4. For US personnel in conflict with the law, confinement/detention by Philippine authorities will be in facilities agreed upon by the Philippines and US authorities. For Philippine personnel in conflict with US laws, he is confined/detained in penal institutions for the custody level of their prisoners.

But this is just to name a few and to highlight that there are arguments in both sides of the coin. In relation to this, it was also noted that the VFA that we have with Australia is more equitable to us than that of the US and may be replicated to serve as a basis for renegotiation of our VFA with the US, if we so desire, or for future VFAs.

Therefore, a careful deliberation of these matters must be taken into account before finally arriving at a decision which will ultimately affect not only the security and economy of the Philippines but also that of our neighboring countries in the Asia Pacific region.

I would like to stress that the subject resolution does not take any side, except that it basically requests the President to reconsider the announced plan to withdraw from the VFA while, or in the meantime, the Senate of the Republic of the Philippines is conducting a review of the said agreement which we have already started.

COSPONSORSHIP SPEECH OF SENATE PRESIDENT SOTTO

Senate President Sotto delivered his cosponsorship speech, as follows:

Destiny has located our islands in the easternmost fringes of the Asian mainland dominated by China. Early land bridges are said to have connected us with our neighbors in Asia and more particularly Southeast Asia. This accounts for the Asian features of our physique and the presence of Chinese enclaves in our



communities. The Muslim faith came to our shores by way of Southeast Asia.

Western nations reached us by way of the seas, the Pacific Ocean, in search for territory and spices. Since 1521, we have played host to colonizing forces from Spain, United States and Japan. Our family names echo American first names and Spanish surnames. We are the crucible of races, religions and philosophies.

Although historically these nations have greatly contributed to our country's identity, we have evolved to be independent and sovereign.

Sovereignty entails noninterference from other sovereign states; however, it does not mean total isolation. International and diplomatic relations come into play to link our complex world. In this modern time, international relations is essential for many reasons: the promotion of successful trade policies between nations; nations' cooperation with one another; advancement of human culture; and maintaining peace and order for stability.

In a developing country like ours, it is more beneficial and prudent to maintain, if not gain, allies than challenge the *status quo*. Our country is currently benefitting a lot from our partner states—which include the United States of America despite its geographical distance from the Philippines. We have had ups and downs in our relationship with the United States, just like with our other allies, but our common interests outweigh our differences. Thus, based on the foregoing, it is my view that the better way to go is to review the Visiting Forces Agreement and ask the Executive department to reconsider its intent of abrogation while the Senate, which is a partner in this agreement, is reviewing, as the main sponsor, Senator Pimentel, chairman of the Committee on Foreign Relations, mentioned.

Therefore, I urge the support of our colleagues for the adoption of Senate Resolution No. 312.

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 6:58 p.m.

RESUMPTION OF SESSION

At 6:59 p.m., the session was resumed.

COSPONSORSHIP SPEECH OF SENATOR GORDON

Senator Gordon stated that while Congress concedes that the President is the architect of foreign policy, as a coequal branch of the Executive department, Senate, which is part of Congress, is distinguished in the fact that the Constitution mandates that all treaties or executive agreements must pass and be ratified by it. He recalled that about two or three years ago, Senator Drilon filed a resolution expressing that from thereon, withdrawal from all agreements or treaties must go through Senate concurrence. He said that unfortunately, it did not cover the VFA because it has been ratified many years ago.

Senator Gordon said that if the Senate is ratifying a treaty as important as the VFA, it should be able to discuss the issues involving national interest and national defense, where the military would be at the forefront of any shooting war in case it happens.

He said that he supports the proposal that the Chamber must be involved in the discussion, at the very least, and even, if necessary, takes part in the process of abrogation. He said that it was part of the opinion made by one of the justices of the United States Supreme Court in *Goldwater vs. Carter* when President Carter decided to abrogate relationship with Taiwan. He said that Senator Goldwater from Arizona won in the Lower House when he asked that the treaty must be reviewed by the Senate but lost in the Court of Appeals, thereby raising the matter to the Supreme Court which said that it was a political question. He said that one justice even opined that if the Senate so desires, it should express to the Executive department, by way of resolution, its desire to be consulted insofar as the matter was concerned.

Senator Gordon said that the VFA is a very important document, and that he has been consistent with his stand in favor of the bases because there was no cogent effort at that time on the part of the country to strengthen the military. He said that the country missed out on the opportunity to enrich itself by using its ties with America through investments and to strengthen the military. He said that it was the reason why he admired the Japanese for their homogeneity and nationalism.

He noted that since the Meiji Restoration from 1860 to 1905, the battle cry has always been to enrich the country and to strengthen the military,



unlike the Philippines which has become the “sick man” in terms of military strength, capability and credibility in the Asia Pacific Region. He believed that giving up the VFA could be another missed opportunity. He opined that it is the time for the country to get support if it wants more support, and to use the VFA as a leverage to get from America not assistance but credible contributions to the economy and to education. He said that it is well known that during disasters the American military has supported the country, and later on when the bases were gone, the Chinese also tried to support the country. He lamented how the country is still dependent upon the help of others. He believed that every self-respecting country must have the capability to defend itself and not be dependent upon others for security and to be able to make sure that it must not depend on others especially during national emergencies or disasters.

To illustrate, he said that of the country's five C-130s, which are the cargo planes of any military, only two are operating. He said that if the country needs to withdraw its people from China at the outbreak of the novel coronavirus, it could have sent three of the C-130s to bring all of them back home. He said that the C-130 is one of the most utilized aircraft in terms of logistical support for the soldiers and for the people in times of disaster, yet the country does not have enough of it. He lamented how little the country has in terms of air power with only four S-211s; four FA-50PH fighters made in Korea; seven OV-10 attack aircraft of old Vietnam war vintage; and five C-130s with only two that are working. He said that in contrast, Singapore has one F-35 Raptor which is one of the most modern fighter aircraft in the whole world, about 40 F-15s, and 60 F-16 Fighting Falcons each costing around US\$90 million. He lamented that the country's P197-billion national budget does not even come close to the cost of Singapore's air assets.

Giving a more basic example, Senator Gordon lamented about how the Filipino soldiers, using an old derelict vessel, are guarding Ayungin and Scarborough Shoals because the Chinese suddenly showed their true colors and started occupying the Spratlys, even building artificial islands and putting up airfields the moment the Americans left.

At this juncture, Senator Gordon showed on screen a picture of Ayungin Shoals with airfields and tankers. He said that it has been said that small

countries and unequal treaties are the result of unequal bargaining and that the treaties with the United States are unequal. He said that in reality, unequal powers are the result of aggression, and that if the country is bereft of the capability to define itself, then it would invite aggression. He said that it would be simplistic to say that the country would not benefit anything from the US and that it would not defend the country. He pointed out that during World War I and World War II, America did not immediately go to war but had to settle first with their local constituencies before declaring war. He said that in many wars, America had been called on by many countries for help.

He said though that it does not mean that because the Philippines has an agreement with the US, it would come to the country's defense, although he expressed certainty that it would, based on the US Secretary of State's pronouncement. Given the situation, he believed that America, and nobody for that matter, would want to help somebody who does not want to help himself. He believed that if Taiwan is attacked, for instance, the Americans would immediately come to their rescue because of their strategic interests.

Senator Gordon said that Japan, on the other hand, is a war-ready country, although it has practically renounced war. Even as it has territorial disputes with China and had incidents at sea, he said that Japan never asked for America's help because it is capable of defending itself. Yet, he believed that if China bombed Japan, America would come to its defense right away.

He lamented how the Filipinos allowed themselves to be manhandled by another country in the Scarborough Shoal and did not show any sign of resoluteness. He said that the country listened to the Americans when they said that if they withdraw, China would withdraw, which did not happen.

As regards the VFA, Senator Gordon expressed concern that if the country is attacked, it could not do anything because the government could not even provide regular supplies to the soldiers who are harassed by Chinese vessels all the time. He lamented that if China attacks the country and it could not fight back, America would not fight for it; but if it fights back it could appeal to the Americans for help. He said that getting such assistance would depend on the country's self-respect and its ability to communicate what its intentions are.

P.M.

Senator Gordon believed that Senate President Sotto ought to be commended for asserting that the President reconsider his intention of abrogating the VFA while the Senate reviews the treaty. He stated that if the President consults the Senate, insofar as a treaty is concerned, it is because both are coequal branches of government. He said that even though the President is the architect of foreign policy, the fact remains that there is a special provision reserved for the Senate to ratify treaties – especially when the generally accepted principles of international law are accepted as part of the law of the nation. He said that a treaty is a law of the country and as such, the Senate has the prerogative to amend or revoke the same. However, he opined that it was not yet time for the Body to assert its prerogative. He believed that the President has some strategic moves in his mind which should be respected by the Senate. He said that he would be the first to say that the President ought to handle foreign policy unless it involves a declaration of war. He cited the Truman Doctrine which allowed the US to declare war against other countries without the approval of Congress such as Korea or Vietnam in the Tonkin Gulf wherein the USS Maddox and USS Turner Joy claimed that the Vietnamese had attacked them.

He asserted that as representatives of the people, it would be dangerous for the Senate to relinquish its duty to the President. He urged the Body to stand up and hold public debates so that the people would know the fundamental issues and have a say on those matters. He said that even surveys would allow legislators to know the public sentiment and position on the issue. He said that if the citizenry is not part of the decision-making, then nobody wins; a concerted effort of the leaders and its people would bring out the best in Filipinos.

As regards military capability, Senator Gordon lamented that only P119 billion of the P197 billion defense budget has been earmarked for personnel, while the rest of the funding would be for the purchase of equipment. Moreover, he noted that government would still have to worry about the ballooning pension problem of the military. He stated that during World War II, the US military started with 400,000 troops which is the same number as the AFP today; by the end of the war, the US was able to build an army of two million unlike the Philippines which does not even have a citizen army or Reserve Officers' Training Corps (ROTC). He said that the country cannot defend itself or even engage in

a war if it does not have a strong military and is not equipped with enough hardware, personnel and intelligence assets.

Finally, Senator Gordon expressed his support for the position of Senate President Sotto and congratulated Senator Pimentel and the Committee on Foreign Relations for coming up with a resolution urging the President to listen to the Senate. He reiterated that while the President is the architect of foreign policy, he should also listen to the counsel of the Senate.

He stressed that he was not standing for the VFA but for strengthening the military. He said that the country has to have a strong military to earn respect of other nations.

TERMINATION OF THE PERIOD OF INTERPELLATIONS

There being no interpellation, upon motion of Senator Zubiri, there being no objection, the Body closed the period of interpellations and proceeded to the period of committee amendments.

COMMITTEE AMENDMENTS

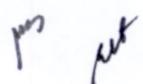
As proposed by Senator Pimentel, there being no objection, the following committee amendments were approved by the Body, one after the other:

1. On page 2, delete the last preambulatory clause;
2. On page 3, insert a new perambulatory clause after the 4th clause, to read as follows:

WHEREAS, THE SENATE COMMITTEE ON FOREIGN RELATIONS CONDUCTED A PUBLIC HEARING ON THE VISITING FORCES AGREEMENT LAST FEBRUARY 6, 2020 AND HAS STARTED ITS REVIEW OF THE SAME.

On the last page, Senator Pimentel proposed that the "resolved" clause be amended to read as:

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, TO EXPRESS, AS IT HEREBY EXPRESSES, THE SENSE OF THE SENATE TO EARNESTLY REQUEST THE PRESIDENT TO RECONSIDER HIS PLANNED ABROGATION OF THE VISITING FORCES AGREEMENT IN THE MEANTIME THAT THE SENATE IS CONDUCTING A THOROUGH REVIEW OF THE SAME.



At this juncture, Senator Drilon noted that if the intent of the proposed resolution is to express the sense of the Senate, it would then appear that it is a political statement which would have no legal effect at all nor would it be binding on the President or anyone. He then inquired if the Committee could go a step further and assert that the concurrence of the Senate is needed in the withdrawal of the treaties by the President.

Senator Pimentel replied that it should not be in the resolution under consideration because it is a subject matter of Proposed Senate Resolution No. 305 which the Body would tackle at the proper time. He stated Proposed Senate Resolution No. 312 is simply an appeal addressed to the President.

Senator Drilon asked Senator Pimentel if he could favor the Body with his legal opinion on whether or not concurrence of the Senate is needed for the withdrawal from the treaty. He cited Senator Gordon's example of Senator Goldwater who took the view that the treaty with Taiwan should have the concurrence of the Senate. He said that the Supreme Court did not rule against the position but refused to rule on the ground that it was a political question. He acknowledged that under the present system, a political question is no longer a ground to decline a ruling, as he noted that there was, in fact, a pending issue before the Supreme Court regarding the withdrawal from the Rome Statute. He said that the Senate has not stated its position, and he believed that it would be an opportunity for them through the resolution to express an opinion on the matter.

Senator Pimentel begged the indulgence of the Body that he be allowed not to express his opinion at the moment, assuring that he was keeping an open mind as the Committee would continue hearing Proposed Senate Resolution No. 305. He said that he already requested the Office of the Treaties under the Department of Foreign Affairs to share with the Members their knowledge and expertise on the issue. He then assured the Body that at the proper time, the substance of Proposed Senate Resolution No. 305 would be discussed in plenary.

Senator Drilon then proposed to include a "whereas" clause expressing that pending before the committee is Proposed Senate Resolution No. 305 which expresses the legal position that the concurrence of the Senate is required in the withdrawal from treaties.

Senator Pimentel agreed, adding that Senate President Sotto, as main author of Proposed Senate Resolution No. 312, was also accepting the proposal which is a matter of fact that could be placed after the "Whereas" which mentioned that there was already a hearing which signalled the start of the review.

Senate President Sotto concurred that Senator Drilon's proposal was indeed a statement of fact.

Submitted to a vote, there being no objection, the pending amendment expressing the sense of the Senate to earnestly request the President to reconsider his planned abrogation of the VFA in the meantime that the Senate was conducting a review was approved by the Body.

Acting on the proposal of Senator Drilon, as proposed by Senator Pimentel, there being no objection, the Body approved to insert a new "Whereas" clause after the "whereas" clause mentioning the public hearing, to read as follows, subject to style:

WHEREAS, PENDING BEFORE THE SENATE COMMITTEE ON FOREIGN RELATIONS IS PROPOSED SENATE RESOLUTION NO. 305, ENTITLED "RESOLUTION EXPRESSING THE SENSE OF THE SENATE, THAT THE TERMINATION OF, OR WITHDRAWAL FROM, TREATIES AND INTERNATIONAL AGREEMENTS CONCURRED IN BY THE SENATE SHALL BE VALID AND EFFECTIVE ONLY UPON CONCURRENCE BY THE SENATE," WHICH IS STILL UNDER STUDY BY THE SAID COMMITTEE.

In addition, Senator Drilon informed that Body that the Senate already adopted resolutions of concurrence in the ratification of more or less 20 treaties in the 18th Congress, all of which included a "whereas" clause expressing that the withdrawal from the treaty should have the concurrence of the Senate. He expressed hope that the Committee consider what was repeatedly established in previous resolutions of concurrence when it tackles Proposed Senate Resolution No. 305.

MANIFESTATION OF SENATOR GORDON

Senator Gordon manifested that Proposed Senate Resolution No. 312 is an act by the Senate to express



its view on the issue, that it was not putting out its foot into the debate right away, and that it could take other options. He stated that the resolution expressing the opinion that the President should rethink the abrogation of the VFA was an act of courtesy to the Office of the President. He said that should the President disagree, the Senate would have to pass a resolution that would indicate that the President would have to ask the Senate's concurrence before such action could be done. He clarified that while such would be the parliamentary situation, he does not want to say anything yet so that there may be some wiggle room later on.

MANIFESTATION OF SENATOR DRILON

Senator Drilon stated that in the 25 resolutions concurring in the ratification of treaties, the Senate already stated its legal position that a withdrawal from such treaties would require a concurrence of 2/3 vote of the Senate. He said that the position flowed from the fact asserted by Senator Gordon that when the Senate gives its concurrence in the ratification of a treaty, it becomes part of the law of the land; therefore, a repeal of that law would require the concurrence of the Senate. He said that he was just urging the Committee to take a look at the legal issue.

MANIFESTATION OF SENATOR PIMENTEL

Senator Pimentel reminded the Secretariat on the styling of the proposed amendatory "whereas" clause, to make sure that it is a statement of fact and that it is just pending before the committee.

Senator Drilon added another statement of fact that the Body has included such requirement of concurrence in about 20 resolutions of concurrence in the ratification of treaties. Senator Pimentel agreed.

AMENDMENT TO THE TITLE

As proposed by Senator Pimentel, there being no objection, the title was amended, to read as follows:

**RESOLUTION EXPRESSING THE SENSE
OF THE SENATE FOR THE
PRESIDENT TO RECONSIDER HIS
PLAN TO WITHDRAW FROM THE**

**VISITING FORCES AGREEMENT
WITH THE UNITED STATES OF
AMERICA IN THE MEANTIME
THAT THE SENATE IS CON-
DUCTING A THOROUGH REVIEW
OF THE SAME.**

TERMINATION OF THE PERIOD OF AMENDMENTS

There being no other amendment, upon motion of Senator Zubiri, there being no objection, the Body closed the period of amendments.

ADOPTION OF PROPOSED SENATE RESOLUTION NO. 312

Senator Zubiri then moved for the adoption of Proposed Senate Resolution No. 312.

Upon direction of the Chair, Secretary Villarica read the title of the resolution, to wit:

**RESOLUTION EXPRESSING THE
SENSE OF THE SENATE FOR THE
PRESIDENT TO RECONSIDER HIS
PLAN TO WITHDRAW FROM THE
VISITING FORCES AGREEMENT
WITH THE UNITED STATES OF
AMERICA IN THE MEANTIME
THAT THE SENATE IS CON-
DUCTING A THOROUGH REVIEW
OF THE SAME.**

Submitted to a vote, with the majority voting in favor and one abstention, Proposed Senate Resolution No. 312 was adopted by the Body.

MANIFESTATION OF SENATOR DELA ROSA

Senator Dela Rosa placed on record his abstention from the adoption of Senate Resolution No. 312.

MANIFESTATION OF SENATOR ZUBIRI

Senator Zubiri thanked Senator Dela Rosa for his magnanimity and statesmanship in abstaining even if he could have objected to the adoption of the resolution for personal reasons.

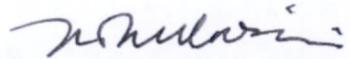
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ADJOURNMENT OF SESSION

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

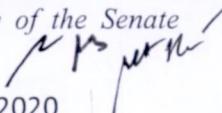
It was 7:38 p.m.

I hereby certify to the correctness of the foregoing.



ATTY. MYRA MARIE D. VILLARICA

Secretary of the Senate



Approved on February 11, 2020