



REPUBLIC OF THE PHILIPPINES  
**Senate**  
Pasay City

# Journal

**SESSION NO. 26**  
Tuesday, September 24, 2019

**EIGHTEENTH CONGRESS  
FIRST REGULAR SESSION**

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Tuesday, September 24, 2019

**CALL TO ORDER**

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

**PRAYER**

Sen. Maria Lourdes Nancy S. Binay led the prayer, to wit:

*Panginoon, aming pong ipinagpasalamat ang mga biyayang aming natanggap at tatanggapin pa mula sa Inyong wagas na pagmamabahal. Dalangin po namin na kami ay Inyong patuloy na basbasan at patnubayan upang magampanan namin sa araw-araw ang aming mga tungkulin at mga responsibilidad sa bayan at sa aming kapwa.*

*Sa Iyong mapagmahal na kamay, matamo sana namin ang kasaganahan. Maranasan sana namin ang kapayapaan at maghari nawa ang kalayaan at katarungan sa aming bansa.*

*Nagsusumamo kami sa Inyo rito sa Senado na kami ay Inyong bigkisín at pag-isahin bilang instrumento sa pagpapaunlad ng mga biyayang Inyong iginawad sa amin nang aming lubusang*

*maihatid ang ginhawa ng Inyong pagmamahal para sa bawat Pilipino.*

*Ito po ang aming hinihiling sa Ngalan ng Inyong Anak na si Hesus.*

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

With 18 senators present, the Chair declared the presence of a quorum.

Senators Pacquiao, Pimentel, Recto and Tolentino arrived after the roll call.

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

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Senator Gordon was sick with flu as indicated in the September 24, 2019 letter of the Senator's chief of staff.

### **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. 25 (September 23, 2019) and considered it approved.

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

Senator Zubiri acknowledged the presence in the gallery of the following:

- Former Supreme Court Justice now Gov. Presbitero Velasco Jr. of Marinduque;
- Gov. Melchor Diclas of Benguet;
- Gov. Ben Evardone of Eastern Samar;
- Mayor Shameem Mastura of Sultan Kudarat, Maguindanao;
- Vice Mayor Cynthia Dela Cruz and Councilors Mark Quimpo, Phillip Kimpo, Ketchie Lutes and Mark Ace Bautista of Aklan;
- Punong Barangay Nicholas Jason Go of Tacloban City; and
- Representatives from the Mrs. Universe Ltd.

Senate President Sotto welcomed the guests to the Senate.

### **ANNIVERSARY GREETING**

Thereafter, Senator Zubiri greeted Senate President Sotto on the occasion of his golden wedding anniversary with his wife, Helen Gamboa Sotto.

### **REFERENCE OF BUSINESS**

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

### **BILLS ON FIRST READING**

Senate Bill No. 1066, entitled

**AN ACT AMENDING CERTAIN PROVISIONS IN REPUBLIC ACT NO. 9510, OTHERWISE KNOWN AS**

**THE "CREDIT INFORMATION SYSTEM ACT," IN ORDER TO PROTECT THE RIGHTS OF BORROWERS AND DATA SUBJECTS FROM ERRONEOUS AND INACCURATE CREDIT REPORTS, AND FOR OTHER PURPOSES**

Introduced by Senator Lapid

### **To the Committee on Banks, Financial Institutions and Currencies**

Senate Bill No. 1067, entitled

**AN ACT CREATING IN THE DEPARTMENT OF EDUCATION THE PLANTILLA POSITIONS OF GUIDANCE COUNSELORS IN EVERY ELEMENTARY SCHOOL AND ADDITIONAL PLANTILLA POSITIONS OF GUIDANCE COUNSELOR FOR HIGH SCHOOL, INCREASING THE SALARIES OF GUIDANCE COUNSELORS AND GUIDANCE-RELATED POSITIONS, AND APPROPRIATING FUNDS THEREFOR**

Introduced by Senator Lapid

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

Senate Bill No. 1068, entitled

**AN ACT DEVELOPING THE PILI INDUSTRY, CREATING FOR THE PURPOSE THE PILI SUBSIDY FUND AND THE PILI RESEARCH AND DEVELOPMENT CENTER, AND DECLARING THE PROVINCE OF SORSOGON AS THE PILI CAPITAL OF THE PHILIPPINES**

Introduced by Senator Poe

### **To the Committees on Agriculture, Food and Agrarian Reform; Trade, Commerce and Entrepreneurship; and Finance**

Senate Bill No. 1069, entitled

**AN ACT DESIGNATING THE 3RD WEEK OF NOVEMBER AS "LINGGO**

*[Signature]*

**“NG PAGALALA AT PAGHILOM”  
FOR ROAD CRASH VICTIMS,  
SURVIVORS, AND FAMILIES**

Introduced by Senator Poe

**To the Committee on Public Services**

Senate Bill No. 1070, entitled

**AN ACT ESTABLISHING THE RULES  
AND POLICIES ON THE DOMESTIC  
ADMINISTRATIVE ADOPTION  
PROCEEDING OF FILIPINO AND  
FOR OTHER PURPOSES**

Introduced by Senator Poe

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

Senate Bill No. 1071, entitled

**AN ACT PROFESSIONALIZING  
PARALEGAL PRACTICE IN THE  
PHILIPPINES, CREATING FOR THIS  
PURPOSE A PROFESSIONAL  
REGULATORY BOARD OF  
PARALEGALS, APPROPRIATING  
FUNDS THEREFOR AND FOR  
OTHER PURPOSES**

Introduced by Senator Zubiri

**To the Committees on Civil Service,  
Government Reorganization and Professional  
Regulation; and Finance**

**RESOLUTIONS**

Proposed Senate Resolution No. 141, entitled

**RESOLUTION HONORING AND  
COMMENDING BATCH  
SAKABYAS: THE PHILIPPINE  
CONTINGENT TO THE 46TH SHIP  
FOR THE SOUTHEAST ASIAN AND  
JAPANESE YOUTH PROGRAM  
(SSEAYP)**

Introduced by Senator Angara

**To the Committee on Rules**

Proposed Senate Resolution No. 142, entitled

**RESOLUTION HONORING AND  
COMMENDING THE FILIPINO  
TEACHERS FOR THEIR HARD  
WORK AND COMMITMENT TO  
SHAPING THE LEARNERS OF ALL  
GENERATIONS**

Introduced by Senator Revilla, Jr.

**To the Committee on Rules**

Proposed Senate Resolution No. 143, entitled

**A RESOLUTION GETTING THE SENSE  
OF THE SENATE IN SUPPORTING  
THE YOUTH STRIKE FOR CLIMATE  
ON SEPTEMBER 20-27, 2019, ITS  
CALLS, AND ITS SUCCEEDING  
STEPS TOWARDS CLIMATE  
ACTION**

Introduced by Senator Hontiveros

**To the Committee on Rules**

**ACKNOWLEDGMENT OF THE  
PRESENCE OF GUESTS**

At this juncture, Senator Zubiri acknowledged the presence in the gallery of Judge Franklin Jarod Demonteverde who is set for confirmation by the Commission on Appointments as IBP representative to the Judicial and Bar Council.

Senate President Sotto welcomed Judge Demonteverde to the Senate.

**COMMITTEE REPORT NO. 4  
ON SENATE BILL NO. 1043  
(Continuation)**

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1043 (Committee Report No. 4), entitled

**AN ACT POSTPONING THE MAY 2020  
BARANGAY AND SANGGUNIANG  
KABATAAN ELECTIONS, AMEND-  
ING FOR THE PURPOSE REPUB-  
LIC ACT NO. 9164, AS AMENDED**

BY REPUBLIC ACT NO. 9340,  
REPUBLIC ACT NO. 10632,  
REPUBLIC ACT NO. 10656,  
REPUBLIC ACT NO. 10923,  
AND REPUBLIC ACT NO. 10952,  
AND FOR OTHER PURPOSES.

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

At this juncture, Senator Drilon asked that the Members be furnished with copies of the amendments to be introduced by the Sponsor.

### SUSPENSION OF SESSION

With the permission of the Body, the session was suspended.

*It was 3:13 p.m.*

### RESUMPTION OF SESSION

At 3:19 p.m., the session was resumed.

### MARCOS AMEMDENTS

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

#### *Page 2*

1. On line 2, replace the date "October 23, 2017" with THE SECOND MONDAY OF MAY 2020;
2. On line 3, replace the phrase "second Monday of May 2018" with DECEMBER 5, 2022;
3. On line 5, replace the phrase "SECOND MONDAY OF MAY 2023" with FIRST MONDAY OF DECEMBER 2025 AND EVERY THREE (3) YEARS THEREAFTER;
4. On line 6, remove the open and close brackets ([]) enclosing the phrase "three years"; and
5. On line 14, replace "May 2023" with DECEMBER 5, 2022.

Still on the same page, line 15, Senator Marcos proposed to replace "June 30" with JANUARY 31 as the date of the assumption into office of the barangay officials.

Senator Drilon proposed that the date be made January 1 instead of January 31 since the election

would be on December 5 and that there is no reason to have a very long gap between the election and the assumption of office. In reply, Senator Marcos stated that the Committee actually first recommended January 1, but they realized that since the date is a holiday, it may be difficult for the barangay officials to assume office on that date.

Senator Drilon maintained that the turnover does not need a very lengthy period because it only concerns the barangay, the smallest unit of governance.

Senator Marcos said proposed to make it January 15.

Senator Drilon asked that his proposed amendment to the amendment be submitted to a vote.

Asked by Senator Lacson on the specific time of assumption, Senator Marcos proposed "noon time."

Senator Drilon proposed "noon time of January 1."

Senator Marcos accepted Senator Drilon's proposed amendment, which, there being no objection, was approved by the Body, subject to style.

Upon request of Senate President Sotto, Senator Marcos then read Section 1, as amended, to wit:

Section 1. Date of Election. – There shall be synchronized barangay and sangguniang kabataan elections, which shall be held on July 15, 2002. Subsequent synchronized barangay and sangguniang kabataan elections shall be held on the last Monday of October 2007 and every three (3) years thereafter: *Provided*, That the barangay and sangguniang kabataan elections on THE SECOND MONDAY OF MAY 2020 shall be postponed to DECEMBER 5, 2022. Subsequent synchronized barangay and sangguniang kabataan elections shall be held on the FIRST MONDAY OF DECEMBER 2025 and every three (3) years thereafter.

She also read Section 2, as amended, as follows:

Section 2. Section 4 of Republic Act No. 9164, as amended, is hereby further amended to read as follows:

*PP*

Section 4. Assumption of Office. – The term of office of the barangay and sangguniang kabataan officials elected under this Act shall commence at noon of June 30 next following their election: *Provided: however,* That the terms of office of the barangay and sangguniang kabataan officials elected in the DECEMBER 5, 2022 elections and subsequently thereafter, shall commence at noon of JANUARY 1 next following their election.

## MARCOS AMENDMENTS

*(Continuation)*

Still on page 2, as proposed by Senator Marcos, there being no objection, the Body approved the following amendments, one after the other:

- On line 18, after the word "barangay," insert the words AND SANGGUNIANG KABATAAN;
- On line 19, after the word "barangay," insert the words AND SANGGUNIANG KABATAAN;
- On line 21, delete the comma (,) after the word "Panlalawigan;"
- On the same line, delete the phrase "as the case may be;"
- On line 22, replace the phrase "the next barangay election" with JUNE 30, 2020;
- On line 23, after the word "barangay," insert the phrase AND THE PEDERASYON NG SANGGUNIANG KABATAAN;
- On lines 23 and 24, replace "July 31, 2023" with JUNE 30, 2020; and
- On line 24, place a period (.) after the word "Sanggunians."

On page 2, lines 24 and 25, Senator Marcos proposed to delete the phrase "under the supervision of the Department of Interior and Local Government."

At this juncture, Senator Tolentino asked for the rationale behind the deletion of the said phrase considering that it is the action emanating from the DILG local government officers assigned in the municipal, provincial, city and regional levels that would trigger the actual conduct of federation elections. He said that without such actions, the local government officials, particularly the governors and the mayors, would not move as it would entail

additional Comelec "neutral work" for the conduct of federation election.

Senator Marcos replied that following consultation with the Comelec and the DILG, it was found out that the word "supervision" could be confusing as both the barangay and the SK have their own electoral mechanisms. She added that the role of the DILG would be to simply monitor the elections and not directly supervise the exercise of voting.

But Senator Tolentino noted that the mechanics have been historically and traditionally conducted by the DILG. Nevertheless, he agreed to the deletion as long as in the mechanics to be laid down in the IRR of the measure, it would be indicated that the DILG should have a direct participation in all of the federation elections. Senator Marcos said that the IRR should indicate the precise role of the DILG following the intent of the Barangay and SK Reform Acts.

## INQUIRY OF SENATOR RECTO

At this juncture, Senator Recto noted that with the approval of December 5, 2022 as the date of election for the barangay officials, there would then be two elections in 2022—the presidential election in May and the barangay elections in December. He feared that having two elections in a year, chances are the barangay elections would again be postponed as what happened in the past especially since the Comelec, during the hearings, even said that they would prefer a separate year for the barangay elections. Senator Marcos, however, pointed out that even if the Comelec has expressed their preference for a separate year, they also expressed reservation about extending the term of office of the barangay and SK officials and that they even assured that no failure of election and other such problems that occurred in 2010 would be repeated if they are given more than six months to prepare. Saying that the printing, distribution and verification of ballots take over four-and-a-half months, she believed that six-and-a-half months would be considered a sufficient time for manual elections.

To Senator Recto's observation that it would be easier for the Comelec to conduct the elections a year after or a year before, Senator Marcos replied in the affirmative, pointing out that the Committee

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actually offered one whole year, but they have to consider also the concern of many members of the Body including Senator Drilon that the extension of term would be so long.

Senator Recto stated that if the election would be held on May 2023, there would be a reasonable chance that the election would not to be postponed because it is a year after. He maintained that by holding the barangay and SK elections in December 2020, there would be two elections in the same year—the national elections in May and the barangay elections in December—and chances are the new President would ask Congress to postpone again the barangay elections.

At this juncture, Senate President Sotto noted that May 2023 was the date of barangay elections in the original committee report but Senator Drilon suggested an extension of only six months as the barangay officials have been in office for too long.

Senator Marcos stated that indeed Senate Bill No. 1043 indicated May 2023, but due to prodding during the Comelec budget hearings, and in consideration of the concerns of some senators that the term extension of up to May 2023 was excessive, the Committee came up with a work program that would bring the earliest election date to December 2022. She said that while the Comelec would be pressed for time as it was apparently a short period, they nevertheless gave the assurance that they could conduct the exercise without undue failure of elections or other electoral problems.

At this juncture, Senator Zubiri revealed that the change of date was a compromise as some of the bills that were initially filed proposed October 2022 which seemed too close to May 2022; thus, May 2023 was proposed even though most senators felt that the term extension was too long as it gives barangay officials a tenure of close to seven years.

For his part, Senator Recto placed on record his apprehension regarding the higher probability of postponing the barangay elections again when the new administration sits in 2022.

Submitted to a vote, there being no objection, the Body approved the deletion of the phrase “under the supervision of the Department of Interior and Local Government” on page 2, lines 24 and 25.

## CLEAN COPY

Senator Zubiri requested the Senate Secretariat to produce a clean copy of the bill containing Senator Marcos’ amendments as approved by the Body.

## SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

*It was 3:46 p.m.*

## RESUMPTION OF SESSION

At 5:31 p.m., the session was resumed.

## MANIFESTATION OF SENATOR RECTO

Senator Recto manifested that he would have submitted the following amendments had the Sponsor not yet been through with her amendments:

- On page 1, line 1, replace Section 1 with the following:

“SECTION 1. Section 1 of Republic Act No. 9164, as amended, is hereby further amended to read as follows:

SECTION 1. Date of Election. – There shall be synchronized barangay and sangguniang kabataan elections which shall be held on July 15, 2002. Subsequent synchronized arangay and sangguniang kabataan elections shall be held on the last Monday of October 2007 and every three (3) years thereafter: *Provided*, That the barangay and sangguniang kabataan elections on October 23, 2017 shall be postponed to the second Monday of May 2018. Subsequent synchronized barangay and Sangguniang Kabataan elections shall be held on the SECOND MONDAY of MAY 2023 and every SIX (6) YEARS thereafter.

Senator Recto explained that his proposal would have amended the term of the barangay officials to six years, thereby fixing the problem of having repeated postponements of the local polls.

- Insert a new Section 2 to read as follows:



SEC 2. Section 2 of Republic Act No. 9164, as amended, is hereby further amended to read as follows:

**SECTION 2. Term of Office.** – The term of office of all barangay and Sangguniang Kabataan officials after the MAY 2023 ELECTIONS shall be SIX (6) years: *PROVIDED*, THAT NO BARANGAY ELECTIVE OFFICIAL SHALL SERVE FOR MORE THAN TWO (2) CONSECUTIVE TERMS IN THE SAME POSITION: *PROVIDED, FURTHER*, THAT THE SANGGUNIAN KABATAAN ELECTIVE OFFICIALS SHALL HOLD OFFICE FOR ONE (1) TERM; *PROVIDED, FINALLY*, THAT THE TERM OF OFFICE SHALL BE RECKONED FROM 2013 BARANGAY ELECTIONS FOR BARANGAY ELECTIVE OFFICIALS AND 2018 BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS FOR SANGGUNIANG KABATAAN ELECTIVE OFFICIALS. VOLUNTARY RENUNCIATION OF OFFICE FOR ANY LENGTH OF TIME SHALL NOT BE CONSIDERED AS AN INTERRUPTION IN THE CONTINUITY OF SERVICE FOR THE FULL TERM FOR WHICH THE ELECTIVE OFFICIAL WAS ELECTED.

Senator Recto explained that the proposed amendment would ensure that there would not be any future postponements once a six-year term or two consecutive terms for barangay officials is set.

In response, Senator Marcos informed the Body that a bicameral conference was in the offing since the House of Representatives had just passed its own version of the measure. She also maintained her support for the term extension for barangay officials and other local officials such as mayors or governors.

#### **TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS**

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

#### **APPROVAL OF SENATE BILL NO. 1043 ON SECOND READING**

Submitted to a vote, there being no objection, Senate Bill No. 1043 was approved on Second Reading.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1043**

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

#### **MOTION OF SENATOR DELA ROSA**

Amid speculations regarding the alleged involvement of Philippine National Police Chief Oscar Albayalde in the so-called “Agaw-Bato” scheme, Senator dela Rosa moved that the Body authorize the Committee on Accountability of Public Officers and Investigations (Blue Ribbon) to disclose the contents of the executive session that transpired during the last committee hearing regarding the Good Conduct Time Allowance (GCTA) anomaly.

Asked by Senator Drilon on his rationale for seeking authority to make public the testimony given during the executive session, Senator Dela Rosa explained that it would only be fair to make available to interested parties the records of the executive session so that the truth, and not speculations, would prevail particularly since it would be unfair to cast doubts upon General Albayalde who is the incumbent PNP chief.

Senate President Sotto further clarified that Senator Dela Rosa was seeking the Body’s permission to give the Blue Ribbon Committee the authority to divulge what transpired in the executive session in order to finally remove the cloud of doubt on anyone that has been named in that meeting.

For his part, Senator Drilon reminded the Body that under Section 128 of the Rules of the Senate, proceedings in the executive session are considered confidential until the Senate, by 16 or two-thirds vote of all its Members, decides to lift the ban of secrecy.

At this juncture, Senator Zubiri cited a similar situation when the Senate investigated the Atio Castillo case, and he recalled that in order to comply with



two-thirds vote requirement, 24 members, including Senator de Lima, signed that document in support of opening up what had been discussed during the executive session. He suggested that the members be consulted first regarding the motion of Senator dela Rosa.

### SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

*It was 5:41 p.m.*

### RESUMPTION OF SESSION

At 5:49 p.m., the session was resumed.

Upon resumption, Senator Zubiri reiterated that under the Rules, 16 votes or two-thirds of all the Members are required to lift the ban of secrecy.

### MANIFESTATION OF SENATOR DRILON

Senator Drilon also invited the attention of the Body to Section 11 of the *Rules of Procedure Governing Inquiries in Aid of Legislation* which provides that, "The testimony in executive session or any material taken in executive session, or any summary thereof, shall not be made public, in whole or in part, unless authorized by the Committee." He noted that the issue at hand was already before the Committee and that it was the Committee that decided that an executive session be held. Thus, he said that Senator Dela Rosa's motion, if adopted, would technically take out from the Committee the issue over which it already acquired jurisdiction. He believed that the issue is a matter for the committee and, whether or not the plenary would authorize the committee, under the *Rules*, the committee is so authorized.

Senate President Sotto recalled an instance when former Senator Trillanes, invoking the *Rules of the Senate*, asked that the matter discussed in the executive session be divulged.

Senator Zubiri believed that the agreements arrived at in plenary would supersede the Rules of the Committee. Senate President Sotto agreed, stating that the committee is an agent of the Senate and, therefore, if the Body authorizes the committee to do something, it may do so.

Senator Drilon suggested that a motion to suspend the application of Section 11 of the *Rules of Procedure Governing Inquiries in Aid of Legislation* precede the motion of Senator Dela Rosa because it would not be good for the Senate to simply disregard its own rules.

Senator Drilon explained that the issue that was the subject of the motion was already before the Committee that conducted the executive session, and under the rules, the records of the executive session cannot be released unless otherwise decided by the committee on the principle that it is the committee, not the plenary, that has jurisdiction over the issue. That is why, he said, that when a bill is referred to the committee, a motion duly approved by the majority is necessary to get it out of the committee because the committee already has acquired jurisdiction. He maintained that it should be the committee that should decide and vote on the matter that was already referred to it and was no longer under the jurisdiction of the plenary.

Senate President Sotto stated that the Body was precisely following the *Rules*, hence the requirement for a two-thirds vote of the Senate, and not the Committee, to allow it. However, he advised that prior unanimous consent of the Body must be sought first for purposes of suspending Section 11 of the *Rules of Procedure Governing Inquiries in Aid of Legislation*.

### INQUIRY OF SENATOR LACSON

Senator Lacson asked if the motion would include the disclosure of the case folder of the administrative complaint plus the action taken at that time by the PNP hierarchy which happened to be in his possession.

Senate President Sotto stated that it may or may not be included as it would depend on the chairman of the Committee on National Defense and Security, Peace, Unification and Reconciliation if he would want to submit it to the chairman of the Committee on Accountability of Public Officers and Investigations. He said that with the concurrence of the Body, the case folder may be included as part of the disclosure.

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## INQUIRY OF SENATOR TOLENTINO

Senator Tolentino pointed out that under the Rules, if there is an executive session under Section 127, there should be a minutes of the executive session which shall be recorded in a separate book. Since the motion of Senator Dela Rosa pertains to the revelation of names, he asked if the minutes contained in the executive session as recorded in a separate book would be included in the documents to be divulged.

Replying in the affirmative, Senator President Sotto said that the committee secretary of the Committee on Accountability of Public Officers and Investigations has confirmed that there was a transcript of the executive session sealed in an envelope.

## SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

*It was 5:58 p.m.*

## RESUMPTION OF SESSION

At 6:09 p.m., the session was resumed.

## SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

*It was 6:09 p.m.*

## RESUMPTION OF SESSION

At 6:15 p.m., the session was resumed.

## SUSPENSION OF RULE 11 OF THE RULES OF PROCEDURE GOVERNING INQUIRIES IN AID OF LEGISLATION

Upon motion of Senator Zubiri, there being no objection, the Body suspended Section 11 of the *Rules of Procedure Governing Inquiries in Aid of Legislation*.

## PARLIAMENTARY INQUIRY OF SENATOR DRILON

To Senator Drilon's assertion that the motion to authorize the Committee on Justice and Human Rights

and the Blue Ribbon Committee to divulge what transpired in the executive session should not be interpreted as requiring the committee, in its future actions, to seek the decision of the plenary, Senator Zubiri agreed.

That being the case, Senator Drilon stated that the motion does not in any way alter the rule that the committee retains jurisdiction and can act accordingly whether or not there is a vote on the floor. Senator Zubiri said that he was honestly confused why Section 11 of the *Rules of Procedure Governing Inquiries in Aid of Legislation* allows the committee to open up statements in executive session because the Rules of the Senate, which governs the Body, was explicit on a two-thirds (2/3) vote.

Senate President Sotto affirmed the statement of Senator Drilon.

Asked by Senator Drilon if the Blue Ribbon Committee and Committee on Justice and Human Rights can, theoretically, disregard such authority and decide on its own not to divulge the contents of the testimony taken in an executive session, Senate President Sotto answered in the affirmative. He also confirmed Senator Drilon's statement that the motion would just strengthen the authority of the committee to divulge the contents of the testimony taken in an executive session.

Senator Drilon said that he was just making certain that the power of the committee would not be diminished in the future by the vote that the Body would take that day and that the committee should not be deprived of the power to decide on an issue over which it already acquired jurisdiction.

## PARLIAMENTARY INQUIRY OF SENATOR LACSON

At this juncture, Senator Lacson asked if the Body is already considered the committee since they are all members of the Blue Ribbon Committee and the Committee on Justice and Human Rights. He added that all of the Members of the Senate, not just the chairman of a committee, is the committee, and since they are voting in favor of the motion, the vote of the committee has effectively been carried.

Senator Drilon replied that the fact that Members of the Senate are all members of the committee does not make the action of the plenary, in substitution of

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the decision of the committee, valid. He said that technically, the plenary has no jurisdiction anymore since it has been already vested in the committee, specifically citing the procedure during the Reference of Business when measures are referred to the appropriate committees and to bring an issue or measure back to plenary requires the vote of the Body. He said that at the moment, they were just reiterating that the Committee on Justice and Human Rights and the Blue Ribbon Committee are hereby authorized to exercise its power under the Rules. Senate President Sotto concurred, saying that the Senate, as a body, was simply asserting its power over the committees.

Senator Zubiri also agreed, as he cited the rule that when there is a particular committee report that has not being acted upon by, for example, a chairman, a vote of five members can pull out the committee report which would then be assigned to another member who could bring the measure to the floor.

Senator Lacson agreed, saying that the committee cannot overrule the plenary but the plenary can overrule the committee. Senate President Sotto concurred, saying that by virtue of the motion, the Body would simply authorize the committee to decide. He reiterated that the Body was merely asserting its power over the committee and was authorizing the Blue Ribbon Committee and the Committee on Justice and Human Rights to divulge the contents of the said executive session.

#### **ROLL CALL VOTE**

Upon motion of Senator Zubiri, there being no objection, the Body proceeded to vote on the motion of Senator Dela Rosa to divulge the information obtained during the executive session on the GCTA.

Secretary Villarica called the roll for nominal voting.

#### **RESULT OF THE VOTING**

The result of the voting was as follows:

*In favor*

Binay	Drilon
Dela Rosa	Gatchalian

Go	Revilla
Hontiveros	Sotto
Lacson	Tolentino
Marcos	Villanueva
Pacquiao	Villar
Poe	Zubiri
Recto	

*Against*

None

*Abstention*

None

With 17 senators voting in favor, none against, and no abstention, the motion was approved.

#### **EXPLANATION OF VOTE OF SENATOR DRILON**

Senator Drilon stated that he voted in the affirmative with reservation considering that the Rules are very clear that the committee has the power, but he nevertheless believed that there was nothing wrong with the motion as it was actually a decision that was already in the Rules. He said that when the Body adopted the rules, the plenary already authorized the committee to act on the issue.

Senator Sotto concurred with Senator Drilon.

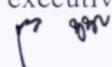
#### **EXPLANATION OF VOTE OF SENATOR HONTIVEROS**

Senator Hontiveros joined the reservation expressed by Senator Drilon on the basis of the powers already possessed by the committee as expressed in the *Rules of Procedure Governing Inquiries in Aid of Legislation*.

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

At this juncture, Senator Recto asked if the Body was authorizing the committee to release information lifted from an executive session. Senate President Sotto replied in the affirmative.

Senator Zubiri said that as earlier pointed out by Senator Drilon, the committee may refuse to divulge information obtained during the executive



session and the Senate as a body would abide by the decision of the committee.

#### 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 Wednesday, September 25, 2019.

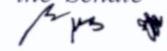
*It was 6:28 p.m.*

I hereby certify to the correctness of the foregoing.



**ATTY. MYRA MARIE D. VILLARICA**

*Secretary of the Senate*



Approved on September 25, 2019