



**REPUBLIC OF THE PHILIPPINES**  
**Senate**  
Pasay City

# **Journal**

**SESSION NO. 33**  
Wednesday, October 12, 2016

**SEVENTEENTH CONGRESS  
FIRST REGULAR SESSION**

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Wednesday, October 12, 2016

**CALL TO ORDER**

At 3:32 p.m., the Senate President, Hon. Aquilino “Koko” Pimentel III, called the session to order.

**PRAYER**

Sen. Gregorio B. Honasan led the prayer, to wit:

Father Almighty, grant us courage and solidarity as we close ranks to confront continuing challenges to our damaged institutions.

Please teach us to look beyond our present situation and to think, act and build for the next generation—which by ancient definition, is the meaning of heroism.

Temper our decisions and actions with humility, compassion and understanding that we may give justice to every man; protecting life, liberty, property; and above all, the reputation and honor of all we hold dear: our country, our families, loved ones and our most precious children.

All these, we implore in Your Holy Name.  
Amen.

**ROLL CALL**

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

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

With 24 senators present, the Chair declared the presence of a quorum.

**DEFERMENT OF APPROVAL  
OF THE JOURNAL**

Upon motion of Senator Sotto, there being no objection, the Body deferred the consideration of the Journal of Session No. 32 (October 11, 2016) to a later hour.

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**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. 1198, entitled

**AN ACT AMENDING REPUBLIC ACT NO. 8282 ENTITLED “AN ACT FURTHER STRENGTHENING THE SOCIAL SECURITY SYSTEM THEREBY AMENDING FOR THIS PURPOSE, REPUBLIC ACT NO. 1161, AS AMENDED, OTHERWISE KNOWN AS THE SOCIAL SECURITY LAW” AND FOR OTHER PURPOSES**

Introduced by Senator Richard J. Gordon

**To the Committees on Government Corporations and Public Enterprises; and Labor, Employment and Human Resources Development**

Senate Bill No. 1199, entitled

**AN ACT ABOLISHING THE IMPOSITION OF IRRIGATION SERVICE FEES AND SUCH OTHER RELATED FEES, AMENDING FOR THE PURPOSE CERTAIN SECTIONS OF REPUBLIC ACT NO. 3601, PRESIDENTIAL DECREE NO. 552 AND PRESIDENTIAL DECREE NO. 1702**

Introduced by Senator Joseph Victor Ejercito

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

Senate Bill No. 1200, entitled

**AN ACT DESIGNATING PHILIPPINE PERFORMING ARTS COMPANIES, DEFINING THEIR ROLES AND FUNCTIONS AS SUCH, AND APPROPRIATING FUNDS THEREFOR**

Introduced by Senator Sonny Angara

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

**RESOLUTION**

Proposed Senate Resolution No. 194, entitled

**RESOLUTION CONGRATULATING AND COMMENDING THE HONORABLE JUAN MIGUEL F. ZUBIRI FOR BEING CONFERRED WITH THE PRESIDENTIAL AWARD FROM THE UNIVERSITY OF THE PHILIPPINES LOS BAÑOS ALUMNI ASSOCIATION (UPLBAA)**

Introduced by Senator Sonny Angara

**To the Committee on Rules**

**COMMUNICATIONS**

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

Circular Letter Nos. CL-2016-078, 079 and 080 dated 22 and 23 September 2016; and

Memorandum No. M-2016-013 dated 27 September 2016.

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

**ACKNOWLEDGMENT  
OF THE PRESENCE OF GUESTS**

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

- Delegates from Manila Christian Day School of Sta. Mesa, Manila;
- Grade 11 Science and Technology students from St. Scholastica's Academy – Marikina, headed by Len Ferrer and Ms. Resurreccion; and
- Officials from the Office of the Governor of Lanao del Sur headed by its director, Jennie Alonto Tamano and provincial architect, Yasser Adiong.

Senate President Pimentel welcomed the guests to the Senate.

## SUSPENSION OF SESSION

Upon motion of Senator Legarda, the session was suspended. \*

*It was 3:38 p.m.*

## RESUMPTION OF SESSION

At 3:41 p.m., the session was resumed.

### PRIVILEGE SPEECH OF SENATOR LEGARDA

Availing herself of the privilege hour, Senator Loren Legarda spoke of the importance of building Philippine communities' resilience to disasters and investing in disaster risk reduction:

*Following is the full text of her speech:*

Tomorrow, October 13, we will commemorate the International Day for Disaster Reduction (IDDR). I rise today on a matter of personal and collective privilege to highlight once again the need to build our communities' resilience to disaster and climate risks.

When Nenita Consolacion saw her two children in the rubble, they were lifeless, but what struck her most was the sight of her beloved children still holding hands until the end.

In between sobs, she narrated how she lost her children when on that fateful day of November 8, 2013, the wind suddenly grew strong; water entered their house, at first ankle-deep, then quickly rising, and the next thing she knew, her two children were drowned by the rising floodwaters.

Nenita lived to painfully tell her story. But more than 6,000 others are now just part of the statistics; they were not fortunate enough to survive Supertyphoon *Yolanda*, said to be the world's strongest typhoon to make landfall.

This year's IDDR celebration carries the slogan, "Live to Tell," and focuses on reducing global disaster mortality, the first of the seven targets of the Sendai Framework for Disaster Risk Reduction.

If only communities on the path of *Yolanda* were prepared; if only they were evacuated in safe areas ahead of time; if only the people knew what a storm surge is and how they could have

escaped its wrath, more people could have survived and testified how disaster risk reduction and preparedness can save lives.

There are many more "if onlys" and "what ifs," but finger-wagging will not give justice to the dead. We need to turn the lessons of *Yolanda* and other disasters into urgent climate action to build resilience.

All over the world, there are many other Nenitas from tragedies of even greater magnitude such as the 2004 Indian Ocean tsunami that claimed almost 230,000 lives, the 2008 Cyclone *Nargis* that claimed 138,000 deaths that struck Myanmar, and the 2010 earthquake in Haiti that killed 223,000 individuals.

The Emergency Events Database (EM-DAT) of the Centre for Research on the Epidemiology of Disasters (CRED) recorded 7,056 disasters worldwide during the period 1996 to 2015. Natural hazards in the past 20 years killed 1.35 million people, more than half died in earthquakes and the remaining due to weather- and climate-related hazards.

In the Philippines, deaths caused by storms alone reached 15,880 during the period 2006-2015, significantly higher than the 3,970 storm deaths in the previous decade.

The community of nations realized that they must come together and craft a global framework that will serve as guide towards addressing risks and building resilience to disasters.

In 2005, governments around the world adopted the Hyogo Framework for Action (HFA) aimed at "substantially reducing disaster losses and lives, and in the social, economic and environmental assets of communities and countries" by the year 2015.

Among the five priority actions of the HFA, making disaster risk reduction a policy priority and strengthening institutions has progressed the most. Here in our country, the passage of landmark legislation on disaster and climate risk management—the Climate Change Act of 2009, as amended by the People's Survival Fund of 2012, and the Philippine Disaster Risk Reduction and Management Act of 2010—has institutionalized and mainstreamed disaster risk reduction and climate change adaptation in development policies, plans and programs, as well as in public funding.

However, translating policies into action is a different issue altogether.

Even with the HFA, the past decade saw

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disasters continue to exact a heavy toll — a staggering 1.5 billion people in the world were affected in various ways, including more than 700,000 killed by disasters. The total economic loss was more than \$1.3 trillion.

In 2015, at the Third UN World Conference on Disaster Risk Reduction (WCDRR) in Sendai, Japan, the UN Office for Disaster Risk Reduction (UNISDR) led nations in crafting a new framework that focuses on a more targeted approach to effectively guide nations and communities in managing risks and preventing the creation of new risks.

The Sendai Framework for DRR outlines seven global targets to be achieved until 2030:

- Substantially reduce global disaster mortality;
- Substantially reduce the number of affected people globally;
- Reduce direct economic loss in relation to global GDP;
- Substantially reduce disaster damage to critical infrastructure and disruption of basic services;
- Substantially increase the number of countries with national and local disaster risk reduction strategies;
- Substantially enhance international cooperation to developing nations; and
- Substantially increase the availability of and access to multi-hazard early warning systems and disaster risk reduction information assessments.

In the first year of the Sendai Framework, we are asked: What are we doing to implement the first target to reduce mortality?

The UNISDR cited as an example the Metropolitan Manila Development Authority's (MMDA) Metro Manila Shake Drill, an annual earthquake drill launched in 2015 that aims to prepare citizens and communities in the event the "Big One" occurs.

According to the 2004 Metro Manila Earthquake Impact Reduction Study (MMEIRS) of the Japan International Cooperation Agency (JICA), a 7.2 magnitude earthquake in Metro Manila may destroy 40% of residential buildings, cause 34,000 deaths, injure 114,000 individuals, and the ensuing fires may also result in 18,000 additional fatalities.

The Philippine Institute of Volcanology and Seismology (PHIVOLCS) already warned that the West Valley Fault is ripe for movement. We just cannot predict when it will happen.

Meanwhile, we have been experiencing harsher storms and monsoon rains and stronger episodes of El Niño in the past years due to climate change.

In the face of imminent threats and the new normal, we cannot do business as usual.

We must invest in disaster risk reduction. It has been estimated that the economic impact of disaster will be reduced by \$7 for every \$1 spent for DRR.

In my capacity as the Chairperson of the Senate Committee on Finance, we were able to transform the 2016 national budget into one that is climate-adaptive and disaster-resilient.

Under the 2016 General Appropriations Act (GAA), the implementation of programs, projects and activities should contribute towards preventing the creation of new disaster risks, reducing existing disaster risks, building the resilience of local communities and the nation as a whole towards achieving the goals under the Sendai Framework for DRR, the Sustainable Development Goals, and the country's Intended Nationally-Determined Commitments.

We have mainstreamed provisions that ensure that the implementation of government programs would contribute towards building resilience, including the maintenance and operation of dams, repair and retrofitting of public infrastructure, the resilience of agricultural communities, and the building of evacuation centers in every region in the country. We likewise reiterated the enforcement of our environmental laws to strengthen disaster resilience.

We will continue to do this in the 2017 national budget.

But how do we translate these policies into programs that will actually reduce measurable disaster risks?

It is critical that we strengthen our adaptation actions at national and local levels. Examples of these are preparing risk assessment, protecting ecosystems, improving agricultural methods, managing water resources, building settlements in safe zones, developing early warning systems, instituting better building designs, improving insurance coverage, and developing social safety nets.

Engaging rural people in decision-making, especially to understand autonomous adaptation and the interplay of informal and formal institutions, plays an important role in strengthening public decision-making.

Reducing disaster risk is key to poverty eradication and sustainable development. We need to strengthen local risk governance, enhance the resilience of rural livelihood, preserve the integrity of ecosystems, and promote the resilience of culture and indigenous peoples.

The Sendai Framework for DRR urges us not to manage disasters but to manage the risks so that natural hazards would not turn into disasters.

There are many more Nenitas in the world who were given a second chance to live and tell a painful story that could hopefully touch hearts and enlighten minds about the urgent need to make disaster risk reduction and climate change adaptation a priority of government.

I hope we could all heed the call for action. Let us all take a proactive role in making the Sendai Framework work for us. Let us prove that our nation remains steadfast in its commitment to building a more resilient and sustainable planet.

## INTERPELLATION OF SENATOR HONTIVEROS

Senator Hontiveros noted that the Sendai strategy and even agencies such as the World Health Organization, Health Protection Agency and the United Nations International Strategy for Disaster Reduction see disaster management for health as a field of disaster risk reduction that is built on the premise that the health of the people is inextricably linked to the health of the environment. She then asked Senator Legarda what she thinks are the most important links between the health of a population and the capacity to reduce the risk of disaster to enable the people to be more resilient and responsive in addressing these situations.

Senator Legarda affirmed that disaster risk reduction is linked to health and environmental safety. She explained that reducing risk also refers to health hazards because every environment hazard is also a health hazard. For instance, she said that while the non-availability of potable water and sanitation even during times when there are no natural hazards are risks to health and to the environment, this is also the case when floods triggered by typhoons or monsoon rains result in the proliferation of various vector-borne diseases such as dengue, cholera and malaria which afflict the most vulnerable population, women and children.

Senator Legarda also cited information gleaned from the budget hearing of the Department of Finance that eight percent of the population does not have private toilet facilities and that, in fact, eight million of the population practice open defecation which is a big risk in terms of sanitation. This, she believed, is a reflection of an inhumane society that does not recognize basic human rights. As such, she stressed that part of her advocacy on reducing risk and ensuring that no Filipino family is deprived of a toilet would be for Congress to allocate the necessary funding for these facilities through the 2017 national budget.

For her part, Senator Hontiveros believed that health — including sanitation — is related to disaster risk reduction because healthy people are resilient people who recover more quickly from disasters.

Asked to elaborate on the observations made by experts during the Third World Conference on Disaster Risk Reduction in Sendai in 2015 that having a resilient and capable health system in place can reduce underlying vulnerability, protect health facilities and services and scale up the response to meet the wide-ranging health needs in disasters, Senator Legarda said a resilient and capable health system means having fully equipped health centers and DOH hospitals as well as barangay workers who are trained to respond to emergency or natural disaster situations such as floods, storm surges and earthquakes. She also stressed the importance of having the right infrastructure such as health centers in barangays, provincial and regional hospitals along with personnel trained in disaster risk response who should be pre-positioned in vulnerable and disaster-prone areas. In this regard, she explained that the NDRRMC law had changed the previously named Calamity Fund into a NDRRMC fund to identify that a portion of the monies could be used for the pre-positioning of equipment, personnel and services so that it would not only be response-oriented but would also be concerned with the health sector.

Since health care systems provide core capacities for disaster risk management for health, Senator Hontiveros believed that well-developed health care systems on primary health care — which focuses on basic services to improve health status which, in him, builds community resilience and provides the foundation for responding to emergencies — and community based actions — which are at the frontline of protecting health in emergencies — would enable communities



to be more resilient and better prepared for disasters. Senator Legarda agreed, adding that the presence of a disaster risk reduction (DRR) officer in every municipality, as mandated by law, is important. For instance, she cited the municipality of San Francisco in Camotes Island which was affected by Typhoon *Haiyan* but had zero casualty due to a community-driven climate action initiated by the mayor and the councilors who themselves DRR-engaged; they prepared food packs and evacuated families in vulnerable areas even without any support from the national government. She expressed confidence that what had been achieved in that municipality could be replicated in other areas since there are other local communities that do not need much resources but have a changed mindset. She believed that the country does not need to suffer the same number of casualties or has to undergo major rehabilitation after being struck by natural hazards if the communities are prepared.

Asked how the Committee on Finance could help the DOH ensure that hospitals are resilient and infrastructure are preserved even in times of calamity as well as how women can be further involved in DRR planning and implementation, Senator Legarda said that she would give Senator Hontiveros a copy of a privilege speech she had delivered three years ago on how the UNISDR had promoted a safe hospital campaign which would have been integrated into how the DOH would manage its hospitals. She proposed the inclusion of the program as a special provision in the DOH budget.

She also clarified that DRR is very much a gender issue specially since women are a vulnerable population because they bear the brunt of coping in the aftermath of a disaster. She suggested that a provision be included to make this an activity of the National Commission on Women. She also proposed that the DILG, through the Local Government Academy, prepare a curriculum for preparedness for DRR specially for women LGU or community leaders.

Senator Legarda thanked Senator Hontiveros for her queries and welcomed any special provisions that she might want to introduce on the matter as her Committee prepares its report on the proposed General Appropriations Act of 2017.

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

Senator Zubiri said that he, along with Senators

Cayetano and Villanueva, would like to associate themselves with the speech of Senator Legarda as they support her climate change advocacies that she has tirelessly been fighting for.

#### **INTERPELLATION OF SENATOR DE LIMA**

Senator De Lima asked Senator Legarda of her stand or position on the Paris Agreement on Climate Change, or the Paris Climate Pact. In reply, Senator Legarda informed that Body that the agreement was already with the Executive for transmission to the Senate. She disclosed that she had spoken with Senator Cayetano, chair of the Committee on Foreign Relations, and that she was told that he would sponsor the agreement as soon as it is transmitted to the Senate. She added that the Climate Change Commission has been waiting for several certificates of concurrence, and that the DFA is also very supportive of the agreement as manifested by Secretary Yasay during the budget hearings. She also mentioned that the budget of the Climate Change Commission would be heard the following day and that Senator De Lima, if she so wishes, could attend the hearing to have a briefing on the status of the agreement.

Senator Legarda informed the Body that the Paris Agreement would come into effect on November 4 as soon as 55% of the nations worldwide ratify it, and that it would be enforced worldwide even if it is still pending ratification in the Philippine Senate. She also stated that the submissions of the Intended Nationally-Determined Commitments which is 70% reduction of greenhouse gas emissions are conditioned on technical and financial assistance. She said that the combined greenhouse emission by industrialized countries like the United States, China, India and the European Union has been the major cause of climate change, and that there have been questions why the Philippines, a low greenhouse gas emitter, has to be a party to the Paris Agreement, fearing that this might stymie economic development. To allay this fear, she said that she had to explain that being state-party to the Agreement would be to the advantage of the country because it would be able to access the Green Climate Fund wherein billions of dollars await vulnerable nations like the Philippines.

Asked if she would support the ratification of the agreement, Senator Legarda replied in the affirmative, saying that she not only supports the agreement but has, in fact, given her commitment to the former

UNFCC head, Secretary General Christiana Figueras, that she would help in the campaign for Mission 2020 which would compel nations, especially the industrialized countries, to abide by the Paris Agreement. She noted that with 55% of the participating countries, including China and the United States, ratifying the agreement, that would translate to 63% mitigation of total greenhouse gas emissions.

Senator De Lima said that she just wanted to confirm the commitment of Senator Legarda to really push for the ratification of the agreement. Senator Legarda agreed, stating that it is important for everyone to understand the importance of mitigation despite the country's low emission rate. She pointed out that the agreement is about mitigation and adaptation, and adaptation, she explains, means being able to receive technical and financial assistance for flood control and early warning systems, and help for the vulnerable sector of the population including indigenous peoples.

Pointing out that a lot could be done with the Green Climate Fund, Senator Legarda revealed that other small island states like Fiji, Grenadines and Palau have ratified the agreement ahead of the Philippines. She acknowledged, however, that the timing was also difficult because the process was halted by the campaign season, and that there were only a few session days left for the Executive to transmit the Agreement and for the Senate to tackle it.

#### **REFERRAL OF SPEECH TO COMMITTEE**

Upon motion of Senator Sotto, there being no objection, the privilege speech of Senator Legarda and the interpellations thereon were referred to the Committee on Climate Change.

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

At this juncture, Senator Sotto acknowledged the presence in the gallery of Vice Governor Elmer de Peralta and 14 board members of Sarangani Province.

Senate President Pimentel welcomed the guests to the Senate.

#### **PRIVILEGE SPEECH OF SENATOR GATCHALIAN**

Availing himself of the privilege hour, Senator

Gatchalian updated the Body on some contemporary issues facing the Philippine energy sector.

*The full text of his privilege speech follows:*

In July and August, the country's precarious energy situation caught the attention of the general public as persistent red and yellow alerts caused Luzon-wide rotating brownouts. Because of this, one of my first acts, as Chairman of the Senate Committee on Energy, was to act on Proposed Senate Resolution No. 74 filed by our distinguished colleague, Senate Minority Leader Ralph Recto, by conducting an investigation into these power interruptions which were estimated to cause as much as P3.3 billion in economic losses per hour. It became apparent during the investigation that to serve the needs of our growing economy, it would be imperative to build an adequate power supply.

Thus, it became one of my priorities, as chairman of the Senate Committee on Energy, to collaborate with public and private stakeholders of the energy sector in laying down the blueprint for establishing the right energy mix for the Philippines. Simply put, my vision is to build an energy supply founded upon the principle of the 3S – a *stable* energy supply which provides “*sulit*” or affordable energy to consumers while ensuring environmental *sustainability*.

In furtherance of this vision, the Senate energy committee has undertaken extensive consultative hearings with industry stakeholders to identify prevailing issues and craft solutions to the problems facing our energy sector.

We started off these consultations by inviting the Department of Energy to brief us on its mandates and plans of action. Certainly, as the foremost government agency directing Philippine energy policy, the DOE will play a critical role in deciding our country's energy future. However, the DOE cannot do it alone. As legislators, we must take our oversight functions seriously to make sure that the DOE and its attached agencies are performing their duties with the highest levels of competence and responsiveness. Additionally, the Senate must be ready to quickly pass legislation to clear roadblocks in existing laws which continue to hinder progress in the energy sector.

The next series of hearings involved the stakeholders of the upstream and downstream oil and gas industries. There, we discussed issues such as the nearing expiration of the Malampaya service contract and the pending depletion of the Malampaya Gas Field, one of Luzon's

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primary sources, as well as the potential of establishing a liquefied natural gas infrastructure to best serve our energy needs.

In the coming months, we will need to further discuss the prospects of our oil and gas industries in relation to the exploration of the West Philippine Sea where abundant energy resources sit beneath contested waters. Indeed, it could be said that the mid-term prospects of reducing our dependence on foreign energy sources will be decided by how the current administration handles the continuing dispute in the West Philippine Sea.

Personally, I hope that this administration's emerging independent foreign policy agenda will also serve as a catalyst for achieving Philippine energy independence by vigorously upholding and defending our exclusive sovereign rights to explore and develop resources in the West Philippine Sea.

Our next task was to discuss challenges facing the renewable energy subsector concerning the Feed-in-Tariff, net metering policy, and other issues related to the implementation of the Renewable Energy Law. Truly, the sustainability of our energy supply is closely tied with the development of expanded clean energy projects which will help the Philippines reduce its carbon footprint as we strive to fulfill our commitment to preserve the environment. In this context, we must renew our efforts to fully implement the Renewable Energy Law.

Lastly, but certainly not the least, we invited stakeholders to discuss the state of our power sector. From this discussion, it became clear that our electricity supply is nowhere near as stable as it needs to be. This instability, if allowed to continue, will dampen the Philippine economy's robust growth outlook.

Apparently, one of the causes of continuing instability is our woefully inadequate transmission grid which keeps excess power trapped away from where it is needed.

There is a great need to formulate and implement a new transmission development plan which will close the loop once and for all through an integrated national power grid connecting Luzon, Visayas and Mindanao.

After spending all those hours talking to energy sector stakeholders, it is clear that we have a long way to go towards realizing our vision of a stable, sustainable and affordable energy supply in this country. Rather than be discouraged, however, I believe that we should rise to the challenge.

Through coordinated action, the Senate can help achieve change in the energy sector. For example, allow me to highlight one issue ripe for legislative resolution – the thick layers of red tape surrounding the construction of badly needed power generation projects.

Given the intensive capital costs and technological issues of undertaking energy projects, they take years to complete. Therefore the key to building a stable energy supply is to make sure that commercial plants come online following a strict schedule based on properly forecasted demand.

However, the ridiculous bureaucratic struggle that interested developers must go through in registration, pre-development, conversion, and development stages is a strong disincentive for investors, especially foreign investors with significant amounts of capital, to enter the field. Uncertainty about receiving permits on time, or about being approved at all, is a formidable barrier to entry for firms.

To show just how thick the red tape is, let us take run-of-river hydro plants as an example. Look at the slides here provided by PhilHydro Association, showing the permitting process flow chart. The regulatory process one must go through in order to get a hydro plant off the ground and running is literally a labyrinth of forms and signatures.

According to this data, it takes a company interested in building in run-of-river hydro plant 1,340 days to obtain all the permits necessary before starting construction. That is more than three and a half years. During that time, the proponent of the plant will have to secure at least 359 signatures from 74 regulatory agencies and attached bureaus. They will also have to make sense of 20 laws governing the entire process as they attempt to accomplish 43 different contracts, certifications, endorsements and licenses. Talk about regulatory overkill!

This bureaucratic nightmare is unfortunately not limited to hydro plants. In every hearing we held, complaints of red tape and government inefficiency were a universal chorus among stakeholders. Simply put, red tape is tying down the energy sector, and with it, prospects for stronger economic growth.

Ever since my days as a local public servant in Valenzuela City, I have been a proponent of instituting ease of doing business reforms to unleash the productive capacity of private enterprise. The same kind of reforms will have to be beneficial to the energy generation sector

since EPIRA has created a privatized energy paradigm. Therefore, it must be one of our legislative priorities to streamline the entire energy regulatory framework starting with permits and licensing processes.

In line with this, I am preparing to file a bill which will declare certain power infrastructure projects as “Projects of National Significance.” Urgently needed power infrastructure projects designated as Projects of National Significance will be the subject of procedural incentives which will streamline licensing processes. Through this proposal, we hope to significantly cut the amount of red tape wrapped around desperately needed power infrastructure projects, thereby reducing the interval between the earliest stages of conceptualization and fully operational status by years at a time. This will, in turn, boost investor confidence in power projects by fostering certainty and stability in the timetables of these complex projects. In this way, we can face any impending energy crisis head on, with swift and concerted action.

In addition to this proposal, I will also steer the Senate energy committee to work double time in collaboration with the DOE and private energy stakeholders to lay the groundwork for an “express one-stop shop” which will fix the bureaucratic mess surrounding energy projects once and for all. Instead of having to run through the hectic labyrinth of departments, agencies and other government offices, persons interested in undertaking power infrastructure projects will be able to complete all of their regulatory requirements in a single place. In doing this, we will be taking a crucial step forward in building a sustainable energy supply for the Philippines by encouraging sustainable development and growth in our energy sector through coordinated and responsive regulatory mechanisms.

In closing, let me drive home a point which has become more and more clear to me the more I have immersed myself in energy policy — the fate of our economy is closely intertwined with the quality of our energy supply. For all the macroeconomic strides we have made in the past few years, it is nevertheless a sobering reality that we still have a long way to go in fostering truly inclusive growth which will uplift the lives of even the most underprivileged Filipinos. We can only achieve this type of sustained growth by building a stronger economic machine powered both literally and figuratively by a stable, sustainable and *sulit* energy supply. Otherwise, our long-term economic prospects will grow dark. And we must never let it happen.

## INTERPELLATION OF SENATOR LEGARDA

Preliminarily, Senator Legarda associated herself with the good intentions of Senator Gatchalian as regards the energy supply project. She then asked whether his proposal entails legislation or would simply influence the Department of Energy to facilitate the procedures, for instance, establishing a one-stop shop similar to what the DOLE had done under Secretary Bello. Without casting aspersion on any administration or any energy secretary, she confirmed that there have been perennial complaints on bureaucratic red tape in the agency. She believed that Senator Gatchalian as a businessman and coming from a business family would know what ails the Philippine business, and she also expressed her appreciation for the presentation that Senator Gatchalian made in his speech, hoping that such a one-stop shop could be established without need for legislation.

Senator Gatchalian replied that an overarching legislation is needed to really compel all the departments, including local government units which have various pre-requisites and policies that pertain to power plants and other energy-related projects, to support the one-stop shop project.

Senator Legarda asked if the developers, the investors or the business community currently go through the rigorous process of obtaining more than 500 signatures for a project which, she said, is very anti-business, Senator Gatchalian replied in the affirmative, saying that indeed it is anti-business. He explained that the DOE’s hands are also tied and it can only do so much in speeding up the process because what it can actually improve is just within its realm. In fact, he pointed out, the DOE is having trouble convincing and mobilizing the other departments, especially the local government units — the barangays, municipalities/cities, and provinces. He said that even the barangays alone could delay a major infrastructure project.

To Senator Legarda’s proposition that the President issue an executive order that would address the issue of red tape by putting in place a one-stop shop in the meantime that the proposed legislation is yet to be enacted, Senator Gatchalian agreed that a policy direction from the Executive department, especially from the Cabinet economic cluster, could improve the time frame and the approval of the process. He then cited the experience of a UK firm which, as narrated to him by the ambassador of the United Kingdom,

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was about the single run-of-river hydro plant which took them almost 23 years from the start to the end to operate. He said that such stories are really a disincentive for serious investors in the power sector.

In closing, Senator Legarda said that if Senator Gatchalian could push through with his project at the soonest possible time, then it would be a great legacy on his part.

#### **SUSPENSION OF INTERPELLATION ON THE PRIVILEGE SPEECH**

At this juncture, upon motion of Senator Sotto, there being no objection, interpellation on the privilege speech of Senator Gatchalian regarding the energy sector was suspended until Tuesday, October 18, 2016, to give way for an all-senators caucus that was requested by Senator Legarda.

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

Senator Zubiri stated that as it celebrated its centennial anniversary the previous week, the independence of the Senate was being threatened and undermined by a constitutional commission.

Senator Zubiri said that he was referring to Commissioner Roberto Eugenio Cadiz of the Commission on Human Rights (CHR) who, on October 4, 2016, slammed Senator Gordon, chairperson of the Committee on Justice and Human Rights, for suspending the hearings on the extrajudicial killings after a heated debate with Senator De Lima. He then quoted the following from a news article: "So who's running away from the Senate hearing? De Lima, Matobato, or Gordon and the other senators in the majority? Who's closing the hearing? Under the circumstances, there is every reason to believe it is Gordon who is afraid of this hearing. I challenge him, as a commissioner. The only way for him to recover his credibility as chairman is to continue with the hearing and listen to the other witnesses. Otherwise, there is every reason to believe he is the coward here and not Matobato or De Lima."

Senator Zubiri said that such kind of cavalier attitude and scathing statement against Senator Gordon and the other members of the Committee on Justice and Human Rights, including himself, was a bit too much and unfair. He said that it was an insult to the Senate and its history and that he could not let it pass. He stressed that the CHR, as a constitutional

body, should respect the Senate as an institution as well as its processes and time-honored traditions.

Senator Zubiri lamented that the CHR commissioner's statements were truly unfair because the Committee on Justice and Human Rights even devoted several hearings on Matobato's testimony but that despite the accommodations, the credibility of the chairman himself was being challenged.

Senator Zubiri believed that when a commissioner of the CHR issues statements that credibility is lost when a chairperson of the Senate committee as well as its members, reacts to certain turn of events in a hearing, it is an interference over an exclusive realm and is a clear breach on the committee's jurisdiction.

He said that as a member of the Committee on Justice and Human Rights and of the Senate of the Philippines, he would demand from the CHR either an apology for the statements made on October 4, 2016, or an explanation before the Committee on its hearing the next day.

Senator Zubiri disclosed that as told to him by Senators Gordon and Lacson, chairperson and co-chairperson, respectively, of the Committee on Justice and Human Rights, they would await the explanation of the CHR and would in the meantime continue with the hearing the following day on the issue of death penalty since they would be having the same resource persons.

Senator Zubiri stated that he was appalled by those statements coming from a CHR commissioner and that he stood up in defense of Senator Gordon as the committee chair whose credibility is unquestionable and who only means the committee and the Senate well.

#### **REMARKS OF SENATOR GORDON**

At the outset, Senator Gordon thanked Senator Zubiri for defending the Senate. He said that when his committee conducted investigations, all the members of the committee were witness to the fact that he tried as much as possible to be fair, firm and in command of the situation and that although sometimes altercations were unavoidable, the members did not lose their dignity.

He said that when somebody whom he does not even know stands up and starts casting aspersions on



the Senate, every assault on the Senate must be answered and addressed.

He said that he never complained about the issue and even when he was approached by the Senate President's sister who is a member of the CHR, he just raised the issue very gently.

Senator Gordon pointed out he has always supported the CHR and that the maxim *res ipsa loquitur* would bear him out as the committee investigated extrajudicial killings. He said that he could look at himself in the mirror at any time of the day and say that the committee has acquitted itself as he lamented how unfair it was for anybody to come out and call a press conference and dare accused him of being a coward. He stated that he does not have to prove his manhood to anybody as he had tried to be a gentleman at all times.

Senator Gordon believed that Senate President Pimentel was aware that he was going to deliver a privilege speech on the committee hearing incident in order to protect the institution; however, when concerned people came to him, he decided to keep quiet and did not deliver the speech to avoid embarrassing anyone. He added that it would not add to his intelligence or to his pride if he would insult a fellow member of the Senate.

He informed the Body that Chito Gascon, chairman of the CHR and who was in Amsterdam at that time, called him to apologize and said that Commissioner Cadiz's criticisms were not the position of the Commission *en banc*, but he found the apology kind of limp and condescending, so he told some of the members of the CHR that the chairman should not be apologizing for Commissioner Cadiz but that it should be the latter who should apologize to him personally.

Senator Gordon stated that personally it was not a big deal for him that he was insulted; however, it became a big deal when the Senate as an institution was attacked. He believed that Commissioner Cadiz's statement skunked out his responsibility and that he does not deserve the dignity of being called a member of the Commission.

Senator Gordon informed the Body that he intends to continue with the hearing the next day, but that he would not call on the CHR until an apology was made to the Senate.

He recalled that when he took over the committee reluctantly, he asked some members who were caught in the middle of the fray to stay as members of the committee. He stated that he would not have to pat himself on the back because all he ever wanted was fairness and that he would not even want to mention those who came up to him to shake his hand because everyone was a friend, and that he commiserates with every member when he or she is under attack.

Senator Gordon asserted that Commissioner Cadiz was not man enough to face Senate President Pimentel. He clarified that it was never the intention of the Body to attack or demean the Commission on Human Rights, but that as a commissioner of the CHR, it is the duty of Commissioner Cadiz to respect his counterparts. He opined that the Commissioner's form of human right is one sided, as he stressed that it was the latter's duty to be respectful not because of one's title or position but as human beings who are entitled to respect and dignity that have earned.

Senator Gordon stated that he does not know and does not need to know Commissioner Cadiz. However, he expressed disappointment over the Commissioner's comment when he said, "So what are they talking about? That Matobato was running away, afraid to confront the other witnesses?" He said that Mr. Matobato was given all the leeway, and he announced that when the Committee resumes the hearing the following day, he intends to expose the lies perpetrated by Mr. Matobato. He said that he would also take to task the police and demand from them an explanation of why they cannot solve the extrajudicial killings. He said that he would not run away from his responsibility and that he had to take great pains to write down every killing in every province, along with the names of the commanding officer and of each place so that they could be invited to testify, along with General Dela Rosa.

He opined that the Commissioner simply wanted a few minutes of fame, and stepped on the backs of people who worked hard. He reiterated that he would not call the CHR until it acquires itself of its responsibility to apologize. Until then, he said, he would not support them, but he would continue supporting human rights as a philosophy as he was raised by his parents to respect others, including the bar girls in Olongapo, the lowly, as well as the criminals who deserve respect and due process.



Senator Gordon said that he intends to call on the NBI in case the PNP's Internal Affairs Service cannot handle the investigation against the police involved, and that he would also inquire from the police whether the reimposition of the death penalty is necessary for drug-related cases. He supposed that the country has turned into a hub for drug dealers in the absence of death penalty, as he recalled Senator Sotto as always saying that drug criminals are very bold because there is no death penalty in the country.

Senator Gordon clarified that he was against death penalty but that he was willing to consider and listen to the debates as he urged the Members to make a decision for themselves. He stated that the debates on the death penalty were more important than discussing the human rights complaints raised by an individual who feels he has a franchise on what is right and what is just. He stated that he does not know who gave that individual the right, but he stressed that the Senate must stand up and condemn what that individual did, not because the Senate is bigger and more powerful but because it has earned the respect.

Senator Gordon recalled that during the centennial celebration of the senators, he was very proud of the fact that he saw the forebears of the Senate – the Rectos, Cuencos, Sottos and Dioknos. He said that he did not join the Senate just to be a flower vase or to take a position or title. He expressed hope that those who would succeed the present Congress would act in a manner as it has been done in the past. He said that present senators are trailblazing for the future and that the Senate is capable of investigating in an objective manner without being controlled by the powers-that-be despite people's perceptions. He asserted that he has never been afraid to stand up against other people.

Senator Gordon stated that he knows how a colleague is feeling at the moment and that he commiserates with her. However, he pointed out that he has never been unfair and would not be unfair because it would demean the Body, and that as a senator, he would want to enable and ennable every member and the people. He added that people should not throw things at people whom they do not know.

At this juncture, Senator Gordon asked the Body's forgiveness if he would not call the hearing on extrajudicial killings. He said that he was ready

to make a report but that he was still waiting for other materials. He stated that while the Members could fault him for the delay, he would make people accountable should the evidence warrant. He stressed that each committee member would have to sign the report, whether they are in favor of it or not, and to take responsibility for their actions.

He stressed that the CHR's leadership must take responsibility for the people it leads, and that while Chairperson Gascon has apologized, the others should do their duty as well.

Finally, Senator Gordon thanked the Body for its time. He stressed that he does not have to project himself to Commissioner Cadiz as an important person but instead will pray for him. He lamented that the government has been plagued with appointees who seek titles or positions but cannot do what is right, no wonder that they cannot respect others. He then thanked Senator Zubiri for standing up, saying that he and Senator Zubiri go a long way and that he is proud to be associated with Senator Zubiri as he is proud to be associated with the Senate.

#### **MANIFESTATION OF SENATOR CAYETANO**

Senator Cayetano thanked Senator Gordon for standing up for the Committee and not for himself.

Senator Cayetano observed that in the face of an apology, it seemed like it was a press statement made after the CHR realized that there was a mistake because it made no effort to correct the report that the CHR slammed the Senate, when it was very important that as soon as the report was read, the mistake should be corrected. He said that the longer the report stays, the more people would likely believe that it is true.

He stated that the public and media can criticize all they want, as he recalled that when the Senate did not immediately investigate the pork barrel scam, there were a lot of criticisms coming from the media which is and it was their right to do so. However, he stated that if the Executive department, agencies and constitutional bodies would be allowed to criticize the Senate as a whole, then the independence of the institution is undermined.

Senator Cayetano also questioned the way the fourth paragraph of the Commission's apology was worded: "The Commission hopes that the Senate will



come up with fair and credible results cognizant of the latter's independence and competence."

He asked if the Commission would consider the committee report fair and credible supposing it finds the investigation results not to its liking or whether it would accept the report only when it is favorable to it.

Lastly, Senator Cayetano stated that the CHR as a constitutional body is mandated to investigate human rights violations. He then questioned why the CHR is making it appear to the public and to the international community that when the Senate stops its investigation, the investigation on human rights stops as well. He asserted that the CHR can investigate human rights violations 24/7 and that it is its mandate to investigate and pass its findings to the prosecutorial services of the country as well as do other remedies. He stressed that the investigations in the Senate are in aid of legislation.

He then thanked Senator Gordon who, despite his hesitation to stand up, did not want to make an issue with the CHR.

## SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

*It was 5:04 p.m.*

## RESUMPTION OF SESSION

At 6:30 p.m., the session was resumed.

## MANIFESTATION OF SENATOR VILLANUEVA

Senator Villanueva expressed his deepest sympathy to the victims of the explosion of a fireworks store in his hometown, Bocaue, Bulacan. He stated that the incident was a clear example of how the Filipinos were forced to take on dangerous works because of the lack of safer and quality jobs. He hoped that Congress, the Senate in particular, and the government as a whole would be able to help out and focus more on providing better economic opportunities so that jobs that could endanger the people's lives could be avoided. He appealed and encouraged the Body to support legislative measures

that will strengthen the regulation of the safety of workers as he expressed full support to all the initiatives that would give the local government units the greater flexibility and authority to provide livelihood and better opportunities to their constituents.

## OVERSIGHT COMMITTEE MEMBERSHIP

Upon nomination by Senator Sotto, there being no objection, the following senators were elected to the Congressional Oversight Committee on Agriculture and Fisheries Modernization Act (Pursuant to Section 114 of Republic Act No. 8435, the Agriculture and Fisheries Modernization Act):

*Chairperson:* Pangilinan

*Members*

*Majority :*

Villar	Poe
Aquino	De Lima
Legarda	

*Minority:*

Recto

## COAUTHORS

Upon motion of Senator Sotto, there being no objection, Senators Villar and Gordon were made coauthors of Senate Bill No. 7 (SIM card Registration Act of 2016).

## ADJOURNMENT OF SESSION

Upon motion of Senator Sotto, there being no objection, the Chair declared the session adjourned until three o'clock in the afternoon of Monday, October 17, 2016.

*It was 6:33 p.m.*

I hereby certify to the correctness of the foregoing.

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

Approved on October 17, 2016