



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal¹

SESSION NO. 25
Monday, September 26, 2016

**SEVENTEENTH CONGRESS
FIRST REGULAR SESSION**

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CALL TO ORDER

At 3:10 p.m., the Senate President, Hon. Aquilino “Koko” Pimentel III, called the session to order.

PRAYER

Senator Sotto read the prayer prepared by Sen. Sonny Angara, to wit:

God our Father, we praise Your Name
for all that You do for us each day.

We bring the needs of the country before
You.

We ask that You continue to bestow upon
us the grace that we may always strive
towards becoming the great nation that
we hope and envision ourselves to be.

I pray for the members of the Senate to
receive Your wisdom and to act and
lead in accordance to that wisdom.

May God’s will and purpose direct our
passion and empower us to live a life
of compassion.

Guide us with Your Spirit that
we may be righteous

And give us humble hearts that
we may be selfless.

A house divided against itself cannot stand,
thus we pray that You usher us into a
path of unity that is dedicated to the
sake of the nation.

Bless the works of our hands and grant us
peace.

Lead us to the greener pastures of collabora-
tion, charity, love and service.

May we always be reminded that Your
steadfast love never ceases, and Your
mercies never come to an end.

All these we ask in Jesus’ Name, Amen.

NATIONAL ANTHEM

The Imus Institute of Science and Technology
Pitch Choir led the singing of the national anthem
and thereafter rendered the song, entitled “*Isang
Bangka*.”

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:



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

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

Senator De Lima arrived after the roll call.

Senators Angara, Binay and Recto were on official business “to attend the ceremonial signing of the Implementing Rules and Regulations of Republic Act No. 10868 scheduled at three o’ clock in the afternoon at Hero’s Hall, Malacañang.”

APPROVAL OF THE JOURNAL

Upon motion of Senator Sotto, there being no objection, the Body dispensed with the reading of the Journal of Session No. 24 (September 21, 2016) and considered it approved.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

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

- *Kababaihang Maabilidad at Organisado*, Inc, headed by Kapitana Rizalina Teope;
- College of Human Ecology students of U.P. Los Baños, headed by Professor Felizar and Mr. Consignado;
- Leyte Normal University students headed by Professor Maximo Empara Bellano;
- PUP College of Law students;
- Youth leaders and delegates for the Youth for Sustainable Change Project from the Social Democratic Youth League of Denmark;
- Visitors of Senator Aquino and Senator Zubiri;
- Officials and graduate students from the Naval State University and Leyte Normal University

- headed by Dr. Ariaso, Dr. Villarino and Captain Flores; and
- Secretary Fortunato de La Peña of the Department of Science and Technology.

Senate President Pimentel welcomed the guests to the Senate.

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. 1163, entitled

AN ACT TO PROVIDE EARLY YOUTH SUICIDE INTERVENTION AND PREVENTION EXPANSION

Introduced by Senator Joel Villanueva

To the Committees on Youth; Health and Demography; and Finance

Senate Bill No. 1164, entitled

AN ACT PROVIDING FOR A PERMANENT APPOINTMENT TO ALL CASUAL AND CONTRACTUAL EMPLOYEES OF THE GOVERNMENT WHO HAVE RENDERED THE PRESCRIBED YEARS OF SERVICE IN THE NATIONAL GOVERNMENT AGENCIES AND THE LOCAL GOVERNMENT UNITS AND FOR OTHER PURPOSES

Introduced by Senator Joel Villanueva

To the Committee on Civil Service, Government Reorganization and Professional Regulation

Senate Bill No. 1165, entitled

AN ACT REQUIRING PARKING SPACE FROM MOTOR VEHICLE BUYERS IN METROPOLITAN AREAS AS A PRE-REQUISITE FOR THE PURCHASE OF A MOTOR VEHICLE

AND REGISTRATION WITH THE LAND TRANSPORTATION OFFICE (LTO)

Introduced by Senator Joel Villanueva

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

Senate Bill No. 1166, entitled

AN ACT PROVIDING FOR THE MAXIMIZATION OF BENEFITS FROM FINITE MINERALS AND MINERAL PRODUCTS AND QUARRY RESOURCES

Introduced by Senator Joel Villanueva

To the Committees on Environment and Natural Resources; Local Government; and Ways and Means

Senate Bill No. 1167, entitled

AN ACT RIGHTSIZING THE NATIONAL GOVERNMENT TO IMPROVE PUBLIC SERVICE DELIVERY

Introduced by Senator Sotto III

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

Senate Bill No. 1168, entitled

AN ACT INSTITUTING THE EXPANDED BALIKBAYAN PROGRAM, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 6768, AS AMENDED BY REPUBLIC ACT NO. 9174, AND FOR OTHER PURPOSES

Introduced by Senator Aquilino "Koko" Pimentel III

To the Committees on Ways and Means; and Tourism

Senate Bill No. 1169, entitled

AN ACT FURTHER STRENGTHENING WORKERS' RIGHT TO SELF-

ORGANIZATION BY AMENDING FOR THIS PURPOSE ARTICLES 240[234](c), 242[235], 243[236], 244[237] AND 285 [270] OF PRESIDENTIAL DECREE NO. 442, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, AS AMENDED

Introduced by Senator Joel Villanueva

To the Committee on Labor, Employment and Human Resources Development

RESOLUTION

Proposed Senate Resolution No. 164, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON JUSTICE AND HUMAN RIGHTS AND OTHER APPROPRIATE SENATE COMMITTEE(S) TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE CURRENT SECURITY, CONTAINMENT, AND SAFETY REGULATION PROCEDURES FOR DETENTION AND CORRECTIONAL FACILITIES IN THE COUNTRY, WITH THE END IN VIEW OF ASSESSING IF THESE PROCEDURES ARE ADEQUATE AND EFFECTIVE, AND TO RECOMMEND REMEDIAL MEASURES AND REGULATIONS

Introduced by Senator Aquilino "Koko" Pimentel III

To the Committee on Justice and Human Rights

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-2016-073 and 074 dated 24 and 26 August 2016; and

Circular No. 923 dated 31 August 2016; and

[Signature]

Memorandum No. M-2016-011 dated 31 August 2016.

To the Committee on Banks, Financial Institutions and Currencies

**PRIVILEGE SPEECH
OF SENATOR TRILLANES**

Availing himself of the privilege hour, Senator Trillanes presented a series of fact-checks to refute claims that there were alleged inconsistencies in the statements of extrajudicial killings witness Edgar Matobato.

Following is the full text of Senator Trillanes' speech:

Noong nakaraang linggo, sa hearing ng Committee on Justice and Human Rights, mayroon daw pong mga inconsistencies diumano sa mga pahayag ni Mr. Edgar Matobato.

1. *Ayon sa testimonya ni Matobato sa Senado, Grade 1 lamang ang natapos niya at ito raw ay taliwas sa nakasaad sa affidavit niya sa NBI na nakalagay Grade 3 at sa kaniyang service card sa Davao City Hall na nakalagay na siya ay high school graduate.*

Sa ating fact-check sa lahat ng tanong kay Mr. Matobato, ang sagot niya, siya ay Grade 1. Hindi rin si Matobato ang sumulat at naghanda ng service card at affidavit niya dahil hindi siya marunong magbasa at magsulat. Sa service card, maaaring ito ay inilagay na high school graduate para ma-justify ang kaniyang pagsiservisyo sa City Hall. Pero ano paman, Grade 1 ang kaniyang claim at kung mayroong ibang magsasabi na mas mataas ang natapos niya, dapat mayroon po silang ipapakita na pruweba. So, sa madaling salita, walang inconsistency.

2. *Sinabi umano ni Matobato noong September 15, 2016 hearing na si President Duterte ang nag-utos na patayin si Sali Makdum.*

Ayun sa ating pagsasaliksik sa transcript ng September 15, 2016 hearing, walang sinabi si Mr. Matobato na si President Duterte ang nag-utos na patayin si Sali Makdum. Kagaya nang sinabi niya noong September 22, 2016 hearing, si Lascañas ang nag-utos sa kanila. So, walang inconsistency doon sa sinabi na iyon.

3. *Ayon kay Senator Cayetano, sinabi umano ni Matobato sa affidavit niya sa NBI na si President Duterte ang nag-utos ipapatay si Sali Makdum.*

Ayon sa ating pagsasaliksik, sa NBI affidavit ni Matobato, Sali Makdum was ordered liquidated by Rodrigo Duterte through SPO4 Arthur Lascañas because he was a suspected terrorist. Andiyan po iyong source sa mga dokumento na iyan. So, sa madaling salita, walang inconsistency.

4. *Ayon sa testimonya ni Matobato sa Senado, binigti at tsinap-chop umano nila si Sali Makdum. Ito raw ay taliwas sa affidavit niya sa NBI na nagsasabi na binigti, nilaslasan ng leeg, sinaksak at tsinap-chop nila si Sali Makdum.*

Again, ayon sa mga salaysay ni Mr. Matobato, siya lamang ang nagbigiti kay Sali Makdum.

Ngayon, nais kong i-emphasize ang ibig sabihin ni Mr. Matobato ng pagbigiti. Ito iyong pang-garote o pangsaikal, hindi iyong binibitay kagaya ng pagkakaintindi ng mga taga-rito sa Manila. Dagdag pa niya, hindi siya kundi si Lascañas ang sumaksak kay Sali Makdum. Ipapakita ko mamaya ang isang larawan para mabigyan ng idea kung papaano nangyayari ito. Again, wala pong inconsistency,

5. *Sabi umano ni Mr. Matobato sa September 15, 2016 hearing na noong 2010 kinidnap nila ang mga tauhan/bodyguard ni Nograles. Binago niya umano ang kaniyang statement noong September 22, 2016 hearing at sinabi na ang kinidnap nila ay tao ni General Palparan at ni General Matillano.*

Ayon sa ating pagsasaliksik, nakalagay sa transcript noong September 15, 2016 hearing, sinabi ni Matobato na noong 2010, kinidnap nila ang apat na tao ni Nograles. Sinabi rin niya na ang mga taong ito ay tao ni General Matillano at General Palparan na sumusuporta kay Nograles. Sinabi po niya iyan. Sa madaling salita, again, walang inconsistency.

6. *Ayon kay Matobato, wala raw siyang ginawang affidavit tungkol sa DDS ngunit lumabas na may affidavit siya sa NBI tungkol dito.*

Base sa ating pagsasaliksik, ang tanging complaint-affidavit na pinayl ni Matobato ay tungkol sa kaniyang torture at kay Richard King at hindi tungkol sa Davao Death Squad. Ang binasa po ni Senator Cayetano ay isang sworn statement. Ang pagkakaalam ni Mr. Matobato magkaiba po ito. So, in short, wala pong inconsistency.

7. *Ayon kay Matobato, sinabi sa kanya na sa McDonald's binaril si Richard King. Ito ay taliwas sa totoong nangyari na sa sariling opisina pinatay si Richard King.*

Ngayon, base sa ating pagsasaliksik, maliwanag sa mga salaysay ni Mr. Matobato na wala siya sa aktuwal na pagpatay kay Richard King at ito ay ikinuwento lamang sa kanya. So, sa madaling salita, walang inconsistency.

8. Ayon kay Matobato, masking tape ang ginagamit nila sa pagbalot sa mukha ng mga biktima nila. Ngunit nang papiliin ni Senator Cayetano, iyong packaging tape ang napili niya.

Sa limitadong kaalaman ni Mr. Matobato, ang pangalan ng iba't-ibang office supplies, ang tawag niya sa lahat na uri ng tapes ay masking tape. So, sa madaling salita, again, walang inconsistency.

9. Ayon kay Atty. Abeto Salcedo Jr., tinangka siyang patayin ni Matobato noong October 24, 2014.

Ayon naman sa ginawang report ng NBI sa DOJ, nasa custody na ng Witness Protection Program (WPP) si Mr. Matobato noong September 1, 2014. At hindi lamang iyan, nadiskubre natin na base sa balitang ito, October 24, 2014 inambush yong DAR adjudicator at ang kaniyang description ng gunman ay slim, 5'8" ang height at wearing black shades during the attack. So, maliwanag, hindi si Mr. Matobato iyon dahil mga 4'8" lamang yata ang height ni Mr. Matobato. So, isang talampakan ang diperensiya sa description. Siya po iyong nag-file ng kaso ngayon kay Mr. Matobato.

Ngayon, kung mayroon pa mang ibang inconsistencies, ito ay minor lamang at puwedeng ipaubaya sa memory lapse dahil sa edad niya na 57 years old at dahil sa dami ng kaniyang napatay or nikitang napatay, ito ay nagiging regular na pangyayari sa buhay niya. Kagaya rin nating lahat, walang may perpetkong memoria. Bukod pa riyen, siya ay nakatapos lamang ng Grade 1 at hindi makapag-Tagalog nang maayos. At dahil hindi siya makabasa, ang buhay niya ay umaasa nang malaki sa tiwala ng mga tao sa paligid niya. Kung ano ang sasabihin sa kaniya ng mga taong pinagkakatiwalaan niya, iyon ang pinanghahawakan niya.

Anu't-anong man, pagkatapos ng mahigit sampung oras na cross-examination at scrutiny ng ating mahuhusay na mga senador, inconsistencies lamang ang kanilang napuna at wala ni isang sadyang kasinungalingan silang nakita.

At habang sumasang-ayon ako na puwedeng butasan ang testimony ng isang testigo para ma-test ang kaniyang credibility, considering ang fact-finding nature ng legislative inquiry, mas ginusto ko na magkalap ng mga impormasyon at ebidensiya para

ma-validate o hindi ang mga pahayag ng testigo. At ito ang aming nakita:

1. Ayon kay Matobato, siya ay nagserbisyo sa Davao City government hanggang 2013, September 2013 nang umalis siya sa DDS. Dito po sa service card ni Matobato, bilang employado ng Davao City government, makikita natin na naka-assign siya sa City Mayor's Office sa Davao City. At dito sa date, as early as September 1990, ay nagtatrabajo na siya sa City Mayor's office. Sa madaling salita, totoo ang kanyang mga pahayag.

2. Dito po sa ID ni Matobato bilang employado ng Davao City Hall, makikita natin na si Mayor Sara Duterte ang nakapirma dahil si Mayor Sara Duterte ang siyang mayor simula 2010 hanggang 2013 sa Davao City. So, hanggang doon sa panahon na iyon ay totoo ngang employado siya.

3. Dito sa payroll ng job order, makikita natin ang pangalan ni Mr. Edgar Matobato na siya ay naka-assign sa Davao City Hall as late as July 1, 2013 based on this payroll na pirmado po ng mga opisyal ng Davao City government. So, totoo po ang kanyang mga pahayag.

4. Ayon kay Matobato, mayroon daw siyang ATM card bilang patunay na sumusweldo siya sa City Hall. Ito po ang Landbank ATM card ni Edgar Matobato. Later on, puwede nating hingiin iyong mismong transaction history ng kanyang account para malaman natin kung talagang regular siyang pinapasuwelduhan.

5. Ayon kay Matobato, siya raw ay asset ng mga pulis. Dito po sa ID ni Matobato bilang agent ng CIDG, ito po ay nagpatooto ng kanyang salaysay.

6. Ayon kay Matobato, siya raw ay naka-assign sa Heinous Crime Section ng Davao City Hall. Again, dito sa job order form, makikita natin ang kaniyang office of assignment na naka-lagay Heinous Crime and Investigation Section ng main office. Ang date niyan ay 2 July 2013. So, totoo muli ang kaniyang salaysay.

7. Ito naman sa dokumento ng Human Resources Management Office ng city government of Davao, dated November 22, 2007, naka-address ito kay Mr. Edgar Matobato, City Mayor's Office. Naka-lagay dito: "Please be informed that your job order has been approved by the city mayor and, as such, you are hereby assigned to Heinous Crime Investigation and Detective Management Section, Davao City Police Office, this city, effective upon receipt thereof. Report to Police Senior Superintendent Jaime Morente, et cetera."

So, *totoo ang kaniyang sinasabi na siya ay naka-assign sa Heinous Crime Unit or Section ng Davao City Hall.*

8. *Ayon kay Matobato, doon sa kaniyang salaysay noong September 15, ang mga ito ang miyembro ng Heinous Crime Section: Major Lao, Major Francis, Arthur Lascañas, Sonny Buenaventura at Jim Tan Braganza.*

Ayon sa ating fact-check, sinabi mismo ni General De La Rosa, ang ating chief, PNP, and I quote: "Iyong pinagsasabi niya kanina, Your Honor, na kasama niya, iyong mga taga-Heinous Crime yun."

So, *totoo ang salaysay ni Mr. Matobato.*

9. *Ayon kay Mr. Matobato, mayroon siyang baril na Colt caliber .45. Ayon sa ating pagsasaliksik, mayroon siyang firearm license card na ang nakalagay na baril niya ay Colt caliber .45 na pistol. Totoong muli ang kaniyang salaysay. Ito ang kaniyang permit to carry firearm outside of residence na, again, ang nakalagay ay caliber 45, Colt ang brand. Totoong muli ang kaniyang sinasabi.*

10. *Dito sa kaniyang application for firearms license, makikita natin na ang kaniyang office na pinanggalingan ay Mayor's Office. At sa nakalagay na source of firearm, ang nakalagay dito ay si Mr. Arthur Lascañas. Totoong muli na talagang silang dalawa ni Mr. Lascañas ay magkasama at nandoon siya sa opisina, mayroong baril si Mr. Matobato. Ito naman ang "Permit to Transport and Purchase Firearms and Ammunition." Nakapangalan kay Mr. Matobato, again ang nakalagay ay Colt .45 caliber pistol at dito sa permit to purchase firearms and ammunition, nakalagay ang kaniyang address c/o Office of the City Mayor, Davao City, at dito po sa remarks ay "transfer of firearm from Arthur B. Lascañas of Davao City."*

Totoo pong muli ang kaniyang sinabi.

11. *Ayon kay Mr. Matobato, siya ay hitman ng Davao Death Squad. Ngayon, base sa ating fact-check, si General De La Rosa mismo ang nagkumpirma nito and I quote, "I heard his name, narinig ko ang pangalan niya, Edgar Matobato, doon sa Davao, ito daw ay tirador."*

So, ngayon ito po ang ating kailangang pagtagpi-tagpiin at this point. Mayroong isang hitman na may baril na lisensiyado na naka-attach sa isang unit sa Davao City Hall government under the Office of the City Mayor at mga pulis ang kaniyang mga kasama. Lahat iyan ay isinalaysay ni Mr. Matobato at totoo. So, ano ang ginagawa ng isang kilalang hitman sa Office of the City Mayor?

12. *Ayon kay Matobato, noong June 19, 2014, isang linggo pagkamatay ni Richard King, siya ay hinuli at tinorture ng mga kapwa niya miyembro ng Davao Death Squad para gawing fall guy.*

Base sa ating fact-check, totoo nga na siya ay sinampahan ng kaso ng mga pulis na dati niyang kasamahan na sina Reynante Medina na isang SPO2 at isang Bienvenido Furog na SPO1 noong June 19, 2014. Again, totoo po ang salaysay ni Mr. Matobato. Sa report na ito ay lumabas na siya ay nakumpiskahan ng baril, ang kaniyang pagkakaaresto ay in relation doon sa shooting incident that transpired in Davao City which in this case ay iyong kay Mr. Richard King. So, totoong muli ang kaniyang sinabi.

13. *Ayon kay Matobato, noong September 1, 2014, ay sumuko siya sa DOJ at napasailalim sa Witness Protection Program.*

Base sa ating fact-check, dito po sa NBI report to the DOJ, nakalagay na Matobato, of Davao City, 55 years of age, has been under protective custody of the DOJ Witness Protection Program since September 1, 2014. Again, totoo po ang sinasabi ni Mr. Matobato.

14. *Ayon kay Matobato, may kinidnap at pinatay nilang tatlong babae na pinaghinhalaang pusher at itinapon nila ang mga ito sa gilid ng kalsada ng San Rafael Village Pakinggan natin ang report na ito ng GMA news.*

At this juncture, the video was played.

15. *Ayon kay Matobato noong 1993, sa utos ni dating mayor at ngayon President Rodrigo Duterte, hinagisan nila ng granada ang ilang mosque sa Davao City.*

Base sa ating fact-check, totoo nga na noong December 28, 1993, mayroong mga mosque sa Davao City na hinagisan ng granada.

So, muli totoo ang salaysay ni Mr. Matobato.

16. *Ayon kay Matobato, noong 1992 kinidnap nila ni Arthur Lascañas ang isang Sali Makdum sa Island Garden City of Samal. At ngayon, nagpapasalamat tayo doon sa video na binigay ni Senator Cayetano at ito ang pruweba na nagsasabi siya ng totoo. So, panoorin natin.*

At this juncture, the video was played.

Diyan po sa video ng CNN Philippines pinapatotoo na kinidnap nga nila ni Mr. Edgar Matobato at ng kaniyang grupo si Mr. Sali Makdum.

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Alam ninyo noong unang hearing hindi kilala itong si Mr. Sali Makdum at pinag-dudahan natin iyong kanyang credibility dahil baka nga inexistent ang taong ito. Pero, dito hindi siya nag-waver, ini-insist niya na merong taong ganoon at totoo nga na merong taong ganoon na kinidnap sa Samal Island at pito silang kumidnap ayon doon mismo sa saksi.

Ngayon, ayon kay Matobato, ang Laud quarry sa Ma-a, Davao City na pagmamay-ari ng isang SPO4 Ben Laud ang tapunan ng mga sina-salvage nila.

Base sa ating fact-check, may mga nakitang mga buto noong 2009 dito po sa tinatawag na Gold Cup Firing Range, a privately-owned premises run and operated by a retired policeman, retired SPO4 Bienvenido Laud alias Tatay Laud. Totoo po ang sinasabi ni Mr. Matobato. Bukod pa diyan, again, another report, the property tagged as Gold Cup Firing Range is allegedly owned and operated by retired policeman identified by the CHR as SPO4 Laud alias Tatay Laud. Totoo ang kanyang salaysay.

Dito pa sa recently posted article ng PCIJ at Rappler lumalabas na noong November 9, 2014, dito nga sa Laud quarry in Davao City ay naging tapunan ng mga bangkay na pinatay ng DDS. So, muli, totoo ang kaniyang sinabi.

17. *Ayon kay Matobato, ang pagkaalam niya, pinatay si Richard King dahil sa away sa babae. Ayon sa ating fact-check, ito ay tugma sa pahayag mismo ni President Duterte. Panoorin natin.*

At this juncture, a video clip of President Duterte holding a press conference was presented.

Ngayon, you be the judge, that is the word of the President. Hindi ko sinasabi na totoo.

18. *Ngayon, ayon kay Matobato, noong 2010 kinidnap ng grupo ni Matobato ang apat na tao. Isa sa kanila ay babae, ex-barangay captain, sila daw ay mga tauhan ni General Matillano at General Palparan na sumusuporta kay Nograles na dating speaker. Sila ay pinatay at itinapon sa dagat. Ayon din kay Mr. Matobato minsan ibinabalot nila ng masking tape or packaging tape, na iyon ang tinuro niya, ang kanilang biktima upang hindi makilala.*

Base sa ating fact-check dalawang supporter ni General Palparan ng party-list group nila ay natagpuang patay: isa dito ay former barangay councilwoman Juliana Noquera, isa ring bangkay na nagngangalang Rolando Miranda was also

recovered on the same day *diyan po sa Kaputian district, Island Garden City of Samal.*

So, again, totoo ang naging salaysay.

*Meron din dito, another news report noong 2010 that the regional police office of Region XI identified the victim as Ronald Miranda who was found dead in the Island Garden City of Samal; while former barangay *kagawad* Juliana "Juling" Noquera was found in Sta. Maria, Davao del Sur.*

So, totoo ang sinabi niya, despite the denials of former Speaker Nograles and his son, Congressman Nograles.

Dito po sinasabi nila former Cong. Pastor Alcover at General Palparan, ini-implicate nila si former mayor and now President Duterte in the abduction of Noquera and Miranda. Totoo ang sinasabi ni Mr. Matobato.

Dito sa picture na ito, babasahin ko, maki-kita ninyo ang iba't-ibang anggulo noong isang bangkay na natagpuan. Ang sabi ni former Cong. Jun Alcover doon sa isang Facebook post: "Ito ay si Ka Onald, security at anti-communist organizer namin sa Calinan, Davao City. Kinidnap ng DDS kasama isang babae, barangay councilor, at pinatay sa saksak at itinapon sa dagat ng Samal Island. Before nailibing ang bangkay, ipinarada namin ito sa Davao City Hall and challenged Digong to arrest the DDS responsible for their deaths. Hanggang ngayon, walang aksyon at resulta sa imbes-tigasyon. Makunsiyensiya ka, Digong! 'Lam mo bakit pinatay sila. Gabaan gyud ka, Digong! Gabaan gyud ka!"

Totoo ang sinabi ni Mr. Matobato.

At this juncture, pictures of dead victims with faces taped, stab wounds and neck strangled were being shown.

Dito po, nais nating ipakita iyong sinabi ni Mr. Matobato kung ano ang ginagawa nila roon sa masking tape, o iyong itinuro niyang packaging tape, na ibinabalot sa mukha. Makikita rin natin ang leeg na ginarote na ang tawag ni Mr. Matobato ay binigti.

Dito rin natin makikita na habang may bigti o ginarote iyong biktima, mayroon pa ring saksak sa dibdib. At kung makikita natin iyong mga lacerations, sinusubukan nilang palakihin iyong butas sa tiyan. Ito ang mga gawain ng DDS.

Now that we have seen the different corroborating evidence on the testimony of Mr. Edgar Matobato, we are faced with a very frightening prospect — that of having a mass murderer as president of the country.

I am sure, prior to this inquiry, all of us have heard of rumors about the Davao Death Squad and that then Mayor Rodrigo Duterte was somehow behind it. But we were able to look the other way because it was convenient for us to do so. All that has changed. We cannot look the other way anymore because now, Edgar Matobato is staring us in the face. He has testified that President Duterte, as mayor of Davao City, was the mastermind behind the Davao Death Squad which was responsible for the killing of more than a thousand persons from 1998 to 2013.

With this, each of us in this august Chamber is at a crossroad and the whole world is watching our next step. On one hand, we can sweep these very serious allegations under the rug or we can decide to fulfill our mandate in our system of checks and balances by expanding our investigation to rule out that possibility that indeed, we have a mass murderer as president of the Republic.

As for myself, the choice is quite clear. Having been guided all my adult life by this phrase in the PMA cadet's prayer and I quote: "Guide us that we may discipline our lives to trail the difficult path rather than to go astray on the easier ways."

I now move that this privilege speech be referred to the Committee on Accountability of Public Officers and Investigations so that an inquiry be conducted to look into the alleged direct involvement of then mayor and now Pres. Rodrigo Duterte and other public officials in the killing of more than a thousand persons in Davao City through the so-called Davao Death Squad.

I so move.

INTERPELLATION OF SENATOR CAYETANO

At the outset, Senator Cayetano stated that the statements of Senator Trillanes contained very serious allegations. Nevertheless, he thanked the latter for being straightforward as he quoted the Bible that "the truth shall set us free." He supposed that either the country has a mass murderer as its President or the President has mass liars as its critics because the two cannot coexist with each other. He explained that the Senate follows the committee system so that it can ferret out what needs to be investigated on, but he pointed out that the speech was in violation of the Rules. He explained that when a matter was already referred to a committee and was being discussed and heard, it is for that committee to hear all related discussions, unless the Body is asking that it be reverted to plenary.

Senator Cayetano clarified that it is the right of Senator Trillanes to bring up things as he desires it, and that he does not want to be accused of gagging Senator Trillanes or not allowing him to speak. He believed that the issue is very emotional for all Filipinos. However, he said that as Senator Trillanes was doing his job, he asked that he be allowed to do his.

On whether he has experience in custodial or preliminary investigation, Senator Trillanes replied that he had quite a lot as far as he could recall.

Senator Cayetano recalled that as a political science student and a lawyer, he was required to observe such investigations at the Fiscal's office of the City of Manila.

Referring to Senator Trillanes's statement that Mr. Matobato could not have understood the affidavit and sworn statement because it was written in English, Senator Cayetano said that as a standard rule, during the preliminary investigation and when the NBI talks to witnesses, they talk in the native language and not in English, otherwise, it would be a violation of the witnesses' rights and a criminal case could be filed against those who are taking the statements because it would be perjurious on their part if they put words into the mouth of the witnesses.

Asked if he had read the affidavit of Mr. Matobato submitted to the NBI, Senator Trillanes replied in the affirmative.

On whether he noticed that the statement was in English, Senator Trillanes believed that it was a standard report. He clarified that it was a sworn statement, not an affidavit which may be one and the same thing for lawyers but not for a Grade 1 student.

Senator Cayetano informed the Body that the sworn statement of Mr. Matobato was given before Agent Eugene Javier IV in the presence of Agent Oliver De Rivera and witnessed by Joselita Abarquez in the office of the Anti-Organized and Transnational Crime Division (AOTCD), Death Investigation Unit, National Bureau of Investigation, Taft Avenue, on the 4th day of September, 2014. He pointed out that what was conducted was not a custodial investigation since the witness volunteered to become a state witness and that he was giving a sworn statement. He clarified that the statement of Mr. Matobato was different from what is usually seen in crime *telenovelas* because he chose to speak. He said that

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the questions were asked in the dialect known to him and thereafter was truly and accurately translated in the English language. He added that there was no truth that because it was written in English, it was not possible for Mr. Matobato to understand the statement because it was explained to him in Bisaya or Tagalog dialects.

As to where the affidavit went after the NBI, Senator Trillanes stated that he was willing to submit, accede and concede to the points raised by Senator Cayetano so that the Body could act on the pending motion on the floor.

Senator Cayetano asserted that Senator Trillanes tried to paint to the public that Mr. Matobato is a credible witness. He stated that he would like to be given the chance to engage Senator Trillanes in a polite and sober discussion because he respectfully and humbly disagreed with the latter's presentation. He stressed that instead of standing on a question of personal privilege, the public should be allowed to listen to the discussion and allow them to judge whether or not Mr. Matobato is credible.

On the question as to where the affidavit went, Senator Cayetano informed the Body that it went to the DOJ where Mr. Matobato was kept in the Witness Protection Program (WPP). He stated that the affidavit was used to file cases which were dismissed.

Asked if he was aware that the cases filed by Mr. Matobato against the five policemen for torture, arbitrary detention and violation of human rights of a detained person were dismissed by the DOJ during the time of President Aquino, Senator Trillanes inquired where the questions of Senator Cayetano would lead to. He stated that he was the wrong person to test the credibility of Mr. Matobato, and that he presented the findings that were gathered based on his limited capability. He maintained that it was up to the people and especially the senators to decide on the matter and that he was not the one testifying nor did he make allegations against President Duterte.

Disagreeing with Senator Trillanes, Senator Cayetano stated that Senator Trillanes made representations and conclusions that Mr. Matobato was credible and that there were no inconsistencies. He explained that when a senator stands up to interpellate, it is to test either the prejudice or wisdom of the speaker; if the speaker is able to satisfy the

questions, then the interpellator would have to admit that his initial reaction was wrong and that the witness is credible; however, if the questions were not answered, it would be up to the Body to make a consensus. Moreover, he maintained that the speaker may leave the hall believing that the witness is credible while the interpellator may leave believing otherwise, but at least, the other senators and the public would have the benefit of both sides and not just one.

At this juncture, Senator Cayetano stated that on June 30, 2016, the day the President took his oath, the DOJ, through Assistant State Prosecutor Charlie Guhit, dismissed the cases filed by Mr. Matobato. He stressed that it was not the DOJ under President Duterte that decided on it.

As regards the dismissal of the case, Senator Trillanes inquired about the time on June 30 when the case was dismissed, pointing out that President Duterte had already assumed as the President of the Republic in the afternoon of June 30.

Senator Cayetano stated that the time would have to be looked into. Senator Trillanes believed that the time was very essential to the point that Senator Cayetano was making.

Senator Cayetano stated that all the papers and recommendations were on the desk of the Secretary and that he could not have dismissed the case by himself because it had to go through different layers. He also pointed out the fact that the oath-taking of the new DOJ Secretary commenced after the oath-taking of the President. Thus, he believed that all the assessments made from the lower prosecutors to the state prosecutors to the DOJ were done during the Aquino administration.

Asked whether he knows the theory of half-truth, Senator Trillanes said that much as he would want to be schooled by legal jargons, he would not want to waste the time of the Chamber and would rather have his motion decided on the floor. Senator Cayetano said that he was not schooling anyone and that, in fact, he had often asked his fellow senators for help to mentor him because he was used to being in the opposition and there was so much to learn from them. He explained that he brought up the theory of half-truths because it is what criminals and people who are trying to destroy the credibility of others use. He said that the presentation of

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Senator Trillanes was full of half-truths, citing, for instance, the story about the 1993 bombing of a cathedral and mosques which could simply be a narration of Mr. Matobato from newspaper reports to which he added some details. Thus, he asked how much of the testimony of Mr. Matobato was merely hearsay.

As regards the doctrine of half-truths as being used by criminals and liars, Senator Trillanes said he would concede and accept the argument of Senator Cayetano who might be following the doctrine of "it takes one to know one." To Senator Cayetano's claim that Mr. Matobato did not say anything about the 1993 bombing of the cathedral, he quoted page 15 of the September 15, 2016 hearing of the Committee on Justice and Human Rights, to wit:

"Oo, rebel returnees at saka pulis, nagkuwan na kami. Iyong mga opisyal na namin; 1993 binomba ang Cathedral ng Davao City, iyong simbahang. Umorder naman si Mayor Duterte na masakerin iyong mga moske ng mga Muslim."

Senator Trillanes said that the transcript would highlight that it was Senator Cayetano who was practicing the doctrine of half-truths being used by criminals and liars. He said that he saw the need to present the truth in his presentation because there were so many half-truths, pointing out that Senator Cayetano was twisting so many information and facts during the last hearing. He then asked for a division of the House if Senator Cayetano was opposing his motion.

Senator Cayetano said that he was not opposing yet and that he wanted to interpellate Senator Trillanes but if he refuses, that would be his call. He said that the Senate is a hall of gentlemen and ladies who sit and listen to everyone after which they would ask questions and be answered. He opined that it was unparliamentary for Senator Trillanes to say that "it takes one to know one," but he would take no offense, saying he was used to be subjected to a brigade of curses and side-comments everyday. He said that following Senator Trillanes logic that it takes one to know one, the latter was in effect admitting that what Mr. Matobato has been saying were indeed half-truths. He said he was willing to sacrifice his own credibility to prove that the person that Senator Trillanes was protecting was saying half-truths.

Senator Cayetano said that he was not the witness and that if he used half-truths and asked

misleading questions in order for him as a senator to ferret out the truth, then that is allowed. What is not allowed, he said, is for a witness not to tell the truth. He recalled that in the impeachment trial of a former President, Secretary Barbo had to make witnesses swear to "tell the truth, and the whole truth and nothing but the truth." He likewise explained that he did not jump from one argument to the other because his arguments were connected.

Senator Cayetano informed the Body that he also has a presentation but would submit it to the committee in deference to the instruction of Senator Gordon not to lecture members, and that if there are observations, they should be submitted to the committee to be discussed among the Members so that they could be voted upon.

Senator Cayetano nevertheless gave his own observations since, according to him, Senator Trillanes started it. He said that every time that the Body would look at his testimony, Mr. Matobato would jump from pretending to have personal knowledge to hearsay, as in the case of Mr. Makdum.

Senator Cayetano noted that in his affidavit, Mr. Matobato identified Mr. Makdum only as a terrorist and never mentioned that their wives were cousins. He said that if indeed their wives were relatives, it would be logical to warn Mr. Makdum that he would be killed. Also, he said that Mr. Matobato claimed in his affidavit that he was the one who bombed the mosques in Davao but when repeatedly asked, he would conveniently forget it. In another incident, he noted that Mr. Matobato claimed that in 1998 during the start of the term of President Duterte as mayor of Davao City, he was recruited from his battalion in the CAFGU and he was brought to Davao City to be a member of the "Lambada Boys"; however, in his affidavit, Mr. Matobato claimed that he grew up in Davao as a farmer and that in his 20s with only a salary of P3,000, he realized the need to earn a better living and chose to become a mass murderer. He said that Mr. Matobato further claimed in his affidavit that he was attracted to power and the influence of people working for the local government because they were untouchable, thus he joined the Davao City government through the Civilian Security Force.

Regarding the case of Richard King, Senator Cayetano said that in his affidavit, Mr. Matobato claimed that he was being forced to admit to the

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killing of Mr. King but that he did not. He said that Senator Trillanes was right in saying that Mr. Matobato did not claim that he was the one who killed Mr. King but Mr. Matobato went to the extent of saying that he knew that it was SPO2 Reynante Medina who killed Mr. King and that no one in Davao would take the project of such scale and against a person of such level but SPO2 Reynante Medina.

But Senator Cayetano called attention to the September 15, 2016 hearing of the committee when Mr. Matobato changed his story, this time accusing Paolo Duterte of ordering the killing of Mr. King at McDonalds. He adverted to pages 50 to 52 of the transcript, to wit:

"Pagkatapos iyong tumira kay Richard King ayon ang kasamahan ko na rebel returnee na may kasamang pulis doon."

"Sila si Joel Tapales alias 'Turko' at saka si Loloi Gabas, ma'am."

Senator Cayetano surmised that the presentation of Senator Trillanes was made to paste things together to make it appear that the inconsistencies were minor. Thus, he asked if Senator Trillanes was referring to a Supreme Court decision that would say that it was alright because the inconsistencies were minor even if the circumstances of the incident were changed, like the change on the names of the person who killed or how a person was killed.

Senator Trillanes explained that his privilege speech was very clear. He believed that the information that he was able to gather merited further investigation, the reason he made the motion. He said that even as he respects the views of Senator Cayetano who can oppose all he wants, his motion remains to be addressed. He expressed confidence that no matter what he would come up with, he was confident that he would not be able to convince Senator Cayetano anyway. He reiterated his motion to divide the House.

Senator Cayetano said that even if Senator Trillanes might not be able to convince him, the other members of the Body like Senator Sotto and Senator Ejercito as well as the public might be convinced. He said that it is not right to "hit and run" because tradition dictates that interpellations need to be finished first before a motion could be acted upon because arguments need to be discussed.

At this juncture, Senator Cayetano adverted to the Supreme Court ruling penned by Associate Justice Del Castillo in G.R. No. 179497 (*People of the Philippines vs. Mamarungkas*), to wit:

The perceived inconsistency on whether Gepayo knows Ampuan even before the incident is inconsequential as to discredit the credibility of Gepayo's testimony. The inconsistency pointed out by appellants pertains only to collateral or trivial matters and has no substantial effect on the nature of the offense. In fact, it even signifies that the witness was neither coached nor was lying on the witness stand. What matters is that there is no inconsistency in Gepayo's complete and vivid narration as far as the principal occurrence and the positive identification of Ampuan as one of the principal assailants are concerned. "The Court has held that although there may be inconsistencies in the testimonies of witnesses on minor details, they do not impair their credibility where there is consistency in relating the principal occurrence and positive identification of the assailant."

Senator Cayetano explained that erring in the positive identification of the occurrence of the crime, who were involved, where the crime was committed and how the crime was committed are not considered minor inconsistencies, unlike the testimonies of Mr. Matobato that were riddled with inconsistencies, especially when he mentioned McDonald's as the place of the crime which was hearsay and, at that, was even wrong.

Senator Cayetano admitted that he was the one who brought the masking tape to the hearing. He explained that graphic artists, even at the time when computers were not used to create designs, know what specific pen to use for their craft because that is their trade. He said that in the killings where people were taped from head to toe or just the arms, it would not be proper for killers to always bring their equipment with them like tapes or lime, which are used when they bury their victims to avoid foul smell from coming out of the grave or where they would bury the body.

Senator Cayetano also noted that as a member of the DDS claiming to be professional killers and an organized crime syndicate, one should know what kind of tape would be used. In criminal activities, he said that it is common knowledge to use duct tape or packing tape because it is sturdy compared to masking tape that could easily be torn by use of

sharp objects. Thus, he said that Mr. Matobato's little education should not be used as an excuse everytime he commits a mistake in his testimonies because he is 57 years old and claims to be a professional killer at that. He said that there are many individuals who likewise had little education but were successful such as Senator Ople and Bill Gates.

Senator Trillanes noted that while Senator Cayetano asserted that the discussion was a debate, he has been doing a monologue since 4:20 p.m., jumping from one topic to another.

Senator Cayetano said that he has lots of relevant questions on Senator Trillanes' privilege speech but the latter refuses to answer. He said that it was not parliamentary feasible that a speech be delivered without any member of the Chamber interpellating the speaker.

Asked if he was saying that there are state-sponsored extrajudicial killings, Senator Trillanes pointed out that the reason there was a need for an investigation was to rule out any possibility that President Duterte was involved with the DDS during his time as mayor. He said that while he was not in the position to make judgments either way, there is a need to have a deeper look because not only the whole country but the whole world is watching the committee's next step.

He added that he was not trying to oust anybody, or at least not yet, but that he was only proposing to investigate a very serious matter. He said that he concedes that Senator Cayetano was wiser than him many times over, but he pointed out that he was not running away from the debate as what Senator Cayetano kept saying.

Senator Cayetano stated for the record that Senator Trillanes was a friend, that was why he was surprised at the latter's remark, "*Hindi kita papormahin dito. Pa-bible-bible ka pa, evil naman ang prinoprotektahan mo.*"

Senator Cayetano said that he does not retreat from any debate and that he was simply avoiding a clash because he was being trash-talked by Senator Trillanes who he considers not merely a friend but like a brother. He said that if Senator Trillanes would approach and hug him, he would hug him back; but if challenged, he would not retreat.

He also asked where Senator Trillanes' hate was coming from, saying that even if they come from opposite sides of the political aisle, he has never treated him as an enemy.

Considering that Senator Trillanes was given the opportunity to discuss the merits of Mr. Matobato's statements, he also asked for an opportunity to test his thesis. He explained that he was not stirring any fight as he believed that both of them would be waging more fights together in the future. He reiterated that he did not know where the animosity was coming from, believing that it was farfetched to be at odds with each other only because they have different views about President Duterte.

Senator Trillanes denied having animosity in the tone of his voice. He said that relatively speaking, he was at his calmest and best behavior.

SUSPENSION OF SESSION

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

It was 4:36 p.m.

RESUMPTION OF SESSION

At 5:22 p.m., the session was resumed.

ACKNOWLEDGEMENT OF THE PRESENCE OF GUESTS

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

- Miss Global Philippines Foundation founder and chairman Rizza Lao;
- Miss Global Philippines Foundation Director Rosemarie Basa;
- Miss Global England, Sophie Rankin;
- Miss Global 1st Runner-Up, Camille Hirro;
- Miss Global 4th Runner-Up, Britt Rekkedal; and
- Mr. Alec Cao and Dr. John Jansen.

Senate President Pimentel welcomed the guests to the Senate.

MANIFESTATION OF SENATOR CAYETANO

Stating that he could not forget the camaraderie he shared with Senator Trillanes, Senator Cayetano

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asked forgiveness from the Body for his reaction during the interpellations even as he merely sought to discuss issues of national importance.

Firstly, he believed that it was an insult to the Committee to have a member present during his individual assessment in plenary of committee witnesses until there is a committee report. The proper procedure, he said, is to allow the witness to testify and, if necessary, wait for one's turn to ask questions, use the media to express a one's opinion or the credibility of the witness or manifest one's observations before the committee submits its report.

Secondly, he explained that he made his manifestation to show that nothing has changed since most of Mr. Matobato's testimonies are hearsay while those that are not are inconsistent to the point that it will not be credible in any legal proceeding precisely because it goes into the crime itself.

At this juncture, Senator Cayetano narrated a short story about how much controversy had arisen in a peaceful town after a resident started spreading rumors about another resident whom he claimed was a murderer only to find out that there was no truth to the gossip. He said that the rumor-monger confessed his sin to a priest who, in turn, told him to bring a pillow of feathers to the peak of the highest mountain, scatter its contents to the wind and then gather each one back as penance for what he had done. He said that the point of the story was that like scattered feathers one cannot simply take back allegations or accusations made against another person. He claimed that Senators De Lima and Trillanes have made a run of it in the last two months and that even international media such as the *New York Times*, the *Washington Post* and *TIME Magazine* have made assumptions and came up with a verdict without even investigating the issue.

Senator Cayetano also lamented how media decry the violation of human rights when the most basic human right is the sanctity of life followed by due process. He pointed out that even the Lord God himself gave Adam and Eve a chance to explain their reason for covering up their bodies rather than immediately judging them as guilty for having eaten the forbidden fruit.

In this connection, he appealed to the Committee to follow the soft agreement of not giving any cause to the media to question the President on domestic

issues as he would be going to Vietnam on Wednesday and Thursday to protect the OFWs, try to bring home foreign investments and make allies in the country's maritime dispute in the West Philippine Sea.

Moreover, Senator Cayetano noted that while there were as many deaths, murders and homicides during the Aquino administration as in the present, the difference was that the police have been instructed to engage the criminal elements only if their own lives are endangered since some, such as drug pushers, are also users who are under the influence of these illegal substances.

On another matter, Senator Cayetano explained that unlike vigilante killings which are sponsored by the state and wherein the perpetrators are no longer tried and just shot dead by people who act as accusers, judges and executioners, those behind vigilante-like killings are still investigated by the authorities.

He also lamented the fact that of all the recent presidents, it was President Duterte who had done the most during his first 100 days. Moreover, he noted that because the Chamber has focused on human rights and alleged DDS issue, most people are unaware that the Senate was also acting on several legislative issues such as the possibility of granting the President emergency powers; efforts by Senator Villanueva's committee to stop "endo"; ensuring power sufficiency; Senator Lacson's coordination with the police to improve their salary and provide needed uniform and equipment; or that Senator Legarda was holding budget hearings to ensure the passage of the first national budget under the Duterte administration. However, he said that the media and the people are more interested in controversies because these are what sell papers.

Instead of holding weekly live hearings on the issue of extrajudicial killings that have negatively affected OFWs and the economy, he appealed to Senators Trillanes, De Lima and the other members to help the other 100 million Filipinos who will also gain from the efforts of President Duterte. He also suggested that other committees be given the opportunity to tackle other issues.

Senator Cayetano recalled that even Senator Enrile, who had been critical of the Aquinos, was supportive of the former administration even way past the 100-day honeymoon period of President

Aquino which actually ended when the Napoles issue came out in 2013. On the other hand, he pointed out that so many issues have been raised against President Duterte who has not even finished his 100-day grace period.

He acknowledged that there was nothing wrong in criticizing the present government but he stated that people should not try to destroy it. He said that he was aware of a plot to remove President Duterte by certain groups such as some oligarchs, drug lords who are losing billions of pesos, and even corrupt officials who would be affected particularly by plans by the administration to put a stop to illegal gambling activities. He pointed out that even though the DENR may at times go hard on legitimate mining operations or on land conversions, it was also true that the wasteful use of agricultural land is also a matter of concern.

In closing, Senator Cayetano likened President Duterte to a reset button which meets resistance and opposition from those who are enjoying from the status quo. He urged the Members to debate on these matters without turning these into personal issues or by resorting to intimidation. He believed that while both he and Senator Trillanes would continue to disagree and argue their individual positions on the issue, they both have the best interests of the country at heart. He disagreed that the best way to resolve the problem is to remove President Duterte who is doing a great job.

On the motion to refer the privilege speech to the Blue Ribbon Committee, Senator Cayetano said that the Rules provides that when a topic is already referred to a committee, then it stays in that committee; and that the way to remove a matter from the jurisdiction of a certain committee would be to get a certain number of signatures from the members to this effect or via the submission of a committee report. He noted that the human rights resolution as well as the privilege speeches he and Senator Gordon had delivered were referred to the Committee on Justice and Human Rights along with the DDS resolution which was crafted in a way that the legislative purpose was for the Committees on Public Order and Dangerous Drugs and the Committee on Justice and Human Rights to tackle it.

He also pointed out that it is not the Senate but the House of Representatives that should be the proper venue for investigating President Duterte for

allegations of being a mass murderer since the Senators would be sitting as judges should an impeachment case be filed against him.

MANIFESTATION OF SENATOR SOTTO

Senator Sotto manifested that he was uncomfortable with the issues that were earlier raised by Senator Trillanes.

He informed the Body that he has been a senator under five presidents: President Ramos (1992), Estrada (1998-2001), Macapagal-Arroyo (2001-2010), Aquino (2010-2016) and Duterte (June 30, 2016-present). He recalled that it was during the time of President Estrada that he was a part of the majority that supported the President and that he was with the opposition with all the other presidents. He said that he had never taken part and would never take part in name-calling a President. He then dissociated himself from the term "mass murderer" as used earlier, saying that the term violates Sections 93 and 94 of the *Rules of the Senate*.

INQUIRY OF SENATE PRESIDENT PIMENTEL

Senate President Pimentel noted that the speech of Senator Trillanes incorporated the motion to refer the speech to the Committee on Accountability of Public Officers and Investigations (Blue Ribbon Committee) so that an inquiry could be conducted to look into the alleged direct involvement of then mayor and now President Rodrigo Duterte and other public officials in the killing of more than a thousand persons in Davao City through the so-called Davao Death Squad.

As to how the Body would proceed with the motion, Senator Sotto stated that he would not speak for the Body but only for himself. He said that he would not object to the motion to refer the privilege speech of Senator Trillanes to the Blue Ribbon Committee. He noted, however, that the allegations thereafter have no place in the motion and, if continued, he would object.

MANIFESTATION OF SENATOR GORDON

Senator Gordon stated that he was originally going to make a manifestation concerning the speech of Senator Trillanes. However, he said that he was constrained to act for a couple of reasons.



Senator Gordon averred that there was already a pending hearing that was going on and in a cathartic scenario he had to very reluctantly replace the chairperson of the Committee on Justice and Human Rights. He stated that at that moment, the Body was again facing another scenario wherein the remarks of Senator Trillanes appear to be questioning the ability of every member of the Committee on Justice and Human Rights in appreciating the evidence and the matters being presented to it. He lamented that the slur to the committee was very untoward because it has tried to be very fair.

Second, he observed that it was distasteful on the part of Senator Trillanes to be speaking on behalf of the witness. He recalled that during the hearing when he inquired as to who presented the witness, Senator De Lima replied that it was Mr. Matobato who sought her and that she met him when she was the DOJ Secretary.

Senator Gordon said that it was not fair to the committee that a witness would suddenly come from nowhere because he does not want to be led to a wild goose chase. Nonetheless, he said that the committee took extra precaution by providing Mr. Matobato with a counsel since he did not have any the first time that he appeared before the committee, and considering that any statements that a witness would make in the committee hearings could be used against him in a court of law.

He stated that while it is the right of every senator to agree or disagree with the right temperament, still no one should poison the air of the Chamber by coming out with reckless remarks or by having someone translate what the witness said because the witness is himself the best witness. He reminded the Members that they cannot supplant the witness with their own observations even when as chairman he would allow anyone to interpellate or ask questions to the witness so that he/she would be clarified if the witness was not being given a fair chance to explain himself.

Senator Gordon recalled that during the hearing, Senator Trillanes used only eight of his 10 minutes of interrogation. He stated that he would have given him an extension as he had given Senator De Lima, so that he could make amplifications or could have allowed the witness to amplify his statements even if it would appear that he was being guided. He underscored that the committee aims to seek the

truth from which legislation would be recommended. He stressed that the committee is not out to pillory anybody and is not in the position to say who is the better witness and who is not.

Senator Gordon lamented that the Philippines is beginning to be the laughing stock of the whole world, with both Houses of Congress appearing to be getting down to the level of producing the best criminals to testify in their respective hearings. He stressed the need for Members to interpellate, the reason why it is not proper for anybody to tell a fellow committee member that it is making judgments. He noted that Senator Pacquiao, for one, gave a cogent and logical questioning when the witness could not stand by what he was saying and his statements seemed to be inconsistent.

Senator Gordon recalled Senator Lacson mentioning that the killing of Richard King was not committed at McDonald's and that General Matillano came out with a statement that there were no agents or entities under his command that were detailed to anybody including Congressman Nograles.

Senator Gordon stated that he took time to listen and tried to be as fair as he could to everyone, thus, it is unfair to judge people. He added that because he did not want to embarrass anyone, he suspended the motion and called the attention of any senator who went out of bounds. Moreover, he said that he could have made many inferences because the witness tended to look at Senators Trillanes and De Lima at that time but that he mentioned the matter casually. He stressed that he was not going to do a judgment and that he was not going to sweat the small stuff but to sweat the truth. He said that fairness is his only shield against being told that he is being biased.

He then appealed to the Body that if there are matters they would like to raise, they should do so during the hearing and not in plenary because there would never be an ending to it. He said that the committee system gives latitude and it is up to everyone to ask if he/she needs more time to ask questions. He stressed that the committee has no limitations and franchise and anybody can ask for fairness and equity, the reason why the last committee hearing which started at 2:30 p.m. ended at 8:15 p.m.

Senator Gordon said that he would like to believe that Senator Trillanes did not intend to question the integrity of the proceedings as he reminded the Body

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that he did not and has never asked to be the chair of the Committee on Justice and Human Rights and even of the Blue Ribbon Committee. He said that the committees which he had chaired in the past were given to him and he values the respect of his peers for electing him. He added that it would be up to the Members if they believe he is qualified to handle a hearing with integrity and perspicacity. He averred that he even gave up his seat and emoluments as a member of the Commission on Appointments in favor of his fellow senators because he is very liberal and has the highest respect for everybody. However, he said that respect has its bounds, the reason why he had to caution everybody whenever they go out of it.

Senator Gordon likewise stated that he is astounded whenever his fellow senators use harsh words. He reminded the Body that they were not elected to beat each other with fisticuffs, but that being a senator is a test of mind, of will and of sincerity. He believed that challenging one another is not right and neither should the situation be prolonged.

At this juncture, Senator Gordon joined Senator Sotto in objecting to the motion to refer the speech of Senator Trillanes to the Blue Ribbon Committee. He proposed that the matter be referred to the Committee on Rules and he joined Senator Sotto in dissociating from the use of the term "mass murderer" which, to him, is reserved for the likes of Hitler, Stalin and Pol Pot.

Senator Gordon stated that the Constitution allows Congress to hold the highest official of the land accountable by going through an impeachment process as in the case of former President Estrada. He said that if it is the desire of any Member to impeach President Duterte, it should follow the rules. He said that if the speech is referred to the Blue Ribbon, he would decline to accept because it is a waste of time and taxpayers' money because they would not know whom to call. He reiterated that if the call is for impeachment, it would have to pass through the impeachment proceedings at the House of Representatives.

He encouraged anyone who feels he has evidence to impeach the President by filing a complaint. He stated that despite the Filipinos' colonial hangover that there is no use in fighting a strong enemy, the Chamber's history would prove that it has passed through the crucibles of impeachment. He believed that the *Rules* would allow him to decline accepting

the referral because such action necessitates going through the impeachment process.

At this juncture, Senator Gordon stated that in his old age he tends to muse. He said that in the reflections he would muse on what Senator Villanueva asked him earlier: "Is this the Senate that I ambitioned for?"

In closing, Senator Gordon said that with all liberty, friendship and candor, he would reject the motion to refer the speech to the Blue Ribbon Committee and that the same be referred instead to the Committee on Rules for proper disposition.

OBJECTION OF SENATOR ZUBIRI

Senator Zubiri objected to the motion to refer the speech to the Committee on Accountability of Public Officers and Investigations, as he invoked Section 2, Article XI of the Constitution, to wit:

"Section 2. The President, the Vice-President, the Members of the Supreme Court, the Members of the Constitutional Commissions, and the Ombudsman may be removed from office on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust. All other public officers and employees may be removed from office as provided by law, but not by impeachment."

Senator Zubiri explained that if the issue is to investigate the President, the proper venue would be the House of Representatives. He said that if the House of Representatives would have evidence, then they could paste it together and ask somebody to sponsor it; and the verified complaint of an impeachment that is supported by one third of the members of the Body shall constitute the Articles of Impeachment with the trial commencing at the Senate where the senators would serve as judges pursuant to Section 3(6), Article XI of the Constitution, to wit:

Section 3(6). The Senate shall have the sole power to try and decide on all cases of impeachment. When sitting for that purpose, the Senators shall be on oath or affirmation and the Chief Justice shall preside but shall not vote. No person shall be convicted without the concurrence of two-thirds of all the Members of the Senate.

Senator Zubiri said that he would not make a judgment because there may be an impeachment

[Signature]

case to be filed later on, if such was the plan of certain political groups and personalities.

He appealed to the Members to go back to business as he noted important matters to be tackled like the budget and the confirmation of the Cabinet members.

Asked by the Senate President whether the manifestation was an objection, Senator Zubiri answered in the affirmative.

MANIFESTATION OF SENATOR TRILLANES

Senator Trillanes apologized to Senators Sotto and Gordon about the use of certain words in his privilege speech which might have offended them. He said that it was never his intention to name-call anybody, saying that if he could have gotten the right words to describe the circumstances, then he could have called him by another name.

Also, Senator Trillanes assured Senator Gordon of his highest respects for his capability to handle the committee, particularly his handling of the last hearing. He believed that the Committee on Justice and Human Rights was in good hands. He also apologized if there were some implications or repercussions brought about by his privilege speech.

Senator Trillanes said that he referred his privilege speech to the committee because he deemed it to be the proper committee to handle the subject matter.

MOTION TO REFER THE SPEECH TO THE COMMITTEE ON RULES

At this juncture, Senator Sotto moved to refer the privilege speech of Senator Trillanes to the Committee on Rules for further study and review.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 6:05 p.m.

RESUMPTION OF SESSION

At 6:12 p.m., the session was resumed.

Upon resumption, Senator Sotto reiterated his motion to refer the speech of Senator Trillanes to the Committee on Rules.

Senator Trillanes, for his part, accepted the amendment to his motion and said that he would submit to the wisdom of the Body.

Senator Zubiri likewise withdrew his objection to allow the motion of Senator Sotto to proceed.

REFERRAL OF SPEECH TO THE COMMITTEE ON RULES

Upon motion of Senator Sotto, there being no objection, the Chair referred the privilege speech of Senator Trillanes and its corresponding interpellations to the Committee on Rules.

MANIFESTATION OF SENATOR GORDON

Senator Gordon informed the Body that the Committee on Justice and Human Rights was supposed to resume its hearing on September 28, 2016. However, he said that the committee secretary was not able to release the notices to the Davao City police. He asked Senator De Lima, who forwarded to the committee secretary the list of the police officers to be summoned, to help the committee secretary in contacting the resource persons. Thus, he announced that the hearings would be moved to October 3 and 4, 2015, and, if necessary, a fifth hearing could be scheduled. He also requested the members of the committee for a caucus so that a process could be made on how to handle the human rights groups and the police officers for orderly proceedings.

MANIFESTATION OF SENATOR SOTTO

Senator Sotto expressed his gratitude to Senator Trillanes for accepting his motion which Senator De Lima seconded and duly approved.

ADJOURNMENT OF SESSION

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

It was 6:15 p.m.

I hereby certify to the correctness of the foregoing.


ATTY. LUTGARDO B. BARBO
Secretary of the Senate
ane *h* *psmt*

Approved on September 27, 2016