



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 41
Tuesday, December 17, 2019

**EIGHTEENTH CONGRESS
FIRST REGULAR SESSION**

SESSION NO. 41
Tuesday, December 17, 2019

CALL TO ORDER

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

PRAYER

The Body observed a minute of silent prayer.

ROLL CALL

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

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| Binay, M. L. N. S. | Marcos, I. R. |
| Dela Rosa, R. B. M. | Pacquiao, E. M. D. |
| Drilon, F. M. | Pangilinan, F. N. |
| Gatchalian, W. | Sotto III, V. C. |
| Go, C. L. T. | Tolentino, F. T. N. |
| Hontiveros, R. | Villanueva, J. |
| Lacson, P. M. | Villar, C. A. |
| Lapid, M. L. M. | Zubiri, J. M. F. |

With 16 senators present, the Chair declared the presence of a quorum.

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

Senator Revilla was on official mission abroad.

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

GREETINGS

At this juncture, Senate President Sotto greeted Senator Pacquiao on the occasion of his birthday and Senator Zubiri, who was celebrating his 14th wedding anniversary with his wife, Audrey.

**DEFERMENT OF THE APPROVAL
OF THE JOURNAL**

Upon motion of Senator Zubiri, there being no objection, the Body deferred the approval of the Journal of Session No. 40 (December 16, 2019) to a later hour.

**ACKNOWLEDGMENT
OF THE PRESENCE OF GUESTS**

At this juncture, Senator Zubiri acknowledged the presence in the gallery of the following athletes who won medals in the Southeast Asian Games, namely:

- Ms. Christine Hallasgo of the women's marathon and Sarah Dequinan of the women's heptathlon who are both SEA Games gold medalists from Bukidnon;
- Jose Fernando Casares, SEA Games gold medalist in triathlon;

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- Noelito Jose Jr., SEA Games bronze medalist in men's fencing individual epee;
- Baby Jessica Canabal, SEA Games bronze medalist in women's taekwondo;
- Brandon Kiel Aquino, SEA Games bronze medalist in sailing;
- Janelle Haze Batao-on, SEA Games gold medalist in e-sports; and
- John Michael Pasco, SEA Games bronze medalist in handball.

Senate President Sotto 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. 1238, entitled

AN ACT GRANTING CIVIL SERVICE ELIGIBILITY TO GOVERNMENT EMPLOYEES WHOSE STATUS OF APPOINTMENT IS EITHER CASUAL OR CONTRACTUAL, AND WHO HAVE CONTINUOUSLY RENDERED AT LEAST SEVEN (7) YEARS OF EFFICIENT SERVICE

Introduced by Senator Marcos

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

Senate Bill No. 1239, entitled

AN ACT ESTABLISHING THE PHILIPPINE BUILDING ACT OF 2019, THEREBY REPEALING PRESIDENTIAL DECREE NO. 1096, AND FOR OTHER PURPOSES

Introduced by Senator Lacson

To the Committees on Public Works; and Finance

RESOLUTIONS

Senate Concurrent Resolution No. 4, entitled

CONCURRENT RESOLUTION URGING THE BANGSAMORO TRANSITION AUTHORITY TO DESIGNATE ITS REPRESENTATIVES TO THE PHILIPPINE CONGRESS-BANGSAMORO PARLIAMENT FORUM TO BE CREATED PURSUANT TO ARTICLE VI, SECTION 3 OF REPUBLIC ACT NO. 11054, OTHERWISE KNOWN AS THE "ORGANIC LAW FOR THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO" AND TO MEET WITH THE DELEGATES DESIGNATED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE

Introduced by Senator Zubiri

To the Committee on Rules

Proposed Senate Resolution No. 277, entitled

A RESOLUTION HONORING AND COMMENDING THE PHILIPPINE WINDSURFING TEAM FOR GARNERING GOLD MEDALS IN THE 30TH SOUTHEAST ASIAN (SEA) GAMES

Introduced by Senator Pacquiao

To the Committee on Rules

Proposed Senate Resolution No. 278, entitled

RESOLUTION COMMENDING AND CONGRATULATING THE MEMBERS OF THE PHILIPPINE NATIONAL TEAM WHO HAVE COMPETED AND WON MEDALS FOR THEIR ASTONISHING PERFORMANCE, PLACING THE COUNTRY AS THE TOP OVERALL CHAMPION IN THE 30TH SOUTHEAST ASIAN GAMES

Introduced by Senator Go

To the Committee on Rules

Proposed Senate Resolution No. 279, entitled

A RESOLUTION COMMENDING THE OUTSTANDING YOUNG MEN OF 2019

Introduced by Senator Pacquiao

To the Archives

Proposed Senate Resolution No. 280, entitled

A RESOLUTION COMMENDING AND CONGRATULATING JOHNRIEL CASIMERO FOR WINNING THE WBO BANTAMWEIGHT WORLD CHAMPIONSHIP AT THE ARENA BIRMINGHAM IN BIRMINGHAM, UNITED KINGDOM

Introduced by Senator Pacquiao

To the Committee on Rules

Proposed Senate Resolution No. 281, entitled

RESOLUTION CONGRATULATING AND COMMENDING THE MEDALISTS FROM THE CITY OF VALENZUELA AT THE 30TH SOUTHEAST ASIAN GAMES

Introduced by Senator Gatchalian

To the Committee on Rules

COMMITTEE REPORTS

Committee Report No. 31, prepared and submitted jointly by the Committees on Trade, Commerce and Entrepreneurship; Ways and Means and Finance, on Senate Bill No. 1240, with Senators Villar, Zubiri and Pimentel III as authors thereof, entitled

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

recommending its approval in substitution of Senate Bill Nos. 337 and 524.

Sponsor: Senator Pimentel III

To the Calendar for Ordinary Business

Committee Report No. 32, prepared and submitted jointly by the Committees on Trade, Commerce and Entrepreneurship; and Local Government, on Senate Bill No. 1241, with Senators Recto and Pimentel III as authors thereof, entitled

AN ACT INSTITUTIONALIZING THE ESTABLISHMENT OF TIMBANGAN NG BAYAN CENTERS IN PUBLIC AND PRIVATE MARKETS, AMENDING FOR THE PURPOSE CHAPTER II, TITLE III OF REPUBLIC ACT NO. 7394 OTHERWISE KNOWN AS THE "CONSUMER ACT OF THE PHILIPPINES,"

recommending its approval in substitution of Senate Bill No. 761.

Sponsor: Senator Pimentel III

To the Calendar for Ordinary Business

RESOLUTIONS OF COMMENDATION

With the consent of the Body, upon motion of Senator Zubiri, the Body considered Proposed Senate Resolution No. 245, entitled

RESOLUTION CONGRATULATING AND COMMENDING CHRISTINE HALLASGO FOR WINNING A GOLD MEDAL IN THE 30TH SOUTHEAST ASIAN GAMES AFTER EMERGING VICTORIOUS IN THE WOMEN'S MARATHON AT THE NEW CLARK CITY IN CAPAS, TARLAC ON 6 DECEMBER 2019; and

Proposed Senate Resolution No. 246, entitled

RESOLUTION CONGRATULATING AND COMMENDING SARAH NOVENO DEQUINAN FOR WINNING A GOLD MEDAL IN THE 30TH SOUTHEAST ASIAN GAMES AFTER EMERGING

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VICTORIOUS IN THE WOMEN'S HEPTATHLON AT THE ATHLETICS STADIUM IN THE NEW CLARK CITY IN CAPAS, TARLAC ON 8 DECEMBER 2019.

Thereupon, the Chair recognized Senator Zubiri to sponsor the measures.

OMNIBUS SPONSORSHIP SPEECH OF SENATOR ZUBIRI

Senator Zubiri delivered his omnibus sponsorship to congratulate and honor his two provincemates from Bukidnon, Christine Hallasgo, gold medalist in women's marathon, and Sarah Noveno Dequinan, gold medalist in women's heptathlon.

The following is the full text of Senator Zubiri's speech:

I take to the floor today to congratulate two women from Bukidnon who brought pride to our province and to the nation by netting gold medals at the Southeast Asian Games.

For the women's marathon held at New Clark City on 6 December 2019, 27-year-old Christine Hallasgo from Malaybalay City, Bukidnon, stormed through the competition to a triumphant gold medal finish, completing the 42-kilometer race in only two hours, 56 minutes, and 56 seconds. This win was an underdog surprise and a stunning upset, coming from a first-time SEA Games competitor.

For the women's heptathlon, held at Clark City on 8 December 2019, Sarah Noveno Dequinan brought the country's name to similar acclaim. The 23-year-old athlete from Valencia City, Bukidnon, collected 5,101 points throughout the 100-meter hurdles, the high jump, the shot put, and the 200-meter run, the running long jump, the javelin throw, and the 800-meter run to ultimately score the gold. With this feat, Sarah has claimed a win that has eluded us since the legendary Elma Muros achieved it in 2001. Almost two decades later, we can once again proudly claim that the "toughest woman in Asia" is a Filipina.

Both Christine and Sarah had to do the difficult thing of leaving their families in Bukidnon for a while, in order to put in the necessary training for the SEA Games. Their sacrifice, suffice to say, has paid off immensely. We, in Bukidnon, could not be more proud of them.

They have put our beloved province on the map, and they have brought great pride to the nation.

For all of this, it is my honor to commend Christine and Sarah, who are testament to the astounding capabilities of the empowered Filipina.

ADOPTION OF PROPOSED SENATE RESOLUTION NO. 245

Upon motion of Senator Zubiri, there being no objection, Proposed Senate Resolution No. 245 was adopted by the Body, subject to style.

ADOPTION OF PROPOSED SENATE RESOLUTION NO. 246

Upon motion of Senator Zubiri, there being no objection, Proposed Senate Resolution No. 246 was adopted by the Body, subject to style.

COSPONSORS

Senator Zubiri manifested that all members are cosponsors of the resolutions.

PROPOSED SENATE RESOLUTION NO. 281

With the consent of the Body, upon motion of Senator Zubiri, the Body considered Proposed Senate Resolution No. 281 entitled

RESOLUTION CONGRATULATING AND COMMENDING THE MEDALISTS FROM THE CITY OF VALENZUELA AT THE 30TH SOUTHEAST ASIAN GAMES.

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

SPONSORSHIP SPEECH OF SENATOR GATCHALIAN

Senator Gatchalian delivered the following sponsorship speech to congratulate and commend his fellow *kababayan* from Valenzuela City for the honor and pride that they brought to the country as medalists in the recently concluded 2019 SEA Games.

Following is the full text of Senator Gatchalian's speech:

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I am in high spirits as I stand before all of you this afternoon. Only one week has passed since the Philippines clinched the overall championship at the 30th Southeast Asian Games, but up to now we are still elated with the historic win that our athletes delivered for our country.

By the time our athletes have hauled 149 gold, one 117 silver and 121 bronze medals, we all knew how it felt to WIN AS ONE. Today, I am proud to pay tribute to Valenzuela's athletes who took part in making history and showed our Southeast Asian neighbors that Filipino talent is truly world-class.

Let us recognize my fellow *kababayans* from Valenzuela who are here with us this afternoon, two of them bagged gold medals: Mr. Fernando Jose Casares in the Triathlon-Mixed Relay; and Jeniel "Haze" Bata-Anon in E-sports. Four Valenzuelanos also clinched bronze medals: Noelite Jose, Jr. of the Philippine Fencing Team, and coincidentally, he is also a Pio Valenzuela scholar—that is a very coveted scholarship program in Valenzuela; Ms. Brandhon Kyrielle Aquino of the Sailing International Men's Event; Baby Jessica Canabal of the Taekwondo Women's Team; and John Michael "Amay" Pasco of the Men's Beach Handball Team.

Bilang isang mamamayan at dating alkalde ng Lungsod ng Valenzuela, lubos kong ipinagmamalaki ang tagumpay ng aking mga kababayan sa nagdaang Sea Games. Commending our players from Valenzuela is not just an acknowledgment of their talent and triumph, but it also proved to us that hard work, determination, and love for sports have led them to greater heights. Hindi po biro ang pinagdaanan nilang sakrispiso sa pagsasanay para lamang maiwi ang medalya. Mas lalong hindi biro ang maging malayo sa kanilang mga mahal sa buhay para lamang mag-ensayo.

Hindi lamang po sila ang nagbibigay ng inspirasyon sa akin. Nagpapasalamat din po ako sa lahat ng mga taga-Valenzuela na taos. pusong nagbibigay ng suporta sa ating mga manalalaro.

Our very own players received an outpouring of well wishes and other forms of support from our local government officials to every *kababayan* on the streets of Valenzuela City. *At sa kanilang pagwawagi, hindi lamang sila nag-uwi ng karangalan para sa kanilang sarili. Ang kanilang tagumpay ay tagumpay ng lungsod ng Valenzuela at ng ating bansa.*

Our winning athletes remind us that it is time for us to write a new chapter in the history of

sports development in our country. They inspire us to create a nurturing environment that will help them develop their talents, exceed their limits, and achieve their dreams.

I strongly believe that the greatest honor we can give them is to boost sports development in our country so that athletes like them could reach their full potential and be well-equipped for the world stage. Let us both maintain and sustain the enthusiasm and energy we showed at the Southeast Asian Games and support the next generation of Filipino athletes.

Looking forward to the new year, I am very excited on our proposed Philippine High School for Sports that will help develop more world-class Filipino athletes.

It is my dream to see more young Valenzuelanos develop their talents and become global athletes.

Sa mga kapwa kong Valenzuelano na nagdala ng karangalan sa aming mahal na lungsod at sa buong bansa, alam kong malayo pa ang inyong mararating upang makapag-uwi ng mas marami pang karangalan. Sa pagpatuloy ng inyong paglalakbay, makakaasa kayo na katuwang po ninyo ako.

I urge you to join me in congratulating and commanding our Southeast Asian Games medalists from the City of Valenzuela who brought honor and pride to our country.

Mabuhay ang mga atletang Pinoy! Mabuhay ang mga manlalaro ng Valenzuela City!

MANIFESTATION OF SENATOR DELA ROSA

Senator Dela Rosa joined the Chamber in commending all the Filipino athletes who actively and excellently participated in the recent Southeast Asian Games. He stated that aside from reaping gold, silver, and bronze medals for the country, they also won the hearts of other SEA Games competitors and the whole world for demonstrating the highest degree of sportsmanship, discipline, and supreme distinction of what Filipino athletes are made of.

He said that as a sports person himself, once a varsity player of the Philippine Military Academy and was into boxing, judo, and wrestling during his PMA days, who almost made it to the national team in wrestling during the "Gintong Alay" days of Michael Keon, he felt the joy and triumph of the local



athletes whose hours of tireless practices and indefatigable sacrifices paved the way to success.

He believed that being into sports not only enhances the physical stamina and well-being of an individual but also nurtures one's emotional and mental discipline in achieving the personal goal of excelling in one's chosen sports.

As he thanked the athletes who have inspired the youth to spend time on sports, he gave them his salute for giving honor to the country and to the Filipino people.

COAUTHORS

Senator Zubiri manifested that all members of the Body are coauthors of Proposed Senate Resolution No. 281.

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 3:23 p.m.

RESUMPTION OF SESSION

At 3:29 p.m., the session was resumed.

SPECIAL ORDER

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of Committee Report No. 30 on Senate Bill No. 1233 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 30 ON SENATE BILL NO. 1233

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1233 (Committee Report No. 30), entitled

AN ACT EXPANDING THE USE OF THE LEGAL ASSISTANCE FUND, AMENDING FOR THE PURPOSE SECTION 26 OF REPUBLIC ACT NO. 8042, AS AMENDED, OTHERWISE KNOWN AS THE MIGRANT

WORKERS AND OVERSEAS FILIPINOS ACT OF 1995.

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

The Chair recognized Senator Villanueva for the sponsorship.

SPONSORSHIP SPEECH OF SENATOR VILLANUEVA

Senator Villanueva, on behalf of the Committee on Labor, Employment and Human Resources Development and the Committee on Foreign Relations, submitted for plenary consideration Senate Bill No. 1233, entitled "An Act Expanding the Use of the Legal Assistance Fund, Amending for the Purpose Section 26 of Republic Act No. 8042, as Amended, Otherwise Known as the Migrant Workers and Overseas Filipinos Act of 1995," under Committee Report No. 30

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

Tatlong buwan na po ang nakararaan nang magbaba ng hatol ang Syrian District Criminal Court na guilty sa kasong murder si Mouna Ali Hassoun, ang employer ng kababayan nating inabusado, pinaslang at itinago sa loob ng freezer sa isang inabandonang apartment sa Kuwait na si Joanna Demafelis. Halos tatlong taon pong paghihintay mula nang una nating mabalitaan ang pagkawala ni Joanna Demafelis noong 2017.

Habang nakikipaglaban para sa hustisa ang kaniyang mga pamilya at mahal sa buhay ang ating gobyerno, isang kababayan din natin ang kinidnap at ginahasa naman noong ika-4 ng Hunyo 2019 ng isang Kuwaiti police officer na si Fayed Naser Hamad Alajmy. Nangyari po ito pagdating na pagdating sa Kuwait ng ating kababayan para magtrabaho bilang household service worker.

Dalawang linggo matapos ang insidenteng ito, isang kababayan naman nating biktima ng illegal recruitment at human trafficking ang namatay sa Morocco matapos siyang tumalon diumano mula sa ikatlong palapag ng tinitirhang apartment matapos daw ang mainit na



pakikipagtalo sa kaniyang employer noong ika-22 ng Hunyo 2019.

Ang tatlong pangyayaring ito ay napakaliit na porsiyento lamang ng hindi po mabilang na kaso ng pang-aabuso sa ating mga OFWs. Noong ika-6 lamang ng Oktubre, 158 Pilipino mula sa United Arab Emirates na biktima ng illegal recruitment at human trafficking ang sapilitan ding umuwi at ipinaawi dito sa ating bansa.

Bukod po sa physical abuse, marami rin sa ating mga kababayhan ang nakaranas ng psychological abuse kaya nga po isinulong at ipinasa natin noong nakaraang Kongreso ang Social Welfare Attaché Law; hindi pagbabayad ng tamang suweldo o delayed na pagbayad ng suweldo; contract alteration tulad ng nangyari sa mga Pinoy truck drivers sa Poland at Germany at sa iba pang lugar sa Europa.

Maging sa atin pong opisina, araw-araw po nakatatanggap tayo ng mga liham, sulat, at e-mail mula sa mga OFW sa iba't-ibang panig ng mundo, na humihingi ng tulong upang ma-rescue sila sa kanilang mga mapang-aping employers, o upang matulungan sila sa mga kasong nasasangkutan nila sa ibang bansa.

Kaya nga po kailangan natin ng makabuluhang reforma sa ating batas upang paigtingin pa ang proteksyon para sa ating mga bagong bayani, para sa ating mga OFWs, gayundin ang mga programang magpapatingkad ng pagkalinga ng gobyerno sa kanila.

This is in line with the 1987 Constitution which decrees the full protection of labor, both local and overseas, as a primary social economic force. To be sure, however, full protection of labor under the Constitution does not simply mean and end at mere provision by the State of work and equal employment opportunities for its workforce. Full protection of labor more significantly implies a continuing positive duty on the part of the Senate to ensure that the rights of its workers are at all times protected and their welfare promoted and improved at every chance possible.

According to the Department of Labor and Employment (DOLE), as of June 2019, there are approximately 8,985,377 overseas Filipinos abroad — 3,352,188 of whom are Filipino migrant workers. Meanwhile, according to the Department of Foreign Affairs (DFA) the number of overseas Filipinos who have sought the help of the DFA for legal assistance has been on a steady increase. In 2018, there were approximately 3,735 overseas Filipinos who were assisted by the DFA through

the Legal Assistance Fund. Meanwhile, as of August 31, 2019, approximately 4,116 already benefited from the Legal Assistance Fund.

These data reflect not only the practical utility of the Legal Assistance Fund and its advantages, but also and more importantly, the existence of the actual need for immediate and prompt legal assistance to the thousands of migrant workers and Filipinos abroad.

It is in this context that I am sponsoring Senate Bill No. 1233 under Committee Report No. 30, which aims to amend Section 26 of the Migrant Worker's Act and aims to achieve the following:

First, this measure seeks to strengthen and expand the use of the Legal Assistance Fund to include bonds required not just by the courts but also by other agencies or tribunal. The law's application, thus, is not only limited to payment of bonds for purposes of securing provisional liberties but also to such other bonds required by courts, tribunals, or government agencies.

Second, the proposed amendment to Section 26 of the Migrant Workers Act authorizes our foreign posts to engage the services of paralegals with special knowledge and familiarity with the language, laws, rules, procedures, customs, and traditions of the foreign country. This allows our foreign posts to immediately provide, at the very least, such basic or first-aid legal services that migrant workers and overseas Filipinos in distress may need. The aim is to advance and improve not only the quality but also the promptness of the delivery of these services to our migrant workers and overseas Filipinos.

Third, the amendments mandate in no uncertain terms that legal support and the Legal Assistance Fund shall immediately and at all times be made available to distressed migrant workers and Filipinos abroad. It further clarifies that such assistance shall be given from the moment the case is initiated, or the proceeding is commenced, until its termination, promulgation, and execution. This assistance extends further to all appeals taken on these cases, thereby guaranteeing full and complete support to distressed Filipino overseas.

Lastly, the measure clarifies that the implementing rules and regulations of the Act may authorize the Secretary of Foreign Affairs to delegate the authority to approve an expenditure chargeable to the fund to the head of post, subject, of course, to existing rules and regulations of the Commission on Audit (COA). This

Araw-araw, masasaksihan sa airport ang paghahatid at pagsundo ng kani-kanilang pamilya sa mga paalis at pabalik ng bansa na mga OFW. Sana dumating ang pagkakataon na hindi na kailanganing mangibang-bansa ng ating mga kapwa Pilipino para maghanap ng oportunidad upang mapabuti ang buhay ng kanilang pamilya. Ngunit hanggang hindi pa dumarating ang araw na iyon na ating pinapangarap, nawa'y matulungan natin sila sa pamamagitan ng isang batas na magsisilbing sandigan nila sa mga pagkakataong malalagay sila sa peligro.

Ang pagsasabatas po ng panukalang ito ay isang pagpupugay sa ating mga bagong bayani sa kanilang kontribusyon at sakripisyo para sa kanilang pamilya at para sa ating bansa ngayong buwan ng overseas Filipinos. Let us commemorate the "Month of Overseas Filipinos" with the swift passage of this measure.

COSPONSORSHIP SPEECH OF SENATOR ANGARA

At the instance of Senator Angara, upon motion of Senator Zubiri, there being no objection, the Body approved the insertion of his cosponsorship speech on Senate Bill No. 1233 into the Record of the Senate.

Following is the cosponsorship speech of Senator Angara:

Kami po ay tumatayo para ipakita ang aming pagsuporta sa panukala para palawigin at paigtingin ang paggamit ng Legal Assistance Fund sa ilalim ng pangangasiwa ng Department of Foreign Affairs (DFA) para tulungan ang mga kababayanan nating OFW.

Paulit-ulit rin kasi nating nababalitaan ang mga kuwento ng mga Pilipinong nasasangkot o napapabilang sa iba't-ibang kaso sa mga bansa kung saan sila nagtatrabaho — mga kaso ng illegal recruitment, unlawful change of contract, pang-aabuso, panggagahasa, at pagpapaslang.

May pagtugon naman ang gobyerno natin sa mga kasong ito. Pero base sa nalaman at nabasa natin mula sa pagdinig tungkol sa panukalang ito, maaaring pabilisin pa lalo ang pagtugon na ito kung magkakaroon ng mga reforma sa ating Migrant Workers Act.

There is a saying about the existence of the "long arm of the law" that, in principle, distance

should not necessarily be a factor on whether or not a law is applied. In reality, however, the reach of our laws – especially those that protect our workers abroad – is only as far as the magnitude, intensity and efficiency at which we enable those who are mandated to enforce it.

Kaya po noong nakaraang Kongreso, isa kami sa nag-sponsor ng batas para pormal na itatag at paramihin ang mga Social Welfare attaché na nakadestino sa ibang bansa. Sila ang magsisigurado, sa tulong ng mga kawani natin sa mga embahada, na tunay na mapoprotektahan ang karapatan ng ating mga OFW.

It is in this same vein that we stand right now to cosponsor this measure to expand the use of the Legal Assistance Fund. Our aim is to bring life to the mandate of our government to care for and nurture its people wherever they may be around the world.

This is why we stand fully behind our seatmate, the Chair of the Senate Committee on Labor, Employment and Human Resources Development, Sen. Joel Villanueva.

It is only right and constitutional that our government extends all the support it can to protect the interests of our people, especially those who are eking out a living in other countries.

COAUTHORS

Senator Zubiri manifested that all senators present be made coauthors of Senate Bill No. 1233.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1233

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

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Zubiri acknowledged the presence in the gallery of Mayor Haron D. Omar, Sr. and his party from Magsaysay, Lanao del Norte.

Senate President Sotto welcomed the guests to the Senate.



**COMMITTEE REPORT NO. 9
ON SENATE BILL NO. 1083**

(Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1083 (Committee Report No. 9), entitled

AN ACT AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 9372, OTHERWISE KNOWN AS AN ACT TO SECURE THE STATE AND PROTECT OUR PEOPLE FROM TERRORISM.

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

Thereupon, the Chair recognized Senator Lacson, sponsor of the measure, and Senator Drilon for his interpellation.

INTERPELLATION OF SENATOR DRILON

Senator Drilon hoped that he could attract the Body's attention as he clarifies certain issues on the measure during the period of interpellations as he gave assurance that the questions which he would raise, as well as the amendments that he would submit during the period of amendments, were aimed to make the provisions clear, to remove substantive and procedural ambiguities, and to make the law and its implementation and prosecution more effective. In this context, he explained that he was availing of the period of interpellations in order to submit his views on how to improve the bill so that the prosecution arm and the law enforcement agencies of the government would be more effective in their task to secure the country's borders and national security.

Senator Lacson replied that any intervention which would enhance the measure would be very much appreciated.

Relative to the principle of civilian supremacy found in Article II, Section 3 of the Constitution, Senator Drilon noted that the bill proposed some amendments that would give an expansive role to the Armed Forces of the Philippines (AFP) in the fight against terrorism, among which are the following:

- 1) The military is given the authority to undertake surveillance activities upon the written order of the

Court of Appeals; 2) The military establishment can also apply with the Court of Appeals to compel communication service providers and internet service providers to produce customer information and identification records; 3) The military can also apply for an order to undertake surveillance activities; 4) The military can execute a joint affidavit in connection with the deposit of interceptive and recorded communications with the issuing court; 5) The military can also take in custody a person charged with or suspected of committing any terrorist act or any attempt, or conspiracy to commit terrorist acts or any member of the proscribed group of persons, organizations or association without need of judicial warrant of arrest and subject to certain conditions; 6) The AFP may also conduct upon authority of the court examination of bank records. He then asked if such an expansive role of the military would impinge on the principle of civilian supremacy over the military as enshrined in the 1987 Constitution should the bill becomes law. Senator Lacson replied in the negative, stressing that the primary function of law enforcement rests on the police organization, while the military would only play a supportive role to assist the police organization in the implementation of the proposed measure. However, he clarified that in areas where terrorist activities are rampant and military presence is necessary, the AFP would also be allowed to secure judicial authorization to monitor or conduct surveillance against terrorist groups or terrorist individuals.

Senator Drilon then asked whether the AFP should be given more extensive role and even take the lead when the situation involves suppression of insurgency or other serious threats to national security, as he called attention to Section 12 of Republic Act No. 6975 which provides that the Department of the Interior and Local Government (DILG) shall be relieved of the primary responsibility on matters involving suppression of insurgency and other serious threats to national security, and Section 3 of Republic Act No. 8551 which provides that the PNP, through information gathering and performance of ordinary police functions, shall support the AFP on matters involving suppression of insurgency except where the President shall call on the PNP to support the AFP in combat operations. He pointed out that under the present law and practice, the AFP is given a lead role even on matters involving national security. Senator Lacson agreed but he clarified that the military operates mostly in rural areas where the insurgency is so prevalent that the police could not



handle the situation or the security threat alone. By and large, he said that that AFP is in charge of external threats, while internal threats are taken care of by the PNP.

Senator Drilon stated that whether the AFP or the PNP would have jurisdiction over an offense depends on the purpose for which the act being committed, and he opined that when the act threatens national security, then it must be within the purview of a terrorist activity which should be within the jurisdiction and primary responsibility of the AFP as defined under existing laws. Conversely, Senator Lacson maintained that if external threats are involved, the AFP takes the lead role but as regards internal threats, it is a complex situation because acts of terrorism are borderless crimes. Since a terroristic act may be committed outside Philippine jurisdiction, he said that the application of the law should be made proactive to prevent any massive damage not only on infrastructure but also the social, political, and economic structure of the country. He agreed with Senator Drilon that the PNP has the primary obligation and duty to suppress terrorism, and that the AFP would play a secondary role only in instances specified under the proposed law.

On Section 4 of the bill, Senator Drilon remarked that the noun “terrorism” as a description of the crime is better than “terrorist acts.” He said that at the appropriate time, he would propose to retain the noun “terrorism” to describe the offense.

Saying that Section 4 reflects the extraterritoriality principle because of the phrase “in or outside of the Philippines,” Senator Drilon noted that under the present law, Republic Act No. 9372, Section 58 thereof, the principle of extraterritoriality would apply: first, against individual persons who commit any of the crimes defined and punished under the Act within the terrestrial domain, interior waters, maritime zone, and airspace of the Philippines; second, when the individual persons who, although physically outside the territorial limits of the Philippines, commit, conspire, or plot to commit any of the offenses punished by this Act inside the territorial limits of the Philippines; third, persons who, although physically outside the territorial limits of the Philippines, commit any of the said crimes on board Philippine ship or Philippine airship; fourth, when the person, although outside the territorial boundaries of the Philippines, commits crimes against a Filipino citizen; fifth, when the individuals who, while physically outside the territorial

jurisdiction of the Philippines, commit the said crimes directly against the Philippine government.

To the observation that Section 4 of the bill poses a change in concept as there would no longer be a need for nexus in the Philippines compared to the present law where there is always a relation to the security of the Philippines, its territory, or the Filipino citizen, Senator Lacson said that the principle of extraterritoriality is still applies in the sense that it concerns the interest or the safety and security of the Philippines and the Filipinos residing in the country.

Asked if he would agree to reinstate the instances where extraterritoriality applies, the important factor being the element or objective involving national territory, terrestrial domain, interior waters, maritime zone, and airspace of the Philippines, Senator Lacson assured that he would maintain the same principle in the bill.

Senator Drilon noted that as presently phrased, under the bill, a foreign terrorist who cross borders with the purpose of committing terrorist acts would be punished with life imprisonment by Philippine courts, so that theoretically, a Malaysian terrorist who travels to Indonesia to commit acts of terrorism in Indonesia can be punished under the definition of a “foreign terrorist” under the law. Senator Lacson clarified that the long arm of the Philippine law cannot overreach to a country like Indonesia or Malaysia; however, if that terrorist attempts to come to the Philippines, even if he committed a crime of terrorism in Indonesia or Malaysia or in another country, he can be punished with a maximum penalty of life imprisonment without the benefit of parole under the proposed measure. He said that the principle of extraterritoriality was proposed to prevent the Philippines from becoming a safe haven for terrorists, mentioning the Maute fighters who were influenced by foreign terrorists.

But Senator Drilon pointed out that the foreign terrorists who influenced the Maute fighters did not commit a punishable offense while in Philippine territory, but he agreed that they can be punished in the event that they intended to commit terrorism acts in the Philippines. He opined that it is not a correct legal principle that they should be punished in the Philippines for acts done in another country but which do not affect the Philippines.

Senator Lacson explained that the proposed measure seeks to expand the coverage of terrorist acts to include a foreign terrorist who committed a



terrorist act outside of the country's jurisdiction and who, with sufficient evidence against him being a terrorist, would be arrested, charged with the crime, prosecuted, and punished, once he sets foot in the Philippines. He added that the arrest would depend on the intent or purpose of getting in the country.

Asked if the said foreign terrorist who happens to be going to Boracay for leisure would still be subject to arrest, Senator Lacson said that theoretically, that terrorist could still be covered under the proposed measure.

Asked if the proposed measure considers terrorism as a continuing offense so that a foreign terrorist who crosses the border with no intention of committing any act of terrorism would subject him to life imprisonment in the country, Senator Lacson explained that a foreign terrorist who committed acts of terrorism abroad and goes to Boracay for some rest and recreation would be covered under the proposed measure by virtue of the principle of extraterritoriality. But Senator Drilon asked why a foreign terrorist should be punished with life imprisonment when there is no point of contact or nexus insofar as the Philippines is concerned.

At this juncture, Senator Tolentino agreed with Senator Drilon when he cited Article 2 of the Revised Penal Code on the application of its provisions, specifically the requirement that the offense should be committed while on a Philippine territory. But he believed that Senator Lacson may be referring to the universality principle, a new customary international law that is presently generally accepted. He explained that even without the nexus that Senator Drilon was asking for to establish the Philippine law's jurisdiction over foreign terrorists in the country, there is jurisdiction by virtue of the universality principle, which "refers to the idea that a national court may prosecute individuals for serious crimes against international law — such as crimes against humanity, war crimes, genocide, and torture, terrorism — based on the principle that such crimes harm the international community or international order which individual States may protect. Generally, universal jurisdiction is invoked when other traditional bases of criminal jurisdictions are not available, for example: the defendant is not a national of the State; the defendant did not commit a crime in that State's territory or against its nationals; or the State's own national interests are not adversely affected." He said that the norm suggests that states are obligated to intervene diplomatically or even, to the

extreme, militarily to prevent the commission of such crimes." As to where the nexus or connection that Senator Drilon was trying to find out, he said that the connection lies in the disruption of the general international legal order when someone commits a crime, whether it is within the territory or outside the territory of the Philippines by a foreign national, by a Filipino, if it affects such crimes such as terrorism.

In addition, Senator Lacson quoted the Institute of International Law in its resolution on universal jurisdiction, to wit:

"Universal jurisdiction in criminal matters, as an additional ground of jurisdiction, means the competence of a state to prosecute alleged offenders and to punish them if convicted, irrespective of the place of commission of the crime and regardless of any link [nexus] of active or passive nationality or other grounds of jurisdiction recognized by international law."

Senator Lacson said that in the case of the proposed measure, the country is invoking the extraterritorial application provided that the said clause could be justified by one of the recognized principles: 1. active nationality principle; 2. protective principle; 3. passive principle; and 4. universality principle under international law.

Senator Drilon said that the present Revised Penal Code, or Act No. 3815, very clearly outlines when extraterritoriality can be invoked, as he specifically quoted Article 2 thereof, to wit:

Article 2. Application of its provisions. — Except as provided in the treaties or laws of preferential application, the provisions of this Code shall be enforced not only within the Philippine Archipelago, including its environment, its interior waters and maritime zone, but also outside the Philippines, among those who:

XXXX

5. Should commit any of the crimes against national security and the law of nations..."

And he pointed out the crimes against national security: treason, conspiracy and proposal to commit treason, misprision of treason, espionage; on the other hand, the crimes against the law of nations are inciting to war or giving motives for reprisals, violation of neutrality, correspondence with the hostile country, flight to the enemy's country, piracy in general and mutiny on the high seas or in Philippine waters.

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Senator Drilon said that in the case of *People of the Philippines vs. Lol-lo and Saraw*, the Supreme Court held that “piracy is not a crime against any particular state but against all mankind,” that is why even if there is no point of contact in the Philippines, they are punished because by tradition and by practice, piracy is a crime against humanity. He added, however, that extraterritoriality is an exception to the general rule and, therefore, that exception must be clearly justified because a very broad or loose application of extraterritoriality can result in many legal questions to resolve. He noted that in the particular case mentioned by Senator Lacson that even if there is no point of contact in the Philippines the terrorist can be imprisoned for life because based on the definition in the bill, if a foreign terrorist would move from one country to the other sowing terrorist acts in foreign countries, and has nothing to do with the Philippines, it is still a crime under the Philippine law.

Senator Lacson replied that as clearly pointed out by Senator Tolentino, Senate Bill No. 1083 would apply the definition of universal jurisdiction because the provision under the Revised Penal Code is very limiting which was the reason why the phrase “in or outside of the Philippines” was included. He said that during the committee hearing in August 13, 2019, Director General Amonte Aguda raised one problem that the law must address: for instance, what can be done on the following persons or situations:

- a Filipino who joined the Islamic State of Iraq and Syria (ISIS) abroad and is planning to come back to the Philippines
- foreigners who commit terroristic acts abroad and then come to the Philippines to evade prosecution in the place where they committed their terrorist acts

He said that the proposed measure expands to cover and penalize foreign terrorists and even those who committed terroristic acts abroad. Senator Drilon argued that there are remedies available to address those situations other than life imprisonment. He said that he could not accept the proposition that a foreign terrorist, without any intention to violate the integrity, or the national territory, or the national sovereignty, or the security of the Philippines, would be imposed the penalty of life imprisonment. He stressed that there must be a point of contact in the country.

Senator Lacson clarified that the general principle that would apply would be that if a foreign terrorist

commits the crime abroad and he does not come to the Philippines, the Philippine government cannot acquire jurisdiction over him; but under the proposed measure, the Philippine government can file a case against him and penalize him once he attempts to come to the Philippines, even on a travel to the Philippines for a vacation.

Senator Drilon said that the matter of ability to enforce the law and the law itself are two different issues, as he referred to Section 10 of Senate Bill No. 1083, to wit:

**SEC. 10. FOREIGN TERRORIST. –
THE FOLLOWING ACTS ARE UNLAWFUL
AND SHALL BE PUNISHED WITH THE
PENALTY OF LIFE IMPRISONMENT
WITHOUT THE BENEFIT OF PAROLE AND
THE BENEFITS OF R. A. NO. 10592:**

**(A) FOR ANY PERSON TO TRAVEL OR
ATTEMPT TO TRAVEL TO A STATE
OTHER THAN HIS/HER STATE OF
RESIDENCE OR NATIONALITY, FOR
THE PURPOSE OF PERPETRATING,
PLANNING, OR PREPARING FOR, OR
PARTICIPATING IN TERRORIST ACTS,
OR PROVIDING OR RECEIVING
TERRORIST TRAINING.**

Senator Drilon noted that clearly, a foreign terrorist who is planning to commit such acts abroad, has nothing to do with the Philippines, but the fact that he crosses borders would make him liable for life imprisonment in the Philippines. Senator Lacson clarified that the proposed measure would be penalizing the foreigner’s purpose of perpetrating, planning, or preparing for, or participating in terrorist acts, or providing or receiving terrorist training, and others, and not the act of traveling.

Senator Drilon stated that if that was the intention, it was not reflected in the bill because as presently written, it is the act of traveling which is being punished and not the act of traveling for the purpose of committing the act of terrorism. Senator Lacson, however, said that the act of traveling per se would not be punishable but the travel for the purpose of committing the acts as enumerated on Section 10(B). But Senator Drilon pointed out that the terrorist act has nothing to do with the Philippines. Senator Lacson replied that precisely universal jurisdiction is sought to be applied. He explained that the basis of the provision was the UN Security Council Resolution 2178 in 2014 which calls upon all member states in



accordance with their obligations under international law to cooperate in efforts to address the threat posed by foreign terrorist fighters by preventing the radicalization to terrorism and recruitment of foreign terrorist fighters including children preventing foreign terrorist fighters from crossing their borders, disrupting, and preventing financial support to foreign terrorist fighters and developing and implementing prosecution, rehabilitation, and reintegration strategies for returning foreign terrorist fighters. He explained that traveling is incidental to the purpose of committing the acts as enumerated, and he emphasized that a person would be punished if he travels for the purpose of committing the acts enumerated in the provision.

To Senator Drilon's observation that Senator Lacson interpreted the call on member states to cooperate in efforts to address the threat posed by foreign terrorists by punishing the foreign terrorist with life imprisonment, Senator Lacson said that he would be amenable to some amendments regarding the penalty.

Senator Drilon also pointed out that Section 4 enumerated the acts which are considered as unlawful, among which is "threat to commit any of the acts listed in paragraphs (A) to (D) of this section." He asked if it is the threat that would be considered as a punishable act. Senator Lacson agreed, but he explained that it is qualified by the purpose as listed on lines 6 to 12 of the following paragraph.

Senator Drilon noted that Section 6 of the measure punishes the attempt to commit or conspiracy to commit acts defined under Section 4, which includes "Threat to commit any of the acts listed in paragraphs (A) to (D)." However, Senator Lacson clarified that it should not be construed as "attempting to threaten" as the intention of the bill is to punish those who are "attempting to commit" and "threatening to commit" such acts. If there is a problem with the language, he said that he would be open to amendments along those lines.

In a related matter, Senator Drilon asked for a more specific description of the act that would "seriously destabilize or destroy the fundamental political, economic or social structures of the country, or create a public emergency or undermine public safety" as stated in lines 9 to 12 on page 7. As an example, Senator Lacson said that if the Senate hall is bombed, the perpetrators would have successfully

destabilized a fundamental political, even economic and social structure of the country.

Senator Drilon noted that Section 4 of the measure punishes acts enumerated in paragraphs A to E when the purpose of such act, by its nature and context, would be to intimidate, put fear, or induce government by force to do or to abstain from doing such an act, among others.

Asked how it differs from the crime of grave threats under the Revised Penal Code, Senator Lacson replied that the difference lies in the purpose and intent of the act. He said that a simple crime of grave threats without the purpose of sowing terrorism or committing terroristic acts would not be punishable under the bill.

Asked if it is national security issue that would determine whether an act is one of terrorism, Senator Lacson replied that it is not necessarily the case. As defined, he said that the "purpose of such act, by its nature and context, is to intimidate, put in fear, force and induce the government or any international organization or the public to do or to abstain from doing, any act or seriously destabilize or destroy the fundamental political economic or social structures of the country." He confirmed that what distinguishes an ordinary crime of grave threat is the purpose of the offender in committing the crime.

Senator Drilon mentioned the anti-government rallies and sometimes violent protests in Hong Kong which have practically led to the collapse of its economy. Assuming a similar situation happened in the country, he asked if the acts of the protesters would be considered as an act of terrorism because they would compel the government to do something by force or intimidation. Senator Lacson replied that they would not be included because fundamental rights are always respected, even in the proposed legislation. He pointed out that the Hong Kong protesters' aim of forcing the Hong Kong government to allow them to exercise their fundamental rights as well as the freedom to exercise their right to suffrage does not constitute an act of terrorism.

For his part, Senator Drilon said it was good to have that such discussion put on record as it would guide them in attempting to clarify the provisions in the measure so that it would not lead to an overreach in terms of the exposure to crimes of terrorism. Senator Lacson likewise thanked Senator Drilon for

pointing out the issue so that they could enlighten their colleagues that such acts, no matter how violent, cannot be considered as a terrorist act if the purpose is not as what has been enumerated under the bill. For example, he said that even an act of violence on the streets to call for the release of Senator De Lima cannot be considered as terrorism as it is a legitimate exercise of the people's freedom to assemble. However, he noted that such protesters may be punished under the Revised Penal Code.

Senator Drilon recalled that when the MOA-AD was declared as unconstitutional, there was violence in Mindanao and their objective was clearly to press for the passage of the Bangsamoro Basic Law. He asked if the members of the Bangsamoro would be held liable for terrorism if the measure had been a law at the time. Senator Lacson opined that their acts would not fall under the provisions of the measure because fighting for their right to self-determination does not constitute a terrorist act. Senator Drilon cautioned that they should be careful with the intent of the bill because there had been historical struggles for independence that were attended by violence. He believed that history will not be kind to such people who might be labelled as terrorists. Senator Lacson stated that they will always be bound by the purpose, as enumerated.

Pursuing the example of Senator Drilon further, Senator Pimentel stated that the danger lies in the suffering to be inflicted on the people because of the vagueness of the law. He said that even if such people are cleared of terrorism charges, in the end, they would have spent time in jail while waiting for their verdict.

Senator Lacson said that the Supreme Court, in *Lagman vs. Medialdea*, GR No. 231658, July 4, 2017, said that "in determining what crime was committed, we have to look into the main objective of the malefactors. If it is political, such as for the purpose of severing the allegiance of Mindanao to the Philippine government to establish a *wilayat* therein, the crime is rebellion. If, on the other hand, the primary objective is to sow and create a condition of widespread and extraordinary fear and panic among the population in order to coerce the government to give in to an unlawful demand, the crime is terrorism."

Senator Pimentel said that he appreciated the interpellation of Senator Drilon because the concepts

in the overhauled bill were being tested. He asked why there was a need to overhaul such legislation since the current law had been interpreted by the Supreme Court. If the present law must be overhauled, he said that the bill must be very clear with concepts because it might endanger fundamental freedoms or rights even though they are protected. He underscored the need for clarity in the law because even persons are acquitted but only after having suffered the length of their trial.

Senator Lacson expressed his appreciation for being interpellated by a bar topnotcher and another bar placer. For his part, Senator Drilon said that the questions were without malice and were being asked in an attempt to clarify the provisions of the bill.

Asked by Senator Drilon whether Senator Honasan would have been considered a terrorist under the bill, Senator Lacson replied in the negative. He said that Senator Honasan would be guilty of violation of coup d'état, Article 134 (a) because the elements are different.

Senator Drilon said that from the way he read the bill, Senator Honasan would be considered a terrorist. At this point, he said that he would be suspending his interpellation on the bill to another day.

SUSPENSION OF SESSION

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

It was 4:44 p.m.

RESUMPTION OF SESSION

At 5:41 p.m., the session was resumed.

MANIFESTATION OF SENATOR DRILON

Senator Drilon manifested that during the suspension of session, he had a conversation with Senator Lacson and they agreed to have the interpellation suspended given the fact that the House of Representatives was still far from coming up with its counterpart bill.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1083

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

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SPECIAL ORDER

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of Committee Report No. 31 on Senate Bill No. 1240 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 31 ON SENATE BILL NO. 1240

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

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

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

Thereupon, the Chair recognized Senator Pimentel for the sponsorship.

SPONSORSHIP SPEECH OF SENATOR PIMENTEL

Senator Pimentel, as chairperson of the Committee on Trade, Commerce and Entrepreneurship, rose to sponsor Senate Bill No. 1240 under Committee Report No. 31, otherwise known as the “The Philippine Bamboo Industry Development Act of 2019.”

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

Bamboo is a quick growing versatile non-timber forest product which is often used as a wood substitute. It is found in different regions of the world, and is utilized extensively for a wide range of purposes such as walls, panels, handicrafts, consumer products, and novelty products.

There are over a thousand bamboo species in the world and bamboo industries are now thriving not only in Asia but in other continents as well. In the Philippines, there are about 62

species of bamboo, 21 of which are endemic or native to the country, while the rest were introduced from other countries such as China.

The bamboo provides environmental benefits to the society. It is a sustainable resource that can grow under a range of climatic conditions. It provides approximately 35% more oxygen and absorbs 40% more carbon dioxide as compared to trees, which results in improvement in the air quality. Further, cultivation of bamboo provides organic matter, controls soil erosion, and regulates water levels in watersheds.

In 2018, the global bamboo market is valued at US \$68.8 billion and is expected to grow about 5% more from 2019 to 2025. This industry has so much more potential. However, despite the bamboo’s importance, statistics on its resources, production, and trade in the Philippines remain scarce and inconsistent; hence, unreliable. The lack of reliable and comprehensive data on Philippine bamboo resources and utilization hinders its sustainable development, and limits bamboo’s potential to contribute to the Philippine economy.

The DTI, DOST, DENR, and DA, under their respective mandates, have tried to address the issue of insufficiency of bamboo information and resources through various research and studies. The aim is to provide a comprehensive assessment of the Philippines’ bamboo resources. However, the lack of a specific body concentrated on studying and developing the bamboo industry makes it harder for the government to unlock its true potential. There is a need to properly gather data and information on the production and commercial use of bamboo products in order to tap its full potential. This will not only provide additional resources to boost our economy, but also livelihood opportunities for many individuals, groups, and communities in the country.

Therefore, the Committee on Trade, Commerce and Entrepreneurship, jointly with the Committees on Finance; and Ways and Means, is proposing Committee Report No. 31 or the Philippine Bamboo Industry Act of 2019. This substitute bill is the result of hearings by the committee on Senate bills authored by Senator Cynthia A. Villar and Senator Juan Miguel “Migz” F. Zubiri. So, this Representation sincerely thanks the authors of the bill for focusing our attention on the bamboo industry and opening our eyes to the importance of the said industry and of bamboo as a plant.

This Representation would also like to thank the supporters of this effort who are here with us — some of them are here with us this afternoon —from the DENR Ecosystems Research and



Development Bureau, Mr. Cer Jay Jimenez; from the Bamboo Industry Development and formerly from DOST-FPRDI, Dr. Florentino Tesoro; from Bambuhay, Mr. Mark Gersava; and from DTI-BOI, Ms. Graciela Juatco, among others.

This bill seeks to institutionalize bamboo industry development in the Philippines by strengthening the Philippine Bamboo Industry Development Council (PBIDC), which shall be administratively attached to the DTI, and creating the Bamboo Industry Development Center (BIDC), the one-stop shop for all bamboo industry related activities, from research and development to trade promotion and education.

The bill also highlights the duty of the DENR to ensure the production and propagation of bamboo for commercialization, and to collect accurate data on bamboo species in the Philippines. The Department of Science and Technology-Forest Products Research and Development Institute (DOST-FPRDI) is also designated as the main research and development arm for bamboo utilization.

It is hoped that through this initiative, we will be able to maximize the full potential of our bamboo resources. Furthermore, to encourage investors in bamboo nurseries and plantations, incentives are provided such as the exemption from payment of any government share for the use of public lands for commercial bamboo plantation for 10 years, among others. Through these initiatives, the government will be able to collect complete and accurate data on bamboo for commercialization to maximize the benefits of producing and developing the bamboo industry.

I would like to seek your full support for the immediate passage of this bill. I believe that through this initiative, the bamboo industry will benefit the Filipino people.

Before I end, I would like to give our dear colleagues bamboo straws given to us by our friends in the bamboo industry.

COSPONSORSHIP SPEECH OF SENATOR ZUBIRI

Senator Zubiri delivered his cosponsorship speech, as follows:

With somewhere between 44,000 to 53,000 hectares of bamboo stand across our islands, the bamboo industry is one of the biggest areas of agricultural potential for the country. Even now, without a dedicated institution and development plan to guide the growth of the industry,

bamboo has somehow managed to weather the storm—like the grass itself, the industry has proven itself resilient in the face of many challenges.

Despite all odds, the bamboo has managed to keep its relevance as one of our most defining cultural signifiers, bringing a uniquely Filipino stamp to such things as the humble *bahay kubo*, or the 200 year-old Bamboo Organ of Las Piñas, or the innovative works of celebrated architects and designers like Bobby Mañosa or Kenneth Cobonpue.

But we cannot let the future of the bamboo plant lie entirely on its cultural cachet. Right now, we are the fifth biggest bamboo industry in the world, but our numbers pale in comparison to the billion-dollar bamboo industries of China and Vietnam. This is unfortunate, given that we have 21 bamboo species native to the country, in addition to the 60 to 80 introduced species that we also grow on our lands. We really could and should be going toe-to-toe with the bamboo-exporting heavyweights that are currently leaving us in the dust.

Instead, we have left the industry to its own devices and given its very little support. We do not even have a dedicated institution to oversee the development of the industry, equivalent to the role of, the Philippine Coconut Authority, or the Sugar Regulatory Administration, for instance. Our bamboo development initiatives are pursued by different entities, who are unable to synergize their efforts toward the development of the industry as a whole.

Without a governing institution in place, the bamboo industry continues to grow stagnant. The necessary research and development toward the modernization of the field is not prioritized and funded, leaving us with dated processing and utilization technologies. The performance of the sector is also left unassessed, given that no institution is in charge of collecting and analyzing data regarding the industry's raw materials, employment rates, and economic impact.

In order to truly champion agricultural development, we need to grant proper support to all our agricultural industries, which means ensuring that the bamboo industry gets its due. This bill aims to do just that. Under this bill, the creation of the Philippine Bamboo Industry Roadmap will set the industry on track for sustainable growth, as overseen and supported by the proposed Philippine Bamboo Industry Development Council, which will operate under the Department of Trade and Industry (DTI). The Council will be attached to the DTI so it can



prioritize the economic potential of the industry, and take advantage of the rising demands in the international bamboo market. But while DTI fulfills that mandate, the Department of Environment and Natural Resources will also be heavily involved in the Council's programs, tasked to ensure that the industry's economic growth will not come at the cost of ecological destruction.

With the Council in place, the industry will no longer have to struggle to succeed as a fractured sector.

And I would like to add that in my many years trying to push this measure, whenever we asked the agency in charge, *ang itinuturo nila ay DA. Pagdating sa DA, itinuturo nila DENR*. And yet, they give very little to the promotion of bamboo. So, we are happy that the DTI has taken the cudgels for the promotion of the bamboo industry.

So now, we will, with this measure, have a coordinating body that will bring disparate industry players together and guide them toward unified success. And with the roadmap as guide, as formulated by the Council, the industry will have a clear and focused path to carving its place as one of the bamboo heavyweights of the world market.

A strengthened bamboo industry will also be immensely beneficial to the environment. Bamboo prevents soil erosion and flooding, and it is known to be particularly effective agent of carbon capture, meaning it traps and isolates carbon dioxide from the atmosphere. A healthier bamboo sector then will mean a healthier environment for us all.

As we know, in my farm in Batangas, I put up a bamboo farm which I got from the Carolina Farms of Mrs. Jimenez, the wife of Meynard Jimenez of GMA 7, and we were able to buy the so-called buddha bamboo which is a very cute, pygmy bamboo which grows only by about 10 feet and it has little stomach like a Buddha. So, it is called buddha bamboo.

And we also have iron bamboo. It is all black, super *matigas*, *kapag ginagamitan mo ng itak o bolo ay nasisira at napupurol iyong itak*. *Mayroon pong mga variegated bamboo* that I like as well, one of my favorites, which is green and yellow bamboo, and many, many others.

We have in Bukidnon what we call the giant bamboo. It is about this thick like a tree and it grows as high as 100 feet tall and is found in the areas between Pasugong and Malaybalay in Bukidnon.

So, there is so much potential in the bamboo industry, so much so that my house, the flooring was made out of bamboo. It looks like wood panels, but it is actually bamboo. So, it is what we call "engineered wood" but made out of bamboo slats.

So, there is so much potential in the industry, and there is such a great demand for it in the local and international markets, especially in architecture and design, in chemical and medical industries, and in the culinary industry. These markets are hungry and waiting, we just need to help the local bamboo industry get on track to fulfill that demand, and that help will come in the form of the development roadmap and the development council. The growth of the bamboo industry will mark a huge win for the nation—economically, culturally, and even environmentally.

And even, the province, for example, of Iloilo, whenever one goes to Iloilo, they have got a huge bamboo industry. Wherever I go from the mountains of Iloilo up to the coastal areas, *mayroon po silang kawayan doon*.

In the island of Panay, they also utilize a lot of bamboo. And, of course, in Mindanao. And, as I said, it is so easy to grow and *siya po ang naiiwan kapag may bagyo*. We all know, of course, the fabled story on the bamboo where the mighty tree, one the typhoon come — sometimes it succumbs to its winds and falls to the ground, but it is the bamboo, with its elasticity, survivability and resilience, that remains and survives.

As such, I urge our colleagues to join us in seeing the passage of this important measure.

COAUTHOR

Upon his request, Senator Gatchalian was made coauthor of Senate Bill No. 1240.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1240

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

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 5:59 p.m.

RESUMPTION OF SESSION

At 6:01 p.m., the session was resumed.

ADDITIONAL SENATE CONFEREES

Upon resumption, Senate President Sotto designated Senator Dela Rosa as additional member of the Senate panel in the Bicameral Conference Committee on the disagreeing provisions of Senate Bill No. 1074 and House Bill No. 1026 (excise tax on alcohol and tobacco products).

**REFERRAL OF SPEECH
TO COMMITTEES**

Upon motion of Senator Zubiri, there being no objection, the Chair referred the privilege speech of Senator Go delivered on November 25, 2019 to the Committee on Accountability of Public Officers and Investigations as the primary committee, and to the Committee on Sports as the secondary committee.

At this juncture, Senate President Sotto clarified that what were earlier adopted were two separate resolutions, Proposed Senate Resolution No. 245 (commending 30th SEA Games gold medalist Christine Hallasgo) and Proposed Senate Resolution No. 246 (commending 30th SEA Games gold medalist Sarah Noveno Dequinan).

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 6:04 p.m.

RESUMPTION OF SESSION

At 6:10 p.m., the session was resumed.

ADDITIONAL SENATE CONFEREES

Senate President Sotto designated Senator Pimentel as additional member of the Senate panel in the Bicameral Conference Committee on the disagreeing provisions of Senate Bill No. 1074 and House Bill No. 1026 (excise tax on alcohol and tobacco products).

GREETINGS

Senator Zubiri greeted Senator Pacquiao on the occasion of his birthday that day.

Senate President Sotto likewise greeted Senator Zubiri a happy wedding anniversary.

ADJOURNMENT OF SESSION

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

It was 6:11 p.m.

I hereby certify to the correctness of the foregoing.

ATTY. MYRA MARIE D. VILLARICA

Secretary of the Senate

Approved on December 18, 2019