



REPUBLIC OF THE PHILIPPINES  
**Senate**  
Pasay City

# Journal 1

**SESSION NO. 38**  
Tuesday, November 8, 2016

**SEVENTEENTH CONGRESS  
FIRST REGULAR SESSION**

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**CALL TO ORDER**

At 3:16 p.m., the Senate President, Hon. Aquilino "Koko" Pimentel III, called the session to order.

**PRAYER**

Senate President Pimentel led the prayer, to wit:

Heavenly Father,

We open by praising You for You are our Creator and our Provider. We owe everything to You.

We also give You thanks. Thank You for the blessings, the gifts, and for taking good care of us.

Thank You, too, for returning our brother, Sen. Manny Pacquiao, to us, safe and sound, and successful and victorious.

We would like to pray for the safety as well as the success of our other colleagues who cannot be with us today as they pursue their business abroad, especially Sen. Franklin Drilon who is about to receive a very prestigious award from the Government of Japan.

Dear God, we believe that You have great plans for the Philippines. We humbly ask Your guidance in everything we have to do for the good of our nation. We continue to pray for unity and peace in our country. May the discord between our brothers and sisters be healed by Your divine grace and intervention so our nation can finally be united for the good of our country and for the success of our government.

May You use each one of us here in the Senate to bring glory to Your Name. Please continue to give us the wisdom and courage to practice prudence, temperance, justice and fortitude in our daily lives. And may You continually shower us with Your heavenly graces of faith, hope and charity to guide us in our lives.

In closing, allow us to quote Galatians 6:9: "Let us not become weary in doing good, for at the proper time, we will reap a harvest if we do not give up."

This we pray in Your Holy Name.

Amen.



## ROLL CALL

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

Aquino, P. B. IV B.	Pacquiao, E. M. D.
De Lima, L. M.	Pangilinan, F. N.
Gatchalian, W.	Pimentel III, A. K.
Honasan, G. B.	Poe, G.
Hontiveros, R.	Sotto III, V. C.
Lacson, P. M.	Zubiri, J. M.
Legarda, L.	

With 13 senators present, the Chair declared the presence of a quorum.

Senators Angara, Escudero, Gordon and Recto arrived after the roll call.

Senator Villar, who was on official mission, also arrived after the roll call.

The following senators were on “official mission” abroad:

- Senator Binay, in London to join the Philippine delegation to the World Travel Mart upon the invitation of the Department of Tourism;
- Senator Drilon, in Japan to receive the Grand Cordon of the Order of the Rising Sun conferred upon him by the Government of Japan;
- Senator Trillanes, in the United States of America to attend a series of meetings with various agencies of the U.S. Government, as well as members of the Filipino community there; and
- Senator Villanueva, in the United States of America to meet with Consul General Adelio Angelito S. Cruz of the Philippine Consulate in Los Angeles, California, as well as to conduct consultative meetings with fellow Filipinos there.

Senator Cayetano was on official business as indicated in the November 7, 2016 letter of the Senator’s chief of staff.

Senator Ejercito was under preventive suspension.

## 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. 37 (November 7, 2016) and considered it approved.

## ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Sotto acknowledged the presence in the gallery of Vice Mayor Amelia Hernandez, and barangay officials of District I, Nagcarlan, Laguna headed by Councilor Rexon Arevalo.

Senate President Pimentel welcomed the guests to the Senate.

## PROPOSED SENATE RESOLUTION NO. 217

Upon motion of Senator Sotto, there being no objection, the Body considered Proposed Senate Resolution No. 217, entitled

**RESOLUTION COMMENDING AND CONGRATULATING SENATOR EMMANUEL “MANNY” PACQUIAO FOR DEFEATING JESSIE VARGAS IN HIS COMEBACK BOXING MATCH HELD IN LAS VEGAS, NEVADA AND BEING DECLARED AS THE NEW WBO WELTER-WEIGHT CHAMPION,**

taking into consideration Proposed Senate Resolution Nos. 219, 220, 225, 227 and 228.

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

## MANIFESTATION OF SENATOR SOTTO

Senator Sotto stated that Proposed Senate Resolution No. 217 is self-explanatory and he indicated his desire to introduce at the proper time a new “whereas” clause, which would read, “Whereas, Senator ‘Manny’ Pacquiao deserves to be commended because notwithstanding the fact that he has been diligently working as a Member of the Philippine

Senate, he was able to successfully juggle with it his boxing career, make a return in the ring and regain the WBO Welterweight title."

He stated that Senator Zubiri would be cosponsoring the measure, along with Proposed Senate Resolution Nos. 219, 220, 225, 227 and 228.

### **COSPONSORSHIP SPEECH OF SENATOR ZUBIRI**

Senator Zubiri delivered his cosponsorship speech, as follows:

*Isang malaking karangalan para sa akin ang bigyang-pugay ngayong hapong ito ang isang kaibigan at kapwa mambabatas at kapwa taga-Mindanao na si Sen. Manny Pacquiao.*

I am particularly proud of the fact that this honorable senator and honorable champion was actually born in Barangay Magsaysay, Kibawe, Bukidnon. It was in his short years in Bukidnon, probably eating our beef there, before he moved to General Santos City and grew up there.

It has been 21 years now that Senator Pacquiao has been engaged in the world of professional boxing. Barely five feet tall and weighing 106 pounds when the young Manny Pacquiao set for a career in 1995 that would change his life forever. Now, more than two decades after, the light flyweight from General Santos and Bukidnon is known as one of the greatest athletes the world has ever known.

*Maraming pumuna sa mulung pagbabalik ng ating Pambangsang Kamao sa boxing ring sa kabilang pagkakahalal niya bilang isang senador ng Republika ng Pilipinas.* He juggled his training and duties as a legislator of this august Chamber at mayroon pong nagsasabi at minsan ay iniinsulto pa ang Pambansang Kamao at sinasabing, "Paano naman siya magte-training eh senador siya? Baka hindi siya pumapasok." At gusto ko pong sabihin sa ating mga kababayanan hindi nag-absent ni minsan ang ating Pambansang Kamao in the last few months while training for his fight against Mr. Vargas. In fact, he is very active in attending committee hearings and in participating in deliberations and discussions on the floor.

We know the difficulty of being a member of the Senate. There are a lot of mental challenges, and mental challenges can also be taxing to one's body. *Kaya ako ay saludo sa kanya dahil* coming out of the Senate, fighting all those mental challenges, he still had the time and the

effort to train hard and win the championship fight.

Manny Pacquiao, no doubt, is one of the greatest boxers in the world and history would remember him as the first and only boxer to be hailed an eight-division world champion and first boxer to win the lineal championship in five different weight classes. But history does not stop him from being an octuple world champion; he made a habit of making history, and this time, Manny has set his mark as the first sitting senator to win a world boxing title – the first sitting senator. This he triumphantly accomplished after his match last Sunday against Jessie Vargas. *Kaya, mga kapatid, saludo po ako sa kanya.*

The Filipino boxing icon Sen. Manny Pacquiao's exemplary performance is a resounding roar of his return in the ring.

And I filed this resolution, Proposed Senate Resolution No. 225, to congratulate and commend Sen. Manny Pacquiao for winning his match against Jessie Vargas. I now stand before you to honor him for his invaluable contribution to Philippine sports and for consistently bringing pride and inspiration to many.

*Mabuhay ka, Sen. Manny Pacquiao!*

### **PERIOD OF AMENDMENTS**

Thereafter, the Body proceeded to the period of amendments.

### **SOTTO AMENDMENT**

As proposed by Senator Sotto, there being no objection, on page 2, after the word "country" and the semicolon (;), the Body approved the insertion of the following "whereas" clause, subject to style:

WHEREAS, SENATOR MANNY PACQUIAO DESERVES TO BE COMMENDED BECAUSE NOTWITHSTANDING THE FACT THAT HE HAS BEEN DILIGENTLY WORKING AS A MEMBER OF THE PHILIPPINE SENATE, HE WAS ABLE TO SUCCESSFULLY JUGGLE WITH IT HIS BOXING CARRIER, MAKE A RETURN IN THE RING AND REGAIN THE WBO WELTERWEIGHT TITLE.

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

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

## **ADOPTION OF PROPOSED SENATE RESOLUTION NO. 217**

Upon motion of Senator Sotto, there being no objection, Proposed Senate Resolution No. 217 was adopted by the Body, subject to style and taking into consideration Proposed Senate Resolution Nos. 219, 220, 225, 227 and 228.

### **COAUTHORS**

Senate President Pimentel manifested that all senators present were made coauthors of Proposed Senate Resolution No. 217.

### **RESPONSE OF SENATOR PACQUIAO**

Senator Pacquiao delivered the following remarks to express his gratitude to his colleagues and supporters:

I would like to manifest my thanksgiving for the overflowing love and support that you have expressed.

It is with great honor that I am the subject of Senate Resolution No. 217 authored by the Majority Leader, Sen. Vicente C. Sotto III, and cosponsored by Sen. Miguel Zubiri.

I deeply appreciate the resolution commanding and congratulating me for defeating Jessie Vargas. My comeback boxing match where I was declared as the new WBO Welterweight Champion is dedicated to all boxing fans and to all of you who believe in me.

*Nag-uumapaw ang aking pasasalamat sa suporta ninyo at ng sambayanang Pilipino noong hinarap ko si Jessie Vargas. Buong puso kong iniaalay ang aking tagumpay sa inyo at sa ating mahal na Pilipinas.*

*Bakas pa ang mga pasa sa aking mukha, subalit hindi ko ito alintana, mapasyaya lamang at makatulong sa ating mga kababayan, at makapagbigay ng karangalan sa ating bayan.*

*Patuloy po akong nagpasasalamat sa Poong Maykapal dahil sa Kaniyang pagpapala at paggabay. Nararapat lamang na Siya ay sambahin, purihin at pasalamatan.*

Boxing is my passion. I come fully alive whenever I am in the ring. But I have a greater passion – serving our country. Just like you, my heartbeat is for our fellowmen.

My fight with Jessie Vargas is a story ended, but the tougher battles outside the boxing ring are yet to be won. There are bigger

problems that we need to confront. There are more complicated issues that we need to clarify.

As partners for change, we are solution providers. We shall continue to investigate, debate, and legislate. We shall keep fighting for what is right. As nation builders, we shall keep moving forward. Together, we will declare that greater things are yet to come and yet to be done for our nation.

To manifest my heartfelt thanksgiving, I would like to donate my WBO Welterweight belt to the Senate of the Philippines. The honor does not belong to me alone, but to every Filipino. May it serve as an inspiration for everyone to pursue excellence and continue fighting for our nation's sovereignty.

### **MANIFESTATION OF THE CHAIR**

Senate President Pimentel thanked Senator Pacquiao for donating his WBO Welterweight belt to the Senate.

### **SUSPENSION OF SESSION**

Upon motion of Senator Sotto, there being no objection, the Chair suspended the session to allow the Members to congratulate Senator Pacquiao.

*It was 3:31 p.m.*

### **RESUMPTION OF SESSION**

At 3:39 p.m., the session was resumed.

### **PRIVILEGE SPEECH OF SENATOR HONTIVEROS**

Availing herself of the privilege hour, Senator Hontiveros delivered the following speech on the matter of the burial of former President Ferdinand E. Marcos in the *Libungan ng Mga Bayani*.

*Following is the full text of Senator Hontiveros' speech:*

### **FAILING THE TEST OF HISTORY**

I rise on behalf of Susan Quimpo, a prepubescent girl during the early years of Martial Law, who spent her weekends packing cooked rice for detainees at detention centers holding political prisoners. Five of her siblings were imprisoned during Martial Law — all of them student activists belonging to the underground movement. Her brother Nathan was

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stripped naked and clubbed several times by his captors. Her brother Jan, and I quote from her book *Subversive Lives*, “had his head repeatedly immersed in a commode filled with urine, water was injected into his testicles, and his feet were doused then jabbed with live wire.” Jan Quimpo joined the ranks of the *desaperecidos*, and the last conversation Susan had with him was when he asked her to leave some dinner. Another brother, Jun, was shot in Nueva Ecija in 1981.

I rise on behalf of Sixto Carlos, now a jolly man in his seventies with ruddy cheeks and an easy laugh. He was arrested with no charges filed in 1978 and put under solitary confinement for two years. He was viciously beaten, had boiling water poured at him, and was hung from the ceiling from his handcuffed hands. In his own words, he said, “I was held on either arm by two men and the third man sat on my lap. The blindfold was removed and replaced by a towel on my face. They commenced to put water over the towel on my face. I had the sensation of drowning.” This is what is known as waterboarding, an innocuous name for a torture technique so repulsive and dehumanizing.

I rise on behalf of Etta Rosales, former congresswoman and former chairperson of the Commission on Human Rights, who was repeatedly raped and tortured during Martial Law. She recounts her torture under the hands of her prison guards: “They tried to make me speak by burning me, pouring what felt like hot wax from a burning candle on my arms and legs. When that did not work, they tore off my clothes, pressed the barrel of a gun against my temple and played Russian roulette.” When she was elected congresswoman of Akbayan in 1998, she met one of her captors who had now become her colleague. “The last time I met you,” Etta said, with her trademark candor, “was in the military safehouse where I was tortured.”

I rise for them, and I rise for all the victims of Martial Law. *Ako ay tumatayo sa harap ninyo ngayon alang-alang sa mga na-torture, mga pinatay, mga kinulong sa rehimeng Marcos. Ako ay tumatayo alang-alang sa kanilang mga mahal sa buhay — mga magulang, asawa at anak na inulila ng diktadura. Para po sa kanila ang resolusyon na ihahain ko sa Senado ngayong hapon.*

I rise to tell them, during this winter of anxiety and uncertainty, that there are many of us who still remember.

I want to tell them that there are mothers like myself, who tell their outspoken millennials that their freedoms in social media did not come for

free and that their counterparts in the ‘70s were being thrown in prison for speaking their mind.

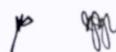
*Gusto kong ikuwento sa kanila yung mga guro sa mga paaralan kung saan ako nag-donate ng librong “Never Again” ni Raissa Robles na nagsasabing sa sarili nilang kusa at pagpupunyagi, binabahagi nila ang kahindik-hindik na mga pangayari sa panahon ng diktadura sa kanilang mga estudyante.*

I want to tell them about the many young people I have met — so far removed from the stereotype of the uncaring, self-absorbed millennial — who ask me what they can do to fight the forces of historical revisionism that are at work and who assure me that the struggle to preserve our collective memory is a struggle their generation shares with ours.

*Hindi ko po panghihimasukan ang pasya ng Korte Suprema hinggil sa paglibing ng dating diktador sa Libingan ng mga Bayani. We cannot second-guess its wisdom, even as we cannot imagine how it must be for Sixto Carlos, Etta Rosales and the Quimpo family, who will live with the reality that the architect of their torture and the torture and death of their kin, has now been designated a hero. Habang tinuturo natin sa ating mga kabataan ang kaharasan ng Martial Law dahil iyon ang nakalagay sa Republic Act. No. 10386, ililibing naman natin sa Libingan ng mga Bayani ang siyang naghaisik ng karahasan na ito. Habang tayo ay nagbabayad ng danyos sa mga biktima ng Martial Law at sa kanilang mga pamilya, ililibing natin sa Libingan ng mga Bayani ang dahilan ng pagbayad ng danyos.*

But we also know that the decision to give the dictator a heroes’ burial lies ultimately in the hands of President Rodrigo Duterte. I call on the President to respond to the challenge of history and reject with finality all plans to give Marcos a hero’s burial. The *Libingan ng mga Bayani* is the designated place for Filipino soldiers, war veterans, and citizens whose contributions to the nation render them fit to be called heroes.

Given the long history of the Filipino people with tyranny and oppression, the *Libingan* has been created to honor the memory of our brave countrymen who fought for freedom and liberty even in the face of superior force, so that the present generation may remember and emulate their legacy. It should be the final resting place of heroes — a symbolism that is not lost on the Marcos family, who has been lobbying feverishly for his burial, and if our President is correct, even funded his campaign to secure this concession.



In Germany, Adolf Hitler's grave is now a car park in Berlin. Idi Amin, the Ugandan dictator notorious for maintaining torture chambers in Kampala, is not even buried in his own country. In Serbia, Slobodan Milosevic's party pushed heavily for his burial in the Alley of the Greats, but was rebuffed. He is now buried in his hometown. In Haiti, Francois "Papa Doc" Duvalier, who brought Haiti to economic ruin, used voodoo legends to control his people and executed his political opponents, was denied a state funeral after his death. His grave in Port Au Prince is now in shambles. Pol Pot, known as The Butcher of Cambodia, was unceremoniously burned in a pile of rubbish. His cremation site in Anlong Veng is now a tourist destination and many Cambodians travel to the site to spit on it. Muammar Gadaffi's body, after being displayed for five days by the new leaders of Libya, was laid to rest in a simple unmarked grave.

*Ganito po tinatratong mga diktador sa ibang bansa. Ang kanilang puntod ay hindi puntod ng parangal. Kung ito man ay bibigyan pansin, ito ay para magturo ng leksyon sa mga susunod na henerasyon. Ito ay para sabihin, "huwag tularan." Habang dito sa Pilipinas, ang mga diktador ay tinuturing na bayani at binibigyan ng parangal. At ang mga biktima ng diktador ay pinagdududahan at isinasantabi.*

But it is not only for the victims of Martial Law that I rise, for the generation of my parents and for my generation who have lived with the enduring wounds of martial law. I also rise for our younger generations — those who will only get to listen to the stories of our wounds, and who we hope will see in these stories our deepest truths. I rise for our millennials who will probably never meet Susan and her siblings, or Sixto Carlos, or Etta Rosales, but who we hope will realize that the heroes of Martial Law were young persons like themselves. *Ang nagpabagsak sa diktadura ay katulad lang din nila. Katulad din ng aking mga anak: masayahin, palabarkada, palatawa, may pangarap sa buhay. Ngunit tumalima noong hinamon ng kasaysayan.*

*Nagpasya na ang Korte Suprema. But no tombstone, no grandiose cemetery can change the fact that Ferdinand Marcos was not a hero. He was a plunderer, torturer and a thief with a family now seeking to rewrite history to serve their interests. He co-opted institutions — this Senate included — in order to consolidate all power to himself.*

It is our duty as senators, as Filipinos, as students of history, to stand against this

travesty and say — as has been said before — never again. Only then can we look back with pride, and to the future with hope. Let us not fail the test of history.

## MANIFESTATION OF SENATOR HONTIVEROS

Senator Hontiveros manifested that as previously discussed with the Majority Leader and with the permission of the Body, she would like to have her privilege speech be considered as the sponsorship speech for Proposed Senate Resolution No. 86. She also requested the Majority Leader to subject the resolution to a vote.

## SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

*It was 3:52 p.m.*

## RESUMPTION OF SESSION

At 4:34 p.m., the session was resumed.

## PARLIAMENTARY INQUIRY OF SENATE PRESIDENT PIMENTEL

Asked by Senate President Pimentel to state the parliamentary status, Senator Sotto replied that before the suspension of session, Senator Hontiveros delivered a privilege speech, after which she forthrightly mentioned that she wanted it to be considered as her sponsorship speech of Proposed Senate Resolution No. 86 which she filed a month ago; however, towards the end of the speech, she moved that Proposed Senate Resolution No. 86 be considered on the floor that day.

Senator Sotto then asked the Body to consider the motion of Senator Hontiveros as he candidly admitted that he was not comfortable taking up the proposed resolution, considering that the Supreme Court had already decided on the matter. He expressed concern that further discussing it would be very divisive and some Members fear that should majority of the Members vote in favor of the resolution, it would become an expression of the sense of the entire Senate. He said that he would rather submit the motion to the Body to decide.

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## STATEMENT OF SENATOR HONTIVEROS

Senator Hontiveros confirmed that she filed Proposed Senate Resolution No. 86 a month ago and that upon the advice of some senior senators, including Senator Sotto, she postponed her request that the resolution be read out and voted earlier precisely out of respect for the process that the Supreme Court was then undertaking. But with the final ruling of the Supreme Court that day on the case, she said that she saw it fit to request that the resolution be finally considered on the floor to express the sense and opinion of the Senate about the issue.

## INQUIRY OF SENATOR RECTO

Asked by Senator Recto if the Senate already has a copy of the decision of the Supreme Court, Senate President Pimentel replied that the Senate does not have a copy yet.

Senator Recto then suggested that it would be more prudent for the Body to read the decision of the Supreme Court first before acting on the motion of Senator Hontiveros to adopt the resolution at the proper time because assuming the Supreme Court ruled that there was no law prohibiting former President Marcos from being buried in the *Libingan ng mga Bayani*, the proper course of action would be to pass a law. He then asked if the resolution would have a force of law.

Senate President Pimentel replied that as a simple resolution, it does not have a binding effect because it simply expresses the sentiments, opinions or feelings of the Senate.

Asked what would happen next after the Supreme Court's decision, Senate President Pimentel replied that parties could opt to file motions for reconsideration and the persons or institutions restrained by the previous order of the Supreme Court would no longer be restrained because the case had been decided and they could already proceed with the challenged decision or action. He further noted that judging on the title of the case, it was the decision of the Office of the President that was questioned or challenged by the petitioners before the Supreme Court.

On the possibility that there could be amendments to Proposed Senate Resolution No. 86, changing it as an expression of the sense of the Senate addressed

instead to the President, Senate President Pimentel affirmed that the resolution, when considered, could still undergo period of amendments.

On whether a joint resolution filed by both Houses of Congress and have undergone three readings would have the force and effect of law, Senate President Pimentel replied in the affirmative.

Senator Recto then maintained that the prudent thing to do was to look at the Supreme Court decision first and if it says that there is no law prohibiting the burial of former President Marcos at the *Libingan ng mga Bayani*, then the sense of the members of both the Senate and House of Representatives, expressed through a joint resolution filed at the appropriate time, would have the effect of law. Senate President Pimentel agreed, saying that a joint resolution is passed just like a bill with the President's signature.

Senator Recto clarified that he was not opposing the motion of Senator Hontiveros to pursue a vote on her resolution. He said that he just wanted to put on record his observations that it might be incumbent upon some members of the Senate to amend the resolution. Again, he said that it would be difficult to amend the resolution without first looking at the Supreme Court decision on the matter.

## RESPONSE OF SENATOR HONTIVEROS

Responding to an earlier statement of Senate President Pimentel, Senator Hontiveros stated that, indeed, a Senate resolution expressing the sense of the Senate would have no legal effect and, at the same time, the decision of the Supreme Court does not command a burial. She said that the decision to bury the former President would ultimately be an executive act and, like many proposals before the Executive, the Senate can weigh in with its wisdom to support the earlier statement of Senator Sotto for the Body to put the issue before the Chamber to consider the resolution that day.

## STATEMENT OF SENATOR ZUBIRI

Concurring with the position of Senator Recto, Senator Zubiri said that he had not seen the decision of the Supreme Court nor has heard the merits of the case. He said that he would like to read the decision first so that he would have a clear knowledge about why nine justices voted in favor and why five

justices voted against the case. Doing so, he said, would enable him to come up with a rational decision. He said that whether it is a legal or an emotional issue, he would like to believe that the Body would make objective and not subjective decisions and not rush to vote on the issue at that time, the reason why he asked Senator Hontiveros to have the resolution considered the next day when the Office of the Senate Legal Counsel could already have a copy of the Supreme Court decision.

#### **STATEMENT OF SENATOR GORDON**

Senator Gordon stated that the country has been under siege from the shadow of President Marcos since he passed away. He noted the divisiveness being felt every time something happens and the name of Marcos is mentioned and, in spite of that, the Marcoses are back because the people elected them into office.

Senator Gordon said that his experience with former President Marcos was not a very glorious one especially because his mother was arrested, he had exchanged words with Tomas Diaz who was the most feared general at that time, and they were harassed during elections. He also recalled to have even locked horns with the former president when he was with the UP student council on the issue of the Cultural Center of the Philippines, when he did not change his vote at the Constitutional Convention, and when he became a Olongapo mayor where he got caught into the political hoopla and had to make decisions that did not allow him long-term decision but short-term benefits.

As regards the burial of former President Marcos, Senator Gordon said that the Supreme Court had already decided the case—nine justices in favor and five justices against—so that there was no need to inflict divisiveness again in the Senate by having to vote on a resolution which does not need to be voted upon precisely because the case had already been decided.

Saying that he actually does not want a postponement of the consideration of the resolution, he clarified that he stood up only because he agrees with Senator Recto's position that the Body has to look at the decision of the Supreme Court first before the resolution is considered. He said that going the way of a joint resolution would take time again, and time is important given that the Body would be taking

up many other concerns, including the budget and the spate of killings in the country.

He concurred with the position of Senator Recto for the Body to take into consideration first the decision of the Supreme Court, especially since nine against five votes was not a *cum se cum* decision. He said that eventually it is the President who would have to decide.

Senator Gordon said that putting the resolution to a vote would divide the Senate again. He said that he does not want to be categorized as an enemy of the people, but he believed that it would be a wise move to support the position of Senator Recto and see what the Supreme Court decision would entail. He said though that he would not change his vote to put the issue of former President Marcos to sleep to avoid further chaos.

Senator Gordon then suggested that the Body proceed with the issue as he would also like to deliver a privilege speech that day which commemorates the third anniversary of typhoon *Yolanda*, and to honor the volunteers and share with the Body the great experience of the Red Cross at that time.

#### **STATEMENT OF SENATOR POE**

Preliminarily, Senator Poe thanked Senator Hontiveros for taking a principled stand. She agreed that as mentioned, the issue has been a divisive one. She disclosed that she was a martial law baby and that her family and the Marcoses have known each other. However, she said that people fight for what they believe in and learn through the course of history. She stated that although Republic Act No. 10368 or the Human Rights Victim's Reparation and Recognition Act of 2013 recognizes the atrocities committed during the martial law period, the highest court of the land had spoken and people need to respect it, but that although some could forgive, people should also focus their attention in learning from history, as what Senator Hontiveros might be aiming at, that is, to include the issue as part of the programs in public education. She believed that what happened in the course of the history of martial law was a constructive way to address the issue through education and through empowerment so that the Filipinos could make informed decisions that they definitely could not forget.

Senator Poe admitted that there had been a lot of questions about the power of the Executive to

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determine who should be buried in the *Libingan ng mga Bayani* that it became a political issue similar to her personal experience on the matter of who should be the country's national artist. She believed that the matter was something that the Body needs to take up and to amend the law if necessary so that it would not rest on one person to decide who is deserving of being buried in the *Libingan ng mga Bayani*.

She said that while everyone has their respective personal opinions, they need to move forward from the issue. Noting that it has been mentioned that the issue was not about party lines or about families, she believed it was time to move forward with the right perspective of history which would hopefully not deter but contribute to nation-building.

Senator Poe also agreed that there was sound logic and reason in what Senator Recto has stated that it should not change their personal position whether or not the Members agree. However, she said that since the Supreme Court has spoken and since the Senate has equal powers with the Judiciary, it must be prudent and responsible with whatever resolutions it would be taking up.

#### **MANIFESTATION OF SENATOR AQUINO**

Senator Aquino noted that the Supreme Court decided that it was up to the Executive to decide on the burial of former President Marcos at the *Libingan Ng Mga Bayani*; it did not decide whether or not the former president should be buried at the *Libingan*. He opined that Proposed Senate Resolution No. 86 was still important because decisions would have to be made despite statements made by President Duterte that he would have the late president buried at the *Libingan*. He said that until the body is buried, there was still time to weigh in on the decision. He believed that more than the Supreme Court, the proposed resolution would be able to voice out the sense of the Senate on the matter.

Senator Aquino agreed that the Body should be careful about the decision that it would make. However, he believed that it would be good for the senators to make a stand on the issue and to let their voices be heard.

He recalled that when the youth asked what the senators do, he would give back the question to them, to which they replied that all that the senators do was to investigate, and he would be quick to correct them

by telling them what senators actually do: 1) legislate; 2) do oversight functions; 3) investigate; and 4) be part of the national conversation, by weighing in and having their own national mandates on conversations. He believed that the issue at hand was of national importance that a Senate that is making a stand is part of such national conversation. He said that he respects the concerns of some Members to read the decision first or to postpone consideration of the resolution in the meantime, which would probably be brought ultimately to a vote. He said that it is imperative for the Body to voice out its concerns on the matter, particularly on national issues, lest it gets used to the idea of keeping quiet.

In conclusion, Senator Aquino stated that he was in favor of the Body coming up with a decision, whether it be within the day or a week from now. He stressed that it is important that the Senate weigh in as a collegial body with its own national mandate.

#### **MANIFESTATION OF SENATOR PANGILINAN**

Senator Pangilinan stated that based on news reports, the petitioners would file a motion for reconsideration over the decision of the Supreme Court. That being the case, he said that the Court's decision was not yet final.

He recalled that in many instances in the past, the Senate would take a position, even on cases pending before the Supreme Court. He recalled that when there was a petition before the SC on the constitutionality of charter change, there was the issue of whether or not the Senate should vote together with the House or separately in a constituent assembly, and the Senate, through a resolution signed by 23 senators, took the position that it must vote separately from the House of Representative in a constituent assembly. He said that he was the Majority Leader at that time and that he personally asked each senator to sign the resolution. He also mentioned the position taken by the Senate against Executive Order No. 464, even if it was still pending before the Supreme Court. He said that being a coequal branch, the Senate, not that it would want to interfere with the Court's jurisdiction, should express its own separate opinion on matters that affect the national life. He believed that it would be timely for the Body to address the matter of the Marcos burial.

He said that he respects the position taken by other Members to read first the ruling of the High

Court. He stated that while its decision is not yet final, to read it while still pending is also premature. He said that regardless of the outcome, the Senate should take a position in the meantime.

As regards the motion to consider the resolution, Senator Pangilinan believed that it would be timely for the Body to consider it within the day. Saying that he respects the position of the other Members that it would benefit the Senate to read the SC decision first, he pointed out, however, that the mere title of the resolution — “A Resolution Expressing The Sense of the Senate that the Crimes of the Former President Ferdinand Marcos to the Republic and the Human Rights Violations Committed Under His Regime, Render Him Unfit To Be Buried at the Libingan Ng Mga Bayani” — is enough for the Body to be able to act independently of the SC ruling.

In conclusion, Senator Pangilinan reiterated his belief that the Body could tackle the resolution separately from the final decision of the Supreme Court.

#### **MANIFESTATION OF SENATOR HONTIVEROS**

Responding to the question of Senator Gordon “Why must we inflict this divisiveness on the Senate?”, Senator Hontiveros stated that when President Duterte changed the situation of a long standing agreement between former President Ramos and the Marcos family by announcing his intention to bury the former president at the *Libingan ng mga Bayani*, the Senate did not ask the President why he was inflicting divisiveness in the country; similarly, when the Supreme Court ruled on the case, the Senate also did not ask the Supreme Court why it was inflicting divisiveness.

Senator Hontiveros opined that the Body should not be overly troubled that it would be inflicting divisiveness within its ranks because since the start of the 17<sup>th</sup> Congress, every senator has expressed his or her own opinion with full respect and camaraderie with one another. She agreed that the Senate, as a collegial body, and separate and coequal branch of government, should continue to be part of the “national conversation,” as stated by Senator Aquino.

She then expressed hope that the Body would vote on the motion put forth by Senator Sotto to decide whether or not the resolution would be considered within the day.

#### **MANIFESTATION OF SENATOR SOTTO**

Initially, Senator Sotto stated that it is not uncommon for the Majority Leader to agree with the Minority Leader and vice versa.

He stated that if the Body would vote not to take up the resolution within the day, it would not mean that the resolution is lost. He explained that the resolution would remain with the Committee on Rules until the Members would have secured a copy of the Supreme Court decision and are ready to consider the same on the floor to amend it.

#### **SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 5:05 p.m.*

#### **RESUMPTION OF SESSION**

At 5:09 p.m., the session was resumed.

#### **DIVISION OF THE HOUSE**

Submitting to the Body the motion to consider Proposed Senate Resolution No. 86, to which he objected, Senator Sotto called for a division of the House as he requested those in favor of considering Proposed Senate Resolution No. 86 to raise their hands and, thereafter, requested those against it to do the same.

With six senators voting in favor, six against, and two abstentions, the motion of Senator Hontiveros to consider Proposed Senate Resolution No. 86 was lost.

#### **EXPLANATION OF VOTE BY SENATOR RECTO**

Senator Recto said that he registered a vote of abstention because, to him, it would be more prudent on his part to read the decision of the Supreme Court first before acting on the resolution because at the appropriate time, he may have to introduce amendments to it.

#### **EXPLANATION OF VOTE BY SENATOR ZUBIRI**

Initially, Senator Zubiri observed that the media were already on a frenzy on the results of the voting,

and he feared that the media might say that those who voted against the consideration of the resolution are pro-Marcos, and those who voted in favor are pro-Aquino or anti-*Libingan*.

He clarified that he voted for the postponement of the consideration of resolution because he wanted to see first the merits of the Supreme Court decision. He stated that there is no love lost between him and the Marcoses because his family supported Vice President Leni Robredo in Bukidnon who won by 200,000 votes which turned out to be the swing votes for her. He said that the Marcoses were upset with his family because, although his father and the Marcoses grew up together, his father made the decision to carry their opponent. He said that he would like his choice to be an informed choice – a choice that would depend on his reading of the Supreme Court decision. He underscored that there was no political color to his decision, adding that he would have voted to abstain but did not because he wanted to see the decision first.

#### **MANIFESTATION OF SENATOR HONTIVEROS**

Senator Hontiveros thanked the Body for going through the just concluded process. She regretted, however, that the Chamber voted not to consider the resolution that day. She maintained that the issue was very timely and that it was important in communicating the matter with the public. She expressed hope that the issue would be discussed sooner than much later and that through the leadership of Senator Sotto and the Committee on Rules, the resolution would be acted upon before President Duterte acts on the matter of the burial of former President Marcos. In the event that the Senate acts on the resolution before the President makes his decision, she expressed hope that the resolution would carry some weight to the President's judgment.

Senator Sotto assured Senator Hontiveros that the resolution would be brought back to the floor as soon as all the Members get a copy of the Supreme Court decision.

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

Upon motion of Senator Sotto, there being no objection, the Chair referred the speech of Senator Hontiveros and the interpellations thereon to the Committee on Rules.

Thereafter, Senate President Pimentel clarified that the result of the voting meant that Proposed Senate Resolution No. 86, which was filed by Senator Hontiveros, would not be taken up in the day's session.

#### **MANIFESTATION OF SENATOR SOTTO**

Senator Sotto informed the Body that interpellations on the privilege speech delivered by Senator Gatchalian on October 12 which was calendared for the day's session would be moved to the following day.

At this juncture, Senator Sotto asked Senator Gordon if he would push through with his privilege speech in relation to the third year anniversary of Typhoon *Yolanda*. Senator Gordon replied that he would deliver his privilege speech in the next session day to honor all the volunteers, the people who died and those who survived it, and for people to see the events that happened in *Yolanda* as an example of resilience. He stated that he wanted to deliver the privilege speech but surmised that the Members might already be exhausted.

#### **REFERENCE OF BUSINESS**

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

#### **MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

Letter from the House of Representatives, informing the Senate that on 19 October 2016, the House of Representatives passed House Bill No. 3408, entitled

#### **AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY ONE TO DECEMBER THIRTY-ONE, TWO THOUSAND AND SEVENTEEN, AND FOR OTHER PURPOSES,**

in which it requested the concurrence of the Senate.

To the Committee on Finance

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**BILLS ON FIRST READING**

Senate Bill No. 1230, entitled

**AN ACT STRENGTHENING THE COMMISSION ON HUMAN RIGHTS OF THE PHILIPPINES AS THE NATIONAL HUMAN RIGHTS INSTITUTION, AND FOR OTHER PURPOSES**

Introduced by Senator Leila M. de Lima

**To the Committees on Justice and Human Rights; and Finance**

Senate Bill No. 1231, entitled

**AN ACT INTEGRATING BASIC ROAD SAFETY AND COMPREHENSIVE DRIVER'S EDUCATION IN THE CURRICULUM OF THE ENHANCED BASIC EDUCATION (K TO 12) PROGRAM**

Introduced by Senator Grace Poe

**To the Committees on Education, Arts and Culture; Public Services; and Finance**

**RESOLUTIONS**

Proposed Senate Resolution No. 220, entitled

**RESOLUTION CONGRATULATING AND COMMENDING SENATOR EMMANUEL "MANNY" D. PACQUIAO FOR WINNING THE WORLD BOXING ORGANIZATION WELTERWEIGHT TITLE ON NOVEMBER 5, 2016 AT LAS VEGAS, NEVADA, U.S.A.**

Introduced by Senator Cynthia A. Villar

**To the Committee on Rules**

Proposed Senate Resolution No. 221, entitled

**RESOLUTION CONGRATULATING AND COMMENDING KYLIE FAUSTO VERSOZA FOR BEING CROWNED AS MISS INTERNATIONAL 2016 IN THE PRESTIGIOUS PAGEANT HELD**

**ON 27 OCTOBER 2016 AT TOKYO DOME CITY HALL, JAPAN**

Introduced by Senator Cynthia A. Villar

**To the Committee on Rules**

Proposed Senate Resolution No. 222, entitled

**A RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE VARIOUS INVESTMENT DEALS, PARTICULARLY THOSE INVOLVING PUBLIC PROCUREMENT, SIGNED OR ENTERED INTO BY THE PRESENT ADMINISTRATION DURING THE PRESIDENT'S STATE VISIT TO CHINA LAST 18 TO 21 OCTOBER 2016**

Introduced by Senator Leila M. de Lima

**To the Committees on Economic Affairs; Foreign Relations; and Finance**

Proposed Senate Resolution No. 223, entitled

**RESOLUTION CONGRATULATING AND COMMENDING MINDANAON FILMMAKER SHERON R. DAYOC FOR WINNING THE BIFF MECENAT AWARD IN THE 21<sup>ST</sup> BUSAN INTERNATIONAL FILM FESTIVAL HELD AT THE BUSAN CINEMA CENTER IN CENTUM CITY, HAEUNDAE-GU, BUSAN, SOUTH KOREA ON 6-15 OCTOBER 2016 FOR THE MOVIE THE CRESCENT RISING**

Introduced by Senator Zubiri

**To the Committee on Rules**

Proposed Senate Resolution No. 224, entitled

**RESOLUTION CONGRATULATING AND COMMENDING KYLIE FAUSTO VERSOZA FOR HONORING THE PHILIPPINES WITH THE PRESTIGIOUS MISS INTERNATIONAL 2016**

TITLE IN TOKYO, JAPAN ON 27 OCTOBER 2016

Introduced by Senator Zubiri

**To the Committee on Rules**

Proposed Senate Resolution No. 225, entitled

RESOLUTION CONGRATULATING AND COMMENDING BOXING LEGEND SENATOR EMMANUEL "MANNY" PACQUIAO FOR WINNING THE WORLD BOXING ORGANIZATION WELTERWEIGHT TITLE AGAINST JESSIE VARGAS ON 5 NOVEMBER 2016 AT THE THOMAS & MACK CENTER IN LAS VEGAS, NEVADA, U.S.A. MARKING HIS TRIUMPHANT RETURN IN THE RING

Introduced by Senator Zubiri

**To the Committee on Rules**

Proposed Senate Resolution No. 226, entitled

A RESOLUTION DIRECTING THE APPROPRIATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE RECENT SERIES OF DEATHS OF PERSONS THAT ARE MAINLY DRUG-RELATED KILLINGS BY THE POLICE DURING POLICE OPERATIONS, UNDER POLICE CUSTODY AND DETENTION, AND OUTSIDE LEGITIMATE POLICE DUTY

TO MAKE THE POLICE MORE ACCOUNTABLE AND RESPONSIBLE TO THE PEOPLE

Introduced by Senator Richard J. Gordon

**To the Committee on Public Order and Dangerous Drugs**

**COMMUNICATIONS**

Letters from the *Bangko Sentral ng Pilipinas*, transmitting to the Senate copies of certified and authenticated Circular Letter Nos. CL-2016-085 and 086 dated 13 and 19 October 2016, in compliance with Section 15(a) of Republic Act No. 7653 (The New Central Bank Act).

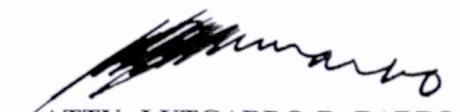
**To the Committee on Banks, Financial Institutions and Currencies**

**ADJOURNMENT OF SESSION**

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

*It was 5:23 p.m.*

I hereby certify to the correctness of the foregoing.

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


Approved on November 9, 2016