



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 30
Wednesday, October 2, 2019

**EIGHTEENTH CONGRESS
FIRST REGULAR SESSION**

SESSION NO. 30
Wednesday, October 2, 2019

CALL TO ORDER

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

PRAYER

Sen. Win Gatchalian led the prayer, to wit:

Our Heavenly Father, the giver of life and wisdom, we thank You for Your compassion, Your faithfulness, Your love, and most of all Your presence in our midst right now.

We thank You for gathering everyone here safely, as we come together to craft legislation and render service for the greater good of our countrymen and nation.

We ask for Your forgiveness and cleansing from our sins as we acknowledge our dependence on You—knowing that apart from You, we are nothing.

And as we begin today's session, may we be reminded that we are but Your servants and the servants of the public that we have sworn to serve.

O Lord, bless everyone here with strength, wisdom, and good health so that we may

continue to do what You have called us to accomplish, all for the glory of Your Name.

Lahat po ng ito ay hinihiling namin sa ngalan ni Hesus.

Amen.

ROLL CALL

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

Angara, S.	Pacquiao, E. M. D.
Binay, M. L. N. S.	Pangilinan, F. N.
Cayetano, P. S.	Pimentel III, A. K.
Dela Rosa, R. B. M.	Poe, G.
Drilon, F. M.	Revilla Jr., R. B.
Gatchalian, W.	Sotto III, V. C.
Hontiveros, R.	Tolentino, F. T. N.
Lacson, P. M.	Villanueva, J.
Lapid, M. L. M.	Villar, C. A.
Marcos, I. R.	Zubiri, J. M. F.

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

Senators Gordon and Recto arrived after the roll call.

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Senator Go was on official mission abroad “as part of the official delegation of President Rodrigo R. Duterte to Sochi and Moscow, Russian Federation from 01 to 06 October 2019,” as indicated in the letter of his chief of staff dated September 30, 2019.

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

DEFERMENT OF THE APPROVAL OF THE JOURNAL

Upon motion of Senator Zubiri, there being no objection, the Body deferred the consideration and approval of the Journal of Session No. 29 (October 1, 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 guests:

- Bobby Higdon, U.S. Attorney for Eastern District of North Carolina, David Bragdon from the U.S. Embassy in the Philippines, and Legal Specialist Guia Montealto of the US DOJ-OPDAT;
- Representatives of the 12th National Youth Parliament from the National Youth Commission, led by Commissioner-At-Large James Caesar A. Ventura;
- Philippine Contingent to the 46th Ship for the Southeast Asian and Japanese Youth Program (SSEAYP), headed by Atty. Jamel T. Mamutuk;
- Mayor Joseph A. Evangelista and the councilors and officials of Kidapawan City;
- Fr. Edwin Gariguez from Caritas Philippines;
- PMPI National Coordinator Yolanda R. Esguerra, and their contingent;
- Grade 11 students from Holy Cross High School, headed by their head teacher, Mr. Moreno Nguyo; and
- Senior high school students from San Beda University, Mendiola, Manila, with their teacher Mrs. Gie Limpo.

Senate President Sotto welcomed the guests to the Senate.

REFERENCE OF BUSINESS

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

BILLS ON FIRST READING

Senate Bill No. 1087, entitled

AN ACT INSTITUTIONALIZING THE GRANT OF A TEACHING SUPPLIES ALLOWANCE FOR PUBLIC SCHOOL TEACHERS AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Gatchalian

To the Committees on Civil Service, Government Reorganization and Professional Regulation; Basic Education, Arts and Culture; Ways and Means; and Finance

Senate Bill No. 1088, entitled

AN ACT TO FURTHER EMPOWER THE MEMBERS OF THE SANGGUNIANG KABATAAN (SK) BY AMENDING CERTAIN PROVISIONS IN REPUBLIC ACT NO. 10742, OTHERWISE KNOWN AS THE “SANGGUNIANG KABATAAN REFORM ACT OF 2015”

Introduced by Senator Angara

To the Committees on Youth; Local Government; and Finance

Senate Bill No. 1089, entitled

AN ACT INSTITUTING POLICIES FOR THE PROTECTION AND WELFARE OF CAREGIVERS IN THE PRACTICE OF THEIR PROFESSION

Introduced by Senator Angara

To the Committee on Labor, Employment and Human Resources Development

Senate Bill No. 1090, entitled

AN ACT PROVIDING FOR THE MAGNA

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**CARTA OF THE OUT-OF-SCHOOL
YOUTH**

Introduced by Senator Angara

To the Committees on Youth; and Finance

Senate Bill No. 1091, entitled

**AN ACT RECOGNIZING HAZING AS
A HEINOUS CRIME, AMENDING
FOR THE PURPOSE REPUBLIC
ACT NO. 7659, AS AMENDED,
OTHERWISE KNOWN AS DEATH
PENALTY LAW**

Introduced by Senator Zubiri

**To the Committee on Justice and Human
Rights**

RESOLUTION

Proposed Senate Resolution No. 156, entitled

**RESOLUTION URGING THE DEPART-
MENT OF AGRICULTURE AND THE
SUGAR REGULATORY ADMINIS-
TRATION TO MITIGATE THE
CURRENT SITUATION OF THE
PHILIPPINE SUGAR INDUSTRY BY
CONVERTING THE UNITED STATES
OF AMERICA'S TARIFF-RATE QUOTA
(TRQ) ALLOCATIONS FOR LOCAL
INDUSTRIAL CONSUMERS**

Introduced by Senator Zubiri

**To the Committee on Agriculture, Food
and Agrarian Reform**

COMMITTEE REPORTS

Committee Report No. 13, submitted jointly by the Committees on Civil Service, Government Reorganization and Professional Regulation; and Finance, on Senate Bill No. 643, introduced by Senator Revilla Jr., entitled

**AN ACT GRANTING NIGHT SHIFT
DIFFERENTIAL PAY TO THE
GOVERNMENT EMPLOYEES includ-
ING THOSE IN GOVERNMENT-**

**OWNED OR CONTROLLED COR-
PORATIONS AND APPROPRIATING
FUNDS THEREFOR,**

recommending its approval with amendments.

Sponsor: Senator Revilla, Jr.

To the Calendar for Ordinary Business

Committee Report No. 14, prepared and submitted jointly by the Committees on Civil Service, Government Reorganization and Professional Regulation; Basic Education, Arts and Culture; Ways and Means; and Finance, on Senate Bill No. 1092, with Senators Recto, Revilla Jr., Angara, Gatchalian and Cayetano as authors thereof, entitled

**AN ACT INSTITUTIONALIZING THE
GRANT OF A TEACHING SUPPLIES
ALLOWANCE FOR PUBLIC SCHOOL
TEACHERS AND APPROPRIATING
FUNDS THEREFOR,**

recommending its approval in substitution of Senate Bill Nos. 42, 75, and 957.

Sponsor: Senator Revilla, Jr.

To the Calendar for Ordinary Business

PROPOSED SENATE RESOLUTION NO. 154

Upon motion of Senator Zubiri, there being no objection, the Body considered Proposed Senate Resolution No. 154, entitled

**RESOLUTION AUTHORIZING ALL
REGULAR STANDING COMMIT-
TEES, OVERSIGHT COMMITTEES
AND SPECIAL COMMITTEES OF
THE SENATE TO CONDUCT HEAR-
INGS, MEETINGS AND CONSUL-
TATIONS DURING EVERY RECESS
OF THE SENATE TO HAVE CONTI-
NUITY IN THE PROCESS OF
PASSING PENDING PROPOSED
LEGISLATION AND TO CONDUCT
INVESTIGATIONS ON ISSUES
OF NATIONAL INTERESTS TO
AID IN CRAFTING RELEVANT
LEGISLATION.**

With the permission of the Body, only the title of the resolution was read without prejudice to the insertion of its text into the Record of the Senate.

MANIFESTATION OF SENATOR ZUBIRI

Senator Zubiri stated that the resolution is self-explanatory as it authorizes all regular standing committees, oversight committees and special committees of the Senate to conduct hearings, meetings and consultations during every recess of the Senate.

MANIFESTATION OF SENATOR DRILON

At the outset, Senator Drilon stated that he has no objection to the resolution as it is a standard measure passed whenever plenary session is adjourned, but by way of reconfirmation, he placed on record that under the *Rules*, the committees can meet or hold hearings only pursuant to a resolution or a bill that was formally referred to them by the plenary, except in the case of the Blue Ribbon Committee which can *motu proprio* hear any matter within its jurisdiction even during the break.

Senator Zubiri confirmed that only the Blue Ribbon Committee can *motu proprio* conduct hearings without any referral from the plenary.

Senate President Sotto likewise agreed, adding that the committees would still have to observe the three-day rule notice. He noted that there were already a number of resolutions and bills pending before the committees which could already be the subject of hearing anytime.

TERMINATION OF THE PERIOD OF INTERPELLATIONS

There being no other interpellation, upon motion of Senator Zubiri, there being no objection, the Body closed the period of interpellations and proceeded to the period of amendments.

TERMINATION OF THE PERIOD OF AMENDMENTS

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

ADOPTION OF PROPOSED SENATE RESOLUTION NO. 154

Upon motion of Senator Zubiri, there being no

objection, Proposed Senate Resolution No. 154 was adopted by the Body, subject to style.

PROPOSED SENATE RESOLUTION NO. 141

Upon motion of Senator Zubiri, there being no objection, the Body considered Proposed Senate Resolution No. 141, entitled

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

With the permission of the Body, only the title of the resolution was read without prejudice to the insertion of its text into the Record of the Senate.

TERMINATION OF THE PERIOD OF INTERPELLATIONS

There being no interpellation, upon motion of Senator Zubiri, there being no objection, the Body closed the period of interpellations and proceeded to the period of amendments.

TERMINATION OF THE PERIOD OF AMENDMENTS

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

ADOPTION OF PROPOSED SENATE RESOLUTION NO. 141

Upon motion of Senator Zubiri, there being no objection, Proposed Senate Resolution No. 141 was adopted by the Body, subject to style.

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended to allow the delegates to the Southeast Asian and Japanese Youth Program to receive the resolution.

It was 3:11 p.m.

RESUMPTION OF SESSION

At 3:34 p.m., the session was resumed.

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**COMMITTEE REPORT NO. 12
ON SENATE BILL NO. 1086**
(Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1086 (Committee Report No. 12), entitled

AN ACT CREATING AND ESTABLISHING THE PHILIPPINE HIGH SCHOOL FOR SPORTS AND PROVIDING FUNDS THEREFOR.

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

Thereupon, the Chair recognized Senator Angara for his cosponsorship speech.

**COSPONSORSHIP SPEECH
OF SENATOR ANGARA**

Senator Angara stated that as former chairman of the Committee on Games, Amusement and Sports, he was proud to cosponsor Senate Bill No. 1086, establishing a Philippine High School for Sports.

Following is the full text of Senator Angara's cosponsorship speech:

It was Fr. Carmelo “Tito” Caluag, former director of Basic Education of the Ateneo De Manila University, who many years ago shared with me the idea of having a separate high school for sports development, in the same way that we currently have a Philippine High School for the Arts in Makiling, Laguna, which has produced many of our country’s outstanding artists who have been making waves here and abroad.

With a Philippine High School for Sports, Filipino students with exceptional athletic talent will be given a chance to hone their sports skills and, at the same time, receive a proper secondary education.

In this way, the Philippine High School for Sports (PHSS) will become a vital component to the country’s training and selection system for our national sports programs. Graduates of the PHSS will eventually comprise the training pool for our national athletes, thus increasing our chances of cinching that coveted Olympic gold medal.

This idea makes sense especially when one views sports as an effective tool for instilling

discipline, perseverance, and teamwork on our youth — as well as for uniting the country, and ultimately, building our nation.

During the First Philippine Professional Sports Summit, we emphasized that if we want to build a truly vibrant Philippine sports industry, we must be prepared to nurture talent and potential wherever it may be found across the country.

In recent years, we have observed many positive developments in sports. Our budgets for sports—for agencies like the Philippine Sports Commission (PSC) and the Games and Amusement Board (GAB)—have been increasing. We have also increased the incentives and benefits that our national athletes and coaches receive whenever they win in international competitions. And during the last Congress, we passed the measure establishing the Philippine Sports Training Center, with Sen. Manny Pacquiao as the chairman of the Committee on Sports, as the premier, state-of-the-art training complex for our national athletes.

All of these paint a very bright future for Philippine sports. But none of these would matter in the long run if we are unable to truly build and maintain an effective grassroots program that allows the youth to play, to train, and to exercise their passion for a sport regardless of their background. Having a Philippine High School for Sports would be a keystone to that effective grassroots program.

We have filed this measure since the Fifteenth Congress, while still in the Lower House. This is why we were more than happy when no less than the President expressed his support during his State of the Nation Address (SONA) for the establishment of an “Academy of Sports.”

Once the Philippine High School for Sports will be realized, the country will be a step closer to other ASEAN sports powerhouses like Singapore, which already has sports education institutions such as the International Sports Academy and the Singapore Sports School, as well as Thailand, Indonesia, and Malaysia.

More importantly, this will send a strong message to our youth that the country is dedicated to harnessing and exposing the potential of our youth athletes, especially at the grassroots level. I have long been an advocate of the belief that in order to rise in the global sports stage, developing aspiring athletes at a young age is of great importance. The PHSS will also be a strong and concrete statement of support not just for our young athletes, but also

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to the likes of Efren “Bata” Reyes, Hidilyn Diaz, our *Pambansang Kamao* Sen. Manny Pacquiao, and to all the national athletes who have brought honor and pride to this country.

With the President’s vote of confidence and the able stewardship of our colleague, Sen. Win Gatchalian, we are assured that our dream of having a dedicated high school for training our student-athletes or future Olympians will soon come true.

COSPONSORSHIP SPEECH OF SENATOR VILLANUEVA

Senator Villanueva stated that it was an honor and privilege for him to cosponsor and support the measure to create the Philippine High School for Sports, as he believed that it was already high time to create an educational institution that would focus on the development of young competitive athletes who stand toe to toe in the international arena.

Following is the full text of Senator Villanueva’s cosponsorship speech:

Since 1924, we have sent our best athletes to the Olympics, but a gold medal finish remains to be elusive. We came close to the gold medal thrice in a span of 50 years. In 1964, boxer Anthony Villanueva finished with a silver after losing on points. In 1996, the same fate happened to Onyok Velasco, while Hidilyn Diaz’s performance in the 2016 Rio de Janeiro Olympics was also good for a silver medal.

Just a few months back, EJ Obiena, a pole vaulter, made headlines as he secured a spot in the Tokyo 2020 Olympics. Obiena surpassed his own record as he cleared 5.81 meters, beating the Olympic entry standard of 5.80 meters.

Ngayon, mayroon na naman tayong pagasa para makamit ang ginto. Ngunit mas marami pa sana tayong makukuhang pagkakataon kung may isang institusyon na tututok at mangangalaga sa mga susunod na generasyon ng atleta.

I speak being a former athlete. Twenty-seven years ago, I played for the Palarong Pambansa basketball team and experienced how tough it is to battle every step of the way just to reach the much coveted Palarong Pambansa.

Bagamat naniniwala ako na kahit sino ay kayang maka-ginto sa Palarong Pambansa basta pagtatrabuhan, alam kong mas malayo pa ang pwedeng marating ng ating mga atleta

kung may institusyon nakatutok para magbigay ng lahat ng suporta.

That is why I would like to take this opportunity to thank our colleagues for pushing this measure, particularly Sen. Pia Cayetano, who first introduced this measure nine years ago, Chairman Win Gatchalian, Sen. Sonny Angara, and other sponsors.

Kahapon po ay hindi ko alam kung ano ang aking nararamdaman noong ipakita ni Senator Cayetano sa ating lahat iyong mga larawan po natin during our athletic days. Masaya dahil nakaka-inspire at malungkot dahil na-realized ko na ang laki na pala ng itinanda ko mula noong maging miyembro tayo ng Philippine Team na lumaban sa Southeast Asian Basketball Association o SEABA sa Johor, Malaysia, way back 1994.

Sa tulong din ng Philippine High School for Sports, hindi matatapos sa pagiging kinatawan ng Pilipinas ang karera ng bawat atletang Pilipino. Sa tulong ng institusyon na ito, magkakaroon ng karera sa linya ng palakasan ang mga atletang nagbigay ng kanilang oras at galing para sa ating minamahal na bansa.

We support the creation of the Philippine High School for Sports and provide funds for its operation.

And just for the record, let me also state that we are also pushing for the passage of another bill, Senate Bill No. 157, institutionalizing sports varsity teams in elementary and secondary schools, which, we believe, will complement the creation of the Philippine High School for Sports. We are hopeful that in due time, the Philippines will be able to raise more athletes who will qualify and compete in the international stage.

Young Filipino athletes are talented individuals just waiting for a chance to be trained properly. With the help of the government, we can help make their hopes in our country’s dreams of Olympic glory come.

Maraming salamat po and may God bless us all.

COSPONSORSHIP SPEECH OF SENATOR ZUBIRI

Senator Zubiri joined his cosponsors in urging the Body to support Senate Bill No. 1086.

The full text of Senator Zubiri’s cosponsorship speech follows:

Having been happily involved in competitive sports in my youth, I know firsthand how greatly beneficial it was to have a childhood that enabled me to really pursue my interest in sports. It instilled in me a great understanding of the importance of health and well-being, as well as instilling in me the value of discipline, hard work and teamwork.

I appreciate the pictures presented yesterday by Sen. Pia S. Cayetano which showed all of us in our youth and about 10 kilos lighter.

It is so vital that the youth are given avenues to experience and pursue various passions so they may select for themselves what they wish to further develop. For myself, and for many other youth, that passion is sports. But few of us ever get the chance to seriously pursue it given that most of our schools accord physical education a secondary status in favor of academics, which is a shame since many of our youth show exceptional potential in sports.

Those Filipino athletes who went on to accomplish great things did so despite, and not because of, the physical education curriculum of our schools.

I am not sure if Sen. Pia S. Cayetano showed pictures of the Senate President, but I know he was a very distinguished athlete as both a bowler and as a single handicap golfer.

They somehow found ways to triumph even under unfavorable circumstances, even with a lack of educational support. And with educational support, I have no doubt that our athletes will accomplish even bigger feats.

It is my pleasure then to cosponsor the Philippine High School for Sports (PHSS) Act, which I feel is timely and necessary move to support our young athletes. The PHSS will provide genuinely holistic education to our students, nurturing them in mind and in body. And with the PHSS, I am certain we will see more Manny Pacquiao, Ramon Fernandez, and Hidilyn Diazes.

I also filed a related bill, the Philippine Sports Academy, which will cater to athletes of all ages. It will be the sports academy arm of the Philippines Sports Commission. Maybe, we can also house this in the New Clark City sports training facility.

I am certain that with all these bills, which will further hone the talents of the Philippine youth, we can produce more world champions in the field of sports.

And to end my cosponsorship on this measure, the reason why many countries promote sports, the first-world, large economies, is that it promotes nationalism. That is why Japan pours billions of dollars unto their athletes, that is why the United States pour billions of dollars to their athletes. Because when they win in the Olympics, when they win in the international arena, world championships and international competitions, when the flag of your nation is raised, you feel national pride in you and unite the country further.

As mentioned in yesterday's speech, when our *Pambansang Kamao* fights, nobody is in the streets. You can lie down in EDSA, because everybody is rooting for him on TV. And that happens to all sports in all countries.

So, with this, I ask our colleagues to support the passage of the Philippine High School for Sports.

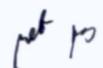
COSPONSORSHIP SPEECH OF SENATOR GORDON

Senator Gordon stated that it was an honor for him to cosponsor the bill because he believed in the Latin saying "*Mens sana in corpore sano*" — a sound mind in a healthy body.

Senator Gordon stated that the country has a lot of Filipino youth who are full of energy and raring to compete but sadly, he said, the Philippines has not produced a gold medalist in the Olympics. He recalled the times the country basked in glory: when the national basketball team placed third in the 1954 FIBA World Championships in Rio de Janeiro, Brazil; when Anthony Villanueva and Onyok Velasco won silver medals in boxing in the 1964 and 1996 Olympics, respectively; and when weightlifter Hidilyn Diaz bagged the silver in the 2016 Summer Olympics.

Senator Gordon noted that countries that invested in sports through athletic scholarships have produced athletes who performed very well in the international arena and became paragons of competitiveness and discipline. Thus, he underscored the importance of encouraging activities and making the most of opportunities that would unify the country and develop the character and values of its people.

Senator Gordon cited the University of the Philippines men's basketball team which has not won a championship trophy in the last 34 years, but has finally buckled down and put up a team that could



compete with the best of the best and has a very good chance of wresting the championship.

In a related matter, Senator Gordon scored the lack of coordination with the Philippine Coast Guard in the recent tragedy that happened to the Boracay Dragon Boat team that was expected to compete in Taiwan, but lost seven of its members after their boat capsized.

He also expressed concern over the absence of any institutionalized support from the government for local athletes such as Ateneo basketball player Kai Sotto who had gone to the United States for training, while Sandro Reyes, the grandson of the late Gov. Carmencita Reyes, was being groomed to play for Real Madrid. He agreed with Senator Zubiri that sports is a unifying factor that allows the people to have pride as a nation, as he especially noted that every time Sen. Manny Pacquiao had a boxing match, the whole country practically stopped to watch. He lauded Senator Pacquiao for being a paragon in terms of training, a gym rat of the highest order.

In closing, Senator Gordon expressed his intention to be a cosponsor of the bill.

INQUIRY OF THE CHAIR

At this juncture, Senate President Sotto inquired on the status of Senate Bill No. 856 that he filed which seeks the creation of the Philippine National Sports Academy but which was not included in Committee Report No. 12. Senator Zubiri explained that Senate Bill No. 1086 seeks the creation of a high school and as such, it was referred to the Committee on Basic Education, Arts and Culture, while Senate Bill No. 856, which seeks the creation of an academy for all ages, was referred to the Committee on Sports, along with Senate Bill No. 1062 which he had also filed. He explained that Senate Bill No. 1086 and Senate Bill No. 856 were referred to different committees because as explained by the Secretariat, their referral was based on history of the bill (to which committee similar bills in previous Congresses were filed) and jurisdiction as defined in the Rules of the Senate, the determination of which is based on the text of the bill itself.

Senate President Sotto stated that he would abide by the decision of the Committee on Rules on the matter.

Senator Zubiri gave the assurance that the measures on the creation of the sports academy

which could be housed in the New Clark City, Pampanga would be pursued.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1086

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

MANIFESTATION OF SENATOR MARCOS

Given the wholehearted support of the Body for the measure, Senator Marcos manifested that all senators be made coauthors of Senate Bill No. 1086, creating the Philippine High School for Sports.

Senate President Sotto took note of the manifestation, saying that it would be placed on record at the proper time.

SPECIAL ORDER

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of Committee Report No. 9 on Senate Bill No. 1083 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 9 ON SENATE BILL NO. 1083

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Second Reading, 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.”

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 Lacson for the sponsorship.

SPONSORSHIP SPEECH OF SENATOR LACSON

Senator Lacson, chairperson of the Committee on National Defense and Security, Peace, Unification and Reconciliation, submitted for the consideration and approval of the Body, Senate Bill No. 1083 under Committee Report No. 9, otherwise known as “An Act to Secure the State and Protect Our People from Terrorism” in substitution of Senate Bill Nos. 6, 21, and 30.

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

The amendment to the Human Security Act of 2007 is among the unfinished business of the 17th Congress. Almost eight months ago, I stood here to sponsor the Anti-Terrorism Act of 2019.

Unfortunately, time was not on our side to deliberate on the said measure. Since then, the Filipino people have already been confronted by a number of terrorist attacks. As we speak, terrorist groups are probably planning their next attacks.

We have seen a mutation in the way terrorist groups perpetrate their evil acts since the passage of the Human Security Act. We have seen the phenomenon of terrorism become more complex and malevolent. We have seen how the ISIS’s tactics have changed as the terror group continues to lose ground in Iraq and Syria, how their members and sympathizers are taking the fight here in Southeast Asia.

Yes, right here in our backyard. In fact, they attempted to establish a caliphate as they laid siege in Marawi. Unsuccessful, we saw the recent spate of suicide bombings in our southern island provinces. Just over the weekend of September 15, at least 700 kilos of ammonium nitrate and an 81mm mortar fuse were recovered in Patikul, Sulu. Imagine the extent of damage that these huge amounts of explosive components could have done if these were not seized by our security forces.

Nations have made headway in amending or passing new anti-terrorism laws. Sadly, we could not say the same for our country. Since its enactment in 2007, our country’s legislative framework for anti-terrorism has remained toothless, to say the least.

Only in the Philippines — as the expression goes — where the anti-terror law has literally

more provisions restricting our law enforcers than bringing terrorists to justice. That is not an exaggeration.

Under the current Human Security Act, there are only four instances for terrorists to be prosecuted under the law. These are: commission of the actual crime of terrorism; conspiracy to commit terrorism; accomplice; and accessory. On the other hand, there are a total of 20 instances where law enforcers can be charged and penalized for violations of the Human Security Act. I believe this is not rational. Add to this the penalty of P500,000 per day to be paid by the government to anyone erroneously detained for possible terrorism. This is not only irrational, it borders on the absurd.

Sadly, the Human Security Act has proven to fail in terms of its efficacy as an anti-terrorism measure. Despite the real and present threat presented by terrorist organizations, groups, and individuals to the Filipino people, we have had only one conviction for violation of the law. Imagine that, time and again and seemingly more and more often, we hear of terrorist attacks happening, with a mounting number of those killed and injured — one conviction. That alone is enough proof of the ineptness and inadequacy of the current law.

It is therefore incumbent upon the legislature to amend the Human Security Act of 2007. Our country needs an anti-terror law that would provide a strong legal backbone to support our criminal justice response to terrorism; enable our law enforcers with much-needed tools to protect our people from the threat of terrorism and, at the same time, safeguard the rights of those accused of the crime. We need a strong legal structure that deals with terrorism in order to exact accountability, liability, and responsibility. Those who have committed, are about to commit, or are supporting those who commit terrorist acts should be prosecuted and penalized accordingly.

As a responsible member of the international community, there is a clear need for us to amend the Human Security Act in order to more effectively implement relevant United Nations Security Council resolutions; meet international and regional standards on anti-terrorism laws; and fulfill state obligations as a United Nations member-state.

We need a legal framework for anti-terrorism that is clear, concise, balance, and rational, which is the very backbone of this measure under consideration.

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In the current definition of terrorism under the Human Security Act, three things are needed for the crime of terrorism to be proven: the *cognate* or *predicate crime*, *intent*, and *motive*.

Let me elucidate.

For predicate crimes, one must first prove that the act constitutes any of the predicate crimes listed in the law. Then, the intent must be proven. According to the Human Security Act, the predicate crime should have been intended to sow and create a condition of widespread and extraordinary fear and panic among the populace. The law does not stop there. Contrary to what criminal law requires, terrorism as defined under the Human Security Act calls for another element: motive. The crime must have been motivated by the desire to coerce government to give in to an unlawful demand.

To illustrate, if I were a prosecutor, first, I must prove the crime of murder, which is a violation of the Revised Penal Code; afterwards, I must prove that the crime of murder was committed with the intent to sow and create widespread and extraordinary fear and panic among the populace. At the same time, I still have to prove that the motive behind the act is to coerce the government to give in to an unlawful demand. No wonder we do not normally file terrorism charges against suspected terrorists. What do we expect if it is more convenient and easier to get a conviction if the suspected terrorist were charged with any of the predicate crimes listed in the act without any danger of being imposed with a P500,000 fine in case of acquittal?

A case in point, just last September 10, 2018, the Philippine National Police was reported to have filed murder charges against 18 individuals for the Lamitan, Basilan bombing. All the accused are members of armed groups known to have pledged loyalty to the international terrorist group Islamic State (IS). Note that despite having committed clear acts of terrorism, the suspects were charged with murder.

Sure, if suspected terrorists are charged and found guilty of, say, murder, they will still be put behind bars. So, why the need to charge them with terrorism if the penalty is the same? Because this has far-reaching implications on our overall criminal justice's response to terrorism. Consequently, there is currently no legal basis for penal institutions to introduce de-radicalization interventions to those involved in terror acts because they were not charged for the crime of terrorism.

Therefore, one of the main amendments we are introducing is the new definition of "terrorist acts." Our Committee seeks to make the definition of terrorist acts concise, clear, and adherent to regional and international standards.

If you would direct your attention to the slides, the definition of "terrorist acts" in the anti-terrorist laws of Malaysia, Thailand, Sri Lanka and Australia contain three main elements: the acts that would fall under the definition, the intent of said acts, as well as the safeguards. And thus, we propose to do away with the element of "motive" and define "terrorist acts" to cover the following unlawful acts, in or outside the Philippines, regardless of its stage of execution:

1. Attacks that cause deaths or serious bodily injury to any person, or endangers a person's life;
2. Attacks that cause extensive damage or destruction to a government or public facility, critical infrastructure, public place or private property likely to endanger human life or result in major economic loss;
3. Manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of biological or chemical weapons, as well as research into, and development of biological and chemical weapons;
4. Release of dangerous substances or causing fires, floods or explosions, the effect of which is to endanger human life; and
5. Threat to commit any of the abovementioned acts.

Note that we included the phrase "in or outside the Philippines," as an acknowledgment of the extraterritorial nature of the crime of terrorism. Accordingly, we are adopting the principle of law that "permits a state to exercise jurisdiction over perpetrators of certain offenses considered particularly heinous or harmful to mankind, regardless of any nexus the state may have with the offense, the offender, or the victim." This, however, does not create an obligation on the part of the Philippines to take cognizance of terrorist acts committed abroad. It merely gives us the authority to take cognizance of a terrorist act when needed, such as when a terrorist act was committed abroad by an individual and such person comes here to try to evade prosecution abroad. With our proposed amendment, we can be sure that whether the terrorist act is committed here or abroad, the perpetrator shall be within the arms of the law once he or she comes to our country.

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This resonates with a proposed new section on *Foreign Terrorist Fighters*, which I will discuss later.

With respect to the element of intent, it can be inferred from the following amendment on the definition: When the purpose of such act, by its nature and context, is to intimidate, put in fear, force or 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, or create a public emergency or undermine public safety, shall be guilty of committing a terrorist act, and shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of Republic Act No. 10592, otherwise known as "An Act Amending Articles 29, 94, 97, 98 and 99 of Republic Act No. 3815, as Amended, Otherwise Known as the Revised Penal Code."

And equally important, the *safeguards*:

Terrorist acts as defined under this section shall not cover legitimate exercises of the freedom of expression and to peaceably assemble, including but not limited to engaging in advocacy, protest, dissent, or mass action where a person does not have the intention to use or urge the use of force or violence, or cause harm to others.

Moreover, the Human Security Act does nothing to deter participation in the plotting of terrorist acts. And so, we propose to penalize the following preparatory acts:

1. Planning, training, preparing and facilitating the commission of a terrorist act;
2. Attempt or conspiracy to commit a terrorist act;
3. Proposal to commit terrorist acts;
4. Inciting to commit terrorist acts;
5. Recruitment to and membership in a terrorist organization;
6. Providing material support to terrorists; and
7. Being an accomplice or accessory to a terrorist act, regardless of its stage of execution.

At this point, allow me to discuss in detail the transnational nature of terrorism. As a responsible member of the community of nations, we are duty-bound to improve upon our laws towards ensuring that we are able to implement United Nation's Security Council resolutions, meet international standards, and fulfill state obligations within the United Nations. Thus,

we are inserting a provision on *foreign terrorist fighters*, to include Filipinos who may join and fight with terrorist organizations outside the Philippines.

The proposed Anti-Terrorism Act establishes the Philippine state's jurisdiction over Filipino nationals who commit terrorist offenses outside of Philippine jurisdiction. It also provides measures to ensure foreign terrorists do not use our motherland as a transit point, a safe haven to plan and train for terrorist attacks in other countries, or as a source of new recruits.

We send a strong message to them, "You are not welcome here. If you dare set foot in our country, you will be dealt with the full power of our laws."

Our proposal is to deem the following acts unlawful and be punished with a penalty of life imprisonment without the benefit of parole and the benefits of Republic Act No. 10592:

- 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;
- For any person to organize or facilitate the travel of individuals who travel to a state other than their states of residence or nationality for the purpose of perpetrating, planning, training, or preparing for, or participating in terrorist acts, or providing or receiving terrorist training, including acts of recruitment; and
- For any person residing abroad who comes to the Philippines to participate in perpetrating, planning, training, or preparing for, or participating in terrorist acts or provide support for or facilitate terrorist training here or abroad.

Our unwavering resolve to fight terrorism also entails the removal of the restrictive and absurd fine of P500,000 per day for erroneous detention. Moreover, law enforcement personnel are provided with a capacity to build airtight cases against the perpetrators of such vile acts. We also strengthen the Anti-Terrorism Council (ATC) by increasing its membership to include the Chief Minister of the Bangsamoro Autonomous Region in Muslim Mindanao. We also designate the ATC Program Management Center as the main coordinating and program management arm of the council.

The amendments provide for a longer judicial authorization for the conduct of

surveillance, 60 days to be specific, which may be further lengthened to another non-extendible period of 30 days. As a safeguard, the authority to issue Judicial Authorization for Surveillance is retained with the Court of Appeals.

We also seek to extend the number of days a suspected person can be detained without a warrant of arrest from the current three days to now a non-extendible period of 14 working days. This increase still keeps Philippine legislation within the moderate or lenient bracket. Both Australia and Sri Lanka, in their proposed amendment to their Anti-Terror Law, allow for 14 days detention without warrant of arrest. Bangladesh allows for 15 days, while Indonesia for 21 days, Pakistan for 30 days, Malaysia for 59 days, and Singapore for 730 days.

I would also like to add that some of our neighboring countries allow for the extension of detention periods without warrant. To illustrate, Thailand's initial period of detention without warrant is seven days, but this can be extended up to 30 days. Indonesia allows for extension up to 120 additional days, and Malaysia up to two years. Both Maldives and Singapore provide for the indefinite period of detention of suspects deemed to be threats to national security.

To safeguard against abuse, we are proposing to require arresting officers to establish the existence of the following circumstances:

1. That the further detention of the person is necessary to preserve evidence related to terrorist act or to complete the investigation;
2. That the further detention of the person or persons is necessary to prevent the commission of another terrorist act; and
3. That the investigation is being conducted properly and without delay.

Moreover, the proposed Anti-Terrorism Act added safeguards of mandating the arresting officer to:

1. Notify in writing the judge of the court nearest the place of apprehension of the following facts: a) time, date, and manner of arrest; b) location or locations of the detained suspect or suspects; and c) physical and mental condition of the detained suspect or suspects; and
2. Furnish the Anti-Terrorism Council of the written notice given to the judge.

The amendments also seek to ensure that persons charged under the Anti-Terrorism Act are appropriately managed and taken care of

inside our jail and correction facilities. We know that prisons can unintentionally provide the perfect venue for terrorists to recruit, plan, and build their networks. The amendments mandate the Bureau of Jail Management and Penology and the Bureau of Corrections to establish a system of assessment and classification for persons charged with committing terrorist and preparatory acts. The said system shall provide for the proper management, handling, and interventions for said persons detained. We would like to emphasize that any law enforcement or military personnel found to have violated the rights of persons accused under the said Act shall be penalized with imprisonment ranging from 10 years and one day to 12 years.

This amendatory measure also subscribes to the saying that justice delayed is justice denied. And so, to ensure the speedy disposition of cases filed under the proposed Anti-Terrorism Act, we include new provisions regarding the trial of persons charged under this Act. We propose the designation of certain Regional Trial Courts as Anti-Terror Courts whose jurisdiction will be exclusively limited to try violations of the proposed Anti-Terrorism Act. We have likewise included a provision allowing the use of video conferencing technology for persons charged under this Act to be able to, as well as other witnesses, remotely appear and testify.

Finally, learning from the Philippine experience in proscribing the Abu Sayyaf group as a terrorist organization, which lagged in our courts for more than 10 years, we are proposing an amendment regarding the issuance of a preliminary order of proscription. Under our proposal, upon a determination that probable cause exists, a regional trial court judge shall issue a preliminary order of proscription within 72 hours from the filing of application, after which, the court shall have a period of six months from the filing of verified application within which to determine, through a summary hearing, whether to set aside, modify, or make permanent such preliminary order of proscription.

May I also remind my esteemed colleagues that amending the Human Security Act means an end to martial law in Mindanao. Though analysis of the situation shows that it is an empty martial law, "psywar," to even quote Defense Secretary Lorenzana, the term still has a lingering threat to the minds of the Filipino people being a country severely traumatized and still haunted by the horrors of martial law decades ago. The Armed Forces of the Philippines had repeatedly made a commitment to end martial law in Mindanao, if the measure is passed.

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Lastly, I emphasize that amending the Human Security Act does not take away the intent and spirit of the human right safeguards provided by Republic Act No. 9372 for persons accused of terrorist acts and preparatory acts. Furthermore, amending Republic Act No. 9372 would ensure that our anti-terror law is clear, concise, and balanced.

We strive to provide the State a strong legal backbone to protect the life, liberty and property of the Filipino people against the evils of terrorism.

I have said it then and I will say it again, "A person may cause evil to others, not only by his actions but by his inactions." And, in either case, he is justly accountable to them for the injury. I, therefore, seek with utmost urgency the passage of the Anti-Terrorism Act seeking to amend Republic Act No. 9372 or the Human Security Act of 2007.

COAUTHORS/COSPONSORS

Upon their request, Senators Dela Rosa and Lapid were made coauthors and cosponsors of Senate Bill No. 1083.

MANIFESTATION OF SENATOR DELA ROSA

Senator Dela Rosa stated that he would deliver his cosponsorship speech on the measure once the session resumes after the recess.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1083

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

SPECIAL ORDER

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of Committee Report No. 13 on Senate Bill No. 643 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 13 ON SENATE BILL NO. 643

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Second Reading,

Senate Bill No. 643 (Committee Report No. 13), entitled

AN ACT GRANTING NIGHT SHIFT DIFFERENTIAL PAY TO THE GOVERNMENT EMPLOYEES INCLUDING THOSE IN GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS AND APPROPRIATING FUNDS THEREFOR.

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 Revilla for the sponsorship.

SPONSORSHIP SPEECH OF SENATOR REVILLA

Senator Revilla, on behalf of the Committee on Civil Service, Government Reorganization and Professional Regulation, submitted for plenary consideration Senate Bill No. 643, entitled "An Act Granting Night Shift Differential Pay To The Government Employees Including Those In Government-Owned Or Controlled Corporations And Appropriating Funds Therefor," under Committee Report No. 13. He said that the proposed measure seeks to institutionalize the night shift differential pay granted to government employees under Budget Circular No. 8, Series of 1995 promulgated by the Department of Budget and Management (DBM) on December 4, 1995, in recognition of the efforts of the employees to work beyond their regular schedules despite the late hour of the day to better serve the people.

Following is the full text of his sponsorship speech:

Ang mga kawani ng ating gobyerno na kailangang magtrabaho labas sa karaniwang oras ng kanilang tanggapan o ahensiya ay nararapat lamang na bigyan ng suporta.

Rendering service at night undoubtedly increases the inconvenience and expenses incurred by the employees. Certain modes of transportation are only available during daytime, leaving night shift employees with limited and usually more expensive options. Office canteens and cafeterias are also open during daytime

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only, prompting these employees to either bring their food or buy from a comparatively limited list of restaurants that are still open during night time. *Simple lang kung iisipin, pero malaking bagay po ang mga ito sa convenience and productivity ng ating mga empleyado.*

A more important concern is the safety and security of night shift employees. Their property, health and life are at risk as they embark to work in the service of our people.

Mas malapit sa sakuna at disgrasya ang ating mga empleyado lalo na sa kanilang biyahe pagpasok sa opisina o pag-uwi sa bahay nang alanganan oras. Gabi man o madaling araw, hindi maiaalis ang pag-aalala sa kanilang kaligtasan.

Mayroong iba't-ibang epekto rin sa kalusugan ng tao ang pagtatrabaho sa gabi. The physiological makeup of a human body is designed to work actively during daytime, thus, working at night requires more effort and poses greater toll to one's health.

Bukod dito, ang pagtatrabaho ng night shift ay nakakaapekto sa maraming aspeto ng buhay ng empleyado—personal, pamilya at komunidad. Their personal and social relations are affected because of their differing schedules.

Considering these difficulties and concerns, employees in the private sector are entitled to night shift differential pay under the Labor Code. Certain sectors in the public service also receive the same, including public health workers as provided under Republic Act No. 7305

While all employees, whether in private or public sectors, are in the same plight with respect to working at night shift, this measure seeks to provide a law that will ensure the government workers of similar entitlement.

This measure proposes to grant a maximum of 20 percent of the hourly basic rate of a government employee for each hour of work performed between 6:00 in the evening and 6:00 in the morning.

All government employees, including those in government-owned or controlled corporations (GOCCs) whose nature of appointment are permanent, contractual, temporary or casual, are covered except for the following:

- (a) Public health workers who are already covered by Republic Act No. 7305;
- (b) Government employees whose schedule of office hours falls between 6:00 a.m. to 6:00 p.m.; and

- (c) Government employees whose services are required or are on call 24 hours a day such as uniformed personnel of the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP), the Bureau of Jail Management and Penology (BJMP) and the Bureau of Fire Protection (BFP).

The amount necessary for the payment of such entitlement to the employees shall be derived from three respective sources:

- (a) The national government entities will draw it from the existing appropriations of the concerned departments or agencies;
- (b) The local government units will draw it from their respective local funds; and
- (c) The GOCCs and their subsidiaries will draw it from their respective corporate funds.

A similar measure was sponsored in the 17th Congress but the Committee, as recommended by the Department of Budget and Management (DBM), adopted the provisions of Budget Circular No. 8.

This Representation is hoping for the support of this Chamber for the immediate passage of this piece of legislation.

COSPONSOR

Upon her request, Senator Hontiveros was made cosponsor of Senate Bill No. 643.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 643

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

COMMITTEE REPORT NO. 11 ON SENATE JOINT RESOLUTION NO. 8 (Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Joint Resolution No. 8 (Committee Report No. 11), entitled

JOINT RESOLUTION DIRECTING THE DEPARTMENT OF SOCIAL WEL- FARE AND DEVELOPMENT (DSWD), DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT (DILG),

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DEPARTMENT OF NATIONAL DEFENSE (DND), DEPARTMENT OF TRANSPORTATION (DOTR), DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR), AND THE LOCAL GOVERNMENT UNITS, IN COORDINATION WITH THE NATIONAL FOOD AUTHORITY (NFA) AND THE DEPARTMENT OF AGRICULTURE (DA), TO DIRECTLY PURCHASE PALAY FROM THE LOCAL FARMERS FOR THE RICE SUBSIDY PROGRAM.

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

Thereupon, the Chair recognized Senator Villar, sponsor of the measure, and Senator Pangilinan for his interpellation.

INTERPELLATION OF SENATOR PANGILINAN

At the outset, Senator Pangilinan placed on record that he has always been supportive of the efforts to encourage purchases of agricultural products directly from the local farmers, a solution which he also identified in his privilege speech last August 13, 2019. He then asked whether the bulk of harvests for the year would be coming from the months of September, October, November and December amounting to almost 60 percent of the annual total rice harvests or 12 million metric tons of the 20 million metric tons *palay* produced yearly which is equivalent to 12 billion kilos of *palay* harvests. Relative thereto, he said that depending on the capacity of the mill, only 60 percent to 65 percent of the 12 billion kilos of *palay* becomes rice. Senator Villar confirmed the statements of Senator Pangilinan.

Senator Pangilinan stated that his understanding of the intent of the resolution was that P6.97 billion from the DSWD subsidy and another P2.89 billion for rice allowances would be used to purchase rice. Senator Villar affirmed, clarifying that only one-fourth of the P2.89 billion would be allocated yearly while the P6.97 billion would be allocated in full amount, or around P7.6 billion.

Senator Pangilinan noted that according to the Philippine Statistics Authority, the estimated price of

palay is around P17 per kilo, so that the 12 billion kilos of *palay* annually harvested would be worth P204 billion. Thus, he stated that the P7 billion sought to be set aside would be very small compared to the *palay* that the local farmers would be selling at P17/kilo for the second half. Senator Villar clarified that the intent of the measure is to buy rice at P30 per kilo, the likely capital being P25. She explained that since there are only three months left and not a lot of money is going to be allocated, the plan is to conduct a pilot project in areas that are presently producing more rice than what they needed. Initially, she named 10 provinces that could qualify in the sense that they have oversupply of rice: Ilocos Norte, Pangasinan, Cagayan, Isabela, Nueva Vizcaya, Nueva Ecija, Tarlac, Oriental Mindoro, Occidental Mindoro, Iloilo and Zamboanga del Sur. She said that the local farmers in these areas would already have the other provinces as their readily available market for their rice produce.

Senator Pangilinan recalled that in the previous session, Senator Drilon manifested his support for the measure because it would simply be pilot-tested in selected regions or provinces during the remaining months of the year. He said that he too saw the importance of pilot testing what the measure seeks to achieve, his only concern being that a lesser number of farmers would benefit from the pilot testing since it would be limited to selected areas. Thus, he asked how the farmers who would not benefit from the pilot program could be assisted. He said that even as he agreed on the need to proceed with the pilot project, they should realize that the transition towards a liberalized rice trading industry would take some time. In this regard, he endorsed the recommendation of the Philippine Institute for Development Studies (PIDS) contained in the study authored by Briones and Tolin, regarding the impact of rice tariffication, to provide cash assistance, apart from mechanization and improving on seed variety, as a means of supporting and improving the productivity of rice farmers in the interim, at the same time helping them adjust to the new rice industry regime of liberalization and influx of imports.

In reply, Senator Villar stated that pursuant to the Rice Tariffication Law, the amount collected in excess of P10 billion shall form part of the Rice Competitiveness Enhancement Fund (RCEF) which could be used for cash assistance to farmers. She said that if indeed the DOF has already collected P10.7 billion, P700 million therefrom could be allocated

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as cash assistance. She also disclosed that the DOF gave P1.5 billion as part of the SURE Aid from which to source the P15,000 loan to every small farmer, which is payable for the next eight years, interest-free.

To Senator Pangilinan's suggestion that the P700 million and subsequent collection in excess of the P10 billion be made as direct cash assistance to deserving farmers, Senator Villar acceded.

Noting the need to directly support local farmers, Senator Pangilinan said that the passage of the "Sagip Saka Act," or Republic Act No. 11321, which he authored, was also an effort to exempt local and national government agencies from the Procurement Law when they purchase directly from accredited farmers and fisherfolk organizations as it would increase their income and ultimately secure their welfare and the country's food supply.

Senator Villar affirmed that through the Sagip Saka Act, governors were allowed to buy rice from farmers without any bidding process. She thanked Senator Pangilinan for sponsoring the said law.

INTERPELLATION OF SENATOR HONTIVEROS

Noting the status of the utilization of the Rice Subsidy Fund, the economic managers' position on cost benefit analysis, and the NFA's thrust to protect the interest of the farmers and the poor, Senator Hontiveros pointed out that under Section 4 of Republic Act No. 11310 (*Pantawid Pamilyang Pilipino Program*), rice subsidies are being given to the 4Ps beneficiaries in the form of cash transfers, yet the bill proposes to give actual rice instead of cash. Thus, she believed that the proposed bill is contrary to the intent, design, and mechanism of the 4Ps program which specifically mandates conditional cash transfer. Senator Villar explained that aside from the cash transfer, there is also an additional rice subsidy to CCT beneficiaries which is equivalent to 20 kilos of rice at P30 per kilo, or P600 which was originally intended as an actual rice subsidy but which was eventually given in cash.

To the comment that the 4Ps beneficiaries should be given the freedom to purchase their preferred food staples, Senator Villar said that the bill is merely recommending the giving of rice instead of cash so that the Filipino farmers would have a new market in

light of the passage of the Rice Tariffication Law. She said that as a small-scale pilot project, the program would only be implemented in 10 provinces that have oversupply of rice.

To Senator Hontiveros' concern that the bill would unintentionally or unduly interfere in the utilization of the fund intended for the 4Ps program by specifying that part of the cash transfer would now be in the form of rice when it has been mandated under the 4Ps law that it has to be in the form of cash, Senator Villar clarified that the rice subsidy in the 4Ps program would not be touched. She pointed that the government only opted to give cash instead of rice which was actually the original intent, to facilitate distribution to the beneficiaries.

To Senator Hontiveros' observation that the 4Ps program is similar to other conditional cash transfer programs in other countries that have proven effective in poverty alleviation, Senator Villar said that the CCT subsidies abroad were mostly given in kind. For instance, she said that the Thai government gives milk to six million children to ensure that they would be healthy, besides improving the income of dairy farmers. Senator Hontiveros maintained that there are well-established and documented successes of the 4Ps program, among which was the stories of beneficiaries undergoing pre-natal checkups and seeing their children go through pre-school education.

Senator Villar pointed out that the CCT program has also its minuses, citing stories of 4Ps beneficiaries pawning their ATM cards to financiers via the 5-6 payment scheme while others totally becoming dependent on the cash benefits.

On whether the resolution is a form of austerity measure which changes the cash transfer scheme of the 4Ps program to rice subsidy, thus limiting their choices on how they use their cash subsidy, Senator Villar replied that offering P30 per kilo of rice is a good deal for any Filipino family considering that even rice farmers could not afford rice at such low prices. She lamented the irony of having rice farmers sell all their grains to rice traders but end up buying the same grains from the market at higher prices.

On another matter, Senator Hontiveros noted that the country's economic managers have always believed that it is more practical and favorable to receive outright cash instead of a monthly rice allocation. Senator Villar explained that as envisioned



in the proposed resolution, the DSWD would purchase rice from the NFA which, in turn, will handle the distribution. She clarified that the purchases would be limited to pilot areas.

Senator Hontiveros asked whether the measure has safeguards to ensure that the interests of the farmers and the poor are protected and that the funds for the rice subsidy would be utilized for its intended purposes. She also sought assurance that quality rice harvested by local farmers would be received by the beneficiaries and that the proposed resolution would not be abused by middlemen and traders. Senator Villar reiterated that the NFA would purchase rice directly from the farmers. She added that Agriculture Secretary Dar had directed the NFA to submit a performance report and update on its activities, purchases, sales and the rice stocks in their warehouses every two weeks.

In closing, Senator Hontiveros expressed reservations about the resolution and clarified that she was prepared to support it only for a short-term period and its implementation in a limited number of provinces. She underscored the importance of not having the CCT beneficiaries bear the burden for the government's collective failure in promoting the welfare of the rice farmers.

TERMINATION OF THE PERIOD OF INTERPELLATIONS

There being no further interpellation, upon motion of Senator Zubiri, there being no objection, the Body closed the period of interpellations.

TERMINATION OF THE PERIOD OF AMENDMENTS

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

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 5:08 p.m.

RESUMPTION OF SESSION

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

RECONSIDERATION OF THE TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

Upon motion of Senator Zubiri, there being no objection, the Body reconsidered the termination of the period of individual amendments.

ZUBIRI AMENDMENTS

As proposed by Senator Zubiri and accepted by the Sponsor, there being no objection, the Body approved the following amendments, one after the other:

Page 3

- Delete the entire WHEREAS clause from lines 4 to 10;
- On line 25, insert a new WHEREAS clause, to read as follows:

WHEREAS, THE FUNDING FOR THE SAID PROGRAM GRANTS SHALL BE SOURCED FROM THE GENERAL APPROPRIATIONS ACT OF 2019.; and

- On line 27, after the word "to," replace the word "direct" with AUTHORIZE.

Senator Zubiri proposed to delete, on lines 28 to 30, the phrase "Department of the Interior and Local Government (DILG), Department of National Defense (DND), Department of Transportation (DOTr), Department of Environment and Natural Resources (DENR)."

DRILON AMENDMENTS

As proposed by Senator Drilon and accepted by the Sponsor, there being no objection, the Body approved the following amendments, one after the other:

- As amended by Senator Zubiri, on page 3, delete lines 26 to 31 and in lieu thereof, insert a new resolutory clause, subject to style, to read as follows:

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED BY THE SENATE OF THE PHILIPPINES AND THE HOUSE OF REPRESENTATIVES IN CONGRESS VOTING SEPARATELY, TO AUTHORIZE THE USE OF THE RICE SUBSIDY AS PROVIDED UNDER THE PANTAWID PAMILYANG PILIPINO

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PROGRAM (4PS) IN THE GENERAL APPROPRIATIONS ACT (GAA) OF 2019 FOR THE PURCHASE OF PALAY FROM FARMERS, MANDATING FOR THE PURPOSE THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD) AND THE LOCAL GOVERNMENT UNITS TO BUY PALAY FROM THE LOCAL FARMERS FROM THE PROVINCES OF PANGASINAN, ILOCOS NORTE, CAGAYAN, ISABELA, NUEVA VIZCAYA, MINDORO ORIENTAL, MINDORO OCCIDENTAL, TARLAC, NUEVA ECIJA, ZAMBOANGA DEL SUR AND ILOILO, AND DISTRIBUTE RICE SUBSIDY IN THE FORM OF ACTUAL RICE, INSTEAD OF CASH ASSISTANCE, TO THE QUALIFIED BENEFICIARIES;

- Reword the title of the bill to read as follows, subject to style:

JOINT RESOLUTION AUTHORIZING THE USE OF THE RICE SUBSIDY AS PROVIDED UNDER THE PANTAWID PAMILYANG PILIPINO PROGRAM (4Ps) IN THE GENERAL APPROPRIATIONS ACT OF 2019 FOR THE PURCHASE OF PALAY FROM FARMERS, MANDATING FOR THE PURPOSE THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD) AND THE LOCAL GOVERNMENT UNITS TO BUY PALAY FROM THE LOCAL FARMERS AND DISTRIBUTE THE RICE SUBSIDY IN THE FORM OF ACTUAL RICE INSTEAD OF CASH TO QUALIFIED BENEFICIARIES.

CLEAN COPY

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

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 5:32 p.m.

RESUMPTION OF SESSION

At 5:34 p.m., the session was resumed.

SUSPENSION OF CONSIDERATION OF SENATE JOINT RESOLUTION NO. 8

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

ADDITIONAL REFERENCE OF BUSINESS

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

BILLS ON FIRST READING

Senate Bill No. 1093, entitled

AN ACT REGULATING THE REGISTRATION, LICENSURE, AND PRACTICE OF PHYSICAL THERAPY, PROVIDING FUNDS THEREFOR AND FOR OTHER RELATED PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 1094, entitled

AN ACT REQUIRING ALL HEADS OF LOCAL GOVERNMENT UNITS TO ESTABLISH “OFW FAMILY HELP DESKS” IN THEIR OFFICES

Introduced by Senator Lapid

To the Committees on Local Government; and Women, Children, Family Relations and Gender Equality

Senate Bill No. 1095, entitled

AN ACT STRENGTHENING THE REGULATION OF HEALTH FACILITIES AND SERVICES, AND APPROPRIATING FUNDS THEREFOR, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 4226, OTHERWISE KNOWN AS THE “HOSPITAL LICENSURE ACT”

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Introduced by Senator Lapid

To the Committees on Health and Demography; and Finance

Senate Bill No. 1096, entitled

AN ACT PROVIDING SOCIAL SECURITY AND NON-MONETARY BENEFITS TO ALL BARANGAY OFFICIALS, WORKERS AND VOLUNTEERS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Local Government; and Finance

RESOLUTIONS

Proposed Senate Resolution No. 157, entitled

RESOLUTION CONGRATULATING AND COMMENDING THE FILIPINA CHEF, LOUISE MABULO, FOR BEING AWARDED AS A YOUNG CHAMPION OF THE EARTH HELD LAST SEPTEMBER 26, 2019 IN NEW YORK, USA

Introduced by Senator Lapid

To the Committee on Rules

Proposed Senate Resolution No. 158, entitled

RESOLUTION URGING THE EXECUTIVE DEPARTMENT, PARTICULARLY THE DEPARTMENT OF FOREIGN AFFAIRS, TO RECONSIDER THE PHILIPPINE GOVERNMENT'S POSITION ON ANY RESOLUTION OF THE UN HUMAN RIGHTS COUNCIL (UNHRC) CONCERNING THE HUMAN RIGHTS ABUSES AND ATROCITIES COMMITTED AGAINST THE ROHINGYA AND OTHER MINORITIES IN MYANMAR, PURSUANT TO THE PHILIPPINES' OBLIGATIONS TO PROMOTE AND PROTECT HUMAN RIGHTS AND TO OBSERVE INTERNATIONAL HUMANITARIAN

LAWS, AND IN KEEPING WITH THE HISTORICAL AND CULTURAL TRADITIONS OF THE FILIPINO PEOPLE WHO VALUE THE DIGNITY AND WORTH OF EVERY HUMAN PERSON

Introduced by Senator De Lima

To the Committee on Foreign Relations

Proposed Senate Resolution No. 159, entitled

RESOLUTION EXPRESSING THE SENSE OF THE SENATE IN RECOGNIZING THE UNWAVERING AND STEADFAST FRIENDSHIP BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE REPUBLIC OF KOREA AND COMMEMORATING THE 70TH ANNIVERSARY OF OUR ROBUST BILATERAL RELATIONS

Introduced by Senator Pimentel III

To the Committee on Rules

**COMMITTEE REPORT NO. 5
ON SENATE BILL NO. 1055
(Continuation)**

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1055 (Committee Report No. 5), entitled

AN ACT ESTABLISHING A SEPARATE FACILITY FOR PRISONERS CONVICTED OF HEINOUS CRIMES.

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

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

INTERPELLATION OF SENATOR DRILON

At the outset, Senator Drilon stated that he has no issue with the bill as he has been a proponent of the regionalization of the country's prison system because the present facility is simply impossible to

manage. Moreover, he said that part of the reform in the penal system should be to rationalize the supervision of the country's penitentiaries, considering that there are three different systems of detention: the Bureau of Corrections, a provincial jail run by the provincial government, and a city jail supervised by the Bureau of Jail Management and Penology (BJMP). He pointed out that with three entities managing the three different systems of detention, the rules are never consistent and uniform, giving rise to situations like the different interpretations of the Good Conduct Time Allowance Law that have resulted in so much controversy.

Senator Gordon agreed with Senator Drilon that by regionalizing the prison system, the supervision of the country's penitentiaries would also be rationalized.

As to the number of existing penal farms under the BuCor, Senator Gordon cited 1) the New Bilibid Prison in Muntinlupa; 2) two Correctional Institutions for Women, one in Mandaluyong and one in Davao; 3) Sablayan Prison and Penal Farm in Mindoro; 4) Iwahig Prison and Penal Farm in Palawan; 5) San Ramon Prison and Penal Farm in Zamboanga City; 6) Davao Prison and Penal Farm; and 7) Regional Prison in Leyte. As requested, he presented the details of each facility as follows:

PRISON FACILITIES	Land Area (Hect.)	No. of Buildings	Total Floor Area (Sq. m.)	Actual Floor Area (Sq. m.)	Inmate Population	Capacity	Occupancy Rate(%)	Congestion Rate(%)
NBP	254.73	33	37807	30,246	27,619	64,435	429%	329%
CIW, Mandaluyong	15	19	9,197	7,358	3,255	1,566		108
Iwahig	26,689	15	3,629	2,983	2,849	618	461%	361%
Davao	9,923	19	8,479	6,783	6,255	1,443	433%	333%
CIW, Davao	9,923		1,080	864	524	184	285%	185%
San Ramon	664	12	2,998	2,398	2,235	510	438%	338%
Sablayan	8,327	17	5,268	4,215	2,697	897	301%	201%
Leyte Regional Prison	861	9	3,794	3,035.20	1,920	646	297%	197%

Senator Drilon stated that the data confirmed the information that the prison system does not have enough space to even meet the basic standard of a decent space.

On whether the land area of the NBP as presented is accurate, Senator Gordon said that the size of the land used to be 500 hectares, but by virtue of a presidential proclamation, a portion of the land was converted into a housing project, presently known as the *Katarungan* Village. He opined that the conversion of a portion of the land area into a housing village should never have happened because the purpose of land was to confine prisoners.

Senator Drilon stressed the need to determine the accurate hectarage of the NBP because it could

be a source of funding. Relative thereto, he stated that based on his research, the total area of the NBP used to be 551 hectares, and he disclosed that he was aware of the housing project intended for the personnel of the Department of Justice and its bureaus and that, in fact, as Secretary of the DOJ, he was one of those who was given the privilege to purchase a few hundred square meters of the land. He reiterated that a more accurate measure of the NBP should be put on record.

Senator Gordon gave the assurance that he would file a request with either the Bureau of Lands or the DPWH to survey the land to give the Senate an exact measure.

On another matter, Senator Drilon noted that under RA 10575, or the Bureau of Corrections Act of 2013, the BuCor is authorized to propose additional penal farms as may be necessary, aside from the existing seven prison and penal farms. He said that said authority was further elaborated in the Implementing Rules and Regulations (IRR) of RA 10575, when it provided that the BuCor "may enter into a memorandum of agreement with military and police camps where the inmates can be authorized to serve their sentences." He said that if by some reason the proposed measure does not become a law, if it gets vetoed by the President, there is still sufficient authority under the law to provide for additional penal farms.

Adverting to Section 3 (*Definition of Terms*) of the proposed bill, Senator Drilon asked for clarification what exactly is a heinous crime. Senator Gordon explained that the Committee relied on the definition under the Death Penalty Law which enumerated the crimes considered heinous, to wit: treason, piracy, qualified piracy, qualified bribery, parricide, murder, infanticide, kidnapping and serious illegal detention, robbery with violence against or intimidation of persons, destructive arson, rape, plunder, Sections 3, 4, 5, 6, 7, 8 and 9 of Article II, and Sections 14, 14-A, 15 and 16 of Article III of Republic Act No. 6425.

Senator Drilon believed that there is no harm in repeating in the bill the definition as provided in Death Penalty Law because there might be some who would argue that with the suspension or revocation of Republic Act 7659 or the Death Penalty Law, the definition of heinous crimes under the said law is no longer valid. He stressed that without going to the validity of such assertion, there is no harm in repeating the definition of heinous crimes in the bill

so that it would be clear what “high-level offenders” are. He said that the definition should be clarified and for this purpose he would propose amendments to the bill at the appropriate time.

Senator Gordon admitted that he was torn as a Red Cross volunteer of long standing and as a senator in the sense that within the Red Cross community there is one thought that if Congress does not allow the deductions of heinous crimes, it would appear that they are turning their back against rehabilitation which would mean some convicts would no longer have a future to look forward to and would remain wards of the state that are being fed and could even cause trouble.

Senator Drilon believed that for purposes of providing a better definition of heinous crimes, they must agree as a matter of policy on whether the penal system is rehabilitative or retributive. Senator Gordon stated that he was under the impression that the system is both rehabilitative and retributive, given that there are parole laws, executive clemency, and probation law. Senator Drilon pointed out the Good Conduct Time Allowance Law and yet, he noted, the government wants to reimpose the death penalty. He also cited the Revised Penal Code which is retributive in character but over the years, the government adopted some rehabilitative measures.

Senator Gordon believed that although it may not be such a bad idea to have a little bit of both rehabilitative and retributive systems, what they should adopt should be acceptable in the international community and to the Filipinos who are mostly Christians.

As regards the definition of “national inmate,” Senator Drilon noted that the IRR of RA 10575, or the Bureau of Corrections Act of 2013, refers to it as “an inmate sentenced by a court to serve a term of imprisonment for more than three years or to a fine of more than one thousand pesos; or regardless of the length of sentence imposed by the court, to one sentenced for violation of customs law or other laws within the jurisdiction of the Bureau of Customs or enforceable by it; or for violation of immigration and election laws; xxx.” He suggested that for purposes of uniformity and to avoid confusion, the Body adopt the definition of “National Inmate” under RA 10575.

Senator Gordon expressed willingness to accept amendments at the proper time.

At this juncture, Senator Drilon said that he would continue his interpellation on the proposed measure in the next session day.

INTERPELLATION OF SENATOR HONTIVEROS

Preliminarily, Senator Hontiveros expressed her appreciation to the wonderful exchange between Senator Drilon and Senator Gordon about the kind of penal system the country has. She noted that the penal reforms being pushed were really in the direction of a restorative system, one which inherently retains the aspect of justice and retribution because the simple deprivation of freedom is in itself one of the heaviest penalties impose upon a person who has committed a crime. She said that to strive for a restorative system is one of the most beautiful elements of the narrative in Dostoyevsky’s eternal novel, “Crime and Punishment.”

Adverting to Section 5 of the proposed measure, Senator Hontiveros asked if the provision would disallow visitation of family and other loved ones. Senator Gordon replied that visitation would still continue but properly curtailed.

Senator Hontiveros stated that there are compelling evidence that access to loved ones and relatives outside prison actually helps the rehabilitation of the inmates, while children of prisoners not having access to their parents who are in jail for heinous crimes, are adversely affected and further stigmatized, and as a consequence, recidivism becomes rampant. She then asked Senator Gordon if he would be open, at the proper time, to accept amendments to the effect that visitation rights are allowed, subject to proper curtailment. Senator Gordon replied in the affirmative.

Anent the old adage “Do not do the crime if the you do not want to do the time,” Senator Hontiveros believed that even if the incarcerated person is doing the time as determined by the court, the state should still regulate the isolation according to the highest principles of restorative justice. Senator Gordon agreed.

Senator Hontiveros said that based on evidence from other countries, super-maximum security or supermax prisons or separate facilities for heinous crime offenders have shown deleterious effects on the mental health of persons deprived of liberty (PDLs). She cited a study done in Illinois, USA, that said that supermax prisoners experienced “anxiety, rage,

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dissociation and psychosis" as well as the phenomenon called "breaking." She asked what kind of measures could be introduced to address the potential rise of mental health issues among prisoners who would be affected by the proposed bill.

Senator Gordon replied that psychosis and anxiety disorders could also be detected among regular prisoners due to their separation from their families and the loss of their basic freedom, which is the natural consequence when one is completely isolated. He said that the rules must be clear on how to utilize the isolation in a humane manner. He said that he was even thinking of an alternative to the overflowing prisons of the country. Noting a lot of suicide cases among the youth, he said that there must be an effort to fine-tune and study what creates the pressures that could lead to suicide or even to more heinous conduct. He said that he wanted to be sure that the country must follow the suggestion of the UN rule on solitary confinement as the physical and social isolation of individuals who are confined to their cells for 22-24 hours a day.

Senator Hontiveros said that mental health concerns and pressures could affect any human being, even among regular prisoners but the evidence based on studies showed that isolation in supermax prisons has much greater effect on the mental health of inmates. She suggested exploring further the measures that could be put in place to preempt or address such problem, even to the extent of looking at the degree of the isolation because as discussed earlier, deprivation of freedom in itself is already a terrible punishment.

Senator Gordon said that he would like to see the prison cells with only four inmates or a minimum of two, but he would also like to give the Department of Justice (DOJ) some space in fine-tuning or adjusting their penology prisons walls.

Senator Hontiveros expressed hope that Senator Gordon would advise the DOJ about the wisdom of having two to four inmates to a cell so that the person deprived of liberty would not also be deprived of human interaction.

On whether he would accept an amendment that would require separate facilities for male and female heinous crime offenders, Senator Gordon replied in the affirmative even as he pointed out that men and women heinous crime offenders are already in separate facilities.

Asked if minor offenders would be placed in separate facilities, given that there was no provision in the proposed bill that distinguished children in conflict with the law against convicts of heinous crimes, Senator Gordon replied that minors age up to 18 years old could not be confined in the New Bilibid Prison or any of the major jails because they are supposed to be confined in separate institutions. He hoped that his proposal for separate facilities which is more than just jails for young offenders would materialized. He said that what is needed early on in life are social workers who could guide and support the youth, absent the parents who could no longer inculcate values on their children. He supposed that with the social workers whom the kids could go to, there would be less criminals in the country.

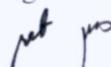
Senator Hontiveros appreciated the wisdom of Senator Gordon in looking at the roots of the situation for children in conflict with the law and how the socio-economic roots of the children's problems should be addressed in a pro-active and preemptive manner. She hoped that, at the proper time, Senator Gordon would accept amendments on the specific provision for young people.

INTERPELLATION OF SENATOR TOLENTINO

Asked by Senator Tolentino if there is a definition that would distinguish a "correctional" institution from a "penitentiary," Senator Gordon replied that he would equate correctional with penitentiary since both terms are interchanged, noting that the New Bilibid Prison (NBP) is called Bureau of Corrections but it could also be referred to as a penitentiary. But Senator Tolentino said that it was not just a matter of semantics, noting that the country's existing laws give stress on corrections, so that the NBP is called the Bureau of Corrections.

Senator Tolentino clarified that he was not against the proposed measure even as he is actually in favor of reinstating the death penalty in order to decongest the prison compound of heinous crime offenders. However, he said that there are some provisions of the proposed bill that would need clarification and policy direction.

Senator Tolentino adverted to Section 2 of Republic Act No. 10575, on the *Declaration of Policy*, which states that "It is the policy of the State to promote the general welfare and safeguard the



basic rights of every prisoner incarcerated in our national **penitentiary** x x x . It also recognizes the responsibility of the State to strengthen the government capability aimed towards the institutionalization of highly efficient and competent **correctional** services.” He noted that there seemed to be a mix-up in the definition of “correctional” and “penitentiary,” since the latter is supposed to be an institution that would house criminals convicted of serious crimes, while the former is a term that would refer to jail and other places of incarceration that would endeavor to rehabilitate prisoners, which, he believed, was what Senator Gordon thought of earlier when asked on the distinction between reformatory, retributive and other aspects of the penal system.

Senator Tolentino noted that Section 3(b) of RA 10575 defined “Reformation,” as rehabilitation component of the BuCor’s present corrections system, as referring to the acts which ensure the public (including families of inmates and their victims) that released national inmates are no longer harmful to the community by becoming reformed individuals prepared to live a normal and productive life upon reintegration to the mainstream society.

Asked if there are existing policies under Republic Act No. 10575 that are contrary to the purpose and the rationale of the proposed bill, Senator Gordon clarified that the philosophy of the Bureau of Corrections Act is reformatory and at the same time, penitentiary because it also implements a system of punishment. He also believed that they should be eclectic and be able to apply what is best to certain conditions. For instance, he said that he submits to the philosophy that everybody deserves a second chance, but that he also subscribes to the policy that hardened criminals must be placed in a penitentiary for safekeeping as it is a place to keep people who are a menace to society. He reiterated that he would rather have both philosophies within the law in order to have a gentle and reformatory society.

Senator Gordon said that he also wanted to put training, education and livelihood activities in the separate penitentiary for dangerous convicts such as in Iwahig Penal Colony which has 28,000 hectares of land area. He suggested that the prisoners be used in a reformatory way by having them plant which could be used to feed the entire correctional system while possibly even being paid below minimum in addition to the GCTA. He added that the inmates could also be taught livelihood skills such as making plates for

cars, steel plates for addresses or prison uniforms, among others. He believed that the penal system ought to be managed by someone who is not just a disciplinarian but also a well-rounded person, who is a firm, fair, and ready to act in accordance with what the situation requires.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1055

At this juncture, upon motion of Senator Zubiri, there being no objection, the Body suspended consideration of the bill.

COMMITTEE REPORT NO. 11 ON SENATE JOINT RESOLUTION NO. 8 *(Continuation)*

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Joint Resolution No. 8 (Committee Report No. 11), entitled

JOINT RESOLUTION DIRECTING THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD), DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT (DILG), DEPARTMENT OF NATIONAL DEFENSE (DND), DEPARTMENT OF TRANSPORTATION (DOTR), DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR), AND THE LOCAL GOVERNMENT UNITS, IN COORDINATION WITH THE NATIONAL FOOD AUTHORITY (NFA) AND THE DEPARTMENT OF AGRICULTURE (DA), TO DIRECTLY PURCHASE PALAY FROM THE LOCAL FARMERS FOR THE RICE SUBSIDY PROGRAM.

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

Thereupon, the Chair recognized Senator Villar, sponsor of the measure, and Senator Drilon for his amendments using as basis the amended copy of the bill as of October 2, 2019.

DRILON AMENDMENTS

As proposed by Senator Drilon and accepted by

the Sponsor, there being no objection, the Body approved the following amendments, one after the other:

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- On line 9, after the acronym “MT,” replace the period (.) with a semicolon (:);
- Convert lines 10 to 12 into a separate “Whereas” clause which shall read as follows:

WHEREAS, THE WAREHOUSES OF NFA ARE ALREADY FULL, AND THE PROBLEM OF OVERSUPPLY IS EXPECTED TO EXACERBATE DURING THE PERIOD FROM OCTOBER TO DECEMBER WHICH IS THE PEAK PALAY HARVEST SEASON;

- On line 19, replace the word “expend” with UTILIZE;
- On line 27, after the word “farmers,” replace the period (.) with a comma (,), and the phrase “the program has” with the word WITH;
- On line 32, after the word “rice,” replace the period (.) with a comma (,) and delete the words “This is”;

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- On lines 1 and 2, delete the phrase “During the DSWD subcommittee hearing under the Committee on Finance”;
- On line 2, replace the phrase “DSWD testified” with WHEREAS, THE DSWD CONFIRMED and convert lines 2 to 4 into a separate paragraph so that as amended, it would read:

WHEREAS, THE DSWD CONFIRMED THAT A BALANCE CURRENTLY OF AT LEAST P6.97 BILLION REMAINED UNDISBURSED UNDER THE RICE SUBSIDY PROGRAM.

- On line 15, replace the words “all-year-round” with FOR THE WHOLE YEAR;
- On line 21, after the word “interventions,” add the words ARE ENCOURAGED TO PURCHASE THEIR RICE NEEDS FROM LOCAL FARMERS, and delete the phrase “and they also have the funds to do such purchasing of rice”;

Senator Drilon believed that the local government units should not be required to use their funds to buy from the local farmers because of the autonomy that they enjoy in the disbursement of their own resources. He cautioned that mandating them to do so could become a problem.

As to the need to reiterate the presence of the LGUs in addressing the said short-term policy, Senator Tolentino stated that even with use of the word “encourage” the intent would remain the same.

However, Senator Drilon believed that the LGUs ought to only be “encouraged” instead of “mandated” to purchase rice from local farmers because if it is a mandate, the local government units could defy it and invoke the case of *Province of Batangas vs. Romulo* and the case of *Pimentel vs. Aguirre* to assert their independence.

- On line 19, between “(LGUs)” and “have,” insert WHO;

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- On line 15, delete the phrase “AND THE LOCAL GOVERNMENT UNITS (LGUS);” and

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- On the title of the bill, delete the phrase “AND THE LOCAL GOVERNMENT UNITS (LGUS)” and the comma (,) after it.

**TERMINATION OF THE PERIOD
OF INDIVIDUAL AMENDMENTS**

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

**APPROVAL OF SENATE JOINT
RESOLUTION NO. 8 ON SECOND READING**

Submitted to a vote, there being no objection, Senate Joint Resolution No. 8 was approved on Second Reading.

COMMITTEE REPORT NO. 5

ON SENATE BILL NO. 1055

(Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1055 (Committee Report No. 5), entitled

**AN ACT ESTABLISHING A SEPARATE
FACILITY FOR PRISONERS CON-
VICTED OF HEINOUS CRIMES.**

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

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Thereupon, the Chair recognized Senator Gordon, Sponsor of the measure, and Senator Tolentino for the continuation of his interpellation.

INTERPELLATION OF SENATOR TOLENTINO

(Continuation)

Referring to the sponsorship speech delivered by Senator Gordon, Senator Tolentino recalled that one of the objectives of the bill was to protect prisoners from violence. Asked if separating heinous crime offenders would help ensure the personal safety of other prisoners, the guards, and the general public, Senator Gordon replied in the affirmative.

Asked if the bill was patterned after the maximum penal institution models from the United States, Senator Gordon said that he was not certain if the concept came from the United States as he just wanted a Philippine policy that would ensure that heinous crime prisoners, particularly the *bosyos* (overall leaders), are separated in maximum penal institutions so that they could not do their ill will. He affirmed that the purpose is to separate heinous crime offenders or convicts from other subsets of offenders.

Senator Tolentino said that his take of the context from U.S. penal institutions is that the purpose for maximum institution is not just to protect the general public but to prevent prisoners from exhibiting violent behavior or assaultive tendencies, major escape risks, and disturbances within the general prison population. He emphasized the big difference between a convict who is arrested and imprisoned for having committed a heinous crime and a prisoner who exhibits violent tendencies and violent behaviors inside the penal institution. In fact, he said that in the United States, inmates are sent to supermax facilities when they are exhibiting violent, repugnant or outrageous behavior towards their co-prisoners which necessitates their isolation. He noted that the bill at hand places heinous crime offenders in a supermax facility without being evaluated as exhibiting violent prison behaviors.

Senator Gordon confirmed that the US federal prison system has the capacity and prerogative to transfer to a supermax facility, a person who is not even a heinous criminal but who is mischievous enough to create all kinds of violence. In contrast, Senator Tolentino said that the proposed bill is placing a heinous crime prisoner in a supermax facility although the inmate has not yet exhibited violent

prison behavior, thus treading on a possible violation of the equal protection clause in the Constitution owing to the apparent classification or subset that distinguishes another set of criminal without exercising proper due process and proper evaluation.

Senator Gordon assured that there would be no subset as the bill refers to heinous crimes committed under the Death Penalty Law. He said that he would stick to the rule until Congress decides to include a subset, and that he could consider any amendment that Senator Tolentino would propose.

Senator Tolentino said that he was a little bothered by the notion of reformatory punishment being mixed with retributive punishment as well as correctional versus penitentiary facilities.

Senator Gordon stated that to his knowledge, the only purely retributive institutions were the French penal colony called "Devil's Island" located off the coast of French Guiana, Alcatraz Island, and the San Quentin State Prison, but he pointed out that insofar as policy is concerned, there would always be a tendency to utilize both maximum retributive punishment and reformatory punishment at the same time and there is no reason why it should be prohibited considering that it is more acceptable. He averred that allowing conjugal visits and livelihood trainings indicates the implementation of a reformatory system at the New Bilibid Prison in Muntinlupa. However, he noted that when it comes to the supermax facility, there must be a thrust to protect the public and the rest of the prisoners by ensuring that the hardened criminals would be separated from other inmates especially if they are still able to exert influence outside prison, such as those involved in illegal drug trade inside the jail, those who are able to make shabu orders from another country and transport them back to the country, and those who could facilitate payments and deposit them in bank accounts abroad.

At this juncture, Senate President Sotto asked Senator Gordon if the drug lords could be reformed, as he noted that the intention of the bill is to remove heinous criminals such as drug lords away from society. He opined that there is no way to reform such criminals, and that incarcerating them elsewhere is the only way to prevent them from communicating to the outside world by not allowing the use of telephones or cellular phones. Senator Gordon noted that putting somebody completely incomunicado should be thoroughly discussed so that it does not

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violate the Constitution and the Universal Declaration of Human Rights.

Senate President Sotto disclosed that the current measure is an alternative to the original bill which he filed seeking the reimposition of the death penalty for high-level drug traffickers. He opined that the best alternative to the death penalty is to remove high-level drug traffickers from society, to see to their reformation by transferring them to a place where they could no longer operate.

Senator Tolentino informed the Body that the creation of supermax facilities started in the United States as a result of the significant increase in prison violence, riots and correctional staff being killed by inmates housed in maximum correctional facilities during the 1980s, particularly the correctional inmates of Marriott, Illinois who were locked down for 23 hours daily.

Asked how much the construction of three supermax facilities would entail, Senator Gordon said that the estimated budget for the project is P1 billion: P250,000,000 for the security system and P750,000,000 for the structure and land acquisition. He said that all three facilities need not be built right away as other inmates could be transferred to Iwahig or to Sablayan Prison and Penal Farm that have bigger tracts of land that could accommodate other supermax facilities, aside from structure for livelihood trainings. He expressed willingness to accept Senator Tolentino's amendment to consider an island where the highly dangerous and high level drug lords would be placed incommunicado except for occasional phone calls or visits.

Senator Tolentino noted that according to an *Al Jazeera* report, the Iwahig Prison and Penal Farm in Palawan is 28,000 hectares which is twice the size of Paris, and is considered one of the world's largest open-air jails. For economy of scale, he suggested constructing the supermax facilities at Iwahig so that high-level inmates could be easily monitored.

On whether prisoners have rights, Senator Gordon replied in the affirmative. He said that they have rights for subspace, food, medicine, basic accoutrements, visitation, clothing, anything that provides them a modicum of dignity, and human rights.

Asked if the bill took cognizance of the United Nations' Standard Minimum Rules for the Treatment

of Prisoners, Senator Gordon replied that as likewise reflected in a quote by Nelson Mandela that a society would be measured by the way it treats the lowliest creatures in the community, he would not want to be part of a country that treats a human being without dignity or respect, no matter how bad they are.

Senator Tolentino adverted to Section 61 of the United Nations' Standard Minimum Rules for the Treatment of Prisoners (Geneva, 1955), to wit: "The treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it." He noted that Senate Bill No. 1055 emphasized the exclusion of inmates from the community. He stated that while he is not totally against the concept *per se*, it might run counter to what the United Nations' international minimum standards would require from the Philippines as part of a global body.

Senator Gordon clarified that the bill does not aim to isolate the inmates but to only segregate them.

As regards the practice of solitary confinement, Senator Tolentino quoted the U.S. Supreme Court decision in the case of *Hutto vs. Finney* (437 U.S. 678, 1978), to wit: "A considerable number of the prisoners fell, after even a short confinement, into a semi-fatuos condition, from which it was next to impossible to arouse them, and others became violently insane; others, still, committed suicide; while those who stood the ordeal better were not generally reformed, and in most cases did not recover sufficient mental activity to be any consequent service to the community."

Senator Zubiri stated that the initial idea of the bill was to come up with a separate supermax facility similar to Alcatraz to deter the occurrence of criminality, especially heinous crimes, as no one is afraid to go to jail anymore.

Senator Zubiri pointed out that criminals are not afraid of being jailed in the Philippines because the culture inside penal facilities is similar to that of a country club or brotherhood wherein instead of rehabilitation, convicts are indoctrinated by other prisoners to the point that they come up with crimes of even more heinous character. He believed that putting prisoners in an isolated area is actually meant to put the fear of God in their eyes and is

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better than the death penalty as it would allow them to remain alive while they are imprisoned.

Senator Zubiri clarified that what he was proposing was to segregate heinous crime convicts from the reforming Persons Deprived of Liberty (PDL) amid concerns that the convicted drug lords still conduct their drug operations even while inside the Muntinlupa prison.

Senator Gordon pointed out that even the minimum rules for the treatment of prisoners adopted by the United Nations allow for prisoner isolation. In fact, he said that even world superpowers, including the United States, Israel and Australia, have supermax prisons. He reiterated that he would rather have the heinous crime convicts segregated and isolated from other prisoners in order to take away their ability to continue committing crimes from prison.

To the observation that it would be more cost-efficient to restore the death penalty in order to protect the general public, Senator Gordon pointed out that even Texas, which has about a hundred convicts awaiting the death penalty, cannot implement such punishment daily. He believed that being imprisoned in jail is sufficient payment for one's sins and allows the convict a chance at rehabilitation. However, he believed that a heinous crime convict that is beyond reform ought to be placed in an institution where he cannot continue to perpetuate evil upon other people.

Reiterating his position of favoring toughness against crime as well as the death penalty, Senator Tolentino said that he was merely trying to dissect some of the initial legalities and practicalities relative to the proposed construction of the supermax facilities. He adverted to data from the World Prisons Profile of 2018 which showed the United States as having the highest prison population of two million. In Asia, he said that the Philippines had a slightly higher number, at 179 prisoners/population, than the 145 prisoners/100,000 population average which is almost at par with Malaysia but lower than Singapore or Thailand.

Relative thereto, Senator Tolentino asked whether it would be better to privatize some of the proposed penal facilities, including the proposed supermax prison, similar to what has been done in Australia, Japan, Mexico, Peru, South Africa, United Kingdom

and even Thailand which has almost the same prison population as the Philippines. He said that even the New Zealand government was able to cut its prison expenses in half following such privatization. He also put forth the following proposals:

- 1) The State can construct a prison facility from ground up in whatever location and allow it to be run by the private sector;
- 2) The State can allow the private sector to completely build, even on a PPP program, from ground up all the facilities, including landscaping, at no expense to the government; the private sector will just maintain the semi-sovereign, non-sovereign functions, as follows: laundry, postal services, laundry, and nutrition, while the guards and, the management would be manned by the Bureau of Corrections; and
- 3) A joint venture between the government and the private sector should be undertaken where the private sector constructs at no expense to the government. The government maintains but some functions will be given to the private sector for a certain fee.

Senator Tolentino stated that Serco of the United States and the semi-private prison system of France are examples of such privatized institutions. He reiterated his earlier proposal to privatize prison facilities which would be at no additional cost to the government and would also allow more funding for the improvement of government penal institutions as well as increase of the salaries of BuCor personnel. However, Senator Gordon maintained that it is the responsibility of the State to ensure that there are adequate prison facilities in order to protect the country and its people. He also disagreed with Senator Tolentino's opinion that prison facilities are not loaded, since they are actually even overloaded.

As a point of reference, Senator Gordon enumerated the money allotted for prisoners, to wit:

<i>Country</i>	<i>Money spent per prisoner (US\$)</i>
United States	40,000
• Supermax	60,000
United Kingdom	77,000
Sweden	186,000
Norway	93,000
Philippines	650

Even though the bill aims to give jailed criminals all possible opportunities for rehabilitation, Senator Gordon said that he would support having a very stringent measure applied against convicts of heinous crimes but that the proper choices on the penalties that ought to be meted against them could be made another time. He explained that the measure seeks to allow the DOJ to quickly come up with a new prison system and to allow for a change in the attitude of those who are incarcerated.

Senator Tolentino explained that private firm CerCo, which maintains several penal institutions around the world, has an assured lease agreement to maintain the prison facility such that it is guaranteed an income even if there is a change of government. He also pointed out that unlike some BuCor personnel, who lack professionalism and maintain alliances with incarcerated convicts, a private institution runs efficiently sans politics, with better facilities and maintenance, and is easily replaceable. He also cited New Zealand and even Australia with privatized prison systems. He added that even Texas has saved US\$1 billion after it scrapped plans to build more prisons and instead used much of its savings in drug courts and treatment, resulting in the lowering of crime rates and the number of inmates, as well as the closure of three penal institutions.

However, Senate President Sotto doubted whether any Filipino company would want to be involved in privatizing and running the prison. In response, Senator Gordon said that such principles would have to be presented in the form of an amendment which could be debated on at the proper time.

For his part, Senator Tolentino stated that the proposal to privatize penal facilities could also apply to non-heinous crime facilities wherein reformatory and community-based initiatives are undertaken, while the government could run the supermax prison. He agreed to discussing the merits of the proposal for privatization during the period of amendments.

As to why law breakers are put in prison, Senator Gordon replied that Congress created laws to lock people who violate the law, not because of hate or fear.

Senator Gordon hoped that the bill would be passed as soon as possible. He disclosed that he has another bill where they could put all the discussed ideas together.

Regarding the privatization of prisons, Senator Gordon said that he would be willing to try and test

the idea. However, he mentioned the experience of Mang Kiko who got the privatized contract to cater food in the BuCor. He lamented that the charge per meal, which was originally around P79, was reduced to half by the BuCor, not including the cuts received by some officials. He said that sometimes, the solution will not be as easy as to privatize considering that the country has a very slow procurement system, or it is not working correctly. He said, however, that he is not closing his mind to that suggestion.

Senator Tolentino stressed that he is not against the measure. In fact, he said that he is tough on crime and he is for death penalty. He recalled that when he was a toddler, he was able to listen to the live radio coverage of the death execution of those involved in the Maggie dela Riva case.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1055

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

SECOND ADDITIONAL REFERENCE OF BUSINESS

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

MESSAGES OF THE PRESIDENT OF THE PHILIPPINES

Letters of the President Rodrigo Roa Duterte, dated 17 and 26 September 2019, respectively, submitting for the Senate's consideration and concurrence,

the Instrument of Ratification of the *Treaty between the Republic of the Philippines and the Russian Federation on Extradition*, which was signed on 13 November 2017 in Manila, Philippines; and

the Instrument of Ratification of the *Treaty between the Republic of the Philippines and the Russian Federation on Mutual Legal Assistance in Criminal Matters*, which was signed on 13 November 2017 in Manila, Philippines.

To the Committee on Foreign Relations

BILLS ON FIRST READING

Senate Bill No. 1097, entitled

AN ACT RECOGNIZING THE RIGHTS
OF NATURAL ECOSYSTEMS,
POPULATIONS, AND PROCESSES
AND PROVIDING MECHANISMS
FOR THE PROTECTION AND
ENFORCEMENT THEREOF

Introduced by Senator Hontiveros

**To the Committees on Environment, Natural
Resources and Climate Change; Justice and
Human Rights; and Finance**

Senate Bill No. 1098, entitled

AN ACT REGULATING THE OWNER-
SHIP AND OPERATION OF DRONES
BY PRIVATE PERSONS

Introduced by Senator Pimentel III

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

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 Monday, November 4, 2019.

It was 7:26 p.m.

I hereby certify to the correctness of the foregoing.



ATTY. MYRA MARIE D. VILLARICA
Secretary of the Senate



Approved on November 4, 2019