



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 42
Wednesday, December 18, 2019

**EIGHTEENTH CONGRESS
FIRST REGULAR SESSION**

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CALL TO ORDER

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

PRAYER

Senate President Vicente C. Sotto III led the prayer, to wit:

Almighty Father God,

Thank You for this opportunity to come together in prayer to honor You, thank You, and ask for Your help.

As this year draws to a close, we thank You, Lord, for the productive year that has been. Thank You for Your unfailing presence. We thank You for granting us the wisdom, knowledge and discernment in our decision-making. Thank You for giving us Your light that guided us in our ways.

Lord God, You are the only constant that we have. You are the King of the world, and You are the ultimate one we look to. Today and forever, we honor You. Help

us to remember that Your plan outshines and outlasts anything that we could ever come up with.

As we rejoice this holiday season and be with our family and loved ones, may You always remind us the true reason for this celebration – the birth of the Christ child. May this season not only bring us joy but also a giving heart – a heart that gives happiness, love, and forgiveness. Help us, O Lord, to remember our brothers and sisters less fortunate than ourselves in this season of giving.

Finally, Lord, we ask You to grant us peace — peace in our homes, peace in our churches, and peace in our hearts, when the world all around us spins out of control. Help us to stay focused on You, this Christmastime and always.

This we ask in Jesus' Name, 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:



Binay, M. L. N. S.	Pacquiao, E. M. D.
Drilon, F. M.	Pangilinan, F. N.
Gatchalian, W.	Pimentel III, A. K.
Go, C. L. T.	Poe, G.
Hontiveros, R.	Sotto III, V. C.
Lacson, P. M.	Tolentino, F. T. N.
Marcos, I. R.	Zubiri, J. M. F.

With 14 senators present, the Chair declared the presence of a quorum.

Senators Angara, Cayetano, Dela Rosa, Gordon, Recto and Villanueva arrived after the roll call.

Senator Lapid was on official business.

Senator Revilla was on official mission abroad.

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

Senator Villar was absent.

APPROVAL OF THE JOURNAL

Upon motion of Senator Zubiri, there being no objection, the Body dispensed with the reading of the Journal of Session No. 41 (December 17, 2019) and considered it approved.

REFERENCE OF BUSINESS

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

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

Letter from the House of Representatives, informing the Senate that, on 16 December 2019, the House of Representatives passed House Bill No. 5509, entitled

AN ACT LOWERING THE OPTIONAL RETIREMENT AGE OF GOVERNMENT WORKERS FROM SIXTY (60) TO FIFTY-SIX (56) YEARS, AMENDING FOR THE PURPOSE SECTION 13-A OF REPUBLIC ACT NO. 8291, OTHERWISE KNOWN AS “THE GOVERNMENT SERVICE INSURANCE SYSTEM ACT OF 1997,”

in which it requested the concurrence of the Senate.

To the Committees on Civil Service, Government Reorganization and Professional Regulation; and Government Corporations and Public Enterprises

BILLS ON FIRST READING

Senate Bill No. 1242, entitled

AN ACT PROVIDING FOR A SYSTEM OF REDISTRIBUTING AND RECYCLING FOOD WASTE TO PROMOTE FOOD SECURITY

Introduced by Senator Lapid

To the Committees on Agriculture, Food and Agrarian Reform; Social Justice, Welfare and Development; and Finance

Senate Bill No. 1243, entitled

AN ACT ESTABLISHING THE MINDANAO STATE UNIVERSITY-LANAO DEL NORTE AGRICULTURAL COLLEGE ARBORETUM IN BARANGAY RAMAIN, MUNICIPALITY OF SULTAN NAGA DMAPORO AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Sotto III

To the Committees on Environment, Natural Resources and Climate Change; and Finance

Senate Bill No. 1244, entitled

AN ACT ESTABLISHING AN ARBORETUM WITHIN THE VICINITY OF THE MIGHTY CAVE PARK LOCATED IN THE MUNICIPALITY OF TAGOLOAN, LANAO DEL NORTE, TO BE KNOWN AS THE MIGHTY CAVE PARK ARBORETUM AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Sotto III

To the Committees on Environment, Natural Resources and Climate Change; and Finance

Senate Bill No. 1245, entitled

AN ACT ESTABLISHING AN ARBORETUM WITHIN THE PREMISES OF THE COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE IN THE MUNICIPALITY OF KOLAMBUGAN, LANAO DEL NORTE TO BE KNOWN AS THE KOLAMBUGAN ARBORETUM AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Sotto III

To the Committees on Environment, Natural Resources and Climate Change; and Finance

Senate Bill No. 1246, entitled

AN ACT INSTITUTIONALIZING SUSTAINABILITY IN GOVERNMENT-FUNDED SPORTS FACILITIES

Introduced by Senator Lapid

Referred to the Committees on Sports; Public Works; and Finance

RESOLUTION

Proposed Senate Resolution No. 282, entitled

A RESOLUTION COMMENDING AND CONGRATULATING THE ENTIRE PHILIPPINE DELEGATION ON THEIR PERFORMANCE FOR THE 30TH SEA GAMES

Introduced by Senator Pacquiao

To the Committee on Rules

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 3:05 p.m.

RESUMPTION OF SESSION

At 3:15 p.m., the session was resumed.

PROPOSED SENATE RESOLUTION NO. 263 *(Continuation)*

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Proposed Senate Resolution No. 263 (Committee Report No. 28), entitled

RESOLUTION CONCURRING IN THE RATIFICATION OF THE TREATY BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE RUSSIAN FEDERATION ON EXTRADITION.

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

Thereupon, the Chair recognized Senator Pimentel, sponsor of the measure.

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

APPROVAL OF PROPOSED SENATE RESOLUTION NO. 263 ON SECOND READING

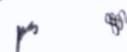
Submitted to a vote, there being no objection, Proposed Senate Resolution No. 263 was approved on Second Reading.

MANIFESTATION OF SENATOR ZUBIRI

Senator Zubiri said that three-day rule of the Constitution does not apply to treaties and that it was only in the *Rules of the Senate* that treaties were included in the application of the three-day rule.

PARLIAMENTARY INQUIRY OF SENATOR DRILON

At this juncture, Senator Drilon noted that the Body had been ratifying conventions and treaties in the previous years. As such, he sought clarification



on whether Senate parliamentary precedents would indeed support the view that the three-day rule does not apply in these cases.

Senate President Sotto confirmed that the three-day rule was suspended four times in 2014 and a number of times in the previous years.

SUSPENSION OF THE RULES

With the permission of the Body and upon motion of Senator Zubiri, Section 101, Rule XXXVI of the *Rules of the Senate* was suspended to dispense with the three-day rule requirement in approving on Third Reading the resolution ratifying the treaty.

APPROVAL OF PROPOSED SENATE RESOLUTION NO. 263 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, Proposed Senate Resolution No. 263.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the resolution, to wit:

RESOLUTION CONCURRING IN THE RATIFICATION OF THE TREATY BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE RUSSIAN FEDERATION ON EXTRADITION.

Secretary Villarica called the roll for nominal voting.

RESULT OF VOTING

The result of the voting was as follows:

In favor

Angara	Pacquiao
Binay	Pangilinan
Dela Rosa	Pimentel
Drilon	Poe
Gatchalian	Recto
Go	Sotto
Gordon	Tolentino
Hontiveros	Villanueva
Lacson	Zubiri
Marcos	

Against

None

Abstention

None

With 19 voting in favor, none against, and no abstention, Proposed Senate Resolution No. 263 was approved on Third Reading.

PROPOSED SENATE RESOLUTION NO. 264 (Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, Proposed Senate Resolution No. 264 (Committee Report No. 29), entitled

RESOLUTION CONCURRING IN THE RATIFICATION OF THE TREATY BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE RUSSIAN FEDERATION ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS.

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

Thereupon, the Chair recognized Senator Pimentel, sponsor of the measure.

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

APPROVAL OF PROPOSED SENATE RESOLUTION NO. 264 ON SECOND READING

Upon motion of Senator Zubiri, there being no

objection, Proposed Senate Resolution No. 264 was approved on Second Reading.

SUSPENSION OF THE RULES

With the permission of the Body and upon motion of Senator Zubiri, Section 101, Rule XXXVI of the *Rules of the Senate* was suspended to dispense with the three-day rule requirement in approving on Third Reading the resolution ratifying the treaty.

APPROVAL OF PROPOSED SENATE RESOLUTION NO. 264 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, Proposed Senate Resolution No. 264.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the resolution, to wit:

RESOLUTION CONCURRING IN THE RATIFICATION OF THE TREATY BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE RUSSIAN FEDERATION ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS.

Secretary Villarica called the roll for nominal voting.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor

Angara	Pacquiao
Binay	Pangilinan
Dela Rosa	Pimentel
Drilon	Poe
Gatchalian	Recto
Go	Sotto
Gordon	Tolentino
Hontiveros	Villanueva
Lacson	Zubiri
Marcos	

Against

None

Abstention

None

With 19 senators voting in favor, none against, and no abstention, the Chair declared Proposed Senate Resolution No. 264 approved on Third Reading.

OVERSIGHT COMMITTEE MEMBERSHIP

Upon nomination of Senator Zubiri, there being no objection, Senate President Sotto designated the following as members of the Joint Congressional Oversight Committee on the Enhanced Basic Education Act of 2013 (K-12 Program) on the part of the Senate: Senators Gatchalian, Villanueva, Angara, Drilon and Hontiveros.

At this juncture, Senate President Sotto relinquished the Chair to Senate President Pro Tempore Recto.

YEAR-END MESSAGE OF SENATE PRESIDENT SOTTO

Senate President Sotto, in his year-end message, expressed his appreciation to his fellow senators as well as to the whole Senate Secretariat and Senate Proper for the support that they extended allowing the Senate to end the year productive and fruitful.

Following is the full text of Senate President Sotto's speech:

It is that time of the year again when we look back at what has been. This is a period to reflect on how the half of the first regular session of the 18th Congress went. This is likewise the perfect moment when we can ponder on our way forward.

I am glad that in this 18th Congress—six months—we are joined by new and dynamic senators who have given this august Chamber fresh and diverse ideas. Also, I am humbled to have been working with the experienced legislators whose great minds I truly admire. We all have the distinct honor of having worked for this revered institution that has helped shape the history and future of our nation.

With all your hard work, tenacity and steadfastness, I am honored to mention our accomplishments for the last six (6) months.

We have passed two (2) bills that were enacted into law, namely: (1) the postponement

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of the Barangay and SK Elections, which aims to give the incumbent officials more time to implement their programs and to enforce the right of the subject officials to serve a full three-year term; and (2) the Malasakit Centers Act, which establishes Malasakit Centers in every government hospital that will serve as a one-stop shop for easy access to medical and financial assistance needed to receive health care services and a complementary to the Universal Health Care Program.

Furthermore, there are 73 bills that this Chamber was able to act upon, three of which are pending in the House of Representatives for their concurrence, particularly the Night Shift Differential Pay, National Transportation Safety Board Act, and the Comprehensive Firearms and Ammunition Regulation Act; and another three bills approved on Third Reading, which include the Separate Facility for Heinous Crimes Inmates Act; the Excise Tax on Alcohol Products, Heated Tobacco and Vapor Products; and the Salary Standardization Law.

These measures, once signed into law, would greatly benefit our workers in the public sector through the grant of night shift differential pay and additional salary; would promote healthy living through the increase of excise tax on items considered harmful to our bodies, which would eventually give our government revenues that will fund the various programs of this administration; and would give the peace and order that we all desire through the creation of more secure penal institutions or facilities for high-level inmates and the extension of the validity of firearms and ammunition.

Our timely and efficient passage of the General Appropriations Bill is likewise commendable through the tireless efforts of the chair of the Committee on Finance and its vice-chairs, as well as their staff and the Legislative Budget Research and Monitoring Office, not to mention the careful examination made by all of you, my dear colleagues.

Noteworthy also is the inquiry that this Chamber, led by the Committees on Justice and Human Rights and Accountability of Public Officers and Investigations, conducted relative to the implementation of the Good Conduct Time Allowance (GCTA) law that paved the way to the discovery of more appalling corruption in the Bureau of Corrections, which is the GCTA for sale activity; and in the Philippine National Police, the “agaw-bato” scheme. This investigation resulted in the filing of Senate Bill 1055, or the Separate Facility for Heinous Crimes Inmates

Act. This likewise caused the amendment of the Implementing Rules and Regulations of the GCTA Law in order to adhere to the real intent of its authors. Ultimately, the aforementioned investigation gave rise to the filing of cases against the erring government officials.

In sum, I must say that we had a great start. All these are attributable to the concerted efforts of all the senators, the dedicated men and women in the Senate Secretariat, and the staff in the Senate proper who have always been our partners in getting the works done in this Chamber.

This is just the beginning of our commitment to the people we serve. We are looking forward to a more fruitful 2020 as we intend to always perform better for our beloved Filipino families.

Sa inyong lahat mga kababayan, magmula sa puso ng Senado ng Pilipinas, maligayang Pasko at manigong Bagong Taon.

SUSPENSION OF SESSION

Upon motion of Senator Recto, the session was suspended.

It was 3:30 p.m.

RESUMPTION OF SESSION

At 7:20 p.m., the session was resumed.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 1074 AND HOUSE BILL NO. 1026

Upon motion of Senator Villanueva, there being no objection, the Body considered the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1074, entitled

AN ACT INCREASING THE EXCISE TAX ON ALCOHOL PRODUCTS, HEATED TOBACCO PRODUCTS AND VAPOR PRODUCTS, AMENDING FOR THIS PURPOSE SECTIONS 141, 142, 143, 144, 147, 150, AND 288, OF REPUBLIC ACT NO. 8424, AS AMENDED, OTHERWISE KNOWN AS THE NATIONAL INTERNAL REVENUE CODE OF 1997, AS AMENDED, AND FOR OTHER PURPOSES;

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and House Bill No. 1026, entitled

AN ACT AMENDING SECTIONS 141, 142, 143, 144, 147, 150, 152, 263, 265, AND 288-A, AND ADDING A NEW SECTION 290-A TO REPUBLIC ACT NO. 8424, AS AMENDED, OTHERWISE KNOWN AS THE NATIONAL INTERNAL REVENUE CODE OF 1997.

The Chair recognized Senator Cayetano to sponsor the report.

**SPONSORSHIP SPEECH
OF SENATOR CAYETANO**

Senator Cayetano requested that the Joint Explanation on the disagreeing provisions of Senate Bill No. 1074 and House Bill No. 1029 be inserted into the record as her report.

Following are the Joint Explanation Statements of the Bicameral Conference Committee Report on the disagreeing provisions of Senate Bill No. 1074 and House Bill No. 1026:

The Joint Bicameral Conference Committee on the disagreeing provisions of HB No. 1026 and SB No. 1074, after having met and fully discussed the said provisions, hereby reports to their respective Houses the following, that:

1. The Bicameral Conference Committee agreed to use the matrix reflecting the House and Senate version as the working draft;
2. On Section 1, the Senate version was adopted with modifications, allowing VAT exemptions on the sale and importation of prescription drugs and medicines for diabetes, cholesterol and hypertension beginning January 1, 2020, expanding the provisions under Republic Act No. 10963 also known as TRAIN Law. Further, the VAT exemption will also cover prescription medicines for cancer, mental health, kidney, and tuberculosis by 2023.
3. On Section 2, the House version on ad valorem tax of distilled spirits was adopted. The specific tax of the Senate version was modified as follows: P42 effective January 1, 2020; P47 effective January 1, 2021; P52 effective January 1, 2022; and P59 effective January 1, 2023, and shall be increased with an indexation rate of 6% by January 1, 2025, and every year thereafter.

On wines, the Senate version was adopted.

On fermented liquors, the Senate version was adopted that also deleted all mentions of “alcopops.”

On heated tobacco products, the Senate Version was adopted with modifications, setting the specific tax of heated tobacco products at the following: P25 effective January 1, 2020; P27.50 effective January 1, 2021; P30 effective January 1, 2022; and P32.50 effective January 1, 2023, and shall be increased with an indexation rate of 5% by January 1, 2024, and every year thereafter.

4. On Section 3 of the Senate version and Section 2 of the House version amending Section 144 of the NIRC, the following are adopted:
 - a. Senate version with modifications on the regulation of heated tobacco products
 - b. House version with modifications on excise tax rates on salt nicotine vape: P37 effective January 1, 2020; P42 effective January 1, 2021; P47 effective January 1, 2022; and P52 effective January 1, 2023, and shall be increased with an indexation rate of 5% by January 1, 2025, and every year thereafter.
 - c. Similar House and Senate versions on the excise tax rates on conventional freebase or classic nicotine. Senate version was adopted.
 - d. The Senate version was adopted, deleting the excise tax on tobacco heating systems.
5. On Section 4, the Senate version was adopted with modifications on the definition of vapor products.
6. Section 5 of the Senate version amending Section 263 of the NIRC was adopted as Section 5 in the reconciled version.
7. Section 6 of the Senate version amending Section 263-A of the NIRC was adopted as Section 6 in the reconciled version.
8. On Section 7 of both the Senate and House versions, the Senate version was adopted in the reconciled version.
9. On Section 8 of the House and Senate versions amending Section 288-A of the NIRC, the Senate version was adopted with modifications, earmarking 60% to the Universal Health Care, 20% to the Health

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- Facilities Enhancement Program, and 20% to Sustainable Development Goals.
10. On Section 9 of the Senate, (Annual Report), the Senate version was adopted as Section 11 in the reconciled version.
 11. On Section 9 of the House version, (290-A) has no counterpart Senate provision, the House version was adopted as Section 10 in the reconciled version.
 12. On Section 10 of the Senate (IRR), there are similar versions on implementing rules and regulations. The House version was adopted as Section 12 in the reconciled version.
 13. On Section 11 of the House, (Separability Clause), the House version was adopted.
 14. On Section 13 of the House and Section 12 of the Senate, (Effectivity), the Senate version was adopted with modifications, setting the transition period to 18 months.

In case of conflict between the statements/amendments stated in this Joint Explanation and that of the provision of the consolidated bill in the accompanying Conference Committee Report, the provisions of the latter shall prevail.

APPROVAL OF THE CONFERENCE COMMITTEE REPORT

Submitted to a vote, there being no objection, the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1074 and House Bill No. 1026 was approved and ratified by the Body.

MANIFESTATION OF SENATOR VILLANUEVA

At this juncture, Senator Villanueva stated that on December 16, 2019, the Senate passed on Third Reading Senate Bill No. 1219, entitled "An Act

Modifying the Salary Schedule for Civilian Government Personnel and Authorizing the Grant of Additional Benefits, and for Other Purposes," or the Salary Standardization Law of 2019; thereafter, the Third Reading copy of the bill was transmitted to the House of Representatives requesting for concurrence; in the afternoon of the same day, the Senate received a letter from the House of Representatives informing it of the passage of House Bill No. 5712 on Third Reading.

He noted that the bills, upon examination, have exactly the same title and contain exactly the same text. That being the case, he said that there was no need for a bicameral conference committee as the House of Representatives was deemed to have concurred with the Senate version which was passed earlier.

Upon motion of Senator Villanueva, there being no objection, the Chair directed the Secretariat to proceed with the enrollment of the bill.

ADJOURNMENT OF SESSION

Upon motion of Senator Villanueva, there being no objection, the Chair declared the session adjourned until three o'clock in the afternoon of Monday, January 20, 2020.

It was 7:24 p.m.

I hereby certify to the correctness of the foregoing.

ATTY. MYRA MARIE D. VILLARICA

Secretary of the Senate

Approved on January 20, 2020