



# Congressional Record

PLENARY PROCEEDINGS OF THE 17<sup>th</sup> CONGRESS, FIRST REGULAR SESSION

## House of Representatives

Vol. 3

Tuesday, February 7, 2017

No. 67

### CALL TO ORDER

*At 4:00 p.m., Deputy Speaker Mylene J. Garcia-Albano called the session to order.*

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The session is now called to order.

### NATIONAL ANTHEM

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Please stand for the singing of the Philippine National Anthem.

*Everybody rose to sing the Philippine National Anthem.*

### PRAYER

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Please remain standing for a minute of silent prayer and reflection.

*Everybody remained standing for the silent prayer.*

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The Dep. Majority Leader is recognized.

REP. GONZALES (A.D.). Mme. Speaker, I move that we defer the calling of the roll of Members. I so move.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Is there any objection? (*Silence*) The Chair hears none; the motion to defer the calling of the roll is hereby approved.

REP. GONZALES (A.D.). Mme. Speaker, may I move for the deferment of the approval of the Journal of the previous session.

I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Is there any objection? (*Silence*) The Chair hears none; the motion to defer the approval of the Journal is hereby approved.

REP. GONZALES (A.D.). Mme. Speaker, I move that we proceed to the Reference of Business.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Secretary General will please read the Reference of Business.

### REFERENCE OF BUSINESS

*The Secretary General read the following House Bills and Resolutions on First Reading, and Subpoena Duces Tecum, and the Deputy Speaker made the corresponding references:*

### BILLS ON FIRST READING

House Bill No. 4880, entitled:

“AN ACT INSTITUTIONALIZING AND MAINSTREAMING PAYMENT FOR ENVIRONMENTAL SERVICES (PES) IN POLICY AND INVESTMENT PROGRAMS”

By Representative Panganiban  
TO THE COMMITTEE ON NATURAL RESOURCES

House Bill No. 4881, entitled:

“AN ACT GRANTING EXEMPTION TO ESTATE TAX TO THE ESTATE OF DECEASED MEMBERS OF THE ARMED FORCES OF THE PHILIPPINES AND THE PHILIPPINE NATIONAL POLICE WHO DIE IN SERVICE AND AMENDING FOR THIS PURPOSE THE PROVISIONS OF RA 8424”

By Representative Gatchalian  
TO THE COMMITTEE ON WAYS AND MEANS

House Bill No. 4882, entitled:

“AN ACT PROHIBITING THE MALICIOUS DISSEMINATION OF FALSE INFORMATION OR THE WILLFUL MAKING OF ANY

THREAT CONCERNING BOMBS, EXPLOSIVES OR ANY SIMILAR DEVICE OR MEANS OF DESTRUCTION AND IMPOSING PENALTIES THEREFOR”

By Representative Sy-Alvarado  
TO THE COMMITTEE ON PUBLIC ORDER AND SAFETY

STATE UNIVERSITY – SAN RAFAEL CAMPUS IN THE MUNICIPALITY OF SAN RAFAEL, PROVINCE OF BULACAN AND APPROPRIATING FUNDS THEREFOR”

By Representative Silverio  
TO THE COMMITTEE ON HIGHER AND TECHNICAL EDUCATION

House Bill No. 4883, entitled:

“AN ACT PROVIDING FOR THE DEVELOPMENT AND PROTECTION OF THE PHILIPPINE HANDLOOM WEAVING INDUSTRY”

By Representative Sy-Alvarado  
TO THE COMMITTEE ON TRADE AND INDUSTRY

House Bill No. 4888, entitled:

“AN ACT INTRODUCING ADMINISTRATIVE TAX REFORMS, AMENDING SECTIONS 6, 21, 22, 50, 51, 52, 74, 76, 109, 112, 114, 116, 128 AND 245 OF REPUBLIC ACT NO. 8424 OTHERWISE KNOWN AS ‘THE NATIONAL INTERNAL REVENUE CODE OF 1997’, AS AMENDED, AND SECTION 5 OF REPUBLIC ACT 9335 OTHERWISE KNOWN AS THE ‘ATTRITION ACT OF 2005’ ”

By Representative Salceda  
TO THE COMMITTEE ON WAYS AND MEANS

House Bill No. 4884, entitled:

“AN ACT ESTABLISHING THE DEPARTMENT FOR CULTURE AND THE ARTS, STRENGTHENING THE NATIONAL ENDOWMENT FOR CULTURE AND THE ARTS, AND FOR OTHER PURPOSES”

By Representative Sy-Alvarado  
TO THE COMMITTEE ON GOVERNMENT REORGANIZATION AND THE COMMITTEE ON BASIC EDUCATION AND CULTURE

House Bill No. 4889, entitled:

“AN ACT GRANTING PRIVILEGES TO STUDENTS AT ALL LEVELS IN PUBLIC AND PRIVATE SCHOOLS”

By Representatives Batocabe, Garbin and Co  
TO THE COMMITTEE ON BASIC EDUCATION AND CULTURE AND THE COMMITTEE ON HIGHER AND TECHNICAL EDUCATION

House Bill No. 4885, entitled:

“AN ACT PRESERVING THE COUNTRY’S TRADITIONAL FOLK ARTS AS PART OF ITS INTANGIBLE CULTURAL HERITAGE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8492, OTHERWISE KNOWN AS THE ‘NATIONAL MUSEUM ACT OF 1998’ AND FOR OTHER PURPOSES”

By Representative Sy-Alvarado  
TO THE COMMITTEE ON BASIC EDUCATION AND CULTURE

House Bill No. 4890, entitled:

“AN ACT ESTABLISHING A HUMAN TRAFFICKING PREVENTION EDUCATION PROGRAM FOR THE YOUTH AND APPROPRIATING FUNDS THEREFOR”

By Representatives Batocabe, Garbin and Co  
TO THE COMMITTEE ON BASIC EDUCATION AND CULTURE AND THE COMMITTEE ON HIGHER AND TECHNICAL EDUCATION

House Bill No. 4886, entitled:

“AN ACT ESTABLISHING A UNIFIED HOUSING AND URBAN DEVELOPMENT FUND AND A CENTRALIZED HOME FINANCING PROGRAM, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7835, OTHERWISE KNOWN AS THE ‘COMPREHENSIVE AND INTEGRATED SHELTER FINANCING ACT (CISFA) OF 1994’ ”

By Representative Macapagal-Arroyo  
TO THE COMMITTEE ON HOUSING AND URBAN DEVELOPMENT

House Bill No. 4891, entitled:

“AN ACT REGULATING TRANSPORTATION NETWORK SERVICES, IMPOSING AND AUTHORIZING FEES, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES”

By Representatives Batocabe, Garbin and Co  
TO THE COMMITTEE ON TRANSPORTATION

House Bill No. 4887, entitled:

“AN ACT ESTABLISHING THE BULACAN

House Bill No. 4892, entitled:

“AN ACT ESTABLISHING THE VIRTUAL ONE STOP SHOP FOR THE PURPOSE OF STREAMLINING THE PERMITTING

PROCESS OF POWER GENERATION  
PROJECTS”

By Representatives Batocabe, Garbin and Co  
TO THE COMMITTEE ON ENERGY

House Bill No. 4893, entitled:

“AN ACT ESTABLISHING THE PHILIPPINE  
ENERGY RESEARCH AND POLICY  
DEVELOPMENT INSTITUTE, DEFINING  
ITS OBJECTIVES, POWERS AND  
FUNCTIONS, PROVIDING FUNDS  
THEREFOR, AND FOR OTHER  
PURPOSES”

By Representatives Batocabe, Garbin and Co  
TO THE COMMITTEE ON ENERGY

House Bill No. 4894, entitled:

“AN ACT ESTABLISHING A NATIONAL  
FARM TO SCHOOL PROGRAM AND  
APPROPRIATING FUNDS THEREFOR”

By Representative Garin (S.)  
TO THE COMMITTEE ON BASIC EDUCATION  
AND CULTURE

House Bill No. 4897, entitled:

“AN ACT PROTECTING LOCAL PUBLIC  
MARKETS”

By Representative Atienza  
TO THE COMMITTEE ON LOCAL  
GOVERNMENT

House Bill No. 4898, entitled:

“AN ACT AMENDING REPUBLIC ACT NO.  
9006, OTHERWISE KNOWN AS THE FAIR  
ELECTIONS ACT”

By Representative Fariñas  
TO THE COMMITTEE ON SUFFRAGE AND  
ELECTORAL REFORMS

House Bill No. 4899, entitled:

“AN ACT CREATING THE DEPARTMENT  
OF OVERSEAS FILIPINO WORKERS,  
DEFINING ITS POWERS AND FUNCTIONS,  
APPROPRIATING FUNDS THEREFOR AND  
FOR OTHER PURPOSES”

By Representative Castelo  
TO THE COMMITTEE ON GOVERNMENT  
REORGANIZATION AND THE  
COMMITTEE ON OVERSEAS WORKERS  
AFFAIRS

House Bill No. 4900, entitled:

“AN ACT INTERDICTING UNAUTHORIZED  
DISPOSITION OF HUMAN CORPSES  
BY INDIVIDUALS, CREMATORIUM OR  
FUNERAL PARLORS AND PRESCRIBING

PENALTIES FOR VIOLATIONS THEREOF  
AND FOR OTHER PURPOSES”

By Representative Castelo  
TO THE COMMITTEE ON HEALTH

House Bill No. 4901, entitled:

“AN ACT AMENDING REPUBLIC ACT  
NO. 7160 FOR THE PURPOSE OF  
INCLUDING MUNICIPAL WATERS  
IN THE COMPUTATION OF LOCAL  
GOVERNMENT UNIT’S INTERNAL  
REVENUE ALLOTMENT”

By Representative Relampagos  
TO THE COMMITTEE ON LOCAL  
GOVERNMENT

House Bill No. 4902, entitled:

“AN ACT PROVIDING FOR A FULL TUITION  
SUBSIDY FOR STUDENTS ENROLLED IN  
STATE UNIVERSITIES AND COLLEGES  
(SUCs), AND PROVIDING FUNDS  
THEREOF”

By Representative Tupas  
TO THE COMMITTEE ON HIGHER AND  
TECHNICAL EDUCATION

RESOLUTIONS

House Resolution No. 733, entitled:

“A RESOLUTION COMMENDING AND  
CONGRATULATING MS. PIA ALONZO  
WURTZBACH FOR HER OUTSTANDING  
REIGN AS MS. UNIVERSE AND BEING  
A SOURCE OF CONTINUED PRIDE FOR  
FILIPINOS”

By Representative Tiangco  
TO THE COMMITTEE ON RULES

House Resolution No. 734, entitled:

“A RESOLUTION COMMENDING AND  
CONGRATULATING MARIA MIKA  
MAXINE MEDINA FOR BEING AMONG  
THE TOP FINALISTS IN THE 2017 MISS  
UNIVERSE PAGEANT”

By Representative Tiangco  
TO THE COMMITTEE ON RULES

House Resolution No. 735, entitled:

“RESOLUTION URGING THE COMMITTEE  
ON ECOLOGY TO CONDUCT AN INQUIRY  
IN AID OF LEGISLATION CALLING ON  
THE DEPARTMENT OF ENVIRONMENT  
AND NATURAL RESOURCES AND ITS  
ATTACHED AGENCIES, PARTICULARLY  
THE MINES AND GEOSCIENCES BUREAU,  
TO REPORT ON THE STRUCTURAL

INTEGRITY OF THE DAMS, TUNNELS,  
AND OTHER FACILITIES CONSTRUCTED  
BY THE MARCOPPER MINING  
CORPORATION”

By Representative Velasco  
TO THE COMMITTEE ON RULES

House Resolution No. 736, entitled:

“AREOLUTIONADOPTINGANDENDORING  
THE NATIONAL ARCHIVES OF THE  
PHILIPPINES’ (NAP) POSSESSION AND  
USE OF THE INTENDENCIA BUILDING  
IN INTRAMUROS TO HOUSE ITS SPANISH  
RECORDS AND TO SERVE AS NAP’S  
HEADQUARTERS”

By Representatives Escudero, Defensor, Go (M.), Ferrer  
J., Salo, Bolilia, Bordado, Ortega (P.), Gonzaga,  
Ramos, Cortuna, Suansing (E.) and Tan (A.)  
TO THE COMMITTEE ON BASIC EDUCATION  
AND CULTURE

House Resolution No. 737, entitled:

“A RESOLUTION COMMENDING THE  
DEPARTMENT OF TOURISM FOR  
SPEARHEADING THE WELL-PLANNED,  
COORDINATED, ANDEXECUTEDHOSTING  
OF THE 2016 MISS UNIVERSE PAGEANT”

By Representative Rocamora  
TO THE COMMITTEE ON TOURISM

House Resolution No. 738, entitled:

“RESOLUTION CONGRATULATING AND  
COMMENDING MAXINE MEDINA FOR  
HER PERFORMANCE DURING THE 65<sup>TH</sup>  
MISS UNIVERSE BEAUTY PAGEANT  
HELD AT THE MALL OF ASIA ARENA IN  
PASAY CITY LAST JANUARY 30, 2017”

By Representative Bataoil  
TO THE COMMITTEE ON RULES

House Resolution No. 739, entitled:

“RESOLUTION COMMENDING THE  
OUTSTANDING YOUNG MEN (TOYM)  
AWARDEES OF 2016”

By Representatives Tiangco and Quimbo  
TO THE COMMITTEE ON RULES

ADDITIONAL COAUTHORS

Rep. Gabriel H. Bordado Jr. for House Bills No.  
4107, 4689, and 4742, and House Resolution No. 701;

Rep. Lianda B. Bolilia for House Bills No. 4273  
and 4742;

Rep. Joseph Sto. Niño B. Bernos for House Bills  
No. 285, 1554, 1555, 1667, 1668, 1669, 1670, 1671,  
1672, 1675, 1677, 1678, 1679, 1680, 1681, 1682, 1683,

1853, 1858, 1859, 2141, 2228, 2234, 2235, 2236, 3113,  
3130, 3133, 3134, 3234, 3319, 3457, 3458, 3459, 3543,  
3556, 3557, 3632, 3708, 3709, 3819, 3820, 3821, 3822,  
3823, 3824, 3826, 3827, 3828, 3829, 3931, 4153, 4154,  
4155, 4174, 4273, 4570, 4571, 4689, and 4742;

Rep. Jose Antonio “Kuya Jonathan” R. SyAlvarado  
for House Bills No. 1875, 3017, 3268, 3270, 3553, 4084,  
4805, 4806, 4812, and 4821;

Rep. Pedro B. Acharon Jr. for House Bill No.  
2635;

Rep. Gil “Kabarangay” P. Acosta for House Bill  
No. 4742 and House Resolution No. 198;

Reps. Francisco Jose F. Matugas II, Mohamad  
Khalid Q. Dimaporo, Winston “Winnie” Castelo,  
Aniceto “John” D. Bertiz III, and Benjamin C. Agarao  
Jr. for House Bill No. 4689;

Reps. Roger G. Mercado, Winston “Winnie”  
Castelo, Francisco Jose F. Matugas II, Teodoro “Ted” G.  
Montoro, Jose Antonio “Kuya Jonathan” R. SyAlvarado,  
Mohamad Khalid Q. Dimaporo, Scott Davies S. Lanete,  
M.D., Cecilia Leonila V. Chavez, Benjamin C. Agarao  
Jr., Reynaldo V. Umali, Alex “AA” L. Advincula, Elisa  
“Olga” T. Kho, and Arnel M. Cerafica for House Bill  
No. 4742;

Rep. Arnulfo P. Fuentebella for House Bills No.  
1859, 4689, and 4742;

Rep. Jose “Pingping” I. Tejada for House Bill No.  
4800;

Rep. Edgar Mary S. Sarmiento for House Bill No.  
3010;

Rep. Carlito S. Marquez for House Bills No. 4689  
and 4800;

Reps. Alejandro Y. Mirasol and Romeo M. Acop  
for House Bill No. 4174;

Rep. Maria Vida Espinosa Bravo for House Bills  
No. 2397, 3466, 3677, 3691, 3793, and 3837;

Rep. Eleanor C. Bulut-Begtang for House Bills No.  
2318, 2319, 2474, 2953, and 3650;

Rep. Celso L. Lobregat for House Bill No. 4820;

Rep. Harlin Neil J. Abayon III for House Bill No.  
4767;

Reps. Salvador B. Belaro Jr., Benjamin C. Agarao  
Jr., and Roger G. Mercado for House Resolution No.  
198;

Rep. Carlos Isagani T. Zarate for House Bill No.  
2798; and

Reps. Lorna P. Bautista-Bandigan, Francisco Jose  
F. Matugas II, and Emmanuel A. Billones for House  
Bill No. 4526.

SUBPOENA *DUCES TECUM*

Pursuant to Section 151, Rule XXIII of the Rules of  
the House of Representatives, transmitting the  
Subpoena *Duces Tecum* dated 28 November 2016  
issued by Ray Patrick M. Arce, Assistant Special

Prosecutor I, re: Crim. Case Nos. SB-16-CRM-0417 to 0420 and Crim. Case Nos. SB-16-CRM-0421 to 0424, directing Ms. Elena B. Ramos, Committee Secretary, Committee on Appropriations, House of Representatives, to submit within ten (10) days from receipt of this subpoena the certified true copy from the original of the following documents:

Letter of Reno G. Lim to Jose C. De Venecia dated 29 August 2007 re: PDAF; and  
Letter of Reno G. Lim to Jose C. De Venecia dated 21 November 2007 re: PDAF.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The Dep. Majority Leader is recognized.

REP. BONDOC. Mme. Speaker, this is with regard to House Bill No. 4767 which we approved on Second Reading yesterday. We have received a speech from the Chairperson, the Hon. Linabelle Ruth R. Villarica, and I move for its insertion in the *Congressional Record* in support of House Bill No. 4767.

I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.\*

The Floor Leader is recognized.

REP. ROA-PUNO. Mme. Speaker, I move that we recognize the Hon. Kaka J. Bag-ao of the Lone District of Dinagat Islands.

I so move, Mme. Speaker.

REP. BAG-AO. Maraming salamat po, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The honorable Congresswoman from the Lone District of Dinagat Islands is recognized.

#### QUESTION OF PRIVILEGE OF REP. BAG-AO

REP. BAG-AO. Magandang hapon po. Bago pa man ako naging isang Kongresista noong 2010, ako ay isang alternative lawyer at isang community organizer ng mga magsasaka. Ako po ay isang abogado nakikisalamuha sa mga batayang sektor upang makita nila na sila ay may kapangyarihang gamitin ang batas upang maipagtanggol ang kanilang karapatan at kapakanan. Sa mga gawain ko noon, at bilang isang taga-Mindanao, nakadaupang-palad ko ang tinatawag nating tri-people ng aming lupain—ang mga settlers, ang mga Lumad, at ang mga Moro. Dahil sa mga karanasan ko na kasama sila, napagtanto kong mahirap isakatuparan ang layuning magtanggol ng karapatan ng aking kapwa kung wala nang pagkilala sa

kanila. Kinakailangan na kinikilala muna natin ang isa't isa upang makabuo ng pag-unawa. Kapag nabuo natin ang pag-unawang ito, mas umiigting ang pagkakataong magbuklod upang makakilos tungo sa ating mga kolektibong adhikain. Ang pagkakakilanlan ay isang mahalagang bahagi ng pag-unlad at paglaban para sa karapatan ng isa't isa. Ito rin ay mas napagtibay pa sa aking puso at isipan noong ako ay nag-facilitate ng pagbubuo ng mga executive at legislative agenda ng humigit-kumulang 70 bayan sa Mindanao, kasama na ang mga munisipyo ng ARMM.

Mme. Speaker, I rise today on a matter of personal and collective privilege. Since 2013, every February 1 of every year is World Hijab Day, which is observed in different countries to raise awareness primarily on the significance of the hijab or the veil used by our Muslim sisters. On that day, non-Hijabis, Muslims and non-Muslims, are invited to wear the hijab and be a Hijabi for a day. Founded by Nazma Khan, the World Hijab Day is a story of persecution turned into inspiration—the story of an 11-year-old girl from Bangladesh, uprooted from her home, and finding herself a minority in a New York neighborhood, being the only girl wearing a hijab at school. She turned her negative experience of discrimination and harassment into an opportunity to invite understanding, tolerance and friendship.

As a principal author of a measure that seeks to protect all persons from all forms of discrimination, this Representation finds no better occasion than this month of the World Hijab Day to rise and join, not just our Muslim sisters, but all sectors and individuals of various genders, cultures, faiths, ages, social status who continue to be victims of discrimination in this day and age. Ang hijab ay hindi na lamang po simbolo ng Islam at ng ating mga kapatid na Muslim. Ang iba't ibang kuwento ng mga Hijabis o mga babaeng nagsusuot nito ay kuwento ng kahit na sinong biktima ng diskriminasyon dahil sa kanyang anyo, sa kanyang lahi at paniniwala, kultura at pananampalataya. At katulad ng lahat ng uri ng diskriminasyon, ito ay nag-uugat sa kakulangan ng edukasyon, maling impormasyon, simpleng takot, o kagaya nga ng nabanggit ko sa simula, ang kawalan ng oportunidad na kilalanin ang bawat isa.

Mula pa po noong ako ay isang community organizer hanggang sa naging abogado at Miyembro ng Kamarang ito, patuloy po akong nakikisalamuha sa mga batayang sektor ng lipunan, kasama na ang ating mga kapatid na mga Moro. Ako ay nagkaroon muli ng pagkakataon dito kamakailan lang nang ako ay pumunta sa Basilan, hindi bilang Kongresista o abogado o anuman, kundi isang ordinaryong kapatid na nais silang makilala. Nakiluto po ako sa kanilang mga kusina, nakipagkuwentuhan sa ilalim ng puno ng mangga habang umaalingawngaw ang adhan o ang kanilang call to prayer. Tinuruan din nila akong magdasal sa kanilang masjid o mosque. Namalengke din po ako sa kanilang public market at

\* See ANNEX (printed separately)

nakipagtalakayan sa mga nagbebenta ng isda at gulay. This experience taught me two things: 1) we have so much in common; and 2) whatever differences we have make us even more beautiful to each other. I think this is what we must learn from the World Hijab Day—to be in someone else’s shoes, to live someone else’s life, for it is only through experience that one can truly understand.

The hijab may be a simple cloth but it is a symbol of so many things, first, of being a woman. For many who do not understand, it is seen as a symbol of oppression, of women without rights who allow themselves to be suppressed and be subjugated. Our Muslim sisters struggle to get out of this stereotype as they continuously prove that the wearing of the hijab never stopped or never stops them from pursuing their dreams, from performing their chosen roles at home and in the society, from demanding for and exercising their rights. The hijab has also become a symbol of religious and cultural discrimination. As Islamophobia continues to rise in certain countries, the right to wear the hijab becomes the first casualty, with our Muslim sisters becoming most vulnerable to discrimination, harassment and even hate crimes. We have even heard of countries banning the wearing of hijab. As advocates against discrimination, this becomes our own cause.

Pangatlo po, bilang isang simbolo ng pananampalataya, ang ating kamalayan tungkol sa hijab ay kasing-lalim o kasing-babaw din po ng ating pag-unawa sa relihiyong kinakatawan nito, ang Islam. Hindi po ako eksperto sa usaping ito, ngunit bilang isang Pilipino, na may mga kapwa Pilipinong sumusunod dito, sa tingin ko po ay tungkulin nating alamin ang Islam at kilalanin ang mga Pilipinong Muslim. Kasama na rin po ang mga katutubong Pilipino. Kasama po sila at mahalagang bahagi ito ng pagkilala natin sa ating sarili at sa ating bayan. Sana ay magbigay daan ang araw na ito hindi lamang sa pagkakaisa kundi sa pagkakatantay-pantay nating lahat.

Equality knows no religion or culture, or conviction. Kasabay ng paglaban para sa pagkakatantay-pantay, kasama na rin dito ang paggiit sa pagkakakilanlan natin sa isa’t isa. Paano natin ipaglalaban ang karapatan at kapakanan ng Pilipino kung hindi natin siya o sila kilala? Paano natin mas ganap na magagawa ito kung hindi natin makita na ang Moro ay malaking bahagi ng Pilipino? Buksan po natin ang ating mga mata. Tingnan po natin ang bawat isa. Kilalanin natin ang bawat isa.

Ngayon, Mme. Speaker, nais kong ipaabot ang aking taos-pusong pasasalamat ko sa isa nating kasama sa napakaraming laban dito sa Kongreso, si Cong. Sitti Djalia A. Turabin-Hataman ng ANAK MINDANAO Party-List, para sa pagbibigay sa akin ng inspirasyon at pagkakataong magpatuloy ng pagkatuto para sa adhikain ng pagkakakilanlan.

Maraming salamat po, Mme. Speaker. Magsukol sa inyong tanan.

REP. TURABIN-HATAMAN. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Thank you, Congresswoman Bag-ao.

The Floor Leader is recognized.

REP. TURABIN-HATAMAN. Mme. Speaker, may this Representation be given a few seconds to make a manifestation?

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Yes, please go ahead, Congresswoman Turabin-Hataman.

REP. TURABIN-HATAMAN. Thank you so much. Thank you, Mme. Floor Leader.

I was mentioned by the honorable Congresswoman, and as a Muslim woman wearing the hijab, I also find it necessary for me to give my proper acknowledgment and thanks, my deepest gratitude to Cong. Kaka Bag-ao for bringing forth the advocacy of the World Hijab Day and more than that, the advocacy against discrimination, which is really a universal issue, not just for the Muslim women, not just for the Hijabis.

We thank her for standing up in our behalf and most especially, for inviting all of us to learn more about each other, for the majority of Filipinos to learn more about our sisters and brothers of different faiths and different cultures.

So, maraming-maraming salamat po.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Thank you, Congresswoman Turabin-Hataman.

The Floor Leader is recognized.

REP. ROA-PUNO. Mme. Speaker, I move that we refer the speech of the Honorable Bag-ao to the Committee on Rules for its appropriate action.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The speech of the Honorable Bag-ao is referred to the Committee on Rules.

REP. ROA-PUNO. Mme. Speaker, we also would like to acknowledge the presence of the guests of the Honorable Bag-ao: the constituents, teachers and students from the St. Scholastica community.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Would the guests of the Honorable Bag-ao please rise to be acknowledged? (*Applause*) Welcome to the House of Representatives.

The Floor Leader is recognized.

REP. ROA-PUNO. Mme. Speaker, under the Calendar of Unfinished Business, I move that we resume the consideration of House Bill ...

REP. ATIENZA. Mr. Speaker.

REP. ROA-PUNO. No. 4727.

REP. ATIENZA. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Congressman Atienza is recognized.

REP. ATIENZA. Before we engage in the very serious deliberation on the Death Penalty Bill, because House Bill No. 4727 is the Death Penalty Bill, before we go into that, this Representation would like to reiterate my request and query made two weeks ago on this floor, when I said: “Before we even tackle the all-important issue of reviving or restoring the death penalty, we would like to be informed as to the identity of the three Members of this Chamber, whom the Speaker had identified as drug coddlers or drug lords in their districts.” Hindi po sinagot iyon. Hanggang ngayon, naghihintay po kami ng sagot, at hindi po naman siguro tayo dapat mag-usap ng sentensiyang kamatayan o death penalty, in this Chamber when three Members are tainted by the Speaker’s accusation that they are involved in drug merchandising or drug-related activities. Hindi po tama ang magde-debate tayo tungkol po sa sentensiyang kamatayan kung tatlo sa atin ay suspected drug coddlers or drug lords. Hindi po ito tama. For the sake of clarity, transparency and fairness, so that all of us who will engage in this debate on the Death Penalty Bill are clear on our position, our standing, and our representation that we are not drug lords, we are not related in any way to the drug problem of the nation, it can be done only by the Speaker naming the three Members of this Chamber whom he publicly announced as involved in the problem of drugs in the nation.

Inuulit po namin iyong aming kahilingan na bago tayo pumasok sa isang napakaselan na paksa ngayong hapon, sabihin na po natin kung sino po ba iyong tatlong Congressmen, sino po ba sa amin ang may kaugnayan sa problema ng droga, which is precisely the topic of this House Bill No. 4727. We would like to mete out the death penalty on anyone involved in the drug problem.

Hindi po siguro tama na ang mga tatayo dito at makikipag-debate ay mayroong pagkakasangkot sa droga, and we would definitely feel that we are not being sincere to our calling and in our responsibilities unless we demand for the disclosure of the names of the three Members of Congress whom the Speaker has identified as being related to the drug situation in their districts. Iyan po ay uulitin ko, at uulit-ulitin ko po as a matter of personal and collective privilege, that we should inform, and the nation should be informed, that the Members of Congress are, indeed, not part of the problem. If some

are found to be part of the problem, and if the Speaker can name the three, then let them be accused publicly and let them defend themselves, too.

Meanwhile, the cloud of suspicion is hovering over this Chamber because as long as this is kept private and secret, lahat po tayo ay suspected drug-related Members of Congress. Be fair to us, Mme. Speaker, be fair to the Chamber, and be fair to the Congress of the Philippines. We are lawmakers and we are now going to touch a very important and critical issue—let those with clean hands participate. Otherwise, hindi po siguro tama, sapagkat kung tayo ay dumating sa botohan, baka iyong boto noong tatlong iyon ang maging diperensiya. Hindi po naman maganda ang ibubunga niyan—na ang gumawa ng batas kamatayan ay ang tatlong drug lord.

In fairness to the nation and to our people, we are reiterating our demand for the names of the Congressmen accused by the Speaker no less and mentioned by President Duterte, who are involved in the drug problem in their districts.

REP. FARIÑAS. Mme. Speaker.

REP. ATIENZA. We will be waiting for an answer, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The Majority Leader is recognized.

REP. FARIÑAS. May I answer that, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Please go ahead.

REP. FARIÑAS. In fairness to the Speaker, it was not the Speaker who first mentioned it. It was the President who was holding the list and which list he said included two names of Members of the House of Representatives. He gave it to the Speaker, and the Speaker passed to me the list containing all the names nationwide, not only of Members of Congress, but all elected officials, foreign nationals, civilians as well as other government employees.

Mme. Speaker, regarding this, I deemed it proper and prudent that we conduct first an inquiry where it should be handled with strict confidence because it has happened. This is not a matter of public accusation, these are intelligence reports and first of all, there is no drug lord identified there and the three who were mentioned therein were mentioned as alleged protectors. If the President himself, who is the Chief Executive, and has all the resources to verify all these information did not reveal the names of these people, it would be unfair to reveal their names prior to a deeper investigation.

So, I have already called the head of the PDEA and the head of the Philippine National Police, and we will be meeting tomorrow. As of now, from the three in the list, one had already been removed and they accepted that it was a mistake as there was no basis. It is precisely for this reason that we should first conduct a discreet inquiry because it is unfair to name Members of this Body when they have not been even given the opportunity to rebut, and we do not even know how this list came up.

So, tomorrow, I will meet with General Lapeña and General Dela Rosa, and those who were mentioned, and we will go over that. When there is solid proof, or at least basis to go further than that, then, we will file in the Committee on Ethics and Privileges. But then, let me be clear that the jurisdiction of the Committee on Ethics only applies to acts committed in the present Congress and so, there are many matters that have to be taken up first thereat. First of all, there is no formal complaint as this is just an alleged investigation report which still has to be further verified.

So, may I ask the indulgence of the Gentleman that before the voting comes, we will thoroughly reveal the names if there is basis to reveal them.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Thank you, Mr. Majority Leader.

REP. ATIENZA. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Congressman Atienza is recognized.

REP. ATIENZA. We have our highest regard for the fairness and the accommodating attitude of the Majority Leader. We have our impression of his fairness and patriotic sense, that he cherishes the integrity of this Chamber, and that is the reason we have been conducting our session in a very orderly manner. On the other hand, I would like to get his assurance that the names of the Congressmen mentioned in the list shall be revealed while we are discussing or listening to speeches in favor of the Death Penalty Bill. We would surely and definitely ask him to reveal these names because even if they are two, even if it is one, the identity of that particular Congressman or Congressmen must be revealed; otherwise, when we go into voting and the difference of the voting would be one or two, the suspicion of the whole country will linger—that this Congress definitely is not performing their task of protecting the integrity of our Chamber. I know that deep in the hearts of our Members and colleagues, they share the misgivings of this Representation. We have to clean the name of Congress as some Members have been included in the list of drug protectors or drug coddlers as mentioned by the President and emphasized

by the Speaker. We reiterate our position that, unless that is done and public disclosure is made, we will all be suspected of being drug coddlers and drug protectors.

The integrity of the institution is tantamount to the protection of the good name of this Chamber if our Congress is to be respected and our law-making functions are to be appreciated; but if it is tainted by those involved in drug pushing in the country, then we will not be able to accomplish anything by passing laws which are supposedly addressing the problem itself. We reiterate our position and our request that the names of the Members of Congress be made public, and those who are indeed involved according to their findings, should be charged accordingly. They may even be removed from this Chamber, but definitely, we cannot go through our work if we are tainted with that particular black mark of being involved in drug pushing in our country.

With that, Mme. Speaker, I am relying on the good word of the Majority Floor Leader. He mentioned that before we go into voting, the names of the Congressmen, if any, will be revealed. If there are indeed no Members of Congress who are involved in drug pushing in the country, then let it be known that there was a mistake in what the President had received and what the Speaker had announced that there are not only two but three Members of Congress who are involved in drugs. Aasahan ko po iyong sinabi ng ating Majority Floor Leader, as I believe in his integrity and his credibility, that the names of the Congressmen who may be involved will be made public shortly.

REP. FARIÑAS. Makakaasa po kayo na iyan ay ilalabas ko kapag dumating na po sa tamang panahon.

Thank you, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Thank you, Majority Leader. Thank you, Representative Atienza.

The Acting Leader is recognized.

REP. DAZA. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The Honorable Daza is recognized.

REP. DAZA. Would the distinguished Majority Leader yield to just three questions, only three questions regarding the subject matter that has just been discussed. Would the Majority Leader yield to just three questions?

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The Majority Leader is recognized.



REP FARIÑAS. As long as these require only three answers.

REP. DAZA. Three questions, and I will now...

REP FARIÑAS. Okay.

REP. DAZA. The first question is: Is it not a fact that under the rules, there is no clear-cut definition as to the jurisdiction of the Committee on Ethics and Privileges regarding the conduct or when the misconduct occurred? That it is the rules, the internal rules of the Committee on Ethics that say that the Committee on Ethics has no jurisdiction over any conduct that happened or that existed or that occurred before the present Congress. That is the first question.

Now the second question is this: If the reply to the first question is yes...

REP FARIÑAS. Mme. Speaker, may I ask that we do it one by one because my memory is...

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Yes, let us allow ...

REP. FARIÑAS. ... not perfect. So, may I answer them one by one.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). ... the Majority Leader to answer.

REP. FARIÑAS. As to the first question, Mme. Speaker, the rules appear, as the Gentleman has brought out, in the Committee on Rules and under our rules, the rules issued by the Committee are presumed to be of the House if they are not in contradiction to any House rule. So, under the Committee on Ethics, the rule states that the jurisdiction of the Committee is limited to acts committed in this Congress.

REP. DAZA. All right.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Congressman Daza is recognized.

REP. DAZA. Second question— is it within the personal knowledge of the distinguished Majority Leader that the conduct imputed or allegedly imputed on the three Members of the House who are in the narco-list was allegedly committed, if ever committed, before they became Members of the House?

REP. FARIÑAS. Absolutely not, Mme. Speaker. Precisely, that is why we are meeting tomorrow with those who prepared the list to find out when these alleged acts were committed.

REP. DAZA. Now, my third question, my last question: If these alleged acts resulted in these Members being included in the narco-list, which acts were committed before they became Members of the present Congress, what is the sense, what is the significance or value of spending time or energy with regard to any investigation that would be conducted by the Majority Leader or the leadership regarding these three Members?

REP. FARIÑAS. Precisely, Mme. Speaker, the reason we are meeting with these people who had any participation in the preparation of the list is to find out if these accusations or allegations have any basis at all. Only until then will we be able to determine such, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Thank you, Majority Leader.

REP. DAZA. Thank you, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Thank you, Congressman Daza.

REP. BONDOC. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The Dep. Majority Leader is recognized.

REP. BONDOC. At this juncture, we move to consider, under Unfinished Business, Committee Report No. 47 on House Bill No. 4727, and for that purpose, ...

REP. ATIENZA. Mme. Speaker.

REP. BONDOC. ... could the Secretary General be directed to read ...

REP. ATIENZA. Mme. Speaker.

REP. BONDOC. ... only the title of the said measure.

REP. ATIENZA. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The Sr. Dep. Minority Leader is recognized.

REP. ATIENZA. Before we tackle this particular measure, I move that we first call the roll to make sure that we have the numbers, a quorum. Otherwise, the discussions and debates, speeches for or against, will not amount to anything unless we establish that we do have a quorum now.

According to my count, Mme. Speaker, we only have about 102, unless that number is rebutted by the Secretariat. I am saying that we have only 102 Members and that does not constitute a quorum; for a quorum, we need 147.

REP. FARIÑAS. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The Majority Leader is recognized.

REP. FARIÑAS. We already have the number but may I just state a point on this matter.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Yes, go ahead.

REP. FARIÑAS. The Hon. Edcel C. Lagman submitted to the Majority Leader a list of alleged interpellators, numbering to about 50, who are against the Bill. For those in favor, we only have several sponsors, about four. In fact, the leadership is accommodating the 50 by starting the debates already, but if they want to be strict with the quorum to be able to discuss this, then we will not have enough time to accommodate all the 50.

I wish to cite our rule regarding debates that, when it comes to debates on any matter, when three in favor have spoken and three anti or against have spoken, then we can move to close the period of debates. So, we are already advancing and accommodating them by taking up the matter to allow as much time as possible in order for everybody to be able to express their views. If they want that we only tackle this when we have a clear number to meet a quorum, then we will suspend, but we will not have enough time for all these Members to be accommodated, Mme. Speaker.

REP. ATIENZA. Again, Mme. Speaker, we have our highest regard for the position and the opinions of the Majority Leader but on the other hand, the rules say that we cannot really tackle any measure without a quorum.

So, I move that we first call the roll and establish the quorum. Right now, we have 138 on the floor. I have a continuing count. We would like to be fair to everybody, but if we do not have 147 on the floor, we move that we wait for the numbers to be completed before we conduct our official business.

#### SUSPENSION OF SESSION

REP. FARIÑAS. I second that motion. May we suspend the session until we have the numbers, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The session is suspended.

*It was 4:40 p.m.*

#### RESUMPTION OF SESSION

*At 4:55 p.m., the session was resumed.*

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The session is resumed.

The Dep. Majority Leader is recognized.

#### ROLL CALL

REP. BONDOC. Mme. Speaker, I move that we call the roll of Members.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Secretary General will please call the roll of Members.

*The Secretary General called the roll, and the result is as follows, per Journal No. 67, dated February 7, 2017:*

#### PRESENT

Abaya	Banal
Abayon	Bataoil
Abellanosa	Batocabe
Abu	Bautista-Bandigan
Acharon	Belaro
Acop	Belmonte (F.)
Acosta	Belmonte (J.C.)
Acosta-Alba	Benitez
Adiong	Bertiz
Advincula	Biazon
Aggabao	Billones
Aglipay-Villar	Biron
Albano	Bolilia
Almario	Bondoc
Almonte	Bordado
Alvarez (F.)	Bravo (A.)
Alvarez (P.)	Bravo (M.V.)
Amatong	Calderon
Angara-Castillo	Calixto-Rubiano
Antonio	Caminero
Aragones	Campos
Arbison	Canama
Arcillas	Cari
Arenas	Castelo
Atienza	Castro (F.L.)
Bag-ao	Castro (F.H.)
Bagatsing	Catamco

Cayetano	Hofer	Sagarbarria	Treñas
Cerilles	Kho	Sahali	Tugna
Chavez	Khonghun	Salimbangon	Tupas
Chipeco	Labadlabad	Salo	Turabin-Hataman
Co	Lacson	Salon	Ty
Cojuangco	Lagman	Sambar	Umali
Collantes	Lanete	Sandoval	Unabia
Cortes	Laogan	Santos-Recto	Ungab
Cortuna	Lee	Sarmiento (C.)	Unico
Cosalan	Lobregat	Sarmiento (E.M.)	Uybarreta
Crisologo	Lopez (B.)	Savellano	Vargas
Cua	Lopez (C.)	Sema	Velarde
Cuaresma	Lopez (M.L.)	Siao	Velasco-Catera
Dalipe	Macapagal-Arroyo	Singson	Veloso
Daza	Madrona	Suansing (E.)	Vergara
De Jesus	Malapitan	Suansing (H.)	Villanueva
De Venecia	Mangaoang	Suarez	Villaraza-Suarez
De Vera	Marcoleta	Tambunting	Villarica
Defensor	Marcos	Tan (A.)	Villarin
Del Mar	Mariño	Tan (M.)	Violago
Del Rosario	Marquez	Tejada	Yap (M.)
Deloso-Montalla	Martinez	Teves	Yu
Dimaporo (A.)	Mercado	Tiangco	Zamora (M.C.)
Dimaporo (M.K.)	Mirasol	Ting	Zubiri
Durano	Montoro	Tinio	
Enverga	Nava		
Eriguel	Nieto		THE SECRETARY GENERAL. Mme. Speaker,
Escudero	Noel		the roll call shows that 217 Members responded to the
Espina	Nolasco		call.
Estrella	Nuñez-Malanyaon		
Eusebio	Oaminal		THE DEPUTY SPEAKER (Rep. Garcia-Albano). With
Evardone	Olivarez		217 Members responding to the call, the Chair declares
Fariñas	Ong (E.)		the presence of a quorum.
Ferrer (J.)	Ortega (P.)		The Dep. Majority Leader is recognized.
Ferrer (L.)	Ortega (V.N.)		
Ferriol-Pascual	Pacquiao		REP. ATIENZA. Mme. Speaker.
Floirendo	Paduano		
Flores	Palma		THE DEPUTY SPEAKER (Rep. Garcia-Albano).
Fortun	Panotes		Congressman Atienza is recognized.
Fortuno	Papandayan		
Fuentebella	Pichay		REP. ATIENZA. Just to set the records straight,
Garbin	Pimentel		I know that we have a quorum now, but it is not 217
Garcia (J.E.)	Pineda		Members present on the floor, it is only 196. Let us be
Garcia-Albano	Primicias-Agabas		honest in the count. Importante po itong pag-uusapan
Garin (R.)	Quimbo		natin. Let us start with honesty in the count on the floor;
Garin (S.)	Ramos		196 Members are present right now.
Gasataya	Relampagos		
Geron	Revilla		THE DEPUTY SPEAKER (Rep. Garcia-Albano). Noted,
Go (M.)	Roa-Puno		Congressman Atienza.
Gonzaga	Rodriguez (I.)		The Dep. Majority Leader is recognized.
Gonzales (A.P.)	Rodriguez (M.)		
Gonzales (A.D.)	Roman		CONSIDERATION OF H.B. NO. 4727
Gonzalez	Romualdez		<i>Continuation</i>
Gorricta	Romualdo		
Gullas	Roque (H.)		PERIOD OF SPONSORSHIP AND DEBATE
Hernandez	Roque (R.)		
Herrera-Dy	Sacdalán		REP. BONDOC. Mme. Speaker, I reiterate my

previous motion that we take up for the consideration on Second Reading House Bill No. 4727, contained in Committee Report No. 47, as reported out by the Committee on Justice.

May I ask that the Secretary General be directed to read only the title of the measure.

I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Secretary General is directed to read only the title of the measure.

THE SECRETARY GENERAL. House Bill No. 4727, entitled: AN ACT IMPOSING THE DEATH PENALTY ON CERTAIN HEINOUS CRIMES, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 9346, ENTITLED “AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES”, AND AMENDING ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE “REVISED PENAL CODE”, AND OTHER SPECIAL PENAL LAWS.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The Dep. Majority Leader is recognized.

REP. BONDOC. Mme. Speaker, our parliamentary status is that we are in the period of sponsorship and debate. I move that we recognize the honorable Chairman of the Committee on Justice, the Gentleman from the Second District of Oriental Mindoro, the Hon. Reynaldo V. Umali, to sponsor said measure. I so move, Mme. Speaker, Your Honor.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Hon. Reynaldo V. Umali, Chairperson of the Committee on Justice, is recognized to sponsor the measure.

REP. UMALI. Before that, Mme. Speaker, may I request that Cong. Vicente “Ching” S.E. Veloso be recognized to also give his sponsorship speech but only to define the process by which these bills went to the sub-committee and the mother committee of the Committee on Justice.

REP. BONDOC. Mme. Speaker, I withdraw my motion and second the motion of the Honorable Umali. I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The honorable Congressman Veloso is recognized.

## SPONSORSHIP SPEECH OF REP. VELOSO

REP. VELOSO. Thank you, Mme. Speaker.

Mme. Speaker, distinguished colleagues.

It is my pleasure to present before this august Chamber, Committee Report No. 47 of the Committee on Justice. Attached thereto is House Bill No. 4727 which serves as the substitute bill to House Bills No. 1, 16, 513, 3237, 3239, 3240 and 3418, restoring the death penalty for certain heinous crimes. Let me first discuss the procedural aspect of it, Mme. Speaker.

The records of the House will show that the said House Bills were referred to the Committee on Justice on the following dates: House Bills No. 1 and 16 on July 26, 2016; House Bill No. 513 on July 27, 2016; House Bills No. 3237, 3239 and 3240 on August 30, 2016; and House Bill No. 3418, on September 6, 2016. On September 20, 2016, during the regular meeting of the mother committee, the Committee on Justice referred House Bills No. 1, 16, 513, 3237, 3239 and 3240 to its Subcommittee on Judicial Reforms chaired by this Representation. During its initial meeting on November 9, 2016, the Subcommittee likewise acquired jurisdiction over House Bill No. 3418 as it had the same subject matter as the rest of the bills on the restoration of the death penalty.

On November 9, 2016, the Subcommittee on Judicial Reforms conducted its first meeting. Included in its agenda were the bills restoring the death penalty. For the initial meeting, the Subcommittee invited representatives from government agencies such as the Department of Justice (DOJ), the Public Attorney's Office (PAO), the Commission on Human Rights (CHR), the Office of the Court Administrator (OCA) of the Supreme Court (SC), and the Philippine National Police (PNP). Representatives from the Volunteers Against Crime and Corruption (VACC) were also invited, Mme. Speaker. During that initial meeting, this Representation informed the Body that requests for position papers were already sent to all government agencies, non-government organizations, civil society organizations, and other stakeholders who wish to submit their position papers to the Subcommittee. In turn, Reps. Edcel C. Lagman and Kaka J. Bag-ao submitted their lists of resource persons whom they wished to be invited by the Subcommittee. These resource persons were accordingly given notices of meetings and requests for position papers.

The DOJ, PAO, PNP and VACC all gave their support on the Bills restoring the death penalty. The PAO and the VACC submitted their position papers on November 9, while the DOJ and the PNP submitted their position papers on November 15, 2016. The CHR, on the other hand, stated its position against the death penalty and agreed to submit an official position paper to the Subcommittee, which they did on November 10,

2016. Additionally, the VACC agreed to submit a list of other organizations which are willing to submit their position papers in favor of the death penalty.

The Subcommittee on Judicial Reforms continued its deliberations on November 15, 2016. Secretary Vitaliano Aguirre II of the DOJ presented the official position paper of the DOJ supporting the restoration of the death penalty. The PNP likewise submitted its position paper and presented statistics on crime and crime rate. It was during this meeting that I raised the possibility of limiting the imposition of death penalty to drug-related crimes only. The Subcommittee then conducted another meeting on November 22, 2016. During this meeting, the resource persons who were against the death penalty were heard. Various groups and organizations likewise submitted their position papers, including the CHR, the Free Legal Assistance Group, Amnesty International Philippines, Coalition Against Death Penalty, iDEFEND, PhilRights, Philippine Jesuit Prison Service, International Commission of Jurists, and the Catholic Bishops' Conference of the Philippines. Other persons and groups that supported the restoration of death penalty also submitted their position papers such as Bishop Butch Belgica of the Christian Bishops and Ministers Association of the Philippines, Citizens Crime Watch, Liga ng Eksplosibong Pagbabago, Anti-Trapo Movement of the Philippines, and the Rebolusyonaryong Alyansang Makabansa.

After receiving, Mme. Speaker, the position papers of government agencies, non-government organizations, civil society groups and other stakeholders, the Subcommittee resolved, in its November 29, 2016 meeting, to deliberate on, first, whether or not to impose the death penalty on drug-related crimes only; and second, to adopt a more comprehensive Death Penalty Bill. During said meeting, the Subcommittee presented two substitute measures embodying the said proposal. Six members voted for the more comprehensive Death Penalty Bill; five Subcommittee Members voted to adopt the substitute bill imposing the death penalty only on drug-related crimes; and two Members voted against both measures. Hence, the more comprehensive measure was approved, using House Bill No. 1 as the working draft.

This included amendments to House Bill No. 1, specifically, in Section 8 of the Bill, limiting the imposition of death penalty for murder to paragraph (2), that is, "In consideration of a price, reward, or promise"; paragraph (4), "On occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic or other public calamity"; and paragraph (6), "With cruelty by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse," as provided for in

Article 248 of the Revised Penal Code; and in Section 17, lowering the threshold of possession of shabu punishable by death from 50 grams to 10 grams. Having voted 6-5-2 to approve the substitute bill restoring the death penalty for heinous crimes, the Subcommittee on Judicial Reforms prepared its Subcommittee Report for approval by the mother committee.

On December 7, 2016, the Committee on Justice calendared Subcommittee Report No. 2 for consideration and approval. The Members of the Committee, as well as other Members of the House of Representatives who were not members of the Committee, presented their final thoughts on the measure. After due deliberation, it was argued that further discussions and debates on the restoration of the death penalty are better conducted in the Plenary, where all Representatives may interpellate the Sponsors to thresh out the issues relative to the death penalty. Accordingly, Deputy Speaker Gwendolyn F. Garcia moved for the approval of Subcommittee Report No. 2 and the matter was put to a vote. With 12 votes in favor and five against, the motion was carried and Subcommittee Report No. 2 was approved. Thereafter, Deputy Speaker Garcia (G.) moved for the approval of the Committee Report on the bills restoring the death penalty. The motion was put to a vote and with 12 votes in favor, six against, and one abstention, the motion was carried. Thus, Committee Report No. 47 on the bills restoring the death penalty was approved.

On January 11, 2017, Committee Report No. 47 on House Bill No. 4727 was filed with the House Bills and Index Service; and on January 16, 2017, the Committee Report was included in the Order of Business by the Committee on Rules.

Let me now discuss the substantive matters of House Bill No. 4727. At the core of House Bill No. 4727 on the restoration of death penalty is Article III, Section 19, paragraph 1 of the Constitution which provides:

Excessive fines shall not be imposed, nor cruel, degrading or inhuman punishment inflicted. Neither shall death penalty be imposed, unless, for compelling reasons involving heinous crimes, the Congress hereafter provides for it. Any death penalty already imposed shall be reduced to *reclusion perpetua*.

Actually, Mme. Speaker, House Bill No. 4727 does not present a new question. This was tackled by the Supreme Court in the case of *Leo Echegaray, G.R. No. 117472*, in its 1996 ruling and motion for reconsideration, which was resolved by the Supreme Court in 1997. In *People vs. Echegaray*, Mme.

Speaker, the Supreme Court held that the predecessor law restoring death penalty was constitutional, and the Supreme Court reasoned out:

One of the indispensable powers of the state is the power to secure society against threatened and actual evil. Pursuant to this, the legislative arm of the government can enact criminal laws that define and punish illegal acts that may be committed by its own subjects, the executive agencies enforce these laws, and the judiciary tries and sentences the criminals in accordance with these laws.

The opposition to the death penalty uniformly took the form of a constitutional question of whether or not the death penalty is cruel, unjust, excessive, unusual punishment in violation of the constitutional proscription against cruel and unusual punishments.

The Supreme Court said it is not; and so, Mme. Speaker, the forerunner of House Bill No. 4727 having been ruled by the Supreme Court as constitutional, there is nothing that can be argued against House Bill No. 4727.

Anyway, on Echegaray's motion for reconsideration, the Supreme Court *en banc*, on February 7, 1997, explained that Section 19 (1), Article III of the Constitution is a product of heated and extensive debates among members of the 1987 Constitutional Commission. From being originally worded as "Excessive fines shall not be imposed, nor cruel, degrading, or inhuman punishment, on the death penalty be inflicted. Death penalty already imposed shall be commuted to *reclusion perpetua*," as proposed by Father Bernas, Commissioner Napoleon Rama proposed an amendment reasoning out that "Never in our history has there been a higher incidence of crime"—and this sounds very familiar—and that "Criminality was at its zenith during the last decade." This proposed amendment, joined in by Commissioner Christian Monsod, came to be what we have now in Section 19 (1). So, it is undisputed and it cannot be denied that this is constitutional. Arguments on morality were passed upon by the Supreme Court.

Anyway, House Bill No. 4727 provides, in Section 3, Imposition of Death Penalty; Heinous Crimes Defined, the definition of heinous crime which was lifted, Mme. Speaker, from the decision on the *Leo Echegaray* case. Generally, the Bill proposes to merely give courts the option to penalize heinous crimes with *reclusion perpetua* to death on all of the 21 crimes enumerated from Section 4 to Section 22 thereof.

Penalized by death alone, Mme. Speaker, are:

1. qualified bribery;
2. rape with homicide;

3. rape attended by any of 10 aggravating or qualifying circumstances enumerated in Article 266-B of the Revised Penal Code;

4. destructive arson;

5. the organizer, manager, financier in the sale, trading, administration, dispensation, delivery, distribution, importation of drugs et cetera that is violative of Section 5, Republic Act No. 9165;

6. the organizer, manager, financier, manufacturer et cetera in the maintenance of den, dive or resort of dangerous drugs, violative likewise of Section 8, Republic Act No. 9165;

7. the organizer, manager, financier, manufacturer et cetera in the manufacture of dangerous drugs, controlled precursors, violative of Section 8, Republic Act No. 9165;

8. the organizer, manager, financier et cetera in the cultivation or culture of plants classified as Dangerous Drugs or are sources thereof, that is violative of Section 16, Republic Act No. 9165; and

9. any person who is guilty of planting in evidence any dangerous drug and/or precursor and essential chemical, regardless of quantity and purity.

Mme. Speaker, being a revival of Republic Act No. 659, upon which Leo Echegaray was sentenced to death, this Body is not supposed to hear any further opposition to House Bill No. 4727. It is a plain reiteration of what the oppositors to Section 19, paragraph 1, agreed on and argued during the 1987 Constitution deliberations. Let me point out, Mme. Speaker, when Section 19, paragraph 1 provided: "Neither shall death penalty be imposed, unless, for compelling reasons involving heinous crimes, the Congress hereafter provides for it," it is not anybody's concern, it is not the concern of the Church that the death penalty be passed. The Constitution is explicit—it is solely the concern of this honorable Body. This Section 19, paragraph 1, is not without reason. Article II, Section 4 of the 1987 Constitution mandates that it is the prime duty of the government to serve and protect the people. Meaning, the Death Penalty Law that this Body will pass is designed to protect the people, a mandate we swore when we took office as Congressmen.

The Philippines is not bound by any state party to the International Covenant on Civil and Political Rights and the Second Optional Protocol on the ICCPR because such agreement is not a generally accepted principle of international law. Remember, Mme. Speaker, that Article II, Section 2 of the Constitution says that the Philippines "adopts the generally accepted principles of international law as part of the law of the land." Our following of this so-called "International Covenant" is tantamount to our amending the Constitution—a matter which we cannot allow. Why is it not a generally accepted principle of international law? In the ASEAN, Mme. Speaker, only the Philippines abolished death

penalty. Death penalty is still being observed and imposed in Japan, Singapore, Indonesia, Malaysia, Thailand, and even in the United States and China. It is clear, Mme. Speaker, that this Second Optional Protocol is far from being a generally accepted principle of international law. It is not, therefore, a part of the law of the land. House Bill No. 4727 only intends to give back to our courts that option to penalize the offender with death penalty. Such is very important in my experience.

When I was a Justice of the Court of Appeals way back in 2004, a case was elevated to our division: a father raped his daughter, a child. I wanted to impose death penalty. I wanted to affirm the death penalty as imposed by the Regional Trial Court but I just gave a life imprisonment. However, in 2006, the death penalty was abolished. In 2008, I had another case of incestuous rape. A father raped a child, iyong panganay na anak; ni-rape din niya iyong pangalawang anak at ni-rape din iyong pangatlong anak. Ang sarap sentensiyahan ng death penalty but I, as a member of the Court, could not do anything because in 2006, the death penalty was abolished. According to Justice Carandang of the Court of Appeals, “Pakisabi lang ito. Ang hirap kasi sa mga tao, hindi pa sila nakakakita kung ano ang itsura ng heinous crime.” Let me explain the experience of Justice Sesinando Villon of the Court of Appeals. Mayroon siyang kaso as RTC judge: isang estudyante, teenager, sa Centro Escolar University, na palaging sinusundo ng kanyang tatay. Na-dismiss ang klase nila ng maaga at nagkamali siyang umuwi ng maaga. Malapit-lapit na po siya sa kanilang bahay noon. Nadaanan niya ang nag-iinuman na apat na tao. Mga drug addict pala. Na-s snatch siya at ni-rape. Anong nangyari at paano ginawa ang rape? Dahil hindi makapasok ang mga ari noong mga sadistang rapists, kumuha sila ng kahoy at pagkatapos, iyon ang ipinasok muna sa ari ng babae. Humihyaw sa sakit ang bata pero wala siyang magawa at namatay siya. Ito ay isang halimbawa na kahit heinous crime na ang ginawa ng mga addicts na ito, hindi sila puwedeng parusahan ng bitay.

In a video entitled “Daisy’s Destruction,” ayaw kong isa-isahin kung anong laman nito, but let me state, 11 na mga bata ang ginahasa ng isang Australiyano, at lahat ay pinatay niya. May isang picture—binitay ng patiwari ang mahigit na one-year-old o 18-month-old na bata, ni-rape na, pinatulan pa ng kandila iyong ari, at pinatay. May isang video clip doon kung saan pinutol pa ang clitoris ng bata. Grabe. Kung iisa-isahin ko ito, Mme. Speaker, nakakawalang gana kumain mamayang gabi.

Let me point out— I cannot understand, Mme. Speaker— mag-aakyat-bahay ang isang magnanakaw, bakit kailangan pang patayin ang nanay ni Cherry Pie Picache? Doon sa Vizconde massacre, bakit pinatay ang asawa ni Vizconde, ang anak at saka ibang mga bata?

Sa kaso ni Evangelista, na-carnap ang sasakyan niya, pagkatapos ay pinatay si Venson Evangelista at sinunog pa siya. Ito na lang nangyari kamakailan sa Korean businessman na si Jee Ick-joo. Sinasabi kasi ng mga nag-o-oppose sa death penalty, ito ay consequence ng kahirapan ng tao. Si Ricky Sta. Isabel ay milyonaryo, ang SALN niya ay higit P20 million. Si Rafael Dumlao, hindi siya mahirap. Ang nakakainis dito, Mme. Speaker, pinatay na iyong Koreano, inalis pa ang asawa ng karapatan na makita man lang ang katawan ni Jee Ick-joo. Ang dami, Mme. Speaker—araw-araw, tingnan mo sa TV, ang daming nakakasuka na nangyayari. Kagabi, a three-year-old, ni-rape ng kapitbahay.

Well, anyway, Mme. Speaker, again, what we have is a legal question, not a religious one. Sinabi ng Korte Suprema, in the earlier, forerunner na batas, na ang death penalty is the prerogative of Congress, according to Article III, Section 19, paragraph 1 of the Constitution. Halimbawa, pag-uusapan natin ito, against the backdrop na Kautusan no. 5, “Thou shall not kill.” Palaging sinasabi ng Simbahan, “You are to preserve the life even of a heinous criminal.” Mali po, Mme. Speaker. Kasinungalingan po ang sinasabi ng Simbahan. I have here—I got this from the Internet, courtesy ng isang abogado ng Simbahan— from the Catechism of the Council of Trent published by command of Pope Pius V, ang mandate na ipinalaganap at ipinamigay nito:

That the faithful may approach the Sacraments with greater reverence and devotion, the Holy Synod commands all Bishops not only to explain, in a manner accommodated to the capacity of the receivers, the nature and use of Sacraments, when they are to be administered by themselves; but also to see that every pastor, piously and prudently do the same, in the vernacular language, should it be necessary and convenient.

Ano po ang sinasabi sa fifth commandment? Hindi ko na po patatagalin. Kung babasahin mo itong Catechism ng Council of Trent from pages 280-281, there are five exceptions to the commandment “Thou shall not kill”: one, kapag ang pinapatay mo ay animal; two, kapag ang sundalo ay pumapatay in times of war; three, in case of an accident; at four, in self-defense. Kaya pala marami akong kilalang sundalo, pari at hindi pari—dito na lang tayo sa pari, Mme. Speaker. Marami akong kilalang mga pari na may baril, may permit to carry nito. Hindi ko nga alam kung bakit may mga security guards ang mga kumbento. Sa mga bahay ng mga pari, high-powered firearms ang dala ng mga guwardiya.

Anyway, relative to the fifth, it also said, “this prohibition does not apply to the civil magistrate to whom is entrusted the power of life and death.” Ito

po ang sinasabi ni Pope Pius V: “this prohibition does not apply to the civil magistrate,” like our courts, and continues:

...to whom is entrusted the power of life and death by the legal and judicious exercise of which he punishes the guilty and protects the innocent. The use of the civil sword, when wielded by the hand of justice, far from involving the crime of murder, is an act of paramount obedience to this commandment which prohibits murder. The end of the commandment is the preservation and security of human life, and to the attainment of this end the punishments inflicted by the civil magistrate, who is the legitimate avenger of crime, naturally tend, giving security to life by repressing outrage and violence. Hence, these words of David: “In the morning, I put to death all the wicked of the land; that I might cut off all the workers of iniquity from the city of the Lord.”

Hindi po totoo na ipinagbabawal ng Diyos ang pagpatay as long as it is covered by the five exceptions at kasama na po dito, if it is the court that will sentence a criminal to death.

Mme. Speaker, at the end of the day, katulad ninyo, mga kasamahan ko dito, iisa lang ang tanong natin sa sarili natin: Kailangan bang patayin iyong mga kriminal ng heinous crimes? There is an argument na ikulong na lang in prison. Ikukulong na lang natin ang mga katulad ni Jaybee Sebastian. Ilalagay sa maximum security kasi iyon ang buhay impiyerno, only for us to find out labas-pasok sila sa kulungan at ang kulungan na dapat impiyerno ay ginagawang parang five-star hotel. Hindi po, Mme. Speaker. Hindi po kailangang ilagay sila sa maximum security. Bakit po? Natatakot ako, *ex post facto* law ang pag-uusapan natin.

Itong pinag-uusapan nating mga heinous crimes, wala na po tayong magagawa diyan. Whatever law we pass penalizing heinous crimes with death, hindi na po sila sakop doon. Ang kinatatakot ko ay, one of these days, malalaman na lang natin na isa sa kasamahan natin o kamag-anak natin ay ginahasa, o sila mismo ay na-akyat-bahay, o sila mismo ay na-kidnap for ransom. Isipin mo ang lahat ng heinous crimes na nangyayari sa kapaligiran natin, iisa lang po ang sagot: Sana po huwag na nating hayaan ang kriminal ng heinous crimes na mabuhay pa muli because, again, at the end of the day, kung sino man sa mga kamag-anak natin ang mabibiktima nila, kasalanan po natin iyan. Ang dugo nila ay magiging dugo sa ating kamay dahil hindi natin ipinasa ang House Bill No. 4727, the Bill penalizing such heinous crimes with death.

Salamat po, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Thank you, Congressman Veloso.

The Dep. Majority Leader is recognized.

REP. BONDOC. Mme. Speaker, for his chance to deliver his sponsorship speech on House Bill No. 4727, I move for the recognition of the Chairman of the Committee on Justice, the Hon. Reynaldo V. Umali.

I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The Hon. Reynaldo V. Umali is recognized.

#### SPONSORSHIP SPEECH OF REP. UMALI

REP. UMALI. Thank you, Mme. Speaker.

Distinguished colleagues, it is my pleasure and distinct honor as Chairman of the Committee on Justice to sponsor House Bill No. 4727, as embodied in Committee Report No. 47. My colleagues, Deputy Speaker Fred Castro and Congressman Veloso, have already discussed most of the issues that had been raised during the Subcommittee deliberations on the Death Penalty Bills. We already heard the reasons the bills were filed and were passed by the subcommittee and mother committee of the Justice Committee.

Allow me now, Mme. Speaker, to explain why House Bill No. 4727 needs to be passed by the House of the People, and I offer four compelling reasons therefore as follows: first, the death penalty is a fitting response to the increasing criminality and killings in the country; second, the death penalty is a measure to restore respect for the laws of the land; third, the death penalty is the path to achieving justice; and fourth, the reimposition of the death penalty is geared towards a genuine reform in the Philippine criminal justice system.

Let me now discuss my first proposition: death penalty as a fitting response to increasing criminality and killings in the country.

Mme. Speaker, dear colleagues, I stand before this august Chamber to articulate the present outcry of the citizens of this Republic, a bane that threatens the very existence of order in our society. As we sit on these chairs and carry the mandates of our citizens, the ordinary people fear for their lives and limbs as they walk in our streets. Families second-guess the safety of their homes, and victims of criminalities wait in vain for the arrest and/or verdict on their cases as their thirst for justice fades away. They are in constant doubt on how our law enforcers and our investigators can amply secure or protect them and in some instances, are even fearful that such men in uniform are the protectors of these criminals, if not perpetrators of the crime itself. Ngayon, hindi na tayo nakakasiguro kung sino ang pagkakatiwalaan ng taumbayan.



My esteemed colleagues, we as Representatives of the people are called upon to stand up against the grave, apparent and imminent danger that we seemingly refuse to understand; that despite our earnest efforts in the previous Congresses to pursue reforms in the criminal justice system, we have failed to preserve its reign and integrity; that our existing criminal justice system has failed millions of lives due to the wanton disregard for our laws and our authorities. *Huwag na po tayong magbulag-bulagan sa mga karumal-dumal na kaganapan sa ating bayan.*

According to a study conducted by the Philippine National Police Crime Research and Analysis Center, although there was a swift decline in the rate of crimes against property and persons, incidents of murder are recorded as being on a dramatic increase. Reportedly, from 81,064 incidents in the months of July to November 2015, the index crime volume dropped by 31 percent for the same period in 2016. However, a surge of 51 percent increase in murders was also recorded during the same period. *Imulat natin ang ating mga mata, buksan ang ating mga tenga sa mga kriminalidad na nararanasan ng ating mga kababayan.*

Yes, we are all witnesses to how these killings filled the banner stories of our daily news since then. In fact, some killings and crimes have become staples in our consciousness, etched even among our children who either witness these crimes in person or are exposed to them in various forms of media which are relentlessly showcasing crimes perpetrated almost daily.

Let me categorize these killings into three kinds: first is the kind that is brought about by the commission of a crime. These are murder incidents committed against innocent civilians during robberies, thieveries and carnappings. Some were committed to conceal the body of another crime such as rape and more recently, kidnap for ransom, like the case of Korean businessman Jee Ick-joo, allegedly perpetrated by men in uniform. To many, this case is more than enough reason to reimpose the death penalty. The second kind of killings is the one brought about by the recent war on drugs which can be classified into two types: the legal and the extrajudicial. Under our Revised Penal Code, a killing shall be justified if the same is done in the performance of a lawful duty and or in self-defense; otherwise, it is considered a crime. Thus, killings done by police in pursuance of their duty during an encounter of armed resistance are considered legal.

According to the *Philippine Daily Inquirer* article, *The Kill List*, the PNP reported that from June 30, 2016 to January 30, 2017, there were 2,083 drug-related killings committed, 1,101 of which were allegedly killed during legitimate police operations. These are incidents wherein armed resistance was allegedly perpetrated by the suspects. Meanwhile,

the PNP also reported that there were 982 incidents of murder committed outside police operations. These incidents were unexplained killings committed by unknown assailants for motives which may be related to the campaign against illegal drugs. These are killings which are considered criminal—killings that were motivated by either silencing a possible state witness or by vigilante justice. Up to now, a large number of these incidents are still undergoing police investigation.

The last category of killings prevalent in our State nowadays are those done by gun-for-hires who perpetuate the death trade through employment of motorcycles, otherwise popularly known in our streets as the “riding in tandem.” These assassins are hired to commit murder against civilians for a fee. Such heinous crime is resorted to by individuals due to different motives such as eliminating business rivals, revenge, and at times, even ending failed marriages as it was seen as an easier mode than going to courts for annulment such as the murder case of Tania Camille Dee of Angeles City who was allegedly murdered by her husband, Fidel Arcenas, in conspiracy with his girlfriend, Angela Dychioco.

Nito lamang nakaraang linggo, nasa balita ang pagpatay ng isang lalaki, si Jayson del Valle ng Caloocan City, sa asawa ng kanya mismong kaibigan. Idinamay pa niya ang anak nito at ngayon, ang anak ay naghihingalo sa ospital. Politically motivated killings as well as media killings belong to this species of murder. Undeniably, the common denominator in these killings is exacting justice in a person’s own hands.

These three kinds of killings, Mme. Speaker, are clear manifestations of the failure of our criminal justice system. A failed system, if not corrected, will continue to be used and abused by criminals and even by misguided law enforcers. It is a failed system because the people would rather serve justice with their own hands than trust the government to deliver it. It is very frustrating that instead of making international headlines because of our economic achievements, it was the increased number of killings that made the news. This kind of media attention gives the appearance that ours is a country where criminals and vigilantes usurp the government of its duty to deliver justice. These kinds of killings make it appear that our state is governed not by the rule of law but by the rule of man.

Thus, Your Honors, with this dysfunctional criminal justice system, it is imperative that we resort to measures to ensure that the interest of the greater good—those who are crying for justice, clamoring for peace and pining for reason—is served.

I firmly believe that the reimposition of the death penalty is a needed legislative measure as we transition

to a reengineered criminal justice system. No less than the Supreme Court, in the case of *People vs. Echegaray*, quoted Donald Atwell Zoll:

If we are to preserve the humane society we will have to retain sufficient strength of character and will to do the unpleasant in order that tranquility and civility may rule comprehensively. It seems very likely that capital punishment is a x x x necessary, if limited factor in that maintenance of social tranquility and ought to be retained on this ground. To do otherwise is to indulge in the luxury of permitting a sense of false delicacy to reign over the necessity of social survival.

Mme. Speaker, I believe it has become imperative that we instill in our people, including our men in uniform, the gravity of punishment for committing a crime. People nowadays are not scared of committing a crime anymore because they believe that they can get away with it, or they can buy their way to freedom, or they can even buy justice. Innocent people are not safe in the streets anymore because criminals believe they can escape punishment, no matter how heinous the crimes they commit.

Imposing the death penalty is a means of bringing back fear to these criminals to prevent them from injecting more poison into our society. This is to make them fear doing wrong or committing a crime, to make them see that committing crimes does not have a place in our society, just like in other countries where Filipinos are observed to be disciplined, are able to exhibit their best character as responsible citizens, whether as migrants or even overseas Filipino workers. I can only wonder how and why we can be a disciplined people elsewhere and not in our home country.

Eleven years ago, this august Chamber abolished the death penalty and so I asked: what had happened since, are we any better in reforming our convicted criminals or have they gone from bad to worse? From the revelation made by Deputy Speaker Fred Castro and Congressman Veloso, the answer is pretty obvious. So, I ask again: if we do not do anything and just maintain the status quo, can we expect change, change for the better?

Sa ganang akin po, wala tayong maaasahang pagbabago kung mananatili tayong kontra sa parusang kamatayan. I submit that the reimposition of the death penalty also signifies that we, as a Republic, do not tolerate and condone justice delivered through the hands of man but only through the rule of law. Vigilante justice must end and for it to end, we must send a clear message to our citizens that justice will be delivered and needs to be delivered totally. Dapat maramdaman ng sambayanan na ang batas ay nariyan

upang mapangalagaan ang kaligtasan, kapakanan at dignidad ng lahat ng bawat mamamayan, lalo at higit, ang maliliit.

Now I go to my second proposition: death penalty as a measure to restore respect for the laws of the land. Not only is crime being committed in our streets and in our homes, crimes are being committed even inside our local jails and in our national prisons. Criminals continue to damage our society inside our national prison. Instead of suffering the consequences of their wrongdoings, they even live a luxurious life inside the penitentiaries. On this score, there is a need to reform the punitive aspect of our penal system, for how can we strike fear in the hearts of these criminals when they know that their prison sentence will even serve as their refuge to enable them to continue illegal activities, when they know they could actually live a better life inside the prison.

*At this juncture, Deputy Speaker Garcia-Albano relinquished the Chair to Deputy Speaker Ferdinand L. Hernandez.*

How can we say that justice has been achieved when instead of punishing these criminals, they are even allowed to perpetuate their illicit activities while serving their sentences on account of a tara system imposed by unscrupulous prison officials and other government officials? In the past months during which our Committee on Justice conducted hearings and legislative inquiries, it is with much remorse that we had been witnesses to various spectacles that exposed how rotten our criminal justice system has become. Our citizens were appalled by the revelations which our legislative inquiries exposed, testimonies from numerous witnesses which led us to discover the rampant corruption inside our penitentiaries. The people observed in frustration and disgust as the very institutions which should have penalized the convicts, tolerated the commission of drug trade and other illegal activities inside the penitentiaries.

Instead of being punished for their criminal acts, prisoners were allowed to live luxuriously inside these prisons, to the point of even ridiculing the congressional offices by comparing them to an inmate's kubol. Crime syndicates, in connivance with unscrupulous government officials, took advantage of the flawed system to feed their selfish interests and perpetuate the impunity of crime. Imagine the time, effort and resources spent by our government in investigating these criminals, capturing them through our law enforcement agencies, prosecuting them, presenting evidence against them, giving them a fair trial and then, finally convicting them for the crimes they had committed, only to find out that the punishment by imprisonment has little or no effect on their criminal activities. Imagine the taxes

paid by the victims of heinous crimes that feed those who have wronged them.

Talking about restorative justice, I can only wonder how deserving these criminals are when they act with impunity inside our jail. How can these convicted felons be reformed after serving their sentences when they willingly commit crimes inside our jails and prisons, presumably out of fear of reprisals from gang leaders lording over the underworld, with the tacit approval or even sanction of prison authorities, when the culture inside our jail system has evolved into one where you will either starve in prison, or where you can live a life of luxury or comfort if you stick to the right gang or syndicate?

Mr. Speaker, what I have just described are not mere hypotheticals. These are facts. These were revelations during the hearings conducted by the Committee on Justice on the proliferation of drugs inside the New Bilibid Prison. Mismong ang ating mga kababayan ang nakarinig ng mga rebelasyon ng mga bilanggo tungkol sa kalat at malawak na operasyon ng droga sa ating mga kulungan. Sa mismong maximum-security prison, kung saan dapat ay mas mahigit ang seguridad, ay siyang naging sentro ng kalakalan ng iligal na droga. Hindi lamang basta maliit na bentahan ng droga ang nangyayari sa loob ng ating mga kulungan. Milyon-milyon ang kinikita ng mga bilanggo at ng mga koneksiyon nila sa labas. Hindi ko po lubos maisip na ang droga na siyang naging dahilan kung bakit ang isang musmos na bata ay nagahasa o ang isang inosenteng anak ay napatay, ay magmumula mismo sa mga kulungan, na dapat ay maging daan upang magbago ang mga gumawa ng krimen.

One particular aspect in that hearing that struck me, Mr. Speaker, was when the convicted felons were asked the question, “Ano ang kinatakatutan mo, kulungan o kamatayan?” All of them gave their answer, “Kamatayan po.” These convicts are not afraid of imprisonment. In fact, all of them are serving life sentences. What they only fear was death, the ultimate punishment for convicted criminals that would put an emphatic stop on their capacity to commit more crimes. Indeed, humans fear death more than anything. Ordinary law-abiding citizens fear imprisonment, but hardened criminals and those who are capable of committing heinous crimes, they fear nothing but death.

Mr. Speaker, before we conducted these hearings on the Bilibid drug trade, I was also against death penalty. Dati, hindi ako naniniwala na kinakailangan ang parusang kamatayan para panatilihin ang katahimikan sa ating mga kalsada at komunidad. After hearing all those testimonies on the corruption of our jail guards and other high-ranking officials in government, and the way these criminals conducted their illegal activities with impunity inside our jails, I had a change of heart. I had come to the conclusion that we need to strike fear in

these criminals, and the only way to do that is to impose punishment that they fear the most and that is death. Layunin din ng ating isinusulong na Death Penalty Bill na ipaalala sa ating mga kababayan na ang mga batas ay hindi dapat balewalain, kung hindi mga alituntunin na dapat respetuhin at sundin tulad ng pagrespeto at pagsunod ng mga Pilipino sa ibang bansa sa mga batas na umiiral sa kanilang mga kinaroroonan.

Sa pangatlo po, and my third proposition is that the death penalty is our path to achieving justice. I admit, Mr. Speaker, that these problems involving our prison and our prison system are but symptoms of a greater problem of the criminal justice system. The truth of the matter, my esteemed colleagues, is that we are merely scratching the surface of a deeply-rooted menace, which is the derogation of the entire criminal justice system. In fact, the killing of Mayor Espinosa inside the jail showcases our dilemma. Imagine a judge issuing a warrant to a prisoner within jail premises, who is in possession of illegal firearms and drugs inside the prison cell; law enforcers effecting such a search in the wee hours of the morning to the point of excluding the jail authorities; then, of course, the result in the death of Mayor Espinosa; and thereafter, we witnessed the Senate inquiry conducted thereon, where we witnessed those involved, the policemen, trying to cover each other's backs. Thus, I can only wonder how we can arrive at the truth and serve the ends of justice in the death of Mayor Espinosa.

Mind you, the systematic problem in the criminal justice system cannot be solved through piecemeal legislative measures. There is a need to re-engineer the system comprehensively and holistically. Ang mga solusyon at pagbabagong kinakailangan para baguhin ang isang bulok na sistema ay hindi magagawa sa isang upuan lamang. Mahabang panahon ang kinakailangan upang makamtan ang pangkalahatang pagbabago. In fact, several hearings conducted by the Justice Committee on the matter have already resulted in the pursuit of policy initiatives to address reforms in the correctional system in a way that would prevent convicts from further committing crimes inside our prisons. But the more pressing question now is, what do we do in the meantime? How can we, as legislators, simply stand aside and wait with bated breath for these so-called reforms to take place, reforms that had been promised when the death penalty was abolished more than 10 years ago.

It must be remembered that the cornerstone of our criminal justice system is the presumption of innocence. Proof beyond reasonable doubt is necessary for conviction. In this regard, our justice system is geared and skewed even in favor of the accused. Laws and evidence are always interpreted, in case of doubt, to favor the accused, such that an ounce of doubt could weaken a prosecution case against the accused. Verily, it cannot be said that the death penalty is anti-poor.

Let me also address another important point, Mr.

Speaker. There had been concerns raised that given our justice system, the restoration of the death penalty would eventually lead to the execution of an innocent person. I would like to emphasize that from the time a person has been arrested for a crime, that person will be subjected to due process. Even if an accused had been sentenced to death by the trial court, that person still has the remedy of appeal to the Court of Appeals, and even if the Court of Appeals would sustain that conviction, the Supreme Court would still conduct an automatic review, and I repeat, an automatic review which would reopen the case and weigh all the evidence in order to determine whether the death penalty should be imposed, or the penalty of *reclusion perpetua* or life imprisonment would suffice.

Lastly, the President may exercise his power of clemency or pardon at any stage of the proceedings even right before the execution.

In short, Mr. Speaker, once the death penalty is restored, no person will be executed without having gone through this long, exhaustive and judicious process of determining whether or not the accused deserves the death penalty for the crime committed. Against the foregoing long, tedious and judicious process otherwise known as due process is the EJK or extrajudicial killing, wherein any Tom, Dick and Harry, including men in uniform, can impose their death wish on anyone, guilty or not. To make matters worse, some of these men in uniform are even taking advantage of the war on drugs in employing a scheme referred to as “tokhang for ransom.” Sa halip na bumaling ang ating mga kababayan sa kapulisan para sa kanilang proteksyon at kaligtasan, sila pang mga awtoridad mismo ang umaabuso sa kapangyarihan at gumagawa ng mga karumal-dumal na krimen. Wala nang paggalang at takot na gumawa ng katiwalian ang ilang miyembro ng ating kapulisan dahil marahil iniisip nila na ang krimen o ang batas ay matatakanan nila.

Now, Mr. Speaker, are we still insisting that criminality has not reached such heights as to compel our government to impose the death penalty? Do we not see the reality that compels us to address the challenges ahead? So, take your pick: death without due process, or death after due process.

Kaya nga po kailangan natin muling buhayin ang parusang kamatayan upang makamtan ang inaasam ng lahat na tunay na katarungan. When we look at the reimposition of the death penalty, we must not only look at the life of the convicted. We must also look at the innocent lives of the rest of the community and all other peace-loving citizens who fear these criminals, to include men in uniform and in other law enforcement agencies who use their police power to perpetuate crime. We must look at the hapless faces of rape victims deprived of justice and speedy resolution, agonizing for years because criminals have found ways to skirt the law and hide from this dysfunctional criminal justice system.

It is high time that we look at the impact of the death penalty on the entire community and the entire country. The police powers of the state must reign, as capital punishment is not just about life of criminals sentenced to death but about the welfare of the entire community. As the Supreme Court amply puts it, “to ask what the rights are of the dying- is to ask what the rights are of the living.” That is found in *People vs. Leo Echegaray*.

My fourth proposition is the reimposition of the death penalty towards a genuine reform in the Philippine criminal justice system. Many might fear the ire of religious groups and the loss of votes from their constituents who are so-called pro-life and against death penalty. It is time to make a stand. It is our duty as statesmen, as Representatives of our people, to safeguard and protect them and the entire community. It is our duty to be fearless for them. Let us not be constrained by these concerns. Let us focus our attention on the challenges ahead of us, the challenge to reform and re-engineer our criminal justice system. So, I encourage my esteemed colleagues to be fearless advocates of the death penalty and genuine reform in the criminal justice system.

As a final point in the reimposition of the capital punishment, let us be guided by the maxim *salus populi est suprema lex*—the welfare of the people is the supreme law. The safety of the greater many should be above everything else. We must abide by the foundations of our legal system and the law must govern utterly even if it is severe. *Dura lex sed lex*—the law may be harsh but it is the law. Let it reign supreme.

Mr. Speaker, gruesome and/or heinous crimes are wantonly committed against hapless victims as depicted by my colleagues who earlier spoke before these august halls. Please join us in the Committee on Justice to pursue other meaningful reforms in our criminal justice system. The reimposition of the death penalty for heinous crimes is just the start of such meaningful reforms. and the Committee on Justice would like to give the assurance that we will continue all our initiatives so that the reforms that we need in the criminal justice system will be put in place by this Seventeenth Congress.

Maraming, maraming salamat po sa inyo, Mr. Speaker, and my esteemed colleagues in the House of Representatives.

THE DEPUTY SPEAKER (Rep. Hernandez). The Floor Leader is recognized.

REP. ROA-PUNO. Mr. Speaker, I move that we recognize the honorable Representative from the First District of Albay, the Hon. Edcel C. Lagman, for his interpellation of our honorable Sponsor.

THE DEPUTY SPEAKER (Rep. Hernandez). The honorable Congressman Lagman of the First District of Bicol is hereby recognized.

REP. LAGMAN. Thank you, Mr. Speaker, but this Representation is from the First District of Albay, not of Bicol which is the region.

THE DEPUTY SPEAKER (Rep. Hernandez). I stand corrected, the honorable Rep. Edcel Lagman.

REP. LAGMAN. Well, this Representation has been ready to discuss the overview of the oppositors' grounds against the reimposition of the death penalty since December last year, and we truly appreciate the gesture of the Majority Leader for accommodating our interpellators. We have submitted a partial list of 25 with a *colatilla* that we will submit more. With all due respect to the leadership of the Majority, may we know whether there are sufficient Members of the House to constitute a quorum for this very important debate?

THE DEPUTY SPEAKER (Rep. Hernandez). The Dep. Majority Leader is recognized.

REP. BONDOC. Yes, Mr. Speaker, Your Honor. Our count this afternoon definitely showed that we have a quorum to conduct our business, Mr. Speaker.

REP. LAGMAN. That was an hour ago. After the delivery of the sponsorship speeches, I think the number has considerably diminished. So, I do not think there is a quorum remaining in the House.

THE DEPUTY SPEAKER (Rep. Hernandez). The Dep. Majority Leader is recognized.

REP. BONDOC. Mr. Speaker, we wish to know the pleasure of the Gentleman from Albay.

REP. LAGMAN. Well, it is obvious, Mr. Speaker. I do not have to articulate my motion. If the distinguished Majority Leader would like me to articulate my motion, then I move to adjourn for lack of quorum.

REP. BONDOC. Mr. Speaker, may I appeal to our honorable colleague to give a chance to the numerous Members of the House who wish to debate on this very important measure. Dilatory tactics only serve to cut down the time of our colleagues who wish to be heard regarding this, Mr. Speaker.

REP. LAGMAN. This is not a dilatory tactic, Your Honor, Mr. Speaker.

There will always be a chance for Members to hear the debates if there is a quorum. We cannot conduct business without having a quorum.

REP. BONDOC. Once more, Mr. Speaker, we appeal to the Gentleman, please, to let us continue the debate on House Bill No. 4727.

REP. LAGMAN. We will only debate when there is a quorum.

#### ADJOURNMENT OF SESSION

REP. BONDOC. With that, Mr. Speaker, we second the motion of the Gentleman from Albay to adjourn the session until tomorrow, February 8, at four o'clock in the afternoon.

I so move, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Hernandez). There is a motion to adjourn. Is there any objection? (*Silence*) The Chair hears none; the session is adjourned until four o'clock tomorrow afternoon, February 8, 2017.

*It was 6:20 p.m.*