



Congressional Record

PLENARY PROCEEDINGS OF THE 17th CONGRESS, FIRST REGULAR SESSION

House of Representatives

Vol. 3

Wednesday, February 8, 2017

No. 68

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 called to order.

NATIONAL ANTHEM

THE DEPUTY SPEAKER (Rep. Garcia-Albano).
Please rise 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.

Everybody remained standing for the silent prayer.

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

REP. GARIN (O). Mme. Speaker, I move that we defer the calling of the roll.

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

REP. GARIN (O). Mme. Speaker, I move for the deferment of the approval of the Journal of the previous session.

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

REP. GARIN (O). Mme. Speaker, I move that we now 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 Committee Report, and the Deputy Speaker made the corresponding references:

BILLS ON FIRST READING

House Bill No. 4904, entitled:

“AN ACT AMENDING THE REPUBLIC ACT 8178, OTHERWISE KNOWN AS THE AGRICULTURAL TARIFFICATION ACT AND PRESIDENTIAL DECREE NO. 4, AS AMENDED, OTHERWISE KNOWN AS, PROCLAIMING THE CREATION OF THE NATIONAL GRAINS AUTHORITY AND APPROVING FUNDS THEREFOR ”

By Representative Yap (A.)

TO THE COMMITTEE ON AGRICULTURE AND FOOD

House Bill No. 4905, entitled:

“AN ACT AMENDING SECTION 2 AND 3 (B) OF REPUBLIC ACT NO. 8794, OTHERWISE KNOWN AS AN ACT IMPOSING A MOTOR VEHICLE USER’S CHARGE ON OWNERS OF ALL TYPES OF MOTOR VEHICLES AND FOR OTHER PURPOSES ”

By Representative Del Rosario

TO THE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

House Bill No. 4906, entitled:

“AN ACT EXTENDING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO THE DELTA BROADCASTING SYSTEM,

INC. TO ESTABLISH, MAINTAIN AND OPERATE RADIO AND TELEVISION BROADCASTING STATIONS WITHIN THE PHILIPPINES UNDER REPUBLIC ACT NO. 7723”

By Representative Velasco
TO THE COMMITTEE ON LEGISLATIVE FRANCHISES

House Bill No. 4907, entitled:

“AN ACT SEPARATING IGBARAS NATIONAL HIGH SCHOOL – ALAMEDA EXTENSION IN BARANGAY ALAMEDA, MUNICIPALITY OF IGBARAS, PROVINCE OF ILOILO FROM IGBARAS NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS ALAMEDA NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR”

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

House Bill No. 4908, entitled:

“AN ACT SEPARATING DON FELIX SERRA NATIONAL HIGH SCHOOL – LOMBOYAN EXTENSION IN BARANGAY LOMBOYAN, MUNICIPALITY OF SAN JOAQUIN, PROVINCE OF ILOILO FROM DON FELIX SERRA NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS STA. ANA NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR”

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

House Bill No. 4909, entitled:

“AN ACT ESTABLISHING THE MONTH OF AUGUST AS THE START OF THE ACADEMIC YEAR IN ALL PUBLIC SCHOOLS IN THE PHILIPPINES AND FOR OTHER PURPOSES”

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

House Bill No. 4910, entitled:

“AN ACT CONVERTING THE ROAD STRETCHING FROM BARANGAY PARARA, MUNICIPALITY OF TIGBAUAN TO BARANGAY JAMOG, MUNICIPALITY OF LEON, ALL IN THE PROVINCE OF

ILOILO INTO A NATIONAL ROAD AND APPROPRIATING FUNDS THEREFOR”

By Representative Garin (O.)
TO THE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

House Bill No. 4911, entitled:

“AN ACT CONVERTING THE ROAD STRETCHING FROM BARANGAY CAMANGAHAN TO BARANGAY NAHAPAY, ALL IN THE MUNICIPALITY OF GUIMBAL, PROVINCE OF ILOILO INTO A NATIONAL ROAD AND APPROPRIATING FUNDS THEREFOR”

By Representative Garin (O.)
TO THE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

House Bill No. 4912, entitled:

“AN ACT CONVERTING THE ROAD STRETCHING FROM BARANGAY STA. MONICA, MUNICIPALITY OF OTON TO BARANGAY CORDOVA, MUNICIPALITY OF TIGBAUAN, ALL IN THE PROVINCE OF ILOILO INTO A NATIONAL ROAD AND APPROPRIATING FUNDS THEREFOR”

By Representative Garin (O.)
TO THE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

House Bill No. 4913, entitled:

“AN ACT CONVERTING THE ROAD STRETCHING FROM BARANGAY BOTONG TO BARANGAY BATUAN, ALL IN THE MUNICIPALITY OF OTON, PROVINCE OF ILOILO INTO A NATIONAL ROAD AND APPROPRIATING FUNDS THEREFOR”

By Representative Garin (O.)
TO THE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

House Bill No. 4914, entitled:

“AN ACT CREATING A MUNICIPAL TRIAL COURT FOR THE MUNICIPALITY OF TIGBAUAN, PROVINCE OF ILOILO, AND APPROPRIATING FUNDS THEREFOR”

By Representative Garin (O.)
TO THE COMMITTEE ON JUSTICE

House Bill No. 4915, entitled:

“AN ACT NAMING THE ILOILO CITY – DUMANGAS COASTAL ROAD IN THE PROVINCE OF ILOILO AS CONGRESSMAN NARCISO DOLAR MONFORT HIGHWAY”

By Representative Garin (O.)
TO THE COMMITTEE ON PUBLIC WORKS
AND HIGHWAYS

House Bill No. 4916, entitled:

“AN ACT CONVERTING THE ROAD
STRETCHING FROM BARANGAY FIVE (5)
TO BARANGAY IGCABUGAO, ALL IN THE
MUNICIPALITY OF IGBARAS, PROVINCE
OF ILOILO INTO A NATIONAL ROAD AND
APPROPRIATING FUNDS THEREFOR”

By Representative Garin (O.)
TO THE COMMITTEE ON PUBLIC WORKS
AND HIGHWAYS

House Bill No. 4917, entitled:

“AN ACT CONVERTING THE ROAD
STRETCHING FROM BARANGAY
SIBUCAUAN, MUNICIPALITY OF
TUBUNGAN TO BARANGAY IGCABUGAO,
MUNICIPALITY OF IGBARAS, ALL IN THE
PROVINCE OF ILOILO INTO A NATIONAL
ROAD AND APPROPRIATING FUNDS
THEREFOR”

By Representative Garin (O.)
TO THE COMMITTEE ON PUBLIC WORKS
AND HIGHWAYS

House Bill No. 4918, entitled:

“AN ACT CONVERTING THE ROAD
STRETCHING FROM BARANGAY
IGTUBA, MUNICIPALITY OF MIAGAO
TO BARANGAY IGTALONGON,
MUNICIPALITY OF IGBARAS, ALL IN THE
PROVINCE OF ILOILO INTO A NATIONAL
ROAD AND APPROPRIATING FUNDS
THEREFOR”

By Representative Garin (O.)
TO THE COMMITTEE ON PUBLIC WORKS
AND HIGHWAYS

House Bill No. 4919, entitled:

“AN ACT CONVERTING THE ROAD
STRETCHING FROM BARANGAY
QUIANAN TO BARANGAY BAD-AS, ALL
IN THE MUNICIPALITY OF SAN JOAQUIN,
PROVINCE OF ILOILO INTO A NATIONAL
ROAD AND APPROPRIATING FUNDS
THEREFOR”

By Representative Garin (O.)
TO THE COMMITTEE ON PUBLIC WORKS
AND HIGHWAYS

House Bill No. 4920, entitled:

“AN ACT CONVERTING THE ROAD
STRETCHING FROM BARANGAY

POBLACION EAST TO BARANGAY
ALEGRE, ALL IN THE MUNICIPALITY
OF OTON, PROVINCE OF ILOILO INTO A
NATIONAL ROAD AND APPROPRIATING
FUNDS THEREFOR”

By Representative Garin (O.)
TO THE COMMITTEE ON PUBLIC WORKS
AND HIGHWAYS

House Bill No. 4921, entitled:

“AN ACT AMENDING CERTAIN PROVISION
OF REPUBLIC ACT 9593, OTHERWISE
KNOWN AS THE TOURISM ACT OF
2009, AND APPROPRIATING FUNDS
THEREFOR”

By Representative Pichay
TO THE COMMITTEE ON TOURISM

House Bill No. 4922, entitled:

“AN ACT REQUIRING THE IMPLEMENTATION
BY BRAND OWNERS OF MANAGEMENT
PLANS THAT PROVIDE REFUND
VALUES FOR CERTAIN BEVERAGE
CONTAINERS”

By Representative Rocamora
TO THE COMMITTEE ON ECOLOGY

House Bill No. 4926, entitled:

“AN ACT ESTABLISHING THE PHILIPPINE
HIGH SCHOOL FOR THE ARTS -
SIARGAO”

By Representative Matugas
TO THE COMMITTEE ON BASIC EDUCATION
AND CULTURE

House Bill No. 4928, entitled:

“AN ACT STRENGTHENING UNION
ORGANIZATION AND DISALLOWING
CANCELLATION OF UNION
REGISTRATION, AMENDING FOR THE
PURPOSE PRESIDENTIAL DECREE
NO. 442, AS AMENDED, OTHERWISE
KNOWN AS THE LABOR CODE OF THE
PHILIPPINES”

By Representative Mendoza
TO THE COMMITTEE ON LABOR AND
EMPLOYMENT

House Bill No. 4929, entitled:

“AN ACT PROMOTING THE WELFARE OF
WORKERS IN THE WELLNESS SPA,
BEAUTY SALON, FITNESS GYM AND
RELATED BUSINESS BY FACILITATING
THEIR MEMBERSHIP IN THE SSS,
FURTHER AMENDING FOR THIS PURPOSE
REPUBLIC ACT NO. 1161, AS AMENDED,

OTHERWISE KNOWN AS THE SOCIAL SECURITY LAW, AND FOR OTHER PURPOSES”

By Representative Mendoza
TO THE COMMITTEE ON GOVERNMENT ENTERPRISES AND PRIVATIZATION

House Bill No. 4930, entitled:

“AN ACT INCREASING THE SEPARATION PAY OF EMPLOYEES TERMINATED DUE TO DISEASE, PROVIDING CONDITIONS FOR SUCH TERMINATION, AMENDING FOR THE PURPOSE ARTICLE 284 OF PRESIDENTIAL DECREE NO. 442, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, AS AMENDED, AND FOR OTHER PURPOSES”

By Representative Mendoza
TO THE COMMITTEE ON LABOR AND EMPLOYMENT

House Bill No. 4931, entitled:

“AN ACT INSTITUTING WORKER’S CLAIM AS STATUTORY FIRST LIEN ON THE ASSETS OF THE BANKRUPT EMPLOYER, AMENDING FOR THIS PURPOSE ARTICLE 110 OF PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES”

By Representative Mendoza
TO THE COMMITTEE ON LABOR AND EMPLOYMENT

House Bill No. 4932, entitled:

“AN ACT PROTECTING EMPLOYEES IN CASES OF MERGER OR CONSOLIDATION, SALE OR TRANSFER OF ALL OR SUBSTANTIALLY ALL ASSETS OR BUSINESSES OF THEIR EMPLOYERS AND FOR OTHER PURPOSES”

By Representative Mendoza
TO THE COMMITTEE ON LABOR AND EMPLOYMENT

House Bill No. 4933, entitled:

“AN ACT FIXING THE PROBATIONARY PERIOD OF EMPLOYMENT OF ACADEMIC PERSONNEL IN PRIVATE SCHOOLS, AMENDING FOR THAT PURPOSE PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES”

By Representative Mendoza
TO THE COMMITTEE ON LABOR AND EMPLOYMENT

House Bill No. 4936, entitled:

“AN ACT ESTABLISHING A NATIONAL HIGH SCHOOL IN BARANGAY LITAN, MUNICIPALITY OF GUIPOS, PROVINCE OF ZAMBOANGA DEL SUR, TO BE KNOWN AS LITAN NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREOF”

By Representative Cerilles
TO THE COMMITTEE ON BASIC EDUCATION AND CULTURE

House Bill No. 4939, entitled:

“AN ACT EXEMPTING PHILIPPINE SEA SALT FROM MANDATORY IODIZATION, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8172, OTHERWISE KNOWN AS AN ACT FOR SALT IODIZATION NATIONWIDE (ASIN), AND FOR OTHER PURPOSES”

By Representatives Salo and Lacson
TO THE COMMITTEE ON HEALTH

House Bill No. 4945, entitled:

“AN ACT AMENDING BATAS PAMBANSA BLG. 517 BY CONVERTING THE LABUAN PUBLIC HOSPITAL IN ZAMBOANGA CITY INTO A LEVEL II GENERAL HOSPITAL TO BE KNOWN AS LABUAN GENERAL HOSPITAL AND APPROPRIATING FUNDS THEREFOR”

By Representative Lobregat
TO THE COMMITTEE ON HEALTH

RESOLUTIONS

House Resolution No. 740, entitled:

“A RESOLUTION CONGRATULATING AND COMMENDING WESLEY SO, PHILIPPINE BORN 23-YEAR-OLD GRANDMASTER, FOR WINNING THE WORLD’S STRONGEST CHESS TOURNAMENT, THE TATA STEEL CHESS TOURNAMENT 79TH EDITION AND RANKING WORLD NO. 2 IN THE PROCESS”

By Representative Castelo
TO THE COMMITTEE ON YOUTH AND SPORTS DEVELOPMENT

House Resolution No. 741, entitled:

“A RESOLUTION URGING THE HOUSE COMMITTEE ON PUBLIC ORDER AND SAFETY TO INVESTIGATE, IN AID OF LEGISLATION, THE INTELLIGENCE GATHERED BY THE DEFENSE SECRETARY INDICATING THE ESTABLISHMENT BY THE INTERNATIONAL TERRORIST

GROUP ISLAMIC STATE OF A BASE OR WILAYAT (PROVINCE) IN CENTRAL MINDANAO BY TAPPING THE ABU SAYYAF AND RALLYING THE MAUTE GROUP”

By Representative Castelo
TO THE COMMITTEE ON RULES

House Resolution No. 742, entitled:

“A RESOLUTION CONGRATULATING AND COMMENDING AGNES JAKOSALEM, A 51-YEAR-OLD FILIPINA, FOR BEING THE FIRST FILIPINA EVER TO BE CROWNED MS. GRANDMA UNIVERSE 2017 IN A PAGEANT HELD IN SOFIA, BULGARIA ON JANUARY 22, 2017”

By Representative Castelo
TO THE COMMITTEE ON RULES

House Resolution No. 743, entitled:

“A RESOLUTION COMMENDING THE EXEMPLARY EFFORTS OF THE DEPARTMENT OF TOURISM (DOT), PHILIPPINE NATIONAL POLICE (PNP), ARMED FORCES OF THE PHILIPPINES (AFP), AND OTHER GOVERNMENT AGENCIES, THAT LED TO THE SUCCESSFUL HOLDING OF THE MS. UNIVERSE PAGEANT IN OUR COUNTRY”

By Representative Alejano
TO THE COMMITTEE ON RULES

House Resolution No. 744, entitled:

“RESOLUTION CALLING FOR AN INVESTIGATION, IN AID OF LEGISLATION, ON HOW LOCAL GOVERNMENT UNITS GIVE EXEMPTIONS FROM PAYMENT OF LOCAL TAXES, TO CERTAIN CORPORATIONS”

By Representative Atienza
TO THE COMMITTEE ON RULES

House Resolution No. 745, entitled:

“A RESOLUTION CONDEMNING THE RECENT ATTACKS MADE BY THE NPA WHILE A MUTUALLY DECLARED UNILATERAL CEASEFIRE IS IN PLACE AND TO URGE BOTH THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES (GRP) AND THE COMMUNIST PARTY OF THE PHILIPPINES-NEW PEOPLE’S ARMY-NATIONAL DEMOCRATIC FRONT (CPP-NPA-NDF) TO CONTINUE WITH THE PEACE TALKS IN ORDER TO PRESERVE THE GAINS OF THE PEACE PROCESS AND TO REMOVE THE HINDRANCES IN

ATTAINING A JUST AND LASTING PEACE IN THE COUNTRY”

By Representative Alejano
TO THE SPECIAL COMMITTEE ON PEACE, RECONCILIATION AND UNITY

ADDITIONAL COAUTHORS

Rep. Mario Vittorio “Marvey” A. Mariño for House Bill No. 4273;

Rep. Marlyn L. Primicias-Agabas for House Bill No. 4825;

Rep. Bernadette “BH” Herrera-Dy for House Bills No. 4105 and 4526;

Reps. Alfredo A. Garbin Jr. and Eleanor C. Bulut-Begtang for House Bill No. 516;

Rep. Jose Antonio “Kuya Jonathan” R. Sy-Alvarado for House Bills No. 4051, 4765, 4766, 4813, and 4887;

Rep. Evelina G. Escudero for House Bill No. 4800;

Rep. Joaquin M. Chipeco Jr. for House Bill No. 82;

Rep. Nancy A. Catamco for House Bills No. 2282 and 4742;

Reps. Eric L. Olivarez, Joel Mayo Z. Almario, Arcadio H. Gorriceta, Romeo M. Acop, Arnel U. Ty, and Ricardo “RJ” T. Belmonte Jr. for House Bill No. 4742;

Rep. Ma. Lucille L. Nava, M.D. for House Bills No. 3556, 3557, 3632, 3945, 4127, 4526, and 4742;

Rep. Gwendolyn F. Garcia for House Bill No. 458;

Rep. Gerald Anthony “Samsam” V. Gullas Jr. for House Bill No. 4767;

Rep. Gil “Kabarangay” P. Acosta for House Bills No. 4761 and 4762;

Reps. Maximo B. Rodriguez Jr. and Johnny Ty Pimentel for House Bill No. 180;

Rep. Maria Vida Espinosa Bravo for House Bills No. 2529, 3652, 3784, 3834, 3835, and 4344;

Rep. Estrellita B. Suansing for House Bill No. 3399;

Rep. Micaela S. Violago for House Bills No. 1221, 1230, 1232, and 2930;

Rep. Carmelo “Jon” B. Lazatin II for House Bills No. 4273 and 4742;

Rep. Mauyag “Jun” B. Papandayan Jr. for House Bill No. 1858;

Reps. Jesus Nonato Sacdalan, Arnel U. Ty, Ron P. Salo, and Teodoro “Ted” G. Montoro for House Bill No. 4689;

Rep. Salvador B. Belaro Jr. for House Bill No. 4526; and

Reps. Arcadio H. Gorriceta, Enrico A. Pineda, Ron P. Salo, Frederick W. Siao, Marisol C. Panotes, and Jose “Pingping” I. Tejada for House Bill No. 4174.

COMMITTEE REPORT

Report by the Committee on Women and Gender Equality (Committee Report No. 101), re H.B. No. 4982, entitled:

“AN ACT PROHIBITING DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION OR GENDER IDENTITY OR EXPRESSION (SOGIE) AND PROVIDING PENALTIES THEREFOR”

recommending its approval in substitution of House Bills Numbered 51, 267, 949, 1034, 1108, 1451, 1854, 3245, 3555, 3701 and 4414

Sponsors: Representatives Aglipay-Villar, Bag-a-o and Roman

TO THE COMMITTEE ON RULES

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

REP. GARIN (O.). Mme. Speaker, I move for the change of referral of the following measures:

1. House Bill No. 1200, from the Committee on Public Works and Highways, to the Committee on Transportation;

2. House Bill No. 1203, from the Committee on Public Works and Highways, to the Committee on Transportation;

3. House Bill No. 479, from the Committee on Public Works and Highways, to the Committees on Government Enterprises and Privatization, and Public Works and Highways;

4. House Bill No. 703, from the Committee on Public Works and Highways, to the Committee on Government Enterprises and Privatization;

5. House Bill No. 2075, from the Committee on Public Works and Highways, to the Committee on Government Enterprises and Privatization;

6. House Bill No. 2496, from the Committee on Poverty Alleviation, to the Special Committee on Food Security;

7. House Resolution No. 294, from the Committee on Public Works and Highways, to the Committees on Government Enterprises and Privatization, and Public Works and Highways.

I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Is there any objection? (*Silence*) The Chair hears none; the motion for the change of referral of the measures so mentioned is hereby approved.

REFERRAL OF HOUSE RESOLUTIONS
ON INQUIRIES IN AID OF LEGISLATION

REP. GARIN (O.). Mme. Speaker, in accordance

with our Rules Governing Inquiries in Aid of Legislation, I move that we refer the following House Resolutions to the appropriate committees:

1. House Resolution No. 705 – re the continuing deterioration of Laguna Lake in order to ensure its sustainability, to the Committee on Ecology;

2. House Resolution No. 706 – re the conditions, rights, and privileges of the eleven (11) missing student-cadets undergoing shipboard training, who fell victims to the maritime accident suffered by *M/V Starlite Atlantic*, to the Committees on Higher and Technical Education, and Transportation;

3. House Resolution No. 707 – re the sinking of the *M/V Starlite Atlantic* as it relates to maritime safety and into the case of the one (1) confirmed dead crew and eighteen (18) missing crew, eleven (11) of which were student-cadets taking their on-the-job training onboard the ill-fated ship, to the Committees on Higher and Technical Education, and Transportation;

4. House Resolution No. 709 – re the status of the initiatives being implemented by the Laguna Lake Development Authority and the government in general relative to the rehabilitation of Laguna de Bay, to the Committee on Ecology;

5. House Resolution No. 710 – re the charging of parking fees on malls and other similar establishments including government facilities with the end in view of enacting legislation to regulate the same, to the Committee on Trade and Industry;

6. House Resolution No. 714 – re the Department of Environment and Natural Resources (DENR) order to close down the Payatas dumpsite, to the Committee on Metro Manila Development; and

7. House Resolution No. 720 – re abduction and murder of a South Korean businessman allegedly involving members of the Philippine National Police (PNP), to the Committee on Public Order and Safety.

I so move, Mme. Speaker.

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

REP. GARIN (O.). Mme. Speaker, likewise, in accordance with our Rules Governing Inquiries in Aid of Legislation, I move that we refer the following House Resolutions to the appropriate committees:

1. House Resolution No. 721 – re the strategy of the national government in preparing the whole citizenry to respond to national emergencies, to the Committee on National Defense and Security;

2. House Resolution No. 722 – re the state of the Philippine IT/Computer Science education and its impact on the Philippine software industry, to the Committee on Higher and Technical Education;

3. House Resolution No. 723—re the excessive airfare being collected by Philippine Airlines and Cebu Pacific Air for their Manila–Tacloban/Tacloban–Manila routes during peak season, to the Committee on Transportation;

4. House Resolution No. 724 – re the lack of adequate guidelines in government agencies’ coordination, monitoring and updating of the country’s disaster risk assessment systems, to the Committee on National Defense and Security;

5. House Resolution No. 725 – re the impact of lifting the quantitative restriction on rice, to the Committee on Agriculture and Food;

6. House Resolution No. 726 – re the January 20, 2017 extrajudicial killing of Alexander “Ka Sander” Ceballos, Regional Leader of National Federation of Sugar Workers (NFSW) in Murcia, Negros Occidental, to the Committee on Public Order and Safety;

7. House Resolution No. 727 – re the January 20, 2017 extrajudicial killing of Veronica “Nico” Delamente, a Lumad–Mamanwa Leader opposing the large-scale mining Claver Mineral Development Corporation (CMDC) in Claver, Surigao del Norte, to the Committee on Public Order and Safety; and

8. House Resolution No. 728 – re the reported “phase-out deal” between the Department of Transportation, the Land Transportation Office, and the Stradcom Corporation, leading to settlement of an alleged government debt worth around P8 billion pesos, to the Committee on Transportation.

I so move, Mme. Speaker.

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

SUSPENSION OF SESSION

REP. GARIN (O.). Mme. Speaker, I move for the suspension of the session for a few minutes.

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

It was 4:13 p.m.

RESUMPTION OF SESSION

At 5:23 p.m., the session was resumed.

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

ROLL CALL

REP. GARIN (O.). 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 is directed to call the roll of Members.

The Secretary General called the roll, and the result is as follows, per Journal No. 68, dated February 8, 2017:

PRESENT

Abaya	Canama
Abayon	Casilao
Abellanos	Castro (F.L.)
Abu	Castro (F.H.)
Abueg	Catamco
Acharon	Cayetano
Acop	Ceramica
Acosta	Cerilles
Acosta-Alba	Chipeco
Adiong	Cojuangco
Aggabao	Collantes
Aglipay-Villar	Cortes
Albano	Crisologo
Almonte	Cua
Alonte	Cuaresma
Alvarez (F.)	Cueva
Alvarez (M.)	Dalipe
Alvarez (P.)	De Jesus
Amatong	De Venecia
Angara-Castillo	De Vera
Antonio	Defensor
Aragones	Del Mar
Arcillas	Del Rosario
Arenas	Durano
Atienza	Dy
Aumentado	Elago
Bag-ao	Erice
Bagatsing	Eriguel
Bataoil	Ermita-Buhain
Batocabe	Escudero
Belaro	Estrella
Belmonte (F.)	Eusebio
Belmonte (J.C.)	Evardone
Bernos	Fariñas
Bertiz	Fernando
Biazon	Ferrer (J.)
Billones	Ferriol-Pascual
Bolilia	Fortun
Bondoc	Fortuno
Bordado	Fuentebella
Bravo (A.)	Garbin
Bravo (M.V.)	Garcia (G.)
Brosas	Garcia (J.E.)
Calixto-Rubiano	Garcia-Albano
Campos	Garin (R.)

Garin (S.)
 Gasataya
 Geron
 Go (A.C.)
 Go (M.)
 Gomez
 Gonzaga
 Gonzales (A.P.)
 Gonzales (A.D.)
 Gonzalez
 Gullas
 Hernandez
 Herrera-Dy
 Hofer
 Javier
 Kho
 Khonghun
 Labadlabad
 Lacson
 Lagman
 Lanete
 Laogan
 Lazatin
 Lee
 Limkaichong
 Lobregat
 Lopez (B.)
 Lopez (C.)
 Lopez (M.L.)
 Macapagal-Arroyo
 Maceda
 Madrona
 Malapitan
 Manalo
 Mangaoang
 Marcoleta
 Mariño
 Martinez
 Mercado
 Mirasol
 Montoro
 Nava
 Nieto
 Noel
 Nuñez-Malanyaon
 Oaminal
 Olivarez
 Ong (E.)
 Ong (H.)
 Ortega (P.)
 Ortega (V.N.)
 Pacquiao
 Paduano
 Palma
 Pancho
 Panganiban

Panotes
 Papandayan
 Pichay
 Pimentel
 Pineda
 Plaza
 Primicias-Agabas
 Quimbo
 Radaza
 Ramos
 Relampagos
 Roa-Puno
 Rocamora
 Rodriguez (I.)
 Rodriguez (M.)
 Romualdo
 Roque (H.)
 Roque (R.)
 Sacdalan
 Sagarbarria
 Sahali
 Salceda
 Salo
 Salon
 Sambar
 Sandoval
 Santos-Recto
 Sarmiento (C.)
 Sarmiento (E.M.)
 Savellano
 Siao
 Silverio
 Singson
 Suansing (E.)
 Suansing (H.)
 Suarez
 Sy-Alvarado
 Tambunting
 Tan (A.)
 Tan (M.)
 Tejada
 Teves
 Tiangco
 Ting
 Tinio
 Tugna
 Tupas
 Ty
 Umali
 Unabia
 Ungab
 Unico
 Uy (J.)
 Uy (R.)
 Vargas
 Vargas-Alfonso

Velasco
 Veloso
 Vergara
 Villanueva
 Villaraza-Suarez
 Villarica
 Villarín

Violago
 Yap (A.)
 Yap (M.)
 Yu
 Zarate
 Zubiri

THE SECRETARY GENERAL. Mme. Speaker, the roll call shows that 215 Members responded to the call.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). With 215 Members responding to the call, the Chair declares the presence of a quorum.

REP. ATIENZA. Mme. Speaker.

REP. BONDOC. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Yes, the Dep. Majority Leader is recognized.

REP. BONDOC. I move that we continue the consideration of House Bill No. 4727, as embodied in Committee Report No. 47.

REP. ATIENZA. Mme. Speaker, privilege motion.

REP. BONDOC. I so move, Mme. Speaker.

REP. ATIENZA. Mme. Speaker, privilege motion.

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

REP. ATIENZA. Please respect the rights of every Member in this Chamber. Magkakasundo-sundo tayo kapagka may respeto kayong ipinakikita. I would like to point out, Mme. Speaker, the Secretariat again declared a 215 attendance. There are only 192 Members on the floor. I would like to believe that we respect the rules of the House. A few would want to respect the Rules of the House, but if we keep on adding the presence of Members who are not around, that by itself constitutes a violation of our rules. Huwag sanang ganyan, mayroon po namang quorum at sobra-sobra pa; 147 lang ang quorum natin. Respeto lang po ang tawag dito.

So, we call the attention of the Secretariat, once again, that we want to put it on record that you would like to entertain a made-up number of Members present. It is not correct, hindi po iyan ang katotohanan, ang katotohanan, 192 responded to the roll call.

Thank you, Mme. Speaker.

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

The Dep. Majority Leader is recognized.

CONSIDERATION OF H.B. NO. 4727

Continuation

PERIOD OF SPONSORSHIP AND DEBATE

REP. BONDOC. Mme. Speaker, I reiterate my previous motion that we continue the consideration of House Bill No. 4727.

May the Secretary General be directed to read 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 Secretary General is directed to read 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, I move for the recognition of the Sponsor of the measure, the Chairman of the Committee on Justice, the Hon. Reynaldo V. Umali.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Is there any objection? (*Silence*) The Chair hears none; Congressman Umali is recognized.

REP. UMALI. Good afternoon, Mme. Speaker, Ladies and Gentlemen. We have already completed our sponsorship speech. We are now ready for the interpellation of the Members.

REP. BONDOC. Mme. Speaker, for his interpellation of the honorable Sponsor, I move for the recognition of the Gentleman from the First District of Albay, the Hon. Edcel C. Lagman.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The Hon. Edcel Lagman is recognized.

REP. LAGMAN. Thank you, Mme. Speaker. As we have previously requested in writing and

verbally to the Majority Leader, we are going to preface our interpellation with an overview of the grounds which are advocated by the opponents of the Bill against the death penalty reimposition.

Mr. Speaker, the burden to indubitably and conclusively show the urgency and necessity to reimpose the death penalty is on the proponents of House Bill No. 4727, which seeks to revive capital punishment because the state of the law since 2006 is that the death penalty has been abolished by Republic Act No. 9346 of which I am the principal author and Sponsor. The oppositors respectfully and diligently present the overview of the major grounds why the death penalty should not be reinstalled.

While no time is right and ripe for pushing for the reimposition of the death penalty, now is the worst of times to enact the revival of capital punishment when scalawag cops are the very felons, and rogues in robes preside over the life or death of citizens.

In an unprecedented move, President Rodrigo Duterte has ordered the crackdown on errant police elements and the dismantling of anti-narcotics groups, including Oplan "Tokhang," in the wake of the police murder of a Korean businessman, not to mention over 7,000 victims of extrajudicial killings.

On the other hand, no less than Supreme Court Chief Justice Maria Lourdes Sereno has revealed very recently that between 2012 and 2016, 16 judges and one Sandiganbayan justice were dismissed for acts unbecoming of officers in the judiciary. She added that in the same period the Supreme Court suspended 14 judges, fined 101, reprimanded 21 and admonished 31. The High Court also dismissed 116 court employees, admonished 42, forfeited benefits of 31, censured 3, fined 240, reprimanded 221, and suspended 227 since 2010.

Mme. Speaker, distinguished colleagues, justice is not only delayed but also wantonly waylaid, due to the flawed, inept and corrupt police, prosecutorial and judicial systems, the very pillars of our judicial system. We must put the death penalty Bill irretrievably in the backburner, and address and implement with dispatch much-delayed reforms in the police and justice systems. No less than the Committee on Justice Chair, the Honorable Reynaldo Umali, advocated the same pressing reforms in his sponsorship speech several or many times.

Mme. Speaker, distinguished colleagues, it will not make the revival of the death penalty less retrogressive and repugnant to the inviolability of life if it is imposed solely on drug-related offenses. In fact, the Philippines is a State Party to the 1988 UN Drug Convention which prescribes only imprisonment, not death, to drug-related offenses. This is our treaty commitment. Let me repeat this, Mme. Speaker. In fact, the Philippines is a State Party to the 1988 UN Drug Convention which prescribes only imprisonment, not death, to drug-related offenses.

Capital punishment must not be revived for any crime for the following overriding reasons:

1. The reimposition of the death penalty will not solve criminality, including the drug menace. Solving the incidence of crime is a multi-dimensional process which ranges from sustained poverty alleviation to much-needed police, prosecutorial and judicial reforms. The severest penalty is not the antidote to criminality.

2. Pronounced social injustice, crippling poverty and the utter absence of quality of life among the disadvantaged and marginalized sectors are among the root causes of criminality. The data are irrefutable that it is in the poorest of regions and countries where the incidence of criminality is highest. We should address with utmost priority the critical causes of criminality, not only its manifestation.

3. The death penalty desecrates the right to life, which is sacrosanct and inviolable, and it is an affront to human dignity. Pope Francis instructs in his message to the 6th World Congress Against the Death Penalty in Oslo, Norway last year 2016, that the “inviolability of life extends to the criminal.” No amount of out-of-context invocation of the Bible will diminish the Pope’s steadfast opposition to the death penalty. More than anybody else, Mme. Speaker, Pope Francis is the final authority on the interpretation of the Bible. In this case, we cannot literally be more popish than the Pope.

It is for this reason that bereaved families of countless victims of so-called “heinous” crimes do not wish death to the perpetrators. The families of victims of enforced disappearance or *desaparecidos*, like my own family who lost a member, Atty. Hermon Lagman, a labor and human rights lawyer, to involuntary disappearance committed by elements of martial law. My family and I also do not want death for the assassins of my brother, Filemon “Ka Popoy” Lagman, who was gunned down in the UP Campus 16 years ago, on February 6, 2001. There are many more like-minded families who want genuine justice, not short-lived retribution.

4. Empirical data from the Philippines and worldwide document that the death penalty, through the years, has not been an effective deterrent to crime. What deters the commission of crimes are certainty of apprehension, speedy prosecution, and warranted conviction.

5. The death penalty exacerbates the culture of violence and its revival adds State-sanctioned killings to the unabated extrajudicial killings related to the deadly campaign against the drug menace.

6. The death penalty cannot be prioritized over the long-delayed reforms in our flawed police, prosecutorial and judicial systems, which make genuine justice illusory to the majority of our people. The infirmities in our pillars of justice do not only delay, but worse, also waylay justice as well.

7. The death penalty further marginalizes and victimizes the poor who can neither retain competent

counsel nor influence court processes. The unassailable data is that the poor overly populate death rows worldwide. This is the same data in the New Bilibid Prison’s death row before the death penalty was abolished in 2006 by Republic Act No. 9346.

8. Capital punishment enforces punitive and retributive justice instead of promoting the modern concept of penology on restorative justice, which aims to reform the convict and prepare his eventual reintegration into society. Pope Francis again extolled that, “There is no fitting punishment without hope. Punishment for its own sake, without room for hope, is a form of torture, not punishment.” Hence, the death penalty which forecloses reformation of the convict, must not be imposed because according to Pope Francis, “it does not render justice to the victims, but instead fosters vengeance.” Vengeance is not justice, distinguished colleagues.

9. The revival of the death penalty utterly fails to consider that human justice is fallible and even the innocent can be executed. The Supreme Court has repeatedly enjoined that, and I quote, “Courts should be guided by the principle that it would be better to set free ten men who might be probably guilty of the crime charged than to convict one innocent man for a crime he did not commit.” The records show that countless persons are sentenced to death for crimes they have not committed.

Mme. Speaker, distinguished colleagues, the fact that many death sentences are reversed anyway upon automatic review by the Supreme Court is not a proper argument for the reimposition of the death penalty. It overlooks the irreparable trauma of a convict and his family while awaiting the final decision on his death sentence. In fact, Commissioner Joaquin Bernas during the Constitutional Commission deliberations clearly stated that, and I quote, “...capital punishment is inhuman for the convict and his family who are traumatized by the waiting, even if it is never carried out.”

10. The 1987 Constitution does not prescribe the death penalty. On the other hand, it abolished the death penalty, although the Congress is allowed to reimpose it for compelling reasons on heinous crimes. The Congress has no plenary or absolute power to restore the death penalty. Its limited power is circumscribed by the Constitution, which requires two overriding conditions: (a) compelling reasons and (b) heinous crimes.

Section 19 (1) of Article III of the Constitution on the Bill of Rights provides that, and I quote:

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*.

The “heinousness” of a crime is not determinative of the compelling reasons for reimposing the death penalty. They are not synonymous. Heinousness is not a compelling reason. Congress must show and prove separately the determinant factors of “heinousness” and “compelling reasons”.

Isolated and sporadic sensational or sensationalized crimes like “chop-chop,” placing the victim inside a barrel, and inordinate cruelty inflicted on the victims are not compelling reasons to reimpose the death penalty. The isolated occurrence of one or two of these once-in-a-blue-moon crimes do not constitute a compelling reason to reinstall capital punishment as required by the Constitution. Calls for the death penalty after the random commission of such so-called “heinous” crimes are mere knee-jerk reactions from the mob. Moreover, the perpetrators of occasional sensational crimes are blinded by spontaneous fury due to supervening temporary derangement of the mind. While they should be imprisoned, they need professional psychiatric help, not execution.

11. However, as a State Party to the International Covenant on Civil and Political Rights or the ICCPR and the Second Optional Protocol to the ICCPR, the Philippines is committed to abolish the death penalty and not to reimpose it.

The Philippines ratified the ICCPR in 1986 before the 1987 Constitution abolished the death penalty; and the Second Optional Protocol was ratified by the Philippines in 2007, after the abolition of the death penalty under Republic Act No. 9346.

Perforce, by our treaty commitments, the Philippines has abandoned the option to revive the death penalty. These treaty obligations, as accepted principles of international law, form part of Philippine law, primarily of the Constitution. International conventions and jurisprudence provide that a country cannot assert its domestic law or constitution to negate or violate its treaty obligations. Let me repeat that, Mme. Speaker. International conventions and jurisprudence provide that a country cannot assert its domestic law or constitution to negate or violate its treaty obligations.

12. International jurisprudence mandates that as “an integral part of the community of nations, we are responsible to assure that our government, the Constitution, and laws will carry out our international obligations. Hence, we cannot readily plead the Constitution as a convenient excuse for non-compliance with our obligations, duties and responsibilities under international law.”

This is the same well-anchored opinion advocated by the late Senator Jovito Salonga together with the late former Chief Justice Pedro Yap in their book *Public International Law*.

Moreover, Article 13 of the Declaration of Rights and Duties of States adopted by the International Law Convention in 1949, provides:

Every State has the duty to carry out in good faith its obligations arising from treaties and other sources of international law, and it may not invoke provisions in its constitution or in its laws as an excuse for failure to perform this duty.

Equally important is Article 26 of the Convention which provides that “Every treaty in force is binding upon the parties to it and must be performed by them in good faith.” This is known as the principle of *pacta sunt servanda*, which preserves the sanctity of treaties and has been one of the most fundamental principles of positive international law, and is supported by jurisprudence of international tribunals.

It is on record that no State party to the Second Optional Protocol to the ICCPR has reimposed the death penalty in its jurisdiction. The Philippines may lamentably and dishonorably be the unfortunate first.

13. There are serious economic repercussions if the Philippines reimposes the death penalty as we would lose free tariff privileges on our exports to European Union countries which require adherence to human rights. We will forfeit tariff privileges for 6,274 products under the Generalized System of Preferences or GSP+. Moreover, a reimposition of the death penalty will compound human rights violations due to rampant extrajudicial killings, which the European Union has already protested.

14. With the revival of the death penalty, the Philippines would lose moral ascendancy in negotiating for the lifting of the death sentences on OFWs, numbering over 70 worldwide. Because of President Duterte’s position to reimpose the death penalty, the Philippine government was unable to strongly plead to save the life of Jakatia Pawa, a death convict in Kuwait who maintained her innocence to her last breath.

15. The irreversible trend is the diminishing number of countries imposing the death penalty. Out of 195 countries documented by the United Nations, only 37 retain the death penalty both in law and in practice. Only four countries—China, Iran, Pakistan and Saudi Arabia—account for 90 percent of the executions.

16. If the death penalty is reimposed, the Philippines will lose its pre-eminent leadership in the ASEAN and in the Asian Region in the crusade for the promotion of human rights. The Philippines was the first Asian country to abolish the death penalty.

17. Members of ASEAN Parliamentarians for Human Rights or APHR urged President Duterte and Philippine Legislators to immediately desist in their pursuit of a reinstatement of the death penalty, calling on

them to respect the Philippines' international obligations and avoid undermining the country's much-respected role as a regional leader in human rights protection.

The APHR underscored that:

It would be an incredible setback to our collective struggle if the Philippines were to take the dramatic step backward of reinstating the death penalty. The move would not only indicate a rejection of hard-fought progress, but would cause other ASEAN nations to question the Philippines' commitment to the full gamut of international treaties it has signed.

The authors of H.B. No. 4727 have not shown indubitable compelling reasons for the reimposition of the death penalty, compliant with the Constitution. The alleged rising criminality cannot be a compelling reason for the reimposition of the death penalty for two cardinal reasons:

(a) Granting that there is an increase in the incidence of crime, such increase has different socio-economic causes, not the mere propensity of people to commit crimes. These major causes cannot be addressed and arrested by just imposing the death penalty; and

(b) The claim of increasing crime rate is not true. No less than the Philippine National Police or the PNP has recently documented that the incidence of crime has gone down, except for murder due to the rampant extrajudicial killings committed by the police themselves and their vigilante cohorts. The same statistics had been cited by the Chairman of the Committee of Justice in his sponsorship speech.

Mme. Speaker, distinguished colleagues, in fact, there can be no compelling reason at all to abrogate the right to life. In a survey released only on 31 January 2017, the SWS has reported that the number of Filipinos who have been victims of crime in the last six months fell to record lows, with only 4.5 percent of the respondents claiming that they have fallen prey to street robbery, carjacking and break-ins, compared to 5.5 percent in March and June 2015, and 6.4 percent in September 2016.

We must consign to the past the trio of instruments of death: lethal injection, hanging and firing squad. The first is a modern method of execution which has failed in several instances to administer a painless and instant death, while the latter two are vestiges of archaic apparatuses of death.

We must perforce reject House Bill No. 4727 and put to death an unwarranted exercise of reviving the death penalty. We must save from the death penalty the lives of common as well as admirable citizens like Socrates, Jesus Christ and our own national hero, Jose Rizal, who were all innocent of the crimes for which they were charged, but were sacrificed to State-sanctioned violence and vengeance.

Finally, Mme. Speaker, distinguished colleagues, it would be good to keep in mind a Chinese proverb which reminds us that he who seeks vengeance must dig two graves—one for his enemy and one for himself, because justice is not vengeance and vengeance is not justice.

Thank you, Mme. Speaker.

SUSPENSION OF SESSION

REP. LAGMAN. I am ready now to make my interpellation. It would be an interpellation which may not be too long because I would defer to Rep. Raul Del Mar who was the first one who registered to interpellate. But may I request for a few minutes of suspension, Mme. Speaker.

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

It was 6:11 p.m.

RESUMPTION OF SESSION

At 6:15 p.m., the session was resumed.

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

The Dep. Majority Leader is recognized.

REP. BONDOC. Mme. Speaker, our parliamentary status is that we are considering House Bill No. 4727.

The honorable Sponsor, the Honorable Umali, is recognized. Interpellating him is the Hon. Edcel Lagman.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Congressman Umali, as Sponsor, and Congressman Lagman, to interpellate, are hereby recognized.

REP. LAGMAN. Mme. Speaker, will the distinguished Chairman of the Committee on Justice yield to a few questions?

REP. UMALI. With pleasure, Mme. Speaker.

REP. LAGMAN. In the Philippine jurisdiction, the rule under the 1987 Constitution is that the death penalty is abolished. Is that correct?

REP. UMALI. That is not so, Mme. Speaker, because the Constitution, the 1987 Constitution, precisely states that the death penalty can be reimposed except for compelling reasons, for heinous crimes. So that, in effect, does not abolish the death penalty.

REP. LAGMAN. Mme. Speaker, I am asking for the rule and the distinguished Chairman is talking about the exception, but let us first agree on the rule. I heard the distinguished Chairman say that the death penalty has not been abolished by the 1987 Constitution. Did I hear him right?

REP. UMALI. That is correct. What was—and if I may just read Article III, Section 19 of the Constitution: “Excessive fines shall not be imposed, nor cruel, degrading or inhuman punishment inflicted.” So, this is the main rule, while it says that “Neither shall death penalty be imposed, unless, for compelling reasons involving heinous crimes, the Congress may hereafter provide for it.”

So, the death penalty was not totally abolished, for the Constitution itself provided for an exception to its imposition.

REP. LAGMAN. Does the distinguished Gentleman posit that the Constitution prescribes the death penalty?

REP. UMALI. It does not prescribe the death penalty, but it allows an exception—for compelling reasons, heinous crimes, or for compelling reasons involving heinous crimes.

REP. LAGMAN. When there is an exception, Mme. Speaker, there must be a general rule, and the general rule in our jurisprudence, in our jurisdiction, under the 1987 Constitution, is that the death penalty has been abolished. The Constitution is very clear: “Neither shall death penalty be imposed x x x.” That is the rule. We can go to the exemption later.

REP. UMALI. That is not entirely correct. I do not subscribe to that proposition, Mme. Speaker, because you should read the full text of the Constitution. You should read the constitutional provision and you cannot delimit the interpretation simply on the phrase “neither shall death penalty be imposed” because the Constitution itself provides for the exception. So, there was no total abolition. It may have been abolished for certain crimes, but it did not delimit Congress to reimpose it for compelling reasons, and these are for cases involving heinous crimes.

REP. LAGMAN. Mme. Speaker, the Constitution, Article III on the Bill of Rights, provides for a general rule and also prescribes an exception.

The rule says that the death penalty was abolished. As a matter of fact, from 1987 to 1993, was the death penalty imposed in our jurisdiction, Mme. Speaker, distinguished Chairman?

REP. UMALI. Yes, Mme. Speaker.

In my own understanding, what the general rule says is that the death penalty shall not be imposed. That is not synonymous to the abolition of the death penalty. The non-imposition cannot be considered abolition because it provides for certain exceptions. So, how can we say that it was abolished when the Constitution merely says that it shall not be imposed, unless for compelling reasons involving heinous crimes?

REP. LAGMAN. When a penalty is not imposed, it is equal to its abolition, Mme. Speaker, distinguished Chairman. That is why I asked the question, from 1987 to 1993, was the death penalty imposed in the Philippines? Was the death penalty considered the capital penalty in the Philippines?

REP. UMALI. May I—I am sorry I did not get the question. What is the question, Mme. Speaker, Your Honor?

REP. LAGMAN. From the ratification of the 1987 Constitution to 1993 when the death penalty was reimposed, was there any execution by death in the Philippines?

REP. UMALI. There was none, Mme. Speaker.

REP. LAGMAN. There was none because the death penalty had been abolished. It was only in 1993 when it was revived.

REP. UMALI. That is not correct. What we are saying is that the general rule says that it shall not be imposed, and so, it was not imposed. But then, in 1993, as pointed out by the Gentleman from Albay, it was reimposed, and in fact, it was carried out, and the Supreme Court in the case of *People vs. Echegaray* even provided the reasons the death penalty should be imposed.

At any rate, Mme. Speaker, I would also like to invite the attention of my esteemed colleague to the Bill of Rights, Section 1:

Section 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

If I may just quote our good Majority Leader, this is a negative presentation of the Bill of Rights. If you look at it in a positive light, if you say it in a positive light, “x x x person shall be deprived of life, liberty, or property with due process of law.” So, it is the same Constitution that says that persons may be deprived of life, liberty, or property. Therefore, if you will look at

these two provisions, you cannot look at it simply by saying that the death penalty has been abolished.

REP. LAGMAN. Mme. Speaker, we will go to that other constitutional provision. We are just engaged with respect to Article III, Section 9 (1) of the Constitution. But, you check all of these jurisprudence and decisions of the Supreme Court, including the dissenting opinion of former Justice Panganiban, and they all confirm that the 1987 Constitution abolished the death penalty but provided for an exception, and the exception is that Congress may reimpose the death penalty for compelling reasons involving heinous crimes.

Now, when a law or the Constitution provides for exceptions, what is the rule on construction or interpretation? Is it liberal or strict?

REP. UMALI. It must be interpreted in accordance with its letter, and the letter says that there is an exception and, therefore, the death penalty was not abolished. To my mind and to my legal mind, I guess I would like to think that the death penalty was only suspended because after '86 when the death penalty was suspended, this was restored again and this was reimposed again in 1993, as you mentioned, and so this was carried until it was again suspended in 2006 through a law that was passed by Congress.

REP. LAGMAN. Well, the jurisprudence is that with respect to exceptions, whether statutory or constitutional, they should be subjected to strict construction or interpretation. That is the prevailing jurisprudence in our country.

Now, if the death penalty was not abolished, what are you going to restore? That is why we are restoring the death penalty because it was abolished by the 1987 Constitution and there is an exception that Congress may revive the death penalty for compelling reasons involving heinous crimes.

In other words, Congress has no plenary or absolute power to restore the death penalty. The power of Congress is limited and limited by two overriding conditions. May we know what these two overriding conditions are, distinguished Chairman?

REP. UMALI. Before I answer that, let me just rebut those points on statutory construction. My own understanding of the rule on statutory construction is that when the law or the provision of the Constitution is clear, it leaves no room for any interpretation. Secondly, on the point of what is there to restore when it was not abolished, as I was saying, the death penalty was merely suspended. So, when you suspend something, then you can restore a law. As a matter of fact, it was restored in 1993 as in fact there was a convict who was executed

and was convicted by death. This is just semantics that we are talking about. And so, I would like to go now to the point or the query of what is the compelling reason for the reimposition of the death penalty, and I have pointed out four compelling reasons that made me decide that we should reimpose death—through this Bill that we are now discussing in the halls of Congress.

REP. LAGMAN. The answer, Your Honor, of the distinguished Chairman is not responsive to my question. My question is, what are the two overriding conditions prescribed by the Constitution so that Congress can restore, revive the death penalty?

REP. UMALI. Two points, Your Honor, Mme. Speaker, and these are—one is the need for a compelling reason, and I have mentioned four; and the other one is heinous crimes, and these are the things that we have listed in the Bill that is now under deliberation by this august Chamber.

REP. LAGMAN. Incidentally, Mme. Speaker, for purposes of jurisprudence, I would show to the distinguished Gentleman—it is in my folder—that the prevailing jurisprudence is that exceptions provided by law or the Constitution must be construed strictly against the exception.

It is not a question of clarity or dubiousness of the provision. It is a question of a rule of construction between liberal and strict construction. While the Constitution is liberally construed, the exception provided by the Constitution must be strictly construed or interpreted.

Now, consequently, Congress, in reviving the death penalty, must strictly comply with the overriding conditions of one, compelling reasons—it does not say “reason” only but “compelling reasons”; and two, “heinous crimes.”

Are the two synonymous?

REP. UMALI. No, they are separate, they are two things that we should consider, and the Committee on Justice has considered that in our deliberations. We found that there are compelling reasons as follows: the death penalty is a fitting response to the increasing criminality and killings in the country; two, the death penalty is a measure to restore respect for the laws of the land; third, the death penalty as a path to achieving justice; and the reimposition of the death penalty is geared towards a genuine reform in the Philippine criminal justice system. So, I am not talking only of one compelling reason, I talked of four compelling reasons.

If you will ask us about heinous crimes, we have listed 21 heinous crimes starting from: treason; qualified piracy; qualified bribery; parricide; murder; infanticide; rape; aggravated qualified rape; kidnapping and serious illegal detention; robbery with

violence against or intimidation of persons; destructive arson; plunder; importation of dangerous drugs; sale, trading, administration, dispensation, delivery, distribution and transportation of dangerous drugs and/or controlled precursors and essential chemicals; maintenance of den, dive or resort; manufacture of dangerous drugs and/or controlled precursors and essential chemicals; possession of dangerous drugs; cultivation or culture of plants classified as dangerous drugs or are sources thereof; unlawful prescription of dangerous drugs; misappropriation, misapplication or failure to account for confiscated, seized, surrendered dangerous drugs; planting of evidence; and carnapping. These are the heinous crimes that we have identified and discussed extensively in the Subcommittee meetings that were conducted for the purpose and which we are now deliberating on.

So, these are two different things that the Justice Committee has considered in the various hearings that we conducted.

REP. LAGMAN. In other words, Mme. Speaker, distinguished Sponsor, compelling reasons and heinousness of the crime are concurrent conditions to be complied with as prescribed by the Constitution. They are not synonymous, they are separate, they are concurrent. Is that correct?

REP. UMALI. Yes, that is correct.

REP. LAGMAN. And, the existence of a heinous crime is not determinative of compelling reason. Is that correct?

REP. UMALI. The compelling reasons go beyond the crime itself. That is why we mentioned four compelling reasons for the reimposition of the death penalty and that is the increasing criminality and gravity of the killings, the gravity of the crimes being committed, and the lack of respect for the laws of the land of the country by our own nationals. Unlike when they are in the different parts of this world, they exhibit the kind of discipline in honoring the laws of the lands where they are in. Unfortunately, in this country, we seem to violate any and all rules that we can find because criminals feel that they can get away with the crimes, they can buy their way to freedom, or they can even buy justice. These are the reasons we would like to reimpose death penalty.

REP. LAGMAN. In other words, on my single question, the heinousness of a crime is not determinative of a compelling reason, is that correct?

REP. UMALI. No, that is one of the requirements of the Constitution that crimes—that reimposition of

the death penalty must be for heinous crimes. We have considered that in the Committee, and we have all the reasons to give why we feel that there is compelling reason the death penalty must be reimposed for heinous crimes as required by the Constitution.

REP. LAGMAN. Mme. Speaker, with due respect to the distinguished Sponsor, his answer is not responsive and is evasive. My only question, my simple question: Is the heinousness of a crime determinative of a compelling reason, yes or no?

REP. UMALI. It is not solely the heinousness of the crime that is the compelling reason. There are other more compelling reasons such as the drug proliferation in this country. That is also a reason we reimpose the death penalty for drug-related heinous crimes.

REP. LAGMAN. Mme. Speaker, when the distinguished Sponsor says that the heinousness of the crime is not solely determinative of compelling reason, is it partly determinative?

REP. UMALI. Definitely, definitely, because the crimes being committed of late are so heinous, so gruesome, shocking to the conscience of any peace-loving citizen, and this is one of the reasons we need to reimpose the death penalty.

REP. LAGMAN. That is the basic flaw in the arguments of the proponents because they try to mix up heinousness with compelling reason.

After the distinguished Sponsor said that compelling reasons and heinousness are separate conditions and that they are concurrent, now he says that heinousness could be partly determinative of compelling reasons, which is completely against the prescription of the Constitution and against the jurisprudence that exceptions must be strictly construed. Now, the distinguished Sponsor cited four alleged grounds which he claims are compelling reasons. According to him, the death penalty is a fitting response to increasing criminality and killings in the country, that is number one. We have already debunked this because the increasing criminality is not a compelling reason because there are grounds other than the propensity to commit crime which would cause an increase in the crime rate and crime volume. But the more important argument against this is that no less than the data presented by the Chairman of the Committee on Justice said that according to the PNP data, the crime rate and crime volume have decreased except for murder. Is that correct, Your Honor?

REP. UMALI. That is correct. There was a decrease, to my recollection, of about 40 percent of the crimes committed other than murder.

REP. LAGMAN. In other words, if we follow the logic of the distinguished Sponsor, it is only with respect to the incidents of murder that the crime rate has increased. So, if we still logically follow his statement, it is only with respect to murder that there is a compelling reason to revive the death penalty. Is that correct?

REP. UMALI. That is not so because other related crimes were committed which resulted in murder or which resulted in death, rape and the like. And this is the reason we also included all the other heinous crimes in the offenses to be covered by House Bill No. 4727.

REP. LAGMAN. Well, with respect to rape, what is the data of the PNP? Did it increase or decrease in volume and rate?

REP. UMALI. I do not have the data. My colleagues will provide this information. Hon. Ching Veloso and honorable Deputy Speaker Fred Castro will respond to this but perhaps let us go to the compelling reasons minus the statistics which will be provided by the other Sponsors.

REP. LAGMAN. But statistics are very important, Your Honor.

REP. UMALI. I know.

REP. LAGMAN. No less than the Chairman cited statistics in his sponsorship speech. May I know whether there is a rising criminality in rate and volume with respect to piracy?

REP. UMALI. There is none that I know of on qualified piracy.

REP. LAGMAN. Is there an increasing rate of criminality with respect to treason?

REP. UMALI. I am not aware of any at this point that this offense had or the courts had tried anyone for treason.

REP. LAGMAN. Is there an increasing rate of criminality with respect to destructive arson?

REP. UMALI. I would like to think so. There are many arson cases that were committed in the past several years.

REP. LAGMAN. No, we are asking for data.

REP. UMALI. That is why ...

REP. LAGMAN. We are not asking for the opinion of the distinguished Chairman because his opinion may contradict the data or the statistics. That is why, we are asking for data. Is the distinguished Chairman ready to present the data?

REP. UMALI. The PNP data show that from 1993 to 1998 there was a decrease in crimes, but starting 2001 up to the present, there was an increase in the indexed and non-indexed crimes, especially in 2008, Mme. Speaker, Your Honor.

REP. LAGMAN. But 2008, Mme. Speaker, is how many years ago? We want to have fresh and current data, not antiquated data.

REP. UMALI. Based on the PNP report, Mme. Speaker, from 2012 up to 2015, non-indexed crimes rose from 88,651 to 474,803. On the other hand, from 2012-2013, there was an increase in the indexed crime from 129,000 to 370,000. But, there was a decrease in 2015, down to 201,000. Year 2016 is a different story altogether.

REP. LAGMAN. In other words, we are enacting the revival of the death penalty when there is a decrease in the crime rate and volume, except for murder. Of course, murder will be exempted because of the extrajudicial killings involving police elements and vigilantes who are cohorts of police officers. But, may I ask the distinguished Gentleman if murder, per se, is a heinous crime pursuant to the deliberations of the Constitutional Convention?

REP. UMALI. It is, Mme. Speaker, Your Honor. Murder in itself will require many other considerations for the reimposition of the death penalty. In fact, when we reimpose the death penalty, this is not an automatic reimposition of the death penalty because this will go through a process. And the judge or even the Justices of the Supreme Court who will conduct an automatic review may or may not impose the death penalty for they may also impose *reclusion perpetua*.

Anyway, in the deliberations of the 1987 Constitution, Commissioner Christian Monsod, who is a member of that Constitutional Commission, had identified dope distribution, dope smuggling, organized murder and brutal murder of a rape victim as examples of heinous crimes.

REP. LAGMAN. Your Honor, we are only asking with respect to murder. What was the deliberation of the Constitutional Commission with respect to murder, not with respect to other crimes?

Let us go over that one by one so that we could intelligently discuss the issue. What was the opinion of Commissioner Monsod with respect to murder being a heinous crime?

REP. UMALI. As I have said, Mme. Speaker, Commissioner Monsod cited as examples organized murder and brutal murder of rape victim as examples of heinous crimes, if the good—my esteemed colleague would like to limit it to murder.

REP. LAGMAN. That is what is important. In the proceedings of the Constitutional Convention, murder by itself was not categorized as heinous. What was categorized as heinous was organized murder.

May we know from the distinguished Gentleman what the data on the rate of criminality are, as well as the volume of criminality with respect to organized murder.

REP. UMALI. You know, these were statements of the Constitutional Commissioner at that point, and at that time, that was in 1987. The times have changed. There has been an evolution of the gravity of how murder is committed, so we could not limit ourselves to organized crime.

Precisely, we are here in the halls of Congress to determine that, and during the Committee deliberations, these are the things that we considered for purposes of including murder as a heinous crime, as one of the crimes that we included for purposes of the reimposition of the death penalty because we noted that during that period, I think, July to January 2016, there was a rise on the rate of murder as a crime by 51 percent.

REP. LAGMAN. Again, the answer of the distinguished Sponsor is not responsive. My question, is, what is the data on the rate of criminality or volume of criminality with respect to organized murder?

REP. UMALI. Well, Mme. Speaker, as I have said, organized murder can be interpreted in so many ways, like, for example, the killing of Jee Ick-joo. I would like to look at it and consider it as an organized murder because there was the involvement of police and NBI officials, reportedly, which came out during the course of the investigation of the Senate that conducted an inquiry on this. And there are many sorts of cases that happened in organized murder. I do not have the specific data on how many these are, I do not have the exact definition of organized murder, and that is the reason I cannot directly answer my esteemed colleague, the Gentleman from Albay, on what is the data on organized murder.

REP. LAGMAN. In other words, instead of meandering to sensationalized crimes or, once-in-a-blue-moon offenses like the murder of the Korean businessman, I think the distinguished Chairman should be candid enough that they do not have the data on the crime rate with respect to organized murder. Is that correct?

REP. UMALI. I am sure we have the data and,

as I have mentioned, my colleagues will provide those information. But then again, we are witnesses to the many crimes that are happening in our country for the longest time since the time the death penalty was suspended from 2006 up to the present time. Our newspapers, the news will also carry all sorts of crimes being committed which are gruesome, which are heinous, and I am sure that my esteemed colleague is well aware of all of these crimes that are happening, what we see and read in our newspapers, and watch on our televisions.

So, delving on specific numbers is really something that escapes me because I have mentioned about crime trend from 2001 up to 2015. I mentioned about data on index crimes and killings which happened for a certain period, and these are daily happenings that we read in our papers and we see on television.

REP. LAGMAN. Well, we are not debating on heinousness of crimes; we are on the compelling reasons. But if the distinguished Gentleman says that the data we want are still forthcoming because they have them, but such data are not with him, then we might as well suspend the consideration of House Bill No. 4727 until the distinguished Gentleman has the data we are asking for. I move, therefore, for ...

REP. UMALI. With all due respect, Mme. Speaker, ...

REP. LAGMAN. I move, therefore, for the suspension of the consideration of House Bill No. 4727, pending the submission or availability of said data.

REP. UMALI. If I may, Mme. Speaker, I would like just to point out that regardless of statistics, Congress is only limited to the reimposition of the death penalty for compelling reasons involving heinous crimes. Even the Supreme Court in *People vs. Echegaray* states:

The imposition of the requirement that there be a rise in incidence of criminality because of the suspension of the death penalty, moreover, is unfair and misplaced demand, for what it amounts to, in fact, is a requirement that the death penalty first proves itself to be a truly deterrent factor in criminal behavior. If there was a dramatically higher incidence of criminality during the time that the death penalty was suspended, that would have proven that the death penalty was indeed a deterrent during the years before its suspension. Suffice it to say that the Constitution in the first place did not require that death penalty be first proven to be a deterrent; what it requires is that there be compelling reasons involving heinous crimes.

So, this was the gist of the Supreme Court decision in *People vs. Echegaray* and may I repeat that these data, and no other requirement, are needed to be able to pursue our deliberations and our debate on the reimposition of the death penalty.

REP. LAGMAN. Mme. Speaker, I have a pending motion to suspend the consideration of House Bill No. 4727, in the absence of the data we were requesting, because there will be other data that we are going to request.

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

REP. BONDOC. Mme. Speaker, the need for data by a single Member does not preclude us from debating the measure at hand. So, that forces us to oppose the motion of the Honorable Lagman.

REP. LAGMAN. In the face of the opposition of the Dep. Majority Leader, let me pursue my questions. With respect to the crime rate, does the sponsoring Committee have any data on the criminality rate before the abolition or non-imposition of the death penalty by the 1987 Constitution?

REP. UMALI. I think, Mme. Speaker, I have already answered that these data and statistics are no requirement. These are not pre-conditions for a continuing debate on the matter. Again, let me cite another portion of the case of *People of the Philippines vs. Echegaray*, where it states that:

x x x It is immaterial and irrelevant that R.A. No. 7659 cites that there has been an “alarming upsurge of such crimes,” for the same was never intended by said law to be the yardstick to determine the existence of compelling reasons involving heinous crimes. Fittingly, thus, what R.A. No. 7659 states is that “the Congress, in the interest of justice, public order and rule of law, and the need to rationalize and harmonize the penal sanctions for heinous crimes, finds compelling reasons to impose the death penalty for said crimes.”

And I have forwarded four compelling reasons for the reimposition of death penalty, Mme. Speaker.

REP. ATIENZA. Mme. Speaker, with the kind indulgence of the two Gentlemen on the floor, they are discussing the most important and most critical issue possibly of the Seventeenth Congress. Right now, they are talking about data and records. We

would like to listen to them more, and a few would like to help settle these issues that are very important and relevant to the matter. But we do not have enough Members on the floor anymore. We do not have a quorum, Mme. Speaker. We would rather continue the interpellation on a better day when there is more in attendance at marami po tayong maririnig—words of wisdom from the two Gentlemen. We move for a calling of the roll to establish a quorum; otherwise, we shall move for adjournment.

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

ROLL CALL

REP. BONDOC. Mme. Speaker, we second the motion to call the roll of Members.

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 call the roll of Members.

The Secretary General called the roll, and the result is as follows, per Journal No. 68, dated February 8, 2017:

PRESENT

Abaya	Bordado
Abellanosa	Bravo (A.)
Abu	Brosas
Acharon	Bulut-Begtang
Acop	Castro (F.H.)
Acosta	Catamco
Acosta-Alba	Chipeco
Adiong	Cojuangco
Aggabao	Cortes
Albano	Cortuna
Almario	Crisologo
Almonte	Cua
Alonte	Cuaresma
Alvarez (M.)	Cueva
Alvarez (P.)	Dalipe
Amatong	De Venecia
Atienza	De Vera
Aumentado	Defensor
Bag-ao	Del Mar
Bataoil	Del Rosario
Batocabe	Elago
Belaro	Eusebio
Bertiz	Fariñas
Billones	Fernando
Bondoc	Ferrer (J.)

Floirendo	Papandayan
Fortun	Pimentel
Garbin	Pineda
Garcia (G.)	Plaza
Garcia (J.E.)	Primicias-Agabas
Garcia-Albano	Quimbo
Garin (R.)	Ramirez-Sato
Gasataya	Roa-Puno
Gatchalian	Rocamora
Geron	Rodriguez (I.)
Go (M.)	Rodriguez (M.)
Gomez	Roman
Gonzaga	Romualdo
Gonzales (A.D.)	Roque (H.)
Gonzalez	Sacdalán
Hernandez	Sagarbarria
Herrera-Dy	Salceda
Hofer	Salimbangon
Javier	Salo
Kho	Salon
Labadlabad	Sambar
Lacson	Santos-Recto
Lagman	Sarmiento (E.M.)
Lazatin	Savellano
Limkaichong	Silverio
Lobregat	Singson
Lopez (B.)	Tejada
Loyola	Teves
Macapagal-Arroyo	Tiangco
Madrona	Ting
Malapitan	Tinio
Manalo	Tolentino
Mangaoang	Treñas
Marcoleta	Tugna
Mariño	Tupas
Martinez	Ty
Mendoza	Umali
Mercado	Ungab
Mirasol	Unico
Montoro	Uy (J.)
Nava	Vargas-Alfonso
Nieto	Velasco
Noel	Veloso
Núñez-Malanyaon	Vergara
Oaminal	Villanueva
Ocampo	Villarica
Ong (E.)	Villarin
Ong (H.)	Violago
Ortega (V.N.)	Yap (M.)
Pacquiao	Yu
Paduano	Zamora (R.)
Palma	Zarate
Pancho	Zubiri

REP. ATIENZA. Mme. Speaker, we are waiting for the count of the Secretariat.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Yes, we would like to request that the Majority Leader be given some time to verify the figures, too.

REP. ATIENZA. Well, we are waiting. We have waited for one hour before we even started the session today.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Yes, if you would be so kind as to also wait, I am requesting...

REP. ATIENZA. We will wait until kingdom come.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Yes. Certainly, Congressman.

REP. ATIENZA. Yes. For the record, we have a very effective, accommodating Majority Leader, but we must also assist him do a good job and what we are doing it actually to the whole Congress and not for ourselves, so please do not admonish us to give more support to the Majority leader. We support him fully. But the count is the count. We must have a result of the roll call.

THE SECRETARY GENERAL. Mme. Speaker, the roll call shows that 156 Members responded to the call.

REP. ATIENZA. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). With 156 Members responding to the call, the Chair declares the presence of a quorum.

REP. ATIENZA. Mme. Speaker. Yes, we are questioning again the count of the Secretariat because our count which is accurately done from the gallery shows we only have 135 on the floor. We do not have a quorum. We are lacking 12 Members. Just for the record, we are saying that this session, if it resumes, is doing its job out of order.

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

REP. FARIÑAS. Yes, Mme. Speaker. That is the point of the Gentleman but our official count is 156. We have a quorum. May we proceed with the interpellation.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Yes. Kindly proceed with the interpellation. The Dep. Majority Leader is recognized.

REP. BONDOC. Mme. Speaker, our parliamentary status is that we are in consideration of House Bill No. 4727. I move for the recognition of the honorable

Sponsor, Chairman Reynaldo Umali, and our colleague to interpellate him, the Hon. Edcel Lagman.

I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Congressman Umali and Congressman Lagman are recognized.

REP. LAGMAN. Mme. Speaker, before there was a roll call with the long-delayed announcement of the result, the distinguished Sponsor was quoting from the decision of the Supreme Court in *People of the Philippines vs. Leo Echegaray*.

May we ask the distinguished Sponsor to quote again what he mentioned because we did not get the essence of the quotation.

REP. UMALI. May I request for a one-minute suspension of the session. We are just trying to locate this particular document, Mme. Speaker.

SUSPENSION OF SESSION

REP. FARIÑAS. Mme. Speaker, I move for a one-minute suspension of the session.

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

It was 7:31 p.m.

RESUMPTION OF SESSION

At 7:33 p.m., the session was resumed.

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

REP. UMALI. Thank you, Mme. Speaker.

I was asked to quote again pertinent portions of the decision of the Supreme Court in the case of Leo Echegaray, which appears on page 19, fifth paragraph, in the middle of said paragraph, and I quote:

x x x It is immaterial and irrelevant that R.A. No. 7659 cites that there has been an “alarming upsurge of crimes,” for the same was never intended by said law to be the yardstick to determine the existence of compelling reasons involving heinous crimes. Fittingly, thus, what R.A. No. 7659 states is that “the Congress, in the interest of justice, public order and rule of law, and the need to rationalize and harmonize the penal sanctions for heinous crimes, finds compelling reasons to impose the death penalty for said crimes.”

REP. LAGMAN. Well, Mme. Speaker, distinguished Sponsor, the essence of that quotation is that escalating criminality is not a compelling reason to impose the death penalty. That precise quotation from *People of the Philippines vs. Leo Echegaray* would debunk the first argument of the distinguished Sponsor citing the death penalty as a fitting response to the increasing criminality and killings in the country. That was completely—the increase in criminality was completely negated by the Supreme Court as a compelling reason.

So, the first compelling reason advanced by the distinguished Sponsor should be struck down for even being inconsistent with the ruling of the Supreme Court in *People of the Philippines vs. Leo Echegaray*.

REP. UMALI. I beg to disagree, Mme. Speaker, Your Honor. In fact, as I was saying, what we are talking about is data and when there is this demand by my esteemed colleague for data, this is what we are saying that this is not even necessary. What is important for me, as I earlier mentioned, is the daily occurrence that we witness every day in our lives for the longest time of how crimes are being committed left and right, and these affect a lot of—these affect me, first and foremost, and I think these should affect everyone of us in this august Hall, because we cannot close our eyes to this criminality and the gravity of the crimes being committed nowadays. That is why this is the reason we are saying that we need to reimpose the death penalty. Even law enforcement officers or uniformed people are involved in crimes. What more compelling reason do we want when we citizens, peace loving citizens, cannot even already trust even our law enforcers to do what they are so mandated to do, to protect and secure the citizens from many of these crimes?

These are sins of the past that ought to be responded to. These are sins of the past that we need to now correct to be able to really restore civility and restore respect for the rule of law and the laws of the land of this country.

REP. LAGMAN. Again, Mme. Speaker, the distinguished Sponsor—his answer is off tangent to my observation. I was just synthesizing what he quoted from the decision in *People of the Philippines vs. Leo Echegaray* that escalating criminality is not a compelling reason to reimpose the death penalty. But, if he insists that it is, then I would say that increase in criminality would not depend on media headlines, on the observation of the distinguished Sponsor. It would depend on data.

REP. UMALI. Well, I can only respect the position of my esteemed colleague, but I do not share his position. And to my mind, even the other case, the other citation that I quoted—which says that the imposition

of the requirement is that there be a rise in the incidence of criminality because of the suspension of the death penalty—is unfair and it is a misplaced demand for what it amounts to. In fact, it is a requirement that the death penalty first prove itself to be a truly deterrent factor to criminal behavior.

We are just talking here of data but the fact of the matter is that the gravity also of the offense is something that is already shocking to the conscience of peace-loving citizens. That moved the Committee on Justice, and to my understanding, that is why the President put it on top of his priority. It is because of the drug problem and the many other reasons that are happening in the country. Those are what compelled us to approve this Bill in the Committee on Justice. Now we are seeking approval also from this august Chamber.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). May I remind the distinguished interpellator of Section No. 91 of our Rules regarding time limit:

A Member shall not be allowed to speak for more than one (1) hour in debate on any question. No Member shall speak more than once on the same question without leave of the House, unless the Member is the proponent of the motion or has introduced the question or the matter pending, in which case the Member shall be permitted to speak in reply, but not until every Member who chooses to speak on the pending question or matter shall have spoken.

May I request the distinguished interpellator to wind up his interpellation.

REP. LAGMAN. Mme. Speaker, I have not spoken for more than one hour in my interpellation. I would appeal to the records of the House on the minutes I have consumed because in counting the one hour, we should not include the time utilized by the Sponsor. My questions are short but the answers of the Sponsor are inordinately long. So, my one hour has not yet been consumed. I appeal to the records of the House, because the Transcription would show the minutes I have consumed.

REP. UMALI. If I may, Mme. Speaker, I would like to take exception to that statement of my esteemed colleague that my answers are inordinately long. My answers are precise and concise. I did not spend more than 30 minutes to respond to these questions.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Thank you. This is merely a reminder to our distinguished interpellator.

REP. LAGMAN. Yes, but this should be a precedent

that the time of the interpellator should be limited to the minutes he has consumed in posing his questions, and it should not include the time consumed by the Sponsor answering the questions.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Noted, distinguished interpellator.

REP. BONDOC. Mme. Speaker.

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

REP. BONDOC. May I raise this as a point of order: “Section 91. Time Limit. A Member shall not be allowed to speak for more than one hour in debate on any question.” The clock shows that the honorable interpellator has taken one hour and 32 minutes. Rather than let his proposal become a precedent, I raise this point of order that he has consumed already time beyond the time limit, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Noted, Dep. Majority Leader.

REP. LAGMAN. The point of order is unwarranted because that is not the reckoning. The clock is not the reckoning of the time I have consumed. It should be the Transcription which should tell us how many minutes I have consumed. But if the leadership of the House would like to gag me, then they could do that.

REP. BONDOC. Mme. Speaker, we ask for a ruling.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The point of order is well taken.

REP. LAGMAN. I appeal from the ruling of the Chair because I have not consumed one hour, Mme. Speaker. Let us consult the Transcription because the Transcription would have the timing of how many minutes a speaker has consumed. Pending that validation ...

REP. BONDOC. Before the Gentleman begins his appeal, Mme. Speaker, ...

REP. LAGMAN. ... I still have the floor.

REP. BONDOC. Mme. Speaker, an appeal may be made and may be granted by the Chair subject to five minutes. So, please, could we reset the clock, should you so grant the appeal.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The appeal is granted. The Gentleman has five minutes.

REP. LAGMAN. Mme. Speaker, the Transcription Section, where there is a time indication of the minutes consumed by a speaker, would show that I have not consumed one hour. Even in our proceedings before the committees, the time limitation is pegged on the time consumed by the Member of the House making the interpellation or questions. I am certain, if we consult the Transcription Section, I have not consumed one hour. The time consumed by the Sponsor responding to my question should not be used against me, Mme. Speaker, because my time should be limited only to the portion I have consumed in my interpellation. Verily, I have not consumed one hour.

REP. FARIÑAS. Mme. Speaker, Mme. Speaker.

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

REP. FARIÑAS. The Gentleman is finished with his five minutes. Our parliamentary status is, the Dep. Majority Leader raised a point of order invoking Section 91, which the Chair upheld as in order. The Gentleman appealed from the ruling of the Chair, he has explained his appeal. Now, we will now vote on the appeal, so for ...

REP. LAGMAN. Before we vote ...

REP. FARIÑAS. For the guidance of the Members, a vote of “yes” or “aye” on the appeal will uphold the appeal. So, a vote of “nay” will deny the appeal.

REP. LAGMAN. Mme. Speaker.

VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Garcia-Albano). As many as are in favor, please say *aye*.

REP. LAGMAN. Mme. Speaker, Mme. Speaker, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). As many as are against, ...

REP. LAGMAN. But, Mme. Speaker, ...

THE DEPUTY SPEAKER (Rep. Garcia-Albano). ... please say *nay*.

SEVERAL MEMBERS. *Nay*.

REP. LAGMAN. Mme. Speaker, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The *nays* have it; the appeal is lost.

REP. LAGMAN. We have not ...

REP. ATIENZA. Mme. Chair, Mme. Chair, Mme. Speaker, you did not ask ...

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

REP. BONDOC. Mme. Speaker, I move for the recognition ...

REP. ATIENZA. The Chair did not ask who were in support.

REP. BONDOC. ... of the honorable Gentleman from the First District of Cebu City, the Hon. Raul Del Mar, for his interpellation of the honorable Sponsor. I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The Honorable Del Mar is recognized for his interpellation.

REP. LAGMAN. Mme. Speaker, before the voting, I was raising a point but I was not recognized. And, I would assume that when we had the voting, there was no more quorum in the House. The action of the House is unwarranted.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The Honorable Del Mar has been recognized for his interpellation. Honorable Del Mar, please proceed.

REP. ATIENZA. Mme. Speaker, before we proceed, this Representation is requesting for another vote because when the Speaker asked for the vote for the affirmative, there was a discussion going on on the floor. The Speaker did not hear the correct vote. So, could we be allowed to vote again?

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The Honorable Del Mar has the floor.

REP. ATIENZA. Mme. Speaker, I am asking for an answer. If the Chair denies it, she denies it, and we will take it. But do not disregard the question from the floor from a Member of this Congress. The Chair is not presiding according to the Rules.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Honorable Del Mar, please proceed.

REP. DEL MAR. Yes, Mme. Speaker, I am just allowing a Member his opportunity to question the Chair or the Majority Leader. If he is through, then I can begin, but if there is a pending motion from the Gentleman from Manila, then I should not start because

I would just be disturbed. When I start, I do not want to be disturbed.

REP. ATIENZA. May we state our ...

THE DEPUTY SPEAKER (Rep. Garcia-Albano). There is no pending motion, Honorable Del Mar, kindly proceed. The Gentleman has been recognized.

REP. ATIENZA. Mme. Speaker, we are again appealing for a fair ruling coming from the Chair. Wala po namang masama siguro kung sigurado tayo sa ating botohan dito. Hindi po ito discretionary, hindi po ito personalan. We are appealing that a vote be called again because during the time the Chair called for a vote for the *aye* votes, there was a discussion going on. We were not able to vote. So, we are appealing. If the Chair denies it, she denies it right away and we would take it, but we would always consider that as an abuse of her authority.

REP. FARIÑAS. Mme. Speaker, ...

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

REP. FARIÑAS. I beg to disagree with the Gentleman. Before the voting, I stated the parliamentary status that we were voting on the appeal, and the motion was clearly stated by the Chair. We voted, so it is already done and the motion has been disposed of and the Gentleman has been recognized. If the Gentleman does not wish to interpellate, then we can proceed to the next interpellator on the list. But the Chair has recognized the Gentleman from Cebu. May we know if the Gentleman from Cebu will avail of the period to interpellate or not, Mme. Speaker.

REP. DEL MAR. Of course, ...

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Honorable Del Mar, ...

REP. DEL MAR. ... I will avail of my turn ...

THE DEPUTY SPEAKER (Rep. Garcia-Albano). ... please proceed.

REP. DEL MAR. ... to interpellate.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Please proceed.

REP. DEL MAR. Thank you, Mme. Speaker. Thank you, Majority Leader.

Consistent with my position as coauthor of the

present law, Republic Act No. 9346, prohibiting the imposition of the death penalty, enacted June 20, 2006, principally authored by the Hon. Edcel Lagman, I am against House Bill No. 4727, which seeks to reimpose the death penalty on certain heinous crimes, repealing Republic Act No. 9346, and amending Act No. 3815, as amended, otherwise known as the "Revised Penal Code," and other special laws.

I likewise join the overview earlier given by Honorable Lagman presenting practically all the principal reasons against the subject measure. However, I would like to expound on some of these reasons. But before I do, let me just, very briefly, set the tone of my interpellation by quoting a few lines of the message of Pope Francis to the World Congress Against the Death Penalty meeting in Oslo, Norway, when he said, and I quote:

The death penalty is unacceptable, however grave the crime of the convicted person. It is an offence to the inviolability of life and to the dignity of the human person; it likewise contradicts God's plan for individuals and society, and his merciful justice. Nor is it consonant with any just purpose of punishment. It does not render justice to victims, but instead fosters vengeance. The commandment "Thou shalt not kill" has absolute value and applies both to the innocent and to the guilty.

May I now request the distinguished Sponsor, Mme. Speaker, if he will yield to some clarificatory questions from this Representation.

REP. UMALI. Gladly, Mme. Speaker. I will take some of the questions initially and, may—I will request that the honorable Cong. Ching Veloso be recognized to continue with the sponsorship and to answer this questions.

REP. DEL MAR. Thank you, distinguished Sponsor, Chairman of the Committee on Justice.

Let me again go straight to the present constitutional provision in question, which is the meat of the matter, the heart of this Bill. It has been quoted and let me just read it again. Article III, Bill of Rights, Section 19 (1) 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*.

Is it not therefore clear, Mme. Speaker, from the foregoing phrase "Neither shall death penalty be imposed, unless, for compelling reasons involving

heinous crimes,” that for the death penalty to be imposed, it must be for heinous crimes and that there must also be compelling reasons involving these heinous crimes so that conversely, it means that Congress cannot stop at spelling out what heinous crimes are, but also point to the compelling reasons involving these heinous crimes?

REP. UMALI. That is correct, Mme. Speaker.

REP. DEL MAR. Okay, let us take the first requirement again of heinous crimes. Section 3, first paragraph of subject Bill defines crimes as:

x x x heinous for being grievous, odious and hateful offenses, which by reason of their inherent or manifest wickedness, viciousness, atrocity and perversity, are repugnant and outrageous to the common standards and norms of decency and morality in a just, civilized and ordered society.

Perhaps because this definition does not clearly describe what is meant by heinous crimes, a second paragraph was added thereto, enumerating certain crimes already punishable by *reclusion perpetua* or life imprisonment under Republic Act No. 3815, as amended, otherwise known as the Revised Penal Code, and other special laws for the purpose of imposing the death penalty. The enumeration starts on page two of this Bill and ends on page 16, covering all 15 pages of the Bill consisting of 18 pages. However, the definition of these enumerated various crimes were merely copied, Mme. Speaker, from this, the Revised Penal Code that I quoted, and the special penal laws without any changes at all, except an amendment of their penalties from *reclusion perpetua* or life imprisonment to the penalty of death, which means that the death penalty is now used merely as the basis for categorizing these crimes as heinous crimes. Is that correct, Mme. Speaker?

REP. UMALI. First, I would like to explain that the definition here under Section 3 is that which is adopted from the decision of the Supreme Court, which clearly defines what a heinous crime is. So, this is with jurisprudential moorings, Mme. Speaker.

Now, on the matter of the succeeding sentence and paragraphs which enumerated the heinous crimes, these are all crimes that are punishable by *reclusion perpetua*. Now, if the Gentleman will go through the specific provisions, I do not know how he will argue against the gravity of these particular crimes enumerated. For example:

Treason. — Any Filipino citizen who levies war against the Philippines or adheres to her enemies giving them aid or comfort within the Philippines or elsewhere, shall be punished by *reclusion perpetua* to death x x x.

So, this is a matter that is addressed to the conscience again of every Filipino who would commit acts of treason against his own country and against his own people by giving aid and comfort to the enemies of the State. So, we included this because we feel that this is gruesome and shocking enough that it should be included as one of the heinous crimes that ought to be included for purposes of reimposing the death penalty.

REP. DEL MAR. Mme. Speaker, distinguished Sponsor, was there any explanation or description or definition whatsoever as to why each of these crimes enumerated are categorized as heinous?

REP. UMALI. Mme. Speaker, at this juncture, the Subcommittee on Judicial Reforms had conducted as many hearings as there could be and passed this particular provision. So, may I now ask that the Hon. Ching Veloso, Congressman Ching Veloso be recognized.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Yes, the Hon. Ching Veloso is recognized.

REP. VELOSO. Mme. Speaker, during our meetings, the provisions on Sections 4 to 22 were described by the authors of the various bills as grievous, odious and hateful offenses. They are inherently and manifestly wicked, vicious, atrocious and perverse to the point that they are repugnant and outrageous to the common standards and norms of decency and morality in a just, civilized and ordered society, Mme. Speaker.

The Gentleman may ask this Representation questions on why the Committee agreed that those enumerated from Section 4 to Section 22 were considered heinous crimes.

REP. DEL MAR. Mme. Speaker, Your Honor, I could not completely fathom and I do not agree that there should be just a generic explanation. It must be clearly defined and described. The definition should not be collective to apply to all these 21 kinds enumerated. There should be a definition and description for each crime enumerated. Is that not correct, Mme. Speaker, Your Honor?

REP. VELOSO. Mme. Speaker, the ruling of the Supreme Court in the case of *People vs. Echegaray*, on February 7, 1997, pointed out that the 1987 Constitution did not abolish but merely suspended the death penalty. Because the death penalty was merely suspended, it comes to reason, Mme. Speaker, that—and in fact that was the reason why Republic Act No. 7659 was passed in 1992.

Now, of course, in 2006, this Republic Act No. 7659 was repealed. Now, House Bill No. 4727 attempts to have this reinstated. It does not require, Mme. Speaker, if we take a look at Article III, Section 19, paragraph (1) of the Constitution, that we enumerate the surrounding circumstances by which a particular provision in the Revised Penal Code that has been reinstated may be considered a heinous crime. Again, Sections 4 to 22 merely reinstated what had been suspended as a result of the 2006 repeal of Republic Act No. 7659.

REP. DEL MAR. I beg to disagree with the Sponsor, my cousin from Leyte, the Honorable Veloso. That was already discussed adequately by the Honorable Lagman and the Honorable Umali as to whether the death penalty was abolished or merely suspended.

REP. VELOSO. I cannot disagree with the Supreme Court when it said that the death penalty was merely suspended in the case of Echegaray.

I suggest, Mme. Speaker, that the Honorable Del Mar who is a brilliant lawyer, just go through the discussions of the Supreme Court on that provision or on that portion of the decision where the Supreme Court narrated the historical background of paragraph (1), Section 19 of Article III which brought about the provision:

x x x excessive fines shall not be imposed, nor cruel, degrading or inhuman punishment, or the death penalty inflicted. Death penalty already imposed shall be commuted to *reclusion perpetua*.

This was the original proposal of Father Bernas. Then later, during the deliberations at the Constitutional Commission, Commissioner Napeoleon G. Rama pointed out that “never in our history has there been a higher incidence of crime” and that “criminality was at its zenith during the last decade.”

This observation of Commissioner Rama was joined by other Commissioners including Commissioner Christian Monsod. I even would point out, Mme. Speaker, that Bishop Bacani, in answer to the interpellation of Mr. Padilla, admitted that far from the Catholic point of view, the right of the State is not forbidden to impose the death penalty.

Again, I do not have to belabor the point, Mme. Speaker, Your Honor. This matter of death penalty having been suspended was included in the answer of the Honorable Umali to the interpellation of the Honorable Lagman. Honorable Umali pointed out a reading from the case of Echegaray. This I will repeat, Mme. Speaker:

The imposition of the requirement that there be a rise in the incidence of criminality because of the suspension of the death penalty, (it did not say because of the abolition, because of the suspension of the death penalty) moreover, is an unfair and misplaced demand, for what it amounts to, in fact, is a requirement that the death penalty first proves itself to be a truly deterrent factor in criminal behavior. If there was a dramatically higher incidence of criminality during the time that the death penalty was suspended, that would have proven that the death penalty was indeed a deterrent during the years before its suspension.

Here, the Supreme Court was so clear, Mme. Speaker.

In the recitation of the history of the death penalty and in my experience as a litigator, I recall that the 1935 Constitution allowed the death penalty. In fact, a lot of accused, I recall—in fact, when I was a student in Ateneo—in the case of Maggie dela Riva, four scions of wealthy families in Manila were executed because of the crime of rape.

Now, there came the 1987 Constitution which attempted to abolish the death penalty but a review of the recitation of the facts that ensued would show that the death penalty was never abolished. It was merely suspended and Article III, Section 19, paragraph (1) of the Constitution is quite clear on that. The death penalty was prohibited but then subject to an exception that for compelling reasons, on heinous crimes, Congress can have it restored.

I hope I answered faithfully the question of the Honorable Del Mar.

REP. DEL MAR. I am afraid not, distinguished Sponsor, Mme. Speaker, but I will not belabor this point since this has been adequately discussed by the Honorable Lagman and the Honorable Umali.

But from my reading, Your Honor, Mme. Speaker, from the provision, whether it is suspended, whether it is abolished, the fact is, there was no death penalty provided in the new Constitution. Is it not correct?

REP. VELOSO. Your Honor, the law is quite clear. Let me read it. Section 19, paragraph (1), states:

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.

If the death penalty was abolished, there could have been no exception for compelling reasons involving heinous crimes.

REP. DEL MAR. We see the provision in a different light, Your Honor, Mme. Speaker. As I quote again that phrase, “Neither shall death penalty be imposed, unless, for compelling reasons involving heinous crimes x x x.” Let us point to the line, “Neither shall death penalty be imposed x x x.” If there was already a death penalty imposed, this is no longer needed. It says “shall be”—“Neither shall death penalty be imposed x x x.” That is a future act and it can be done only by Congress and not through the provisions of the Constitution. If Congress does not provide for it, then it will not come to pass. And here, it is supported. What I am saying, it is supported by “the Congress hereafter provides for it.” Again, “hereafter provides for it.” It is not provided. So, it is a future act that is required, that Congress will provide for it in the future and the death penalty shall be imposed in the future.

One more line, Your Honor, Mme. Speaker, the last line of this provision: “Any death penalty already imposed shall be reduced to *reclusion perpetua*.” If there had been death penalty already existing, then, this death penalty would not be reduced to *reclusion perpetua*. Is that not so, Your Honor, Mme. Speaker?

REP. VELOSO. Your Honor, with due respect, the nitpicking reply of the Honorable Del Mar is somehow a reply for a manifestation that I cannot understand.

Section 19 (1) says that “x x x death penalty shall be imposed, unless, for compelling reasons involving heinous crimes, the Congress hereafter provides for it.” Again, if it was abolished, that abolition will not be subjected to any future or supervening event. We cannot be deliberating on the death penalty here if such has not been allowed in Article III, Section 19 (1) of the Constitution—we, precisely, are here just as the previous Congress passed Republic Act No. 7659 because such was allowed in the Constitution.

The case of Leo Echegaray decided by the Supreme Court *en banc* is proof that, Your Honor, Congress can pass a law on the death penalty because it is so allowed as an exemption under Article III, Section 19 (1) of the Constitution.

REP. DEL MAR. Your Honor, Mme. Speaker, this Representation certainly is not a nitpicker. Let our colleagues be the judge of who is nitpicking, but my last point here, to support the fact that it was no longer existing, are the words “to impose” for the purpose of imposing the death penalty. “To impose,” if it was there already, the words should have been “to resume.” Would that not be the case, Your Honor? Well, it is very clear. We refer to the decision in the case of Leo Echegaray. But what better provision is more important and more credible and believable and there is no doubt whatsoever in necessarily resorting to support otherwise a decision of the Supreme Court? Why do we not just look at and

read the particular provision, which is very clear, Your Honor, Mme. Speaker?

Let me, as I said, we can go on and on, and as you advance an argument for your point, I will also advance another argument and reply to your position. So let us no longer belabor that. We have other things to discuss since I am only entitled to one hour. One hour, is it—when did I start, so that I can be guided, Mme. Speaker? Or again, I do not think, Mme. Speaker, I hate to trouble you already because you will not know and even our stenographers will not know without referring to the records and it will take time to go into the records.

The clock is the entire question and answer. We are only referring again to what the Honorable Lagman stated and which was accepted by Your Honor and you did not question it that it will be limited only to the time when the interpellator is addressing his questions and excluding the answer of the Sponsor to the questions asked.

Is that not true? Can I confirm that with the Sponsor, Mme. Speaker, Your Honor?

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

REP. BONDOC. Mme. Speaker, Your Honor, the lower portion of the clock indicates the amount of time consumed by the current speaker or, in this case, the interpellator who is the Honorable Del Mar. It begins once he is recognized by the Chair. The appeal from the ruling of the Chair—that time represents the one hour referred to in the rules. An appeal was made by the Honorable Lagman. It was put to a vote and it lost. Therefore, the clock shows, and it is still running because it is the time of the Honorable Del Mar which he had chosen to use by raising this point of order, that he had consumed 29 minutes, visible on both sides of our Hall, also at the rear of the Hall. So, he has 31 more minutes according to Section 91, and as voted upon by the Body.

REP. DEL MAR. Time is running, so that includes the statement of the Dep. Majority Leader?

REP. BONDOC. That includes your statement now, Your Honor.

REP. DEL MAR. Okay. I am not about to argue ...

REP. VELOSO. Anyway, Mme. Speaker, ...

REP. DEL MAR. Okay. Let me go.

REP. VELOSO. I have not responded yet to the point of the interpellator.

REP. DEL MAR. It is good, you know that.

REP. VELOSO. To close the topic of whether or not the death penalty has been abolished by the Constitution, let me read into the record the decision of the Supreme Court, *en banc* in G.R. No. 117472, February 7, 1997, *People of the Philippines vs. Leo Echegaray*. Here, the Supreme Court said: “The import of this amendment,” meaning, Section 19, paragraph (1), Article III of the Constitution, “The import of this amendment is unmistakable. By this amendment, the death penalty was not completely abolished by the 1987 Constitution. Rather, it merely suspended the death penalty and gave Congress the discretion to review it at the propitious time”. Republic Act No. 7659 came into the picture and was ruled upon by the Supreme Court in Echegaray.

Now, we have House Bill No. 4727 which attempts, Mme. Speaker, to revive the repealed Republic Act No. 7659 with certain amendments, of course.

REP. DEL MAR. Again, Your Honor, Mme. Speaker, I refer to the provision in the Constitution itself which is paramount to any decision of the Supreme Court on the matter. So, let ...

REP. LAGMAN. Mme. Speaker.

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

REP. LAGMAN. Mme. Speaker, just a point of information.

I was watching the clock. When the Honorable Veloso started to make his answer, it was 30 minutes. When he ended his answer, the clock recorded 31 minutes. So, the time consumed by the distinguished Veloso was counted, not only the time consumed by the distinguished Rep. Raul V. Del Mar. So, that clock records, for the information of everybody, both the time consumed by the interpellator and the time consumed by the answering Sponsor.

REP. DEL MAR. Including the time of the Honorable Lagman, I guess also.

REP. LAGMAN. Yes, including my time now that I am speaking was recorded.

REP. BONDOC. Precisely, Mme. Speaker. It begins once the interpellator is recognized. So, it includes his question and as voted upon the answer and if the interpellator will allow any sort of discussion such as the time I am taking now, it will also eat into his one hour. So for those that seriously want to interpellate, I do believe that they should take advantage of their one hour, and not allow any distractions to take place so that they can maximize their interpellation of the Sponsor, Mme. Speaker.

THE DEPUTY SPEAKER. (Rep. Garcia-Albano). That is noted, Dep. Majority Leader.

REP. LAGMAN. Mme. Speaker, it is good that the distinguished Dep. Majority Leader has recognized that the clock records all of the proceedings—the interpellation, the answer and even some intervention from the floor. So I was saying earlier that the one hour under the rules should be limited to the time consumed by the interpellator not including the answers of the sponsoring committee.

REP. BONDOC. I beg the indulgence of the Gentleman whose time is being consumed, if I may be allowed to respond because it is his time and it is being consumed by way of response. Mme. Speaker, this precisely was your ruling, Your Honor, that the one hour includes the totality of the time beginning when the interpellator is recognized. It was put to an appeal and it was voted down by Plenary. The decision of the Body is that the one hour as found in our Rules includes all of these discussions.

So I will not take any more of the time of the Honorable Del Mar so that he may continue his interpellation, Mme. Speaker.

THE DEPUTY SPEAKER. (Rep. Garcia-Albano). Please proceed, Honorable Del Mar.

REP. LAGMAN. That was not the essence of the result of the voting, Mme. Speaker.

THE DEPUTY SPEAKER. (Rep. Garcia-Albano). It is noted. Please proceed, if you would like to proceed, Honorable Del Mar.

REP. TIÑIO. Parliamentary inquiry, Mme. Speaker. Parliamentary inquiry. May I be recognized, Mme. Chair.

THE DEPUTY SPEAKER. (Rep. Garcia-Albano). Yes.

REP. TIÑIO. Thank you, Mme. Speaker. Mme. Speaker, since the matter at hand concerns a ruling of the Chair and the apparent interpretation of the distinguished Dep. Majority Leader is that your ruling or the Chair’s ruling is that the one hour of the interpellator referred to in our Rules includes the answer given by the Sponsor as well as the other interventions, I think that would be an untenable...

REP. FARIÑAS. Mme. Speaker.

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

REP. FARIÑAS. The Gentleman cannot rise because

he has not raised a point of order. The Gentleman has the floor. He cannot interrupt the interpellation, so if there is no point of order, he should not be recognized, Mme. Speaker.

THE DEPUTY SPEAKER. (Rep. Garcia-Albano). The Majority Leader has made a proper point.

REP. FARIÑAS. I think he is making an inquiry or a manifestation. He cannot—there is an interpellation going on. So, unless the Gentleman has a point of order, I pray that the Speaker not recognize him.

THE DEPUTY SPEAKER. (Rep. Garcia-Albano). It is a very valid point. Please, Congressman Del Mar, would you like to proceed with your interpellation?

REP. DEL MAR. Of course, Mme. Speaker. Your Honor, I do not know if you are aware that there is now a new concept of heinous crimes and nowhere in the definition and enumeration, Your Honor, Mme. Speaker, was there any reference to this new concept of heinous crimes, which is now limited to grievous offenses like genocide or international terrorism where great masses of people are killed or when the security of the State is in danger.

Are you aware of this, Your Honor, Mme. Speaker?

REP. VELOSO. Your Honor, Section 3 of House Bill No. 4727 defines heinous crime. It says:

The death penalty is hereby imposed on crimes under this Act as heinous for being grievous, odious and hateful offenses, which by reason of their inherent or manifest wickedness, viciousness, atrocity and perversity are repugnant and outrageous to the common standards and norms of decency and morality in a just, civilized and ordered society.

Mme. Speaker, this was lifted from the ruling of the Supreme Court in *People vs. Echegaray*. It is not a new definition. This is an old definition, Mme. Speaker.

REP. DEL MAR. I will no longer comment on that, Mme. Speaker, Your Honor, because my time runs even when the Sponsor is the one talking.

So, let me proceed. While the Bill enumerates the crimes for which the death penalty is to be imposed, the list is flawed because of the lack of a clear definition of heinous crimes. I think I already mentioned that, Your Honor. So, let us go now to the second requirement of compelling reasons which was discussed, but this is very important because, Your Honor, Mme. Speaker, if the requirement of heinous crimes and compelling reasons is not met, this Bill is unconstitutional. We do not even need to discuss this further if we find, after discussions on heinous crimes and compelling reasons, therefore, that

it does not satisfy the requirement, the provision, the conditions required in the provision of the Constitution. Then, that would be the end of the ball game, Mme. Speaker, Your Honor. But do not answer that anymore because you will consume my time, Your Honor.

REP. VELOSO. Well, Your Honor, ...

REP. DEL MAR. Let us now go to the second requirement of compelling reasons involving heinous crimes.

REP. VELOSO. ... I do not think it...

REP. DEL MAR. The compelling reasons for every heinous crime enumerated here must also be clearly shown. The Bill does not provide the compelling reasons for the imposition of the death penalty, but merely according to Representative Umali, his four compelling reasons, which he delivered in his speech, do not suffice and adequately meet the requirement of the definition of “compelling reasons” because there must be a compelling reason justifying the imposition of every crime enumerated, not a general and collective compelling reason which does not refer to the death penalty, and does not refer to any of the crimes which are enumerated and categorized as heinous crimes just because they are so included in the enumeration. That is why this is very ambiguous and arbitrary because if the Sponsors would desire to add another 10 to the 21 crimes, then 31, nothing is there to stop them, Mme. Speaker, Your Honor, if we do not require specifically giving an explanation or statement justifying the compelling reason for each and every crime enumerated to justify the imposition of the death penalty, Your Honor, Mme. Speaker.

REP. VELOSO. Your Honor, “heinous crime” as defined in Section 3, as it was so defined in RA No. 7659, because of the character of the crime committed and because according to the Supreme Court in *Echegaray*, because of the result of the criminal act—let me explain, Mme. Speaker, the Supreme Court in *People of the Philippines vs. Echegaray*, said:

x x x The death penalty is imposed in heinous crimes because the perpetrators thereof have committed unforgivably execrable acts that have so deeply dehumanized a person or criminal acts with severely destructive effects on the national efforts to lift the masses from abject poverty through organized governmental strategies based on a disciplined and honest citizenry, and because they have so caused irreparable and substantial injury to both their victim and the society and a repetition of their acts would pose actual threat to the safety of individuals and the survival of government, they must be permanently prevented from doing so.

In the end, Mme. Speaker, the Supreme Court said, “x x x otherwise put to ask what the rights are of the dying, is to ask what the rights are of the living.”

So, I do not think House Bill No. 4727 is deficient in describing to the honorable Gentleman what a heinous crime is.

REP. DEL MAR. Mme. Speaker, Your Honor, let me not enumerate, because I will run out of time, but merely state that the 21 crimes referred to and categorized as heinous crimes just because of the imposition of the death penalty, is not in order, as they are enumerated from page two to page 16 or 15, all 21 crimes—let everyone go over the Bill and you will see that as they are enumerated. It is merely an enumeration, there is nothing to justify, no description and no definition that these are specifically, each and every one of these are heinous crimes and that there is compelling reason for the imposition of the death penalty. In view of that lack of requirement, Mme. Speaker, Your Honor, definitely, this does not satisfy the constitutional provision and is therefore unconstitutional, Mme. Speaker, Your Honor.

So, let me move on to the other points, and I am limited to only some points with only 15 minutes left. The sponsorship speech of Sponsor Umali last night had very disturbing statements and questions, like questions he said on extrajudicial killings or the death penalty—making us choose, meaning if we do not approve the death penalty measure, then we will have extrajudicial killings. So, it is not choosing between extrajudicial killing or the death penalty, none of the two, in other words, none of the above. Second, he mentioned here again about rising criminality or the death penalty. Again, we do not want rising criminality nor the death penalty. And third that I can recall is on death without due process or death after due process. Again, not any of these.

So, this was very disturbing, Your Honor, and, he has a statement here and I am surprised for a very brilliant lawyer to make that observation that he practically convinced—and is trying to convince us that crimes should not be only through gauging proof, beyond requiring evidence, proof beyond reasonable doubt. He said, and I quote:

It must be remembered that the cornerstone of our criminal justice is the presumption of innocence. Proof beyond reasonable doubt is necessary in conviction. In this regard, our justice system is geared and skewed in favor of the accused.

Then all the accused are not automatically subject to conviction. Would you want to change the criteria for the evidence required which is proof beyond a reasonable

doubt in criminal cases to preponderance of evidence like in civil cases, Your Honor, Mme. Speaker?

REP. VELOSO. Your Honor, this is a criminal aspect of our judicial system.

We are governed by the quantum of evidence—proof beyond reasonable doubt. I do not have to remind the Honorable Del Mar who is a brilliant lawyer from Cebu, that preponderance of evidence will apply only in civil cases. Just as in administrative cases as provided for in Section 5, Rule 133 of the Rules of Court, it requires only substantial evidence.

Let me go to the point, Mme. Speaker, as earlier read into the records, quoting the ruling of the Supreme Court in Echegaray, “It is immaterial and irrelevant that Republic Act No. 7659,” the forerunner of House Bill No. 4727, “cites that there has been an ‘alarming upsurge of such crimes’ for the same was never intended by said law to be the yardstick to determine the existence of compelling reasons involving heinous crimes.” One heinous crime, Mme. Speaker, would be enough for the imposition of death penalty. We do not have to go to the data demanded from the PNP. “Fittingly, thus, what Republic Act No. 7659 states is that ‘the Congress in the interest of justice, public order and rule of law, and the need to rationalize and harmonize the penal sanctions for heinous crimes, finds compelling reasons to impose the death penalty for said crimes.’” It is therefore the prerogative of this Chamber, Mme. Speaker, to come up with laws classified as heinous crimes as to character and the effect inflicted upon the victims, Mme. Speaker.

REP. DEL MAR. Thank you, distinguished Sponsor.

Mme. Speaker, with only 10 minutes left, I have only a few questions that I am entitled to ask. Let me just go through my questions by mere statements so that I can cover more ground, Your Honor, Mme. Speaker, if I can.

This Representation does not agree with the Sponsor when he says that there is a material correlation between the death penalty and the lowering of crime rate. There is no clear study which reveals a material correlation between death penalty and the lowering of crime rate. So, it is safe to conclude that capital punishment is not a necessary deterrent to crime.

In 1999, Pres. Joseph Estrada carried out the capital punishment and put to death seven convicts. It was a bumper year for executions which were intended to abate criminality. Instead, using the same year as baseline, criminality increased 15.3 percent or a total of 80,538 crimes from 70,527 crimes in the previous year. Neither is the alleged rising rate of criminality a compelling reason for the following grounds: statistics from the PC-INP and now PNP show that there is in fact

a decline in the crime rate after 1987. Based on the data provided by the PNP in the years after the abolition of the death penalty, crime volume has been decreasing. For the period 1990 until 1993, crime rates for murder and robbery show a consistent decrease year by year. During the year 2000, when a moratorium on execution was declared, the total crime volume which was 80,108 decreased by 2,430 compared to that of 1999. There are other—the only item that I agreed with the Sponsor last night was the need for improving and making more efficient our criminal justice system. So, it is not the death penalty. It is the improvement of the inefficient criminal justice system to make sure that the criminal does not—he says it is for fear of the death penalty that deters a criminal from committing criminal acts. It is not, Mme. Speaker, Your Honor. It is the certainty of arrest, prosecution, conviction and jail.

Again, the Sponsor said that the death penalty or the mess that the Bilibid Prison is undergoing, not all jails are like that, that is a special case. The five-star accommodation and principal office of the convicts to operate their criminal activities—that is a very isolated case, Mme. Speaker, Your Honor. That is not meant to happen. If we will improve our justice system, the necessary correction in the penal system will also be made. So, it is not just the death penalty that we need. It is a complete overhaul and improvement of the criminal justice system.

REP. VELOSO. May I respond to that before I get lost, Mme. Speaker.

REP. DEL MAR. Of course. That is all right, Your Honor, Mme. Speaker.

REP. VELOSO. Okay. I respect the opinion of the Honorable Del Mar, but let me just read into the records what the Supreme Court stated in Echegaray case. The Supreme Court said that the abolitionists in Congress insisted that all criminal reforms must first be pursued and implemented before the death penalty can be reimposed in case such reforms prove unsuccessful. They claimed that the only compelling reason contemplated by the Constitution is that nothing else but the death penalty is left for the government to resort to that could check the chaos and the destruction that is being caused by unbridled criminality.

Three of our colleagues are of the opinion that the compelling reason required by the Constitution is that there occurred a dramatic and significant change in this socio-cultural milieu after the suspension of death penalty on February 2, 1987, such as the unprecedented rise in the incidence of criminality. Take note, Mme. Speaker, the Supreme Court also said that “Such are however interpretations only of the phrase ‘compelling reasons’ but not of the conjunctive phrase ‘compelling reasons involving heinous crimes.’”

We are members of the Bar. We have no choice but to follow the interpretation of the Constitution. Yes, we can disagree with the Supreme Court but the Supreme Court is supreme, even presumptively in its errors, especially in this case that the Supreme Court did not err in coming up with the interpretation, that there is really no need for us to reform the criminal system we have before we can impose the death penalty.

REP. DEL MAR. Mme. Speaker, Your Honor, let me proceed with an equally general statement in view of the limited time.

The laws that are already enumerated are punishable already by *reclusion perpetua* or life imprisonment. I believe that the Sponsors do not consider life imprisonment harsh enough. But if the convicts will not be entitled to the excellent condition in the Bilibid, this is the general rule now, I believe, Mme. Speaker, Your Honor, if we think about life imprisonment, we will shudder at the thought of anyone of our friends or family members suffering the same fate. All of us here my dear colleagues may be confined in our homes, not mobile and free to roam around when we are sick, but when we get well, we cannot be prevented or we will suffer if our movement or free will is curtailed to allow us to go out even from our airconditioned homes or airconditioned rooms.

Think of the prisoner not only a day or two, months, years, 30 years, 40 years. Do you think that anyone will not get crazy being isolated or imprisoned, Mme. Speaker, Your Honor, that you think lightly of life imprisonment?

REP. VELOSO. Mme. Speaker, that is what the Gentleman believes as enough penalty for heinous crimes. Unfortunately, Mme. Speaker, Section 19, paragraph (1), Article III of the Constitution gave Congress the prerogative to penalize heinous criminals, criminals that commit criminal acts categorized as heinous crimes.

Again, we are here not to be isolated, Mme. Speaker, or to discuss what we personally believe, but what the Constitution says, what the Supreme Court has interpreted it to be. Exactly, as I said, House Bill No. 4727 is designed to resuscitate Republic Act No. 7659.

REP. DEL MAR. Okay.

Another point, in the sponsorship speech of Chairman Umali, he said that many might fear the ire of religious groups and loss of votes from their constituents who are so-called pro-life and against the death penalty. So it is either that he is again making or choosing whether we will be pro-life or pro-death penalty. Is there any difficulty here? Of course, we are all pro-life, pro-God, pro-people, and I will never go for the death penalty. But that was a very disparaging

remark that we do not support the death penalty because we are afraid of losing the Catholic vote. I guess that is unfair, Mme. Speaker, distinguished Sponsor, to everyone in this Hall, every Member of this Chamber. Most religions in the world condemn the death penalty. Ours, a predominantly Catholic country, is expected to shun the capital punishment. After all, Mme. Speaker, Your Honor, the law is the will of the State which, in turn, is shaped by the beliefs of its people.

We should not begrudge the involvement of the Church. If the Church and the State are partners, share a common objective, crime is a common enemy. Even the Ten Commandments and all religious teachings, if we compare them with our laws, we are geared towards the same objective, the same values. We should not look upon the Catholic Church as villains here. We should thank the Catholic Church for being there to help the State make people live up to moral values and deeds that are really being admired.

REP. ATIENZA. Mme. Speaker, a very serious matter is being discussed on the floor and, indeed, ...

REP. VELOSO. Mme. Speaker, may I first respond to that.

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

REP. VELOSO. After all, there has been no point of order question raised.

REP. ATIENZA. We are questioning the quorum, Mme. Speaker. That is primary because we do not have enough Members listening to the two Gentlemen.

REP. VELOSO. May I just first respond, Mme. Speaker...

REP. ATIENZA. We are questioning the quorum.

REP. VELOSO. ... to the interpellation, ...

REP. ATIENZA. We move for the adjournment of the session.

REP. VELOSO. ... Mme. Speaker, before we discuss the quorum issue...

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

REP. DEL MAR. Mme. Speaker, before that, ...

REP. BONDOC. Mme. Speaker, we appeal to the Honorable Atienza ...

REP. DEL MAR. ... may the Chair let me finish ...

REP. BONDOC. ... to allow the Sponsor to ...

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

REP. BONDOC. ... to finish the interpellation first.

REP. DEL MAR. ... may I finish on that issue.

REP. ATIENZA. A question of quorum should not be debatable. It should be established. If the Gentlemen on the floor would like to continue, they should assert that establishing the quorum is primary. Otherwise, we are not following the Rules anymore. We keep on violating it in a very critical question like reimposing the death penalty.

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

REP. BONDOC. Mme. Speaker, ours is simply an appeal to the Honorable Atienza, noting that we in the Majority are cognizant that the Honorable Del Mar has consumed his full time and has gone beyond the limit. But we are willing, in the spirit of debate, to allow them, the Sponsor and the interpellator, to finish their debate because of the matter at hand...

REP. ATIENZA. Mme. Speaker.

REP. BONDOC. ...even though the one hour has been completely consumed. So, we appeal to the Honorable Atienza, aside from the Honorable Del Mar ...

REP. DEL MAR. I beg to disagree, Your Honor, Mme. Speaker. My hour has not been fully consumed.

REP. BONDOC. For the record, Mme. Speaker, the clock shows one hour, four minutes. If I may continue, Mme. Speaker, there are a number of our colleagues ...

REP. DEL MAR. You are including your statement and that of the Gentleman from Manila. Again, Mme. Speaker, ...

REP. BONDOC. Mme. Speaker, I am trying to get more time for the Gentleman as there is already a call to adjourn.

REP. DEL MAR. ... is it all right to include the time taken ...

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Deputy Majority Leader.

REP. DEL MAR. ... by the Sponsor to answer the question, but for you to include the question, or point of order, or quorum on the part of the Gentleman from Manila and your reply and added to my time, and you said my time has already expired is I think unfair, Mme. Speaker.

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

REP. BONDOC. Mme. Speaker, please let the debate continue.

REP. ATIENZA. Mme. Speaker, before we continue the debate, we insist on adjourning because we do not have enough Members on the floor anymore. Why are we rushing? What is the point? We can continue tomorrow if we would want to or call a special session when there is a quorum.

REP. VELOSO. Just a few seconds, Mme. Speaker,
I will just answer the interpellation of the Honorable Del Mar.

REP. ATIENZA. With the assurance that he will just answer, Mme. Speaker, we withdraw our motion momentarily.

REP. DEL MAR. Before the answer, ...

THE DEPUTY SPEAKER (Rep. Garcia-Albano). The Gentleman will please proceed.

REP. DEL MAR. ... Mme. Speaker, let me finish my statement.

REP. VELOSO. Akala ko tapos na iyon.

REP. DEL MAR. Hindi pa.

REP. VELOSO. Okay.

THE DEPUTY SPEAKER (Rep. Garcia-Albano). Congressman Del Mar will please proceed.

REP. DEL MAR. Okay. Does the death penalty fall within the set of beliefs of the majority of our people? Catholics also believe in retribution but not by taking human life. The "eye for an eye" injunction in the Old Testament has long been replaced by "turn the other cheek" advice in the New Testament. Catholics and other Christians believe in repentance and the capacity of sinners to reform. The death penalty totally rejects that possibility. When the death penalty was abolished in this country, the State

recognized the sentiment of the dominant sector of the population. The Catholic Bishops Conference of the Philippines then noted that it also asked for the recognition of the dignity of human life. Are we now retracing, Mme. Speaker, Your Honor, our steps from that faith in our moral and progressive development as a nation?

REP. VELOSO. Mme. Speaker, in my sponsorship speech yesterday, I pointed out that we are not establishing enmity with the Church. I said House Bill No. 4727 is not being anti-God. I have here a reproduction of the book published by command of Pope Pius V, entitled: "The Catechism of the Council of Trent." Mme. Speaker, this was published in English by Rev. J. Donovan. Here, no less than Pope Pius V said that the fifth commandment, "Thou shalt not kill," is not inclusive, it is not without exceptions. Here, Pope Pius V said, "Thou shall not kill" will not apply to situations where you kill an animal. It will not apply to a situation where a soldier is killing an enemy in a just war.

It will not apply in cases of accident. It will not apply in instances where you kill by reason of self-defense. And more importantly, it will not apply if a person is being killed on account of an order of a civil magistrate.

Let me read, Mme. Speaker, what Pope Pius V explained:

This prohibition does not apply to the civil magistrate 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, the words of David: "In the morning I put to death all the wicked of the land, that I might cut off all of the workers of iniquity from the city of the Lord."

It is therefore a lie for anybody from the Church to claim that the mandate of the Vatican is not to kill a criminal who committed acts categorized as heinous crimes, if it proceeds from an order of our courts.

I hope that answers fully the point of the Honorable Del Mar.

REP. ATIENZA. Mme. Speaker, we already listened to the answer of the honorable Sponsor. We reiterate our motion now to adjourn because we even see less people on the floor than earlier. We cannot continue listening to a discourse on the doctrine and teachings of our Church, although distorted, when we do not have a quorum anymore. We move for adjournment.

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

REP. BONDOC. Mme. Speaker, Your Honor, again, our appeal to our honorable colleague, there are a number of our colleagues who have been waiting the whole afternoon and evening to debate on this. Will you allow them to have their say, Mme. Speaker?

REP. ATIENZA. We cannot continue listening to a continuing insult to the Catholic Church. Mme. Speaker, we are questioning the quorum. We move for adjournment.

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

REP. VELOSO. I take exception, Mme. Speaker, Your Honor, to that remark because I am not insulting my own religion. I am a devout Catholic. I receive communion everyday and I cannot receive Christ in my body if I am despising my Church. Let it be of record. I will not tolerate the Honorable Atienza to cast me as an enemy of the Church.

REP. ATIENZA. Neither will I tolerate an insult to my faith. He is misinterpreting the Papal doctrine on killings. Iyan po ang totoo niyan, to serve his purpose; and therefore, I move for adjournment.

REP. VELOSO. Mme. Speaker, the Honorable Atienza is not interpellating me. I just cited what Pope Pius V said in the Catechism of the Council of Trent. You can check that from the Internet.

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

REP. BONDOC. Mme. Speaker, if the Honorable Atienza will kindly lay aside his motion for a few minutes, I would move for the approval of the Journal with his consent.

APPROVAL OF THE JOURNALS

REP. BONDOC. Mme. Speaker, I thank the Honorable Atienza for his kind indulgence.

I move for the approval of Journal No. 66, dated February 6, 2017, and Journal No. 67, dated February 7, 2017.

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.

ADJOURNMENT OF SESSION

REP. BONDOC. Mme. Speaker, we second the motion of the Honorable Atienza to adjourn until Monday, February 13, 2017, at four o'clock in the afternoon.

I so move, Mme. Speaker.

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

It was 9:04 p.m.