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PLENARY PROCEEDINGS OF THE 17th CONGRESS, FIRST REGULAR SESSION
House of Representatives

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Tuesday, February 21, 2017

No. 73

CALL TO ORDER

At 4:00 p.m., Deputy Speaker Sharon S. Garin called the session to order.

THE DEPUTY SPEAKER (Rep. Garin, S.). The session is called to order.

NATIONAL ANTHEM

THE DEPUTY SPEAKER (Rep. Garin, S.). Everybody will please rise for the singing of the Philippine National Anthem.

Everybody rose to sing the Philippine National Anthem.

PRAYER

THE DEPUTY SPEAKER (Rep. Garin, S.). Please remain standing for a minute of silent prayer and meditation.

Everybody remained standing for a minute of silent prayer and meditation.

THE DEPUTY SPEAKER (Rep. Garin, S.). Thank you.

The Dep. Majority Leader is recognized.

SUSPENSION OF SESSION

REP. DEFENSOR. Good afternoon, Mme. Speaker. I move for a suspension of the session.

THE DEPUTY SPEAKER (Rep. Garin, S.). The session is suspended.

It was 4:01 p.m.

RESUMPTION OF SESSION

At 5:03 p.m., the session was resumed.

THE DEPUTY SPEAKER. (Rep. Garin, S.). The session is resumed.

ROLL CALL

REP. DEFENSOR. Mme. Speaker, I move that we call the roll.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Secretary General will please call the roll.

The Secretary General called the roll, and the result is as follows, per Journal No. 73, dated February 21, 2017:

PRESENT

Abad	Bautista-Bandigan
Abayon	Belaro
Abellanos	Belmonte (J.C.)
Abu	Belmonte (R.)
Abueg	Bernos
Acharon	Bertiz
Acop	Biazon
Acosta	Billones
Advincula	Biron
Aggabao	Bolilia
Alejano	Bondoc
Almario	Bordado
Almonte	Bravo (A.)
Alvarez (F.)	Bravo (M.V.)
Alvarez (M.)	Brosas
Alvarez (P.)	Bulut-Begtang
Amatong	Cagas
Andaya	Calderon
Antonio	Calixto-Rubiano
Aragones	Caminero
Arbison	Campos
Arcillas	Canama
Atienza	Cari
Bag-ao	Castelo
Bagatsing	Castro (F.L.)
Barzaga	Castro (F.H.)
Bataoil	Catamco
Batocabe	Cayetano

Cerafica	Khonghun	Rodriguez (I.)	Ting
Cerilles	Labadlabad	Rodriguez (M.)	Tinio
Chavez	Lacson	Roman	Tugna
Chipeco	Lagman	Romualdo	Ty
Co	Lanete	Roque (H.)	Umali
Cortes	Laogan	Roque (R.)	Unabia
Cortuna	Lazatin	Sacdalan	Ungab
Cosalan	Leachon	Sagarbarria	Unico
Crisologo	Limkaichong	Sahali	Uy (J.)
Cuaresma	Lobregat	Salceda	Vargas
Cueva	Lopez (B.)	Salo	Vargas-Alfonso
Dalipe	Lopez (C.)	Salon	Velarde
Daza	Lopez (M.L.)	Sambar	Velasco
De Jesus	Loyola	Sarmiento (C.)	Velasco-Catera
De Venecia	Macapagal-Arroyo	Sarmiento (E.M.)	Veloso
De Vera	Madrona	Savellano	Vergara
Defensor	Malapitan	Sema	Villanueva
Del Mar	Mangaoang	Siao	Villarica
Del Rosario	Mangudadatu (Z.)	Silverio	Villarín
Deloso-Montalla	Mariño	Suansing (E.)	Violago
Dimaporo (A.)	Marquez	Suansing (H.)	Yap (A.)
Dimaporo (M.K.)	Martinez	Suarez	Yap (M.)
Dy	Matugas	Sy-Alvarado	Yap (V.)
Elago	Mellana	Tan (A.)	Yu
Enverga	Mending	Tan (S.)	Zamora (M.C.)
Erice	Mercado	Tejada	Zamora (R.)
Eriguel	Mirasol	Teves	Zarate
Ermita-Buhain	Montoro	Tiangco	Zubiri
Escudero	Nava		
Espina	Noel		
Estrella	Nolasco		
Fariñas	Nuñez-Malanyaon		
Ferrer (J.)	Oaminal		
Flores	Ong (E.)		
Fortun	Ong (H.)		
Fortuno	Ortega (P.)		
Fuentebella	Ortega (V.N.)		
Garbin	Pacquiao		
Garcia (G.)	Paduano		
Garcia (J.E.)	Pancho		
Garcia-Albano	Panganiban		
Garin (R.)	Panotes		
Garin (S.)	Papandayan		
Gasataya	Pichay		
Geron	Pimentel		
Go (A.C.)	Pineda		
Go (M.)	Primicias-Agabas		
Gomez	Quimbo		
Gonzaga	Radaza		
Gonzales (A.D.)	Ramirez-Sato		
Gonzalez	Ramos		
Gullas	Relampagos		
Hernandez	Revilla		
Herrera-Dy	Roa-Puno		
Hofer	Robes		
Javier	Rocamora		

THE SECRETARY GENERAL. Mme. Speaker, the roll call shows that 224 Members responded to the call.

THE DEPUTY SPEAKER (Rep. Garin, S.). With 224 Members present, the Chair hereby declares the presence of a quorum.

The Dep. Majority Leader is recognized.

REP. DEFENSOR. Mme. Speaker.

REP. ATIENZA. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). The Dep. Majority Leader is recognized.

REP. DEFENSOR. May we know, Mme. Speaker, the pleasure of the Gentleman from BUHAY Party-List?

REP. ATIENZA. Yes, thank you, Mr. Dep. Majority Leader.

We just would like to point out that although we have a quorum, clearly we have a quorum, but there are only 216 on the floor and not 220 that the Secretariat has confirmed. So, again, we are pointing it out, their count seems to be inaccurate, although very near to the truth, 220 as against 216, but it is not accurate. Thank you.

THE DEPUTY SPEAKER (Rep. Garin, S.). Thank you.

The Dep. Majority Leader is recognized.

APPROVAL OF THE JOURNAL

REP. DEFENSOR. In any event, Mme. Speaker, we have to rely on the count of the Secretariat.

Mme. Speaker, I move that we approve Journal No. 72 for the session on February 20, 2017.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

Journal No. 72 of the session on Monday, February 20, 2017 is hereby approved.

The Dep. Majority Leader is recognized.

REP. DEFENSOR. Mme. Speaker, I move that we proceed to the Reference of Business.

THE DEPUTY SPEAKER (Rep. Garin, S.). 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. 5033, entitled:

“AN ACT ESTABLISHING A SEPARATE SCHOOLS DIVISION OFFICE IN THE CITY OF CANLAON, PROVINCE OF NEGROS ORIENTAL”

By Representative Limkaichong

TO THE COMMITTEE ON BASIC EDUCATION AND CULTURE

House Bill No. 5034, entitled:

“AN ACT ESTABLISHING A SPECIAL ECONOMIC ZONE IN THE MUNICIPALITY OF PLACER, PROVINCE OF MASBATE, CREATING FOR THIS PURPOSE THE PLACER SPECIAL ECONOMIC ZONE AUTHORITY, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES”

By Representative Lanete

TO THE COMMITTEE ON TRADE AND INDUSTRY AND THE COMMITTEE ON ECONOMIC AFFAIRS

House Bill No. 5035, entitled:

“AN ACT NAMING THE KALIBO-BANGA-BALETE-BATAN-ALTAVAS NATIONAL ROAD WHICH IS PART OF THE KALIBO HIGHWAY AS CONGRESSMAN ALLEN SALAS QUIMPO NATIONAL HIGHWAY, AND FOR OTHER PURPOSES”

By Representative Marquez

TO THE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

House Bill No. 5036, entitled:

“AN ACT PUNISHING HARASSMENT OR EXPLOITATION OF FAMILIES OR PERSONS WHO ARE UNABLE TO PAY FOR FUNERAL AND OTHER RELATED EXPENSES”

By Representatives Campos, Del Rosario, Nieto, Lopez (M.) and Ocampo

TO THE COMMITTEE ON REVISION OF LAWS

House Bill No. 5037, entitled:

“AN ACT CREATING A SEPARATE DISTRICT ENGINEERING OFFICE IN THE CITY OF ANTIPOLO, AND APPROPRIATING FUNDS THEREFOR”

By Representative Acop

TO THE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

House Bill No. 5038, entitled:

“AN ACT GRANTING UNIVERSAL SOCIAL PENSION TO SENIOR CITIZENS, FURTHER AMENDING REPUBLIC ACT NO. 7432, AS AMENDED BY RA 9994, OTHERWISE KNOWN AS THE EXPANDED SENIOR CITIZENS ACT OF 2010”

By Representatives Batocabe, Garbin and Co

TO THE COMMITTEE ON POPULATION AND FAMILY RELATIONS

House Bill No. 5039, entitled:

“AN ACT UPGRADING THE SERVICE CAPACITY OF THE HOSPITAL NG PARAÑAQUE IN THE CITY OF PARAÑAQUE, METRO MANILA FROM FIRST LEVEL TO SECOND LEVEL COMMUNITY HOSPITAL AND APPROPRIATING FUNDS THEREFOR”

By Representative Olivarez

TO THE COMMITTEE ON HEALTH

House Bill No. 5040, entitled:

“AN ACT CREATING THE PROVINCE OF

ZAMBOANGA HERMOSA FROM THE PROVINCE OF ZAMBOANGA DEL NORTE AND FOR OTHER PURPOSES”

By Representative Amatong
TO THE COMMITTEE ON LOCAL GOVERNMENT

House Bill No. 5041, entitled:

“AN ACT REGULATING THE IMPOSITION OF FEES FOR THE USE OF PARKING SPACES AND FACILITIES IN SHOPPING MALLS, HOSPITALS, SCHOOLS, HOTELS AND SIMILAR ESTABLISHMENTS AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF”

By Representative Barbers
TO THE COMMITTEE ON TRADE AND INDUSTRY

House Bill No. 5042, entitled:

“AN ACT CREATING THE PHILIPPINE NATIONAL TRANSPORTATION SAFETY BOARD (PNTSB), APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES”

By Representative Garcia (G.)
TO THE COMMITTEE ON GOVERNMENT REORGANIZATION AND THE COMMITTEE ON TRANSPORTATION

House Bill No. 5043, entitled:

“AN ACT AMENDING REPUBLIC ACT NO. 7160, ALSO KNOWN AS THE LOCAL GOVERNMENT CODE, ON THE LEVEL OF THE POSITION OF SECRETARY TO THE SANGGUNIAN”

By Representative Garcia (G.)
TO THE COMMITTEE ON LOCAL GOVERNMENT

House Bill No. 5044, entitled:

“AN ACT ESTABLISHING A SPECIALIZED TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY (TESDA) SKILLS DEVELOPMENT CENTER IN THE MUNICIPALITIES OF LOON AND BALILIHAN, PROVINCE OF BOHOL AND APPROPRIATING FUNDS THEREFOR”

By Representative Relampagos
TO THE COMMITTEE ON HIGHER AND TECHNICAL EDUCATION
RESOLUTIONS

House Resolution No. 786, entitled:

“RESOLUTION TO URGE THE PHILHEALTH

TO REVIEW ITS HEALTH CARE POLICIES RELATIVE TO BREAST CANCER AND INCLUDE BREAST CANCER STAGE IIIB AND ABOVE IN THE LIST OF DISEASES AND AILMENTS COVERED BY ITS HEALTHCARE PROGRAM, WITH THE END IN VIEW OF MAKING TREATMENT AVAILABLE TO ALL FILIPINOS SUFFERING FROM ANY STAGE OF BREAST CANCER, ESPECIALLY TO THE MARGINALIZED”

By Representative Lanete
TO THE COMMITTEE ON HEALTH

House Resolution No. 787, entitled:

“RESOLUTION DIRECTING THE COMMITTEE ON TRANSPORTATION TO EXERCISE ITS OVERSIGHT FUNCTIONS AND INVESTIGATE, IN AID OF LEGISLATION, METRO RAIL TRANSIT CORPORATION GENERAL MANAGER ENGR. DEO LEON. MANALO AND OTHER OFFICIALS OF THE CORPORATION, ON THE DELIVERY OF SUBSTANDARD COACHES MADE BY DALIAN LOCOMOTIVE AND ROLLING STOCK CORPORATION TO THE MRT CORPORATION, AS WELL AS THE SUBSTANDARD QUALITY SERVICE PROVIDED BY BUSAN UNIVERSAL RAIL INC. IN THE MAINTENANCE OF MRT-3, TO THE DETRIMENT OF THE MRT-3 COMMUTING PUBLIC”

By Representative Nograles (J.)
TO THE COMMITTEE ON RULES

House Resolution No. 788, entitled:

“A RESOLUTION URGING THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS TO CONDUCT AN AUDIT OF THE STRUCTURAL INTEGRITY AND RELIABILITY OF BUILDINGS IN METRO MANILA”

By Representative Castelo
TO THE COMMITTEE ON RULES

House Resolution No. 789, entitled:

“A RESOLUTION CALLING ON THE HOUSE OF REPRESENTATIVES TO CONSIDER THE CREATION OF A CAPITAL DEFENSE UNIT THAT WOULD DEFEND THE POOR ACCUSED OF CAPITAL OFFENSES BY PROVIDING THEM WITH FREE LEGAL REPRESENTATION”

By Representatives Campos, Del Rosario and Bravo (A.)
TO THE COMMITTEE ON JUSTICE

House Resolution No. 790, entitled:

“A RESOLUTION CONGRATULATING AND COMMENDING FILIPINO PRODUCER JHETT TOLENTINO FOR WINNING THE BEST MUSICAL THEATER AWARD FOR HIS THE COLOR PURPLE IN THE 59TH ANNUAL GRAMMY AWARDS CEREMONY HELD ON FEBRUARY 12, 2017 AT THE STAPLES CENTER, LOS ANGELES, CALIFORNIA”

By Representative Castelo
TO THE COMMITTEE ON RULES

ADDITIONAL COAUTHORS

Rep. Rogelio Neil P. Roque for House Bills No. 123, 1859, 2192, 2318, 2319, 2953, 3782, 4174, and 4689;

Rep. Jose Antonio “Kuya Jonathan” R. Sy-Alvarado for House Bills No. 2554, 2927, 4953, and 4980;

Rep. Maximo B. Rodriguez Jr. for House Bill No. 4774;

Reps. Leo Rafael M. Cueva, Joseph Stephen S. Paduano, Tom S. Villarin, Roy M. Loyola, and Mauyag “Jun” B. Papandayan Jr. for House Bills No. 2192 and 2193;

Reps. Emmanuel A. Billones and Vincent “Bingbong” P. Crisolago for House Bills No. 2318, 2319, 2474, 2953, and 3782;

Rep. Erlpe John “Ping” M. Amante for House Bill No. 3471;

Rep. Edgar R. Erice for House Bills No. 338, 2192, 2193, and 3931;

Rep. Enrico A. Pineda for House Bills No. 2192, 2193, and 3942;

Rep. Eric D. Singson for House Bills No. 2192 and 4774;

Rep. Eleanor C. Bulut-Begtang for House Bills No. 4132 and 4133;

Rep. Arthur C. Yap for House Bills No. 3388 and 3586;

Rep. Gwendolyn F. Garcia for House Bill No. 1862;

Rep. Leopoldo N. Bataoil for House Bills No. 1862, 1863, 1864, 1865, 1866, 3170, 3171, 3609, 4503, and 4578;

Rep. Gus S. Tambunting for House Bills No. 1866 and 2287;

Rep. Christopher “Toff” Vera Perez De Venecia for House Bills No. 3937 and 4689, and House Resolution No. 769;

Rep. Jocelyn Sy Limkaichong for House Bill No. 4982 and House Resolution No. 769;

Rep. Kaka J. Bag-ao for House Bill No. 4174;

Rep. Christopher S. Co for House Bills No. 1859, 2192, and 2193;

Rep. Rodel M. Batocabe for House Bills No. 1859, 2192, and 2193;

Rep. Gary C. Alejano for House Resolution No. 769;

Rep. Florida “Rida” P. Robes for House Bill No. 4890;

Rep. Angelina “Helen” D.L. Tan, M.D. for House Bills No. 111, 172, 176, 201, 276, 499, 510, and 3577;

Rep. Carlito S. Marquez for House Bill No. 3931;

Rep. Harlin Neil J. Abayon III for House Bill No. 3010;

Rep. Estrellita B. Suansing for House Bills No. 2192, 2193, 3309, 3581, 3686, and 4800;

Rep. Maria Vida Espinosa Bravo for House Bills No. 3717, 3794, 3854, 4330, 4391, and 4689;

Rep. Joaquin M. Chipeco Jr. for House Bills No. 2193 and 4742;

Reps. Mohamad Khalid Q. Dimaporo and Arlene B. Arcillas for House Bill No. 4526;

Reps. Jesus Nonato Sacdalan, Wilter “Sharky” Wee Palma II, Ricardo “RJ” T. Belmonte Jr., John Marvin “Yul Servo” C. Nieto and Carlos O. Cojuangco for House Bill No. 180;

Rep. Rolando “Klaxex” A. Uy for House Resolution No. 198; and

Reps. Strike B. Revilla, Conrado M. Estrella III, Benjamin C. Agarao Jr., Luis “Jon-Jon” A. Ferrer IV, Arthur C. Yap, and Joel Mayo Z. Almario for House Resolution No. 769.

COMMITTEE REPORT

Report by the Committee on Public Order and Safety (Committee Report No. 123), re H.B. No. 5082, entitled:

“AN ACT ESTABLISHING WOMEN’S AND LESBIAN, GAY, BISEXUAL AND TRANSGENDER (LGBT) PROTECTION DESKS IN ALL PHILIPPINE NATIONAL POLICE STATIONS NATIONWIDE, AMENDING FOR THE PURPOSE TITLE VII OF REPUBLIC ACT NUMBER 8551, AS AMENDED, OTHERWISE KNOWN AS THE PHILIPPINE NATIONAL POLICE REFORM AND REORGANIZATION ACT OF 1998 ”

recommending its approval in substitution of House Bill No. 2952

Sponsors: Representatives Acop and Santos-Recto

TO THE COMMITTEE ON RULES

THE DEPUTY SPEAKER (Rep. Garin, S.). The Dep. Majority Leader is recognized.

CONSIDERATION OF H.B. NO. 4727

Continuation

PERIOD OF SPONSORSHIP AND DEBATE

REP. DEFENSOR. Mme. Speaker, I move that we resume the consideration of House Bill No. 4727 as reported in Committee Report No. 47. For this purpose, I move that we direct the Secretary General to read the title of the measure.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Secretary General is directed to read the title of the Bill.

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. Garin, S.). The Dep. Majority Leader is recognized.

REP. DEFENSOR. Mme. Speaker, the parliamentary status is that we are in the period of sponsorship and debate. For this purpose, I move that we recognize the Gentleman from the Second District of Capiz, the Hon. Fredenil "Fred" Castro, to sponsor the Bill.

THE DEPUTY SPEAKER (Rep. Garin, S.). The Hon. Fred Castro is recognized.

REP. DEFENSOR. The first to interpellate today, Mme. Speaker, I move that we recognize the Gentleman from Party-List AKBAYAN, the Hon. Tomasito "Tom" S. Villarín.

THE DEPUTY SPEAKER (Rep. Garin, S.). The honorable Congressman Villarín of Party-List AKBAYAN is now recognized.

REP. VILLARIN. Thank you, Mme. Speaker. Thank you, Dep. Majority Leader. My colleagues, good afternoon.

Would the distinguished Sponsor yield to interpellation on this very extraordinary measure?

REP. CASTRO (F.H.). It is always an honor to be

interpellated by the distinguished Gentleman from the Party-List AKBAYAN, Mme. Speaker.

REP. VILLARIN. Thank you, Mme. Speaker. First, let me make a prefatory statement, Mme. Speaker, Your Honor.

AKBAYAN believes that the death penalty is morally, socially and politically wrong. The right to life is supreme and the State has no right to take away life. It is in contravention of international laws and standards. Public opinion cannot be used as a pretext to impose capital punishment. Popular sovereignty has its limits and can never be used to justify the taking away of life. Public policy is a matter of evidence and not opinion. The global trend on the death penalty is towards its abolition, with 141 out of 190 countries abolishing it by law or practice. There are 84 countries that are signatories to the Second Optional Protocol, including the Philippines. Despite exhaustive judicial reforms, wrongful convictions are simply not avoidable. No judiciary is mistake-free. Capital punishment is too final and irrevocable. It prohibits the justice system to correct itself and leaves no room for human error with the gravest of consequences.

Mme. Speaker, Your Honor, worldwide studies showed that the death penalty has no deterrent effect. Statistics from countries that abolished the death penalty indicated no serious increase in crime. Even our own Philippine Statistics Authority crime data showed that when the death penalty was abolished, crime went down although it ticked up when the crime reporting system was put in place. The death penalty is not imposed in a just and equal way. It is often arbitrary, and the odds are stacked against the poor, the powerless, and racial, religious, ethnic or sexual minorities. Not all victims and their family members support the death penalty, and even for those who seek it, the long delays in and the small percentage of executions actually carried out often cause frustrations and delayed closure. Lastly, Mme. Speaker, as long as the death penalty exists, those in power can misuse it to target particular social groups or their political opponents.

Now, I will proceed to my questions, Mme. Speaker. Distinguished Sponsor, the primary duty of the State is to protect the life of its people, is it not?

REP. CASTRO (F.H.). Yes, my dear colleague.

REP. VILLARIN. So, if it is yes, distinguished Sponsor, we have this Bill of Rights protecting our citizens from the State. The death penalty is State-sanctioned murder. It is not an act of self-defense against an immediate threat to life, it is the premeditated killing of a prisoner who is already secured inside a penitentiary.

Distinguished Sponsor, why do we kill people to show that killing people is wrong?

REP. CASTRO (F.H.). We do not kill people. We deliver justice to those who were victimized—those who were killed by criminals, those who were aggrieved by criminals. We deliver justice to the aggrieved parties, and it is an act of self-defense in accordance with the provisions of the Constitution.

REP. VILLARIN. Again, as I have mentioned, distinguished Sponsor, Mme. Speaker, it is very specific in our own Constitution that the protection of life is supreme. The Sponsors are arguing that, under Section 19, Article III, Congress has the power to impose the death penalty but “unless, for compelling reasons involving heinous crimes.”

Mme. Speaker, distinguished Sponsor, can I ask a personal question, distinguished Sponsor?

REP. CASTRO (F.H.). You may as you want, Mme. Speaker.

REP. VILLARIN. In 2006, Mme. Speaker, distinguished Sponsor, when you voted for the abolition of the death penalty, was the definition of a heinous crime then different from our definition now of a heinous crime?

REP. CASTRO (F.H.). It is still the same, Mme. Speaker.

REP. VILLARIN. So, there is no distinction, there is no change in the standard of a heinous crime in 2006 as well as now.

REP. CASTRO (F.H.). For sure, Mme. Speaker, if there is no change in the standard, then it is still the same.

REP. VILLARIN. So now, you are pointing out that it is only the factor of compelling reasons that now matters as to why you are pushing for the reimposition of the death penalty. Is that correct, distinguished Sponsor?

REP. CASTRO (F.H.). Compelling reason is simply an element as to why the death penalty in accordance with the Constitution should be reimposed. It is not only the element and the only consideration as to why Congress in its exercise of plenary powers could reimpose the death penalty on the basis of the provision of the Constitution.

REP. VILLARIN. I will not argue the fact, distinguished Sponsor, that Congress has that power, but I think the most important question is, should we impose it? Is the death penalty in line with the purpose of our State and our values as a society?

REP. CASTRO (F.H.). Mme. Speaker, the

question of the distinguished Gentleman from the Party-List AKBAYAN had been repeatedly asked by previous interpellators but for his satisfaction, let me say that it is to be reimposed because of a crime that is gruesome, crime that is heinous, crime that has shocked the morality and even the minimum standards or acceptable norms under a civilized society like our country, the Republic of the Philippines, Mme. Speaker, my distinguished colleague.

REP. VILLARIN. So, distinguished Sponsor, Mme. Speaker, it is now the argument of the State, the moral argument supposedly of the State, that it has to invoke it to assert its state legitimacy over a supposed increased wave of crime. In the end, I think, distinguished Sponsor, Mme. Speaker, it has to show evidence that lives were saved because we used the death penalty, and that evidence, Mme. Speaker, distinguished Sponsor, has never been proven in the past nor it can be proven in the future.

REP. CASTRO (F.H.). Again, Mme. Speaker, I am sorry to say that the question of the distinguished Gentleman from AKBAYAN has been recycled and recycled by different interpellators. Nonetheless, let me address the concern of the distinguished Gentleman that even the Constitution does not require that there should be a surge of heinous crimes committed in our country before Congress could exercise its plenary power to reimpose the penalty of death.

REP. VILLARIN. Well, I respect the obiter dictum of the distinguished Sponsor. Now, may I proceed to my next question. Again, distinguished Sponsor, is the death penalty, in your own personal opinion, morally justified?

REP. CASTRO (F.H.). Mme. Speaker, my distinguished colleague, the reimposition of the death penalty or any penalty for that matter is not based on any moral compulsion, neither is it based on any moral consideration, but it is based on norms of conduct that will have to be observed in a civilized society like the Republic of the Philippines. The task of the government or the State is to deliver justice against those who have committed injustice in our society. That is the very basis of the reimposition of the death penalty—to deliver justice to the victims, to deliver what is due to the victims, to deliver what is appropriate under circumstances.

REP. VILLARIN. Well, Mme. Speaker, I beg to disagree to what the distinguished Sponsor had said because morally, Mme. Speaker,...

REP. CASTRO (F.H.). Mme. Speaker, the

distinguished Gentleman could always disagree, but I will always insist that moral consideration is not a consideration for the purpose of determining the reimposition of death penalty.

REP. VILLARIN. Mme. Speaker, the right to life is a moral question.

REP. CASTRO (F.H.). What the question here, Mme. Speaker ...

REP. VILLARIN. No. Can I proceed, Mme. Speaker, to my next question?

REP. CASTRO (F.H.). ... is, whether it is allowed by the Constitution.

REP. VILLARIN. Mme. Speaker, can I proceed to my next question? Again, it had been argued by the Sponsors that the death penalty is a deterrent to the commission of crimes. Is that correct, Mme. Speaker, distinguished Sponsor?

REP. CASTRO (F.H.). I did not say that it is a deterrent, but what I said is that even the Constitution does not require that it should be a deterrent. What the Constitution only requires is that it should be reimposed against heinous crimes, on the basis of compelling reason.

REP. VILLARIN. Then, again, Mme. Speaker, distinguished Sponsor, if it is not deterrence, so we are now reimposing the death penalty purely for vengeance alone, purely to get back at the alleged criminal or the suspect.

REP. CASTRO (F.H.). Vengeance, Mme. Speaker, has never been mentioned in any of the answers of the Sponsors, neither has the word “vengeance” been seen in the language of the Constitution or any law for that matter.

REP. VILLARIN. I am...

REP. CASTRO (F.H.). The death penalty is being sought to be reimposed because it is a plenary power given to the House of Representatives or Congress of the country as a whole because it is needed in order to administer justice—to deliver justice and to protect the norms of conduct that have been established in civilized societies like ours for the benefit of the majority.

REP. VILLARIN. Mme. Speaker, when we make a public policy, it is evidence-based, it is based on reason and scientific data. That is why I am questioning, I am beleaguered, as to why the Sponsors would always insist that it is not incumbent upon us, in passing this

reimposition of the death penalty, that we look at the hard data. I think this is very—for me, nakababahala ito, Mme. Speaker. In fact, what the distinguished Sponsor mentioned had also been said during the Committee hearings. In fact, the DOJ, particularly the Secretary of Justice, when asked for proof about the death penalty being a deterrent against crime, he stated, and I will quote, “I have no studies that the death penalty is a deterrent. But I would be deterred if I knew I would be killed.” I do not see any logic or reason in that argument, Mme. Speaker. Similarly, the Philippine National Police, when asked for a position paper, their representative said in the hearing, “There is no certainty that the death penalty will reduce or deter the commission of future crimes, especially on drugs.” So, if we look at it just as a deterrent, it will fail.

Again, Mme. Speaker, distinguished Sponsor, the issue we now are facing here is, we are now making a law whose objective is not really the deterrence on the commission of any future crime. We want to pass a law just because we want it, or just because it is being demanded of us to pass this law. I think we should look deeper. We should think about this, Mme. Speaker.

Now, I will proceed to the substance of the proposed House Bill No. 4727, Mme. Speaker. In the proposed Bill, it listed 21 offenses or crimes punishable by the death penalty ranging from treason, parricide, infanticide and other offenses in the Revised Penal Code, technically called index crimes, for which the punishment is *reclusion perpetua*. There are also special laws, technically called non-index crimes, on plunder, carnapping, and violations of the Dangerous Drugs Act. In all the mentioned cases, distinguished Sponsor, will the mandatory death penalty be imposed?

REP. CASTRO (F.H.). Mme. Speaker, distinguished colleague, I think, the Gentleman from AKBAYAN is asking the wrong question because, if he will go over the proposed Bill or the proposed legislation, it states there, “*reclusion perpetua* to death.” By the fact that the penalty of *reclusion perpetua* is included therein, this means to say that the penalty is not mandatory.

REP. VILLARIN. So, there are no offenses that are punishable by mandatory death penalty under the proposed measure, distinguished Sponsor?

REP. CASTRO (F.H.). Well, if the Gentleman from AKBAYAN has read the Bill, perhaps, he himself can answer his own question...

REP. VILLARIN. I am asking, Mme. Speaker.

REP. CASTRO (F.H.). ...because there is no mandatory death penalty.

REP. VILLARIN. I think I have to correct the distinguished Sponsor. In House Bill No. 4727, qualified bribery, which is Article 211-A in the Revised Penal Code, the penalty is mandatory death. In aggravated rape, qualified rape, Article 266-B, it states here in the Bill that the penalty is death, and so are the crimes punishable under the Dangerous Drugs Act. So there are offenses under this proposed Bill that are punishable by the mandatory death penalty.

Anyway, Mme. Speaker, distinguished Sponsor, the mandatory death penalty, for the information of this Body, is deemed as highly arbitrary and illegal. It has been decided in our international laws that the mandatory death penalty, being arbitrary and illegal, has no place in a modern and civilized society.

Now, let me direct the distinguished Sponsor to drug-related offenses. Is it the opinion now of this Body that all drug-related offenses should be imposed the mandatory death penalty?

REP. CASTRO (F.H.). It is not an opinion. Opinion is only good for purposes of discussion; opinion is only good for purposes of interpellation. Rather, it is the intention of the proponents or the Sponsors of the Bill to do away with the mandatory death penalty and instead, to give our courts the option between death and *reclusion perpetua*. With that intention or with that direction being adopted by the proponents of the proposed legislation, then, this Representation would say that the mandatory penalty of death is no longer being eyed by the proponents or Sponsors of this proposed legislation.

REP. VILLARIN. Well, distinguished Sponsor, Mme. Speaker, I am happy to note—not death—about that new development because it is not in this Bill. But again, this Representation, Mme. Speaker, distinguished Sponsor, will still argue that in this proposed legislation, any death penalty is wrong. It has been proven, especially in drug-related cases, that these are complex crimes, if I may say, Mme. Speaker.

REP. CASTRO (F.H.). I will never deprive the distinguished Gentleman from AKBAYAN of his opinion that the death penalty is wrong in the same way that I hope the distinguished Gentleman from AKBAYAN will not deprive us—the proponents and Sponsors of the proposed legislation—in invoking the provision of the Constitution in trying to seek the support of the Members of the House to reimpose the death penalty.

REP. VILLARIN. Well, again, focusing on drug-related offenses, Mme. Speaker, distinguished Sponsor, in major studies, global studies, the death penalty for drug offenders, it is said, takes on a risk-reward equation. Economic theory suggests that the market dynamics and the parameters will be sensitive to

executions, imprisonment and other forms of punishment. In simple words, distinguished Sponsor, drug traffickers would exact higher prices for drugs due to the high risk and scarcity of drug because of the threat of severe punishment. Likewise, the production, importation and distribution of drugs will be lower in areas where such threats of arrest and punishment are high. That is the assumption, Mme. Speaker, distinguished Sponsor. Likewise, if executions for drug crimes are a deterrent, the availability of drugs will decline over time as executions for drug crimes increase. Without the death penalty, it is said that drugs would flood the market and prices will go down, based on simple economic theory on scarcity.

Now, does the distinguished Sponsor have hard data to back that up, that imposing the death penalty on drug-related offenses committed, for these criminal elements in our society, we could say, would again deter crime? Would that reduce the supply of drugs?

REP. CASTRO (F.H.). Again, Mme. Speaker, at the expense of being repetitious, let me say that deterrence or the word “deterrence” was never mentioned in the language of the Constitution. What the Sponsors and proponents of the proposed legislation are banking on was that the State could not be left defenseless against crimes sourced from or as a result of drug trafficking in this country. The State should not be left defenseless against the upsurge of drug trafficking in this country as well as the propensity of all drug traffickers to destroy our society.

REP. VILLARIN. Mme. Speaker, distinguished Sponsor, I, too, am also against illicit drugs—the trading, sale, manufacture and the distribution of drugs. But, again, what is in my mind and in my heart is still this question—how many drug offenders or criminals, as we say, would we execute so that we could erase the drug menace permanently in our society? Can we have that sureness, that by eliminating all drug offenders who have been convicted, punished by the court, and imprisoned, this would deter the commission of future crimes, or drug-related crimes? I think, again, data will show that it did not.

The World Drug Report 2012 – United Nations Office on Drugs and Crime showed that in regions where drug executions are most frequent, the availability, meaning, that measured by the number of drug seizures, has either remained stable or was increased compared to the previous reporting period. Prices of drugs in countries like China, Malaysia, Thailand and Vietnam have either remained stable or have increased even as executions are carried out. Again, the report showed that drug prices appear to be disconnected from punishment risks, including the death penalty. Moreover, imprisoned or executed traffickers are often quickly replaced in the drug market, where such is

deeply integrated at a macro level in both national and regional economies. So, this United Nations report, Mme. Speaker, spoke about the futility of capital punishment as a response to the drug problem, and even quoted leaders of various nations who are in the ambit of the illicit drug trade. May I quote President Enrique Peña Nieto, the President of Mexico:

We understand, as few others can, the limitations and painful implications of the eminently prohibitionist paradigm. The war against drugs that started in the '70's has not inhibited the production, traffic or consumption of drugs in the world.... We must move beyond prohibition to effective prevention.

That was delivered in a speech before the United Nations General Assembly Special Session on Drug Policy last April 19, 2016.

In Thailand, just near our border, Thailand launched an equally popular war on drugs in 2003 that killed about 2,800 people in three months, but their figures showed that it had no lasting impact on the meth supply or demand in Thailand. According to the Justice Minister of Thailand, Paiboon Koomchaya, last July 2016, he said "The world has lost the war on drugs, not only Thailand." Even its constitutional court has stated:

The justice system, including the imposition of the death penalty, is not reducing the number of criminals; instead, it is producing new traffickers and new sellers. While drug pushers are locked away, they are easily replaced by others on the streets, and those behind bars become even more efficient criminals with wider connections. What we created became more harmful and more dangerous to our people than the drug itself.

Thus, it is the humble opinion of this Representation, Mme. Speaker, that when we talk about addressing the drug menace, let us look beyond addressing the drug menace not just as a law enforcement issue. More importantly, let us treat our drug offenders as human addicts who also have a place in society and that they can rehabilitate themselves, Mme. Speaker, distinguished Sponsor.

Now, again, let me direct the distinguished Sponsor to his sponsorship speech in which he enumerated 26 so-called "heinous crimes." In the 26 cases mentioned, the perpetrators have only been arrested in 17 of the 26 cases, and there had been a conviction of one of the two cases. This may be slightly unfair to the distinguished Sponsor because many of the cases he cited were since January of this year. So I would not bother to discuss each of the 26 cases. Again, based on

my rudimentary sampling of the 26 cases enumerated by the distinguished Sponsor, I would like to point out one case which resulted in the conviction of a certain Rolando Talban, a poor man convicted of carnapping with murder. He maintained his innocence but was convicted largely on eyewitness testimony. He was arrested in 2011 and was convicted in 2015.

Second, our law requires conviction beyond reasonable doubt, but, again, this can be easily manufactured and manipulated. Crimes are committed to hide the intention and identity of the perpetrators. In our country, the courts rely heavily on eyewitness testimony rather than on forensic evidence. Psychologists tell us that the stress from crime scenes and the witnesses' pressure make eyewitness testimony not so reliable. That is why, even in the US when DNA testing was introduced, 70 percent of exonerated inmates originally convicted were based on eyewitness testimony.

Again, I would also like to highlight the infamous and sordid case of the Ampatuan massacre. This case has dragged on for years and years, Mme. Speaker, distinguished Sponsor, and because the involved and the accused are rich, they can hire the services of lawyers including, of course, our Presidential Legal Counsel Salvador Panelo. In the other cases mentioned, there were policy issues that should be looked into but, again, I would not divert away from other policy issues that should also be looked into under our criminal justice system.

Now, distinguished Sponsor, I would like to talk about the death penalty's disproportionate impact on the poor. It was the opinion of the Committee Chair and distinguished Sponsor, Representative Umali, during the sponsorship and interpellation, that it is impossible that an innocent person be put to death.

Now, does the distinguished Sponsor know of any perpetrators who were wrongfully convicted?

REP. CASTRO (F.H.). Mme. Speaker, distinguished colleague, before I answer the question of my dear colleague, this Representation would just like to say that he cannot comment on the interpellator's recital about Mexico because this Representation is not interested in something or anything about Mexico. Neither will this Representation comment on the matter he mentioned about Thailand because it is not the concern of this Representation to dwell on matters affecting Thailand. Neither will this Representation comment on the other countries that he mentioned because the problem being discussed in this House is not the problem of other countries, but rather the problem of the Republic of the Philippines. Therefore, any opinion which may have been expressed by my distinguished colleague from the Party-List AKBAYAN does not merit any response from this Representation, as I believe that they are immaterial to our discussion, most especially if they involve opinions or assumptions for that matter.

REP. VILLARIN. I beg to disagree, distinguished Sponsor, Mme. Speaker, because we live in a community of nations and it is important that we also learn from the mistakes of our neighbors so that we would not commit our own mistakes in the future. Again, I would like to direct the distinguished Sponsor to my earlier question: does the Gentleman know of any perpetrator or perpetrators who were wrongfully convicted by Philippine courts?

REP. CASTRO (F.H.). Mme. Speaker, distinguished colleague, this Representation is a Member of the House of Representatives, he has never been a member of the Judiciary, for which reason he could not be privy to any trial being done in the courts of justice of the Republic of the Philippines that would make him competent to discuss whether he is knowledgeable of any person who had been convicted wrongfully by the courts. What he can only say is that, on the basis of the decisions rendered by the lower courts which were reversed by the Supreme Court, perhaps, he could say that some decisions of the lower courts were erroneous, and the conviction of an accused in the lower court was wrong because such decision was reversed by the Supreme Court on appeal.

REP. VILLARIN. Thank you for that information, distinguished Sponsor, that there were indeed cases where an erroneous or wrongful conviction was reversed by our Supreme Court; and that what was stated before in a 2004 study and also articulated in the *People vs. Mateo* case that indeed in 71.7 percent of death penalty cases elevated for review to the Supreme Court, the decisions were reversed by the High Court. Distinguished Sponsor, because as legislators, we need to do our homework, to do research, I found out about this very interesting case of Marlon Parazo.

Marlon Parazo, a deaf mute and mentally retarded person, was meted the death sentence in 1995 for rape and attempted homicide. The court that tried his case never bothered to ensure that he understood the proceedings against him. His multiple disabilities, notwithstanding, were never mentioned in court, not even by his court-appointed lawyer. His sentence was affirmed by the Supreme Court in 1997. Again, his sentence of the death penalty was affirmed by the Supreme Court in 1997, but in taking up his case, the Free Legal Assistance Group was able to have the High Court reverse itself in 1999. Without the intervention of the FLAG, Marlon certainly would have been killed. Again, the question is: how many more like him would be wrongfully executed not because they committed crimes, but because they cannot afford access to a good lawyer?

Again, the death penalty affects the poor, and poverty is equivalent also to poor lawyering. Now I will direct the distinguished Sponsor to the economic impact of the death penalty. Before doing that, again, it was

mentioned in my prefatory statement, Mme. Speaker, distinguished Sponsor, where I said that the general trend in the global community is towards abolition, and according to the UN Office of the High Commissioner on Human Rights, the death penalty had been abolished by law or *de facto* in 141 states.

Likewise, executions took place in just 25 countries in the year 2015, down by more than a third, from 42 countries that carried on executions in 1995. Europe has only two countries, Belarus and Kazakhstan, that authorize capital punishment. The Vatican State abolished the death penalty in 1967. In the United States, the last bastion of capital punishment in the West, executions were carried out in only six states in 2015, and fewer death sentences had been imposed as compared in the past.

In our own ASEAN region, Mme. Speaker, distinguished Sponsor, let me point out that the ASEAN states are split on the employment of the death penalty, but the going trend is that many are now looking at the abolition of the death penalty. Indonesia, which has more than 300 nationals on death row in other countries, voted to abstain on the use of the death penalty last December 2016. Indonesians—one of our countrymen, Mary Jane Veloso, is now imprisoned in Indonesia and thankfully, she has not been executed—seek mercy and compassion for their nationals and oftentimes in Indonesia, these lead to intense emotional outbursts.

For the Philippines, our own country, Mme. Speaker, distinguished Sponsor, we have around 82 OFWs on death row in other countries and now, we are planning to reimpose the death penalty. Can we again go through this emotion-laden, emotion-intense argument that we need to save our OFWs from the death sentence in other countries while we, in our own country, will be reimposing the death penalty?

Again, we could say that it is beyond the powers of Congress or the Congress' plenary powers to look into these matters as these belong to the Executive, but we are making laws, we are making legislation, and public policy would involve Congress looking into the implications of policies that will be made in this Chamber.

Again, the issue of our reimposition of the death penalty would violate our international treaty obligations. It had been discussed in previous interpellations, Mme. Speaker, distinguished Sponsor, so I would not delve on that. Again, we can see that violating international agreements would really have an effect on our country. For that, I would just cite, Mme. Speaker, distinguished Sponsor, that now, the Philippines enjoys a privileged status with the European Union under the Generalized System of Preferences Plus (GSP+), and one of the prerequisites of entering into such trade agreement is the abolition of the death penalty. On our current GSP+ status—meaning, the Philippines has tariff resales to the

EU for over 6,200 kind of products and these products include fruit, coconut oil, footwear, fish, textiles, and these translate into tens of millions of euros annually saved in customs duties—mainly, the beneficiaries of our GSP trading status with the European Union are Mindanaoans, our very own tuna industry, and in fact, if we lose this GSP+ trade status, given these data, our own data, we will lose up to 200,000 jobs in agriculture and manufacturing, especially in Mindanao. Again, the question is: what is in return?

We impose the death penalty and we lose millions. In fact, based on our Philippine export sales to the European Union, in 2015 when the Philippines had a full year of GSP+ status, exports jumped 6.8 percent, to \$7.17 billion. The European Union is the Philippines' fourth largest trading partner and fourth largest export market, accounting for 11.56 percent of total Philippine exports. So, in effect, if we will reimpose the death penalty now and will violate the Second Optional Protocol and it will affect our GSP + international trading status, we will lose roughly around \$12.8 billion in bilateral trade. Anong kapalit? Wala—patayan, execution. Again, the death penalty goes beyond. We could again say that Congress leaves it to the Executive to look for other sources or means of trade, or we could have other trading partners. We could go to China pero ang China, binabarat naman tayo. So again, this Death Penalty Bill has implications that go beyond what is the intention.

Let me wind up my interpellation, Mme. Speaker, distinguished Sponsor, and I would again go back to what the Gentleman said that deterrence is not one of the objectives of this proposed measure. The Explanatory Note of House Bill No. 1 was used as the basis of the Committee Bill, House Bill No. 4727, and I quote:

Our criminal justice system has had to make do with penal laws that are perceived to be less than dissuasive. There is evidently a need to reinvigorate the war against criminality by reviving a proven deterrent coupled by its consistent, persistent, and determined implementation.

As I had said, in the proposed measure, it has been mentioned, even in our Committee hearings, that deterrence simply is one of the objectives of this Bill. Again, we need to remind this august Body that we do not make laws only just for the sake that this is needed and demanded of us due to political expediency.

Thank you, Mme. Speaker. Thank you, distinguished Sponsor, for your time.

REP. CASTRO (F.H.). Mme. Speaker, in reaction to the discourse of the Gentleman from AKBAYAN, this Representation is lost and confused because the Gentleman from AKBAYAN has discoursed volumes of recycled issues and matters that have already been discussed by previous Sponsors and interpellators, but he has not posed any question.

In any event, Mme. Speaker, distinguished colleague, by way of reaction to the discourse of the Gentleman from AKBAYAN, let me invoke the previous answers of the previous Sponsors to the same questions and the same issues raised by other interpellators prior to the distinguished Gentleman from AKBAYAN.

Mme. Speaker, I thank the distinguished Gentleman from AKBAYAN and it will always be a pleasure to be interpellated by someone like him.

Thank you, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Thank you, Congressman Villarín.

REP. ATIENZA. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). The Hon. Jose "Lito" L. Atienza Jr. is recognized.

ADJOURNMENT OF SESSION

REP. ATIENZA. At this point, we would like to move to adjourn the session because we do not see enough Members interested in the topic. I move to adjourn, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). The Majority Leader is recognized.

REP. FARIÑAS. Mme. Speaker, I would normally object because we would want the people in the gallery to be afforded the opportunity to listen to the arguments, but in deference to the Sr. Dep. Minority Leader, I join his motion that we adjourn until tomorrow, Wednesday, February 22, 2017, at four o'clock in the afternoon.

THE DEPUTY SPEAKER (Rep. Garin, S.). The session is adjourned until tomorrow, February 22, 2017, at four o'clock in the afternoon.

It was 6:15 p.m.