



Congressional Record

PLENARY PROCEEDINGS OF THE 18th CONGRESS, FIRST REGULAR SESSION
House of Representatives

Vol. 3

Monday, December 4, 2019

No. 32b

RESUMPTION OF SESSION

At 3:00 p.m., the session was resumed with Deputy Speaker Johnny Ty Pimentel presiding.

THE DEPUTY SPEAKER (Rep. Pimentel). The session is resumed.

The Majority Leader is recognized.

REP. MACAPAGAL ARROYO. Mr. Speaker, I move that we now proceed to the Additional Reference of Business and request that the Secretary General be directed to read the same.

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

The Secretary General is hereby directed to read the Additional Reference of Business.

ADDITIONAL REFERENCE OF BUSINESS

The Secretary General read the following House Resolutions on First Reading, Communications and Committee Reports, and the Deputy Speaker made the corresponding references:

RESOLUTIONS

House Joint Resolution No. 25, entitled:

“JOINT RESOLUTION MANDATING THE PROVISION OF GUIDELINES ON THE ERADICATION AND PREVENTION OF OUTBREAK OF AFRICAN SWINE FEVER AND OTHER POTENTIAL TRANSBOUNDARY ANIMAL DISEASES IN THE COUNTRY”

By Representative Yap (Victor)

TO THE COMMITTEE ON AGRICULTURE AND FOOD

COMMUNICATIONS

Letter dated 6 November 2019 of Governor Humerlito

A. Dolor, MPA, PhD, Vice President for Luzon South League of Provinces of the Philippines, Office of the Governor, Province of Oriental Mindoro, submitting their Quarterly Physical and Financial Report of Operations for the Quarter Ending September 30, 2019 on the Local Government Support Fund – Conditional Matching Grant to Provinces (CMGP) for Road Repair, Rehabilitation and Improvement.

TO THE COMMITTEE ON APPROPRIATIONS

Letter dated November 18, 2019 of Caesar R. Dulay, Commissioner, Bureau of Internal Revenue, Department of Finance, submitting the Bureau’s Consolidated Monthly Report of Disbursement (FAR 4) for the month of October 2019.

TO THE COMMITTEE ON APPROPRIATIONS

Letters dated 25 and 26 November 2019 of Janice G. Ayson-Zales, Deputy Director, Office of the General Counsel and Legal Services, Bangko Sentral ng Pilipinas (BSP), furnishing the House of Representatives with duly certified and authenticated BSP issuances, to wit:

1. Memorandum No. M-2019-027 dated 15 November 2019; and
2. Circular Letter No. CL-2019-084 dated 21 November 2019.

TO THE COMMITTEE ON BANKS AND FINANCIAL INTERMEDIARIES

A Legacy of Discipline and Reform Tour of Duty Report for April 19, 2019 to October 14, 2019 of Police General Oscar David Albayalde, Chief, Philippine National Police.

TO THE COMMITTEE ON PUBLIC ORDER AND SAFETY

COMMITTEE REPORTS

Report of the Committee on Local Government

(Committee Report No. 114), re H.B. No. 5682, entitled:

“AN ACT DECLARING JUNE 21 OF EVERY YEAR A SPECIAL NON-WORKING HOLIDAY IN TAGAYTAY CITY, PROVINCE OF CAVITE IN COMMEMORATION OF ITS FOUNDATION DAY TO BE KNOWN AS ‘CHARTER DAY OF TAGAYTAY CITY’ OR ‘ARAW NG LUNGSOD NG TAGAYTAY’, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10775”

recommending its approval in substitution of House Bill No. 3105

Sponsors: Representatives Villanueva (Noel) and Tolentino

TO THE COMMITTEE ON RULES

Report of the Committee on Justice (Committee Report No. 115), re H.B. No. 4553, entitled:

“AN ACT FURTHER AMENDING ARTICLE 70 OF ACT NO. 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AS AMENDED”

recommending its approval without amendment

Sponsors: Representatives Veloso, Gatchalian, Aguinaldo, Nieto and Garbin

TO THE COMMITTEE ON RULES

Report of the Committee on Natural Resources (Committee Report No. 116), re H.B. No. 1230, entitled:

“AN ACT DECLARING THE PROVINCE OF BILIRAN A MINING-FREE ZONE AND PROVIDING PENALTIES THEREFOR”

recommending its approval without amendment

Sponsors: Representatives Barzaga and Espina

TO THE COMMITTEE ON RULES

Report of the Special Committee on Sustainable Development Goals (Committee Report No. 117), re H.R. No. 565, entitled:

“RESOLUTION ADOPTING THE SUSTAINABLE DEVELOPMENT GOALS (SDGs) AS THE FRAMEWORK OF LEGISLATIVE MEASURES TO BE CRAFTED AND ENACTED IN THE EIGHTEENTH CONGRESS”

recommending its approval in substitution of House Resolution No. 398

Sponsors: Representatives Villaraza-Suarez, Nograles (Juan), Elago and Atiienza

TO THE COMMITTEE ON RULES

Report of the Committee on Labor and Employment (Committee Report No. 118), re H.R. No. 66, entitled:

“RESOLUTION COMMENDING ACT TEACHERS PARTY-LIST REPRESENTATIVE FRANCE L. CASTRO FOR BEING AWARDED THE 2019 ARTHUR SVENSSON INTERNATIONAL PRICE FOR TRADE UNION RIGHTS”

recommending its adoption without amendment

Sponsors: Representatives Pineda and Zarate

TO THE COMMITTEE ON RULES

Report of the Committee on Local Government (Committee Report No. 119), re H.B. No. 5692, entitled:

“AN ACT DECLARING JUNE 15 OF EVERY YEAR A SPECIAL NON-WORKING HOLIDAY IN THE PROVINCE OF PAMPANGA TO BE KNOWN AS THE ‘MT. PINATUBO MEMORIAL DAY’”

recommending its approval in substitution of House Bill No. 830

Sponsors: Representatives Villanueva (Noel) and Gonzales (Aurelio)

TO THE COMMITTEE ON RULES

Report of the Committee on Higher and Technical Education and the Committee on Appropriations (Committee Report No. 120), re H.B. No. 5697, entitled:

“AN ACT APPROPRIATING FUNDS FOR THE ESTABLISHMENT OF THE BICOL UNIVERSITY (BU) – EAST CAMPUS PHYSICAL DEVELOPMENT PLAN AND THE CONSTRUCTION OF THE SCHOOL FACILITIES INSIDE THE BU-EAST CAMPUS”

recommending its approval in substitution of House Bill No. 1529

Sponsors: Representatives Go (Mark), Ungab and Salceda

TO THE COMMITTEE ON RULES

Report of the Committee on Higher and Technical Education (Committee Report No. 121), re H.B. No. 5698, entitled:

“AN ACT RENAMING THE MARIANO MARCOS STATE UNIVERSITY (MMSU) IN THE CITY OF BATAC, ILOCOS NORTE AS THE FERDINAND E. MARCOS STATE UNIVERSITY (FEMSU), AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1279, ENTITLED ‘MERGING THE MARIANO MARCOS MEMORIAL COLLEGE OF SCIENCE AND TECHNOLOGY AND NORTHERN LUZON STATE COLLEGE INTO A STATE UNIVERSITY TO BE KNOWN AS THE

MMSU, TRANSFERRING THE COLLEGE LEVEL COURSES OF ILOCOS NORTE AGRICULTURAL COLLEGE AND ILOCOS NORTE COLLEGE OF ARTS AND TRADES INTO SAID UNIVERSITY, PROVIDING A CHARTER FOR THE PURPOSE, AND APPROPRIATING FUNDS THEREFOR' ”

recommending its approval in substitution of House Bill No. 4415

Sponsors: Representatives Go (Mark) and Barba
TO THE COMMITTEE ON RULES

Report of the Committee on People's Participation (Committee Report No. 122), re H.R. No. 567, entitled:

“RESOLUTION CONGRATULATING THE PHILIPPINE NATIONAL VOLUNTEER SERVICE COORDINATING AGENCY (PNVSCA) ON ITS 55TH ANNIVERSARY AND COMMENDING ITS INVALUABLE CONTRIBUTION TO NATIONAL DEVELOPMENT AND INTERNATIONAL UNDERSTANDING”

recommending its adoption in substitution of House Resolution No. 273

Sponsors: Representatives Robes and Bañas-Nogales

TO THE COMMITTEE ON RULES

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

REP. ARROYO. Mr. Speaker, I move that we recognize Hon. Jose L. Atienza Jr. of Party-List BUHAY for his question of personal and collective privilege.

THE DEPUTY SPEAKER (Rep. Pimentel). Hon. Lito Atienza is hereby recognized.

REP. ATIENZA. Thank you, Mr. Speaker. Salamat po, Mr. Majority Leader.

I rise on a question of personal and collective concern, and I would like to state, very loud and clear, the message that I would like to deliver.

THE DEPUTY SPEAKER (Rep. Pimentel). Honorable Atienza, what is the nature of your personal and collective privilege?

REP. ATIENZA. This is regarding the statement of the President last night, his very strong words on the problem of water being distributed by the concessionaires.

THE DEPUTY SPEAKER (Rep. Pimentel). The Gentleman will please proceed.

QUESTION OF PRIVILEGE OF REP. ATIENZA

REP. ATIENZA. Thank you, Mr. Speaker.

Napakahalaga po ng sinabi ng ating Pangulo na kanyang hayagang hinarap ang problema sa tubig at sinabi niya na iyong dalawang water concessionaires ay dapat lang matakot sa taong-bayan. Hinayaan niyang ilabas niya ang kaniyang sama ng loob sa ginagawa ng dalawang dambuhalang ito as they were able to get a ruling from Singapore declaring that the Philippines is in default and should pay them billions of pesos, P7.4 billion to be exact. Mr. Speaker, this now affects the whole nation, not only us in Metro Manila, which is being provided water by this exclusive monopoly. Ngayon, lahat ng mga Pilipino, kung kayo man ay galing sa Luzon, Visayas o Mindanao, magbabayad tayo dahil dito sa desisyon na nagkulang daw ang ating pamahalaan sapagkat sila raw ay nalulugi dahil hindi sila makapagpataas ng presyo. Ang sagot ng Pangulo ay simple lang, "Kayo ay nalulugi, negosyo ninyo iyan, problema ninyo iyan. Bakit ko pagbabayaran ang bawat mamamayan sa inyong pagkukulang?"

Mr. Speaker, I would like to stress what the President has already uncovered—he said that these two concessionaires have not delivered their part of the concessions. They committed their wastewater treating facility from 1997, on day one of their contract with the government and in that same action, they were able to collect from consumers money representing 20 percent of our water bill as an add-on which they called “sewage service.” Then, realizing that it was becoming publicly known as a scandalous shortcoming and a violation of the contract, they changed it to “environmental fee” but in effect, it is still the same 20 percent add-on to our water bill. Kumolekta sila ng kumolekta ng daang-daang bilyong piso mula sa mga mamamayan na hindi naman nila ginawa iyong bahagi ng kanilang concession. They have never even started putting up an effective waste-treating facility so that the water coming from our households, like waste water coming from our poso negro, should be treated accordingly in a central treatment facility before it will flow back to Laguna de Bay, Pasig River and Manila Bay.

Mr. Speaker, our water bodies have already been decaying practically to a point of no return. Manila Bay is now poisonous. Laguna de Bay is suffering from the same decay and pollution because waste water from our poso negro goes straight to these water bodies and not to a treatment plant which was supposed to have been built since 1997.

Noong kami po ay pinalad na mahirang sa Department of Environment and Natural Resources, isa ito sa mga nakita kong hayagang paglabag sa batas ng ating bansa. Immediately we went into action and we filed a case against them. We penalized them P100,000

a day for non-compliance. They questioned it in court, they lost. They elevated it to the Court of Appeals, they lost. They elevated it to the Supreme Court in August this year and the Supreme Court finally decided, a unanimous decision, that they are supposed to pay a billion pesos each. Para makabalik sila sa ating lahat, nagdemanda sila sa Singapore. Bakit hindi dito sa Pilipinas sila magdemanda?

They filed a case in Singapore and of course, they won their case because they chose the venue. Pinagbabayad ngayon ang gobyerno ng pitong bilyong piso. Diyan, ang tingin ko po, ang nakagalit sa ating Pangulo and therefore, we stand today in support of the President. Ako man ay nagkulang sa umpisa, na hindi ko na pinaniniwalaan ang lahat ng sinasabi ng Pangulo. Sa araw na ito ay nakayuko po ang inyong lingkod, sumasaludo ng dalawang kamay kay Pang. Rodrigo Duterte sa kaniyang katapatan sa ating bandila at katapatan sa ating mga mamamayan.

Hindi niya hinayaang magtagumpay ang hayok na pandarabong nitong dalawang concessionaires na ito and we ought to support the President here. We must require these two water concessionaires to produce all the records because they claimed that they were losing money and they were not able to collect enough to sustain their operations.

Iyon ang kanilang ginamit sa Singapore. I have here the records of the Philippine Stock Exchange that they have been making hundreds of billions of pesos at the expense of all of us Filipinos. They have just proven this themselves again, creating a storyline that would justify their collecting P7 billion, again, from the government. Every year they declare a net income in billions of pesos. Every year they issue stock dividends in billions of pesos. Saan po nila kinuha iyong argumento na sila ay natatalo at sila ay nalulugi? More than that, as what I had mentioned, they have not delivered the other half of their commitment to produce a wastewater treatment plant so that our water will become clean once again.

At this point in time, Mr. Speaker, I was almost losing hope. Para bagang nananawagan tayo sa pader sapagkat wala pong nangyayari dito sa Kongreso anumang panawagan ang ating gawin. Ngayong nagsalita na ang ating Pangulo, at ang sisingilin ngayon ay hindi lamang kami, kung hindi lahat tayo. Kahit saan man tayo nanggagaling, magbabayad tayo kung papayagan ng Pangulong manaig ang desisyon ng Singapore and so we have to stand up as one.

At this point in time, I challenge the Speaker of the House to take action on this matter. You lead, we will follow. We cannot stay quiet. We have to act on this concession agreement. Ito ba ay destructive or constructive? Ito po ba ay serbisyo o perwisyo? Ito po ba ay nakakatulong o ginagawa tayong lahat na parang mga timawa at pulubi? Kaya minamahal kong mga kasamahan, I am respectfully requesting you, honorable

Members of Congress, let us get the Speaker to act on this and we must move as one, as Representatives of the people and duly elected Members of our electorate. We sit here because the people sent us here. It behooves us now that we are challenged, as this is imposed on us, to act accordingly on these contracts signed in 1997, and at this point in time, which have prove to be nothing but money-making schemes to get the hard-earned money from our pockets. Panahon na upang ang mga kontratang ito ay ma-abrogate kung kinakailangan. Noong ang tubig ay nasa kamay ng gobyerno, naiinom natin ang tubig na galing sa poso, naiinom natin ang tubig na galing diretso sa gripo. Magmula ng hinawakan nila ang distribution ng tubig, naging marumi na ang uri ng ating iniinom kaya tayo ay umiinom na lang ng mineral water.

This is the time, Mr. Speaker, that the Congress of the Philippines should really take note of its duties and sworn responsibilities. Ipagtanggol natin ang ating bansa, ipagtanggol natin ang ating mga mamamayan sa pang-aapi as this is nothing but a money-making venture. We also urge the Members of Congress to take a serious look at the privatization of utilities whenever this is brought before us. Utilities should never be privatized anymore. One of the impositions that the foreign powers we embraced is to make the Filipinos impoverished forever. Kailangan ang tubig at kuryente ay galing sa pamahalaan as a public service and not as a profit-motivated venture. This is the time where the Filipinos can liberate themselves from the chains that were put on us. Itinali tayo at hindi tayo pinagbigyan na makabangon kailanman. Ito na ang pagkakataon, not the next administration but this administration, because we have a leader who is decisive and who has the courage. Mayroon po siyang angkin na tunay na pagkalalaki at iyan ang ating hinahangaan.

Again, I will repeat what I said—Speaker Cayetano, you are now on the spot. You show your mettle as a leader. We, Members of Congress, will act as one to support you and the President.

Maraming, maraming salamat po. Ang kinabukasan ng ating bansa ay nakasalalay dito sa ating usaping ito. Thank you for giving us the opportunity to express the sentiments of each and every citizen, and this is an opportunity for us to wake up to reality. Wala pong tutulong sa atin kung hindi tayo mismo. Salamat po.

Patnubayan tayo ng Panginoon na nagbibigay sa ating lahat ng pagkakataong ito.

Mabuhay ang Pilipinas!

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

SUSPENSION OF SESSION

REP. MACAPAGAL ARROYO. Mr. Speaker, we note the manifestation of Honorable Atienza.

Mr. Speaker, before we move to the Unfinished Business, I move that we suspend the session for a while to allow the Committee to organize before we begin consideration of the same.

I so move, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Pimentel). The session is suspended.

It was 3:19 p.m.

RESUMPTION OF SESSION

At 3:25 p.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Pimentel). The session is resumed.

The Majority Leader is recognized.

REP. MACAPAGAL ARROYO. Mr. Speaker, I move that we refer the speech of Honorable Atienza to the Committee on Rules for its appropriate action.

I so move, Mr. Speaker.

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

The privilege speech of Hon. Lito Atienza is hereby referred to the Committee on Rules.

The Majority Leader is recognized.

CONSIDERATION OF H.B. NO. 5509 ON SECOND READING

REP. MACAPAGAL ARROYO. Mr. Speaker, I move that we consider House Bill No. 5509, contained in Committee Report No. 82, as reported out by the Committee on Government Enterprises and Privatization.

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

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

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

With the permission of the Body, and since copies of the measure have been previously distributed, the Secretary General read only the title thereof without prejudice to inserting its text in the Congressional Record.

THE SECRETARY GENERAL. House Bill No. 5509, entitled: AN ACT LOWERING THE OPTIONAL

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

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

PERIOD OF SPONSORSHIP AND DEBATE

REP. MACAPAGAL ARROYO. Mr. Speaker, I move that we open the period of sponsorship and debate.

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

REP. MACAPAGAL ARROYO. Mr. Speaker, I move that we recognize Hon. France L. Castro to deliver her sponsorship speech on the said measure.

I so move, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Pimentel). Hon. France Castro is recognized.

SPONSORSHIP SPEECH OF REP. CASTRO (F.L.)

REP. CASTRO (F.L.). Thank you, Mr. Speaker.

Mr. Speaker, this afternoon, the Committee on Government Enterprises and Privatization is happy to submit, for your consideration, a Bill that will amend the optional retirement age of government workers from 60 years old to 56 years old. The Bill is motivated by humanitarian and rational considerations. We in the Committee have agreed that workers in the government who have served, at the minimum, 15 years in government service and are already 56 years old, should be given the option to terminate their employment with entitlement to old-age pension for life.

In addition to the thousands of petitions urging for this measure since the last two Congresses until now, the authors are personally aware that many workers in the government are no longer able to work diligently, not because they have become incompetent or lazy, but because like many Filipinos, government workers included, they are already suffering from failing health due to work-related and other sources of stress which have also affected their emotional and mental states. Work-related stressors come in the form of failure to adapt to changing working conditions such as mechanization, computerization and additional workloads not directly related to their professions

* See MEASURES CONSIDERED (printed separately)

and training without any corresponding additional remunerations. Certain work environment conditions such as nepotism, unprofessionalism, favoritism and politics within the office involving promotions and assignment of stations are also major stressors for government workers.

Unfortunately, these sick and tired workers, with some even reporting to the office carrying oxygen tanks or filing extended unpaid leaves, would be unable to apply for retirement due to permanent disability because doctors could not find any physical manifestations or signs and symptoms for their conditions and thus, they are forced to hold on to their jobs because separation from government service before 60 years of age will mean the immediate loss of income.

On the GSIS position that the life of the GSIS retirement fund will be reduced by at least four years if this Bill is adopted, our deliberations found that the GSIS study assumes that 100 percent of the government workers who will reach 56 years old of age will actually retire. The GSIS conclusion is improbable because the fact is, and as admitted by the GSIS, the average age of retirement in the government service under the present 60 years in the optional retirement law is actually 62 years of age. We all know that government workers who reach 60 years of age who are physically fit and highly motivated due to favorable working conditions do not avail of the early retirement option. We see no reason, Mr. Speaker, why this trend would change if we allow the lowering of the optional retirement age to 56, especially that government pay is now comparable, if not better for some positions, to those in the private sector.

Additionally, contrary to the fear that the government service will suffer if we lower the retirement age, we agree to the argument posited by the authors that this measure is beneficial to the government service because if we allow our sick or tired senior workers to retire early, it will enable government offices to employ young, competent and qualified workers who will bring fresh ideas, are computer literate and trained to compete in the international labor market. Considering that the unemployment rate among our college graduates is currently quite high, this Bill will lure our young and brilliant graduates to serve the country in the prime instead of pushing them to bring their skills abroad by aspiring as OFWs.

Mr. Speaker and dear colleagues, we reiterate that we are positively responding to thousands of petitions from employees' groups all over the country, foremost of which are our public school teachers, and we urge this Congress to respond positively as well.

Thank you, Mr. Speaker.

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

REP. MACAPAGAL ARROYO. Mr. Speaker, there being no other Member who wishes to interpellate the Sponsor on or speak against the measure, I move that we terminate the period of sponsorship and debate.

I so move, Mr. Speaker.

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

The Majority Leader is recognized.

REP. MACAPAGAL ARROYO. Mr. Speaker, I move that we open the period of amendments.

I so move, Mr. Speaker.

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

REP. MACAPAGAL ARROYO. Mr. Speaker, there being no Committee amendments, I move that we now proceed to consider individual amendments.

I so move, Mr. Speaker.

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

REP. MACAPAGAL ARROYO. Mr. Speaker, there being no Member who wishes to introduce any individual amendments, I move that we close the period of amendments.

I so move, Mr. Speaker.

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

The Majority Leader is recognized.

REP. MACAPAGAL ARROYO. Mr. Speaker, I move that we vote on Second Reading on House Bill No. 5509, under Committee Report No. 82.

I so move, Mr. Speaker.

VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Pimentel). There is a motion for the approval of House Bill No. 5509 on Second Reading.

As many as are in favor, please say *Aye*.

SEVERAL MEMBERS. *Aye*.

THE DEPUTY SPEAKER (Rep. Pimentel). As many as are against, please say *Nay*. (*Silence*)

APPROVAL OF H.B. NO. 5509
ON SECOND READING

THE DEPUTY SPEAKER (Rep. Pimentel). The ayes have it; the motion is approved.

House Bill No. 5509 is approved on Second Reading.

The Majority Leader is recognized.

ELECTION OF MEMBERS TO COMMITTEES

REP. PALMA. Mr. Speaker, may I move for the election of the following Members to various Committees:

Rep. Palma read the names of the House Members elected to the various Committees, per Journal No. 32, dated December 4, 2019.

COMMITTEE ON BANKS AND FINANCIAL
INTERMEDIARIES

As member:
Rep. Sabiniano S. Canama

COMMITTEE ON ENERGY

As members:
Rep. Sabiniano S. Canama
Rep. Sharon S. Garin

COMMITTEE ON AGRICULTURE AND FOOD

As members:
Rep. Sabiniano S. Canama
Rep. Sharon S. Garin

COMMITTEE ON GOVERNMENT
REORGANIZATION

As member:
Rep. Sabiniano S. Canama

COMMITTEE ON MICRO, SMALL AND
MEDIUM ENTERPRISE DEVELOPMENT

As member:
Rep. Enrico A. Pineda

COMMITTEE ON PUBLIC ACCOUNTS

As members:
Rep. Enrico A. Pineda
Rep. Jose Gay G. Padiernos

COMMITTEE ON TRADE AND INDUSTRY

As members:
Rep. Sabiniano S. Canama
Rep. Sharon S. Garin

COMMITTEE ON TRANSPORTATION

As member:
Rep. Sabiniano S. Canama

I so move, Mr. Speaker.

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

The Majority Leader is recognized.

SUSPENSION OF SESSION

REP. MACAPAGAL ARROYO. Mr. Speaker, I move to suspend the session.

I so move.

THE DEPUTY SPEAKER (Rep. Pimentel). The session is suspended.

It was 3:35 p.m.

RESUMPTION OF SESSION

At 3:41 p.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Pimentel). The session is resumed.

The Majority Leader is recognized.

REP. TADURAN. Mr. Speaker, I move that we acknowledge the presence of the guests of Hon. Argel Joseph T. Cabatbat of the MAGSASAKA Party-List. They are the Villarosa Farmers Association of the Municipality of Licab, Nueva Ecija headed by Mr. Benito C. Barayuga, Franco Bonilla, Valentino Gaspar, Nomer Javier, Eresae Labrador, Ramil Labrador, Marissa Pumaras, Danilo Ramos and Dominador Valdez.

THE DEPUTY SPEAKER (Rep. Pimentel). To the guests of Representative Cabatbat, please rise. Welcome to the House of Representatives. (*Applause*)

The Majority Leader is recognized.

CONSIDERATION OF H.B. NO. 78

Continuation

PERIOD OF SPONSORSHIP AND DEBATE

REP. MACAPAGAL ARROYO. Mr. Speaker,

I move that we consider House Bill No. 78 under Committee Report No. 5, and direct the Secretary General to read the title of the Bill.

I so move, Mr. Speaker.

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

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

THE SECRETARY GENERAL. House Bill No. 78, entitled: AN ACT PROVIDING FOR THE DEFINITION OF PUBLIC UTILITY, FURTHER AMENDING FOR THE PURPOSE COMMONWEALTH ACT NO. 146, OTHERWISE KNOWN AS THE “PUBLIC SERVICE ACT”, AS AMENDED.

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

REP. MACAPAGAL ARROYO. Mr. Speaker, the parliamentary status of the Bill is that we are in the period of sponsorship and debate. To continue with her sponsorship, may we recognize Hon. Sharon S. Garin.

I so move, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Pimentel). Hon. Sharon Garin is recognized.

REP. GARIN (S.). Thank you, Mr. Speaker.

REP. MACAPAGAL ARROYO. Mr. Speaker, to interpellate on the said measure, I move that we recognize Deputy Speaker Rodante D. Marcoleta.

THE DEPUTY SPEAKER (Rep. Pimentel). Hon. Dante Marcoleta is hereby recognized.

REP. MARCOLETA. Thank you, Mr. Speaker. Mr. Speaker, distinguished Sponsor, House Bill No. 78, among others, is an act providing for the definition of public utility. Is this correct?

REP. GARIN (S.). Yes, Mr. Speaker.

REP. MARCOLETA. In fact, during the interpellation of Representative Abante, as borne out by the TSN of the plenary session on November 5, 2019, the good Sponsor said this, and I quote, “The gist of this amendment is having a definition, setting the parameters on how to identify a certain industry as a public utility. So, we have incorporated that”—meaning, the definition of public utility in the Bill. This is correct?

REP. GARIN (S.). Yes, Mr. Speaker, it is an

assessment of all the decisions of the Supreme Court as well as the international resources that we have collected. It is by collating all these opinions that we have come up with the four categories to define what is a public utility, Mr. Speaker.

REP. MARCOLETA. In the same transcript, the good Sponsor also said that she only included three definite public utilities because she was sure that those three industries, namely, distribution and transmission of electricity, the pipeline distribution system of water and sewerage pipeline system will always qualify as public utilities because they are natural monopolies, among other factors. Do you also confirm having said this, Mme. Sponsor, Mr. Speaker?

REP. GARIN (S.). Yes, Mr. Speaker, it is a list of what we believe qualifies as public utilities, in consideration also of national security and interests. Electricity and water are essential to our communities and the country so we have provided three or four utilities that should qualify as public utilities. This does not, however, prevent Congress from any future amendment of the said proposal.

REP. MARCOLETA. Finally, Mr. Speaker, in the same transcript, the good Sponsor said that the proponents have tried to follow all the jurisprudence, as well as that of the Con-Com, including the discussions in the House, and all these, I quote, “were put in the amendment as the parameters or the criteria on how to identify an industry as a public utility.” Can you also confirm these statements attributed to you, Mme. Sponsor, Mr. Speaker?

REP. GARIN (S.). Mr. Speaker, the qualification of the three industries as public utilities in the amendment is based on the situation, on how it is now. They are considered as natural monopolies and they qualify under the four criteria that we have set forth. It does not prevent Congress from making any changes in the list but it is also based on ...

REP. MARCOLETA. Mme. Speaker, you said you tried to follow all the jurisprudence.

REP. GARIN (S.). Correct, Mr. Speaker, we followed them to come up with the definition, not the list. We followed the principles on qualifying an industry to become a public utility, Mr. Speaker.

REP. MARCOLETA. In claiming to have followed all the jurisprudence to establish the parameters or criteria in identifying a public utility, did the good Sponsor read the case of *JG Summit Holdings vs. Court of Appeals*?

REP. GARIN (S.). Yes, Mr. Speaker.

REP. MARCOLETA. In *JG Summit Holdings vs. Court of Appeals*, GR No. 124293, September 24, 2003, the Supreme Court defined public utility as a “business or service engaged in regularly supplying the public with some commodity or service of public consequence such as electricity, gas, water, transportation, telephone or telegraph service.”

Will you kindly note, Mr. Speaker, Mme. Sponsor, that in defining a public utility, the Supreme Court also provided situational examples, but the enumeration is not exclusive. Meaning to say, there could be more as long as the industry falls within the definition of public utility as “a business or service engaged in regularly supplying the public with some commodity or service of public consequence.” This is quite clear, Mme. Speaker.

REP. GARIN (S.). Yes, Mr. Speaker, that is one jurisprudence that we have taken into consideration and that is not the only jurisprudence that we took into consideration, but that is correct, Mr. Speaker.

REP. MARCOLETA. You may have noted too, Mr. Speaker, Mme. Sponsor, that in the above-mentioned jurisprudence, the Supreme Court already included transportation, telephone and telegraph service among the examples of public utility. This is correct, Mr. Speaker?

REP. GARIN (S.). Yes, Mr. Speaker.

REP. MARCOLETA. With your affirmative answers, Mme. Sponsor, Mr. Speaker, will it be safe to assume that contrary to your earlier claim, you failed to follow all the jurisprudence, particularly in the case of *JG Summit Holdings Inc.*?

REP. GARIN (S.). Yes, Mr. Speaker, I affirm that I have, that I am affirming the statements of the good interpellator. Also, we have taken into consideration various other jurisprudence as well as resources from international as well as Philippine resources which we have incorporated in the four criteria, not just the *JG Summit* decision, Mr. Speaker.

REP. MARCOLETA. In the same case, Mr. Speaker, Mme. Sponsor, the Supreme Court also enumerated the conditions in which a business or industry may be considered a public utility. First, “The facility must be necessary for the maintenance of life and occupation at the residence.”

Question: Is public transport or a telephone service company necessary for the maintenance of life and occupation of the residence?

REP. GARIN (S.). Yes, Mr. Speaker.

REP. MARCOLETA. Second, “As its name indicates, the term ‘public utility’ implies public use and service to the public.”

Question: Does public transport or telephone service imply public use and service to the public?

REP. GARIN (S.). Yes, Mr. Speaker.

REP. MARCOLETA. Third, “The principal determinative characteristic of a public utility is that of service to, or readiness to serve, an indefinite public or portion of the public as such which has a legal right to demand and receive its services and commodities.”

Question: Does a public transport or telephone service company possess the character of readiness to serve the public who, in turn, has the legal right to demand their services?

REP. GARIN (S.). Yes, Mr. Speaker. It depends on the authority or the franchise that they have received but yes, in general, all these companies are obliged to do so, Mr. Speaker.

REP. MARCOLETA. Mr. Speaker, with all the affirmative answers of the good Sponsor to each of the three conditionalities that will describe a public utility, will she now agree that public transport and telephone service are, and without doubt, public utilities?

REP. GARIN (S.). Mr. Speaker, there is a fourth qualification, that public service should be a natural monopoly. This is not met by telecommunications as well as transportation, Mr. Speaker, because with telecommunications, you have an option today, as how it is now, of going for a landline, a cellphone, or in fact, through the internet. You also have an option of different companies providing such services. With transportation, you have an option of going by land, by sea, or by air. Different companies are also offering different services, Mr. Speaker.

REP. MARCOLETA. As a matter of fact, Mr. Speaker, Mme. Sponsor, still part of your reply during the interpellation of Representative Abante was the allegation that you only included three definitive public utilities because you were sure that those three industries will always qualify as public utilities because they are natural monopolies, as you said.

REP. GARIN (S.). That is correct, Mr. Speaker.

REP. MARCOLETA. Let me repeat that—because they are natural monopolies.

Question: What is your legal basis that natural monopolies will always qualify as public utilities?

REP. GARIN (S.). On the basis that in the Constitutional Commission's deliberations, the Supreme Court decision, as well as international resources, public utility has always been defined as having natural monopoly as one of the elements, Mr. Speaker.

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

SUSPENSION OF CONSIDERATION OF H.B. NO. 78

REP. MACAPAGAL-ARROYO. Mr. Speaker, with the indulgence of the distinguished Sponsor and the honorable interpellator, I move that we temporarily suspend the consideration of House Bill No. 78, under Committee Report No. 5, to give way to the calling of the roll.

I so move, Mr. Speaker.

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

ROLL CALL

REP. MACAPAGAL ARROYO. Mr. Speaker, I move that we call the roll.

THE DEPUTY SPEAKER (Rep. Pimentel). 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 reflected in Journal No. 32, dated December 4, 2019.**

THE SECRETARY GENERAL. Mr. Speaker, the roll call shows that 185 Members responded to the call.

THE DEPUTY SPEAKER (Rep. Pimentel). With 185 Members responding to the call, the Chair hereby declares the presence of a quorum.

REP. ATIENZA. Mr. Speaker.

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

REP. ATIENZA. Mr. Speaker.

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

REP. MACAPAGAL ARROYO. Mr. Speaker, I move to recognize Hon. Jose L. Atienza Jr.

I so move, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Pimentel). Honorable Atienza is hereby recognized.

REP. ATIENZA. Mr. Speaker, sabi po ng Secretariat, mayroon tayong 185 Members present. Ang bilang po namin—I went around and counted one by one—there are only 85 on the floor. So, I do not know why we would like to add a hundred to more than what we see on who are participating in today's session. Ano po ba ang tunay na dahilan? Hindi po kami makapapayag na magdeklara ng 185 where there are only 85.

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

REP. MACAPAGAL ARROYO. Mr. Speaker, the Majority joins the distinguished Honorable Atienza in making sure that there is a quorum. If it is established, then we must have a quorum. That is why, Mr. Speaker, this Representation made sure that we are able to explain the number: 12 are in the CA, 3 are on official foreign travel and so, they are deemed present, 33 are on local official business, and 17 are in the North Luzon Growth Quadrangle Special Committee meeting, for a total of 65, Mr. Speaker. Though they are not here, they are counted as present.

Furthermore, Mr. Speaker, there are others who come and go, who went and are now gone, but they passed by during the roll call and then probably, they are now in the lounge or in their offices. So, Mr. Speaker, the Secretariat says that there is a 185, which is well above the required quorum number, Mr. Speaker.

REP. ATIENZA. Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Pimentel). Honorable Atienza is recognized.

REP. ATIENZA. Mr. Majority Leader, we would like to agree with you, we would like to help you on your extended addition of what we do not see on the floor. On the other hand, no matter how much we stretch our imagination, where you claimed to have 65 attending official business, we doubt that because we have sent people around and there are no more committee meetings going on. I would like to take that as your word, that 65 are still in the committee meeting but 65

plus 85 is 150, not 185. So, therefore, we will be short of the quorum. We will continue to question the quorum even with the manifestation of the Majority Leader that 65 are officially engaged at this point.

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

REP. MACAPAGAL ARROYO. Mr. Speaker, we note the clear manifestation and concern of Honorable Atienza, however, Mr. Speaker, I believe that there is a need to stand by the attendance in the roll call of the Secretary General, but if the Honorable Atienza will permit, we will suspend the session first so that we can explain to him in private the numbers and where they are.

I so move, Mr. Speaker, to suspend session for a while.

SUSPENSION OF SESSION

THE DEPUTY SPEAKER (Rep. Pimentel). The session is suspended.

It was 4:06 p.m.

RESUMPTION OF SESSION

At 4:10 p.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Pimentel). The session is resumed.

The Majority Leader is recognized.

CONSIDERATION OF H.B. NO. 78

Continuation

PERIOD OF SPONSORSHIP AND DEBATE

REP. MACAPAGAL ARROYO. Mr. Speaker, I move we consider House Bill No. 78, under Committee Report No. 5, and direct the Secretary General to read only the title of the Bill.

I so move, Mr. Speaker.

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

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

THE SECRETARY GENERAL. House Bill No. 78, entitled: AN ACT PROVIDING FOR THE DEFINITION OF PUBLIC UTILITY, FURTHER AMENDING FOR THE PURPOSE COMMONWEALTH ACT NO. 146, OTHERWISE KNOWN AS THE "PUBLIC SERVICE ACT", AS AMENDED.

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

SUSPENSION OF SESSION

REP. MACAPAGAL ARROYO. Mr. Speaker, I move that we suspend the session for a minute. I so move, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Pimentel). The session is suspended.

It was 4:10 p.m.

RESUMPTION OF SESSION

At 4:11 p.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Pimentel). The session is resumed.

REP. MACAPAGAL ARROYO. Mr. Speaker.

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

SUSPENSION OF CONSIDERATION OF H.B. NO. 78

REP. MACAPAGAL ARROYO. Mr. Speaker, I move that we suspend the consideration of House Bill No. 78, under Committee Report No. 5.

I so move, Mr. Speaker.

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

ELECTION OF MEMBERS TO THE COMMITTEE ON GAMES AND AMUSEMENTS

REP. MACAPAGAL ARROYO. Mr. Speaker, in behalf of the Majority, we would like to elect the following Members to the Committee on Games and Amusements:

As members:

Rep. Tyrone D. Agabas

Rep. Joseph "Jojo" L. Lara

Rep. Ramon "Mon-Mon" V. Guico III, OPM

I so move, Mr. Speaker.

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

The Majority Leader is recognized.

CONCURRENCE WITH SENATE AMENDMENTS
TO H.B. NO. 5437

REP. MACAPAGAL ARROYO. Mr. Speaker, we are in receipt of a message from the Senate informing the House that the Senate has passed with amendment House Bill No. 5437 on extending the availability of the 2019 Appropriations for Maintenance and Other Operating Expenses (MOOE) and Capital Outlays to December 31, 2020. We have been advised furthermore that the authors of the said House Bill have no objections to the amendment introduced thereto by the Senate.

Mr. Speaker, in accordance with our Rules, I move that we concur with the Senate amendment to House Bill No. 5437.

I so move, Mr. Speaker.

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

The Majority Leader is recognized.

REP. TADURAN. Mr. Speaker, I move that we acknowledge the presence of the guests of Hon. Lolita T. Javier: Hon. Noel M. Sia, ABC President, La Paz, Leyte; Mayor Michael Dragon Javier of Javier, Leyte; Mrs. Risha Javier and Mrs. Julian Javier.

THE DEPUTY SPEAKER (Rep. Pimentel). To the guests of Hon. Lolita T. Javier, please rise. Welcome to the House of Representatives. (*Applause*)

The Majority Leader is recognized.

REP. TADURAN. Mr. Speaker, I move that we acknowledge the presence of the guests of Rep. Carl Nicolas C. Cari of the Fifth District of Leyte and Rep. Florencio G. Noel of AN WARAY Party-List from the Municipality of Javier, Province of Leyte: Mayor Michael Dragon Javier; Vice-Mayor Emma M. Abueva; SB Members Guilbert M. Lanoy, Roldan Meras, Jose Whirly C. Cumla, Amado S. Moreno, Mr. Schubert A. Riños, Marino S Merilo, Stephen Mark I. Papalid and Eriberta R. Ponce; ABC President Romeo Malina; and SK Fed Jerome P. Cumla and Nenita A. Cumla.

THE DEPUTY SPEAKER (Rep. Pimentel). To the guests of Rep. Carl Nicolas C. Cari of the Fifth District of Leyte and Rep. Florencio G. Noel of AN WARAY Party-List, please rise. Welcome to the House of Representatives. (*Applause*)

The Majority Leader is recognized.

REP. TADURAN. Mr. Speaker, I move that we also acknowledge the presence of the guests of Hon. Joseph “Jojo” L. Lara of the Third District of Cagayan from

the Global Emergency Medical Registry headed by the President Mr. Roderick Rowan, Ms. Maria Elena Sagolili, Ms. Jonette Claros and Mr. Romeo Balisi.

THE DEPUTY SPEAKER (Rep. Pimentel). To the guests of Rep. Joseph “Jojo” L. Lara, please rise. Welcome to the House of Representatives. (*Applause*)

The Majority Leader is recognized.

REP. TADURAN. Mr. Speaker, I move that we also acknowledge the presence of the guests of Hon. Virgilio S. Lacson of MANILA TEACHERS Party-List: Director Batsuuri Battsetseg, Director of the Ministry of Food, Agriculture and Light Industry of the Republic of Mongolia; Ms. Zula Orgodol, Founder and CEO of Doing Business Asia Alliance; and Mr. Robin Michael Garcia PhD, Founder and Chief Executive Officer of Warwick & Roger.

THE DEPUTY SPEAKER (Rep. Pimentel). To the guests of Rep. Virgilio S. Lacson, please rise. Welcome to the House of Representatives. (*Applause*)

The Majority Leader is recognized.

REP. TADURAN. Mr. Speaker, I move that we also acknowledge the presence of the guests of Hon. Bienvenido M. Abante Jr., our Minority Leader, of the Sixth District of Manila: District 1, Angelo Payca; District 2, Vincent Lloyd Naje; District 3, Romer Valdez; District 4, John Luis Tolentino; District 5, Erika Mae Doton; District 6, Joniela Karol Torres; with the assistance of their adviser Christian George Eppie and PDO Karen R. Verano.

THE DEPUTY SPEAKER (Rep. Pimentel). To the guests of Rep. Bienvenido M. Abante Jr., our Minority Leader, please rise. Welcome to the House of Representatives. (*Applause*)

The Majority Leader is recognized.

ELECTION OF MEMBERS TO COMMITTEES

REP. CASTELO. Mr. Speaker, I move that we nominate and elect the following Members to various Committees on behalf of the Majority:

Rep. Castelo read the names of the House Members elected to the various Committees, per Journal No. 32, dated December 4, 2019.

COMMITTEE ON PUBLIC ACCOUNTS

As Vice Chairpersons:

Rep. Robert Ace S. Barbers

Rep. David “Jay-Jay” C. Suarez

COMMITTEE ON DANGEROUS DRUGS

As Vice Chairperson:
Rep. Michael "Mike" T. Defensor

I so move, Mr. Speaker.

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

The Majority Leader is recognized.

CONSIDERATION OF H.B. NO. 78

Continuation

PERIOD OF SPONSORSHIP AND DEBATE

REP. MACAPAGAL ARROYO. Mr. Speaker, I move that we resume the consideration of House Bill No. 78, under Committee Report No. 5, and direct the Secretary General to read only the title of the said Bill.

I so move, Mr. Speaker.

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

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

THE SECRETARY GENERAL. House Bill No. 78, entitled: AN ACT PROVIDING FOR THE DEFINITION OF PUBLIC UTILITY, FURTHER AMENDING FOR THE PURPOSE COMMONWEALTH ACT NO. 146, OTHERWISE KNOWN AS THE "PUBLIC SERVICE ACT", AS AMENDED.

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

REP. MACAPAGAL ARROYO. Mr. Speaker, the parliamentary status of the said Bill is that we are in the period of sponsorship and debate. With this, I again move that we recognize Hon. Sharon S. Garin to continue her sponsorship of the said measure and again recognize the distinguished Deputy Speaker, Hon. Rodante D. Marcoleta, to continue his interpellation.

I so move, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Pimentel). Hon. Sharon S. Garin is recognized. Likewise, Hon. Rodante D. Marcoleta, our Deputy Speaker, is hereby recognized.

REP. MARCOLETA. Thank you, Mr. Speaker. Mme. Sponsor, we left at the question on whether or not there is a legal basis that natural monopolies

will always qualify as public utilities. Your answer to my interpellation was there was none. In all the jurisprudence that you claim to have followed, did the Supreme Court rule to the effect that natural monopolies are sure candidates for public utilities?

REP. GARIN (S.). Mr. Speaker, this was also cited in the Supreme Court case, *Batangas Transportation Co. vs. Cayetano Orlanes*: "the policy of regulation, upon which our present public utility commission plan is based and which tends to do away with competition among public utilities as they are natural monopolies."

Also, in JG Summit citing *Corpus Juris Secundum*, a public utility has a monopoly or a virtual monopoly in providing essential services to the public at large. There are many, many jurisprudence as well as schools of thought that qualify a certain industry based on natural monopoly to be public utilities, Mr. Speaker.

This is based on the deliberations of the Con-Com, as well as the Supreme Court and the legal luminaries that we have in the Philippines, as well as outside the Philippines, Mr. Speaker.

REP. MARCOLETA. Mme. Sponsor, Mr. Speaker, what the question tries to elicit is whether or not there is jurisprudence where the Supreme Court categorically and directly ruled that natural monopolies are public utilities. Is there any, Mr. Speaker?

REP. GARIN (S.). Yes, Mr. Speaker. In fact that is not only found that in jurisprudence but as well as the deliberations of the Constitutional Commission wherein Commissioner Monsod stated precisely that the nature of a public utility is it is a natural monopoly, otherwise, it would be too expensive for the country and for the consumers. That is a quote from the records of the 1986 Constitutional Commission and added to that are the decisions in the Batangas Transportation as well as in JG Summit cases. This has been mentioned in such readings as well as decisions, Mr. Speaker.

REP. MARCOLETA. A natural monopoly exists due to high start-up costs or powerful economies of scale, of conducting a business in a specific industry. It can arise in industries that require unique raw materials, technology or similar factors to operate. Am I correct, Mme. Sponsor, Mr. Speaker?

REP. GARIN (S.). Yes, Mr. Speaker. Natural monopoly has a definite definition from our economic experts.

REP. MARCOLETA. Globe Telecom and PLDT-Smart are natural monopolies, are they not, Mr. Speaker?

REP. GARIN (S.). No, Mr. Speaker, they are not natural monopolies because there are many other players as well as many other options for the consumers.

REP. MARCOLETA. We just defined what a natural monopoly is—high start-up cost, powerful economies of scale, conducting business in a specific industry. These are Globe Telecom and PLDT-Smart. That being the definition, they qualify as natural monopolies, would they not, Mr. Speaker? Like Maynilad and Manila Water, they are natural monopolies as no one is in a position to undertake operations as big as that. So, on the basis of that definition, they qualify as monopolies. What about a seaport or an airport, they too qualify as natural monopolies, can they be, Mr. Speaker, Mme. Sponsor?

REP. GARIN (S.). Mr. Speaker, a natural monopoly exists because of the nature of the industry and where costs are minimized by concentrating production in a single firm. If, for the indulgence of the good interpellator, a natural monopoly exists where costs are minimized by concentrating production in a single firm, in these cases, firms can change the monopoly price to the detriment of consumers' welfare. These concerns are eliminated or mitigated where natural monopoly does not exist, the market is contestable or a substitute exists. The same way as in transportation, there is intermodal competition in which you can go by land, by sea, or by air but also, there are many players in air transportation, sea transportation, as well as land transportation, Mr. Speaker.

REP. MARCOLETA. In effect, Mme. Sponsor, Mr. Speaker, you are saying that as long as an industry or enterprise falls under the definition of a natural monopoly, it can be enumerated also under the proposed Bill as a public utility. Is it not, Mr. Speaker?

REP. GARIN (S.). Yes.

REP. MARCOLETA. Like a seaport or an airport service.

REP. GARIN (S.). Yes, Mr. Speaker, not only natural monopoly but also to comply with the three criteria that we have set forth in this proposed amendment, Mr. Speaker.

REP. MARCOLETA. All right, modern examples of natural monopolies are media platforms, search engines and online retailing service. Facebook, Google and Amazon have built natural monopolies for various online services due in large part to first-mover advantages, network effects and natural economies of

scale involved with handling large quantities of data and information. As natural monopolies, will you not add these types of industries to the three public utilities enumerated in the proposed Bill, Mr. Speaker, Mme. Sponsor?

REP. GARIN (S.). Mr. Speaker, these are natural monopolies in a sense because of the nature of how they conduct their business or the nature of how the market is. It is by the nature of the industry. Examples of industries that are no longer natural monopolies include cellular telephone networks, stall and local telephone services, land transportation, air transportation, maritime transportation, airports, supply of electricity and to a lesser extent, railway transportation. A natural monopoly exists where costs are minimized by concentrating production in a single term. This is the nature of the industry, not dictated by the market or how the industry players are conducting their business in the industry, Mr. Speaker.

REP. MARCOLETA. During the interpellation of Representative Suntay, Mme. Sponsor, Mr. Speaker, you disagreed with his view that the proposed definition of public utility in the Bill, coupled with the definite enumeration of only three industries thereunder, will necessarily restrict what a public utility should be or should not be. You even allayed his fears by saying that, in fact, you have left it open for other industries to be qualified as public utility by allowing the NEDA to recommend to Congress if there is a need to add another industry as public utility, saying further that the list is not static but can change over time.

Will you confirm these statements, Mme. Sponsor, Mr. Speaker?

REP. GARIN (S.). Yes, Mr. Speaker, but just to clarify, the list is not the definition. The list of the electricity and water is not the definition. The definition is on the four parameters that we have set in the proposal in which an industry can be qualified as a public utility; when there is regular supply and directly transmits and distributes when there is a natural monopoly; where there is a commodity or service that is necessary for the maintenance of life and occupation of the public; and where there is an obligation to provide adequate service. These are the four criteria that we have set, this is the definition. The list is not the definition but the criteria. The four criteria state on how we define public utility, and all these four criteria have to be met by a particular utility in order for it to be considered as a public utility. That does not mean that water and electricity are the only public utilities that we have, Mr. Speaker.

REP. MARCOLETA. Mr. Speaker, Mme. Sponsor, if it is your position that the NEDA can recommend to

Congress if there is a need to add or remove a public utility from that definition, will it be correct to assume that there will be two possibilities or incursions into the power of Congress to legislate? Number one, the requirement of NEDA's recommendation before Congress can act; and number two, the provision in the proposed Bill on the criteria for public utility to which the future Congress must conform. This is your position.

REP. GARIN (S.). Yes, Mr. Speaker. In order for any other industry to be considered as a public utility, hence, subject to the constitutional restrictions, the NEDA has to assess each and every public service in order for it to be able to recommend to Congress and for Congress to decide upon the recommendation of the NEDA if such industry is a public utility or not, Mr. Speaker.

REP. MARCOLETA. If the criteria for amendment of the list of public utility will be restricted by NEDA's recommendation in consultation with the PCC, why is there still a need to provide a list in the first place? Can we not just use the Bill's list as typical examples of what public utility is, like what the Supreme Court did in JG Summit Holdings case?

REP. GARIN (S.). Mr. Speaker, based on the four criteria that we have set in the proposed amendment, all these four industries do meet the four criteria but we are aware that the situation now might be different in the future because of technology, because of international influence as well that can happen in our country. We have laid it open for the NEDA, for the endorsement of the NEDA to Congress to add more industries as public utilities, Mr. Speaker.

REP. MARCOLETA. Are you saying, Mme. Sponsor, Mr. Speaker, that it is legally tenable for Congress to adopt the criteria provided under Section 13 (d), paragraph two, to bind future Congresses in identifying public utilities?

REP. GARIN (S.). Ano po, paki-ulit nga po?

REP. MARCOLETA. I was asking whether your position is that it is legally tenable for Congress to adopt the criteria provided under Section 13 (d), paragraph two, to bind future Congresses in identifying public utilities?

REP. GARIN (S.). Yes, Mr. Speaker. Congress has the power and the duty, as well as the authority to do so, but this does not prevent the future Congress from changing the proposed amendment, Mr. Speaker.

REP. MARCOLETA. In the TSN of September 24,

2019, Mme. Sponsor, Mr. Speaker, you rearticulated part of the Bill's Explanatory Note arguing that, and I quote, the times are changing. There is globalization, there is technology, innovation, and we have to consider that what is public utility 20 years ago may not be public utility now, or what is public utility now might not become public utility in the future. So, we have given the criteria for Congress to determine what is public utility which will fit during that time and of which Congress.

Would you confirm these statements, Mr. Speaker, Mme. Sponsor?

REP. GARIN (S.). Yes, Mr. Speaker. We have seen how the decisions have been derived in the Supreme Court, as well as the deliberations in the Constitutional Commission. The definitions have been steady. In fact, it is the list of examples that they had cited that has not been consistent. By proposing or adopting this amendment, we will have a definite definition of "public utility," and we can give more stability to the economy, as well as to our foreign and local investors in order for them to definitely be aware of what industries they are investing in. If we have a definition that is in the law already, which is not in any other law, the Constitution does not provide for a definition of public utility or the Supreme Court has adopted not only different views but different listings of public utilities. Having a definite definition of public utility, then our investment environment and our economy environment will be properly guided on what is a public utility, Mr. Speaker.

REP. MARCOLETA. Mr. Speaker, Mme. Sponsor, have you read the case of *Kida vs. Senate of the Philippines*, G.R. Nos. 196271, 196305, 197221, 197280, 197282, 197392, 197454, dated February 28, 2012? Have you read that jurisprudence?

REP. GARIN (S.). If the good interpellator can explain or cite the relevant decisions ...

REP. MARCOLETA. I just cited these G.R. Nos. 196271, et cetera, dated February 28, 2012. It is all right if you have not read it.

REP. GARIN (S.). With your indulgence, Mr. Speaker, the Secretariat is reviewing the cited cases, Mr. Speaker.

REP. MARCOLETA. The Secretariat will not be able to know whether you read it. You are the only one who can affirm whether or not you read this particular case. Nobody else.

REP. GARIN (S.). If the good interpellator can cite the provisions, Mr. Speaker.

REP. MARCOLETA. I asked this, Mr. Speaker, because quoting the case of Duarte in that particular case, the Supreme Court categorically held that, and I will quote this, “The legislature cannot bind a future legislature to a particular mode of appeal, it cannot declare in advance the intent of a subsequent legislature or the effect of subsequent legislation upon existent statute.”

To reiterate, the act of one Congress or legislature is not binding upon and cannot tie the hands of future legislators. Given this judicial pronouncement, Mr. Speaker, will it be fair to assume that the authors of the proposed Bill failed to consider this decided case when they set the criteria that tied the hands of future Members of Congress.

REP. GARIN (S.). Mr. Speaker, like any other legal definitions, in many of the laws that we have passed here and many of the jurisprudence that we have reviewed, a definition does not tie down the decision of any future court or any Congress. So, it does not preclude the future Congress from redefining public utility. Until it is amended by a future Congress, should this amendment be accepted or be approved, then it stays, Mr. Speaker.

REP. MARCOLETA. Just to remind us, Mr. Speaker, Mme. Sponsor, the criteria were set in the particular section under the proposed Bill. Is that not tying up the hands of the future Congress?

REP. GARIN (S.). Mr. Speaker, no. The criteria serve as a guide which the future Congress can disregard, should it decide to do so, Mr. Speaker.

REP. MARCOLETA. The term “public utility,” Mr. Speaker, Mme. Sponsor, is mentioned three times in Section 11, Article XII of the Philippine Constitution. May we know, Mr. Speaker, if the good Sponsor have come across the case of *Endencia vs. David*, G.R. No. L-6344 to 56, dated August 31, 1953, in attempting to define this term under the proposed Bill?

REP. GARIN (S.). What we have here, Mr. Speaker, is the 1953 decision of the Supreme Court on the Luzon Stevedoring case, Mr. Speaker. I am not sure if we are ...

REP. MARCOLETA. Anyway, Mr. Speaker, I asked this because in this particular case, it was held that under the system of constitutional government, the Legislative Department is assigned the power to make and enact laws, the Executive Department is charged with the execution of carrying out the provisions of said laws, and the interpretation and application of said laws belong exclusively to the Judicial Department, and this authority to interpret and apply the laws extends to the

Constitution. Does the good Sponsor subscribe to this ruling, Mr. Speaker?

REP. GARIN (S.). Yes, Mr. Speaker.

REP. MARCOLETA. In fact, Mr. Speaker, this doctrine of separation of powers, I should say, is basic to all lawyers like the good Sponsor. Is it not so, Mr. Speaker?

REP. GARIN (S.). Mr. Speaker, the Judiciary can interpret the laws when the law or the spirit of the law is unclear but should we define public utility with the proposed amendment, then the definition is clearer in that sense, Mr. Speaker.

REP. MARCOLETA. We will go to that, Mr. Speaker, but the most telling part of *Endencia vs. David* is the admonition that the act—I will quote this:

This act of interpreting the Constitution or any part thereof by the Legislature is an invasion of the well-defined and established province and jurisdiction of the Judiciary.

Which was further reinforced by a citation in 11 American Jurisprudence 914, quoted as follows:

The rule is recognized elsewhere that the legislature cannot pass any declaratory act, or act declaratory of what the law was before its passage, so as to give it any binding weight with the courts. A legislative definition of a word as used in a statute is not conclusive of its meaning as used elsewhere; otherwise, the legislature would be usurping a judicial function in defining a term.

Mr. Speaker, may we please ask if this judicial admonition is clear enough to the good Sponsor?

REP. GARIN (S.). Mr. Speaker, the Supreme Court is correct in that sense, but we have to take note that there is no definition of a public utility in the Constitution. In fact, in the different deliberations in the Constitutional Commission, we have derived the proposal for this amendment from such deliberations because this is the list stated in 1986, which has been amended by the Supreme Court itself by the subsequent jurisprudence that they have set, that they have decided upon after the 1986 Constitution, Mr. Speaker. So, what is definite for us is the definition as intended by the Constitutional Commission of what is a public utility but the list of examples of public utilities has differed from 1986 up to the present. What have been included as public utility have changed over the years

but the definition has stayed consistent over the years, whether it be pre-1986 Constitution or after the 1986 Constitution, Mr. Speaker.

REP. MARCOLETA. Mr. Speaker, while admittedly the Constitution did not define a public utility, but did the Constitution give authority to the legislature to make that definition?

REP. GARIN (S.). Mr. Speaker, as cited during the deliberations with Congressman Defensor, the intention of the said provision or in fact, the whole Constitution, has not been a stringent or strict interpretation of the Constitution. In the deliberations that he has cited, it is in fact liberal in the interpretation of the Constitution but he added that, Mr. Speaker, a public utility, should we not define that, would be subject to judicial interpretation, and what we, the proponents of this Bill want, is to set the definition. So, we have a definite definition of “public utility” and we do not just leave it to the courts to decide when in fact, there is no definition of public utility in the Constitution, Mr. Speaker.

REP. MARCOLETA. That is correct, Mr. Speaker. It was left at that. It is for the Supreme Court to define it. It is not for the legislature to define it because the Constitution did not authorize the legislature because that is the basic doctrine of separation of powers. Only the judiciary can make the interpretation.

Mme. Sponsor, Mr. Speaker, did you have the opportunity of reading the separate concurring opinion of Justice Tinga and *JG Summit Holdings vs. Court of Appeals*?

REP. GARIN (S.). No, Mr. Speaker.

REP. MARCOLETA. With a negative answer, Mr. Speaker, I think we can now forgive the good Sponsor for defending the definition of public utility in the proposed Bill. This is because, in the said separate concurring opinion, this was stated, and I will quote this:

A legislative declaration such as the definition by enumeration in the Public Service Act does not *ipso facto* render a business or service a public utility. For, as this Court held in *North Negros Sugar Company v. Hidalgo*, whether or not one is a public utility is a matter of judicial, not legislative determination.

That is quite clear enough, Mr. Speaker, Your Honor.

REP. GARIN (S.). Mr. Speaker, in fact, the Supreme Court itself, despite such declaration, has been changing the list of public utilities. It has not been consistent

over the years. In *JG Summit*, it upheld the removal of shipyards which is in the list of public services under the Commonwealth Act; and in *NPC vs. Provincial Government of Bataan*, it has decided that power generation is no longer considered a public utility operation.

REP. MARCOLETA. That is not the problem, Mr. Speaker, you know, because that is their job, that is within their jurisdiction, they can do it. But as I can add, Mr. Speaker, the Supreme Court declared that an oil company is not a public utility. Still in another case, the Supreme Court intimated that a wharf or a dock, within the meaning of Public Service Act, is not necessarily a public utility. An operator of trucks who furnished service under special agreements to carry particular persons and property was said to be not a public utility as he did not hold himself out to serve any and all persons.

The test, according to the Supreme Court, in determining if a service is a public utility is whether the public may enjoy it by right or only by permission. Based on jurisprudence, Mr. Speaker, a shipyard, a marine shop, an irrigation system or a broadcasting station are not public utilities. Even an ice plant, Mr. Speaker, although included in the definition of a public service under Act No. 2307, is not a public utility unless the ice it produces is directly sold to the public. Yes, Mr. Speaker, Your Honor, the Supreme Court, the judiciary, has the business of doing that. It is the only one who can define what enterprise is a public utility, not the legislature.

During the interpellation of Representative Remulla, as stated in the TSN of Plenary Session dated November 6, 2019, you admitted, Mme. Sponsor, Mr. Speaker, that under the proposed definition of a public utility, telecommunications, telephony, data highways and transportation will all be excluded, thereby opening them to foreign investments, and will not be subject to the 60-40 constitutional limitation. Do you confirm this Mme. Speaker?

REP. GARIN (S.). Yes, Mr. Speaker, but when the Supreme Court, in the case of *Luzon Stevedoring*, said, “the public policy of the state as announced by the legislature will be given due weight, x x x” and, in fact, when through a legislative act, Congress has decided that the supply of energy or source of energy is not a public utility, then it was upheld by the Supreme Court.

So, through the passage of the EPIRA, Mr. Speaker, we give due respect to the Supreme Court in the interpretation of the Constitution but with this law, we are merely defining what is a public utility which has not been addressed by the Supreme Court, even by the Constitution itself. However, it has been addressed in the Constitutional Commission deliberations as well as in some of the decisions of the Supreme Court. Hence, we

have adopted or patterned some of the criteria after the decisions of the Supreme Court and the Constitutional Commission in order for it not to be a judicial legislation but for it to be clear that there is a delineation between a public service and a public utility, Mr. Speaker.

REP. MARCOLETA. We already dealt with that, Mme. Sponsor. What I am asking you is that during the interpellation of Representative Remulla under the proposed definition of “public utility,” you admitted that telecommunications, telephony, data highways and transportation will all be excluded, thereby opening them to foreign investment and thus, will not be subject to the 60-40 limitation.

REP. GARIN (S.). Yes, Mr. Speaker.

REP. MARCOLETA. You said this, right?

REP. GARIN (S.). Yes, Mr. Speaker.

REP. MARCOLETA. During the interpellation of Representative Zubiri on October 2, 2019 as well as by Representative Brosas a day earlier, you confirmed that telecommunications and transportation services can now be operated with up to 100-percent ownership of foreigners, considering that these industries are not excluded in the proposed definition of public utility. Is this correct? You said this.

REP. GARIN (S.). Mr. Speaker, with the proposal, telecommunications and transportation will not qualify as public utilities, hence, they will be open to more than the 40 percent foreign ownership, Mr. Speaker.

REP. MARCOLETA. Mr. Speaker, Mme. Sponsor, have you read the case of *Gamboa vs. Teves*? The citation is G.R. No. 176579, June 28, 2011.

REP. GARIN (S.). Mr. Speaker, with the kind indulgence of the good interpellator, we are reviewing the jurisprudence with the amount ...

REP. MARCOLETA. Okay. I asked this, Mr. Speaker, because going back to *JG Summit Holdings*, transportation and telecommunications were already included to have fallen under the statutory definition of public utility. In *Gamboa vs. Teves*, Mr. Speaker, the Supreme Court explained the citizenship requirement for the operation of public utilities as follows, and I will quote this:

The evident purpose of the citizenship requirement is to prevent aliens from assuming control of public utilities, which may be inimical to the national interest. This specific provision

explicitly reserves to Filipino citizens control of public utilities, pursuant to an overriding economic goal of the 1987 Constitution: to “conserve and develop our patrimony” and ensure a self-reliant and independent national economy effectively controlled by Filipinos.

With this direct and categorical policy to conserve and develop our patrimony to ensure a self-reliant and independent economy effectively controlled by us, will not the proposed measure violate such policy by virtually opening the gates to foreigners in fully controlling vital key industries like seaports, transportation and telecommunications?

REP. GARIN (S.). Mr. Speaker, based on the definition that we have proposed in the amendment, such industries as telecommunications, transportation, seaports and airports do not qualify as public utilities because they do not meet the four criteria that we have set in the proposed amendment. I understand the concern of the good interpellator in terms of seaports and international airports because these are vital to our national security and national interest, Mr. Speaker. Should the good interpellator have any proposal in order to protect the interest of the Filipinos from foreign ownership or foreign manipulation for that matter, Mr. Speaker, then we could seriously consider the proposal of the good interpellator, Mr. Speaker.

REP. MARCOLETA. Earlier, Mr. Speaker, Mme. Sponsor, when we cited the conditionalities that fit the definition of what a public utility is, you answered in the affirmative. Meaning, these conditions are all the parameters that can be used in order that an industry or an enterprise can be defined under a public utility.

REP. GARIN (S.). Mr. Speaker, these industries, whether transportation or telecommunications, do not qualify as public utilities. The consequence of such is that they will be open to foreign ownership more than the 40 percent restriction under the Constitution. For example, under Section 17 of the Constitution, it states:

In times of national emergency, when the public interest so requires, the State may, during the emergency and under reasonable terms prescribed by it, temporarily take over or direct the operation of any privately owned public utility or business affected with public interest.

It does not preclude Congress from protecting industries that might affect public interests or public security, Mr. Speaker.

REP. MARCOLETA. Earlier, Mr. Speaker ...

REP. GARIN (S.). But they are not public utilities, Mr. Speaker.

REP. MARCOLETA. When we provided the conditions of a public utility, like they are “necessary for the maintenance of life and occupation of the residents,” which thus, implies public use and service to the public, you already answered to all these questions, and you said “yes.” Now, you are turning back to all those conditions and you are saying now that transportation and telecommunications are not public utilities. So, it is very confusing, Mr. Speaker, Your Honor.

I am asking this question now and reiterating this to drive the point that if a transportation or a telecommunications company is now strict in their character as public utility based on the enumeration advocated in the proposed measure, will this now have the effect of not anymore requiring them to obtain legislative franchise ?

REP. GARIN (S.). No, Mr. Speaker.

REP. MARCOLETA. Why?

REP. GARIN (S.). The qualification of certain industries to be a public utility or public service does not change their status or their obligation towards any administrative agency that has authority over it. So, for example, if the CAB and the CAAP are mandated or authorized to regulate air transportation, whether you are a Philippine national or a foreign national, you will still be subject to any franchise or authorization requirement by the CAB or the CAAP regardless of your nationality. Should you operate in the Philippines, the requirements of the authorization for a certain route or for landing rights will still apply because the authority of the Civil Aeronautics Board and the Civil Aviation Authority of the Philippines will still apply. In the same way that if the ERC, should we allow foreign ownership of electricity, ERC powers and functions will still apply whether you are a Filipino or non-Filipino. The authority or the powers and functions of the administrative agencies, whether it be the Department of Energy, DICT, DENR, DOTR, ERC and many others, will still apply. In fact, in some of the proposed amendments on this Bill, the rules and regulations of the powers and functions of the administrative agencies will be stronger and more updated to the current times because we are changing an 80-year-old law, Mr. Speaker.

REP. MARCOLETA. The key here, Mr. Speaker, is Section 11, Article XII of the Constitution which says that no franchise, authority and so on, should be granted to a public utility.

The keyword here, the operative term is “public utility.” If you are not a public utility, you cannot be given any franchise. So, if a transportation and a telecommunications company is now excluded from the definition of public utility, the only conclusion there, Mr. Speaker, is that they could already say, “Then we are no longer obligated to obtain a legislative franchise because legislative franchises are given only to public utilities.” That is the simple reading of that constitutional provision.

REP. GARIN (S.). Mr. Speaker, under the *Albano vs. Reyes* decision, “franchises issued by Congress are not required before each and every public utility they operate. Thus, the law has granted certain administrative agencies the power to grant licenses for or to authorize the operation of certain public utilities.”

Despite the fact that a certain industry is not a public utility, our laws still apply. Should LTFRB require a franchise or should ERC require a franchise, then that will still stay, Mr. Speaker. That does not change the obligations of the operators of this industry, Mr. Speaker.

REP. MARCOLETA. Mme. Sponsor, Mr. Speaker, this Representation respectfully believes that by this interpellation, we have already rationalized several issues that might potentially violate the Constitution.

Mme. Sponsor, when you took your oath as a lawyer, one of the obligations you voluntarily imposed upon yourself was the solemn oath to support the Constitution of the Republic of the Philippines. In fact, when you took your oath before serving in this institution several times, you vowed to defend the Constitution of the Philippines.

May I know or may we know, how much do you value your oath, Mme. Speaker?

REP. GARIN (S.). Mr. Speaker, I do believe that we are not violating any constitutional provisions. We are defining public utility where there is ambiguity in the interpretation of the Supreme Court, as well as by deriving the spirit of the Constitution from the Constitutional Commission’s deliberations. We have crafted a definition of public utility that is not in contradiction to the intent of the Constitution, Mr. Speaker.

REP. MARCOLETA. Mr. Speaker, this Representation firmly believes that even in the heat of advocacy, each one of us should be loyal to the command of the Constitution. At the end of the day, this contentious issue should be balanced in the interest of public good, in fullest obedience to the fundamental law.

I thank you very much, Mr. Speaker, Mme. Sponsor.

REP. GARIN (S.). Thank you, Mr. Speaker.

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

SUSPENSION OF CONSIDERATION
OF H.B. NO. 78

REP. TADURAN. Mr. Speaker, I move that we suspend the consideration of House Bill No. 78.

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

The Majority Leader is recognized.

REP. TADURAN. Mr. Speaker, I move that we acknowledge the presence of the guests of Hon. Robert Ace S. Barbers from the Municipality of Taganaan, Surigao del Norte, headed by Mayor Cesar B. Diaz Jr.; Vice Mayor Cesar A. Diaz Sr.; Councilors Conrado A. Astronomo; Ryan Manugas; Marte Manubag; Vicente Beberino Jr.; Nestor Soriano Jr.; Joffrey Benedicto; Windelyn Alipao; Maxuel Jusain; Roberto D. Ajoc, ABC President; Nikko Toraja, SK Federation President; and the SB staff headed by Cristina Diaz, Rhundaye John Bual and Maribeth R. Buico.

THE DEPUTY SPEAKER (Rep. Pimentel). To the guests of Rep. Ace Barbers, mga Surigaoanon, welcome to the House of Representatives. (*Applause*)

The Majority Leader is recognized.

CONSIDERATION OF H. RES. NO. 568

REP. TADURAN. Mr. Speaker, I move that we consider House Resolution No. 568.

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

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

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

With the permission of the Body, and since copies of the measure have been previously distributed, the Secretary General read only the title thereof without prejudice to inserting its text in the Congressional Record.

THE SECRETARY GENERAL. House Resolution No. 568, entitled: RESOLUTION CONGRATULATING THE GOLD MEDAL AWARDEES OF THE 30TH SOUTHEAST ASIAN GAMES AND GRANTING

ADDITIONAL INCENTIVES FROM THE LEADERS AND MEMBERS OF THE HOUSE OF REPRESENTATIVES IN THE 18TH CONGRESS.

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

ADOPTION OF H. RES. NO. 568

REP. TADURAN. Mr. Speaker, I move that we adopt House Resolution No. 568.

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

House Resolution No. 568 is hereby adopted.
The Majority Leader is recognized.

CHANGE OF REFERRAL
OF CERTAIN MEASURES

REP. MACAPAGAL ARROYO. Mr. Speaker, I move for the change of referral of the following measures:

1. House Bill No. 5528, on creating the Philippine Martial Service, from the Committees on Government Reorganization and Justice, to the Committee on Justice; and

2. House Resolution No. 360, a Resolution calling for an investigation in aid of legislation of the non-payment of real property tax of power plants under built-operate-transfer with the Local Government Unit of Quezon Province, from the Committee on Ways and Means, to the Committee on Local Government.

I so move, Mr. Speaker.

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

REP. MACAPAGAL ARROYO. Mr. Speaker, I move for the reconsideration of the referral of House Resolution No. 57 to the Committees on Good Government and Public Accountability, and Energy.

I so move, Mr. Speaker.

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

SUSPENSION OF SESSION

REP. MACAPAGAL ARROYO. Mr. Speaker, I move to suspend the session for a minute.

I so move.

* See MEASURES CONSIDERED (printed separately)

THE DEPUTY SPEAKER (Rep. Pimentel). The session is suspended.

It was 5:07 p.m.

RESUMPTION OF SESSION

At 5:08 p.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Pimentel). The session is resumed.

The Majority Leader is recognized.

NOMINAL VOTING ON H.B. NO. 4851 ON THIRD READING

REP. DE VENECIA. Mr. Speaker, I move that we vote on Third Reading on House Bill No. 4851 and direct the Secretary General to read the title of the measure, and call the roll for nominal voting.

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

Thereupon, the Secretary General read the title of the measure, printed copies of which were distributed to the Members on November 6, 2019, pursuant to Section 58, Rule X of the House Rules.

THE SECRETARY GENERAL. House Bill No, 4851, entitled: AN ACT DECLARING MAY 18 OF EVERY YEAR AS NATIONAL HIGHER EDUCATION DAY.

The Chair directed the Secretary General to call the roll for nominal voting. Thereafter, pursuant to the Rules of the House, a second roll call was made. The result of the voting on Third Reading on the aforesaid measure is reflected in Journal No. 32, dated December 4, 2019.*

APPROVAL OF H.B. NO. 4851 ON THIRD READING

THE DEPUTY SPEAKER (Rep. Pimentel). With 167 affirmative votes, House Bill No. 4851 is hereby approved on Third Reading.

The Majority Leader is recognized.

REP. DE VENECIA. Mr. Speaker, I move that we acknowledge the presence of some guests in the gallery. These are your guests, honorable Deputy Speaker Johnny Pimentel: Marisa Aya, Judith Dedicatoria, Loida Godito and Denisa Jay Pactang.

THE DEPUTY SPEAKER (Rep. Pimentel). To my guests, Marisa Aya, Judith Dedicatoria, Loida Godito and Denisa Jay Pactang, welcome to the House of Representatives. (*Applause*)

For clarification, there is no negative vote and no abstention on House Bill No. 4851.

The Majority Leader is recognized.

NOMINAL VOTING ON H.B. NO. 4952 ON THIRD READING

REP. BAUTISTA. Mr. Speaker, I move that we vote on Third Reading on House Bill No. 4952 and direct the Secretary General to read the title of the measure, and call the roll for nominal voting.

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

Thereupon, the Secretary General read the title of the measure, printed copies of which were distributed to the Members on November 20, 2019, pursuant to Section 58, Rule X of the House Rules.

THE SECRETARY GENERAL. House Bill No. 4952, entitled: AN ACT DECLARING THE WALINGWALING ORCHID AS THE NATIONAL ORCHID OF THE PHILIPPINES.

The Chair directed the Secretary General to call the roll for nominal voting. Thereafter, pursuant to the Rules of the House, a second roll call was made. The result of the voting on Third Reading on the aforesaid measure is reflected in Journal No. 32, dated December 4, 2019.*

APPROVAL OF H.B. NO. 4952 ON THIRD READING

THE DEPUTY SPEAKER (Rep. Pimentel). With 169 affirmative votes, no negative vote and no abstention, the Chair hereby declares House Bill No. 4952 as approved on Third Reading.

The Majority Leader is recognized.

NOMINAL VOTING ON H.B. NO. 4953 ON THIRD READING

REP. BAUTISTA. Mr. Speaker, I move that we vote on Third Reading on House Bill No. 4953 and direct the Secretary General to read the title of the measure, and call the roll for nominal voting.

THE DEPUTY SPEAKER (Rep. Pimentel). Is

* See ANNEX (printed separately)

there any objection? (*Silence*) The Chair hears none; the motion is approved.

Thereupon, the Secretary General read the title of the measure, printed copies of which were distributed to the Members on November 20, 2019, pursuant to Section 58, Rule X of the House Rules.

THE SECRETARY GENERAL. House Bill No. 4953, entitled: AN ACT DECLARING THE BALANGAY AS THE NATIONAL BOAT OF THE PHILIPPINES.

The Chair directed the Secretary General to call the roll for nominal voting. Thereafter, pursuant to the Rules of the House, a second roll call was made. The result of the voting on Third Reading on the aforesaid measure is reflected in Journal No. 32, dated December 4, 2019.*

APPROVAL OF H.B. NO. 4953
ON THIRD READING

THE DEPUTY SPEAKER (Rep. Pimentel). With 170 affirmative votes, no negative vote and no abstention, House Bill No. 4953 is approved on Third Reading.

The Majority Leader is recognized.

NOMINAL VOTING ON H.B. NO. 5070
ON THIRD READING

REP. TADURAN. Mr. Speaker, I move that we vote on Third Reading on House Bill No. 5070 and direct the Secretary General to read the title of the measure, and call the roll for nominal voting.

I so move, Mr. Speaker.

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

Thereupon, the Secretary General read the title of the measure, printed copies of which were distributed to the Members on November 20, 2019, pursuant to Section 58, Rule X of the House Rules.

THE SECRETARY GENERAL. House Bill No. 5070, entitled: AN ACT PROVIDING FOR FREE FREIGHT SERVICES IN THE TRANSPORTATION OF RELIEF GOODS TO CALAMITY-STRICKEN AREAS.

The Chair directed the Secretary General to call

the roll for nominal voting. Thereafter, pursuant to the Rules of the House, a second roll call was made. The result of the voting on Third Reading on the aforesaid measure is reflected in Journal No. 32, dated December 4, 2019.*

APPROVAL OF H.B. NO. 5070
ON THIRD READING

THE DEPUTY SPEAKER (Rep. Pimentel). With 170 affirmative votes, no negative vote and no abstention, House Bill No. 5070 is approved on Third Reading. The Majority Leader is recognized.

NOMINAL VOTING ON H.B. NO. 5490
ON THIRD READING

REP. TADURAN. Mr. Speaker, I move that we vote on Third Reading on House Bill No. 5490 and direct the Secretary General to read the title of the measure, and call the roll for nominal voting.

I so move, Mr. Speaker.

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

Thereupon, the Secretary General read the title of the measure, printed copies of which were distributed to the Members on November 21, 2019, pursuant to Section 58, Rule X of the House Rules.

THE SECRETARY GENERAL. House Bill No. 5490, entitled: AN ACT RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO BICOL BROADCASTING SYSTEMS, INC. UNDER REPUBLIC ACT NO. 8092, ENTITLED "AN ACT GRANTING THE BICOL BROADCASTING SYSTEMS, INC. (BBSI), A FRANCHISE TO ESTABLISH, OPERATE AND MAINTAIN COMMERCIAL RADIO AND TELEVISION BROADCASTING STATIONS IN REGION V."

The Chair directed the Secretary General to call the roll for nominal voting. Thereafter, pursuant to the Rules of the House, a second roll call was made. The result of the voting on Third Reading on the aforesaid measure is reflected in Journal No. 32, dated December 4, 2019.*

APPROVAL OF H.B. NO. 5490
ON THIRD READING

THE DEPUTY SPEAKER (Rep. Pimentel). With

* See ANNEX (printed separately)

170 affirmative votes, no negative vote and no abstention, House Bill No. 5490 is approved on Third Reading. The Majority Leader is recognized.

NOMINAL VOTING ON H.B. NO. 1477
ON THIRD READING

REP. CASTELO. Mr. Speaker, I move that we vote on Third Reading on House Bill No. 1477 and direct the Secretary General to read the title of the measure, and call the roll for nominal voting.

I so move, Mr. Speaker.

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

Thereupon, the Secretary General read the title of the measure, printed copies of which were distributed to the Members on November 28, 2019, pursuant to Section 58, Rule X of the House Rules.

THE SECRETARY GENERAL. House Bill No. 1477, entitled: AN ACT UPGRADING THE CARAGA REGIONAL HOSPITAL IN BARANGAY WASHINGTON, SURIGAO CITY, SURIGAO DEL NORTE INTO A TERTIARY LEVEL HOSPITAL, INCREASING ITS BED CAPACITY FROM ONE HUNDRED FIFTY (150) TO FIVE HUNDRED (500) BEDS, AND APPROPRIATING FUNDS THEREFOR.

The Chair directed the Secretary General to call the roll for nominal voting. Thereafter, pursuant to the Rules of the House, a second roll call was made. The result of the voting on Third Reading on the aforesaid measure is reflected in Journal No. 32, dated December 4, 2019.*

APPROVAL OF H.B. NO. 1477
ON THIRD READING

THE DEPUTY SPEAKER (Rep. Pimentel). With 170 affirmative votes, no negative vote and no abstention, House Bill No. 1477 is approved on Third Reading. The Majority Leader is recognized.

NOMINAL VOTING ON H.B. NO. 5491
ON THIRD READING

REP. DE VENECIA. Mr. Speaker, I move that we vote on Third Reading on House Bill No. 5491 and direct the Secretary General to read the title of the measure, and call the roll for nominal voting.

I so move, Mr. Speaker.

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

Thereupon, the Secretary General read the title of the measure, printed copies of which were distributed to the Members on November 28, 2019, pursuant to Section 58, Rule X of the House Rules.

THE SECRETARY GENERAL, House Bill No. 5491, entitled: AN ACT RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO CRUZ TELEPHONE COMPANY, INC. UNDER REPUBLIC ACT NO. 7961, ENTITLED "AN ACT GRANTING TO CRUZ TELEPHONE COMPANY, INC. (CRUZTELCO), A FRANCHISE TO INSTALL, OPERATE, AND MAINTAIN A TELECOMMUNICATIONS SYSTEM THROUGHOUT THE PHILIPPINES."

The Chair directed the Secretary General to call the roll for nominal voting. Thereafter, pursuant to the Rules of the House, a second roll call was made. The result of the voting on Third Reading on the aforesaid measure is reflected in Journal No. 32, dated December 4, 2019.*

APPROVAL OF H.B. NO. 5491
ON THIRD READING

THE DEPUTY SPEAKER (Rep. Pimentel). With 172 affirmative votes, no negative vote and no abstention, House Bill No. 5491 is approved on Third Reading.

The Majority Leader is recognized.

NOMINAL VOTING ON H.B. NO. 5568
ON THIRD READING

REP. DE VENECIA. Mr. Speaker, I move that we vote on Third Reading on House Bill No. 5568 and direct the Secretary General to read the title of the measure, and call the roll for nominal voting.

I so move, Mr. Speaker.

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

Thereupon, the Secretary General read the title of the measure, printed copies of which were distributed to the Members on November 28, 2019, pursuant to Section 58, Rule X of the House Rules.

* See ANNEX (printed separately)

THE SECRETARY GENERAL, House Bill No. 5568, entitled: AN ACT CREATING A BARANGAY TO BE KNOWN AS BARANGAY GUINHALINAN IN THE MUNICIPALITY OF BAROBO, PROVINCE OF SURIGAO DEL SUR.

The Chair directed the Secretary General to call the roll for nominal voting. Thereafter, pursuant to the Rules of the House, a second roll call was made. The result of the voting on Third Reading on the aforesaid measure is reflected in Journal No. 32, dated December 4, 2019.*

At this juncture, Deputy Speaker Pimentel relinquished the Chair to Deputy Speaker Rodante D. Marcoleta.

APPROVAL OF H.B. NO. 5568
ON THIRD READING

THE DEPUTY SPEAKER (Rep. Marcoleta). With 172 affirmative votes, no negative vote and no abstention, House Bill No. 5568 is approved on Third Reading.

The Majority Leader is recognized.

REP. MACAPAGAL ARROYO. Mr. Speaker, I move that we direct the Secretary General to transmit immediately to the Senate the bills approved on Third Reading.

I so move, Mr. Speaker.

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

The Secretary General is directed to immediately transmit to the Senate the bills approved on Third Reading.

REP. MACAPAGAL ARROYO. Mr. Speaker, we are in receipt of an extra Additional Reference of Business, therefore, I move that we now proceed to the extra Additional Reference of Business and request the Secretary General to be directed to read the same.

I so move, Mr. Speaker.

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

The Secretary General is directed to read the Additional Reference of Business.

ADDITIONAL REFERENCE OF BUSINESS

The Secretary General read the following House

Resolutions on First Reading and the Deputy Speaker made the corresponding references:

RESOLUTIONS

House Resolution No. 569, entitled:

“RESOLUTION CALLING FOR THE CONDUCT OF LEGISLATIVE INQUIRY IN AID OF LEGISLATION ON THE PROVISION OF WATER SERVICES BY THE METROPOLITAN WATERWORKS AND SEWERAGE SYSTEM AND ITS CONCESSION AGREEMENTS WITH MANILA WATER COMPANY, INC. AND MAYNILAD WATER SERVICES, INC. FOR THE PROTECTION OF PUBLIC INTEREST AND IN THE NAME OF GOOD GOVERNANCE”

By Representative Suarez (David)
TO THE COMMITTEE ON RULES

House Resolution No. 570, entitled:

“RESOLUTION EXPRESSING THE PROFOUND SYMPATHY AND SINCERE CONDOLENCE OF THE HOUSE OF REPRESENTATIVES ON THE DEATH OF HON. MILAGROSA T. TAN, GOVERNOR OF SAMAR (2001-2010 AND 2019), FORMER REPRESENTATIVE OF THE 2ND DISTRICT OF THE PROVINCE OF SAMAR (2010-2019)”

By Representatives Cayetano (Alan Peter), Romualdez (Ferdinand), and Abante
TO THE COMMITTEE ON RULES

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

REP. ROMUALDEZ (F.). Mr. Speaker, we are in receipt of a Certificate of Proclamation issued by the Commission on Elections proclaiming the Coalition of Association of Senior Citizens of the Philippines as a winner in the Party-List elections on May 13, 2019, and to entitle its nominee, Mr. Francisco G. Datol Jr., to seat as its Representative in the House of Representatives of the Congress of the Philippines.

Mr. Speaker, pursuant to the aforementioned Certificate of Proclamation, I move that we allow Mr. Francisco G. Datol Jr., Representative of the Party-List Coalition of Association of Senior Citizens of the Philippines Inc., to take his oath in open session.

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

The Secretary General is directed to call on the Representative of Party-List Senior Citizens to take his oath of office before this Body.

THE SECRETARY GENERAL. Rep. Francisco G. Datol Jr. is requested to join Deputy Speaker Marcoleta at the rostrum to take his oath of office.

Rep. Francisco G. Datol Jr. ascended the rostrum and took his oath of office as Party-List Senior Citizens Representative in the House of Representatives before Deputy Speaker Rodante D. Marcoleta.

THE DEPUTY SPEAKER (Rep. Marcoleta). May I request all the Members of the House of Representatives and all guests in the gallery to please rise to witness the oath-taking of our new Member.

OATH-TAKING

THE DEPUTY SPEAKER (Rep. Marcoleta). Please raise your right hand and repeat after me.

I, FRANCISCO GAMBOA DATOL JR. of Quezon City, having been elected to the position of Representative of Party-List Coalition of Association of Senior Citizens of the Philippines Inc., Senior Citizens Party-List, hereby solemnly swear that I will well and faithfully discharge to the best of my ability the duties of my present position and of all others I may hereafter hold under the Republic of the Philippines; that I will support and defend the Constitution of the Philippines; that I will bear true faith and allegiance to the same; and that I will obey the laws, legal orders, and decrees promulgated by the duly constituted authorities of the Republic of the Philippines; and that I impose this obligation upon myself voluntarily, without mental reservation or purpose of evasion.

So help me God.

THE DEPUTY SPEAKER (Rep. Marcoleta). Congratulations! (*Applause*)

REP. DATOL. Salamat po.

SUSPENSION OF SESSION

THE DEPUTY SPEAKER (Rep. Marcoleta). The session is suspended to allow the new Member of this Body to be greeted by his colleagues.

It was 5:50 p.m.

RESUMPTION OF SESSION

At 5:51 p.m., the session was resumed with Deputy Speaker Johnny Ty Pimentel presiding.

THE DEPUTY SPEAKER (Rep. Pimentel). The session is resumed.

The Majority Leader is recognized.

CONSIDERATION OF H. RES. NO. 570

REP. MACAPAGAL ARROYO. Mr. Speaker, I move that we consider House Resolution No. 570.

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

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

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

THE SECRETARY GENERAL. House Resolution No. 570, entitled: RESOLUTION EXPRESSING THE PROFOUND SYMPATHY AND SINCERE CONDOLENCE OF THE HOUSE OF REPRESENTATIVES ON THE DEATH OF HON. MILAGROSA T. TAN, GOVERNOR OF SAMAR (2001-2010 AND 2019), FORMER REPRESENTATIVE OF THE 2ND DISTRICT OF THE PROVINCE OF SAMAR (2010-2019).

With the permission of the Body, and since copies of the measure have been previously distributed, the Secretary General read only the title thereof without prejudice to inserting its text in the Congressional Record.

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

ADOPTION OF H. RES. NO. 570

REP. MACAPAGAL ARROYO. Mr. Speaker, I move that we adopt House Resolution No. 570, in consolidation with House Resolution No. 560.

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

House Resolution No. 570 is hereby adopted.

* See MEASURES CONSIDERED (printed separately)

The Majority Leader is recognized.

SUSPENSION OF SESSION

REP. MACAPAGAL ARROYO. Mr. Speaker, I move that we suspend the session for one minute.

THE DEPUTY SPEAKER (Rep. Pimentel). The session is suspended.

It was 5:53 p.m.

RESUMPTION OF SESSION

At 5:53 p.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Pimentel). The session is resumed.

The Majority Leader is recognized.

SUSPENSION OF SESSION

REP. MACAPAGAL ARROYO. Mr. Speaker, I move that we suspend the session until 1:00 p.m. on Monday, December 9, 2019.

THE DEPUTY SPEAKER (Rep. Pimentel). The session is suspended until 1:00 p.m. on Monday, December 9, 2019.

It was 5:53 p.m.