

**MONDAY, SEPTEMBER 23, 2019**

ROLL CALL

OPENING OF THE SESSION

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

**The President.** The 25<sup>th</sup> session of the Senate in the First Regular Session of the Eighteenth Congress is hereby called to order.

Let us all stand for the opening prayer to be led by Sen. Sonny Angara.

*Everybody rose for the prayer.*

PRAYER

**Senator Angara.**

*Panginoon, sa araw-araw ay iba't ibang pakikibaka ang kinakaharap ng sambayanan. Marami, lalo na ang mga kababayan nating salat sa buhay ay pinanghihinaan ng kalooban.*

*Dalangin po namin sa Inyo, Panginoon, na bilang mga lingkod-bayan ay palagi Ninyo kaming gabayan upang makatulong nang walang katumbas na anuman.*

May this august Body be an instrument for solving some of the biggest challenges that envelope our country.

May we remember that our nation can face down any crisis—especially with Your unwavering love and compassion.

*Sa kabila ng mga suliranin, kami po ay nagpapasalamat dahil nananatiling produktibo ang aming paglilingkod-bayan dahil sa Inyong tulong.*

*Muli, kami po ay nananalangin ng Inyong pagpapala sa aming mga kababayan.*

*Amen.*

**The President.** Please remain standing for the singing of the national anthem.

The Adventist University of the Philippines' Little Singers will lead us in the singing of the national anthem. The group will also render another song entitled "Alay."

NATIONAL ANTHEM

*Everybody remained standing for the singing of the national anthem.*

**The President.** The Secretary will please call the roll.

**The Secretary, reading:**

Senator Sonny Angara .....	Present
Senator Maria Lourdes	
Nancy S. Binay .....	Present
Senator Pia S. Cayetano .....	Present
Senator Leila M. De Lima .....	*
Senator Ronald "Bato"	
M. Dela Rosa .....	Present
Senator Franklin M. Drilon .....	Present
Senator Win Gatchalian .....	Present
Senator Christopher Lawrence	
T. Go .....	Present
Senator Richard J. Gordon .....	Absent**
Senator Risa Hontiveros .....	Present
Senator Panfilo "Ping" M. Lacson ...	Present
Senator Manuel "Lito" M. Lapid .....	Present
Senator Imee R. Marcos.....	Present
Senator Emmanuel "Manny"	
D. Pacquiao .....	Present
Senator Francis "Kiko"	
N. Pangilinan .....	Present
Senator Aquilino "Koko" L.	
Pimentel III.....	Absent
Senator Grace Poe .....	Present
Senator Ralph G. Recto .....	Present
Senator Ramon Bong Revilla Jr. ....	Present
Senator Francis "Tol" N. Tolentino...	Present
Senator Joel Villanueva .....	Present
Senator Cynthia A. Villar .....	Present
Senator Juan Miguel F. Zubiri .....	Present
The President .....	Present

**The President.** With 21 Senators present, the Chair declares the presence of a quorum.

The Majority Leader is recognized.

ACKNOWLEDGMENT OF GUESTS

**Senator Zubiri.** Thank you, Mr. President.

Mr. President, we have visitors in the gallery. We have the visitors of Sen. Christopher Lawrence T. Go: Rep. Jeffrey Khonghun of the 1<sup>st</sup> District of Zambales, together with Vice Gov. Jay Khonghun of Zambales.

We also have Gov. Miguel Luis Villafuerte of Camarines Sur, *kaibigan natin iyan* and my *tukayo*; Mr. Raymond Christopher Garrett,

\* Unable to attend the session as she was under detention

\*\* On account of illness

ACCESSIBLE PUBLIC TRANSPORTATION,  
APPROPRIATING FUNDS THEREFOR AND  
FOR OTHER PURPOSES

Introduced by Senator Pacquiao

**The President.** Referred to the Committees on Public Services; Public Works; and Finance

**The Secretary.** Senate Bill No. 1065, entitled

AN ACT ACCELERATING PUBLIC SECTOR  
INVESTMENTS IN LOCAL  
INFRASTRUCTURE, ESTABLISHING FOR  
THE PURPOSE THE LOCAL BUILD, BUILD,  
BUILD PROGRAM, PROVIDING FUNDS  
THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Recto

**The President.** Referred to the Committees on Local Government; Public Works; Ways and Means; and Finance

The Majority Leader is recognized

ACKNOWLEDGMENT OF GUEST

**Senator Zubiri.** Mr. President, we completely forgot to recognize the distinguished excellency, our ambassador and permanent representative to the UN, no other than Ambassador Rodolfo Robles, who will be up on Wednesday for confirmation.

**The President.** Welcome to the Senate.

BILL ON SECOND READING  
**S. No. 1043—Postponing the May 2020  
Barangay and Sangguniang Kabataan  
Elections**  
(Continuation)

**Senator Zubiri.** Mr. President, I move that we resume consideration of Senate Bill No. 1043 as reported out under Committee Report No. 4.

**The President.** Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 1043 is now in order.

**Senator Zubiri.** Mr. President, the parliamentary status of the measure is that we are in the period of interpellations.

May we recognize the sponsor, the distinguished Senator from Ilocos Norte, Sen. Imee Marcos; and to interpellate, the distinguished Senator from Batangas, Sen. Ralph Recto.

**The President.** The chairperson of the Committee on Electoral Reforms and People's Participation, Sen. Imee Marcos of Ilocos Norte and Leyte, is recognized; and the gentleman from Batangas, Sen. Ralph Recto, President Pro Tempore, is likewise recognized.

**Senator Marcos.** Thank you, Mr. President.

**Senator Recto.** Thank you, Mr. President; thank you, Majority Leader.

Will the distinguished lady Senator from Ilocos Norte yield for a few clarificatory questions?

**Senator Marcos.** Gladly, Mr. President.

**Senator Recto.** Thank you very much.

Mr. President, may I know from the distinguished sponsor what is so important in postponing the barangay elections?

**Senator Marcos.** What is so important is that the barangay and the SK officials are at the forefront in the delivery of goods and services in the smallest unit of our country and they are being deprived, against the law, of another year of their term of office. Given that the budget of last year was also delayed by six months, they have hardly any time to execute any of their plans and programs.

**Senator Recto.** All right. Is that the principal reason why we are postponing the barangay elections?

**Senator Marcos.** Yes, Mr. President. I think the principal reason is that we do not want to be in violation of the law which states that a three-year term be given to all barangay officials.

**Senator Recto.** But did Congress not decide on this previously and that is why the term of office of the barangay for this particular term is two years because in the previous Congress, it was also requested that we extend the term of office to four years instead of three?

**Senator Marcos.** That is correct, although I was not a member of the previous Congress. And, in fact, there have been consecutive postponements—six in the case of the barangay officials; seven in the case of SK.

**Senator Recto.** Yes, that is correct. And it would not be proper to say then that we are in violation of the law because it is an act of Congress, is that correct?

**Senator Marcos.** To that degree, it is possible that the case be made that it is not in violation,

but, in fact, it violates two laws. The Local Government Code in Section 43(c) is very clear that three years should be given to barangay officials similar to other local officials.

In addition, RA 9164, which regulates barangay and SK elections, also intends that three years be given to them.

But, as the gentleman said, in 2017, the determination was to set the elections to two years, meaning, May of 2020—under time, indeed.

**Senator Recto.** Now, the reason for the extension in the last Congress was because there was Martial Law. And that is why we postponed the election, and that is why the term of office is only two years.

Now, assuming we pass this measure based on the recommendations of the committee, would it not also violate the same law that the lady is saying because we are extending the term to five years.

**Senator Marcos.** No, Mr. President. I think the Constitution does not actually provide for a term for barangay officials. It is up to, as the gentleman said, the Congress to determine the said term. I suppose that an extension of term is more a custom at this point where we have had subsequent and consecutive postponements of these elections.

**Senator Recto.** So, it is good for us to extend it to five because it does not violate the law if it were five years, but if it is less than three, it violates the law, is that correct?

**Senator Marcos.** Mr. President, the recommendation is that we finally put a stop to these constant changes, make it predictable and reliable, establishing barangay and SK elections one year after the national elections in the future in all subsequent cases.

**Senator Recto.** All right. We will get to that later, Mr. President.

**Senator Drilon.** Mr. President, with the permission of Senator Recto.

**The President.** Yes, with the permission of the two senators on the Floor, the Minority Leader is recognized.

**Senator Drilon.** I just want to manifest that Congress cannot violate a law by amending the law. We can violate the Constitution if a proposed measure is contrary to the

Constitution. If it is an existing law, regardless what that law is, it is within the plenary powers of Congress to amend the law and to enact a law different from what is existing.

Thank you very much, Mr. President.

**Senator Recto.** That is my position, Mr. President, that is why I did not ask the questions yet.

**Senator Marcos.** Yes, thank you, Mr. President.

The Minority Leader is right that, in fact, we cannot be held in violation of the law but two laws actually stipulate the three-year term.

**Senator Recto.** That is correct. And that is the position of this representation as well, Mr. President, as enunciated by the Minority Leader that we are not in violation of the law.

Nevertheless, the important issue is this, Mr. President: May I find out from the sponsor of this measure how many times have we postponed national and local elections?

**Senator Marcos.** National elections, to my mind, have not been postponed, Mr. President.

**Senator Recto.** Have never been postponed, Mr. President.

**Senator Marcos.** However, Mr. President, barangay elections for the barangay captains have been postponed six times, while SK elections, seven times.

**Senator Recto.** That is correct, Mr. President. So, we have never postponed any national elections, but we have postponed regularly, in fact, in almost all administrations, barangay elections, is that correct?

**Senator Marcos.** That is correct, Mr. President, which is why the committee report seeks to regularize this and make it one year following every national election.

**Senator Recto.** But is it not correct as well, Mr. President, that in every Congress, every time we debate this measure, Congress, in effect, says we will postpone it the last time.

**Senator Marcos.** I suppose so, Mr. President, and we, indeed, insert, therefore, a holdover provision to cover that.

**Senator Recto.** All right. So, I have gone over the records of all the postponements, Mr. President, and that would appear to be the... In

every Congress, every time we postpone the election, everyone says, "This will be the last time." In fact, in the Seventeenth Congress, the first bill of the Seventeenth Congress was also postponing the elections. And the first bill being deliberated today by the Eighteenth Congress is postponing also the barangay elections, is it not correct?

**Senator Marcos.** That is correct, Mr. President, once again. It was Senator Angara at that time who was the chairman of the Local Government Committee.

**Senator Recto.** In fact, Mr. President, in the Seventeenth Congress, we postponed the elections twice.

**Senator Marcos.** Yes, Mr. President, not once but twice.

**Senator Recto.** And this should be the third time, Mr. President.

**Senator Marcos.** That is correct, Mr. President.

**Senator Recto.** And there is a saying, "Three times, you're out." [Laughter]

**Senator Marcos.** Strike. Yes, *po*.

**Senator Recto.** Stricken out.

Now, having said that, Mr. President, may I know from the distinguished sponsor, in the Batasang Pambansa, the first time we had a law on terms of barangay officials, how many years was the term of office of a barangay official?

**Senator Marcos.** Was it six years?

**Senator Recto.** That is correct.

**Senator Marcos.** Although we are all claiming to be too young to remember that.

**Senator Recto.** All right. In the Batasang Pambansa, the law creating elections for the barangay... Would the sponsor know when was the first elections for barangay officials? When did that occur?

**Senator Marcos.** Was it in 1982?

**Senator Recto.** That is correct, in 1982.

And the term of office was for six years, is that correct?

**Senator Marcos.** That is correct. It used to be six years.

**Senator Recto.** And the term would have been until 1988?

**Senator Marcos.** 1988?

**Senator Recto.** Yes, Mr. President.

**Senator Marcos.** Yes, that is correct, Mr. President.

**Senator Recto.** All right. And when was the first time we postponed the elections, Mr. President?

**Senator Marcos.** The barangay elections?

**Senator Recto.** Yes, Mr. President.

**Senator Marcos.** I think these are from May 1988 to November 1988; November 1988 to March 1989; May 2000 to July 2002; 2005...

**Senator Recto.** Let us just start with 1982 to 1988; and from 1988 to 1989. So, that is the first postponement?

**Senator Marcos.** Twice *pa noong* May 1988, *naging* November 1988 *at which naging* 1989 *pa*.

**Senator Recto.** That is correct. All right. And we extended the term by one year, in effect?

**Senator Marcos.** Yes, that is correct, Mr. President.

**Senator Recto.** And the term from six became seven years, is that correct?

**Senator Marcos.** *Opo*.

**Senator Recto.** What was the reason for postponing the election in 1988?

**Senator Marcos.** I do not think I recall as we were in exile at that point.

**Senator Recto.** Based on the record, Mr. President, the reasons then are very similar to the reasons today, and in all our debates previously. The reasons would be: *masyadong magastos*, election fatigue because we have the elections in 1987, the first elections under the new Constitution, and that there was insurgency. So, this was the first time we postponed the elections in 1988.

Now, the next elections should have been in 1994. So, six years, because the term of office then was six years. All right. And the second time that we had the barangay election was in what year? In 1989.

**Senator Marcos.** Yes, March of 1989, according to my record.

**Senator Recto.** March 1989 was our second election. So, the term was seven years, as we discussed earlier. And since the term of office of the barangay was six years, the next election then would have been in 1994, is that correct?

**Senator Marcos.** Yes, from 1988 to 1994 if the six-year term had been followed.

**Senator Recto.** And were there elections held in 1994?

**Senator Marcos.** From our records, no elections were held in 1994, instead, May 2000 was the scheduled election.

**Senator Recto.** Yes, let me correct the sponsor of this measure. There were elections in 1994. There were barangay elections held in 1994, it was...

**Senator Marcos.** I am sorry, I was still in exile.

**Senator Recto.** Yes, it was May 9, 1994 when we had the second barangay elections, and in 1992, because of the Local Government Code, we had SK elections in 1992.

**Senator Marcos.** Yes, that is correct. I am sorry, 1982, 1989, 1994, and 1997 were the elections on record.

**Senator Recto.** We will get into that, Mr. President.

We had elections in 1992, the first SK election, is that correct?

**Senator Marcos.** Yes, that is correct.

**Senator Recto.** All right. And at that time because we passed the Local Government Code, then the terms of office now changed from six years to three years. Three years *na iyang* terms of office of the barangay official and we have already SKs every three years, is that correct?

**Senator Marcos.** That is right.

**Senator Recto.** During that time, there is no synchronization.

**Senator Marcos.** It does not appear to have been synchronized.

**Senator Recto.** All right, Mr. President. That is why we would have a national election, then an SK election, and then a barangay election. It is not synchronized so *magastos ang* election, *taun-taon ay mayroon*.

**Senator Marcos.** Yes, Mr. President. That was the sense that every year, the whole country had an election.

**Senator Recto.** So, almost every year, we would have an election. In 1996, we had the SK elections; in 1997 we had the barangay elections; and then the first synchronized election in 2002, that is why we had postponements again to have a synchronized election. So, the first term was seven years, six years *iyong* term, *na-extend* by one *kaya naging* seven.

**Senator Marcos.** *Naging seven, tama po.*

**Senator Recto.** The second election, 1989 to 1994, is five years; the following was three years, then we extended the year again from three to five; on the fifth time, from 2002 to 2007, five years; and then in 2007 to 2010, that is three years; 2010 to 2013, that is three years; and on the eighth, 2013 to 2018, that is another five years.

**Senator Marcos.** Yes, Mr. President. I agree with the gentleman, *paiba-iba po*.

**Senator Recto.** Why? Because Congress kept on postponing the election *at ang dahilan* in most cases, if not all, *masyadong magastos ang halalan*.

**Senator Marcos.** *Parati nga po iyan ang naririnig natin.*

**Senator Recto.** Not only for the government but also for the politician, I suppose.

**Senator Marcos.** *Tama po iyon, talagang magastos sa ating lahat iyan.*

**Senator Recto.** Not only the barangay officials running for office, but those supporting the barangay officials.

**Senator Marcos.** *Opo*, Mr. President. Although, officially, nonpartisan *ang ating* barangay officials, *kunwari at kung minsan*.

**Senator Recto.** That is correct. But, Mr. President, I think the distinguished sponsor and I will agree that all elections are partisan. It is an election; it must be partisan.

**Senator Marcos.** It is clear that it is a political exercise, Mr. President. There is no need to quibble about partisan or nonpartisan, party or non-party based. At the end of the day, it is clearly a political exercise involving the division of power.

**Senator Recto.** That is correct, Mr. President. How many years have we had the barangay

since then—from 1982 to the present—that is about 36 years?

**Senator Marcos.** That is correct, Mr. President. If we count even previous to that, we had the Kabataang Barangay and the previous barrios and barangays.

**Senator Recto.** Yes, Mr. President, but I am just starting from 1982. And having said that, then the average term of the barangay would be more than three years, more than four years, almost close to five years.

**Senator Marcos.** That is correct, Mr. President. If we average it out, that would be the number.

**Senator Recto.** All right, Mr. President. In all these postponements, there must have been a cost to government because there is always preparation being undertaken.

**Senator Marcos.** That is right, Mr. President.

**Senator Recto.** And there is always a cost.

**Senator Marcos.** I think the cost was very, very evident in the last postponement when it was so close to the actual day.

**Senator Recto.** That is correct, Mr. President.

**Senator Marcos.** We are more fortunate this time because we are trying to do it a little bit earlier. The costs that have been expended so far are part of the regular budget of the Comelec in terms of the training where they have spent roughly P14.2 million and, I believe, for the satellite registration, another P13 million, all part of their regular GAA.

**Senator Recto.** So, as of today, how much has Comelec spent for the barangay and SK elections next year?

**Senator Marcos.** That would make a total of P27.2 million, but this is well within the regular MOOE and not a special item for elections. They were hoping, however, that their earmarked savings of P1 billion would be allocated for the early procurement of ballots, carbonless paper, and so on.

**Senator Recto.** But there is a cost.

**Senator Marcos.** There is always a cost to every exercise, the gentleman knows *po*.

**Senator Recto.** And every time we postpone, there is a cost as well?

**Senator Marcos.** That is correct.

**Senator Recto.** All right. Would the sponsor know what the costs were from the beginning? How much have we wasted since 1988, 1994, 1997, and every time? Would there be data?

**Senator Marcos.** I think, right now, the only data that we have is the cost of the actual election. I am sure some fraction of that would be expended in the postponement.

**Senator Recto.** I will not press the point, Mr. President. But the point here is, every time we postpone, there is a cost. All right?

And under this committee report, the term of the barangay officials today is two years, is that correct?

**Senator Marcos.** That is correct, yes. That is 2018 to 2020.

**Senator Recto.** All right. And under this committee report, we are extending their term by how many years?

**Senator Marcos.** We were originally saying that it should be May 2023 which would make their term five years. However, upon prodding and encouragement, the Comelec says that they can do it as early as December 2022 so that we do not have too much of an extension. Although that would stagger once again the terms of office but as the gentleman have said, this has happened often enough.

**Senator Recto.** Yes. Now, the term of office today is two years.

**Senator Marcos.** That is correct.

**Senator Recto.** All right. And under the committee report, what is the proposal holdover? How many years is the holdover?

**Senator Marcos.** The holdover that we were proposing was originally up to May 2023.

**Senator Recto.** Which is three years?

**Senator Marcos.** Three years—two plus three.

**Senator Recto.** So, the holdover is longer than the actual term of office?

**Senator Marcos.** Under 2017, that is right.

**Senator Recto.** All right. Now, in previous extensions, has the holdover been longer than the term of office?

**Senator Marcos.** I believe so because there was a point in which it was seven years.

**Senator Recto.** The term then was six years.

**Senator Marcos.** It was six years.

**Senator Recto.** So, there is only one year added.

**Senator Marcos.** I see. So, what has been discussed is how soon can the Comelec have it because we are all uncomfortable about extending it so lengthily. So, originally, Sen. Bong Go and Senator Binay had proposed that October 2022 should be the full extent of the postponement but given that there is an election, a national one in May 2022, the Comelec asked us to give them at least four and a half to five months to print the ballots, and thereafter, verify and distribute them which would bring us at the earliest date around December 10 of 2022.

**Senator Recto.** Is it not that in the previous Congress, there was a decision that we hold the elections in the month of May? And that is why that is found also in the current election today that the barangay elections are held May, during summer.

**Senator Marcos.** That is right, to make all the terms uniform.

**Senator Recto.** To make it uniform. Now, if we change it again to October to December, then that would not be uniform, is that correct?

**Senator Marcos.** That is correct.

**Senator Recto.** So, it is always better to leave it in May?

**Senator Marcos.** The committee report recommends that it should be in May of 2023?

**Senator Recto.** But the problem with that is that we are extending the term longer. The holdover will be longer than the term of office of the barangay officials.

**Senator Marcos.** *Ang haba-haba na nga po.*

**Senator Recto.** *Sobrang haba, ano?*

**Senator Marcos.** *Ang suwerte na nga nila.*

**Senator Recto.** All right.

**Senator Marcos.** Jackpot *na rin iyong mga* federation.

**Senator Recto.** I wanted to get to that point, Mr. President. Whenever we postpone barangay elections, who benefits?

**Senator Marcos.** I imagine it is the sitting officials.

**Senator Recto.** First, it will be the sitting officials because their term is extended. Now, how many voters are we talking about that are potentially disenfranchised?

**Senator Marcos.** In theory, the ideal would be that nobody is disenfranchised. Unfortunately, during the synchronized election of 2010, two million were actually disenfranchised.

**Senator Recto.** All right. Now, if we are talking about extending the term of office of barangay officials, and there are how many voters, 84 million?

**Senator Marcos.** Somewhere there, probably more because those are the old figures.

**Senator Recto.** Probably more. All right. They would not have the opportunity to vote next year, is that correct?

**Senator Marcos.** Yes, that would be correct and particularly in the case of the SK whose age would have changed by the time the elections are actually held.

**Senator Recto.** So, *ang makikinabang* with the extension is roughly 650,000?

**Senator Marcos.** That is correct, more *pa*, 673,000.

**Senator Recto.** Mr. President, 673,000 *at iyong madi-disenfranchise* is about 80 million who will not be able to vote next year.

**Senator Marcos.** But they will be able to vote in the consequent election.

**Senator Recto.** Yes, which is three years or four years from now—2023.

**Senator Marcos.** Mr. President, 2023, 2022, depending on what the Chamber decides.

**Senator Recto.** Yes, all right. So, that is the point, Mr. President.

Now, ideally, we do not postpone elections, is that correct?

**Senator Marcos.** Definitely. Regularity and predictability are among the elements of fairness.

**Senator Recto.** And here we have seen that we have always postponed barangay elections almost every administration.

**Senator Marcos.** That is correct. It has become a bad habit.

**Senator Recto.** It is a bad habit. And every time we do that, we say, "This will be the last time."

**Senator Marcos.** Yes, promises are made to be broken.

**Senator Recto.** All right. I think the Majority Leader is correct when he says, "Last time this year."

**Senator Marcos.** Sounds like the Commission on Appointments *po*.

**Senator Recto.** All right. Now, may I know what the savings to taxpayers will be *naman* assuming we postpone the barangay elections because under the committee report, we are postponing the elections under this administration and tossing it to the next, is that correct?

**Senator Marcos.** That is correct.

**Senator Recto.** And if we do that, what is the savings?

**Senator Marcos.** Well, in terms of the budget for 2020, there is a P5.7 billion allocated for the barangay elections which will no longer be necessary to my mind given that the...

**Senator Recto.** And the barangay election is a manual operation, is that correct?

**Senator Marcos.** Yes, it is manual. It is not automated.

**Senator Recto.** And how much do we spend for automated elections on national and local elections? It is P18 billion, I think, the last election?

**Senator Marcos.** Somewhere around that figure should be correct.

**Senator Recto.** So, *mas mahal pa iyang* national automated than a manual election *pala, ano*, three times more expensive? When automated should be cheaper.

**Senator Marcos.** The gentleman would have thought, P6 billion is the cost for the manual... No, the automated is now P6 billion or so they tell me.

**Senator Recto.** No, I think the barangay election is P6 billion but the last 2019 national election was P18 billion to P19 billion.

**Senator Marcos.** I think the budget officer of Comelec, having thought of the figures, now says, it is in fact P18 billion for the automated national election.

**Senator Recto.** That is what I just said, roughly P18 billion.

**Senator Marcos.** *Tama po kayo. Mali iyang sinabing* P6 billion.

**Senator Recto.** And the barangay election is roughly P6 billion?

**Senator Marcos.** That is correct, *mas mura iyang* manual.

**Senator Recto.** *Mas mura pa iyang* manual. All right. Precisely the point.

So, I just wanted to put that on record as well, Mr. President. When automated should be cheaper and faster. But it would appear, after going through this exercise, *mas mahal nga pala iyang* automated.

**Senator Marcos.** *Mas mahal iyang* automated at *ngayon, ang wino-workout po natin* with the new DICT, the DOST and all the rest *na magkaroon tayo ng* hybrid. *Hindi ko po alam kung mas lalo pang mamahal o magiging* mas affordable.

**Senator Recto.** I look forward to looking at the argument for that as well, Mr. President, at the appropriate time. But at this juncture, I was at the point wherein if we postpone the elections and move it to the next administration, what is the savings? Roughly P6 billion, is that correct?

**Senator Marcos.** Yes, that should be around that amount, Mr. President.

**Senator Recto.** All right. And going from historical data, it would appear that the average term of office of the barangay has been more than three years, less than six years.

**Senator Marcos.** Definitely more than three years, upward to five years.

**Senator Recto.** And the first time we had barangay elections, the term of office was six years.

**Senator Marcos.** *Dati po. Tama.*

**Senator Recto.** All right. So, why not just have barangay elections every six years?

**Senator Marcos.** *Mas bongga iyon. Gustung-gusto ng mga kapitan iyon. Magtitiis na lamang iyang mga kagawad na may ambisyon.*



**Senator Recto.** But the difference is this, Mr. President, if we decide to do that later for the savings, and if we are looking for more resources, and if we think every time *naman* we keep on postponing it.

**Senator Marcos.** *Totoo.*

**Senator Recto.** And, apparently, we do not want to have elections every three years. Why not make our minds up and use that savings to spend for... I think one of the priorities of the President is the magna carta for barangays.

**Senator Marcos.** Yes, Mr. President, and for which Senator Tolentino, Senator Go, and myself are scrambling around looking for financing.

**Senator Recto.** I already filed a bill looking for the financing, which did not even include the P7 billion yet, Mr. President, just in case.

**Senator Marcos.** *Matutuwa iyong kapitan kapag naging "barangay Senator" na sila, hindi na barangay kapitan.*

**Senator Recto.** Six-year term *na rin*.

**Senator Marcos.** *Kapag six years na sila.*

**Senator Recto.** *Pareho ng Presidente*, which incidentally, whether it is the President or the barangay captain, are all casuals.

**Senator Marcos.** That is correct, Mr. President.

**Senator Recto.** We have a six-year term, *hindi ba?*

**Senator Marcos.** That is correct, Mr. President.

**Senator Recto.** All right. Now, the difference is that today, is it not that the barangay officials have a contract with the people? Meaning to say, their term of office is two years.

**Senator Marcos.** Three years, Mr. President.

**Senator Recto.** No. Today...

**Senator Marcos.** As of 2017, *tama po*.

**Senator Recto.** It is only two because we extended it. *Iyong three, ginawang four kaya iyong natitirang three, naging two, right?*

**Senator Marcos.** *Tama po. Kaya lamang ang pagkaintindi nila, three years talaga.*

**Senator Recto.** *Hindi*, their contract with the voter is two years. Their contract today. When

they were elected, *maliwanag iyong batas*, two-year term.

**Senator Marcos.** *Ayon sa batas, tama iyon, pero iyong pagkaintindi nila at ng botante nila, tatlong taon sila maninilbihan.*

**Senator Recto.** *Pero ayon sa batas*, two years.

**Senator Marcos.** All right, Mr. President.

**Senator Recto.** All right.

Now, and just to enrich the record again, if the *kapitan* had a third term already today—when was he elected, in 2010, *hindi ba?* Would have been his first term?

**Senator Marcos.** Thereabouts, Mr. President.

**Senator Recto.** All right.

So, that *kapitan* would have had 13 years to finish three terms, right?

**Senator Marcos.** That is about right, Mr. President.

**Senator Recto.** And those elected in 2013 would also have 13 years to finish three terms, when their contract was only nine based on the three-term limit, *hindi ba?*

**Senator Marcos.** Jackpot *po sila. Tama po kayo.*

**Senator Recto.** All right.

And that is my point. All I am saying is that, why do we not decide, once and for all, if we think that three years is the best. Let us continue the elections next year, or postpone it by one year. And if the request is to have it after the national elections in 2022, then thereafter, every three years.

Now, if we look at the historical data, it appears that we do not want to give them three-year terms, but a longer term. And if we decide, "Let us do it six years," then there will be savings. And we can use that savings for many other things. But then, there is certainty in having elections.

But, in the meantime, let us respect the contract that our electorate have with the barangay officials. *Ang maliwanag ay two-year term sila ngayon. Parang hindi naman tama na we extend at ang holdover ay tatlong taon. Mas mahaba pa than the term that they were elected to serve. That is all the point I am trying to raise, Mr. President.*

**Senator Marcos.** I think these are valid points and certainly at the forefront of the delivery of goods and services, there is a case to be made for having a longer term upwards of three years, four years, five years by experience, and even six years. *Matutuwa po iyong kapitan niyan.* [Laughter]

**Senator Recto.** And I suppose, there will be certainty and at the same time, there will be savings that we can spend for the magna carta for barangays.

**Senator Marcos.** There we go, as well as the salary standardization, the completion of agrarian land reform, and so on and so forth.

**Senator Recto.** Yes, Mr. President.

So with that, as I promised, I will be brief and short in this interpellations. So thank you very much, Mr. President; and thank you to the distinguished sponsor for answering our clarifications.

**Senator Marcos.** Thank you very much.

**The President.** The Minority Leader is recognized.

**Senator Drilon.** Yes, Mr. President.

I was listening intently to the debate between the sponsor and Senator Recto. I have a proposal in mind which I will submit now to the sponsor for her to study whether or not it can be adopted as a committee amendment. The first premise is the statement repeated several times by the good sponsor *na ang pagkakaintindi ng ating mga punong barangay ay tatlong taon silang manunungkulan.*

**Senator Marcos.** *Tama po.*

**Senator Drilon.** Now, from that...

**Senator Marcos.** *Sa tama o mali, iyon ang pagkakaintindi.*

**Senator Drilon.** All right. That may be a reasonable term considering that all the other local officials have a term of three years. However, we are already here trying to set the next election.

May I submit the following for the consideration of the sponsor, let us set the election at least three years from the time they were first elected, and I underscore the word "at least." It can be May of 2021 which is three years, or December of 2022 which is three years and whatever.

Mr. President, may I suggest that to avoid all of these issues in the future: 1) that whatever date we set for the next election, we set a second date and that is three years from that time. For example, if we say it is in December of 2022, the next election should be in December of 2025. Let us already put that in the law. And we impose, subject to legal study, a qualified majority vote requirement in order to postpone these elections. We require a three-fourths vote of the entire membership of the Senate before Congress can postpone the next election so that we can have stability in the terms of office. Because as pointed out by the President Pro Tempore, we keep on postponing the election and in our wise judgment, we cannot be questioned because these are plenary powers. So, if there is nothing unconstitutional about setting the two elections which will fix it at three years, then any change will require a qualified majority as in three-fourths of all the members of the Senate.

That is something that I am submitting to the committee for its consideration; whether or not it is acceptable as a matter of policy and whether or not it is legally feasible under our Constitution. I think that system will provide stability. We will set it at three years *at hindi na natin... pagdating ng panahon, nagla-lobby na naman, ipo-postpone na naman natin.* So, by having a qualified majority, if three-fourths or more would say, yes postpone, then that is a matter of judgment. But it should be a qualified majority as in, for example, the ratification or giving a consent to the ratification of a treaty that requires a qualified majority.

**Senator Marcos.** Yes, thank you very much, Minority Leader, Senator Drilon. Certainly, to set the election in December 2022 would be acceptable to almost all the stakeholders as compared to May 2021. They would prefer instead that it should be after the national elections.

And as to the second point that we established, a second date, the committee report, as we may have noticed, contains as its final paragraph a setting of the next elections—three years, one year or less—after the national elections to provide stability and predictability.

**Senator Drilon.** So, the subsequent elections should be every three years for the barangay officials.

**Senator Marcos.** That is correct, Mr. President.

**Senator Drilon.** And I am proposing that to change the date of the election, we should have a qualified majority to amend it.

**Senator Marcos.** I am in full agreement that this bad habit of constantly changing the dates and postponing needs to be stopped. However, I am unclear if it is constitutionally viable to limit the power of the next Congress.

**Senator Drilon.** No, we are not removing from them the power. We are saying that to change it, more than a mere majority of the quorum should be able to change it.

Anyway, we are submitting this for the consideration of the committee so that if the judgment of the committee, this is viable, constitutionally and policy-wise, then we are, in its judgment, the committee may wish to adopt this subject to its consistency with the Constitution.

**Senator Marcos.** Thank you very much, Mr. President.

These are valid and important points that we will take into consideration.

**The President.** Senator Tolentino is recognized.

**Senator Tolentino.** Mr. President, I am in favor of this committee report, in fact, I am one of the cosponsors. But to highlight again my quest to find answers to the continuing paradox of the ex officio officers, let me highlight two points.

One, Mr. President, if, for instance, the ABC president of Badoc, Ilocos Norte, Barangay Captain Juan dela Cruz is a barangay captain of Poblacion Badoc, Ilocos Norte and is also the ABC president. He is also an ex officio municipal councilor of Badoc. Am I correct, Mr. President?

**Senator Marcos.** That is correct, Mr. President.

**Senator Tolentino.** So, if ABC President Juan dela Cruz, an ex officio municipal councilor, knowing that his term will be extended until May 2023, runs for election as a councilor, likewise of Badoc, in the regular elections of May 2022, and if Barangay Captain Juan dela Cruz fails to make it as a councilor of Badoc in the regular election, is it correct to say, Mr. President, that Barangay Captain Juan dela Cruz would still be a municipal councilor of Badoc, Ilocos Norte having lost the elections of May 2022?

**Senator Marcos.** I believe if his league does not call for another election, he would continue to be barangay captain.

**Senator Tolentino.** So, he is still an ex officio councilor by being the ABC president even if he

loses the regular elections come May 2022. He will still serve as a municipal councilor until May 2023, if that is the date. Am I correct, Mr. President?

**Senator Marcos.** My understanding is that, in fact, he will continue as barangay captain but as it is traditional every time a new term begins, there is an election among the leagues. So, perhaps, a new ABC election would be conducted and he may or may not be the representative ex officio to the municipal council.

**Senator Tolentino.** He is not deemed resigned, Mr. President. We have several precedents concerning this. And there is a DILG opinion, DILG Opinion No. 5, Series of 2017, and I quote: "Liga presidents running for higher office are not automatically resigned for being an elective official." If they do not win, they are still *punong barangay* after the elections and being an ex officio ABC president, he still maintains his position as a municipal councilor of Badoc, Ilocos Norte. That is my first paradox which I hope the good chairperson would find a proviso to resolve these incongruities/inconsistencies in the situation of ABC presidents.

Another paradox, Mr. President, although this has been resolved in part by the IRR of the Local Government Code, and I continuously oppose this because the IRR, the implementing rules, would now run in conflict with the Local Government Code. Let me quote Section 494:

Section 494. *Ex-Officio Membership in Sanggunians.* - The duly elected presidents of the liga at the municipal, city and provincial levels, including the component cities and municipalities of Metropolitan Manila, shall serve as ex-officio members of the sangguniang bayan, sangguniang panlungsod, sangguniang panlalawigan, respectively. They shall serve as such only during their term of office as presidents of the liga chapters, which in no case shall be beyond the term of office of the sanggunian concerned.

The sanggunian office concerned is three years. Similar to the Seventeenth Congress and the Eighteenth Congress, it expires by provision of law.

So, the second paradox, Mr. President—although this was clarified by the IRR—they can serve beyond the term of the sanggunian concerned. Probably, it would have to be rectified by this proposal to postpone the barangay and SK elections including thereby a provision that there has got to be another election for the ex

officio sanggunian members considering that the term of office of the sanggunian concerned is only three years. Am I correct?

**Senator Marcos.** Yes, Mr. President.

Certainly, as chairman of the Committee on Local Government, I will urge the gentleman's help and support to change the IRR so that these incongruities are avoided.

**Senator Tolentino.** I have no further questions, Mr. President. I thank the good lady from Ilocos Norte.

**Senator Marcos.** Thank you very much.

**The President.** I think it is also best to, as much as possible, include in the bill and the law that will be passed all the different concerns and issues instead of relying on the IRR. We have had many, many problems already with the IRR. They are the second house. They change the laws.

**Senator Marcos.** Yes, I agree, Mr. President. Indeed, the IRRs are unreliable and sometimes surprising. So, we will consider amending, to the best of our ability, so that these concerns are contained in the law itself.

**The President.** Thank you.

Senator Gatchalian is recognized.

**Senator Gatchalian.** Thank you, Mr. President.

I just have one question, Mr. President. In extending the term of office of the barangay captain, *kapag magaling po iyang* barangay captain, the constituents will not complain. In fact, they will probably support the extension. *Hindi po ba?*

**Senator Marcos.** *Sigurado iyon*, Mr. President. *Tama iyon.*

**Senator Gatchalian.** If the barangay captain is not performing, or is corrupt, or is not doing anything to the benefit...

**Senator Marcos.** *O may ambisyosong kagawad.*

**Senator Gatchalian.** I want to focus on the performance of the barangay captain. For example, he is corrupt, he is underperforming or corrupt barangays, Mr. President?

**Senator Marcos.** I think, that falls squarely under the DILG right now and the office of the mayor concerned.

**Senator Gatchalian.** So, the office of the mayor can investigate the barangay captains through the sangguniang bayan?

**Senator Marcos.** I believe so because that has occurred on several occasions in our province, for example.

**Senator Gatchalian.** So, the LGU, through the sangguniang bayan or panlungsod can investigate the barangay captains?

**Senator Marcos.** Yes, Mr. President. And I believe some barangay captains, like some mayors, have been suspended as a result.

**Senator Gatchalian.** Can they remove erring barangay captains? Can they remove underperforming barangay captains through the LGUs?

**Senator Marcos.** I am not certain if underperformance would qualify as a ground, but they certainly can remove barangay captains and it has occurred in the past.

**Senator Gatchalian.** If proven that a barangay captain is corrupt or has a...

**Senator Marcos.** I believe so. I think, there have been corruption cases and criminal cases and even incidents when they were included in the narco list.

**Senator Gatchalian.** Can the DILG investigate barangay captains by itself? And to continue, can the DILG remove erring barangay captains?

**Senator Marcos.** I think, with the Duterte administration's institution of the hotlines, no one is immune from investigations and all public officials can be reported and investigated accordingly, even by anonymous calls.

**Senator Gatchalian.** But can the DILG remove the barangay captain if proven that the barangay captain, for example, is embroiled in illegal drugs? Can the DILG, by itself, remove the barangay captain?

**Senator Marcos.** I think, an investigation and a court case will have to be initiated at which a conviction would probably have to occur.

**Senator Gatchalian.** How about the Office of the President, Mr. President? The Office of the President, I know, can investigate any local government unit, but can they remove a barangay captain?

**The President.** To the best of my recollection, they may suspend.

**Senator Gatchalian.** They may suspend.

**Senator Marcos.** They may suspend, but I do not recall.

**The President.** The DILG may suspend. Removal will have to undergo a...

**Senator Marcos.** A case.

**The President.** Yes.

**Senator Gatchalian.** A court action?

**The President.** A court action.

**Senator Marcos.** *Oo. Sa palagay ko, marami nang nasu-suspend, pero wala nga akong naririnig na tinanggal.*

**Senator Gatchalian.** How about the Ombudsman, Mr. President? Can they remove? They can suspend, obviously, but can they remove erring barangay captains?

**Senator Marcos.** *Sa palagay ko, kung may conviction, matatanggal sila.*

**The President.** A conviction, definitely. But, I think, the question of the gentleman is, if there is no conviction yet.

**Senator Marcos.** *Parang wala. Ang alam ko lamang ay preventive suspension, pagkatapos noon, masu-suspend. Pero iyong tinanggal nang permanente ay wala pa akong naririnig.*

**Senator Gatchalian.** So, *kailangan ng* court action in all cases, Mr. President.

**Senator Marcos.** *Iyon ang pagkakaalam ko kasi maski noong inanunsiyo iyong narco list bago mag-election, sabi nila, DILG will file the appropriate cases.*

**Senator Gatchalian.** All right. So, do the LGUs also need court action to remove? We identified four modes—the Office of the President, DILG, Ombudsman, and LGU. But can the LGU remove a corrupt barangay captain?

**Senator Marcos.** In my experience, it was suspension, but removal...

**Senator Gatchalian.** They also need to file a case, is that how it...

**Senator Marcos.** That is our general custom.

**Senator Gatchalian.** So, all four modes will lead to a filing of a case in order to remove a corrupt barangay captain.

**Senator Marcos.** That is my understanding. But, perhaps, there are extraordinary circumstances when other things have happened.

**Senator Gatchalian.** All right. I just want to spread into the *Record*, Mr. President, the mechanisms available for our constituents to avail in cases of corrupt barangay captains...

**Senator Marcos.** Given this long, long term.

**Senator Gatchalian.** That is correct. *Ang tagal ho.* We are talking about, maybe a possibility of five years.

Again, if the barangay captain is performing, well and good.

**Senator Marcos.** *Oo, walang problema kapag mababait lahat.*

**Senator Gatchalian.** *Kung underperforming na, corrupt pa, saan ho tatakbo ang taong-bayan?* I just want to be very clear that the remedies are available to our constituents so that *may tatakbuhan naman ho sila.*

**Senator Marcos.** *Ang alam kong nangyayari, sa karanasan natin, kapag na-suspend o nagkasakit o nagkaproblema ay talagang magte-take over iyong first kagawad.*

**Senator Gatchalian.** That is correct. They are suspended, but sometimes, it warrants removal. *Kung talagang embroiled*, for example, in the narco trading, in the illegal drugs trading, then it warrants removal. But what is the mechanism to remove and *gaano ho kahaba pa iyong* process to remove because that also, in our cases, in our experience, the court action may take a little bit more time.

**Senator Marcos.** Yes, *po.* Unfortunately, *justiis talaga kung minsan itong mga kasong ito.* But as gleaned from the DILG's pronouncement before the elections, *talaga namang kailangan ng* court action *maski sa mayor. Malamang ganoon din para sa kapitan.*

**Senator Gatchalian.** *Sa* barangay captain.

I just want to spread that into the *Record*, Mr. President, and thank you very much for the answers.

**Senator Marcos.** Thank you, Senator Gatchalian.

**The President.** The Minority Leader again is recognized.

**Senator Drilon.** Yes, Mr. President, with the Chair's permission.

Anent our previous manifestation, Mr. President, we wish to withdraw that request as there is a case that we discovered, *Abbas vs. Senate Electoral Tribunal*, decided in 2012, which prohibits the imposition of a higher majority to amend or repeal a law. That was expressly stated and that is an interpretation by the Supreme Court of the Constitution and, therefore, we cannot amend that ruling of the Supreme Court.

We could do if it is just a matter of law or a matter of policy. But since it is an interpretation of the Constitution, we cannot do otherwise. We have to follow the decision of the court. We cannot impose a qualified majority, although desirable, in this particular case.

**Senator Marcos.** Thank you very much, Minority Leader, for the citation.

I recalled earlier having read something to that effect but was not certain about the title of the case. Thank you *po*.

**The President.** The Majority Leader is recognized.

**Senator Zubiri.** Thank you, Mr. President.

If the sponsor is ready with her committee amendments, we can close the period of interpellations today, Mr. President. Is the sponsor ready with the committee amendments?

**Senator Marcos.** I think given the number of points raised, we will need a little time perhaps until tomorrow to finalize and tie up the amendments and points discussed.

**The President.** Well said.

The Majority Leader is recognized.

**Senator Zubiri.** With that, Mr. President, I move that we suspend consideration of Senate Bill No. 1043 under Committee Report No. 4 until tomorrow to allow the committee chair to come up with her committee amendments.

**The President.** Is the Majority Leader not closing the period of interpellations?

**Senator Zubiri.** Yes, Mr. President, I move that we close the period of interpellations.

**The President.** Therefore, the Majority Leader is withdrawing the previous motion.

**Senator Zubiri.** I am withdrawing the previous motion, Mr. President.

**The President.** Withdrawing the previous motion and the motion is to terminate the period of interpellations.

**Senator Zubiri.** Yes, Mr. President.

**The President.** Is there any objection? *[Silence]*  
There being none, the motion is approved.

#### SUSPENSION OF CONSIDERATION OF S. NO. 1043

**Senator Zubiri.** With that, I move that we suspend consideration of Senate Bill No. 1043.

**The President.** Is there any objection? *[Silence]*  
There being none, the motion is approved.

#### SUSPENSION OF SESSION

**Senator Zubiri.** Mr. President, I move that we suspend the session for a few minutes.

**The President.** Is there any objection? *[Silence]*  
There being none, the session is suspended for a few minutes.

*It was 4:08 p.m.*

#### RESUMPTION OF SESSION

*At 5:06 p.m., the session was resumed.*

**The President.** The session is resumed.

The Majority Leader is recognized.

#### MOTION OF SENATOR ZUBIRI (Referral of Senate Bill No. 65 to the Committee on Sustainable Development Goals, Innovation and Futures Thinking as the Secondary Committee)

**Senator Zubiri.** Thank you, Mr. President.

Mr. President, before we adjourn, with the consent of the Body, I move that we refer Senate Bill No. 65 to the Committee on Sustainable Development Goals, Innovation and Futures Thinking as the secondary committee. It was primarily referred to the Committee on Urban Planning, Housing and Resettlement.

**The President.** Is there any objection? *[Silence]*  
There being none, the motion is approved.