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Note: Draft version, for corrections please email us at mail@rasmitmug.com.

Sen. Miguel Zubiri: Mr. President, I move that we resume consideration of Senate Bill No. 2214, I so move.

Sen. Vicente Sotto III: 2214. Any objection? Getting none. Consideration is in order.

Sen. Zubiri: Mr. President, with the permission of Senator Lacson and Senator Joel, may I just raise one important topic with the good sponsor? Mr. President, may I be recognized?

Sen. Sotto: Yes, the majority leader with the sponsor. And the sponsor is Senator Francis Tolentino.

Sen. Zubiri: Thank you, Mr. President. Mr. President, today and the past few days, we've been getting several calls, several texts from our friends, dear friends and colleagues on lobbying for different positions of the new interim Bangsamoro Transition Authority if the elections were postponed. So much so that today, I got an alarming text, more like fake news. And I feel sorry for my colleague, Senator Tolentino. And this is how it reads, of course I would just edit the names: Brother, this is (and the name of my good dear friend, he's a lawyer). Coming from another lawyer, and it says alarm alert request. I just received a distress call from the Christian brethren in BARMM. At 3 PM today, the Senate will set the vote the bill extending the authority of the transition government of BARMM. And the problem is Senator Tolentino, the author, removed the representation of settler communities who are Christians from the transitory government paving the way for absolute Muslim authority in the area, leaving the Christians without a voice. Please pray that our Christian senators will spot this and insist that the representation of settler communities be retained. And then he says we are sending this message to all the Christian senators of the Senate. Alert all prayer networks.

Mr. President, this is fake news. For the record. I know the good sponsor will never do that because I feel bad for him. He is now subject of viral messages and attacks. And it is not fair to the gentleman because as a matter of fact, in his eagerness to show equitable distribution of positions in the interim BTA, if we do extend the measure, he included settler communities, Christians, Lumads, [unintelligible]. He included women's organizations, NGOs, MNLF was there also, youth, and Ulama. But Mr. President, I think it is being misconstrued by several groups. That's why intense pressure is on the good sponsor of the committee and myself as your majority floor leader.

So, Mr. President, first of all, I would like the good sponsor if that is true that these people were removed or these groups were removed from the essence of your measure.

Senator Tolentino: Definitely fake news, Mr. President. Because if you will scrutinize the transcript, I think of yesterday's interpellation, I mentioned settler communities more than five times. And the bill as cleaned and amended would definitely include the settler communities but if the original section 2 would not indicate the names, there is no such thing, Mr. President, as implied repeal. It is not favored by law. So, the mere non mention does not, would not be equated to a repeal because otherwise you would be enumerating, you would be reproducing the entire Republic Act 11504, Mr. President. There was no intention, there has never been no intention; that was mentioned five times. And I was even asked by our good friend Senator Villanueva if that was the intention, it was not the intention. Definitely, their part of the reserved 8 under the existing organic law has not been repealed, will not be repealed, and it's still in existence and valid.

I thank the good majority leader for clarifying that. I appreciate his compassion in my predicament in this very distressful situation.

Sen. Zubiri: Mr. President, I was in his position a few years ago.

Sen. Tolentino: My [unintelligible] out here is to be the committee chair and to render the committee report. But it's part of our job. This is part of the democratic process, Mr. President.

Sen. Zubiri: Aggravated with the loss of your favorite basketball team.

Sen. Tolentino: They will win again, Mr. President.

Sen. Zubiri: But Mr. President, for the record, the proper time during the period of amendments, would you be willing, because I took this up with you on several occasions. Maybe we should just keep it quiet. Maybe we should just say that the essence of the BOL shall be maintained and implemented. Can we at the proper time remove section 2 and section 3 and just leave section 1, which is a one page document that says to postpone the elections to 2025. Would the sponsor be willing to accept such proposal, Mr. President?

This is to unburden us because if we do not do that, all of us will get calls and you know many of us are re-electionists. Many of us now are getting calls from the governors, from the congressmen, from the mayors, from the different groups, from the Christians, from the Ulamas, from the NGOs to make sure that instead of two, they are given three seats; different groups, instead of six, they be given 8 seats. Ang hirap Mr. President, napakahirap. And really, we cannot veer away from the essence of the Bangsamoro Organic Act which basically already stipulates how many will be given, who should be given during the transition period.

So, Mr. President to make our lives so much easier, I feel Mr. President, as the author of the regional Bangsamoro Organic Act, together with several of my colleagues here and former

Senate President Koko Pimentel, and all those who are in this chamber today: Senator Lacson, Senator Sherwin, Senator Joel, and of course at the time, the majority floor leader was Senator Tito Sotto. Would it be agreeable that when the time comes, we just simplify the measure because, if by any stroke of luck, we do not pass this week or next week, over the synergy break, I am sure they will visit you in Cavite and Tagaytay, they will visit me in Cagayan de Oro, they will visit Senator Gatchalian in Valenzuela, and Senator Joel in Bulacan, and they will really lobby, Senator Ping Lacson in the south, and lobby continuously.

Maybe it's about time that we put on record that we'll just simplify the measure and I believe that it will stand scrutiny of constitutionality. It will be a bit easier to stand the issue of constitutionality if somebody challenges this in the Supreme Court if we put section two, especially section 3 as Senator Ping Lacson pointed out was not even in the bill, so baka ma-ano, ma-question po sya. I think if it's just section one of the bill, I believe we might even pass this next week without any problems, Mr. President. May I illicit a reaction from [unintelligible, laughs].

Sen. Tolentino: I was about to say Mr. President...

Sen. Zubiri: No, because if the good gentleman agrees as early today, then everybody who calls me over the weekend, I will say 'you know, wala na tayo problema, mag lobby na lang kayo sa Malacañang because the appointing authority is the president.' They will just follow the division given in the Bangsamoro Organic Law. They have to follow the essence of the law that we passed. That would be much, much easier. And I think that way they just have to approach Malacañang and lobby to Malacanang, Mr. President. 5:04:31

Sen. Tolentino: I agree, Mr. President, that I should take refuge in Bukidnon. And I agree Mr. President that simplicity is a virtue. Yes, I do recognize the distractions, the ramifications of what was embedded in section 2. Definitely, Mr. President, I will follow the lead of the good majority leader.

Sen. Zubiri: But whoever is the president. I want to add lang, in fairness to the sponsor, I would like to put this on record: He tried to sponsor, Mr. President, he tried to find the most equitable solution. In other words, let's call a spade, a spade. In the last appointments, mga kaibigan natin lahat yan, members ng BTA. Unfortunately, some of them have been remiss in their duties, and some of them, as told to us by the leaders, the political leaders themselves, e hindi naman sila taga-doon, di naman daw sila umuuwi doon kaya paano sila mag represent sa amin? Yan ang sinabi nila sa akin and sa'yo during the consultations that we've had. This is public document, public record. Governor Sakur Tan have mentioned this and other governors have mentioned that these are not true representatives, according to them, the will of the people. So, in fairness, Mr. President, I want to put this on record, the good gentleman from Cavite wanted to make sure that it was equitable, na hindi lamang po iisang province lang ang mauupo dyan sa BTA.

Sen. Tolentino: And sustainable, Mr. President.

Sen. Zubiri: And sustainable. You wanted to make sure that every district of every province, whether small or large will be represented.

Sen. Tolentino: Including the Christian settlers.

Sen. Zubiri: Including the Christian settlers, we must put that on record. We are now live on Facebook, we are now live on Youtube. Including the Christian settlers. Hindi mawawala yan. I even got a call, for the record, I got a call from Cardinal Quevedo. He was very worried. And I told him 'no cardinal, we will not pass a measure that would not include the essence, the true essence of what we have passed in the organic act.' And he was very appreciative of that.

Sen. Tolentino: And Mr. President if the majority leader would allow me to mention this, with the help of the majority leader we were able to open a window for an additional province, the Republic Act of which was signed by the President. And I'm referring to Republic Act 11550, which was signed by the President into a law last night, dividing the province of Maguindanao into Maguindanao del Norte and Maguindanao del Sur. And this would form part of the BARMM because these provinces, previously undivided, participated in a plebiscite called for that purpose. It just so happened that political subdivision was divided and we now have Republic Act 11550, as numbered last night, Mr. President, with the help of the majority leader and our colleagues. So, this will be part of the BARMM structure, Mr. President.

Sen. Zubiri: So I end my manifestation, Mr. President. It's not an interpellation because I just wanted to defend the good sponsor. I feel that he is wrongly being accused of fake news. And I hope tonight with members of media watching, I'm sure they're watching, in their offices and homes. I hope that they correct that misimpression and that in the proper time, the good sponsor had already agreed that we will just limit it to a very simple measure, one page document, only amending section 13, article 16 of Republic Act 11054, which basically the section 13 is removing the numbers 2022, and just putting 2025. That's it, Mr. President. Very simple, and I think very clean that we just decide and at least we can sleep soundly in the next few months. So yun lamang po ang aking gustong idagdag, to help the good sponsor because I feel that that would be the most win-win solution at this point in time. We didn't realize. Because at the beginning I agreed with you, Mr. President, on the sharing. To be very honest, but we did not realize the firestorm that had come of it because of the intense lobbying of different individuals. And we apologize to those who had felt that you know, they were slighted or they lost their voice in this particular process. That was the intention of the sponsor, Mr. President, nor this chamber. Thank you very much.

Sen. Tolentino: Thank you Mr. President. And thank you majority leader for allowing me to unburden myself.

Sen. Sotto: May I know what your response was to the appeal of the majority leader on the proposed amendment? What was your response?

Sen. Tolentino: My understanding right now, Mr. President, is that one, I have to simplify my answers to the forthcoming interpellation. Two, as I have mentioned, simplicity is a virtue. Three, Mr. President, definitely, as I have mentioned several times yesterday, if I'm not mistaken: section two is not etched in stone. Involving conditions like what transpired last night, creation of a new political subdivision— Maguindanao del Sur— its really a signal, what is written here can change, Mr. President. I agree with the Majority Leader, we can simplify, we can delete, we can dilute some items just to achieve the same process and results, Mr. President: peace for Bangsamoro.

Sen. Sotto: Alright. Very good. Spoken like an Old Guard. I was expecting you to say 'let us see during the period of amendments.'

Sen. Tolentino: Mr. President, I can still change my mind with your suggestion.

Sen. Sotto: Alright, Majority Leader. Who is the next? Senator Villanueva is recognized.

Senator Joel Villanueva: Thank you, Mr. President. Thank you, Mr. Majority Floor Leader. I wish I could hear Senator Gordon's reaction after the majority leader's very, very short and brief manifestation, Mr. President.

Mr. President, dear colleagues, on the onset, this representation would like to spread into the records that I intend to ask questions mainly to ensure that the genuine autonomy and the upholding of democratic process we envisioned in the BARMM region will be protected. When you talk about peace, progress, and the issue of lasting peace in the region, I would like to spread into the records that this representation had a lot of experience in the region. In fact when we were at the helm of Technical Education and Skills Development Authority, I was given a chance to actually visit Camp Abubakar and I had the chance to meet Minister [Mohagher] Iqbal, who is here and chief minister [Al Haj] Murad [Ebrahim]. It's such a heartwarming experience, when we were doing our jobs. Not only promoting peace but also, Mr. President, distinguished colleagues, I remember the time when we were exchanging programs of TESDA for ARMM... for an oven, for a welding machine, etc. I will never forget that, Mr. President. And then when I became a member of the Senate, I was part of that committee who heard this organic law, I was part of the bicameral conference committee. Lagi ho akong kasama ni Senator Migz Zubiri and I was an avid supporter of this measure. With that, Mr. President, I would just like to put that on record and ask if the distinguished sponsor would yield to some clarificatory questions? This is very short, Mr. President.

Sen. Tolentino: Willingly, Mr. President.

Sen. Villanueva: Thank you. And I would also like to spread into the records, what the distinguished majority leader made mention a while ago because I, myself, received the same text message. Not only text messages, Mr. President, but even emails from different Christian groups, bishops, from Visayas region, from Mindanao, from Bishop Troy Eric Cordero, and other members of the body of Christ. And just to put on record, Mr. President, I told them outright that it is not true and I have known the distinguished sponsor for quite

a long time and he would never do such a thing and I have never seen such a piece of paper that says they are not being considered as part of the BTA, Mr. President.

I'll go down in that particular section later but may I just put on record and ask our distinguished sponsor, we understand that COVID-19 pandemic might have aggravated existing difficulties that the BTA is facing and has become one of the reasons for the extension. Now, Mr. President, if the BARMM election is deferred and moved to 2025, may we also know the timeline and action plan of the BTA for the next three years to fulfill its duties and functions under the Bangsamoro Organic Law?

Sen. Tolentino: Mr. President, that's probably one of the reasons why we incorporated in a reiteration in section two that BTA shall prioritize its mandated duties under Section 4, Paragraph A, Article 16 of RA 11054 because I mentioned, I think the word I mentioned yesterday, is it is a legislative nudge, so to speak, reminding them that you still have some commitments to fulfill in terms of legislation in following RA 11054. So the timeline, Mr. President, as asked by the good gentleman would now depend on the honest compliance coming from the BTA, and quote and unquote the pressure that can be exerted by this chamber when we added a portion there about an oversight function that would collaborate with the BTA that would assist in terms of complicated measures such as the internal revenue code, which is very hard to enact, Mr. President. So, the timeline would now depend on congress, Mr. President.

Sen. Villanueva: I would recall, I don't know if it's today or yesterday, that this representation and the distinguished sponsor was talking about this particular issue. Particularly in relation to priority legislation. What is the timeline, for example, in completing and passing laws such as the Bangsamoro Local Government Code, The Electoral Code, and the Revenue Code? Will these priority legislations be finished, Mr. President, distinguished colleague, before the end of the three year extension at least?

Sen. Tolentino: I think, Mr. President, looking at their track record they were mandated to produce six codes and they were able to finish three namely, the Civil Service Code, the Administrative Code, and the Education Code, if I'm not mistaken. But they failed to enact the Bangsamoro Electoral Code, the Bangsamoro Local Government Code, and the Internal Revenue Code. So they still have three more codes to finish before they can wrap up all the commitments and they should have done that by this time, prior to the 2022 elections but the reason given for the delay is: one is the pandemic, the Covid-19; when the lockdowns were imposed they could hardly see each other, they could not use virtual zoom modes because of lack of connectivity in the island provinces so these are force majeure.

Sen. Villanueva: Which I understand Mr. President. I understand distinguished colleague, but at least we will be given some sort of a commitment or something to that effect that indeed in the next three years they will be able to finish this, at least these three major issues that we talked about: the local government code, the electoral code, and the revenue code.

Mr. President, going further, we talked about during the break the issue of normalization and the commissioning of the MILF, which by the way are not within the mandate of the BTA. It is the BOL's duty to prepare the structures, processes, and policies for the BARMM regional government. May we know how are you continuing with the normalization or the commissioning process despite the constraints imposed by the Covid-19 pandemic? Does the BTA play a role in the normalization or the commissioning process? And again, if I may, would like to ask and pose this question: if there is a timeline for the normalization or the commissioning process?

Sen. Tolentino: My understanding, Mr. President, is that the normalization process is part of the contractual commitments between the government of the Republic of the Philippines and the MILF. So it is a process whereby communities can achieve their desired quality of life which includes their pursuit of sustainable livelihood and political participation within a society. But the role of the BTA is more distant, relative to actual role of the MILF. So it's the MILF and the government of the Republic of the Philippines with international observers undertaking this normalization process. But I understand this process is now on the second phase; there have been the commissioned forces mounting to more than 12,000 and the surrender of thousands of weapons, six thousand or seven thousand, I don't have the exact figures, Mr. President.

Sen. Villanueva: But Mr. President, where are we right now? If the goal is a certain figure, are we even halfway through? Where are we Mr. President?

Sen. Tolentino: Wala pa hong kalahati Mr. President. I might be wrong in my figures because the universe is 40,000. Wala pa silang 30%. They're trying to achieve that for phase 2. This is a process, Mr. President.

Sen. Villanueva: Yes, I agree.

Sen. Tolentino: Sidetracked, delayed by what is happening right now with the pandemic plus the situation on the ground, Mr. President.

Sen. Villanueva: Yes, Mr. President. But I have to point out, as mentioned by our distinguished sponsor that we are not even halfway through, Mr. President. What is the status of the provision of socio-economic assistance as part of the normalization process is affected?

Sen. Tolentino: There are several projects, Mr. President, under that socio-economic assistance but to clarify, Mr. President, to be very specific, the normalization process if I'm not mistaken involves the downloading of funds not directly to the BTA but to various national agencies. And I'm speaking of, if you're talking of socio-economic you have the DSWD, you have, I think, Department of Health, Education—they're all involved. So the misconception probably here is the funds were directly downloaded to the BTA as an institution. No, Mr. President, they were downloaded to OPAPP and various national government agencies involved in the normalization track, Mr. President.

Sen. Villanueva: That's exactly my point, Mr. President, why I am raising this particular issue. Ultimately, we want to know how we, as members of the legislature can help and we laud the BARMM and the BTA for their hard work in setting up this new institution and for consistently striving to pursue peace building.

I think in that sense as members of the legislature, we can actually help in expediting, not only the downloading of funds but also the implementation of these programs because that's what we have been hearing: some of our friends there are still waiting for these programs and, as mentioned by the sponsor, nasa national government, nasa national department. Thank you for that, Mr. President.

Mr. President, I know this was reiterated a while ago by our Majority Floor Leader but let me just spread into the records; again, we reiterate our support for BARMM and support the inclusive representation of different sectoral groups in the BTA. May we confirm with the good sponsor whether the sector groups enumerated in the BOL will be retained mister president? [5:25:03]

Sen. Tolentino: Definitely, Mr. President. If they are not mentioned, I reiterated a while ago the doctrine of there is no such thing as implied repeal. They are still there. And if you are referring to the point raised a while ago by the good Majority Floor Leader, let me confirm Mr. President; on two grounds, by my profession as a lawyer, I will not do that. By my faith, Mr. President, I will not do that. So I reiterate, the inclusion of the group mentioned by the Majority Floor Leader– I thank him again for mentioning the notion of fake news– it is not true.

Sen. Villanueva: As I mentioned, Mr. President, to different groups yesterday and two days ago who approached this representation, I can vouch for the integrity of our dear colleague who is sponsoring the measure. And as I mentioned a while ago, reiterating, for example the two seats for non-Moro indigenous peoples and settler communities, retained po yan. One sectoral seat reserved for women, youth, leaders, and the Ulama, retained po yan. And I would like to thank again our distinguished colleague for clarifying this issue. I feel sorry for him, Mr. President, when I heard about this fake news and I know there are some parties or individuals trying to malign our distinguished colleague. Hindi lang maganda, Mr. President, dahil ngayong araw na 'to 0-2 na 'yung Wizards. But kidding aside, Mr. President, again putting on record, we all believe that we are all advocates for ensuring an inclusive local representation. We most especially want those belonging to marginalized communities to be able to participate to democratic processes and again, we thank the good sponsor for retaining this particular provision.

Now, Mr. President, I'd like to point out what the distinguished gentleman made mention a while ago. And we are glad to note that the Bangsamoro Education Code has already been approved by the BTA recently, if I'm not mistaken May 18, 2021. But just for the record, can the sponsor share with us some of its key features or provisions, perhaps what will be the role of the ministry of basic, higher, and technical education?

Sen. Tolentino: Mr. President, I have to admit I'm not so properly well-versed with the intricacies of the code but I do believe that it complies with the requirements of RA 11054,

basically providing for greater education for the children and the youth of the Bangsamoro area, Mr. President. In line with the tradition, customs, and religious beliefs, Mr. President.

Sen. Villanueva: Well, thank you very much, Mr. President. And we're glad that we have here with us, present here today is the Minister for Education, Minister Iqbal at muli ikinagagalak po natin na isa sa mga priority legislations na ipinatupad ng ating BTA ay ang Bangsamoro Education Code. And again, we thank the BTA for tirelessly working on this code despite the constraints due to the COVID-19 pandemic and we hope that passage of this code will ensure accessible education for our Bangsamoro children and ultimately contribute to peace building in the region.

Another question that I'd like to raise and let me also put into the records, Mr. President, that during the bicameral conference committee, this representation actually espoused for this particular section, Section 5, of the Bangsamoro Organic Law, which states that the Bangsamoro government shall guarantee religious freedom and free exercise thereof. May we know from the distinguished sponsor if the guarantees under the charter of the Bangsamoro region, including the protection on the right of sectarian and educational institutions propagate their religious beliefs have been included in key Bangsamoro legislations?

Sen. Tolentino: My understanding, Mr. President, is that the current BTA leadership is not just complying by what is required of them by the Organic Law but also by the Philippine Constitution itself that guarantees the free exercise of religion. And I am aware that the Christian communities, if I may mention a group, are still there. They are not being harassed or prevented from exercising their religion, the presence of various churches are still there, religious activities are still being recognized and not prevented. Even Cotabato City, Mr. President, remember that the presence of the Notre Dame University and other Catholic institutions are still there. The monasteries are still there, the monastery in Sulu of the sisters are still there. And we have yet to hear a report, Mr. President, that they are being repressed, oppressed, Mr. President. So religious freedom is one of the hallmarks of the Bangsamoro government, Mr. President.

Sen. Villanueva: Thank you very much for that, Mr. President. And this representation appreciate the answers made by our distinguished colleague. Again, just to add some more, in Section 16 of the same law, under education, where there states the right of sectarian and education institutions to propagate their religious beliefs shall not be curtailed. The regional education system shall not discriminate against the sectarian educational institutions in any manner or form. I would just like to raise that because I remember very well, I have been an avid supporter of the Bangsamoro Organic Law, not only because of the Majority Floor Leader, our good friend Senator Migz Zubiri, but because we also adhere to this very important tenets of our constitutions.

Mr. President, I have no other question except to again profound some of the questions raised by Senator Ping Lacson. And as a student of history, student of precedence. I would just like to ask about the issue of plebiscite, Mr. President. For the record, Mr. President, good sponsor, may we be enlightened if any amendment to the organic law should undergo

a plebiscite. If there's one particular or any amendment to the Bangsamoro Organic Law, should we undergo a plebiscite, Mr. President?

Sen. Tolentino: Yes, Mr. President. I'd be willing to reiterate the points stressed. I forgot if it was yesterday or the other day, that the Supreme Court is quite clear: the plebiscite requirement would refer to substantial changes in constitutionally essential provisions which would affect the structure of the autonomous region, that's number one. Number two, when it affects the judicial system and the judicial system would reflect the personal, property, family rights of the residents of the Bangsamoro area. And number 3, Mr. President, when it affects Section 20, Article 10 of the constitution. I'm referring now to the enumerate rights, 9 enumerated functions, and from the last function, the progeny of the 55 legislative functions of the Bangsamoro came into fruition.

So if this will not concern all of these, including, Mr. President, from cases analyzed the creation of a geographic area comprising an autonomous region, which should not be changed and could only be changed with a plebiscite, all other amendments as mentioned by the Kida doctrine, would not necessitate a plebiscite. Because as the Supreme Court said it would be highly illogical, burdensome for the legislature to consider a plebiscite for all amendments. That would not just be too costly but would tie the hands of the legislature.

Sen. Villanueva: Thank you for that, Mr. President. In fact, I think it was yesterday when Senator Ping Lacson raised this particular issue. And I was listening attentively to the discussions of the distinguished sponsor and the gentleman from Cavite and I will admit I'm no lawyer, I'm just a student of history, I'm trying to learn as much as I can in this august chamber and I'm glad that I was given an opportunity to be physically present and hear the exchanges of views by our legal luminaries, including the distinguished gentleman from Cavite.

But for example, Mr. President, in my own point of view as an individual, Mr. President, after passing the law of the Bangsamoro Organic Law, we presented this to the people of Bangsamoro for the plebiscite and in that plebiscite, Mr. President, nakalagay po doon yung mismong date ng expiration ng kanilang term of office.

And so if we come up with another law right now, and again I'm not discounting the fact that it is the prerogative of congress to legislate laws and yung legislation function po natin but when we presented this to the people of Bangsamoro, they have this idea that hanggang dito lang po, at meron pong nakalagay na particular date na kung saan magtatapos yung termino nila and that's the main reason kung bakit nagkaroon ng plebisito.

So ang point ko lang, Mr. President, kahapon nga po binabanggit ko ito kay Senator Ping Lacson, don't you think that this is a contract between the people and the government. And today, Mr. President, I heard from Senator Ping, and I don't have the liberty to mention who he has spoke to [sic], a retired justice even mentioned the word 'obligation' of the government to the people.

And now as a legislator and as a student of history and precedence, I wanted to find out kung meron ba tayong ma-va-violate dito and it's a good thing that we're talking about this particular issue na kailangan ba ng plebisito? For example, Mr. President, not just the contract or the obligation. It is not just the dates that we are talking about, the time of na ipamamalagi ng isang opisyal, na ma-e-extend yung kanyang termino, Mr. President, from three years to God knows how long, again Mr. President, distinguished colleagues, how would you characterize the Bangsamoro Organic Law? Is it an obligation on the part of the government? What would happen, Mr. President?

Sen. Tolentino: Mr. President, I think the supreme court is quite clear in one of its decisions, the Kida vs Senate. And I quote, 'any change in the dates of elections cannot be construed as a substantial amendment of the organic act that would require compliance with a plebiscite', Mr. President. And the basic principle here is that the plebiscite is required, again I reiterate, when the basic structure of the government of the region, consisting of the executive and legislative department would be changed, including the geographical components, Mr. President.

But other amendments, Mr. President, and the BOL, is quite specific that congress can amend any provisions of this act, that is Republic Act 11054, Mr. President. So, I don't think congress is prohibited from amending a law enacted by the Congress. As early as the case of Bagaboyo vs Comelec, Mr. President, the Supreme Court was quite clear. The plebiscite would be required especially when there is a legislative enactment that would call for the creation of a local government.

And to reiterate, the Bangsamoro is a local government, Mr. President. That's what we're trying to emphasize here. That's why I mentioned yesterday that there was probably a mistake. I'm placing this on the record now, although it was probably recorded yesterday. There was probably a mistake on the part of the framers who drafted this when they called autonomous region acts as organic laws. It should have been enabling acts, Mr. President. Why am I saying this, Mr. President? Probably there was somebody who learned a lesson from history because the last famous enabling act was the enabling act of 1933 of the Reichstag of Germany that made Adolf Hitler the sole organ of power in Germany, Mr. President. That's probably one of the lessons of the framers of the constitution, that's why they made that as an organic act. Although it's debatable because the organic act is the constitution itself. How can the constitution produce another constitution? So that's just merely academic, Mr. President. To be direct and simple, as suggested by the majority leader, the answer is no. A plebiscite is not required.

Sen. Villanueva: Thank you, Mr. President. I wanted to end this interpellation, as I promised to our colleagues present here in this august chamber, it's just that I still would like to place on record that I have no problems, not questioning, I'm not in any way questioning the powers of congress, its power to amend, our mandate as legislators of the land but in that particular issue, Mr. President, I would honestly say I'm still confused about it. I have not made up my mind what to believe in. Because for me, as an individual, it is so clear for me if I'm part of the Bangsamoro region, then when was presented with the Bangsamoro Organic Law for the plebiscite, Mr. President. This particular issue on the dates of their terms, the

time as to how long they are going to serve, for me it is very clear, Mr. President, that it is a contract. And today, I heard another legal luminary say that it's not even a contract, it's more of an obligation of the government to its people. So I'm a little bit confused about this, Mr. President.

I am open and still seeking a more sound basis as to whether or not you don't need to call for a plebiscite. I just wanted to put that on record and I'm glad that we were able to discuss it so that students of history just like this representation would also learn from us. And I would end my interpellation there and I'd like to thank our distinguished colleague from the province of Cavite for his patience and for answering all these queries. Thank you, Mr. President.

Sen. Tolentino: Thank you, Mr. President. Thank you likewise to the gentleman from Bulacan, Mr. President.

Sen. Zubiri: Thank you so much, Mr. President. Mr. President, the list includes—we still have a list. Of course, we have the distinguished gentleman from Cavite, Senator Lacson, and then we still have Senator Pimentel. On Monday we may continue with these gentlemen, Senator Pimentel, Senator Gordon, Senator Marcos, and Senator Drilon.

Sen. Tolentino: I think she's raising her hand.

Sen. Imee Marcos: No, no. I'm just happy hearing my name in the list. Thank you.

Sen. Zubiri: Thank you. Yeah, what we can do because of the lateness of the hour, we will be suspending consideration of the same and then we'll come back on to this on Monday. Thank you very much. Mr. President, I so move.

And we'd like to thank our resource persons from the Bangsamoro that are here today. They are very far away from their home but they are here waiting patiently to finally see the light of day for this measure. We thank them for that.

Sen. Pia Cayetano: Mr. President, may I just ask a quick question?

Sen. Zubiri: Yes, Senator Pia, Mr. President.

Sen. Sotto: Senator Pia Cayetano, go ahead.

Sen. Cayetano: I don't know if it's the sponsor who will answer or the majority floor leader. I've been following the discussion. As to the proposal of the majority floor leader to make it a one page, is that just on a table? I can't recall how did the sponsor respond to that. Because at the end of the day, all these questions don't matter if it will go back to that one question.

Sen. Zubiri: Precisely Mr. President, we were gonna make it simpler. We were just gonna do the change of date and probably that would end many interpellations, because there would no longer be any issue who will be appointed, who will be chosen.

Sen. Cayetano: But...

Sen. Zubiri: Yes, madam?

Sen. Cayetano: So the question is has the sponsor not accepted your proposal? Is that the status?

Sen. Zubiri: He accepted, Mr. President.

Sen. Cayetano: Ah, he accepted. So, can I move that we terminate? Kasi if he accepted edi tapos na yan.

Sen. Zubiri: Oo nga, Mr. President. We thank the good lady senator. Unfortunately, there are still others who want to ask questions.

Sen. Cayetano: Okay. Even I am learning from it. I'm just saying that doon pala tayo papunta. So, at least we know the ending. We're just clarifying everything else. Alright, thank you very much to both gentlemen.

Sen. Zubiri: May we recognize the minority floor leader, Mr. President?

Sen. Sotto: Minority floor leader is recognized.

Sen. Drilon: Just a parliamentary inquiry. If we are saying that during the period of amendments we will reduce this to a one-page law and we'll just govern the postponement of the election, do we assume that this is already the state of the bill and therefore questions of the bill should assume that there's only one page?

Sen. Sotto: What does the majority leader say?

Sen. Zubiri: I'm looking for the sponsor to answer. Yes, actually that was my suggestion to our sponsor, Mr. Minority Floor Leader. To make life much simpler for everyone because really section 2 opened up a lot of questions of different groups, lobbying for position. So I mentioned that the essence of the BOL is in the BOL anyway. The transition authority, who they will choose, who the president will appoint. So without mentioning it here on the measure, Mr. President. According to the sponsor, being a lawyer, it does not repeal. It still continues to remain the same so all those who were appointed, a part of the Christian communities, the settlers, the Lumads, including the members of the BTA, the MILF, the MNLF will still be followed to the letter of our law.

Sen. Drilon: Yes, it appears simple. Mr. President, with your permission. But the primordial question is and it's a matter of policy. All these officials will be holding office in a hold over capacity? Because their terms will expire. And after that...

Sen. Zubiri: We have to agree on that, Mr. President. There will be an amendment to that effect, yes.

Sen. Drilon: It's not as simple as that. In other words, yes we can [unintelligible] with it to a one-page law, if that is the desire to. But there are implications particularly on the transitory authority.

Sen. Zubiri: It will be a one and a half page, Mr. President. I agree. [laughs] I see the point of the minority floor leader. Yes, absolutely.

Sen. Drilon: So that one must be resolved. So that is why I am making a parliamentary inquiry. If that is already the decision because you know, should we know follow the suggestion of Senator Pia? That we terminate the period of interpellation and already introduce these amendments, without prejudice to the questions being asked on the revised version.

Sen. Zubiri: Mr. President. I have to leave it to the sponsor. I just gave the suggestion to be able to help pass this quickly because of the time element. But we still have to leave it to the chairperson if he will agree eventually.

Sen. Tolentino: If I may, Mr. President.

Sen. Sotto: Yes, Senator Tolentino.

Sen. Tolentino: The status, Mr. President, is that the committee has yet to be discharged. My reactions to the suggestions of the good majority leader is that section has never been etched in stone so during the period of amendments as we follow the rules, the proposal coming from the period of interpellation would have to be concretized by the good majority leader in the form of amendment, which this representation would have either to accept or to modify as part of the parliamentary procedure, Mr. President. That's my answer, Mr. President. Because a lot of things are happening. Like what I mentioned a while ago that while we adjourned last night, a bill was signed creating the additional province of Maguindanao del Sur, which is now part officially, after 15 days upon publication on the Official Gazette, of the BARMM, Mr. President. So this is evolving, Mr. President. With a little patience, I do hope we can conclude this at the appropriate time, Mr. President.

Sen. Sotto: The way I understand it, Your Honors. Indirectly, the answer of the chairman is that he will decide during the period of amendments if he will go with the suggestion of Senator Zubiri.

Sen. Zubiri: Yes, Mr. President. That would be the process unless there would be a substitute bill that will be given, Mr. President. But believe me, Mr. President, when I say

the simpler, the better. And then we could also ask the good minority floor leader for the proper wordings on how the transition will be reappointed. Because one of the principal authors of the Bangsamoro Organic Law, he knows these provisions, Mr. President.

Sen. Drilon: Yes, Mr. President. If I may be allowed to respond. The policy issue that you have to decide when you postpone is what will happen to the incumbents whose term would expire? Are their terms of office automatically extended in a hold over capacity? Or would they need a new appointment? That is a policy issue that we have to decide. I have no answer to that, Mr. President. I am just putting it on the table that you have to decide. In fact, I must say for the record, the answer of the good sponsor last night on this question was not as clear because we were asking whether they would need, whether or not the incumbent whose terms would expire would have to be reappointed or are they in a hold over capacity, etc. To be honest, apparently the good sponsor has not yet decided what the situation will be that he will submit to the plenary for votation. Now there is this proposal of the majority leader that we just simplify it and just say that the election is postponed. So does that mean that the incumbent officials will be on hold over or will the president be given the power to appoint new members of the Bangsamoro Transition Authority? Those are the questions that come to my mind with this proposal.

Sen. Tolentino: Mr. President, with the permission of the minority leader. To reiterate my answers last night, the main policy consideration here for the postponement is that we are not extending the term of the officials occupying the office. That's number one. What we are extending is the term of the institution or the structure and that is the Bangsamoro Transition Authority, Mr. President. Number two, we recognize, and reiterate, and acknowledge the prerogative of the president of the Philippines to exercise that paramount appointing power or authority to fill up positions and that would include the official dam of the Bangsamoro Transition Authority as authorized, Mr. President, by Republic Act 11504 and the constitution itself. And number three, hold over provisions, as I've said last night, has been frowned upon by the Supreme Court. It has not been solidly supported especially when terms are marked or delineated by law. So Mr. President, on the matter of hold over, we will leave that to the appointing authority. As to the matter of extension, what we are extending are not persons occupying the office but the institution. That was the gist of my answers, I forgot if it's last night or the other night. Thank you, Mr. President.

Sen. Drilon: Mr. President, with all due respect to the good sponsor, you do not leave to the discretion of the president whether an appointed official will hold over, will be continuing to sit in that position in a hold over capacity. That is to be determined by law, not upon the will of the appointing authority. Because by law, the term of office expires. Now that is why we have to determine. Mr. President, I am not saying that we should not allow a hold over, I am just saying that we should decide expressly and provide it in the law rather than say that the hold over, we leave it to the discretion of the appointing authority. A hold over is a legal situation resulting from the continued holding of the position after the term expires. That is by express provision of law and not at the whim and discretion of the appointing authority. But anyway, Mr. President, we will debate on that at the appropriate time when we decide on the proposal of the majority leader just to convert this into a one-page law because those are the implications. Thank you, Mr. President.

Sen. Sotto: Thank you.

Sen. Tolentino: Thank you, Mr. President.

Sotto: Okay, majority leader.

Sen. Zubiri: Yep. Thank you, Mr. President. To the minority floor leader as well for pointing out those observations. Mr. President to study the measure further, to allow our colleagues to prepare for the interpellations, I move to suspend consideration of Senate Bill No. 2214.

Sen. Sotto: Any objection? Hearing none. Consideration suspended.

[end of transcript]