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COMMITTEE MEETING ON HOUSE MEASURES

COMMITTEE	MEASURES		SUBJECT MATTER	ACTION TAKEN/DISCUSSION
	NO.	PRINCIPAL AUTHOR		
Higher and Technical Education	HR 1953	Rep. Fortun	Investigation into the death of Philippine Merchant Marine Academy (PMMA) Cadet 4th Class Jonash Bondoc under questionable circumstances in the premises of the Academy and the initiation and training policies, practices, processes, and traditions officially or unofficially observed among officials and/or cadets therein	<p>The Committee, chaired by Baguio City Rep. Mark Go, will continue its inquiry pursuant to House Resolution 1953 in its next meeting.</p> <p>At the outset, Rep. Go said the Committee denounces the senseless death of Cadet 4th Class Jonash Bondoc last July 6, which occurred in the very premises of the PMMA, a public higher education institution (HEI). He stressed that, as the premier maritime academy in the country, the PMMA is duty-bound to protect and take care of the student cadets while in its custody, especially considering that they are required to stay for months at the PMMA barracks and away from their families.</p> <p>Rep. Go noted that the Committee's investigation is being conducted not only in response to the clamor for justice for Bondoc but also to determine if hazing has been committed, in violation of Republic Act 11053 or the Anti-Hazing Act of 2018. He expressed confidence that through this inquiry, reforms will be instituted not only in PMMA, but in all public and private HEIs, in order to protect college and university students from abuses perpetrated within the school premises.</p> <p>Rep. Lawrence "Law" Fortun (1st District, Agusan del Norte), author of HR 1953, said that it is incumbent upon the Members of the House of Representatives to look into and get to the bottom of the incident where a student was killed while inside the premises and care of an educational institution.</p> <p>Rep. Fortun noted that a case of homicide has been filed against Midshipman Cadet 2nd Class Jomel Gloria, who confessed to having "punched" Bondoc as part of their "tradition" and act of <i>lambing</i>, before Jonash would go back home to Butuan City for a break.</p> <p>However, Rep. Fortun noted in his resolution that while Gloria "has been identified, arrested and charged, his incomplete and selective admission has turned out to be inconsistent with the autopsy report released by the Zambales City Crime Laboratory." This led Rep. Fortun to doubt whether the case of Bondoc was one of homicide or was it hazing; and if hazing is still prevalent in institutions like the PMMA.</p>

<p>Continuation... Higher and Technical Education</p>				<p>Hence, Rep. Fortun said the task at hand is to review the existing law on anti-hazing and its implementation, and if necessary, to introduce amendments to this law to put an end to this “barbaric practice and culture of violence” in educational institutions.</p> <p>The autopsy report indicated that the victim died from blunt traumatic injury in the head and had multiple injuries in various parts of the body (hematoma, abrasions and contusions in the head, neck, chest, abdomen, and extremities).</p> <p>In trying to ascertain why Gloria was charged with homicide instead of violation of the Anti-Hazing Act, Rep. Fortun asked Police Staff Sergeant Leo Barrera, who investigated the death of Bondoc, if he is aware of the difference between the elements of hazing and homicide.</p> <p>Barrera answered in the affirmative. However, when asked to cite the difference, Barrera could not offer a clear and acceptable explanation, which led Rep. Fortun to surmise that Barrera is in fact not aware of the legal definition of the two crimes.</p> <p>Under the Revised Penal Code, a suspect found guilty of homicide may be imprisoned from 12 years and one day to 20 years. However, the Anti-Hazing Act imposes the penalty of <i>reclusion perpetua</i> and a fine of P3 million if death, rape, sodomy, or mutilation results from hazing. <i>Reclusion perpetua</i> imposes an imprisonment of at least 20 years and one day to a maximum of 40 years. However, the convict becomes eligible for pardon only upon serving at least 30 years in prison.</p> <p>Rep. Fortun inquired from PMMA Superintendent Commodore Joel Abutal whether he was satisfied with the charge of homicide against Gloria or if he thought a complaint for hazing should have been filed instead.</p> <p>In reply, Abutal averred that the PMMA administration cooperated fully with the authorities, but maintained that it is not for the academy to decide on the specific offense the suspect should be charged with. Nonetheless, in reply to the question of whether the PMMA is satisfied with the recommendation of the local police, Abutal said yes.</p> <p>During the hearing, several screenshots of text messages and videos were presented by Rep. Fortun to the Committee which he said show that hazing is indeed a normal occurrence at the PMMA. Rep. Fortun also presented a text message sent by an anonymous sender to Bondoc’s eldest sibling Glaiza claiming that it was not only Gloria who</p>
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AGENCY BRIEFING		
COMMITTEE	SUBJECT MATTER	DISCUSSIONS
Mindanao Affairs	<p>Briefing by concerned government agencies on the following:</p> <ul style="list-style-type: none"> • FY 2022 Internal Revenue Allotment (IRA) of Mindanao, including the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) • Update, effects, and implementation of the Supreme Court's Mandanas ruling involving the share of local government units (LGUs) in the national taxes • Projected increase/decrease of IRAs for 2023-2025 	<p>The Committee, chaired by Rep. Mohamad Khalid Dimaporo (1st District, Lanao del Norte), listened to the presentations of concerned government agencies on the share of Mindanao, including the BARMM, in the IRA, now called the National Tax Allotment (NTA) upon the implementation of the Supreme Court’s (SC) ruling on the Mandanas-Garcia petitions starting 2022.</p> <p>At the outset, Rep. Dimaporo said that the purpose of today’s briefing is for the Committee to be informed of what to expect when the Mandanas ruling is implemented by 2022, particularly the NTA shares of LGUs in Mindanao. In addition, he said it is also important to discuss the repercussions of the low tax revenues for FYs 2020 and 2021 on the NTA share of LGUs in the succeeding years as a result of the COVID-19 pandemic.</p> <p>The Department of Finance’s (DOF) Acting Director for Local Fiscal Policy Service Brenda Miranda presented the FY 2022 NTA of the LGUs in Mindanao based on Local Budget Memorandum No. 82-A of the Department of Budget and</p>

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Management (DBM). She said that in FY 2022, LGUs in Mindanao will have an NTA amounting to P265.90 billion which is 28% of the total NTA of all LGUs in the country. This translates to a 38% increase from the 2021 IRA of LGUs in Mindanao amounting to P192.2 billion. (In the Mandanas case, the Supreme Court ruled that LGUs are entitled to a just share in all the national taxes being collected by the national government, and not just those being collected by the Bureau of Internal Revenue.)

DBM Local Government and Regional Coordination Bureau Director John Aries Macaspac apprised the body that without the SC ruling, the IRA of LGUs for 2022 is projected at P773.87 billion. On the other hand, with the SC ruling, the NTA of LGUs for FY 2022 will climb to as much as P959.04 billion, which is P185.17 billion more than the originally projected IRA share of LGUs for 2022. Macaspac also presented the NTA share of LGUs in Mindanao, providing a breakdown of the shares from the provinces down to the level of barangays.

Macaspac explained that the individual NTA shares of provinces, cities, and municipalities shall be determined based on the following formula: population, 50% (based on the 2020 Census of Population); land area, 25% (based on the Land Management Bureau's 2001 Master List of Land Area); and equal sharing, 25%. For barangays, the distribution of the shares is computed based on: population, 60%; equal sharing, 40%; and an additional P80,000 for each barangay with a population of not less than 100 inhabitants.

Macaspac also discussed the key features of Executive Order (EO) No. 138, entitled "Full Devolution of Certain Functions of the Executive Branch to Local Governments, Creation of a Committee on Devolution, and for Other Purposes." He said EO 138 provides for the following:

- Delineation of the roles of the National Government and LGUs;
- Preparation of Devolution Transition Plans (DTP);
- Creation of the Committee on Devolution;
- Capacity building for LGUs;
- Strengthening of planning, investment programming and budgeting linkage, and monitoring and evaluation systems;
- Options for affected personnel of national government agencies; and
- Establishment of a Growth Equity Fund to address issues on marginalization, unequal development, high poverty incidence, and disparities in the net fiscal capacities of LGUs.

According to Macaspac, the Mandanas ruling increases the share of LGUs in the NTA, but it correspondingly decreases the financial resources of the National Government which is why a full devolution is necessary to ensure fiscal sustainability of the national government and to empower the LGUs to assume those devolved functions. The devolved functions of LGUs are specified in Section 17 of the Local Government Code of 1991 (Republic Act 7160) which cover basic services and facilities such as social welfare services; field health and hospital services; telecommunication services; agricultural extension and on-site research; tourism facilities, promotions, and development; investment support; industrial research and development; public works and infrastructure; housing projects for provinces and cities; school building program; and community-based forestry projects, among others.

<p>Continuation... Mindanao Affairs</p>	<p>Department of the Interior and Local Government (DILG) - Bureau of Local Government Development Director Anna Liza Bonagua underscored the need for capacity building and supervision of LGUs so that it can effectively formulate and properly execute their respective DTPs. She said the DTP will serve as the LGU's roadmap that will ensure strategic perspective, as well as systematic and coherent actions towards full assumption of devolved functions. Among the components of the DTP are organizational structure and staffing pattern; local revenue forecast and resource mobilization strategy; and performance targets for devolved functions and services.</p> <p>Citing DILG-DBM Joint Memorandum Circular No. 2021-1 (<i>Guidelines on the Preparation of DTPs of LGUs in Support of Full Devolution</i>), Bonagua said that except for the BARMM, all barangays are given 60 days to submit their DTPs to the DBM beginning October 13, while cities and municipalities are given 90 days to submit starting November 12. Meanwhile, provinces will be given 120 days to submit their DTPs starting December 12. As of November 22, she said 87% of barangays have already completed or submitted their DTPs, while 53% of cities and municipalities have submitted their DTPs thus far.</p> <p>For national government agencies (NGAs), Macaspac reported that 21 NGAs have already submitted their proposed DTPs to date, subject to the review and approval of DBM.</p> <p>With regard to the projected increase or decrease of NTAs of LGUs in Mindanao for 2023-2025, Bonagua affirmed that based on the data of the DBM, there is a projected downtrend in the amount of NTAs for FYs 2023 and 2024 due to low national tax collection in FY 2020 and possibly FY 2021 due to the COVID-19 pandemic.</p> <p>For his part, Mindanao Development Authority Deputy Executive Director Romeo Montenegro pointed out that most LGUs in Mindanao have not fully utilized their budget allocations in the past years. He emphasized the importance of capacity building of LGUs to improve their budget utilization rate in order to effectively assume and implement the devolved functions, services, and facilities.</p> <p>In reaction to the comment of Montenegro, Rep. Dimaporo requested the DOF to submit data on the budget surplus and utilization of Mindanao LGUs for years 2019, 2020, and 2021.</p> <p>Asked by Rep. Dimaporo on the timeline for full devolution, DILG Undersecretary for Local Government Marlo Iringan replied that based on EO 138, devolution will be implemented in phases for three years starting 2022 wherein full devolution is expected to be achieved not later than the end of 2024.</p> <p>The DBM was requested to submit the Population Census of LGUs in Mindanao, Master List of Land Area in Mindanao, and the list of 21 NGAs which have already submitted their proposed DTPs.</p>
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