



# Committee Daily Bulletin

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TECHNICAL WORKING GROUP MEETINGS ON HOUSE MEASURES				
COMMITTEE	MEASURES		SUBJECT MATTER	ACTION TAKEN/ DISCUSSION
	NO.	PRINCIPAL AUTHOR		
Energy (Technical Working Group)	Draft Substitute Bill to HB 8762	Rep. Macapagal Arroyo	Further amending PD 334, as amended, otherwise known as the Charter of the Philippine National Oil Company (PNOC) (by granting PNOC additional powers and incentives to effectively and efficiently perform its mandate related to energy exploration, exploitation, development, storage, and transportation	<p>The technical working group (TWG), chaired by Catanduanes Rep. Hector Sanchez, will deliberate further on the draft Substitute Bill to House Bill 8762 in its next meeting.</p> <p>Rep. Sanchez informed the body that the current version of the draft substitute bill already incorporates the recommendations made by the TWG members during the previous meeting. He then enjoined the resource persons from various government agencies to walk through the sections of the proposed law and give their respective comments and recommendations.</p> <p>PNOC President Reuben Lista appealed to the TWG to exempt the PNOC from the requirement of submitting its annual budget to Congress for approval. According to Lista, the long and stringent process of the annual budget deliberations will cause delay in the implementation of PNOC's projects. He added that anyway, Congress has the power to review PNOC's financial status anytime it deems necessary in line with the principle of check and balance in the bureaucracy.</p> <p>However, Deputy Speaker Jose Atienza Jr. (Party-List, BUHAY) maintained that even if PNOC generates its own income, its revenues are still considered public money, hence should be under Congress' scrutiny to ensure that public funds are properly utilized.</p> <p>Relative to the provision granting the PNOC the power to determine its organizational structure, the number of positions, and the salaries of its officers and employees, Deputy Speaker Rufus Rodriguez (2<sup>nd</sup> District, Cagayan de Oro City) inquired whether the Governance Commission for Government-owned or Controlled Corporations (GCG) has jurisdiction over the salaries and allowances of GOCCs, such as the PNOC.</p> <p>GCG Chairman Samuel Dagpin Jr. affirmed that GCG has its own set of rules and regulations on the setting of salaries and allowances of employees and officers of GOCCs. This, he said, is pursuant to RA 10149, or the GOCC Governance Act of 2011. Being a GOCC, the PNOC is covered by the rules and regulations of the GCG.</p> <p>On the provision in the bill exempting the PNOC from RA 9184, or the Government</p>

<p>Continuation... Energy (Technical Working Group)</p>				<p>Procurement Reform Act, Government Procurement Policy Board's Technical Support Office procurement management officer John Christian Chang said this is no longer necessary. Chang maintained that while RA 9184 and its revised Implementing Rules and Regulations provide that, as a general policy, public bidding shall be the default mode of procurement in the government, the law also allows alternative modes of procurement on certain cases which the PNOC may avail itself of.</p> <p>After a thorough discussion, the TWG agreed that the PNOC shall submit its annual budget to Congress for approval and shall be allowed to determine its organizational structure and the number and salaries of its personnel, subject to RA 10149 and GCG's rules on position classification and compensation system. It also agreed not to exempt PNOC from the requirements of public bidding under RA 9184.</p>
<p><b>Government Reorganization jt. w/ Aquaculture and Fisheries Resources</b> (Technical Working Group)</p>	<p>Substitute Bill to HBs 7, 122, 1542, 2827, 3010, 3240, 3471, 4350, 4480, 6185, 6226, 6433 &amp; 7489</p>	<p>Reps. Cayetano (A.P.), Macapagal Arroyo, Garbin, Deputy Speaker Rodriguez, Reps. Tupas, Salimbangon, Villaraza-Suarez, Deputy Speakers Santos-Recto and Romero, Reps. Salo, Cabatbat, Bañas-Nogralles, and Villafuerte</p>	<p>Creating the Department of Fisheries and Aquatic Resources, defining its mandate, powers and functions, and appropriating funds therefor</p>	<p>The technical working group (TWG), co-chaired by Rep. Ron Salo (Party-List, KABAYAN) of the Committee on Government Reorganization and Batanes Rep. Ciriaco Gato Jr., Vice Chair of the Committee on Aquaculture and Fisheries Resources, will deliberate further on the substitute bill in its next meeting.</p> <p>The proposed law seeks to create the Department of Fisheries and Aquatic Resources which shall have primary responsibility and jurisdiction over the regulation, management, conservation, preservation, development, protection, utilization, and disposition of all aquaculture, fisheries, aquatic, coastal and marine resources and ecosystems in the country, including the habitats of fish and all other marine life and other activities which impact on these habitats.</p> <p>In today's meeting, the TWG discussed thoroughly Sections 1 to 12 of the substitute bill. The TWG also took note of the comments and suggestions of the resource persons from the Department of Environment and Natural Resources (DENR), Civil Service Commission (CSC), National Academy of Science and Technology, National Fisheries Research and Development Institute, League of Provinces of the Philippines, League of Cities of the Philippines, and the Philippine Legislators' Committee on Population and Development Foundation, Inc.</p> <p>Among the amendments to the substitute bill that were approved by the TWG during the meeting were the following:</p> <ul style="list-style-type: none"> <li>• Simplify the definition of terms and harmonize it with RA 8550 (The Philippine Fisheries Code of 1998);</li> </ul>

<p>Continuation... Government Reorganization jt. w/ Aquaculture and Fisheries Resources (Technical Working Group)</p>				<ul style="list-style-type: none"> <li>Specify the powers and functions of the DENR that will be transferred to the proposed Department of Fisheries and Aquatic Resources;</li> <li>Increase the number of Undersecretaries from three to four, in order to undertake the four main functions of the proposed Department which are: the promotion of aquaculture and fisheries production; fisheries protection, conservation and sustainable development; enforcement and regulation; and quasi-judicial functions;</li> <li>Delineate the roles and responsibilities of the proposed Department and the local government units with regard to the promotion of aquaculture and fisheries production; and</li> <li>Authorize the Secretary of the proposed Department to appoint its officers and employees except the undersecretaries, assistant secretaries, regional directors, and assistant regional directors.</li> </ul>
<p><b>Public Information</b> (Technical Working Group)</p>	<p>HBs 12, 226, 644, 712, 837, 1625, 3063, 4570 &amp; 4673</p>	<p>Reps. Del Mar (dec.), Castro (F.L.), Tambunting, Belmonte, Bordado, Fortun, Nograles (J.J.), Deputy Speaker Rodriguez, and Rep. Nieto</p>	<p>Strengthening the people's right to information</p>	<p>The technical working group (TWG), chaired by Rep. Ron Salo (Party-List, KABAYAN), will deliberate further on the 19 bills in its next meeting.</p> <p>At the outset, Rep. Salo said that the TWG will endeavor to thresh out the issues pertaining to these Freedom of Information (FOI) bills and come up with a law that will truly uphold the right of the citizenry to access information on matters of public concern.</p> <p>Upon the query of Rep. France Castro (Party-List, ACT-TEACHERS), author of HB 226, Rep. Salo explained that during the initial deliberation of the TWG on the bills, it was agreed that House Bill 5776, authored by Rep. Alfred Vargas III (5<sup>th</sup> District, Quezon City), will be used as the TWG's working draft. But, Rep. Salo said that pertinent provisions from the other bills and recommendations of the resource persons and stakeholders will be taken into consideration and may be incorporated in the working draft.</p> <p>In today's meeting, the TWG discussed Sections 7 to 13 of HB 5776. Resource persons from various government agencies and private organizations gave their respective comments and recommendations to the proposed law.</p> <p>Right to Know Right Now (R2KRN) Coalition Co-Convenor Malou Mangahas suggested that the proposed FOI Commission shall have the following additional functions: to provide guidelines in the digitization and use of open format for records and information held by</p>
	<p>HBs 51, 1302, 1487 &amp; 1975</p>	<p>Reps. Cabochan, Villafuerte, Tan (A.), and Deputy Speaker Villanueva</p>	<p>Implementing the people's right to information and the constitutional policies of full public disclosure and honesty in the public service</p>	
	<p>HBs 813, 1608, 7219 &amp; 7229</p>	<p>Reps. Biazon, Castelo, Tutor, and Deputy Speaker Escudero</p>	<p>Implementing the right of the people to information on matters of public concern guaranteed under Section 7, Article III of the 1987 Constitution and the state policy of full public disclosure of all its transactions involving public interest under Section 28, Article II of the 1987 Constitution</p>	
	<p>HB 5566</p>	<p>Rep. Zarate</p>	<p>Ensuring public access to official records, documents and any other information of public concern</p>	
	<p>HB 5776</p>	<p>Rep. Vargas</p>	<p>Enabling the people's constitutional right of access to information</p>	

<p>Continuation... Public Information (Technical Working Group)</p>				<p>government agencies and offices covered by the measure; and to promote the integration in the school curriculum of the principles of the right to information, accountability and transparency, democracy, leadership, and good governance consistent with the objectives of the proposed law.</p> <p>An open format is free from any monetary restrictions. A file in an open format enjoys the guarantee that it can be correctly read by a range of different software programs or used to pass information between them. (Source: <i>Open Data Handbook website</i>)</p> <p>Independent telecommunications and ICT policy research analyst Mary Grace Mirandilla-Santos proposed that the bill should require government agencies to use the existing Philippine e-government interoperability framework when crafting open source standards and protocols.</p> <p>On the schedule of fees that may be imposed on parties requesting information, Rep. Salo suggested that the proposed FOI Commission come up with a standard on the amount of fees that may be collected by the agencies of the government.</p> <p>Presidential Communications Operations Office Undersecretary and FOI Program Director Kristian Ablan explained that currently, government agencies are allowed to charge reasonable fees depending on the type of information being requested. Some information can even be provided free of charge, added Ablan.</p> <p>On the other hand, Mangahas and Makati Business Club (MBC) Program Manager Alexandra Panaguiton both stated that access to information should be free, especially if the information will be obtained electronically. If hard copies are requested, they said that the fees to be imposed should only be based on the cost of reproduction and of sending the information to the requesting party, if needed. They maintained that the poor or indigent persons should be exempted from the payment of such fees.</p> <p>As proposed by the R2KRN through Mangahas, the TWG agreed to provide additional powers to the Commission (Section 8), which include the following:</p> <ul style="list-style-type: none"> <li>• Require the government agency to reimburse the fees charged for the request of information if the service is delayed;</li> <li>• Investigate, hear, and decide on cases involving any violation of the proposed law and other existing right to information laws <i>motu proprio</i> or upon receipt of a verified complaint from an interested party, and</li> </ul>
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<p>Continuation... Public Information (Technical Working Group)</p>				<p>institute appropriate administrative or criminal proceedings;</p> <ul style="list-style-type: none"> <li>Deputize enforcement agencies, coordinate with other government agencies, or enlist the aid and support of any private entity in the pursuit of its mandate and in the implementation of its policies and programs to strengthen the right to information in the country.</li> </ul> <p>Bangko Sentral ng Pilipinas (BSP) Bank Officer Alvie Marie Sojor-Mañaul expressed reservation on items (b) and (c) of Section 8 of the bill for being inconsistent with the provisions of the BSP Charter. Sojor-Mañaul said that there are information that the BSP cannot readily disclose, such as those about discussions or resolutions of the Monetary Board, BSP's confidential operations, data on firms other than banks, and relating to the condition of a business establishment that is subject to the supervision or examination by the BSP.</p> <p>Section 8 (b) provides that the FOI Commission shall have the power to examine in confidence any information exempted from disclosure; while item (c) provides that the Commission shall "inspect any information held by a government agency, including information denied by it under the provisions of this Act."</p> <p>Meanwhile, Rep. Salo requested the resource persons from the government agencies to discuss with the Secretariat and the PCOO if they have some concerns regarding Section 11 (Presumption) of the bill.</p> <p>According to Ablan, Section 11 is one of the "building blocks" of the proposed FOI law as it shifts the burden of proving what information should be disclosed or not from the citizen to the government. Section 11 provides that "government agencies shall have the burden of showing by clear and convincing evidence that the information requested is exempted from the disclosure by this Act."</p> <p>On Section 12 (Procedure for Making a Request), the TWG agreed to insert another provision as item (j) that reads as: "where the requesting party believes that the information is necessary to safeguard the life or liberty of a person, the requesting party should include (in the written request) a statement to that effect, including the basis for that belief."</p> <p>With regard to Section 13 (Period for Compliance), Ablan said that the PCOO is amenable to reducing the period within which the agencies should be able to release or issue the document or information to the requesting party from 15 days to 10 days.</p>
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**COMMITTEE DELIBERATIONS ON ETHICS COMPLAINTS**

COMMITTEE	SUBJECT MATTER	DISCUSSIONS
<b>Ethics and Privileges</b>	Committee Case No. OR-2021-06, on the referral of the House of Representatives of Committee Report No. 1034 on HR 1197 - Inquiry into the implementation of the housing project in Purok 6, Lam-an, Ozamiz City, Misamis Occidental, and the alleged violations in the demolition of houses and eviction of the residents while the Philippines is under a state of calamity, filed by Deputy Speaker Rodante Marcoleta (Party-List, SAGIP)	<p>The Committee, chaired by Rep. Rosanna “Ria” Vergara (3<sup>rd</sup> District, Nueva Ecija), assumed jurisdiction over the issue involving Deputy Speaker Henry Oaminal (2<sup>nd</sup> District, Misamis Occidental), as contained in the Committee Report on HR 1197 submitted by the Committee on Good Government and Public Accountability to the plenary.</p> <p>The Committee Report on HR 1197 was already adopted by the House of Representatives on June 1 but was referred to the Committee on Ethics and Privileges to act on this specific issue. One of the recommendations in the Committee Report was to refer to the Committee on Ethics the alleged intervention of Deputy Speaker Oaminal in the implementation of the housing project in Purok 6, Lam-an, Ozamiz City, Misamis Occidental.</p> <p>Deputy Speaker Marcoleta, author of HR 1197, acknowledged that the focus of the Committee on Ethics’ deliberations will be about Deputy Speaker Oaminal’s alleged intervention in the implementation of the housing project.</p> <p>The Committee agreed to invite in its next meeting the Chairperson of the Committee on Good Government and Public Accountability, from which HR 1197 originated.</p> <p>Rep. Vergara also said that parties involved, including Deputy Speaker Oaminal, will be given the chance to present their side in the next meeting.</p>
	Committee Case No. SC-2021-05, sworn complaint of Mayor Jesse S. Viña, et al. against Rep. Diego ‘Nonoy’ Ty (1 <sup>st</sup> District, Misamis Occidental)	The Committee deferred its consideration of the three complaints due to insufficient number of Members present in the meeting.
	Committee Case No. SC-2021-03, sworn complaint of Catherine Janice E. Neri, et al. against Deputy Speaker Henry Oaminal (2 <sup>nd</sup> District, Misamis Occidental)	Acting Committee Secretary Amado Rey Caballero informed the body that there are only eight Committee Members (6 Committee Members and 2 ex-officio Members) present in today’s meeting.
	Committee Case No. SC-2021-04, sworn complaint of Luzviminda Denore Coronel, et al. against Deputy Speaker Rodante Marcoleta (Party-List, SAGIP)	Rep. Vergara explained that under the Rules of the Committee, there should be at least 13 Committee Members, including ex-officio Members, in attendance in order to put to a vote the determination of sufficiency in form and content of each complaint.
	Letter request of San Jose Del Monte City Rep. Florida “Rida” Robes to the Committee dated June 21, 2021, requesting a copy of the unsworn complaint filed against her by Barangay Captain Marciano Gatchalian of Barangay Muzon, San Jose Del Monte City, Province of Bulacan on June 4, 2021	The Committee agreed to provide Rep. Robes a copy of this complaint.

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