

**Presidential Communications Operations Office  
News and Information Bureau**

**PRESS BRIEFING WITH PRESIDENTIAL SPOKESPERSON  
SECRETARY HARRY ROQUE  
FEBRUARY 8, 2018 (11:47 – 12:32 P.M.)**

**SEC. ROQUE:** Good Thursday morning. Let me begin with good news as usual, the country's manufacturing sector continues to be one of the top performing sectors for 2017. Manufacture has been experiencing high growth over the last 7 years averaging greater than 7%. In 2017 it grew an average of 8.6%.

The BOI (Board of Investments) recorded a 95% increased in improved investments in the manufacturing sector amounting to 96 billion in 2017 as compared to 49.259 billion in 2016 and 256% higher than the 27 billion recorded in 2015. With the increase in infrastructure projects in the public and private sectors this year, BOIs exposed for growth and economic activities outside Metro Manila, will have the needed support as well as the governments build, build, build program.

We are pleased to also to announce that the Philippine National Oil Company has entered in an agreement with the Asian Development Bank, and to be their transaction adviser for the country's first liquefied national gas or LNG facility in Batangas costing 2 billion US dollars. The PNOC has received 8 unsolicited proposals for the project and ADB will assist the PNOC in choosing his partner upon evaluation of the unsolicited proposals.

The LNG will have a capacity of 7 million metric tons yearly or twice the current domestic consumption of natural gas. This is another step forward in ensuring energy security and tapping another clean source of energy. Once up in running, this LNG hub will increase energy access, benefit of power transportation, industrial sectors in Luzon and outlying areas and further contribute to our economic growth.

In response to alleged rallies to be conducted in this February 23, our position on the right of peaceful assembly and street protest has not wavered. Public displays of constructive criticism including youth participation in protest are allowed as part of full exercise of the citizens' right to express their grievances.

We however hope students will not skip or cut classes in use street protest as an excuse to neglect their studies. Authorities as a matter of SOP will observe maximum tolerance and respect the protesters' right to peaceful assembly.

Mayon update: As of 8 A.M., Mayon's activity in the past 24 hours was characterized by mere continuous lava fountaining, lava flow and degassing from the summit creator; there

have been 35 lava fountaining episodes since noon time yesterday; Mayon remains at alert level 4; other roads remain to be passable; the public is strongly advised to desist from entering the 8 kilometer danger zone.

Now as of 8 a.m., yesterday a total of 264,768,000 worth of assistance was provided by the national government. The Department of Health-Region V has also provided a total of 21,644,985 worth of logistical support. Through the DOH and local health workers, medical consultations are conducted at the evacuation centers. As of yesterday 6,740 individuals underwent medical consultations. 66% of which were diagnosed with acute respiratory infection. This is due to the ash fall of the volcano.

Our mission in The Hague was informed by the Office of Prosecutor of the International Criminal Court that is opening preliminary investigation on the alleged acts associated to the campaign against illegal drugs covering the period of July 2016. We note that this is only a preliminary investigation. The Office of the Prosecutor is merely exercising his mandate to determine whether there is reasonable basis to proceed with an investigation into a situation pursuant to criteria in the Rome statute namely: jurisdiction, admissibility and interest of justice, lest the opposition got to claim for a victory.

Let me explain the procedure in the ICC. Slides please... Slides please...

Now this is the overview of the procedure in the International Criminal Court. There is first communication filed with the Office of the Prosecutor from the initiation or from the filing of the communication. The prosecutor may conduct preliminary examination which is where we're at. I reiterate the preliminary examination is not a formal preliminary investigation.

The office of the preliminary examination is only to determine if there is reasonable basis to proceed to a preliminary investigation. After a preliminary investigation, the prosecutor would have to go to the pre-trial chamber of the Court for confirmation of charges before the charges can even be filed in the Court. The pre-trial chamber is an innovation, it's the only chamber found in any Court in this planet. It was put in place in the Rome statute to persuade countries like the United States to sign up, they have not signed up and objection of American authorities is—the objective of the pre-trial chamber is to hold the prosecutor liable because under American tradition, a prosecutor is elected whereas a prosecutor in the ICC is not elected. So I repeat no one should claim a victory because there are only in the stage of preliminary examination. What happens in the preliminary investigation?

Next slide please.

So this is basically the procedure when there is a communication filed. It is receive by the prosecutor then it proceeds to preliminary examination. The matters inquired upon in preliminary investigation are as follows. Next slide please.

Go ahead please. The prosecutor will make an assessment on the basis of collection and verification of all information available from all sources.

Take note: There will be no formal investigation to be conducted in the country because at the level of the preliminary examination, where the Court does not include the budget for the prosecutor to come to the Philippines, because it is not yet a preliminary investigation. Now the objective is to determine if there is reasonable basis to proceed with the formal investigation.

What are the matters to be inquired upon: Number one is they have temporal jurisdiction. The Court will only exercise temporal jurisdiction over all acts that happened after a country or a state party had become a member of the Rome statute. We became a party to the Rome statute during the administration of President Noynoy Aquino, therefore everything that happened before the time that we became a party will not be considered by the Court; it must have happened in the territory of a member state; and furthermore the more important issue is admissibility.

Remember the International Criminal Court is not a court of first instance. All countries to the ICCs signed up to it because they wanted the Court to be a Court of last resort. This is implemented by the principle of complementarity which says that the International Criminal Court will not exercise jurisdiction unless domestic courts are unable or unwilling to exercise jurisdiction.

There is inability when civil courts are not functioning as in the case of Somalia. There is unwillingness when there is immunity statute. Yes we have immunity for our Presidents' but they subsist only during their tenure in office as we have shown the world, two of our past Presidents went to jail immediately after their terms of office. I refer to that to show that there is no unwillingness in the Philippines because obviously a President can be prosecuted for any acts committed after his term of office. And that is why it is the position of the President that the case is inadmissible.

On the merits, the President is charged with alleged crimes against humanity. The elements of crimes against humanity are that: there must be either widespread or systematic attack directed against civilian populations; with knowledge that it was being directed against civilian populations. The acts attributed to the President are killings in relation to the ongoing drug war.

We note though that the ongoing war against drug is an exercise of police power in dealing with the pernicious problem of drug trafficking in the Philippines. As a sovereign state, the Philippines' has the inherent responsibility to protect its current and future generations by effectively addressing threats of the safety and wellbeing of its citizens such as proliferation of illegal drugs. Because the war against drug is a lawful, legitimate police operation, it cannot be characterized as an attack against civilian populations because they are civilians. It

is a lawful use of force and therefore, we submit likewise that on the merits, the element of directing and attack against civilian population is simply lacking.

We view of course this decision of the prosecutor as a waste of the Court's time and resources. Again as a matter of sovereign consent, we gave our consent to be a member of the ICC subject to, number one: The court being a court of last resort; and that secondly, subject to the principle of complementarity; and number three that not all crimes can be cognizable by the court because only crimes which are of the gravest nature, greatest affront against the international community should be subject to the jurisdiction of the Court.

The President and I met about this extensively for more than two hours last night, the President has said that he also welcomes this preliminary examination because he is sick and tired of being accused of the Commission of crimes against humanity. This is an opportunity for him to probe that this is not subject to the court's jurisdiction because of both complementarity that domestic courts and the fact that we have a domestic international humanitarian law statute in our jurisdiction, are reasons enough for the Court not to exercise jurisdiction.

On the merit, he of course stands by his position that he swore an oath to protect this republic against all threats to national security and he noted that the war on drugs was characterized not by him but by his predecessor or Gloria Macapagal-Arroyo as a threat against national security. Clearly the use of force against—threat against national security cannot be an attack against civilian populations because they form part of civilian populations. Questions please!

**ROSE NOVENARIO/HATAW:** Sir iyong diniscuss ninyo po ito iyong kasong isinampa sa—tungkol kay Matobato and—

**SEC. ROQUE:** Hindi po iyan kaso, it's a communication. Wala pong kaso pa because there is only a preliminary examination. So if they think, they have indicted the President, that so wrong. They wish.

**ROSE/HATAW:** So may—kung sakaling magpatawag po ng kinatawan ng Philippine government, sino po iyong posibleng magpunta doon?

**SEC. ROQUE:** Wala pong ipapatawag diyan because earlier in my slide in the assessment, it's just collection and verification of information. Wala pa pong kinakailangang pumunta doon although our embassy in The Hague will in fact communicate the fact that the war against drug is a sovereign act and that our sovereign consent to become a member of the court is subject to the rule of complementarity and that our courts are more than able and willing exercise jurisdiction as in fact there is pending complaint against the killings allegedly attributed to the war on drugs pending in the Office of Ombudsman. And that the Office of

the Ombudsman has the power to recommend their impeachment which if successful, will lead to a criminal prosecution against the President.

**ROSE/HATAW:** Sir sa palagay po ninyo may kamay dito o may kinalaman dito iyong kalaban sa pulitika locally ni Presidente?

**SEC. ROQUE:** In fact sila po ang behind this. Obviously, there has been concerted public relations initiative against the President probably to coincide with February. Obviously this is intended to embarrass the President but the President is a lawyer, he knows what the procedures are, they will fail. The President has said that if need be he will argue his case personally before the International Criminal Court.

**ROSE/HATAW:** Thank you.

**JOSEPH MORONG/GMA7:** Okay sir we acknowledge that is the deteriora stage, iyong preliminary examination. But did you say that if thus proceed with the whole shebang, the President is willing to face the ICC himself?

**SEC. ROQUE:** He said he wants to be in Court and put the prosecutor on the stand. To ask who prodded you to proceed to preliminary examination, because it is the suspicion of the President that it is of course the domestic enemies of the state behind this.

**INA ANDOLONG/CNN PHIL:** Sir, just to be clear doon sa process kanina. Is this based from a complaint or communication filed?

**SEC. ROQUE:** It is not a complaint, it's a communication. Because there's no complaint yet you know, there's no charges yet. So, it emanated from - I said 'no, from the communication filed by individuals alleging crimes against humanity in the Philippines.

**INA/CNN PHILS:** Do you know these individuals?

**SEC. ROQUE:** All I know it was Senator Trillanes and Jude Sabio. And Matobato was a witness, if I am not mistaken.

**INA/CNN PHILS:** Okay, sir sabi ninyo magkakaroon nga ng collection of data or information. Are you expecting them and will local authorities be instructed to provide whatever let say data on killings under the drug war. Will you be directing them to comply with whatever request maybe made?

**SEC. ROQUE:** The President has made it clear that he will communicate, he will assert the principle of complementarily, he will assert the legality of the war against drug as a valid exercise of sovereign powers and therefore the element required for a crime against humanity is lacking.

**INA/CNN PHIL:** Sir, if the ICC Prosecutor requests for data on the killings. Will the PNP of other concerned agencies be required by Malacañang to comply with the request?

**SEC. ROQUE:** Of course, because the data on killings alone will not prove anything. The mens rea is you killed them because they are civilians and the only reason why you killed them is because they are civilians. But if it because of a law full sovereign act to deal with the problem of illegal drugs, it is the position of the President that this cannot be the element required for a crime against humanity.

**INA/CNN PHIL:** Sir, similar lang doon po sa tanong ni Rose kanina. You don't see the need to form a team yet to handle this for future scenarios that may arise from this.

**SEC. ROQUE:** Well, the President himself is a lawyer. He looks forward in fact to engaging the prosecutor of the court as a former prosecutor himself.

**JOSEPH MORONG/GMA7:** Sir, I'm just going back to the previous statements of the President with regard to the ICC. He said before parang he doesn't fear that because papano ba iyon, wala namang kulungan yata iyong ICC. May mga points siya na ni-reaise na ganoon. At the end... question of procedure, sir. Assuming we stand at the point... of the procedure, papano ba iyon, iyong ICC, if there's going to be any punishment. Paano iyon?

**SEC. ROQUE:** Nothing. Though ICC relies on state cooperation for arrest of individuals... although this is speculative, but right now they have a problem. They have charged a sitting president, Al Bashir, and they are not able to apprehend him, because no state cooperates.

**JOSEPH/GMA7:** So, meaning sir, even if they exercise their power, parang at the end of it, will they be able to really impose anything?

**SEC. ROQUE:** In the case Al Bashir, nothing.

**JOSEPH/GMA7:** Do you think in our case, they will be able to do that?

**SEC. ROQUE:** In our case, they will not go beyond preliminary examination.

**ACE ROMERO/PHIL. STAR:** Secretary, puwede n'yo ba kaming bigyan ng information about iyong naging meeting ng Pangulo with the labor groups?

**SEC. ROQUE:** Well it was closed doors and although I was invited, I have previous engagement. But I was made to understand that he asked for more time to issue the Executive Order on endo. And that's all that I was informed by head of protocol.

**ACE/PHIL. STAR:** Bakit po kaya pinag-aaralan pa iyong mga documents.

**SEC. ROQUE:** He is studying the matter more thoroughly.

**ACE/PHIL. STAR:** Okay, how about iyong meeting po with the Ambassador of Kuwait?

**SEC. ROQUE:** The meeting happened, but again it was only a bilateral meeting, no one was allowed in the room. It's only the President that knows what he discussed.

**ROSE NOVENARIO/HATAW:** Sir, other issue po. Sir, may statement si Presidente kagabi na sa bawat isang sundalong mapapatay ng NPA, lima naman iyong NPA na dapat patayin ng mga sundalo. Ano iyon, retaliation po ba iyon sa pahayag ni Joma Sison na isang sundalo kada araw iyong kanyang utos na patayin ng mga NPA?

**SEC. ROQUE:** I think the message is: you don't threaten us, Joma Sison. We are the state, if we haven't eradicated you, it's because we opted not to eradicate you as Filipinos. But if you want war, we are ready to go to war.

**ROSE/HATAW:** Parang pahiwatig na po iyon ng all out war laban sa CPP-NPA?

**SEC. ROQUE:** Hindi naman po pahiwatig pero nandiyan ang resources po ng gobyerno at hindi dapat tinatakot ang gobyerno na parang mas malaki pa ang kakayahan nila na manaig sa isang digmaan. Hindi po totoo iyon. Handa po ang Hukbong Sandatahan kung gusto nila ng digmaan.

**INA/CNN PHILS:** Sir, on employment. In December... last December you talked about a slight increase in the country's unemployment rate. Considering the recent reports of the companies like Coca Cola laying off some employees and statistics from the Philippine Statistics Authority saying that in NCR alone, in January more than 400 companies advised that they will be terminating employees, more than 6,000 have actually been terminated. Do you think that figure from December will improve?

**SEC. ROQUE:** Probably yes it will improve. Because we have unprecedented locators, foreign investors who have registered... that have registered with the Board of investment. And of course, in today's good news, we have also record figures as far as manufacturing output of the country is concerned.

**INA/CNN PHIL:** So you are confident that those more than 6,600 people in NCR alone last month who lost their jobs will be able to find jobs?

**SEC. ROQUE:** We are confident, because also of the build, build, build program of the government.

**ROSALIE COZ/UNTV:** Hi sir, reaction po ng Palace dahil po sa ngayon ay nire-review ng Canadian government iyong deal na kapipirma lang po na agreement ng magbenta ng 16 na helicopters dahil posibleng gamitin against the NPA rebels?

**SEC. ROQUE:** Well, malinaw po ang dahilan kung bakit natin gustong bumili ng Bell helicopters. Ito po ay gagamitin para transportasyon ng personnels, supplies, humanitarian missions, ng mga ferrying of wounded and injured soldiers and other forms of humanitarian assistance and disaster response.

**ROSALIE/UNTV:** Pero sir, nabanggit ng isang military official na kabilang din sa paggamitan ng mga helicopters is to address the internal security operations po?

**SEC. ROQUE:** Well, as I said, we purchased helicopters, if they don't want to sell, well we may consider the prospect of procuring them from other sources.

**PHILIP TUBESA/PDI:** Sir, sinabi po ni Presidente kahapon about doon sa Benham Rise that he received the statement from another country that they recognize iyong sovereign rights ng Pilipinas over Philippine Rise.

**SEC. ROQUE:** Yes.

**PHILIP/PDI:** Could you tell us from what country was this?

**SEC. ROQUE:** I think it was publicly reported that China while expressing somehow—I wouldn't say disappointment, while acknowledging that we have put an end to the scientific research reiterated that it recognizes the sovereign rights of the Philippines over Philippine Rise.

**PHILIP/PDI:** Was it an official diplomatic communication, sir, or nabasa lang po ng Presidente sa briefer?

**SEC. ROQUE:** It's been widely reported in the media as having been mentioned by a Spokesperson of China.

**PHILIP/PDI:** Tapos, sir, may story po sa Global Times, it's a paper in mainland China published under the auspices of the communist party there, saying that they would be extending/expanding iyong artificial islands nila sa South China Sea?

**SEC. ROQUE:** That's a newspaper report. We will not comment until there some formal reports coming from the Department of Foreign Affairs.

**JOSEPH/GMA7:** Sir, nabasa lang din ni Presidente or the way he related it yesterday was that it was first hand information of course that China told him na may ganoong recognition?

**SEC. ROQUE:** In the first place Philippine Rise is undisputed. It was awarded to us by the UN Commission on the Extended Continental Shelf. So that award is recognized even by China, it was never disputed by any state, whether be it official, unofficial China has reiterated that it recognizes our sovereign rights, okay.

**JOSEPH/GMA7:** Yes, but it is relevant, because according to Secretary Piñol, one of the reasons that the President gave when he issued the order na bawal na iyong mga foreign explorations - well you have clarification on that - was that there is low level cabinet secretary from China who said that it is not owned by anyone. So that statement, that China recognizes and acknowledges our sovereign rights is relevant especially given the characteristic of China?

**SEC. ROQUE:** Might be relevant, but ask Secretary Piñol.

**ROSALIE/UNTV:** Sir, other groups are questioning kung bakit daw po parang ang gobyerno ay kulang sa transparency. Dahil iyong unang research na ginawa ng China until now ay hindi pa dini-disclose ang information, pinayagan na sa ikalawang research?

**SEC. ROQUE:** Alam mo mali po iyan na walang transparency. Kasi nga po wala namang research na walang kasamang Pilipino. So, hindi lang po tayo transparent, ni-require po natin sa guidelines na may kasamang Pilipino. I-distinguish po natin iyong mga kalaban sa pulitika na lahat ay ginagawang isyu at iyong katotohanan. Sa guidelines po ng inter-agency kinakailangang kasama ang Pilipino, kinakailangang sine-share ang resulta ang scientific study sa Pilipinas. Malinaw po tayo diyan.

**ROSALIE/UNTV:** So ibig sabihin meron na po tayong result?

**SEC. ROQUE:** Yes. Iyong mga kasama na nag-research kasama po sila kumuha ng results. Iyong mga nakalap na data, meron din po silang kopya, sang-ayon po iyan sa opisyal na guidelines.

**JOSEPH/GMA7:** Sir, iyong sa China again 'no. Kilala mo naman si Professor Rommel Banloi?

**SEC. ROQUE:** Yes.

**JOSEPH/GMA7:** Okay. Sir he said that iyong recent activity ng China on the South China Sea is muscle flexing, parang message to the US and whoever and the end goal is to control that area. We are not doing anything about muscle flexing of China, we are going to stand and watch?

**SEC. ROQUE:** We are asserting an independent foreign policy. We are not giving out territory, we are protecting our sovereign rights and at the same time, we are doing the best that we can, given our state of preparedness.

So, the difference is, we are not willing to be used by other states that want to challenge the dominance, alleged dominance of China in the region, because we have ceased to be a lackey of any other state. We stand on our own.

**PIA GUTIERREZ/ABS-CBN:** Sir you mentioned talking to the President last night. Did he mention any... giving a directive to the administration or its official to fast track the importation of NFA rice?

**SEC. ROQUE:** No, no. I think I had a more extended discussion with Cabinet Secretary. He says that while he confirmed that he was the one who gave me the information about the 250,000 metric tons standby authority to import.

He says the reason why they have not actually resorted to importation is that under the minimum access volume, we are expecting 325,000 metric tons of rice to arrive within the month. So why should we import. So, the point is, there is already rice on its way. There's no need to authorize the standby order of an additional 250,000 because there's more than enough rice on its way to beef up the NFA stock.

Now, he clarified that the procedure is not only must the council approved, they must also consult the Food Security Council to determine if there's really a shortage. And there hasn't been a shortage.

Mas magaling pala kayo, nagtatanong pa kayo ano. Alam n'yo naman pala. *[laughs]*

**JOSEPH MORONG/GMA7:** All right, game. Speak to the consumers, kasi ang nakikita nila sa market ngayon, mahal ng mga five or six pesos, even the commercial rice. Should we be seeing iyong mga ganoon na pagtataas ng presyo, given na we have enough rice according to government?

**SEC. ROQUE:** Well, ang klaripikasyon po na ginawa ni Cabinet Secretary Evasco na mayroong supervision sa National Food Authority, ay sapat-sapat po ang ating supply sa bigas. Mayroon pa pong napakadaming parating na 325,000 tons, metric tons na bigas. Kaya nga po iyong standby order na another 250,000 tons ay hindi pa ina-approve ng council. Bagama't in principle po, kung kinakailangan talaga, kaya nga ang tawag diyan ay standby.

Pero ngayon po, naniniwala siya na with 305,000 metric tons of rice on its way, hindi po kinakailangang mag-import pa pursuant to the standby authority.

**JOSEPH MORONG/GMA7:** No, but with regard to prices, hindi ba sasabihan iyong DTI to maybe monitor and then discipline iyong mga ...

**SEC. ROQUE:** Well, alam ninyo po kasi, iyong merkado naman, they react to supply and demand. Siguro po ay lumakas lang talaga ang consumption natin dahil, unang-una, napakadaming aberyang nangyari kaya naubos nga iyong stockpile natin ng bigas. Pangatlo, nagkaroon din ng, you know, katatapos lang ng Pasko. So iyan po iyong mga bagay-bagay na dapat makunsidera.

Pero kapag dumating na poo iyong 325,000 metric tons, sigurado po naman na bababa ang presyo ng bigas dahil napakalaking volume po iyan.

**INA ANDOLONG/CNN PHIL:** Sir, ang sinasabi po kasi ng NFA administration, the importation through MAV, napupunta raw po iyan sa commercial rice stocks. Only a very small percentage daw goes to the lower cost NFA rice. So how can you can that this additional supply will lead to lower prices, may bring down prices, when sa commercial pa rin naman daw po sila mapupunta?

**SEC. ROQUE:** Kahit anong klaseng rice po iyan, kapag maraming supply ay bumababa ang presyo. 'Di ba po, law of supply and demand!

**INA ANDOLONG/CNN PHIL:** Okay. Sir, yesterday also, I spoke to CabSec Jun Evasco. And he said that marami daw pong ramblings sa NFA possibly because some people there may want to important through government-to-government or G-to-G dahil nandoon daw po iyong raket. Did he discuss with you yesterday?

**SEC. ROQUE:** Alam mo, I always standby my colleagues in the Cabinet. I cannot take the position of anyone else but the alter egos of the President pursuant to the qualified political agency doctrine, so I standby CabSec. If he sees that the rambling is because some people want to make money, so be it!

But I'm happy that CabSec Evasco is on top of the situation. He enjoys full trust and confidence of the President, that's why until now, the President has not commented on this issue because he trusts that Secretary Evasco will do what is best.

**INA ANDOLONG/CNN PHIL:** So he did discuss that with you yesterday, na parang may gustong kumita?

**SEC. ROQUE:** No, he did not. Well, hindi naman po. But if you're saying that's what he said, I have to approve and support what he said. I mean, you're asking me who I will believe – I will believe my colleague in the Cabinet because they are the alter ego of the President.

And incidentally, the position of CabSec appears to be corroborated by the position of Senator Villar, that there is no shortage. But there is a scenario to justify importation.

**REYMUND TINAZA/BOMBO RADYO:** The NFA admitted also that there is no shortage of rice production in the country. But they have the problem because they are only buying 17 pesos per kilo from the farmers. So the farmers are not selling their rice to them, so they choose to sell to the retailers, private retailers. So why can't we just, the NFA, increase the 17 pesos buying price, so that farmers will just sell their products to them and no need to import, and you already help also the economy of the farmers.

**SEC. ROQUE:** Tama po ang katanungan ninyo. Pakitanong po sa NFA kasi hindi ko talaga maintindihan bakit sila nagsabi ng ganoon. Sino naman ang nagdedesisyon kung magkano ang presyong bibilhin nila, 'di ba po?

**PHILIP TUBEZA/INQUIRER:** Sir, kahapon sabi ni Presidente, dadalhin niya iyong mga rebel returnees, the female rebel returnees to China and Hong Kong. Pupunta daw siya because he has a standing invite. Confirmed po ba iyon?

**SEC. ROQUE:** Mayroon naman po, 'di ba? When the President met with the President in Vietnam, there was an invitation extended. And the invitation was: it can be state, official, private, you are always welcome to come to China.

**PHILIP TUBEZA/INQUIRER:** May date na po ba kung kailan niya dadalhin iyong mga dating NPA members?

**SEC. ROQUE:** Wala pa po. Pero alam ninyo, iyong gagawin ni Presidente, parang ginawa niya doon sa mga opisyaes ng Marawi. Kasi kung maaalala ninyo, iyong mga trips to Russia at saka kung hindi ako nagkakamali, trip to China din, dinala niya iyong ilang mga opisyaes na lumaban sa Marawi.

**PHILIP TUBEZA/INQUIRER:** And another question, sir. Nabanggit din niya kahapon that any day now daw ay pupunta siya ng Kuwait.

**SEC. ROQUE:** Kung binanggit niya iyon, so be it! Well, sabi sa akin, confidential daw iyon. Hindi ko sinabi, at saka kung binanggit naman pala niya—kapag nabanggit na niya, yes, then I can make confirmation. Although I was told that I should not. But there's a trip in the offing to Kuwait.

**PHILIP TUBEZA/INQUIRER:** Ano po ang gagawin niya?

**SEC. ROQUE:** I do not know what the agenda is because only the President met with Ambassador. No one was allowed in the room. I could only surmise—no, it's not like that. I can only surmise that the invitation was made during the bilateral meeting.

**Q:** [OFF MIC]

**SEC. ROQUE:** Well, I guess, Kuwait wants to assure the President that Philippine nationals are protected in Kuwait, and to see for himself.

**PHILIP TUBEZA/INQUIRER:** May threat kasi, sir, si President 'di ba na kung mayroon na namang namatay na Filipina, he would ask the Filipino, sir, to come home. Mayroon report po kasi ngayon na may Filipina na naman na nakita sa loob ng freezer na one year nang patay and had torture marks. Would this trigger or ... that threat of the President?

**SEC. ROQUE:** I do not know quite frankly because this is the first time I'm hearing about it.

**PIA GUTIERREZ/ABS-CBN:** Hi, sir. Sir, you are the primary author of House Bill 6834, correct?

**SEC. ROQUE:** Yes.

**PIA GUTIERREZ/ABS-CBN:** Sir, ngayon kasi this is being attacked by human rights groups as another Draconian measure to curtail people's freedom of expression. Sir, I'd just want to be clear, why do you think there is a need for higher penalties for rallies which are unannounced?

**SEC. ROQUE:** Well, because you need to balance. The rule is we respect the ruling in Bagatsing that—again, I should not be answering this because this does not involve the President. But because I started answering it, I might also finish. We codified basically the ruling in Reyes versus Bagatsing that the license of the people to exercise the right to peaceful assembly is found in the Constitution. However, local government has the right to limit the time, place and manner of the conduct of the public assembly.

So it is provided there that the grant of rally permit is ministerial, unless there is a clear and present danger which is also a codification of the case that I argued in the Supreme Court, which is the case of Cadiz versus Mayor of Manila.

So the rule is, while it is almost ministerial for them to issue rally permits because the license is granted by the Constitution itself and, therefore, it must be issued unless there is a clear and present danger that the state has a right to protect itself against. Any rally, therefore, should be given a permit. So under this delicate balance, anyone who resorts to unannounced rally could be held liable for their acts. Because in the first place, there is now confidence that when you apply and there is no clear and present danger, we have fixed timeframes within which the local government units must in fact issue the license permits. And if they refuse to do anything on it, it is deemed granted. So under this scheme of things, it's not unreasonable to require individuals to get the permit.

Again, the delicate balance is, it must be issued within a specified period, unless there is a clear and present danger.

**PIA GUTIERREZ/ABS-CBN:** Sir, since you are answering it naman, do you think na masyado pong mabigat iyong six months to six years imprisonment?

**SEC. ROQUE:** Hindi naman. Hindi naman, kasi sa totoo, hindi naman nase-serve iyang six months to six years 'di ba.

**PIA GUTIERREZ/ABS-CBN:** Is this something that the President supports?

**SEC. ROQUE:** It is something ... it's an act created by ... well, legislated by Congress. And let me say, I have many bills now. Some of which have lapsed into law, the free irrigation bill. That's also my bill. Wala na naman kaming ceremony. Sabi ni Presidente magseseremonya

siya, but it lapsed into law. So I'm a bit confused now if this is one of those that have lapsed or had only been submitted to him for his signature.

Submitted ba sa kaniya ito for his signature? I will check ha. Alam ko iyong irrigation law ang nag-lapse na into law because he did not sign it and, therefore, it lapsed into law.

**PIA GUTIERREZ/ABS-CBN:** Pero did he—

**SEC. ROQUE:** This was not certified as urgent. This was something that I pushed through the process in the House of Representatives.

**PIA GUTIERREZ/ABS-CBN:** Or did he mention anything about needing stricter or greater penalties?

**SEC. ROQUE:** It's not actually stricter because we codified basically existing jurisprudence in Reyes versus Bagatsing, and Cadiz versus Mayor of Manila.

**PIA GUTIERREZ/ABS-CBN:** Or graver penalty, sir. Did he mentioned anything about—

**SEC. ROQUE:** No, he hasn't mentioned.

**INA ANDOLONG/CNN PHIL:** Sir, doon sa... since sa rallies na rin tayo, doon sa sinabi mo sa February 23, you said, hopefully students will not be skipping their classes. I'd just want to confirm: Is it true that when you were still teaching in UP, sir, you would encourage daw your students to skip their classes and join the protest?

**SEC. ROQUE:** I did not encourage them to skip class. What we did was we held class in the streets. That was not skipping class. That's how we were able to come up with the doctrine in Cadiz versus City Mayor of Manila. According to the government then in power, there will be no rallies allowed in Mendiola because there is a clear and present danger. So I said, "Class, we will now have a classroom session in Mendiola. Best dress up on your best Sunday clothes so that we will not be classified as clear and present danger by the government."

So they all went in their best party clothes and we rallied. We were, of course, sued by the government. But we went to court, arguing that we filed a rally permit. It was not granted; it was unconstitutional because it can only be denied on the basis of clear and present danger.

So I did not encourage them to skip class. We held our class in Mendiola.

**INA ANDOLONG/CNN PHIL:** But you encouraged them to participate in protest in a way?

**SEC. ROQUE:** Well, of course. There has to be critical thinking in the university. We did not walk out from our classes. We held our classes in the streets.

**JOSEPH MORONG/GMA7:** So they can, on the 23<sup>rd</sup>, sir, they can hold their classes in the streets, yes?

**SEC. ROQUE:** Ladies and gentlemen, are there any other further questions?

**JOSEPH MORONG/GMA7:** Last two, serious question. They can hold classes on the 23<sup>rd</sup>, right?

**SEC. ROQUE:** Yes.

**JOSEPH MORONG/GMA7:** Like yours? Sec—Sir, regarding Bisaya.

**SEC. ROQUE:** Regarding?

**JOSEPH MORONG/GMA7:** The Cebuano. The President expressed, I think, sometime last week sa Davao, gusto niya Cabinet meeting will be in Bisaya. Has he done that in—hindi naman?

**SEC. ROQUE:** No, he speaks in Filipino and in English.

**JOSEPH MORONG/GMA7:** Okay. So this is not going to be like a policy now that more strength on the use of Cebuano?

**SEC. ROQUE:** It's not official policy. But I think it's good for the Visayans that President is speaking in Visayan as well.

**JOSEPH MORONG/GMA7:** Correct. Pero hindi naman iyon iyong parang serious na—

**SEC. ROQUE:** Hindi naman because the last Cabinet meeting, he did not speak in Visayan. The last time he spoke in Visayan was for the dinner with the rebel returnees.

**JOSEPH MORONG/GMA7:** Yesterday, sir?

**SEC. ROQUE:** I think you have many questions about the speech yesterday with the rebel returnees, correct? The one in Visayan that he delivered, marami kayong tanong doon. Like what did he say?

**JOPEL PELENIO/DWIZ:** Pero okay na sa akin iyon, sir, kasi Bisaya naman ako. Sir, regarding po doon sa ... statement ninyo lang po, sir, doon sa kinumpirma nung dating clerk of court na mababa iyong nakuhang grade ni CJ Sereno. And dahil doon, dalawang psychiatrists ang tinanggal ni CJ Sereno.

**SEC. ROQUE:** Ano pong tanong?

**JOPEL PELENIO/DWIZ:** Statement ninyo lang, sir. Anong reaksiyon ninyo doon sa ...

**SEC. ROQUE:** Wala po.

**JOPEL PELENIO/DWIZ:** Impeachable, sir?

**SEC. ROQUE:** Hinahayaan na po namin iyan sa Kongreso.

**#END#**

Source: PCOO-NIB (News and Information Bureau)