

Presidential Communications Operations Office

News and Information Bureau

INTERVIEW WITH PRESIDENTIAL SPOKESPERSON HARRY ROQUE

BY KAREN DAVILA – HEADSTART, ANC

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KAREN DAVILA: ... (recording cut). Now you have a group of lawyers who have filed with the UN asking the UN Special Rapporteur to probably investigate the President's threats against the Judiciary. What is the impact of this?

SEC. ROQUE: Well, I could only laugh, because I know the backgrounds of everyone. Tony La Viña really is one of the best friends of the Chief Justice. We all came from the UP College of Law. So let's call a spade a spade. The problem here is not about institutions anymore when it comes to the Chief Justice. The problem is the Chief Justice. Take note that 13 of her colleagues asked her to go on mandatory forced indefinite leave. She had no choice. They were in fact irritated when she made it appear to the public that she was taken a wellness leave...

KAREN: Wellness leave. Okay.

SEC. ROQUE: They had issue a statement, 'no, we forced you to go on indefinite leave because you admitted to not complying with the SALN law 'no and you are Chief Justice of the land.' Okay. This is not about the President attacking the institution. It's about the Chief Justice herself admitting to violating an existing law which will have an impact on the integrity of the Court itself. So if there's a threat to the independence of the Court, to the integrity of the Court, it is the Chief Justice herself; and all her colleagues seem to agree, all except for one who was on leave when the Court made that decision.

Number two, on the impeachment. Where did the credible evidence for impeachment come from? From five of her own colleagues! So where is the threat to judicial independence when the evidence for her own impeachment is coming from the Supreme Court itself - her own colleagues in the Supreme Court!

Now of course they're going to the UN Special Rapporteur on Judicial Independence. I'd like to stress, wala naman pong remedyong makukuha doon eh, mayroon lang mga declaration doon na sasabihin—

KAREN: But what can we do?

SEC. ROQUE: Oh siguro nga, the most that they can say is, 'Yes, this perhaps a threat to judicial independence in the Philippines.' But make no mistake, I myself will write and append a

copy of the resolutions signed by the 13 justices asking her to go indefinite leave ‘no because of her failure to file her SALN. I will submit to the Rapporteur myself the testimonies of the five justices and possibly the findings of the House Committee on Justice on the impeachment against her ‘no, indicating that this is not about institutions. This is about the integrity of the Chief Justice that may very well affect the integrity of the institution itself. Then secondly, I will of course say—

KAREN: Thirdly na ito—

SEC. ROQUE: Thirdly, it’s not just the President who hates her; because the President has said that he now has personal hatred to her. Kasi nga paulit-ulit, ‘You’re behind this, you’re behind this.’ Hello, eh sino bang nagbibigay ng testimonya sa iyo? Hindi naman ako, sarili mong kasama sa Hukuman. So, I’m going to point the fact na unfortunately in the Philippines she apparently doesn’t have any support except her friend Tony La Viña. Bakit? The judiciary spoke out against her. The legislature, well we are expecting the legislature to impeach her. The executive has said, ‘you have made an enemy out of me.’ Where will she get the support?

KAREN: But then Secretary, doesn’t this damage the institutions? I wanted to ask you when a popular President actually, vocally says I want her out. I am now your enemy.

SEC. ROQUE: She damaged the institution herself, kaya nga she was made to go on indefinite leave by her colleagues. Iyong admission niya na hindi siya nag-file ng SALN.

KAREN: So what you are saying it is really an internal issue?

SEC. ROQUE: It’s not just an internal issue. It’s the fact that her own admission that she failed to comply with the law will be the one that will damage the Court; not the pronouncements of the President. That’s why she was made to go on leave whether or not she wants it ‘no by her own colleagues.

KAREN: Now, Secretary doesn’t the Chief Justice deserve her day in Court?

SEC. ROQUE: Well I think she was given a day in Court by her colleagues.

KAREN: No, not the House committee—I mean, in the Senate.

SEC. ROQUE: You know there are multiple remedies. Unfortunately, the Supreme Court can’t remove one of its own, it’s only through impeachment. So the process is through impeachment. But make no mistake about it when she was asked to go on indefinite leave that’s a sanction by itself. An administrative sanction because they can’t otherwise remove her. Now, assumption could include—

KAREN: Yeah.

SEC. ROQUE: Yeah really, you know, payment of fines or penalties ‘no. But that’s the ultimate sanction, hindi man niya napansin iyon or she’s possibly—I think the Chief Justice is possibly

just, you know turning a blind eye to it. But that was an administrative sanction imposed by the Court—

KAREN: The Supreme en banc.

SEC. ROQUE: So where is the attack on the judiciary when the judiciary itself wants to cleanse itself from within? O 'di ba? So where is the attack on the institution? In fact it is the Court itself that has ordered a move to protect the integrity of the Court. The statement of the President admitting, 'o sige because you keep on saying I'm behind your impeachment, siges fine, I'm your enemy now,' came belatedly, came after the Supreme Court en banc asked her to go on indefinite leave.

KAREN: Moving on to the Australian nun. You said in an interview that you believe that the arrest was a mistake and maybe apologies are in order?

SEC. ROQUE: Well I never said that it was a mistake. I said, well perhaps apologies are in order. It was not in your channel, that's why—

KAREN: No, no. I'm getting it already. That was in GMA7?

SEC. ROQUE: Yeah was in GMA7. But what was the context?

KAREN: But you did see it was a mistake—

SEC. ROQUE: It was a live—first, the day before I had a live presidential briefing—

KAREN: Yes.

SEC. ROQUE: I started out by saying, her detention was justified because foreigners under our laws are prohibited from engaging in political activities. Okay? Now, the following day I was asked again—No, no, in the same press briefing I was handed a note that she's been released. So siyempre alam mo naman tayo 'no commitment to truth so I have to read the release from CID Morente and apparently the CID said she'd been released because she's not a subject to summary deportation proceedings.

Ang summary deportation proceedings puwede ka nang hulihin but when you were caught in flagrante delicto committing a prohibited act such as engaging in political activity. Pero noong hinuli raw si Sister hindi siya engaged in a political act, kasi hinuli siya sa bahay niya, hindi siya nagra-rally 'no. Gaya noong time ni Aquino may hinuli na foreigner dahil nasa rally 'no, iyon puwede na iyon na hulihin at i-detain na for deportation 'no. So that was the context by which I said na perhaps apologies are in order. Kaya naman si President had to clarify—

KAREN: Yeah, but can I read it? The transcript of your GMA7 interview is... Let me just read it, 'ang pagkakaiba lang po ay mukhang nagkamali dito kay Sister Fox at siguro apologies are in order—'

SEC. ROQUE: Correct! Ang sinabi kong—

KAREN: Then you said, ‘siguro nagkamali din ang CID.’

SEC. ROQUE: Eh nagkamali nga, dahil si Morente nagsabi na eh.

KAREN: So nagkamali?

SEC. ROQUE: Si Commissioner Morente said ‘she was released because she was not a subject to summary deportation. She should be subjected to preliminary investigation to determine if she should be subjected to deportation proceedings.’ Dalawa iyon, so mayroon talagang pagkakamali.

KAREN: So nagkamali, okay.

SEC. ROQUE: Kaya naman ang maganda kay Presidente, ‘sagot ko iyan.’ Sabi ni Presidente, ‘Eh ano ngayon, sagot ko iyan.’

KAREN: What did he want? What did he order?

SEC. ROQUE: ‘I was the one who ordered investigation,’ and then he clarified, ‘hindi ko naman sinabi ni i-deport kaagad. Hindi ko sinabing arestuhin kaagad. Pero nonetheless hindi pinapayagan ng ating batas ang mga dayuhan na mamulitika kaya sagot ko iyan.’

Legally, whatever sagot ko iyan, iyan ang magandang Presidente. He is a true leader. The buck stops with me. Sabihin mo ng may nagkamali, I owe full—or I take full responsibility for the actions of our people.

KAREN: So the exact sound byte of the President is ‘I ordered the BI to investigate her, not deport, not arrest but invite her for an investigation.’

SEC. ROQUE: Correct.

KAREN: So they did it wrong?

SEC. ROQUE: Well basta ang importante ngayon—

KAREN: Because she was clearly arrested?

SEC. ROQUE: Well not really—alam mo kasi iyan na naman. Pag board of—pag Immigration, you don’t arrest. It’s not doon sa governed by the Rules of Court on Criminal Procedure, that’s Harvy versus Defensor Santiago. Kaya nga iyong mga rights of the accused hindi lahat iyan accorded doon sa mga foreigners na ina-aresto for deportation proceedings. Kapag may desisyon na iyong napakatagal nang nakakulong, 6 months to 1 year, mayroon ng violation of right to liberty. Pero normally iyong rights of the accused are not accorded foreigners who are subjected to deportation proceedings. Iyon iyong pagkakaiba.

KAREN: Yeah. But then no less kasi than the BI said eh that they were—that she was arrested. We interview the BI Chief.

SEC. ROQUE: And released.

KAREN: Okay.

SEC. ROQUE: So okay fine kung may nagkamali. Kaya nga sabi ni Presidente, wala akong pakialam kung may nagkamali, I take full responsibility; and that's a good leader.

KAREN: Okay. Is it possible na inako lang ng Pangulo at sinabi niyang siya ang nag-order?

SEC. ROQUE: Hindi. Kasi ang mensahe nga, ako mismo ang nagpa-imbetiga diyan dahil nalaman ko na itong madreng ito ay namumulitika sa Pilipinas.

KAREN: You were in the press conference on Boracay the other day. So very quickly, do you believe that the government can deliver? You said four months.

SEC. ROQUE: Well, in fact yes 'no. They are confident that as far as water discharge, easement and road infrastructure are concerned, it can be done in four months not even in six months.

KAREN: But what about the rights of businesses, I'm curious. The President hasn't declared a state of calamity?

SEC. ROQUE: Not yet.

KAREN: Not yet. So right now for example, iyong D'Mall, the DENR said that it will be demolished 'cause it's on top of tributaries right?

SEC. ROQUE: Yes.

KAREN: Of course they argue that it's not. That in fact it's a far from a wetland, they have shout out etcetera. I mean, you have two points of views, two points. Ang tanong ko, can they go to Court?

SEC. ROQUE: They can if they want to. But—

KAREN: Ah it's open?

SEC. ROQUE: Of course 'no, there's a legal procedure for it 'no. And that's why we acknowledge that as far as recovering the wetlands and the forest lands are concerned, this will take more than six months and that's not one of the things that we quickly want to achieve. We want to recover some of them but we realize that we will not be able to recover all of them within the four to six months 'no.

KAREN: So why doesn't the President declare a state of calamity, Secretary?

SEC. ROQUE: He will. In fact we will not be able to move without that proclamation. It is that proclamation that frees us from the rules of procurement which otherwise will be tedious ‘no.

KAREN: Pero now wala pa?

SEC. ROQUE: Wala pa. Pero it is forthcoming on or before the 26.

KAREN: You visited—you visited Boracay?

SEC. ROQUE: Yes, yes.

KAREN: How many resorts have been demolished other than the one—yeah the West Cove—

SEC. ROQUE: I said if Ted Failon is listening the West Cove ano. Well, I’ve saw lots of buildings already engaged in self demolition. And the reason is, they would rather demolish it themselves for aesthetic reasons rather than wait for government to demolish it.

KAREN: That’s true.

SEC. ROQUE: Any which way they want to demolish it ‘no. So sila na para mas magandang tingnan at sila na rin ang nag-aayos. And I saw quite a number of them in the beach as well as structures along the roads. So makikita mo naman talaga na iyong mga residente ng Boracay, number one, aminado sila, it’s time to rehabilitate. Number two, the level of corporation is very high. I’m not saying it’s a hundred percent of course they are dissenters but the level of corporation is very high because they know ultimately if they want to survive as businessmen in Boracay in the long term they need to preserve Boracay.

KAREN: Yeah. Now the President said that he may put it under land reform. The DENR explained that it is possible.

SEC. ROQUE: It is possible.

KAREN: Yes.

SEC. ROQUE: But of course what the President is saying—

KAREN: I mean inside ha, inside the island.

SEC. ROQUE: Okay. What the President is saying is both literal and figurative.

KAREN: Yeah.

SEC. ROQUE: If they’re claimants, then so be it because the law is the law. If they are valid claimants under the Comprehensive Land Reform Law, then the land will be awarded to them. If not, what the President is saying is Boracay should be preserved for everyone, for ordinary Filipinos, and not just for the rich resort owners. That’s the message of the President.

DAVILA: Okay. In other news, the President has said he will fire a new set of officials over allegations of graft. But he didn't name them.

SEC. ROQUE: I think there was an Undersecretary who has already tendered his resignation.

DAVILA: Who?

SEC. ROQUE: Undersecretary Say. Although Undersecretary Say said that he resigned because of conflicts on the endo issue, I think he—

DAVILA: Was he part of the list?

SEC. ROQUE: I think it was good for him to have resigned because I know for a fact that the President already has evidence indicating there's possibility of graft involvement as far as Usec. Say is concerned.

DAVILA: Regarding what? I mean, I'm curious, graft regarding?

SEC. ROQUE: I wasn't sure because the conversation took place when Secretary Meynard Guevarra was appointed. And it had something to do with relations with labor recruiters. That's why I expected the resignation of Undersecretary Say.

DAVILA: When it comes to ending contractualization, can the government deliver its promise?

SEC. ROQUE: You know, I will now ... cannot read out really in clearer terms 'no, because I said something is forthcoming in May 1, perhaps not. Why? We've done it. The promise of the President is to end 555. Ano ba iyong 555? Iyong pagdating ng 5th month, tatanggalin ka so that you will not be regular because the Labor Code says on the 6th month, you will be regular. Wala na po iyan. How did we do it? From 200, we now have 500 labor inspectors.

Now, what we now have – and this is the controversy and apparently this is the reason why the EO was not signed – are contractors or...you know, big time companies providing certain services working for some companies. But this is no longer endo because they are regular employees of the contractor itself.

Ang pangako ng Presidente, tanggalin iyong kada-five months ipa-fire ka para huwag ka lang maging regular. Ang mayroon ngayon, iyong mga regular employees ng mga contractors, service contractors, ng malalaki; hindi iyan iyan cabo.

DAVILA: Manpower firm.

SEC. ROQUE: Oo, manpower firm. Kasi iyong cabo, haosiao. Ito iyong—it's a devious scheme to prevent regularization of employees para lang walang compliance with minimum labor standards. Pero ang mga manpower agencies, malalaki ang capital niyan at iyan talaga ang negosyo nila.

Kasi ang problema nga naman, kung ikaw ay nasa isang fastfood ‘no, magha-hire ka ng regular, eh alam mo ang bilis ng turnover diyan. Walang katapusan iyang hiring niyan and ano. So ang ginagawa nila, kumukuha sila ng reputable manpower company, at kapag may nag-absent, hindi ko problema iyan; kapag may nag-fire, hindi ko problema iyan. Basta ang kailangan full complement ako.

Iyan pala ay hindi naman pinagbabawal dahil, for as long as you have a license, for as long as you have the capital and for as long as the employee has all the remuneration and privileges required by law, that is legal. So hindi na po endo iyon. Hindi na pala endo iyon, iyon ang ini-emphasize nila ‘no. Kasi regular employee sila ng mga contractor companies.

DAVILA: But, Secretary, isn’t that a way to sort of ... you know what I mean, it’s like a way to go around?

SEC. ROQUE: Okay. Again ‘no, hindi ko alam kung ano pa ang desisyon ng Presidente rito. I think something is forthcoming by May 1. Ang ina-articulate ko lang ay iyong side naman na hindi na naririnig din ‘no, kasi dalawang side iyan eh.

Ang sinasabi naman nila is, ang iniwasan ay iyong mga employees nga na in the end hindi nagiging regular, walang security of tenure; because what is protected by the Constitution is the security of tenure. Pero dito, for as long as you are a reliable na may kapital na service contractor, may security of tenure iyong mga nagtatrabaho sa service contractors.

DAVILA: So is there any EO that the President will sign if it’s revised or no?

SEC. ROQUE: Now, the latest that I’ve heard, kasi I was one of the co-authors of the legislation in the House, and we passed it. In fact, much of the House version came from my version of the bill. Inaantay na lang iyong version ng Senado.

So parang ang gusto ng Presidente sana, magkasundo para magkaroon ng EO. Pero hindi na-achieve iyong tinatawag na tripartite consensus ‘no, kasi labor, management at saka government. So ngayon, parang ang key agencies are inclined to wait for Congress to legislate on the matter. Kasi walang kasunduan kaya nga hindi natuloy iyong EO.

Pero sa akin, iyon na nga ‘no, number one, it really is a job of Congress to pass this. If we want to really find what we mean by endo, then by all means, do it through legislation. Pero pagdating kasi sa executive na executive order, you can only implement the law.

DAVILA: But will he sign something?

SEC. ROQUE: Well, naguguluhan ako mismo ‘no kasi nag-schedule, hindi natuloy. May possibility pa siguro hanggang wala pa naman May 1, I’m sure we would want to give to the people. Pero ang sinabi rin ni Secretary Bello ngayon, parang mas mabuting antayin na iyong batas na manggagaling sa Kongreso.

DAVILA: Okay. Secretary, aside from Usec. Say, who else was fired by the President?

SEC. ROQUE: Wala pa akong nalalaman.

DAVILA: I mean, in the list, would you know?

SEC. ROQUE: Wala pa akong nakikitang list. Iyon lang ang alam ko, iyong kay Usec. Say.

DAVILA: So you don't know who is he referring to?

SEC. ROQUE: No.

DAVILA: Come on. Really? Because he said, 'di ba, he will fire or he's fired?

SEC. ROQUE: Well, ang alam ko lang, Usec. Say.

DAVILA: Oo, iyon lang?

SEC. ROQUE: Iyon lang.

DAVILA: I see. All right, so I guess what's important—panghabol ko na lang ito, the China issue, just very quickly. The Philippines is already eyeing a diplomatic protest versus China regarding the claims on Mischief Reef.

SEC. ROQUE: Yes.

DAVILA: And I know that you'd want Secretary Alan Cayetano to respond to this, we've talked about it kanina.

SEC. ROQUE: Yes.

DAVILA: But what does that mean for us?

SEC. ROQUE: That means we're doing something about it. We're not just making a big deal out of it. We're not being noisy about it because being noisy will definitely not be constructive to our bilateral relations, but we're doing our job.

DAVILA: Okay. All right. Last word, Secretary?

SEC. ROQUE: Well, you know, it's really, really been difficult lately because of all these issues cropping up. Pero—

DAVILA: Wait, are you running? Are you confirmed for 2019 already?

SEC. ROQUE: No, no. I'm not confirming anything. I'm not confirming anything because in the first place, I talked to the President. I told the President, you know, I don't have to run. I'd like to continue serving the people by serving the presidency. So I'm not exactly in the bad place. I mean, hello. But of course, it all depends on what happens in the future. It all depends on

whether or not the President needs more allies in the Senate. It's crucial to see where the incumbents will run because that will determine if we will have the support that we need in the Senate for major legislation.

But as of now, siguro by way of parting words, the President's declaration that the buck stops with him proves the kind of leader that he is – and I am happy that he is my boss.

DAVILA: Yeah. Now, I'm just curious, given the fact that you were such a colorful personality on your own.

SEC. ROQUE: Still am. [laughs]

DAVILA: Prior to working for the President. I read Twitter and I see it on Facebook, do you have a hard time when people say that you've completely, you know, from north, you've swung to the extreme of the pendulum with your own principles.

SEC. ROQUE: No, I have never sacrificed my personal principles.

DAVILA: With your statement on the ICC, you were a human rights lawyer.

SEC. ROQUE: Exactly. Because the prosecutor was wrong. She was dead wrong and she knows it. And now even the ASP [Assembly of State Parties] President even wants to fly in to please appeal, do not withdraw because they know the consequence of the Philippines withdrawing. We are the foremost advocate of the ICC in Asia. We're the Philippines leading Asia, forget universal ratification in Asia, no other Asian state will join the ICC, full stop.

DAVILA: We're the only ones?

SEC. ROQUE: No, we're not only ones. Japan is there. South Korea is there. Timor Leste is there and Cambodia. It's not a lot.

But the point of the matter is: complementarity is the very core of that treaty. States did not surrender their sovereignty when they agreed to become a member of the ICC. They only wanted a court that will function when there are no local courts to speak of – Sudan, Somalia.

DAVILA: You've said that in the end ... you know, I'm sure you've read this, bumaligtad si Harry Roque.

SEC. ROQUE: Hindi.

DAVILA: He swallowed his own principle.

SEC. ROQUE: Hindi po. Walang ganoon. Dahil malinaw po ang ibig sabihin ng complementarity. Ang tagal namang nagturo ng international law, alam ko naman ang sinasabi ko diyan. Mali lang po talaga iyong prosecutor. At ngayon, they have to build the trust for their mistake.

DAVILA: On that note, Secretary Roque, it's always a pleasure to have you on the Headstart. It's an exciting morning for me when you're here.

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Source: PCOO-NIB (News and Information Bureau)