

PRESIDENTIAL COMMUNICATIONS OPERATIONS OFFICE
News and Information Bureau

INTERVIEW WITH PRESIDENTIAL SPOKESPERSON HARRY ROQUE
BY KAREN DAVILA, HEADSTART-ANC
MAY 6, 2020

DAVILA: Your audio is already back. I just watched a bit of your interview, you went live on Channel 4, ANC carried that, and you said that the President is neutral. You call on congressmen to vote according to your conscience and that you reiterated that the President has already accepted Carlo Katigbak's apology, so please vote according to your conscience, correct sir?

SEC. ROQUE: That is correct and that is all that the President can do now because under existing laws, the NTC is a quasi-judicial body. If he could, the President could already have intervened in the issue, but this is an instance unlike in the case of PhilHealth, where the executive agency concerned has its own independence in making decisions when it functions in a quasi-judicial capacity. And here, I'm making it clear Karen that, the decision of the NTC is not even appealable to the Office of the President, it is appealable to our courts.

DAVILA: Okay. I'm curious. Does this mean that if both Houses renew the ABS-CBN franchise, the President has expressed that he will not overturn or veto that?

SEC. ROQUE: He did not expressly say it, but he kept on our reiterating in our 20-minute conversation last night at 10 in the evening, that he really is neutral and to let all his allies know that he will not hold it against them and he will not, you know, it will not endear him either way 'no. They can vote as they wish. He has accepted the apology and the message to the supporters is go and vote as you wish.

DAVILA: Okay. Now we know that the Lower House of course is controlled by the President's allies, Secretary, and we know that Congress still takes cue from the President. Given for example, if you want urgent legislation or even the budget fast, Congress can do it if they want to. Will the President make an effort or any kind of move to reiterate that this is urgent or important for Congress to act on?

SEC. ROQUE: Well, I have not seen any franchise deal to have been certified as urgent by the President 'no. So in that sense, no certification is forthcoming because it is, for all intents and purposes, a private bill 'no that grants a privilege to a private company. I don't think it is proper to have it certified as urgent, but I think this is already significant that he asked me to tell his allies in Congress, he is neutral. Do not think that he is engaging in doublespeak, he really is neutral, vote as you please.

DAVILA: Okay. Now on a matter of law, I wanted to ask you, former Senator Chiz Escudero tweeted that President Duterte can actually reverse the order of the NTC if he wanted to, being under the Office of the President. Can he do that, Secretary?

SEC. ROQUE: He cannot. We had thorough research on this - made yesterday, and although it is attached to the Department of Information and Communications, it is only for purposes of policies and programs. All its decisions are made in a quasi-judicial capacity, and as I said, if the President could even exercise appellate jurisdiction to the decisions of the NTC, then perhaps the President could intervene. The reality is no, we do not have appellate jurisdiction.

And it's clearly settled in the law, provided clearly in the law and the latest of which is the one that created the DICT. That even the DICT Secretary cannot dictate on the NTC because it is a quasi-judicial body. It would be a form of graft and it would be a violation of code of ethics for government employees if the President were to intervene in the decision-making of the National Telecommunications Commission.

DAVILA: Okay. Now the NTC cease and desist order caught not just ABS by surprise but frankly even lawmakers. Are you telling us Secretary that the NTC did not run the 'cease and desist order' over at Malacañang?

SEC. ROQUE: It took me by surprise. It took two other very high ranking Palace officials by surprise because prior to the decision of the NTC, we had agreed on my messaging in this issue and it's really to leave it as, according to our legal research, it is within the exclusive jurisdiction of the NTC. But quite frankly, we did not expect that the NTC would issue the cease and desist order yesterday 'no.

So I'm being very candid because we had a meeting two days ago in time for my press briefing and the following day, the cease and desist order came about. So I had to call the two other individuals that I normally consult on major issues and they were really taken also by surprise and we just have to reiterate what the law says 'no, that the NTC can decide on these matters and that we should not intervene 'no.

Otherwise, we would have, in the same way that the President intervened, in the PhilHealth issue that was clearly something that he could intervene 'no in the exercise of his supervisory power over executive agencies – but not in this case.

DAVILA: Okay. Now, the NTC during both hearings in Congress actually said that upon the opinion of the DOJ, they would grant a provisional authority, they would issue one. And a day before the expiration of ABS, Secretary, Solicitor General Calida warned the NTC not to issue a provisional authority and if it did, it could be open to a graft case, a violation of the law. Are you saying that the Solicitor General is acting on his own without the President's knowledge on this?

SEC. ROQUE: Well, the President is in a [unclear] on this, precisely because two of his alter egos have opposite views. The Solicitor General believes that NTC cannot issue and the Secretary of Justice said he believes they can issue. And that's why we did our own independent research in the Office of the President and that's why we were able to confirm that they could not intervene in the decision of the NTC.

But I'd like to underscore that the President's message to me last night is in this instance where two of his Cabinet have differing opinions, number one, he does not influence how Cabinet members would express their opinions on matters pertaining before their offices; and number two, he did not side with either Solicitor General Calida or Secretary Guevarra. Rather, he respects what the law provides and that this is a decision to be made by the NTC. Whether or not NTC was influenced by Secretary Calida, you will have to ask NTC because I have no authority to speak for them.

DAVILA: Okay. Does the President want ABS-CBN to reopen? I mean, has he expressed that in your 20-minute conversation? Did you talk about the employees for example?

SEC. ROQUE: He has said that I should thank ABS-CBN for all the help that ABS-CBN has in fact extended and I was even under instruction to enumerate 'no the many things that ABS-CBN has done in connection with COVID-19. I just never got it from your 'station,' I was requesting for it 'no otherwise I would have publicly thanked you for it 'no.

And if in the same light that he has asked in an unprecedented manner, forgiveness from two of the tycoons that he originally wanted me to file cases against so that they would be behind bars, he said that you know, anyone who has helped the people in this time of crisis, I will be grateful to. And that is why if could, he probably would have done something for the ABS-CBN franchise, but the President is a lawyer and the law may be harsh as I said earlier but that is the law – *dura lex sed lex*.

But there is a remedy, as I heard Congressman Salceda himself said 'no, the Constitution really says that the only body that can grant a franchise is Congress, and Congress right now is in session. So the remedy really is ask Congress for that franchise and it's been pending since I was a congressman there, during the 17th Congress. Perhaps they've had more than enough time to study the matter.

And if they are worried that the President would not want them to issue a franchise, I'm here to tell you – he really is neutral. I can assure you that.

DAVILA: All right. Professor La Viña said earlier that the NTC abused its power and he describes the order as arbitrary. He also says that overall, the President is to blame if he wants the franchise renewed, he could have had the House do it - I'm reading from exact quotes - and it's the President's overall responsibility. Because at the end of the day and the system that we have, we do know Secretary Roque, the power of the President especially—I mean,

when it comes to the Lower House and the NTC being part of, he describes, it's the Legislative Branch. He says—I mean can the Legislative Branch wash its hands on the NTC order?

SEC. ROQUE: Well, I don't know what you mean by whether or not the House can wash off its hands on the NTC order 'no. You know since the matter—

DAVILA: No, not the House. Can the Executive—

SEC. ROQUE: I will read to you the law itself 'no because this is the research that we came up with 'no and the research really enumerates the law that says that the NTC is only attached to DICT for purposes of policies and programs, but not when it comes to the decision-making process of the NTC.

Now, Tony La Viña said that we could have influenced the House. We're trying to influence the House now by saying that the President is neutral and you have a month of session left 'no. I'm sure these will be a provident days/time in the Senate. So yes, we're trying to influence the House that President is neutral – do not worry, the President will not take it against you if you vote for or against the ABS-CBN franchise – that's all the help that we can give at this point.

DAVILA: All right. Now, can I move on to the IATF? Do you still have time, Secretary? I know you have a presscon.

SEC. ROQUE: Yes...

DAVILA: Can you still take a question?

SEC. ROQUE: On IATF, yes.

DAVILA: Okay. All right. Now the DILG is leading a validation committee that will come up with guidelines in lifting the ECQ and the GCQ. This is a bold move considering some provinces that you've put on GCQ have—are even choosing to stay on ECQ which is quite ironic. And the DILG says, it wants to adopt a city level or a barangay level quarantine. What elements are you looking for Secretary or the IATF as a whole, to actually implement this by May 15?

SEC. ROQUE: Well, there is now a criteria 'no and of course we have not changed the criteria dramatically. It's still remains, number one, on the rate of increase of the disease and the capacity to provide medical care. At same time, you will consider the economy, on whether or not the economy can function provided of course that you can provide medical care.

Now, what was approved by the IATF was the entire decision-making process 'no that should be applied by provinces and mayors in deciding whether or not to extend ECQ. Because under EO 112 Karen, provincial governors now are authorized to impose ECQ in component cities and municipalities within their provinces, although they cannot put the entire province under ECQ

or GCQ, that is still IATF. And city mayors of highly urbanized cities on the other hand can declare particular barangays under ECQ.

So these guidelines will have to be applied by provincial governors or city mayors in making the decision. So after the 16th of May, the IATF will have to approve all the requests to be under ECQ.

DAVILA: Okay. My last question is, the President has expressed that he's asking the Department of Justice to look into if it is legal, to have health professionals remain in the country. I will ask you—yes, you are a lawyer yourself - would it be legal Secretary Roque?

SEC. ROQUE: Perfectly legal. In fact, that's pursuant to the general welfare clause. It is an exercise of police power because the primary basis for the President's concern is that these people are going to the most dangerous places as far as COVID-19 is concerned – United States, Italy, Spain... these are now the new mega—well the places with the most number of pandemic cases. And of course, if we are restricting travel to these places, why are we allowing them now to work in these places 'no? I think it's a valid exercise of police power, but he's still exploring it. He just asked the Department of Justice to look into the matter.

And at the same time of course, there's the issue of what about our own medical needs 'no. So we are also looking into that particular reasoning as a valid exercise of police powers.

DAVILA: All right. On that note Secretary Harry Roque, thank you so much for your time this morning. Ingat po kayo sir, good luck.

SEC. ROQUE: Well Karen, I have to do as the President says... thank you to ABS-CBN for all the help that you extended not only in disseminating information but the relief assistance that you have extended to our people. If the President could do more, he certainly would. But right now, he's calling on his allies: He's really neutral on the issue. Act on it, vote according to your conscience, you have the time to do it.

And let's respect the Constitution 'no, because the Constitution says, it is only Congress that can issue this franchise. Thank you and good morning.

DAVILA: All right. Thank you so much, that was Secretary Harry Roque.

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