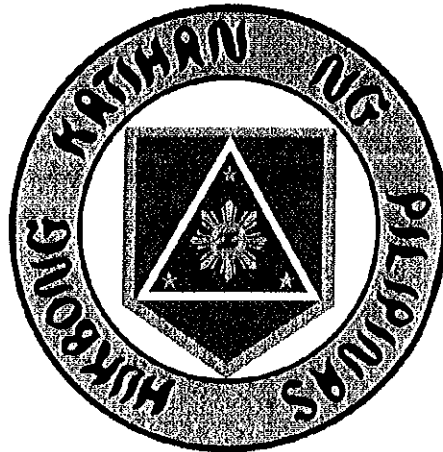


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## **NEWS CLIPPINGS**

**07 March 2019**

**Thursday**



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# 'No need for Diokno confirmation by CA'

By EDITH REGALADO

**DAVAO CITY** – The appointment of Benjamin Diokno as central bank governor does not have to be confirmed by the Commission on Appointments (CA), the presidential spokesman said yesterday, withdrawing an earlier pronouncement.

Salvador Panelo, who is also chief presidential legal counsel, said that after further evaluation of relevant laws and jurisprudence, he realized the CA's confirmation powers do not cover the appointment of the Bangko Sentral ng Pilipinas (BSP) governor.

Diokno succeeded Nestor Espenilla Jr., who died of tongue cancer on Feb. 23. Diokno was budget secretary before his appointment to the top BSP post.

When asked if his appointment would need CA nod, Diokno replied: "I don't think so."

On Tuesday, Panelo, citing Article VII, Section 16 of the Constitution, said Diokno's appointment would require the nod of the CA. Panelo expressed confidence that Diokno's nomination would be confirmed.

But yesterday, Panelo said a closer examination of the constitutional provision on appointments revealed that

the position of BSP governor is not covered by the CA's confirmation powers.

He cited the Supreme Court ruling on the *Calderon vs. Carale* case, which rejected the position that Congress may require CA confirmation of presidential appointments other than those "expressly mentioned" in Article VII, Section 16 of the Constitution.

Panelo also cited the eventual dismissal of the petition against then BSP governor Gabriel Singson.

"While the petition in *Tarrosa vs. Singson* was dismissed due to its nature and the lack of legal standing of the petitioner, the Supreme Court in the said case had the occasion to cite the above-mentioned case of *Calderon vs. Carale*," Panelo said.

Yesterday, Diokno made it clear he has the competence to lead the BSP.

"As central bank governor you have the necessary tools

Turn to Page 4

# No need

From Page 1

to analyze what is presented to you. I have a PhD in economics, so I know exactly what is going on," he told reporters.

"I don't buy that concept that as if the CB (central bank) governorship is the prerogative of those who are from the inside. I don't buy that. I know how government works. I know where we want to go. I'm familiar with the program of the government," Diokno said, citing the case of the late BSP governor Rafael Buenaventura who was a banker from the private sector.

"Our BSP is supposed to be independent, but that does not mean it has to be against. It has to understand what the administration is trying to do. If you have to be supportive, you support but without losing your independence," the new BSP chief added.

## Beyond CA's reach

Meanwhile, some lawmakers admitted the position of BSP governor is beyond the CA's jurisdiction.

"We do not confirm the governor of the BSP or central bank. He is not one of the officials enumerated by the Constitution as subject to CA confirmation," Isabela Rep. Rodolfo Albano III, a former CA member, said yesterday.

He said such officials are Cabinet members who head departments, members of constitutional commissions, ambassadors, consuls and ministers and military officers from the rank of colonel or captain in the Navy.

"When President Duterte

appointed the late Nestor Espenilla as BSP governor in July 2017, the latter did not go through the CA process. Not one BSP governor went through it," Albano, who was then CA majority leader, said.

Another congressman, Ben Evardone of Eastern Samar, said the law amending the BSP charter does not require CA confirmation for the BSP chief.

"It was not one of the amendments we endorsed because we were aware of the provision of the Constitution," he said.

Evardone was chairman of the House of Representatives committee on banks and financial intermediaries when the panel recommended the bill that amended the law creating the central bank.

Justice Secretary Menardo Guevarra was quoted as saying the new BSP law provides that the central bank governor is not subject to the CA process.

Other congressmen said not going through the CA is good news for Diokno.

"With the bitter exchange of charges and countercharges on pork barrel fund insertions in the proposed 2019 national budget, the former budget secretary would surely face rough sailing in the CA if he were to pass through the confirmation process," one lawmaker who did not want to be named said.

He said he is sure that the House leadership would instruct the chamber's contingent in the CA headed by San Juan Rep. Ronaldo Zamora "to make life difficult for Secretary Diokno."

"They could delay his confirmation or dig up dirt on him. They could even oppose his appointment," he said.

The lawmaker recalled that leftist Cabinet appointees of President Duterte who crossed swords with or did not kowtow to the wishes of the House were not confirmed.

"In the sense that he will not face a hostile House panel in the CA and not suffering the fate of his former Cabinet colleagues, Secretary Diokno is lucky," the congressman said.

For Minority Leader Danilo Suarez, Diokno should be made to answer issues raised against him before a CA panel.

Diokno snubbed at least six summons lawmakers sent him in relation to budget-related anomalies.

"We have two seats in the Commission on Appointments," Suarez said, referring to the 12-man House contingent in the bicameral conference body that screens and confirms appointments made by the President.

"We will be asking questions. That's also good for

grilled Diokno over questionable insertions in the 2019 budget when the lawmaker was still head of the appropriations committee, expressed exasperation at how developments had turned in Diokno's favor.

"Maybe some other time, or some other person," he told a news conference, apparently referring to the unlikelihood of Diokno facing the House again to answer allegations of wrongdoing. "It's OK. I have learned so many lessons," he said.

### 'Good choice'

Despite being enmeshed in controversies, Diokno is a "good choice" for BSP governor, based on his track record as budget official in previous administrations, Manila Mayor and former president Joseph Estrada said yesterday.

Diokno had served as budget secretary during the Estrada administration from 1998 to 2001.

"His track record as one of my former Cabinet members and as then budget undersecretary under the late former president Corazon Aquino was excellent," Estrada said.

The Manila mayor also defended Diokno against accusations of corruption over insertions in the 2019 national budget.

"President Duterte appointed Diokno because of his expertise and talent, and he is not involved in any graft and corruption," Estrada said.

Militant labor, however, expressed fear Diokno's appointment would bring "elitism" to the central bank.

Leody de Guzman of the Partido Lakas ng Masa (PLM) said Diokno was insensitive

to the poor's suffering when inflation reached record high level.

"The working class will never forget his callous statement '*kung masipag ka lang, hindi ka magugutom sa Pilipinas*' (if you're hardworking, you won't go hungry in the Philippines) at the height of the country's inflationary crisis last year when he held the reins of fiscal policy," De Guzman said.

"Appointing someone as insensitive to effects of inflation to the poor like Diokno is a recipe for disaster, especially for our 2022 target to reduce poverty to 14 percent," De Guzman added.

He also said Diokno's alleged insertion of P75 billion in the public works budget was something taxpayers should be worried about.

The labor leader stressed the need for the government to put forward "pro-labor" reforms in the central bank's charter, following its amendment under Republic Act 11211 signed by President Duterte last February.

Under Republic Act 7653, the number of government representatives to the monetary board has been reduced as well as the central bank's role in price stabilization.

"This mandate is conspicuously absent in later versions of the central bank charter," De Guzman noted.

"It is time for Congress to reverse the elitism of the BSP, with Diokno as its new avatar, and design a central bank that consciously promotes the welfare of the majority," De Guzman said. — Jess Diaz, Lawrence Agcaoili, Mayen Jaymalin, Delon Porcalla, Jose Rodel Clapano

him. It will enlighten and maybe answer some issues that haven't been answered during the question hour," he told newsmen.

"As I've said, the ultimate objective of the minority and the public accounts committee is to have closure. *Mas maganda naman iyun na may closure iyung kaso niya* (It's best if his case reaches closure)," Suarez added. "The (committee) report will be something else, but there will be a CA. I think he'll be confirmed, he's the President's choice. But questions will be asked," he said.

Rep. Anthony Bravo of party-list Coop-Natcco also said Diokno's appointment would have to go through the bicameral body.

"Just to clarify, the governor of BSP shall be subject to confirmation by the CA. But take note, Congress is about to adjourn. There is CA policy that during adjournment... it would be voting," he said.

Former majority leader Rolando Andaya Jr., who had



# FOREIGN WIRETAPS FOR NARCOLIST HIT

STORY BY MARLON RAMOS

Lawmakers question the legality of the use of foreign information in the compilation of President Duterte's narcolist, pointing out that recordings of illegally intercepted phone conversations are inadmissible as evidence in court.

FROM A1

By Marlon Ramos  
@MRamosINQ

Senators on Wednesday aired concerns after Malacañang admitted that President Duterte's list of politicians allegedly involved in the illegal drug trade was based on wiretapped phone calls shared by foreign governments with the Philippines.

At the same time, the legislators reminded the Palace that any evidence, including wiretapped phone conversations, obtained without court order could not be presented in court since these would be considered "fruits of the poisonous tree."

Malacañang said on Tuesday that Interior Secretary Eduardo Año would release Mr. Duterte's so-called narcolist, reportedly containing the names of 82 politicians, mostly local government officials running for reelection in May.

Año reportedly wants to publish the list to warn voters against choosing candidates in midterm elections who are protectors of drug traders.

## Shared information

Presidential spokesperson Salvador Panelo said foreign governments that were wiretapping the phone conversations of criminals in the country had shared information with the Philippines that went into the compilation of the list.

Panelo said the United States, Israel, China and Russia "provided" the Philippine government with wiretapped information

about politicians who were involved in drug trafficking.

"All countries help each other in fighting terrorism and criminality. Maybe in the course of this cooperation, they provided the information," he said.

While wiretapping is illegal in the Philippines, Panelo, who is also the presidential legal counsel, said there was no law prohibiting accepting intercepted information and that the Philippines should be grateful for the foreign help.

The President himself had admitted to listening to recordings of intercepted phone conversations of alleged narcopoliticians.

Talking to reporters in Marawi City on Sept. 23, 2017, Mr. Duterte said he had listened to the phone calls of Iloilo City Mayor Jed Mabilog and slain Ozamiz City Mayor Reynaldo Parojinog Sr.

"Don't ask me how [or] what kind of device. It was a whisper from God and I was listening to him. So they were all tapped," he said.

Parojinog and 14 others were killed by police in a drug raid on the mayor's home on July 30, 2017.

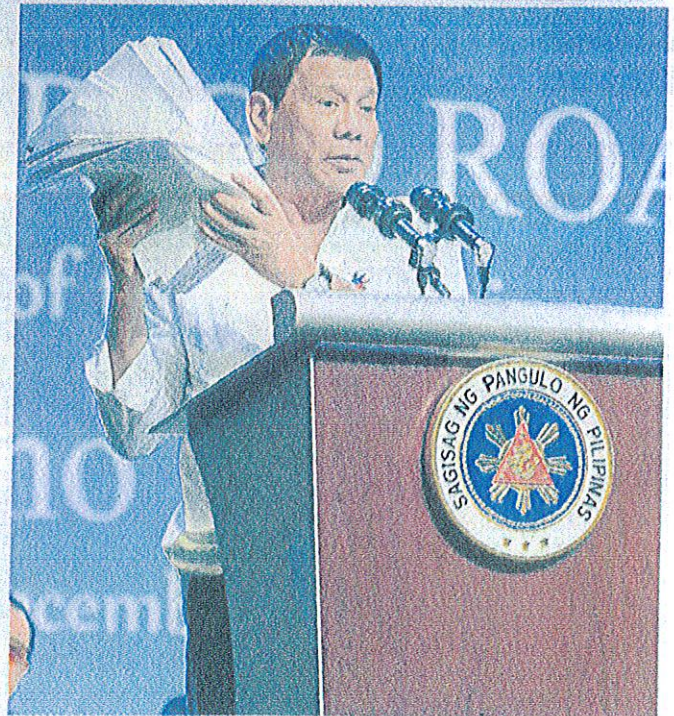
Mabilog fled the country after being linked by Mr. Duterte to drugs in 2017.

## Narcolist accurate?

On Tuesday, Panelo vouched for the accuracy of Mr. Duterte's narcolist.

"Remember, technology has made surveillance through telephone possible. That's why it's hard to deny when law enforcers say you're on the list," the Palace official told reporters.

"Is the (Duterte) administration admitting to be complicit in the commission of a crime by



COMPILATION In this file photo taken on Dec. 16, 2016, President Duterte shows his list of government officials who, he says, protect traders of illegal drugs. Malacañang says the list will be released next week. —MALACAÑANG PHOTO

foreign governments?" Sen. Panfilo Lacson said in a text message on Wednesday.

"Is it now a government policy to condone invasion of privacy of its own nationals by China, Israel and the United States?" he asked.

"If this government continues to show acquiescence, our privacy becomes vulnerable, not from our own government, but from other jurisdictions, which makes it even worse," he added.

Lacson said recorded phone conversations, if lawfully obtained, "should have been used as evidence" since these would

have "strong probative and evidentiary value to prosecute the personalities involved."

## Panelo claim doubted

Senate President Vicente Sotto III raised doubt that the United States, Russia, China and Israel would intentionally intercept phone calls of at least 82 politicians as claimed by Panelo.

"It's far-fetched. Why will a foreign government wiretap politicians? A few, perhaps. But 82 [government officials]?" Sotto said.

"If cases will be filed [against] these politicians, it will



be based on other evidence and not the wiretaps," he said.

Sen. Aquilino "Koko" Pimentel III, a lawyer, said the government should bring criminal charges against the alleged narcopoliticians "with evidence which are credible and not prohibited by law."

Lacson, a former chief of the Philippine National Police, said the government could not justify the contents of Mr. Duterte's narcolist by conveniently saying it was based on phone conversations intercepted by foreign governments.

"Malacañang's claim ... doesn't make things right—unless those who conducted the wiretap were armed with judicial authorization," he said.

"[O]n the other hand, if the wiretap was done illegally, it is nothing but the fruit of a poisonous tree," he said.

#### Inadmissible as evidence

Senate Minority Leader Franklin Drilon, a former justice secretary, agreed with Lacson, saying recordings of wiretapped phone conversations were "not admissible as evidence" in court.

"It has no value at all. It cannot be used as evidence, having been obtained illegally," Drilon said.

Justice Secretary Menardo Guevarra said he would ask the National Bureau of Investigation to verify Mr. Duterte's narcolist.

"Once the list is made public, we shall request the sources of the information to provide us with copies of their intelligence reports," Guevarra said.

He said the NBI would file complaints after the intelligence reports had been verified.

"If the wiretapped conversation came from a country where wiretapping is not illegal, then it may be passed on to our government and considered admissible in Philippine courts," he said.

#### Presumption of innocence

Opposition senatorial candidates on Wednesday expressed alarm over Malacañang's plan to release the narcolist next week.

Former Solicitor General Florin Hilbay said presumption of innocence applied to all and at all times, including election season.

"The imposition of justice should be fair, and should respect the processes of a democracy," Hilbay said.

"There should be evidence. There should be cases filed. That is why I'm running—to make the law equal for everybody so nobody will be let off and those who should be accountable are made accountable," said human rights lawyer Chel Diokno.

Magdalo Rep. Gary Alejano said that while the Supreme Court had cited several instances when the presumption of innocence could be "waived," he said running for office was not one of these.

"It is alarming that the Palace has fabricated a ground to remove that presumption and it is further disturbing that it is being presumptively waived based on narcolists that have proven to be factually wrong, containing [the names of] dead people and had to be revised time and again for being inaccurate," Alejano said. —WITH REPORTS FROM DONA Z. PAZZIBUGAN AND DJ YAP INQ

# Ex-DFA chief: No MDT review for now

By Jeannette I. Andrade  
@jiandradeINQ

Former Foreign Secretary Albert del Rosario maintained that the United States' assurance that "any armed attack on Philippine forces, aircraft or public vessels in the South China Sea would trigger the mutual defense treaty (MDT)" serves as fair warning to China.

This, he said, would make a review of the Philippines-US MDT unnecessary for now.

The assurance, given by US Secretary of State Mike Pompeo during a recent state visit to the Philippines, was "one of the most important statements made in the many decades since the MDT was ratified in 1951," Del Rosario said.

## 'Disruptive neighbor'

"It was, furthermore, an imperative for our disruptive northern neighbor to be forewarned of the significance of our MDT alliance," he added,

referring to China.

"As adequate as it may already be, our MDT can no doubt be improved, but it is the wrong time to do this, not when we have willingly allowed ourselves to have been made increasingly weakened by our northern neighbor's doctrine of domination," Del Rosario said.

Foreign Secretary Teddy Locsin Jr. similarly maintained his stand against a review of the country's MDT with the United States.

Contradicting Defense Secretary Delfin Lorenzana's position, Locsin said the MDT serves as a deterrent against being dragged into war unwillingly.

## Locsin tweet

"A mutual defense treaty means neither side will see itself dragged into a war because an attack on one is taken as an attack on the other—two sides of one coin," Locsin tweeted on Wednesday afternoon.

"We seek not wardship but

mutual defense," he added.

Lorenzana on Tuesday insisted on a review of the MDT, saying that ambiguities must be cleared so the Philippines would not get embroiled in a war.

"I do not believe that ambiguity or vagueness (in the MDT) will serve as a deterrent. In fact, it will cause confusion and chaos during a crisis," said Lorenzana, publicly disputing Locsin's statement before Pompeo.

On Wednesday, Locsin dis-

cussed the South China Sea dispute with Vietnam Foreign Minister Pham Binh Minh who came to Manila.

In a joint press briefing, Pham said he and Locsin both affirmed the importance of maintaining peace, stability and security of navigation in the contested seas, and respecting the diplomatic and legal processes as well as international law in handling international dispute. —WITH A REPORT FROM

DONAZ.PAZZIBUGAN INQ



# No harassment of Phil fishermen near Pagasa - military

By JAIME LAUDE

The Palawan-based Armed Forces of the Philippines Western Command (Wescom) has belied reports of Chinese harassment of Filipino fishermen

near Pag-asa Island in the disputed Spratlys archipelago from early last year until today.

"Based on reports received from our Joint Task Force, covering from 2018 to the present, our operating

units have monitored the presence of fishing vessels from various countries, including the Philippines, conducting fishing activities in the sandbars in the vicinity of Pag-asa Island," said Capt. Cherryl Tindog, Wescom's Public Af-

fairs Office chief.

Tindog added that Wescom personnel have been talking to the Filipino fishermen to know their concerns.

"We have not received any complaint

Turn to Page 3

## No From Page 1

or report from them that they are being harassed or driven away from that area," Tindog said.

Tindog noted that Wescom has encouraged the fishermen to continue their operations in the area, adding that the government was putting up a shelter port in the island for the fishermen.

Kalayaan Mayor Roberto del Mundo earlier claimed that Chinese vessels shooed the Filipino fishermen away from Sandy Cay, allegedly denying his constituents their source of livelihood.

But there is no fish around Pag-asa, according to a senior security official who asked not to be named, as the corals in the

surrounding waters of Sandy Cay are dead.

"If there are Filipino fishing boats out there, they're just there for their supply of drinking water," the official added.

Pag-asa Island, home to around 200 to 300 residents, also serves as a key military outpost of the Wescom in support of the country's maritime and sovereignty claim in the disputed archipelago.

Defense Secretary Delfin Lorenzana had directed the military to validate reports of the alleged harassment.

"(But) it has to be noted that the area referred to by Mayor del Mundo is a traditional fishing ground for the Philippines and other countries, including China and Vietnam," the Department of National Defense said in a statement.

-- With Michael Punongbayan

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# PH verifying 'harassment' in WPS

**D**EFENSE Secretary Delfin Lorenzana on Wednesday ordered the military to validate a report of Kalayaan Mayor Roberto del Mundo who claimed that Filipino fishermen were being harassed by the Chinese in a sandbar near Pag-asa Island, the largest Philippine-occupied feature in the Kalayaan Island Group.

"Based on the initial communication from the AFP [Armed Forces of the Philippines] Western Command, there has been no substantiated report from our units on the ground confirming Mayor

Del Mundo's statement," Defense department spokesman Arsenio Andolong said in a statement Wednesday.

"The AFP, through the Naval Forces West under Wescom, will nonetheless

continuously validate and report any information relevant to Mayor Del Mundo's claims."

Andolong said the area referred to by Del Mundo was a traditional fishing ground for the Philippines and other countries including China and Vietnam.

According to Wescom, they have been encouraging fishermen from Pag-asa to continue their activities since it has been observed that they have not been fishing in the vicinity of the sandbar even before the Chinese fishing vessels were sighted

in the area," Andolong said.

"A sheltered port in Pag-asa is currently being constructed to help our fishermen.

Del Mundo on Tuesday claimed that around 50 Chinese vessels were allegedly sailing near Pag-asa Island and intimidating Filipino fishermen.

He said the Chinese were shooting away the Filipinos from Sandy Cay, a group of sandbars between Pag-asa Island and China's artificial island in Subi Reef. fl2

## Japan army chief visits Fort Magsaysay

By JAIME LAUDE

Japanese Army chief Gen. Koji Yamazaki yesterday visited Fort Magsaysay in Nueva Ecija to see for himself one of Asia's largest Army training facilities.

Officials said Yamazaki, chief of staff of the Japan Ground Self Defense Force, was in the country for a four-day official visit to bolster army-to-army relations between Japan and the Philippines.

Brig. Gen. Lenard Agustin, commander of the 7th Infantry Division based at Fort Magsaysay, welcomed Yamazaki with arrival honors yesterday

morning.

Fort Magsaysay, a 180,000-acre military base in Laur, Nueva Ecija, is recognized as one of the largest military training facilities in Asia with the 7th Infantry Division acting as administrator of the sprawling facility.

Co-located inside the military camp are the Armed Forces of the Philippines' national maneuver force, Special Operations Command, the foreign-trained Light Reaction Regiment, Army Artillery Regiment, Army Aviation Battalion, Special Forces Regiment and Maneuver Center for the Training and Doctrine Command.

After Yamazaki's courtesy call, he proceeded on a guided tour of the Special Forces Airborne headquarters.

Agustin regards Yamazaki's visit as an honor and his presence, just like those of other foreign dignitaries who visited the camp, offers an opportunity to enhance diplomatic ties and strengthen military-to-military camaraderie.

Before his visit to Fort Magsaysay, Yamazaki first paid a courtesy call on his counterpart, Army chief Lt. Gen. Macarog Alberto at Fort Bonifacio in Taguig City following his arrival last March 3.

Army spokesman Lt. Col. Ramon Zagala said Yamazaki's visit seeks to reinforce the strategic partnership between the Philippines and Japan.

In 2015, the Philippines and Japan signed the Memorandum of Defense Cooperation and Exchanges, providing a framework for defense cooperation between the defense ministries and their respective armed forces.

"My visit implies that my country recognizes the Philippines as a significant strategic partner in East Asia. I'm very honored to be here to strengthen our bilateral relations," Yamazaki said.



#### NEWS BRIEFS

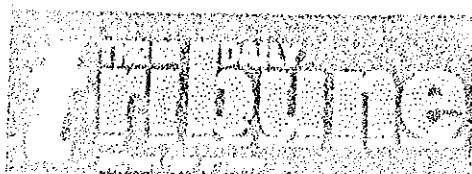
##### **Navy beefs up patrol with 5 repaired ships**

The Philippine Navy beefed up its maritime patrol operations, and distributed five of its newly repaired ships to different commands. An official send-off was given on Monday to coastal patrol crafts BRP Manuel Gomez and BRP Heracleo Alano; landing craft utility BRP Tausug and BRP Subanon, as well as logistics support ship BRP Bacolod City. According to Philippine fleet commander Rear Adm. Danilo Rodelas, the deployment of the additional five ships plays a "very crucial role in the Navy's effective conduct of maritime patrol operations, internal security operations and logistics support missions." The five vessels were deployed from the Capt. Moya Boat Landing at the Naval Base in Sangley Point, Cavite City. M1

—JEANNETTE L. ANDRADE

### • Army celebrates women's month

The Philippine Army marks the beginning of the month-long observance of the National Women's Month during the flag raising ceremony at the Army headquarters at Fort Bonifacio, Taguig City on Monday. Maj. Gen. Jesus B. Sarsagat, the Chief of Staff of the Philippine Army, recognized the valuable contributions of strong and gallant women in the security sector, and also acknowledged their courage, hard work and dedication to their sworn duty that breaks the barriers of gender stereotyping. Anchored on the theme, "We make Change Work for Women," the Army's celebration revolves around "Malasakit at Pagbabago." It symbolizes the Army's continuous pledge to empower and institutionalize women in the ranks and focuses on strengthening its effort in cultivating and tracking the progress of the law that eliminates discrimination of women through the recognition, protection, fulfillment and promotion of their rights. (Francis T. Wakefield)



## 2 yrs. as BSP chief; no CA

By Kristina Maralit,  
Joshua Lao  
and Elmer N. Manuel

New Bangko Sentral ng Pilipinas (BSP) Governor Benjamin Diokno will be in his post for only two years, but he will be insulated from political intrigues that haunted him as Budget secretary as Malacañang said yesterday his posting will not pass through the powerful Commission on Appointments (CA).

Diokno will serve out Nestor Espenilla Jr.'s unexpired term until mid-2021 but he is eligible for reappointment.

He declared his term will have a BSP that is "supportive" of government without necessarily losing its independence.

Diokno, an economics professor at the University of the Philippines and who was Budget secretary for both Presidents Rodrigo Duterte and Joseph Estrada, said no one has the "birth right" to the BSP governorship.

"I know how government works. I know where we want to go. I'm familiar with the program of the government," he said.

### Independent but supportive

"Our BSP is supposed to be independent, but that does not mean it has to be against (an administration). It has to understand what the government is trying to do. If you have to be supportive, you can support without losing your independence," he added.

Turn to page 2



# 2 yrs. as BSP chief; no CA

I hope that the next DBM secretary is not a politician or an ex-politician

*From page 1*

The head of the BSP is not among the presidential appointees who require the nod of the CA as provided for under the Constitution, presidential spokesman Salvador Panelo said.

Article VII, Section 16 of the 1987 Constitution states that presidential appointments needing confirmation from the CA are the heads of Executive departments, ambassadors, other public ministers and consuls, officers of the Armed Forces from the rank of colonel or naval captain and other officers whose appointments are the President's prerogative under the Constitution.

**As central bank governor, you (must) have the necessary tools to analyze what is presented to you.**

"After further evaluation of relevant laws and jurisprudence surrounding the appointment of Diokno, it is the position of the Palace that the said appointment need not be confirmed by the Commission on Appointments," Panelo explained.

"A perusal thereof reveals that the governor of the BSP does not fall under any of the categories of officials," he said.

Executive Secretary Salvador Medialdea also confirmed there is no need for Diokno to go through the powerful CA bloc whose members come from the Senate and the House of Representatives.

Mr. Duterte named Diokno as new central bank head following the death of Espenilla due to tongue cancer.

**Precedent cited**

Panelo also cited "Calderon vs.

Carale," where the issue resolved by the Supreme Court (SC) was "whether or not Congress may, by law, require confirmation by the CA of appointments extended by the President to government officers additional to those expressly mentioned in the first sentence of Section 16, Article VII of the Constitution."

He said the SC ruling rejected Congress' power to amend provisions of the Constitution by a mere legislation.

"While the petition in Tarrosa vs. Singson was dismissed due to its nature and the lack of legal standing of the petitioner, the Supreme Court in the said case had the occasion to cite the above-mentioned case of Calderon vs. Carale and also explained that, 'Congress cannot by law expand the confirmation powers of the Commission on Appointments and require confirmation of appointment of other government officials not expressly mentioned in the first sentence of Section 16 of Article VII of the Constitution,'" he said.

"For everyone's information, the said case involved the appointment of Mr. Gabriel C. Singson as BSP Governor. Following the dismissal of the case, Mr. Singson's appointment therefore did not undergo a confirmation process with the CA," he added.

**Our BSP is supposed to be independent but it has to understand what the government is trying to do.**

Duterte has yet to appoint a replacement for Diokno at the Department of Budget and Management (DBM).

Currently, Budget Undersecretary Janet Abuel sits as officer-in-charge of the DBM.

"I hope that the next DBM secretary is not a politician

or an ex-politician," Diokno said.

**Most qualified**

The new BSP governor was also quick to answer on Wednesday the rumors circulating that his new designation was politicized.

"I am not a politician. I do not question this decision and nobody should," he told reporters.

**None of the previous governors had a PhD in Economics. Actually, Ben Diokno is the first central bank governor who has three master's degrees and a PhD.**

"No one should claim the birthright of being the central bank governor," he added, noting that the selection process has been done carefully.

Finance Secretary Carlos Dominguez III said the new BSP governor is very much qualified, citing Diokno's credentials.

"None of the previous governors had a PhD in Economics. Actually, Ben Diokno is the first central bank governor who has three master's degrees and a PhD. He is the most qualified at the moment," Dominguez said.

Diokno said an insider or an outsider leading the central bank is of little consequence.

"I don't buy that (notion where) BSP governorship is the prerogative of those who are on the inside. As central bank governor, you (must) have the necessary tools to analyze what is presented to you," Diokno said.

**PhD means something**

"I have a PhD in Economics, so I know exactly what is going on. As Secretary Dominguez said, I have three masteral degrees. I have the necessary tools. I can deliver what is necessary. That can't be said of any other BSP Governors," he added.

In addition, the new BSP chief said he will first meet with his deputy governors and with the central bank's Monetary Board before releasing a policy statement on Friday.

"I'll be sworn in tonight and I will assume office tomorrow. Expect policy statements by Friday after the monetary board meeting," he said.

As the new central bank chief, he will make the necessary adjustments given this new responsibility.

"We have to be more careful. We have to be circumspect," Diokno said, noting that he has the complete knowledge on where this country needs to be.

"I know how the government works. I know where we want to go," he added.

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## DND: No report PH fishers harassed

The Department of National Defense said yesterday that there is no substantiated report from military units on the ground confirming Kalayaan, Palawan Mayor Roberto del Mundo's claim that Chinese vessels have prevented Filipino fishermen from entering sandbars near Pag-asa Island, Palawan.

The DND made the statement a day after Defense Secretary Delfin Lorenzana directed the Armed Forces of the Philippines to validate the report from Del Mundo on the alleged harassment of Filipino fishermen in the sandbar near Pag-asa Island.

"Based on the initial communication from the AFP Western Command, there has been no substantiated report from our units on the ground confirming Mayor Del Mundo's statement," DND spokesman Director Arsenio Andolong said.

Andolong, however, said the AFP, through the Naval Forces West under the Armed Forces Western Command, will nonetheless continuously validate and report any information relevant to Del Mundo's claims.

"It has to be noted that the area referred to by Mayor Del Mundo is a traditional fishing ground for the Philippines and other countries, including China and Vietnam," Andolong said.

"According to WesCom, they have been encouraging fishermen from Pag-asa to continue their activities since it has been observed that they have not been fishing in the vicinity of the sandbar, even before the Chinese fishing vessels were sighted in the area," he added. (Francis Wakefield)

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### **Reds burn heavy equipment in Cagayan**

TUGUEGARAO, Cagayan – Suspected New People's Army (NPA) rebels burned heavy equipment in Barangay

Imurung, Baggao, Cagayan on Tuesday.

Col. Ignacio Cumigad, Cagayan police director, said a truck, a bulldozer and a tractor owned by Abraham Aurelio were set on fire by around 25 NPA rebels at around 8:40 p.m.

Last week, six heavy equipment owned by Camia Construction Co., which is involved in government projects, were burned by suspected NPA guerrillas in Barangay Pared, Alcala.

– Raymund Catindig

## 25 sa NPA, sumurender sa W. Visayas

Kabuuanang 25 na kaanib ng New People's Army (NPA) sa Western Visayas ang sumuko sa Negros Occidental, kamakailan.

Ayon kay Lt. Col. Emilito Thaddeus Logan, 79th Infantry Battalion (IB) commanding officer, ang nasabing mga rebelde ay nagbalik-loob sa pamahalaan sa tulong na rin ng nasabing military unit.

Tinukoy ni Logan na ang mga ito ay miyembro ng Don Salvador Bendicto territorial force na nag-o-operate sa lalawigan.

Isinuko rin ng mga ito ang kanilang armas na kinabibilangan ng isang M14 rifle, tatlong M16 rifles, apat na Garand rifles, apat na shotgun, isang Magnum 22, 12 na cal. 45 pistol at dalawang 9mm (UZI) Ingram.

Kaugnay nito, sinabi ni Logan na malaki ang naging tulong ng mga residente at mga barangay official sa pagsuko ng mga rebelde.

"Many of your former comrades have availed of the Enhanced Local Integration Program. Our lines of communication are also open to those who wish to take this opportunity to abandon the armed struggle and violence perpetrated by the CPP-NPA and embrace a life of peace and prosperity with their family," sabi pa ng opisyal.

**Francis T. Wakefield**

INQUIRER

# Du30 OKs EO on normalization process for BARMM

By Julie M. Aurelio  
@JMAurelioINQ

President Duterte on Monday approved an executive order that would hasten the process of normalization following the creation of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), presidential spokesperson Salvador Panelo said in a statement.

"The Chief Executive, during the Cabinet meeting (on Monday), approved the proposed executive order on the implementation of the annex on the nor-

malization under the Comprehensive Agreement on the Bangsamoro between the government of the Philippines and the Moro Islamic Liberation Front (MILF), which was led by Presidential Adviser on Peace, Reconciliation and Unification Secretary Carlito Galvez Jr.," Panelo said in a press briefing on Tuesday.

"Anything that is contributory to the goal of peace in the place, we will do it ... This will help in the transition government," the Palace official said.

The President approved the

directive on the implementation of normalization a week after the Bangsamoro Transition Authority took over the BARMM, which it will govern until the 2022 elections.

## Gradual decommissioning

The annex on normalization deals with the gradual decommissioning of the armed components of the MILF "so they are put beyond use," and specifies steps in disarming private armies in the BARMM.

It also includes activities to help the Bangsamoro Islamic

Armed Forces (BIAF) members transition to a productive civilian life.

The annex on normalization is the last of four annexes to the framework agreement on the Bangsamoro, which was crafted with the MILF in 2014.

Other annexes provide for power-sharing, transitional modalities and revenue generation, and wealth-sharing.

Panelo noted that the MILF agreed to be subjected to the decommissioning process as part of its peace deal with the government.

"They really want peace too. They don't want strife. Who wants fighting anyway?" he said.

## Bangsamoro police force

An independent body will monitor the process of decommissioning of the MILF and its weapons. It will conduct an inventory, verification and validation of the BIAF members, their arms and weapons, and schedule the decommissioning of the forces.

The annex on normalization also provides that the law enforcement and maintenance of peace

and order in the Bangsamoro will be the primary function of the Bangsamoro police force.

The military will only retain certain installations necessary for national defense and security.

In addition, the annex provides for the rehabilitation, reconstruction and development of the Bangsamoro region, with programs created for transitional justice to address the grievances of the Bangsamoro people as well as human rights violations and correct historical injustices. INQ 17

## BARMM holds strategic planning

By ALI G. MACABALANG

COTABATO CITY — The Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), through its Ministry of Local Government (MLG), held a strategic planning session here recently that drew the support of the United Nations' Development Programme (UNDP).

BARMM Interim Chief Minister Murad Ebrahim graced the gathering at the EM Manor Hotel here of the MLG senior officials, its provincial directors and planning officers across the new region.

Ebrahim urged participants to address challenges on how to adopt the ministerial system under a unitary government in conformity with the direction of the fledgling autonomous governance, the secretariat said.

"He (Ebrahim) lauded the MLG leadership for conducting the strategic planning for 2019, citing it to be the first among the regional ministries," the secretariat added.

During his February 26 office assumption here, Ebrahim initially created 10 agencies and named their ministers. Lawyer Naguib Sinarimbo was appointed MLG minister.

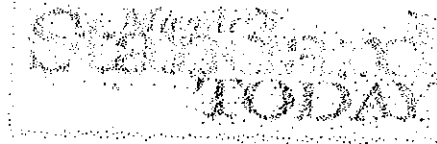
At the planning event here, Sinarimbo stressed the need to synchronize, rationalize and set the synergy of BARMM governance with its constituent local government units (LGUs), taking into consideration the bigger area of the new regional autonomy.

The defunct Autonomous Region in Muslim Mindanao (ARMM), which BARMM replaced, covered the five provinces of Maguindanao, Lanao del Sur, Basilan, Sulu and Tawi-Tawi, the cities of Marawi and Lamitan, 116 municipalities, and 1,490 barangays.

BARMM now encompasses the same ARMM areas with the addition of Cotabato City and 63 barangays in North Cotabato, covering a total of 1,590 villages.

"We now serve bigger territory under a ministerial system we have to be adept with in our common desire for better autonomy," Sinarimbo was quoted as telling the event participants.

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## UN body ready to help BARMM chart dev't course

THE United Nations Development Program is helping the Bangsamoro Autonomous Region in Muslim Mindanao chart its development course through transparent and participatory local governance.

Interim Chief Minister Hadji Murad Ibrahim lauded the UNDP-Philippines "for their continuing support for the development of the Bangsamoro" and this time, on establishing transparency-based programs on resource utilization and

participatory governance.

Lawyer Naguib Sinarimbo, BARMM Minister of Local Governments (MLG), said Murad is being thankful to President Rodrigo Duterte for his approval Tuesday of the Executive Order on the implementation of Normalization Program in the Bangsamoro area.

The UNDP-Philippines has partnered with civil society organizations and individuals for Bangsamoro visioning sessions on sustainable development

held prior to the BARMM governance turnover from ARMM. The forums were held in nine clustered Bangsamoro areas, and were also attended by non-Moro community stakeholders from Cotabato, Zamboanga and Palawan provinces. **AB**

Murad, who also chairs the Moro Islamic Liberation Front, said early delivery of peace commitments effectively marks the "transformation of the MILF from a revolutionary group to a governing organization." **Nash Maulana**



# Nur a revolutionary, not a fugitive – Duterte

By ARGYLL CYRUS B. GEDUCOS

**P**resident Duterte reassured law enforcers on Tuesday that Moro National Liberation Front (MNLF) founding chairman Nur Misuari will return to the Philippines, saying the latter is a revolutionary and not a fugitive.

In a speech in Bangued, Abra Tuesday, Duterte said he intervened to let Misuari go abroad despite the several charges he is facing at the Sandiganbayan.

"He came to see me to ask me to intercede in his behalf that he be given temporary pass to go out kasi may kaso siya eh, ipe-presyo siya dito, para maka-attend ng OIC (because he has a case and he would be jailed here, so he can attend the Organization of the Islamic Conference)," he said.

Misuari left the country February 26 and is expected to return by March 20. He was reported to have traveled to Abu Dhabi for the OIC Summit, and later on to Morocco for the Parliamentary Union

of the OIC member states.

According to Duterte, he told law enforcers to allow Misuari to fly out of the country, assuring them that he will return because the latter does not want to die in a foreign land.

"So I told the military and the police, hayaan niyo na. Babalik 'yan (Let him leave, he will return). He is not a fugitive, he is a revolutionary," he said.

"And you know what? That guy will always come back. It would be an insult to his person if he is buried in another land. Babalik dito 'yan, dito magpakamatay (He will come back and die here)," he added.

Misuari is facing graft and malversation charges over the alleged anomalous purchase of P77 million worth of educational materials when he was governor of the Autonomous Region in Muslim Mindanao (ARMM).

The Sandiganbayan allowed Misuari to attend the said conferences abroad after posting a P920,000 travel bond.

Duterte earlier said that he called the courts to allow Misuari to leave the

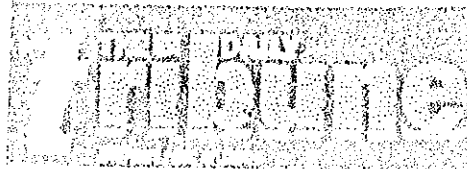
country. Malacañang, however, said that the President did not directly contact the judiciary regarding the Moro leader's travel plea.

Late last month, Duterte had a brief meeting with Misuari in Malacañang, days after he formed the Bangsamoro Transition Authority (BTA), a committee dominated by leaders of the Moro Islamic Liberation Front (MILF).

According to Presidential Spokesman Salvador Panelo, Duterte apologized to Misuari for supposedly being unable to implement "agreements" on federalism.

"What transpired last night was the President told the Chairman that he admired his patience and he apologized for not having implemented or enforced whatever agreements they had previously -- I think he was referring to federalism. And they would be talking again precisely on that," Panelo said last week.

Duterte had repeatedly expressed wanting to talk to Misuari, noting that his role is important in bringing peace to Mindanao. 9



## Digong assures Nur return

By Elmer N. Manuel

Despite notions by some quarters that Moro National Liberation Front (MNLF) founding chairman Nur Misuari may no longer return to the country, no less than President Rodrigo Duterte assured the police and military that the former rebel leader will come back to face the charges he is facing.

In a speech in Bangued, Abra late Tuesday, Duterte revealed that he intervened to let Misuari fly abroad.

**I will take care of this revolution, I will try to solve it.**

"He came to see me to ask me to intercede on his behalf that he be given temporary pass to go out because he has cases filed against him," said Duterte during the Partido Demokratiko Pilipino campaign rally in Bangued, Abra.

"So, I told the military and the police, let him go, because he will return. He is not a fugitive, he is a revolutionary. And you know what? That guy will

always come back. It would be an insult to his person if he is buried in another land," the President added.

"Remember, I said during the campaign that if elected, I will take care of this revolution, I will try to solve it but I cannot talk to the NPA rebels now. They need maybe more time, a more educated way of doing it," Duterte said.

"But the Abu Sayyaf, there can never be any peace talks there because they are cruel. They don't have any ideology. They are pretending to be Muslims with a cause but all they do is to kill and destroy," he added.

Earlier, Duterte had said the government is prepared to craft a new peace deal with the MNLF amid his plans to resume talks with Misuari.

Duterte added Misuari has also expressed willingness "to talk, not fight" during their conversation in Malacañang recently.

He said presidential peace adviser Carlito Galvez Jr., Defense Secretary Delfin Lorenzana and Interior and Local Government Secretary Eduardo Año would be tasked to help craft the agreement with the MNLF.

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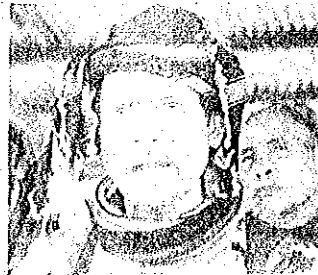
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MISUARI

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## Security: Why Locsin and Lorenzana are wrong

**B**EFORE the headline topic, a quick comment on Social Weather Stations' (SWS)



REPUBLIC SERVICE  
**RICARDO SALUDO**

December survey on extrajudicial killings (EJKs). SWS reported that four-fifths of the 1,500 randomly selected respondents said they were afraid that they or someone close to them would become EJK victims.

► SaludoA5

The poll shows how media can exaggerate fears way beyond real risks. From July 2016 to the end of January this year, a total of 5,176 have been killed in police anti-narcotics operations, or about 2,000 a year.

That's just one-fifth of the 10,000-plus killed in road accidents annually. So, the chance of road kill is five times the EJK risk. Yet if SWS had asked if respondents feared death by vehicular mishap, one doubts if it would get the 78 percent figure in its EJKs poll.

Plainly, in assessing risk, better use hard data, not media-skewed opinion polls.

### Just the facts, please

The primacy of data applies even more to national security. Absent supporting facts, even Cabinet members make ill-advised remarks, as seen in recent statements of Foreign Affairs Secretary Teodoro Locsin Jr. and Defense Secretary Delfin Lorenzana.

Talking about the 1951 Mutual Defense Treaty (MDT) between the United States and the Philippines,

Secretary Locsin reportedly said at the media briefing during the recent visit of US Secretary of State Mike Pompeo:

"In the old theory of deterrence, in vagueness lies the best deterrence. How do you flesh out that vagueness? In repeated assurances by the United States in the event an act of aggression is committed against the Philippines. I don't believe going down into the details is the way the sincerity of the American commitment will be shown."

If one understands correctly, Secretary Locsin was saying that the MDT's vagueness about how the US would respond to an attack on the Philippines, helped deter aggression. Whether that was Locsin's point, Secretary Lorenzana begged to differ.

"I do not believe that ambiguity or vagueness of the Philippine-US Mutual Defense Treaty will serve as a deterrent," he said in a media statement. "In fact, it will cause confusion and chaos during a crisis."

He favored a review of the 68-year-old pact, also because "the security environment now is so vastly different and much more complex than the bipolar security construct of the

era when the MDT was written."

The 1950-1990 global rivalry between the capitalist US and the communist Soviet Union ended when the latter dissolved in 1991 into many separate states, including Russia.

So, who's right on deterrence — Locsin or Lorenzana? Let's look at the facts.

Whatever age-old deterrence theories may say, in fact, Washington has seen it fit to minimize ambiguity in its defense accords with Japan, South Korea and its European allies in the North Atlantic Treaty Organization (NATO).

NATO mandates retaliation if any treaty member is attacked, with none of the constitutional niceties stipulated in the MDT. In South Korea, America's commitment is physically guaranteed by 23,000 US troops in the country, including the border area with North Korea. Any threat to those soldiers would trigger American military action.

Visiting Tokyo in 2014, then US President Barack Obama reiterated that Washington's defense commitment included the Japanese-administered Senkaku Islands in

the East China Sea, also claimed by Beijing. Buttressing this assurance was the 2012 Webb Amendment passed by the US Senate to reaffirm Washington's defense of Tokyo's control of the Senkakus.

Clearly, Japan, South Korea and NATO prefer clarity to ambiguity in their defense treaties with America. And the results show why it's better to be clear than vague.

In the past seven decades, America's unambiguous security commitments have deterred both invasion as well as territorial encroachment. Compare that with how the MDT, with all its deterrent vagueness, failed to prevent the loss of Mischief Reef in 1995 and Scarborough Shoal in 2012.

### Be careful what you wish for

So, is clarity the way to make the MDT more effective in securing the Philippines, including our maritime territories and sovereign rights? Actually, it may make things worse.

Secretary Lorenzana and some senators want greater clarity in the US security pledge, including its

defense of our territorial interests on the high seas, as well as our exclusive economic zone and extended continental shelf. We have sovereign economic rights in EEZ waters and the ECS seabed, extending 200 nautical miles and 320 nm, respectively, from our territorial baselines.

If Washington actually agrees to protect our maritime interests, one can imagine Beijing sending 100 fishing boats, plus some civilian maritime police ships, to occupy another disputed outcrop. If that happens, the US Seventh Fleet might not intervene, for fear of militarizing and escalating the incident, even if the Philippines asks for help.

Thus, an explicit US commitment to defend our territorial claims could lead Beijing to provoke a confrontation, just to show that Washington would not honor its word.

Even more perilous is a provision for immediate military action like that of NATO. An unambiguous declaration of mutual defense unequivocally makes the Philippines an enemy and a target for any actual and potential US adversary, like China and North Korea.

Says Secretary Lorenzana: "The United States, with the increased and frequent passage of its naval vessels in the West Philippine Sea, is more likely to be involved in a shooting war. In such a case and on the basis of the MDT, the Philippines will automatically be involved. It is not the lack of reassurance that worries me. It is being involved in a war that we do not seek and do not want."

Which is exactly the problem with the MDT explained in this writer's February 14 and 21 columns, "To avoid war, scrap the Mutual Defense Treaty" (<https://www.manilatimes.net/to-avoid-war-scrap-the-mutual-defense-treaty/511350/>), and "For our security, avoid war — and prepare for it" (<https://www.manilatimes.net/for-our-security-avoid-war-and-prepare-for-it/514916/>). The articles also explain how we can defend our nation without the MDT.

Bottom line: The treaty fails, because it binds the Philippines to a single power, which fought seven wars across Asia, starting here, and aims to use our archipelago as its regional military platform. God forbid.

TODAY

# Revisiting the Mutual Defense Treaty



**DUTY CALLS**  
**FLORENCIO FIANZA**

DURING his two-day visit to the country, United States Secretary of State Mike Pompeo issued what could be interpreted as the strongest word of support from the United States regarding our current problems in the South China Sea.

He said that any attack on a Philippine government vessel or aircraft in the South China Sea will trigger Article 4 of the Mutual Defense Treaty signed by both countries in 1951. Article 4 in the treaty mandates both countries to come to the defense of each other if attacked.

Although the statement was welcomed by almost all our senior leaders, some lawmakers reacted differently and issued their own statements. Almost all welcomed it, but others wanted a more precise and clearer statement that should be put in writing. The visit also brought to the fore the issue on whether to review the treaty or leave it as it is. Foreign Secretary Teddy Loacin believes that it should not be touched at all. He would rather leave it as it is.

Defense Secretary Delfin Lorenzana, on the other hand, who first brought up the idea several months ago, still wants a review of the treaty to clarify some issues like the interpretation of terms. To him it is important that both countries have the same understanding of all words used in the treaty. He gave what happened to Scarborough Shoal as an example. We were not technically attacked but we lost an island which we consider as part of our territory. His question is how we should categorize that situation.

Of all our senior officials, it is Secretary Lorenzana who has been the most vocal in wanting to review the MDT. For one, the treaty was signed in 1951—68 years ago. In the intervening years, a lot has changed when it comes

to warfare. Today, countries go to war without the need to declare war against each other like the way it was done in the Second World War. The US has not stopped fighting ever since the end of World War 2. The US fought in Korea, Vietnam, Iraq, Grenada, and went into Panama to take out President Manuel Noriega and is still currently fighting in Iraq, Syria and Afghanistan which is now the country's longest war. In all

*“Timing is of the utmost importance.”*

these conflicts, war was never declared.

There were, however, resolutions from the United Nations authorizing the conflict in both Korean and Iraqi wars. Secretary Loacin who is for not touching the treaty cautions everyone to be careful of what one wishes because those wanting a review might end up getting the worse end of the deal. Although I agree with Secretary Lorenzana that it is about time to revisit the treaty, timing is of the utmost importance and now is not the best time to do it.

The opinion of the most important official of the land, the President, is not really known. He has not expressed any opinion as to whether he is in favor of a review or not. Yes, the Palace spokesman did issue a statement that the treaty should be left as it is, but that did not come from the President himself.

Still, even if Mr. Duterte has remained quiet about the subject, we can somehow deduce how he views our national security interests. When he took office in 2016, one of the first things that he did was to abolish the yearly joint Balikatan military exercises. Although it was brought back, it is on a much smaller scale and he never attended it unlike previous presidents. Early in his

administration, he also went into some kind of a verbal war with Europe and the US and singlehandedly took over the foreign policy of the country and moved the Philippines closer to China. He even said in his public utterances—which the Palace said was all a joke—that China was trying to make the country one of its provinces. Most important of all, he stopped what he considers as confrontational responses to what China is doing in the South China Sea because we cannot win a war against China.

The country has since stopped protesting openly, preferring quiet diplomacy instead. Today, for all intents and purposes, China has built numerous islands and stationed military units in these islands. If there is a review, our team led by the President must first come out with one agreed position. One way to achieve this is to convene the National Security Council so that all the senior leaders of the country can contribute their ideas in the formulation of a single position.

Under the current atmosphere, the US has probably no incentive to want to revisit the MDT because if we ourselves do not seem to want to defend our interests hard enough, why do we need to review the treaty at all? Secretary Lorenzana should in the meantime focus on building a single Philippine position and try to demonstrate this to establish credibility. Most importantly, he should work hard on bringing the President around his position and convince him that it is the better way to protect our national security interests. As it is, we do not have a very strong hand. We have to make it stronger.

Of the four living former Presidents, two will probably follow whatever stand President Duterte makes. They are former Presidents Gloria Arroyo and Joseph Estrada. The positions former Presidents Aquino and Ramos are generally known. We do not know the position of the Senate President. But hopefully, our leaders will have the wisdom to come out with a strong united stand for the sake of our country.