

**PRESIDENTIAL COMMUNICATION OFFICE
NEWS AND INFORMATION BUREAU**

**INTERVIEW WITH PRESIDENTIAL SPOKESPERSON HARRY ROQUE
BY KAREN DAVILA / HEADSTART / ANC
January 16, 2018/8:12-8:55 A.M.**

KAREN: Secretary, I appreciate you coming to the show timed with this breaking news.

Let's be blunt. Is this a crackdown on media? Did Malacañang, did the President ask the SEC Tess Herbosa to act on this already? Because the President has threatened in the SONA many times, he's criticized Rappler repeatedly.

SEC. ROQUE: No. I'd like to underscore the fact that Chairman Tess Herbosa and all but one commissioner of the SEC are not appointees of the President; they are appointees of the former President.

Having said that I don't think anyone can question the credentials of Tess Herbosa; she is Maria Ressa of Philippine lawyering... of the Philippine legal profession. Her knowledge of corporation law is beyond reproach and of course her integrity is, you know, everyone recognizes that she is woman of integrity. Let's look at the issues—

KAREN: Yes, what is the real basis?

SEC. ROQUE: The issue is: It is the Constitution that provides for freedom of the press but it is also the Constitutions that says that mass media must be only be owned by Filipinos.

Now, the problem with Rappler is a 100 percent of its stocks are owned by Filipinos. But they entered into what is known as Philippine Depositary Receipts, which are investments, and they gave the investor the power to negatively control the company, because they allowed the foreign investors, the founder of eBay to—well, sabi nung PDR nila, Rappler cannot amend its Articles on Incorporation and bylaws without the vote of two-thirds of the PDR holders, which is the founder of eBay.

And the SEC found that this was a way of controlling the company even without owning a single share of stock. Because if you are only an investor, bakit meron kang negative veto na hindi na pupuwedeng baguhin ang Articles of Incorporation and bylaws ng kumpanya. Dapat wala ka talagang pakialam doon sa running kumpanya kung ikaw ay purely investor. And

that's why the SEC concluded this is a way of circumventing the 100 percent ownership rule whereby Rappler in effect becomes a dummy of the foreign investor because the foreign investor must agree to any change in the corporate set-up of Rappler.

KAREN: Okay, but then isn't this a technicality? I mean, the essence of media being fully Filipino owned, is that editorially it is not controlled by in a way foreigners and that particular factor does not include editorial control, which Rappler has said repeatedly they are in control editorially of what comes out.

SEC. ROQUE: But the Constitution doesn't talk about editorial control. The Constitution talks about control and ownership. The ownership is required because it has to be controlled 100 percent by Filipinos. But here—you know, Rappler complains that were not accorded right to due process. They were, they were asked to explain and they submitted their evidence and what they did was they admitted the existence of the provision of their PDR that gave control to that foreign investor.

So there was really nothing to dispute, because Rappler for all intents and purposes admitted that they were being controlled by foreign investors even if a 100 percent of their stocks were owned by Filipinos.

KAREN: All right let me read you a statement coming from one of the Rappler articles which I read. The statement is: 'all of Rappers' corporate filings are publicly available like any start-up digital company in the world we're investing capital to grow. Anyone familiar with start-ups in Silicon Valley, Beijing, Moscow would find this business as usual. We obtained this capital legally selling shareholders in the company to Filipinos and raising capital through Philippine Depositary Receipts identical to instruments issued by leading media and telecom companies in the Philippines.'

So where did Rappler go wrong? In other words they are saying, you know, you have media and telecom companies that do have PDRs and any start-up company anywhere in the world Silicon Valley, Beijing, Moscow, they do collect, they do find or look for investments all over the world.

SEC. ROQUE: Well, number one, not all start ups are subject to the Constitutional provision on 100 percent ownership for mass media. Not all start ups are media companies, like Rappler. So, it has to comply with the Constitutional provision.

Number two, not all PDRs accorded the same kind of control that Rappler gave to its foreign investor. In fact, I talked to the chairman of the SEC, in all her life she was a commercial lawyer, ACRA lawyer—

KAREN: You talked to Tess?

SEC. ROQUE: Yes. She told me that actually this is unusual, because this is one of the few global receipts, the depositary or Philippine Depositary Receipts that she has seen that vest control on the investor; because if you're the shareholder, you would not want that. Kailangan lang if you invest, di antayin mong magkaroon ng yield and iyong investment, wala kang pakialam sa akin.

Pero bakit dito unusual iyong set-up, hindi pupuwedeng magkaroon ng amendments sa Articles of Incorporation and bylaws without the say so of the foreign investor.

KAREN: But did the SEC give Maria Ressa and Rappler the chance to respond to that very question you asked?

SEC. ROQUE: Yes.

KAREN: And what was Maria Ressa's answer?

SEC. ROQUE: They were given a show cause report and they explained that 'yes, we have this provision in our Philippine Depositary Receipt.' They admitted that they gave control to their foreign investor.

KAREN: But why—did they explain why they had that particular provision?

SEC. ROQUE: Well they were under the mistaken notion that even if they gave them a negative control, which basically gives them the veto power to alter any provision in their articles and bylaws, they thought that the fact that their filings reflected 100% percent Philippine ownership of Philippine stocks was sufficient to comply with the Constitutional provision. But the SEC belabored to explain that the reason why you are required a 100 percent is to ensure that no foreigner will exercise any form of control over a media company in the Philippines.

And here they were, admitting, ‘yes we own it but they can control us.’ Because they have negative...they have veto vote in case of amendments and changes in our bylaws and articles.

KAREN: So the question now is: Why would Rappler—I mean, looking at the journalist that run Rappler, if this is the reasoning. Why would they give a foreign entity veto power to corporate actions, because clearly it wouldn’t be editorial but did they say it was a condition to the fund?

SEC. ROQUE: Well, I suppose yes. In fact, the SEC decision highlighted the fact that this was upon insistence of the investor, because they did not want to be prejudiced by other holders of Philippine Depositary Receipts.

KAREN: So you are saying Omidyar, the founder of eBay asked for that.

SEC. ROQUE: Yes, they did. So that would—they have assurance that no other PDR holders would have rights superior to them. So they were protecting their interest; that is why they insisted on negative control, that’s what you call it. The power not to amend the articles and bylaws without consent of the investor; and this was again admitted naman by Rappler. Kasi nga the defense of Rappler was, when the Constitution talks of 100 percent ownership, it’s just stock ownership. Pero it was not mindful of the fact that we have already established jurisprudence on the Anti-Dummy Law. That sometimes these ownership requirements can be circumvented by side agreement such as this. Kasi marami naman iyan, 60-40 investment, mag-i-execute ng management contract na hindi pupuwedeng ma-alter ang articles and bylaws without the say so of minority share holders representing the foreign equity.

KAREN: Under the law, that’s already foreign control.

SEC. ROQUE: That’s foreign control and that’s a violation of the Anti-Dummy Law. That is why the decision of the SEC was submitted to the DOJ for possible investigation into violation of the Anti-Dummy Law.

KAREN: Okay, when did the SEC submit it, was it just yesterday?

SEC. ROQUE: I think they just—well, yeah. As soon as they promulgated the decision, a copy was forwarded to the Secretary of Justice.

KAREN: Immediately, okay. Did Rappler avoid the label mass media entity? What is the actual label of Rappler?

SEC. ROQUE: Well, obviously mass media must be given its ordinary meaning. When you impart information to the public on a regular basis, you are engaged in the business of mass media ano.

KAREN: But because—the reason I’ am asking is, there in a very revolutionary situation. You know you have ABS-CBN on line, that’s tied to ABS, the media company. And mostly, it’s like that, whether it’s Interaction, they are all tied to a network. Rappler would be in a way the first to really start up as a digital. It’s start up digital, it’s unlike what the Inquirer is print then, it had... you understand an online component. So, what would be the definition of Rappler be, wouldn’t it be a start up digital?

SEC. ROQUE: No. It’s been very clear in jurisprudence that although you are a digital company, you are still engaged in mass media, you are still engaged in journalism. In fact the decision now and which is accepted also by Philippine jurisprudence is that internet news agencies have the same protection as newspapers. So they are no different from newspaper, so that the stock ownership and the prohibition on foreign control applicable to newspapers equally applies to digital companies such as Rappler.

KAREN: Because apparently—I am not sure with this one—Rappler isn’t labeled as a mass media entity in the simplest terms. And I wonder if—do you think that it’s really to skirt around the rules on foreign ownership?

SEC. ROQUE: I don’t know what they intended.

KAREN: You know what I mean because—

SEC. ROQUE: But what is clear is that Maria Ressa wanted to raise funds, a lot of it, and she wanted to engage in the business of mass media. So she found a way she thought that would be sufficient to comply with the prohibition and still enable her to raise funds from abroad. But she was wrong. And of course you can’t question the jurisdiction of the SEC in this regard because the law creating the SEC vests it with jurisdiction, the supervision of overall corporations specifically on the issue that they should comply with Constitutional requirements.

Now my point is: You’re a news agency, you are in the exercise of a public trust; you criticize people when they violate the laws and the Constitution. Why can’t you comply with the Constitution itself? What makes you so special that you don’t want or you want a special rule

for yourself just because you are in the profession of journalism? Shouldn't journalist like lawyers be the first to comply with the law rather than circumvent them?

KAREN: That's a very good point - moral ascendancy is what you are pointing at. And my question is: If the President didn't hit on Rappler, would the SEC honestly act on it?

Rappler is been operating for so long, the SEC has been there for so long, they didn't act on this with the former President. If President Duterte didn't harp on Rappler at any moment like he could, would they act on this?

SEC. ROQUE: My goodness, of course they did even without the President asking them to do anything. Because the President, number one, does not even know any of them personally.

KAREN: Really?

SEC. ROQUE: Really.

KAREN: So no call from Malacañang came—

SEC. ROQUE: You know the President doesn't even call any of us. Well okay fine I got a call yesterday from the President complaining about, 'Why are they complaining about freedom of the press when in the first place I had nothing to do with that?' He called me just to say, 'I have nothing to do with that. I don't know these people. They are all appointees of the former President —

KAREN: But what about fear?

SEC. ROQUE: So why are they pointing to me?'

KAREN: Okay. Secretary that's a good point. But what about the—it's the air of fear. I'm not saying this is where the SEC is at ha, because Chairman Tess Herbosa could be watching right now. I sent her a text this morning.

What if—I'm just curious, you see how many people are being fired or asked to resign for things like excessive travel were the rules aren't clear on this one. Could this be something done to please the President?

SEC. ROQUE: I don't think so. Because you know this—the SEC Commissioners have fixed terms. They are otherwise protected---

KAREN: So did Licuanan?

SEC. ROQUE: Well Licuanan resigned.

KAREN: Yes.

SEC. ROQUE: Resigned you know. *[laughs]* She resigned.

KAREN: Okay, let's go to that later.

SEC. ROQUE: She resigned.

KAREN: Okay, let's go to that later.

SEC. ROQUE: Now but in any case, there's also as I said, the added distinction being that Tess Herbosa is respected by everyone as foremost authority in commercial law and let's leave it at that.

KAREN: So you don't think that the fear of having people removed - Licuanan resigning, you know what I mean? Malacañang counting travels has anything to do, there's not connection whatsoever—

SEC. ROQUE: No. Alam mo even with Rappler, what will be dissolved is the corporation 'no, Rappler and Rappler Holdings. But the individuals can continue with their profession. Maria Ressa can't be prohibited from acting as a journalist. She can't be prohibited from publishing anything on the internet because that's covered by freedom of the press and freedom of expression. I repeat what was dissolved was the corporate entity and that owns Rappler but individually the journalist because they are Filipinos are free to exercise their profession.

KAREN: Okay. Just for the record. Chairman Tess Herbosa sent a text, this is the side of the SEC. Let me read it.

The SEC says: 'Karen having issued the decision after much deliberation and pursuant to law and due process, I will certainly defend it to the hilt. Having just issued it, I would look like I want attention if I come out on TV and appeal. But there are other lawyers, constitutionalist even, whose objective views on your audience may rather hear from this matter.'

In other words, Chair Herbosa is saying, I would definitely defend my decision to the hilt but she doesn't want to do it on national TV.

SEC. ROQUE: Because it's also going to be self serving. Pero alam mo talaga, I need to underscore this fact —

KAREN: Go ahead.

SEC. ROQUE: Journalism entails dedication to the truth. When Maria Ressa accused government of violating freedom of the press because she came up with her PDR language that gave control to a foreign entity to her company, that's to me foul. You don't do that.

No one told her to establish this kind of corporate arrangement. She chose to do this and she should have known better because of the constitutional prohibition. So please her ill-doing should not be attributed to government. And that's why I'm a bit uncomfortable because the number one tenet of journalism is dedication to the truth. What evidence that she have that the government orchestrated this decision? None, given the credibility of the persons who wrote the decision and given the legal mandate of the SEC.

KAREN: Alright. Will Rappler be allowed to rectify its papers if there's an oversight on this part?

SEC. ROQUE: Well they have to probably start a new corporate entity because the—

KAREN: Can they use the name Rappler?

SEC. ROQUE: Well if they are allowed by the SEC. First they have to dissolve the company. Well it's deemed dissolved unless otherwise overturned on appeal. So they can apply for the name again if they want, it's up to the SEC to grant it for as long as it will become a completely different entity than what was declared as null and void.

KAREN: Okay. How will this affect the business sector—okay, listed companies, that's the question. I'm curious if this sows fear in the business sector, that if you go against the President, you know—

SEC. ROQUE: No I don't think so, it is not—

KAREN: You don't think so? I mean Inquirer was sold after—

SEC. ROQUE: You know, we've had ownership restrictions since the 1935 Constitutions. We've had foreigners engage in business in the Philippines. They know what to do. That's why Rappler stands out really as the entity that they did not know any better. That's my view on it really.

KAREN: So parang tatagalugin ko na lang. Nakahanap ng butas, sa Tagalog 'di ba, ganoon iyon parang—may butas talaga, parang iyon ang sinasabi ninyo sir. The question now is: Is this a warning to media entities? For example, the President has secretly—not secretly, openly. I mean openly hit ABS-CBN several times. I won't renew your franchise you know what I—whatever has hit the owners.

The question Secretary is: Is this saying, okay ABS-CBN you're next, look what we did with Rappler—

SEC. ROQUE: I don't think so. In fact, ABS-CBN, the President has spoken twice. One on my birthday when I was announced as a Spokesperson, he says that you know he has patched up with ABS-CBN—

KAREN: But that's what he mean—why it is so personal? Iyan ang tanong.

SEC. ROQUE: Well in the first place it is not as if the President was the one that ordered the SEC, that's the point of the text of Chairman Herbosa. No one told her to do anything.

And no one can compel Tess Herbosa to do anything against her wishes, I can vouch for that. She's the kind of a person. So the assumption is wrong that this is orchestrated by the President—

KAREN: So it's not a clamp down on media?

SEC. ROQUE: It's not a clamp down on media. It's a way of implementing the Constitution and it's a message to everyone that everyone including journalists, crusading journalist must comply with the Constitution. No one is exempt from complying with the law.

KAREN: Okay. Now, because of the nature of Rappler that they are a digital company, so to speak, technically they can operate anywhere in the world. I mean this is not like ABS-CBN or GMA where you have a literal building 'no that the studios are there. If I'm just curious ha... if they operate let's say from... I don't know Indonesia.

SEC. ROQUE: That's my point.

KAREN: Can they do that?

SEC. ROQUE: There can be no infringement of freedom of the press because they can operate from anywhere else. And I don't think the President will even engage in blocking technology to exist. So it's being utilized in China and some other authoritarian countries. But we have never thought of resorting to that. So if they operate elsewhere then we could still access their internet page in the Philippines. There would be no violation, the violation is if they are existing under and pursuant to the laws of the Republic of the Philippines as a corporate entity.

KAREN: Okay. Secretary wasn't the SEC investigation actually ordered by the Solicitor General which wrote the agency, this was December 14, 2016 to actually investigate Rappler over its PDRs. In other words—I mean, the Solicitor General really speaks for the government, it would speak for Malacañang. So in effect, technically its Malacañang ordered?

SEC. ROQUE: No. That decision itself says that they were already looking into the matter when they got a request from the Solicitor General to inquire into this matter. So they were already looking into it, kasi the context by which this decision came out was there was also a big decision about PLDT and the fact that it utilized preferred shares and whether or not it's preferred shares issued to foreigners violated also the 60-40 rule for the telecoms. And there was a Supreme Court decision that applied, you know their grandfather rule. So it's not as if the discussion—

KAREN: So what was the PLDT—does the PLDT have that provision?

SEC. ROQUE: It was—wala nga.

KAREN: Ah wala—

SEC. ROQUE: Kaya nga it was upheld naman pero walang control na ganoon na ibinigay sa preferred shares. Kasi ang preferred shares are only entitlement na they have preference in the distribution of dividends, nothing else. They cannot control the company in any other form, so iyan iyong konteksto. There was a big decision recently promulgated by the Supreme Court on the true meaning of 60/40 as far as telecoms companies are concerned.

It was of course initially a decision of the SEC that was raised to the Supreme Court and so this is only a second decision which again dealt with the issue of stock ownership and control.

So this was in isolation, this was in the context really of the SEC exercising its mandate ruling the true meaning constitutional prohibitions and the Supreme Court later on affirming earlier decisions of the SEC. So they have expertise in this regard.

KAREN: Okay. Let me continue, so the SEC then endorsed the decision to the Department of Justice for appropriate action, right? We talk about that. So does this mean that the DOJ will file charges against Rappler?

SEC. ROQUE: It's up to the DOJ now. Of course they have the legal basis to do so. Because that SEC decision was very clear. This was a possible violation of the Anti-Dummy Law.

KAREN: It's a very interesting situation because what do you—you can close down the name. I mean, technically okay, corporation but—

SEC. ROQUE: Yes, the corporate entity.

KAREN: The corporate entity, but then how do you close down everybody in Rappler that has an internet?

SEC. ROQUE: Kaya nga misleading.

KAREN: If they write from their homes.

SEC. ROQUE: Kaya nga misleading itong sinasabi nilang violation of freedom of the press. And I really—the President really took offense, kasi people don't know it, Rappler may be very critical, but Rappler has a very good relationship with the President in the form of its reporter in Malacañang.

So the point is you have to separate the corporate personality that was declared to null and void from the exercise of the profession of journalism itself. Rappler cannot do business, the only impact here is Maria Ressa can't engaged in fund raising from foreign investors anymore. She will have to practice as a Filipino and she may probably have to source her funds locally. Because she can't do it in a manner that she did or she can set-up... well, it's up to here, I am already giving her a legal advice, set-up a company in a different jurisdiction that does not have ownership rules on mass media and you know get her investors to invest in that foreign jurisdiction but not in the Filipino jurisdiction. But, can Pia Ranada cover me in Malacañang? Of course she can. Can they publish from their home laptop? Of course they can. No one can limit the internet. That is the personification now, the utilization of the free market place of ideas.

KAREN: Okay. Very quickly, if they change the name—

SEC. ROQUE: It's the name.

KAREN: No the Rappler, the corporate entity right, cannot operate.

SEC. ROQUE: The juridical entity.

KAREN: Exactly. So if you put up a new corporation, change the name, talk to Omidyar and say 'look we still want your money, but we have to remove that provision regarding the PDRs.' That solves everything?

SEC. ROQUE: Well, they need to establish a new company that would comply with the Philippine Constitution. You know what I am saying?

KAREN: Yeah.

SEC. ROQUE: You just can't rectify it now, because the decision of the SEC is you are null and void. *[laughs]* You're void.

KAREN: Okay. Now will there be a physical closure? I mean, I know where the office of Rappler is, I have been there. How would you do that or what happens?

SEC. ROQUE: Well, the closure will have to be... assuming this decision becomes final and it isn't yet.

The closure will have to be the principal place of business of Rappler. But as I said, in this digital age come on, anyone can claim to be in the business mo mass media with or without Philippine Depositary Receipts. And pinag-uusapan lang talaga rito ay iyong millions of dollars that were invested and what rights they give o to that investor. And difference kay Maria Ressa and another person with a computer assuming they really have dedication to the truth as well is that Maria Ressa has millions of dollars from an investor that wanted a guarantee that you will not amend your articles and bylaws without my say so.

KAREN: Okay. Sorry to belabor this point, but since it's a digital start-up. I wanna ask you, if they no longer operating from the office, you have the Malacañang reporter, let say in Malacañang covering you, it's Pia 'no. Pia, she writes an article, still with the header of Rappler.

SEC. ROQUE: Well, for as long as long as it's not Rappler, the company that was declared void, there's no problem, because you see you can also register a trade name, a business name in the DTI.

You don't need a corporation to be engaged in the business of journalism. In fact, kaya nga the Constitution provision is 'to Filipinos, Filipino corporations, associations and cooperatives.' So an individual alone with his single laptop can be engaged in the business of mass media and if it's a Filipino citizen, that complies with the Philippines Constitution.

KAREN: Okay. So is this really a lesson in a way to Maria Ressa, is that what you are saying? Because in the end what you are telling us is, because of the nature of the business technically no one can stop them from bringing up the news. Right, I mean let's be honest.

SEC. ROQUE: Well, okay fair is fair. She said we violated freedom of the press. I am going to say this to Maria Ressa: You can't have your cake and eat it too. You can't engage in fund raising giving them control over your business and still operate as a mass media company.

If you want to do that, do it not through a Filipino corporation. Make money, but not through a Filipino corporation. It's all about money. It's not about press freedom.

KAREN: The issue now, is that what you are saying?

SEC. ROQUE: Yes, that's it. Maria Ressa wanted an investment from her foreign equity, from her foreign investors and she wanted it incorporated in the Philippines. If you want to do that, you can do it, but not through a Filipino company because that can't be done since it's prohibited by the Constitution.

It's not about press freedom, no one is restraining her from exercising her right to work as a journalist, it's about upholding the Philippines' or Philippine laws and the Constitution when you want to make money out of foreign funds.

KAREN: Okay, she's gonna debate on you on that.

SEC. ROQUE: Yes, please I am willing to debate her.

KAREN: We need a standard. Okay, what is the standard for excessive travel and what's really worrisome to me 'no, I had CHED Chair Licuanan on Headstart Thursday and she said this, "I didn't have excessive travels. I will not resign on the show. I will not resign. My term ends July 2018. Maghintay sila."

She has a protected term. Then she comes out in a flag ceremony and says she resigned, she wasn't fired. But she received a call from Malacañang. So who gets fired, who resigns and why does Malacañang interfere?

SEC. ROQUE: Well, Licuanan... Chairperson Licuanan clearly resigned and she admits this.

KAREN: Yeah.

SEC. ROQUE: Now, she says that she received a call from Executive Secretary Medialdea, I have no knowledge or information in this regard—

KAREN: Because a call would be pressure.

SEC. ROQUE: Yes. Check with ES Medialdea if he did. But if she's so sure about her law, that she is protected because she has a fixed term and cannot be removed, why did she resign. She could have fought it out. Now, let me clarify. Even those with fixed terms - this is already a decision of the Supreme Court and this had to do with a CCP Board, because the CCP Board also provides for a fixed term. And the court said, that there is no agency under the executive that is not subject to both supervision and control of the President.

KAREN: I see really.

SEC. ROQUE: That's the nature of the Office of the President.

KAREN: So, even if you have a fixed term.

SEC. ROQUE: Yes. The only distinction of course is if you are a presidential appointee, you serve at the pleasure of the President and the President does not need to have cause to fire you, simply a declaration that he has lost his trust and confidence. Those with fixed terms can still be fired of course for cause. And that is why even Chairperson Licuanan, if there was cause, could have been fired. But that's all moot and academic now, because willingly and voluntarily resigned.

KAREN: Okay. So what is excessive travels?

SEC. ROQUE: The President has issued an executive—

KAREN: Is it a number?

SEC. ROQUE: It's not a number. There is an executive order issued already by the President. Number one - he has provided for the following guidelines - the travel must be related to your official function; Number two, it must not cost too much; and number three, the benefit to the country must be overwhelming and very clear.

Now, I've been in government for a long time, because UP is government. The truth of the matter is when I was head of the institute of international Legal Studies which had to do with international law, I could have travelled everyday if I wanted to.

KAREN: Kasi may invites.

SEC. ROQUE: Kasi may invites. You never run out of invites. You never run out of occasion to go to. But the reality is you limit your travel. Why? Because you have classes meanwhile and you can't miss your class. So I was very strict in my 15 years as a law professor that even if I enjoy the travel and even if my line is international law and I could otherwise justify my travels as being official in nature, delivering papers for the university. I will not sacrifice my classes, just because I prefer to travel.

So you need to have that kind of discipline that the occasions are there but you will exercise self-restraint because the travel should never interfere with your work per se.

KAREN: But what is—is there a number? Because I'll be honest Terry Ridon, I had on the show and also the MARINA head on the show and they had a lot of travels. I mean, I think Terry's was 19—

SEC. ROQUE: 24

KAREN: No, the MARINA was 21. He corrected.

SEC. ROQUE: Well, we had the official list of travels.

KAREN: But Licuanan for example in 2016, she openly said I had five and then in 2017—I mean, it didn't seem too much for a CHED chair. But then there were those that complained that called her an absentee chair.

So my question is: Is it when someone complains? Who gets to the office of the President? You know what I mean. How do you do it? Do you check? Do you have an assigned person? What do you do?

SEC. ROQUE: I can't comment on Licuanan because I do not know, because she resigned. It's always the case that PMS would give me the documents that relates on official who... you know, who was going to be sacked, for junketeers... for being a junketeer.

KAREN: How do they find them? Who finds them?

SEC. ROQUE: They verify. Now, In some of these instances there were formal complaints filed. For instance MARINA, there was a formal complaint filed and there was a formal investigation conducted by DOTR.

In Terry, there was also a complaint and you know Terry knows that it's not just the numbers as far as his case is concerned, he knows this. I did not know he appeared here. But in the background documents provided to me by PMS, they detailed that Terry kasi, not only went

on trips, but he used this trips as kumbaga jumping points for another side trips and for as long as you have your passport kasi, we would have a record on where he went. So that's the point of—

KAREN: So what you are saying, he went on an official trip tapos namasyal.

SEC. ROQUE: Went elsewhere. Yeah, in fact there were reports with Terry Ridon that he went on an official meeting, went one day, declared it was for X number of days and went around instead. Didn't he know that the passport and whenever he crossed Immigration lines the government would have a record. I did not release this anymore. Until I found out that he guested in this show. So Terry was a different case, he was really taking advantage of official travel to do side trips 'no.

KAREN: He never mentioned the side trips.

SEC. ROQUE: He never mentioned that. There was even an instance when he had supposedly a stopover, I think it was in Berlin. When you look at the travel it was ridiculous. Why would you choose Berlin as a stopover, it was not directly part of the route. Obviously he wanted a side trip. So ganun naman yung case ni Terry Ridon.

So iba-iba 'yung kaso na naibibigay sa kinabibilangang mga dokumento. Everything naman is documented as far as travel is concerned.

Licuanan, I have to admit, I didn't see the documents because she resigned. I'm sure PMS would have been ready to give it to me if she did not but we didn't have to.

KAREN: So what is the guideline? I mean the President just says he doesn't like excessive travels. But to those government officers watching you right now, what is a moral guideline.

SEC. ROQUE: Well, I would say that the President leads by way of example. He hates traveling to begin with. He thinks it's a waste of government funds. He will only travel if absolutely necessary. What is absolutely necessary? His trips to Japan, his trips to China, that resulted in billions dollars of investments, that resulted in tremendous improvements in our bilateral relationship.

His trip to India, he is only going dahil sinumbatan na tayo na 2012 hindi na nga dumating ang head of state dito sa commemorative event, siguro naman ngayon, darating ka na ano. So otherwise he would still not have gone to India and would prefer to stay in the Philippines.

So people, the message is, if you want to travel, be a travel agent, joint an airline, be a steward, be a pilot, do not join government for travel purposes.

KAREN: Okay. So technically what you're saying Harry it's not a number.

SEC. ROQUE: It's not a number. You have to be very discerning and you have to be focused on how the trip will serve the country, not because there is an official invitation you will go to it. You need to be morally convinced that this will result in substantial benefits to the country.

KAREN: Okay. Now, is there anyone on your desk that's gonna be fired next?

SEC. ROQUE: Just policemen. *[laughs]*

KAREN: Really? No way. Are you gonna announce it?

SEC. ROQUE: Well, it's going to be within the month, because the President himself said so.

KAREN: So you've seen it?

SEC. ROQUE: Well, matagal na yan. Kaya lang ang difference naman kasi sa police hindi yan presidential appointees they are civil service employees. And you need to comply with not just ordinary due process but full due process rights.

KAREN: How many?

SEC. ROQUE: Well, 70.

KAREN: What!?! 70!?! Oh my God, that's breaking news.

SEC. ROQUE: Well kasi alam mo naman—Look, these people—

KAREN: 70 policemen are to be fired?

SEC. ROQUE: Yes. The salaries of these people have been doubled, so in return the President wants absolute accountability.

KAREN: Of the 70 policemen to be fired, I mean what sins have they committed?

SEC. ROQUE: Various. Involvement with drugs, killings, kung anu-ano.

KAREN: Oh wow.

SEC. ROQUE: We are serious about the campaign for good governance.

KAREN: Have the President seen the names, have they been vetted? Who gave the names?

SEC. ROQUE: Well, it goes through of course the process. Because these are policemen. It goes through the NAPOLCOM.

KAREN: So the NAPOLCOM gave names to the President?

SEC. ROQUE: Yes, yes. And more or less we know who are being investigated for what. They're just, you know, according them their full due process rights because it means being fired and there are civil service laws that will have to be implemented.

KAREN: If the NAPOLCOM fires, dismisses a policeman. Let's say they've heard them already, the charge as corruption, hypothetically. Can they just fire a policeman or can a policeman go to the RTC or wala nang ganun?

SEC. ROQUE: No, meron talagang full blown due process accorded them. There could be complaint, they will be given a chance to file their answer, they will be accorded the opportunity to present evidence—

KAREN: But this has reached the court or no?

SEC. ROQUE: No, it's an administrative procedure.

KAREN: I see. Oo. So in other words if you announced the names of policemen that have already been heard by Napolcom, tapos na iyon.

SEC. ROQUE: Tapos na iyon, tapos na iyong proseso.

KAREN: When will you announce the 70?

SEC. ROQUE: The President himself said it will be within the month of January.

KAREN: Wow, what an opening to the New Year.

SEC. ROQUE: Of course. You know sabi ko nga sa iyo dapat iyan January 1 ina-announce iyong unang pagsibak sa gobyerno. I think he really want to send the message: people, if you can't serve the government, well leave government; if you want to travel, if you want to get rich join the private sector. Be the P.A of Karen Davila. *[laughs]*

KAREN: Does the President...does he do his own investigations on the complaints honestly or just does the President rely, ang tawag namin diyan iyong 'huling bulong syndrome.'

SEC. ROQUE: Never.

KAREN: Iyan ang tanong kay Pangulo, ano ba iyan, kapag nabulungan si Pangulong Duterte, 'o ito si ganito, ganito,' iyon na iyon.

SEC. ROQUE: Never. There's always an investigation. And I will say it again and again and again - in default of any other agency that will conduct the investigation, the PMS is simply brilliant. The PMS on the basis of the documents that I have gotten, which are background materials on individuals whom the President had already fired - is doing an excellent job of conducting investigations.

KAREN: So the PMS it seems compared to the former PMS in different administrations, there are doing extra work in really in really investigating?

SEC. ROQUE: Oh yes. In vetting, investigating, nothing comes out of the Palace without vetting from the PMS. Hats off to the PMS.

KAREN: It does the PMS have the last say when they recommend to the President. Does the President trust the PMS completely, kumbaga that's the last?

SEC. ROQUE: Well, what I have seen is that the President will always also ask the line agency to conduct its own investigation. I am basing it, for instance on MARINA, the DOTR itself was tasked to investigate and PMS also was given an opportunity to include it's inputs into it.

KAREN: What an opening to the New Year, you have Licuanan resigning, the Rappler issue, 70 policemen about to be sacked and then Constituent Assembly. And it's alarming to many people, thoughts of like you know, when they convene, you can have the Vice President removed just like that.

SEC. ROQUE: No, it's not just like that. The people must agree to the amendment.

KAREN: Why is it even in the thought?

SEC. ROQUE: Well, that's a proposal because they want to convert us from unicameral to federal, from bicameral to unicameral.

KAREN: Yeah, but why not, if passed, why not implement it for the next term?

SEC. ROQUE: Well, the point is everything is up to the people. Congress as a Constituent Assembly can only propose, if the people don't want it, then vote 'no' to the proposal. So, nothing is etched in stone, because ultimately, it's the people that will say so.

KAREN: Yeah. But it seems like it's a railroading of our democratic rights. I just wanted to ask you. It's like a railroading of our democratic rights, because Congress has the numbers. That's how it seems. So, you have Senator Lacson now, of course—

SEC. ROQUE: Correct.

KAREN: Outsmarting everyone is saying, okay let the Senate convene.

SEC. ROQUE: That's the beauty in a democracy, it's a beauty in our democracy, no one can railroad anything. Look what Ping Lacson did. He threw a monkey's wrench and said okay bahala kayo, we are now convening ourselves as a Constituent Assembly as a Senate.

KAREN: Inunahan pa niya iyong Lower House.

SEC. ROQUE: Okay and believe or not, I think the senators can even rush their proposals and can even approve it 'no for purposes of having it approved separately by the Senate.

KAREN: So they will vote separately.

SEC. ROQUE: There is no railroading for as long as we have a healthy and thriving democracy and the fact that Senator Ping Lacson was able to do as he was has he did proves that no one can claim that they have the ability to railroad anything in this democracy.

KAREN: Okay. What is the President's stand on term extensions? I mean, you must know.

SEC. ROQUE: He has said it over and over again, Karen.

KAREN: Even personally to you guys.

SEC. ROQUE: Yes. He stood for elections to serve until 2022, he will honor that, not for a single day longer, not a single minute longer. If possible, he is even willing to cut down his term, leave earlier if we are able to amend the Constitution, provide for federalism and provide for ways and means to promote public accountability.

KAREN: Okay. Does the President have a say or stand when it comes to term extensions of officials in Congress, in the Senate, local, what does he think?

SEC. ROQUE: Quite frankly doesn't care. He wants to finish his term of office; if he wants, there's a way to shorten it he will. But he will make sure, number one, that unless and until the people ratify a new Constitution elections will be held in 2019 and he promises us the most honest and the most credible elections in 2019. And of course, if there's no Constitutional Amendment, he will finish his term in 2022, not a single minute longer than provided in the Constitution.

KAREN: All right, well Secretary Roque, thank you very much for coming to the show especially with a lot of things breaking. I appreciate that you are here.

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