

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

**PRESS BRIEFING OF PRESIDENTIAL SPOKESPERSON
SECRETARY HARRY ROQUE
JANUARY 29, 2018 (11:55 A.M. – 12:26 P.M.)**

MODERATOR: Good morning ladies and gentlemen of the Malacañang Press Corps. Welcome to the Monday Press Briefing of Secretary Harry Roque.

SEC. ROQUE: Good Monday morning to all of you. Let's begin with the good news.

We are pleased to announce that the Bureau of Immigration's 2017 collection recorded an 18% increase in its total revenue last year, amounting to P4.75 billion compared to P3.86 billion in 2016. This increase can be attributed to the strict monitoring of collections as well as the full computerization of official receipts and order of payments slips which made the collection system more efficient. We're confident that the BI can surpass last year's collection as BI employees are motivated by President Duterte's directive to restore their benefits in recognition of their sacrifices and good work.

Second good news – Parañaque Integrated Terminal Exchange is now 60% complete. The construction is expected to be completed in April 2018, and fully operational by the second quarter of next year. According to the Department of Transportation, this will provide better access for commuters to different modes of transportation. This will also help decongest Baclaran and Taft areas as this aims to efficiently utilize roads and reduce the number of the public utility vehicles.

Another good news is that the first phase of the National Government Administrative Center amounting to P13.6 billion marked the start of its construction in the New Clark City in Capas, Tarlac last January 23. It is envisioned to serve as an alternative site for various agencies in case of disaster or national calamities to ensure continuity of operations and services. With its completion in 2019, this will also serve as a sports center and host venue for the incoming 30th South East Asian Games.

Updates on Mayon Volcano – According to the Department of Social Welfare and Development in a report dated January 28, as of 6 P.M., 22,885 families or 89,109 persons in 59 barangays in Albay are affected by the explosion of Mt. Mayon. As of January 28, 6 P.M., 18,255 families or 69,290 persons are taking temporary shelters in 74 evacuation centers; while 2,822 families or 11,946 persons are staying outside evacuation centers. As of January 28, 8 A.M., a total of 49 schools, 39,440 learners and 858 DepEd personnel located within the 6 to 7 kilometer permanent danger zone were affected.

As of January 27, 8 A.M., a total of P189,434,000 worth of damages to agriculture was incurred in the Province of Albay. Now as of also January 28, 8 A.M., a total of P54,000,617 worth of assistance was provided by the DSWD, DOH, OCD, LGUs and NGOs to the affected families. The Department of Health Region V has provided a total of P12,087,000 worth of logistical support. Moreover, there has been a recorded total of 2,977 consultations, reported from January 15 to 25 – majority of which, 1,966 of the consultations were due to acute respiratory infection followed by fever, hypertension and wounds.

Now in response to a question in last Saturday's press briefing in Iloilo—last Sunday or yesterday's press briefing in Iloilo, we would like to inform you that the 'Libreng Gamot Para sa Masa' or 'Lingap sa Masa' is still a continuing program. In fact, it has been expanded. The Department of Social Welfare and Development which has been tasked by the President to manage and implement the program added the assistance for prosthetics, assistive devices, laboratory procedures and other medical supplies instead of just medicines. The program is now called 'Lingap at Gabay Para sa May Sakit'. Lingap may be availed in 19 hospitals, including the Western Visayas Medical Center in Iloilo City. To date or as of November 2017, the Department has served 38,407 indigent patients who availed of Lingap program amounting to P381,113,000 of the 1 billion fund.

Likewise, I would like to announce that the Office of the Executive Secretary has formally charged Overall Deputy Ombudsman Melchor Arthur H. Carandang for the following: grave misconduct and grave dishonesty for misuse of confidential information and disclosing false information, violation of Section 3-E of RA 3019 for causing any undue injury to any party including the government or giving any private party any unwarranted benefits, advantage of preference in the discharge of his official administrative or judicial function through manifest partiality, evident bad faith or gross inexcusable negligence, and number three, violation of 3-K of RA 3019 in relation to Section 2 Rule 5 of OMB Administrative Order No. 7 for divulging valuable information of confidential character acquired by his office or by him on account of his official position to unauthorized persons or releasing such information in advance for its authorized release date.

Now, this was pursuant to a complaint filed by Atty. Manolito R. Luna and Atty. Eljio P. Mallari. Furthermore, the Office of the Executive Secretary placed under preventive suspension Overall Deputy Ombudsman Melchor Arthur H. Carandang for a period of 90 days effective immediately upon receipt of this order. According to the formal charge, this complaint, and the formal charge as well as the preventive suspension had to do, and I quote: *“With statements made by Deputy Ombudsman Carandang as follows; We can confirm that we received bank transactions coming from AMLC, bank transactions generated by AMLC.”* Iyong billions kasi baka add-in na nila itong lahat ng transactions kasi 20 million - 20 million - 20 million - 16 million... 'pag in-add-in siguro 'yan, aabot ng billion. Ang dami, 40 million – 40 million – several 40 million, 200 million kaagad ito, iyong iba 50 billion ang dami.

However, only days after—one day after Carandang said this, the AMLC issued the following statement and I quote: *“The Anti-Money Laundering Council Secretariat received on 17 August 2017 letter of Overall Deputy Ombudsman Melchor Arthur H. Carandang requesting it to initiate investigation of the subject accounts.”*

SEC. ROQUE: We have categorically stated before that the AMLC is not the source of the documents and information attached by Senator Antonio F. Trillanes IV in his complaint regarding the alleged bank accounts of President Rodrigo Duterte. It has neither provided of the Office of the Ombudsman with any report as a consequence of any investigation of subject accounts for any purpose.

We have yet to evaluate the request and the initiation for an investigation as well as the release of any report of the subject will depend in such evaluation. Suffice it to state that in the attachment to the complaint the alleged debit and credits representing outflows and inflows were added together thus the resulting of total amounts are wrong and misleading. So the charges stem from unauthorized disclosure of confidential information which AMLC clarified, did not come from them; which AMLC also said, we're wrong and misleading. Questions?

JOSEPH MORONG/GMA7: Sir, kailan daw finile? Admin 'no?

SEC. ROQUE: This is an admin case. It's a complaint dated 3 October 2017 filed by Manuelito R. Luna and Attorney Eljio P. Mallari.

JOSEPH/GMA7: Sir, iyong level ni ES?

SEC. ROQUE: This was filed there and of course the decision is pursuant to jurisprudence, the Gonzales jurisprudence.

JOSEPH/GMA7: Sir, you mentioned naman na AMLC—you're quoting AMLC that the information was wrong and misleading—

SEC. ROQUE: Yes.

JOSEPH/GMA7: So it doesn't mean that because, quote and unquote, “punishing” si Carandang for his disclosure, that means the information that he has disclosed before were of probative value?

SEC. ROQUE: Correct! And let me be clear on this to those who do not understand simple language. Ang sabi po ng AMLC, hindi nanggaling sa kanila ang mga dokumento ni Trillanes, hindi po nila in-authorize ang mga kahit anong inquiry at iyong mga attachment ni Antonio Trillanes, mali at misleading. Okay? So malinaw po iyan.

Maski mayroong alleged information si Senator Trillanes, nilinaw po ng AMLC, hindi galing sa kanila iyan, mali iyong mga halaga na nakalagay sa mga complaint doon sa complaint ni Antonio Trillanes.

So malinaw po iyan ha, hindi na-authenticate iyong mga bank records and hence my reply to the Vera article - hearsay and kuwentong kutsero.

ROSE NOVENARIO/HATAW: Good morning, sir. Sir ano po iyong pananagutan dito ni Senator Trillanes sa pananaw po ng Malacañang?

SEC. ROQUE: Well sa amin po, mayroon naman tayong batas na—you know, medyo gray area iyan. Kasi kung totoo iyong records mayroong paglabag doon sa secrecy of bank deposit law. Pero sinasabi nga ng AMLC hindi naman totoo.*[laughs]* So wala kang—hindi ko maintindihan kung anong magiging pananagutan niya—

ROSE/HATAW: Ano po iyong perjury, falsification of public document?

SEC. ROQUE: Hindi ko po alam kasi kung verified iyon. Hindi ko po alam kung anong verified. Pero ang malinaw po iyong mga attachments niya at sinabi ng AMLC hindi galing sa kanila, mali at misleading.

ROSE/HATAW: So may plano po iyong Malacañang na tuklasin kung saan nakuha ni Senator Trillanes iyong dokumento?

SEC. ROQUE: Nasabi ko na po iyan, kuwentong kutsero iyan. So why should we even be bothered? Sinasabi na nga ng AMLC hindi galing sa kanila at mali. So bakit mo pa iko-confirm kung saan galing iyon?

ROSE/HATAW: So ethics complaint po against Senator Trillanes is possible?

SEC. ROQUE: That's up to the President. But you see the President, you know, does not pay too much attention to kuwentong kutsero and tsismis.

ROSE/HATAW: Okay, thank you.

PHILIP TUBEZA/PHILIPPINE DAILY INQUIRER: Sir, good morning po. Follow up lang sir. May question po kasi na baka unconstitutional iyong suspension dahil the Ombudsman daw po is independent agency?

SEC. ROQUE: Hindi po, only the Ombudsman is impeachable. The Deputy Ombudsmen are not impeachable. There's subject to disciplinary powers of the Chief Executive and this has been decided in the Gonzales case.

ACE ROMERO/PHIL. STAR: Secretary the PNP will relaunched Oplan Tokhang today. What are the Malacañang's expectation regarding this campaign which has been very controversial because of the supposed extrajudicial killings that are being raised by human rights groups?

SEC. ROQUE: Before I answer that, I'd like to complete the citation of the case: Emilio A. Gonzales III versus Office of the President G. R. no. 196231, 4 September 2012 recognizes that Deputy Ombudsmen are subject to removal by the President.

In answer, we're we are hoping that they have learned from their past experience, the PNP has said they want this Tokhang operation to be less bloody, we are hoping it will be and we welcome the statement by the PNP as reaffirming their commitment to the rule of law.

ACE/PHIL. STAR: Okay. What were the instructions given by the President regarding this relaunched campaign?

SEC. ROQUE: Wala naman pong instructions, voluntary naman pong ginawa itong mga bagong guidelines ng PNP. And of course they are now conducting Tokhang also with the involvement of the PDEA that is now... or that has retained the lead in the implementation of the Dangerous Drugs Law.

ACE/PHIL. STAR: Do you see a less controversial campaign considering that the PNP has issued the new guidelines and then we have DILG Acting Secretary Año saying he demands accountability from officers. Do you see it as a less controversial campaign now?

SEC. ROQUE: We are certainly hoping that it will be less controversial, because controversy will only blur the real intentions behind the Tokhang which is really the fight against dangerous drugs.

ACE/PHIL. STAR: Thank you, Secretary.

JOSEPH MORONG/GMA7: Sir doon lang ulit kay Carandang. Sir, the decision Gonzales versus ES is 2012?

SEC. ROQUE: 2012.

JOSEPH/GMA7: But I have it in good information that has been reversed 2013, the doctrine is now that the OP is not...?

SEC. ROQUE: No it cannot be. Only the Ombudsman is impeachable. There's also the case of the Special Prosecutor which was reversed yes by the CA but on a finding of fact that there was not in the basis to charge her. But the authority of the Office of the President has been recognized.

JOSEPH/GMA7: So si Deputy Ombudsman? Hindi ba Ombudsman iyong—cause that's the 2013?

SEC. ROQUE: Only the Ombudsman is impeachable. The Deputy Ombudsmen are not impeachable.

SEC. ROQUE: This was even a bar a question 'no and I know this because we contribute answers to the bar question, that was a trick bar question.

JOSEPH/GMA7: So sir, so you maintain that the OP has jurisdiction over Deputy Ombudsman?

SEC. ROQUE: I do not only maintain. That's the law!

JOSEPH/GMA7: Sir you have there the 2013 MR, 'no.

SEC. ROQUE: Which one?

JOSEPH/GMA7: 2013.

SEC. ROQUE: It could be that the decision is on the merits, not on the issue of jurisdiction, because remember sino ba itong babaeng Special Prosecutor ganyan din ang nangyari sa kanya, she was removed and there was both a challenge on the jurisdiction of the Office of the President to remove her and on the grounds, on the merits.

The jurisdiction is never questioned, because it is there! If you don't make the Deputy Ombudsman liable under the Office of the President who will make them liable if they are not impeachable officers!

JOSEPH/GMA7: Not the Ombudsman?

SEC. ROQUE: Not the Ombudsman.

JOSEPH/GMA7: I am just saying, because it's from a Supreme Court AJ.

SEC. ROQUE: Anyway that's the case that I cited.

CATHY VALIENTE/MLA TIMES: Good afternoon, sir. Sir hingi lang po ng update doon sa 25 member consultative committee meron na po bang na-appoint doon sa remaining 6 slots. Kasi there's this call na dapat daw po ay kung puwede daw pong mag-appoint ng women for gender equality. What's the Palace take on this?

SEC. ROQUE: Well, that suggestion was made, I think the President will headed, no further appointments to date.

CATHY/MLA TIMES: Kung kelan din daw po magko-convene kasi base doon sa EO meron silang 6 months deadline to submit their recommendation. Meron na po bang info kung kelan magko-convene?

SEC. ROQUE: Well, gaya ng sinabi ko kahapon sa Iloilo, siguro call na iyan ni CJ Puno, as the designated chair.

PHILIP TUBEZA/INQ.NET: Sir may statement po si Anak-pawis Congressman Casilao saying that the threat of the President to go after the legal funds of the left would mean open season daw po para sa mga leftist and it could mean na more human rights violations?

SEC. ROQUE: Again, I answered this before. The crackdown on the legal fronts would mean that this legal fronts are in conspiracy to commit the act of either rebellion or violations of the human security act. Mere membership will not be actionable.

PHILIP/INQ. NET: Follow up lang, sir. May nabanggit na po bang specific organizations sa kaliwa ang Pangulo sa inyo?

SEC. ROQUE: Ang sinabi lang niya sa Davao, he was a member of the precursor of the group Karapatan, binanggit niya iyan. May binanggit siya na movement for justice or something and he says that's the frontrunner, the precursor of Karapatan and he was a member of that. That's why he is aware that certain groups act as legal fronts of the CPP-NPA. If you look at the little red book and if you look at documents coming from Joma Sison, I think the tactic is also well spelled out. That they work in terms of actual individuals, taking up arms and through legal groups, acting as propaganda arms.

PHILIP/INQ.NET: So lahat po sir, ng organizations na members ng kanilang alliance ay considered targets?

SEC. ROQUE: Sino?

PHILIP/INQ. NET: Lahat po ng groups na member ng kanilang alliance are considered targets?

SEC. ROQUE: In the first place wala namang umaamin sa kanila eh, iyon ang nakakabuwisit di ba, umamin, paninindigan ang paniniwala. Eh kaso nga hindi naman nila inaamin, again it will have to be on the basis of conspiracy, because mere membership is not actionable.

JOSEPH/GMA7: Sir, before the President left for India, meron siya doon sa top of his speech about Albay, about the funds na parang may problema kayo diyan. Wala na sa akin iyong isyu. Any elaboration on that?

SEC. ROQUE: I think it is just that, when I was there, there was a complaint that the release of IRA was delayed. If I am not mistaken, I was there on the 7th? If I am not mistaken ha! So –pero holiday naman

kasi iyong January 1, saka January 2. So. Medyo it was not actually delay because it's for release immediately the following Monday. So, Governor Bichara was mentioning that, because he was saying 5% of IRA is for calamity funds and they have no calamity funds to spend, because they don't have the IRA. Pero hindi naman po enormous delay iyon, kasi nga holiday ang 1 and 2.

JOSEPH/GMA7: Sir, sa government procurement over the weekend. Can I just get a sound bite na this is going to be the policy of the President from now on and what's going to happen to the law?

SEC. ROQUE: Well, pinapatupad lang po ng Presidente iyong ating tinatawag na BOT law na doon sa mga high ticket values, iyong mga mamahaling proyekto ng imprastraktura ay isa sa pamamaraan na pupuwedeng pasukin ng gobyerno ay sa pamamagitan ng BOT or Build Operate Transfer, build transfer or build operate and lease.

At sang-ayon dito, kung may isang proyekto na hindi pa na-identify ng gobyerno, pupuwedeng magkaroon ng unsolicited bid or proposal. Isa-submit niya kung ano iyong proyekto na iyan, ano iyong mga conditions at bago po iyan tanggapin ng gobyerno, ipa-publish at titingnan kung merong mas mabuting offer na galing sa ibang mga kumpanya, iyan po iyong tinatawag na Swiss challenge.

So ito po ay provided by law already at talaga namang ine-implement para doon sa mgam as malalaki at mas mahal na mga proyekto ng gobyerno.

JOSEPH/GMA7: And how is this going to minimize corruption form your perspective?

SEC. ROQUE: Well, ang sabi nga po ng Presidente eh itong public open and competitive bidding, eh iyong katotohanan naman diyan, nagsasabwatan iyong mga bidders. So sila na mismo ang nag-a-identify ng halaga at naguusap-usap kung sino ang makakakuha ng proyekto at dahil dito nagkakaroon ng 'tongpats' or lagay, kasi hindi talaga lowest bid ang nakakuha natin kung hindi iyong halaga na pinagkasunduan ng mga bidders na nakasama na diyan iyong tongpats. Kaya nga gusto sana baguhin ng Presidente ang sistemang ito.

Again, it's provided by law, but if the President wants to implement it, in all projects if course there would have to be amendments to RA 9184, which is a government procurement law.

JOSEPH/GMA7: So sir, ito ba, ito iyong gagamitin for the build, build projects, 'cause they are the big ones?

SEC. ROQUE: Ginagamit na po ito sa rebuilding ng Marawi, iyan po iyong mode na ginamit para pumili kung sino iyong kontratista na magtatayo muli doon sa most affected area ng Marawi. Kumuha po sila ng mga proposals na mga anim, tapos sa anim pong iyan pag-aaralan kung ano ang gusto ng gobyerno, pagkatapos pag may napili na ay isa-subject to Swiss Challenge para malaman kung meron pang mas mabuting proposal.

PIA/ABS-CBN: Sir iyong sa speech ni President Duterte in India he also mentioned talking to Myanmar state Counsellor Aung San Suu Kyi and that he said na he told Suu Kyi not to mind iyong mga criticisms from human rights groups, because they are just a noisy bunch, what does that say about the Philippine government's stand on the Rohingya issue, sir?

SEC. ROQUE: I don't think I should annotate what the President has said. He told Aung San Suu Kyi, 'Don't mind them. They are noisy bunch.' So I don't know how I could annotate; that's very clear. He says don't be too worried about criticisms on human rights.

Q: Sir, just to be clear: Ano iyong official position of the Philippine government on what is happening in Myanmar?

SEC. ROQUE: I think you know that in the preliminary vote, we voted in favor of Myanmar. And we did so because we didn't want Myanmar to become an isolationist state again. We want Myanmar to know that they have a friend and we are, therefore, opting for some kind of constructive engagement with Myanmar on the issue of Rohingya.

PIA/ABS-CBN: So iyong sinabi po ni President Duterte kay Aung San Suu Kyi, it does not mean that the Myanmar government should stay silent on the human rights violations? Wala naman pong ganoon?

SEC. ROQUE: No, because in ASEAN, Aung San Suu Kyi spelt out the position of the Myanmar government: Number one, they will implement the Kofi Annan report; number two, they will facilitate repatriation, return from Bangladesh to Myanmar; and number three, they will allow delivery of humanitarian assistance. So that's the position that we are in concurrence with.

Q: So his statement, sir, is still consistent with the position of the Philippine government and the ASEAN also on what is happening in Myanmar?

SEC. ROQUE: Well, ASEAN did not really have a position on Rohingya. Let's just say that it's consistent, or the Philippine President recognizes what Myanmar has done so far which is the three that I just mentioned now.

TRISHA MACAS/GMA NEWS ONLINE: Hi, sir. Good morning. The College Editor's Guild of the Philippines lately said that your fake news remark is an insult to journalism and it legitimizes the proliferation of fake news. So can we get your reaction, sir?

SEC. ROQUE: Well, let me quote ... because I was actually paraphrasing from the leading case of New York Times vs. Sullivan. And the quote is, "*Even a false statement may be deemed to make a valuable contribution to public debate since it brings about the clearer perception and livelier impression of the truth produced by its collusion with error.*" So in a market place of idea, you give everyone a license to contribute to the free market place of idea. And the true test for truth is the ability of a thought to be accepted as fact by the general public.

I said that actually to console myself because I felt I was a victim of fake news myself. So I'm reassuring myself that it was well-worth 51 years of my life to be an advocate for freedom of expression and freedom of the press. That was more for my own benefit.

I will repeat it because I need it again. I need again, "*Even a false statement may be deemed to make a valuable contribution to public debate since it brings about the clearer perception and livelier impression of the truth produced by its collusion with error.*" Let me internalize that.

JOSEPH MORONG/GMA7: It seems, sir, that you don't believe that?

SEC. ROQUE: No, I believe it. Well, I'm convincing myself to believe it, because what can I do?

JOSEPH MORONG/GMA7: So lies can be good for democracy?

SEC. ROQUE: What I'm saying, lies are part of the free market place of idea. And fortunately, we are possessed with sufficient intelligence to decipher lies from the truth. Why do you think I'm still alive?

JOSEPH MORONG/GMA7: So, sir, it's just going to be a matter of, maybe, numbers. So if a lot of people believe a lie, that prevails, correct, under the free market place of ideas?

SEC. ROQUE: Well, you know, again, the true test for truth is a power of an idea to be accepted in the free market place of ideas.

JOSEPH MORONG/GMA7: So again, if a lie is accepted by the majority, that's fine with you?

SEC. ROQUE: Well, I'm hoping they won't because I was recently a victim, and I think all of you can become witness to that. Kaya nga sumasama ang loob ko.

You know, when I was hit by other people, I didn't think much about it because after all, wala naman iyon ... you know, walang rigid training, walang standard for truth, walang editorial control. But when it happens from traditional media, recipients of freedom of the truth, of freedom of the press, beneficiary of this freedom, parang mali and it's very difficult to accept. But I will move on. I will just internalize this quote from New York Times vs. Sullivan. Let's move on.

PHILIP TUBEZA/INQUIRER: Sir, follow up lang po doon kay Carandang. You mentioned kasi na the OES formally charged him. Saan po na-file iyong charges?

SEC. ROQUE: It's a formal charge already, I guess, pursuant to the internal rules of the Office of the President on administrative cases. They have found probable cause to charge him, and he was ordered to file an answer within ten days.

So they conducted a preliminary investigation, administratively, and they found probable cause, he was now made to answer.

So I will quote from the dispositive portion, "*Wherefore, premises considered, respondent, Melchor Arthur H. Carandang, Over-all Deputy Ombudsman of the Office of the Ombudsman, is hereby directed to file his answer within ten days from receipt hereof. Pending investigation, respondent is hereby placed under preventive suspension for a period of 90 days effective immediately upon receipt of this order.*"

JOSEPH MORONG/GMA7: Sa OP, sir?

SEC. ROQUE: OP.

JOSEPH MORONG/GMA7: Who's going to ultimately discipline?

SEC. ROQUE: OP.

BUSINESS WORLD: Sir, has a NEDA board meeting being scheduled for February? And may we have update on the agenda?

SEC. ROQUE: I'll have to check on that. That's an issue of facts so I will check on that. No, wala pa akong information. But tomorrow—wait, wala pala tayo tomorrow because we're in Marawi. On Wednesday, if we have one, I will let you know.

Q: [OFF MIC]

SEC. ROQUE: No, we're going to Marawi Tuesday. Yeah, tomorrow. Kasama ako. Today, the President, I confirm, is flying to Legazpi. Tomorrow, he is flying to Marawi.

JOSEPH MORONG/GMA7: They haven't 'no, but just in case they did, they'll do later, iyong MR ng Rappler sa Court of Appeals because they are scheduled to file it today, I think.

SEC. ROQUE: What am I suppose to say?

JOSEPH MORONG/GMA7: They are appealing the decision of the—

SEC. ROQUE: Good luck to them. After all, the noise that they've created, they are certainly hoping that they could influence the Court of Appeals.

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