

**PRESIDENTIAL COMMUNICATIONS OFFICE
NEWS AND INFORMATION BUREAU**

**Interview with Presidential Spokesman Harry Roque
by Pinky Webb/The Source/CNN Philippines
MARCH 6, 2018/9:02-9:27 A.M.**

PINKY: Secretary, thank you again for being here. Good to see you again.

SEC. ROQUE: It's always a pleasure, Pinky.

PINKY: Okay. So yesterday the SolGen filed a quo warranto petition before the Supreme Court. Sec, was it necessary?

SEC. ROQUE: Well, you know, you can't dictate on the Solicitor General, he is after all the Chief Lawyer of the Republic. But I would say that perhaps he wants to test jurisprudence. We know what the established doctrine is that impeachable officers can only be removed through impeachment. But I think, in this instance, he really wants the proof of jurisprudence, because if there were requirements that were unmet at the time of her appointment, he was to send the message that, you know, the rule should apply to all. And that if he did not comply, you must suffer the consequence and that is removal from office.

PINKY: But isn't it the fault of the JBC? This is something—I spoke to Atty. Jojo Lacanilao, yesterday, because again, let's go back to this. The JBC is the one that filters those that could possibly be members of the judiciary, pinasa nila si Chief Justice Maria Lourdes Sereno. Why is that gonna be the fault now of the Chief Justice?

SEC. ROQUE: Well, I think, it's because the JBC itself made the requirement and the problem is... well now the JBC, the Chief Justice is the ex-officio chair of the JBC. At that time she wasn't—

PINKY: Exactly.

SEC. ROQUE: But the legal issue now is whether or not non-compliance with the requirements of a Constitutional body will render the appointment null and void to begin with. Remember impeachment can be a remedy if the appointment was valid in the first place.

But now, that we find out that it was invalid, because of non-compliance with mandatory requirements, that's the issue that will be submitted to the Court.

PINKY: As a lawyer though, was this necessary? As a lawyer, not as a Spokesperson.

SEC. ROQUE: That's the problem.

PINKY: Puwede ba iyon?

SEC. ROQUE: Hindi nga pupuwede. *[Laughs]* So, I have to be consistent with the Palace position that we leave it to the Supreme Court now to resolve the issue of the quo warranto position and of course we leave it to Congress to resolve the pending impeachment complaint.

PINKY: Does this send though the wrong signal you think to the House of Representatives or the Senate?

SEC. ROQUE: I don't think so. I think it sends the right signal to the public, that when you aspire for public office, don't think of any shortcuts, comply with requirements because if not, you could be deprived of the appointment itself.

PINKY: But you are a lawyer, you are supposed to follow the Constitution and the Constitution says she can only be impeached.

SEC. ROQUE: Well, of course, there's a mention that the Chief Justice is an impeachable officer. But again the issue is, if the appointment was invalid from the very beginning in the first place, then she can be removed quo warranto and that's the interesting issue that the Supreme Court now has to resolve.

PINKY: But that's not in the Constitution.

SEC. ROQUE: Well, the Constitution says that the Court is the final arbiter of all legal disputes. So it's the Court exercising also its Constitutional function if it were to rule on the quo warranto petition.

PINKY: Here's the thing, Secretary. You know, you have Senate President Pimentel, he didn't seem too happy with this move by the SolGen filing this quo warranto petition. Let's listen to Senate President Pimentel's take on the quo warranto petition.

(video clip of SP Pimentel)

PINKY: That's an ally of the President, sir.

SEC. ROQUE: Yes. Well you know, I am not the Spokesperson of the SolGen—

PINKY: Is that you want to say something more, but you can't. *[Laughs]*

SEC. ROQUE: *[Laughs]* Well, I am not the Spokesperson of the SolGen. All that I am saying is it's now in the Supreme Court. It's now within the jurisdiction of the Supreme Court to clarify whether or not you can file a quo warranto proceeding against a sitting impeachable officer. So we will learn from this decision, whatever it may be.

PINKY: As you said, let's test this on jurisprudence.

SEC. ROQUE: Yes, after all, one of the functions of the judiciary is to provide guidance as well to bench and bar ano.

PINKY: But doesn't this tread on dangerous grounds, sir? For example, this is an impeachable officer, the CJ and of course members of Constitutional bodies and members of the judiciary and the President and the Vice President. Would this not set a dangerous precedent?

SEC. ROQUE: Well, in the first place, we are assuming it will be allowed. That is why you are talking of having a President already. But it hasn't been allowed by the Supreme Court, so I think it's premature—

PINKY: Hindi pa naman tinatanggap.

SEC. ROQUE: Correct. And I think the Court would discuss it this afternoon in its en banc session. So we will have to wait, that's all that the Palace is saying. In our Constitution, we have, you know, equality between co-equal branches of government. This is an issue that only the Supreme Court can resolve now, because it has been submitted to it.

PINKY: Okay, because I think, that was also statement made by the minority Senator Antonio Trillanes, let's listen to that, as well, other reaction on this quo warranto petition.

(video clip of Senator Trillanes)

PINKY: I guess that the operative word there, 'exposed.' It's as if you expose the other officers to this as well.

SEC. ROQUE: Ang problema lang doon sa opinion ni Senator Trillanes ay hindi naman niya hurisdiksyon na magsabi kung ano ang sinasabi talaga ng Saligang Batas. Iyan po ang katungkulan ng hudikatura. Kaya nga sa akin hold your horses, wala pa namang desisyon, so hayaan natin na mag-desisyon ang Korte Suprema para alam na natin talaga kung pupuwedeng i-quo warranto mga impeachable officers.

PINKY: At least this could serve—well, as you said jurisprudence, let's see what happens. Pero meron daw past dito, may precedent dito on Justice Fernan, sir?

SEC. ROQUE: Well, hindi kasi siya directly applicable. Dalawa na iyan, ito ang dahilan kung bakit na-disbar si dating Ombudsman Gonzales. Dahil nais niyang imbestigahan iyong mga nakaupong Supreme Court Justices at sabi nga ng Korte Suprema hindi pupuwede mong gawin iyan at na-disbar pa nga siya dahil diyan. Tapos is Chief Justice Fernan na ganundin pinapa-disbar. So dinismis iyan, kasi kung madi-disbar sila dahil qualification na maging lawyer, hindi na sila pupuwedeng maging Chief Justice at sabi that is circumventing the prohibition.

But the same time, the SolGen naman cites other compelling cases na sinasabi na what is at issue here is kung valid ba iyong appointment to begin with. So the rule that an impeachable officer can be removed only through impeachment is if the appointment is valid to begin with.

Pero for instance nga, kung siya pala ay hindi natural-born person, kahit kelan puwede iyan paalisin, not only through impeachment. So nandoon tayo ngayon, it's an interesting legal question.

PINKY: It is interesting. Is it very interesting for you as well as a lawyer?

SEC. ROQUE: Very interesting as lawyer and as a former academic, kasi wala pang ganitong instance na talagang impeachable officer is sought to be removed through quo warranto.

PINKY: Oo nga pala, sometimes, nakakaliutan ko, you were a law professor as well.

SEC. ROQUE: For 15 years.

PINKY: Yeah, this will serve as a basis on future possible—Pero tama. Secretary, first we need to find out, tatanggapin ba ito ng Supreme Court...

SEC. ROQUE: At ano ang magiging desisyon ng Korte Suprema. So merong tama, meron diyang mali. Kasi kung tama si SolGen, magbibigay ng due course iyan at baka madesisunan pa. Pero kung tama iyong kampo ni Chief Justice Sereno, madi-dismiss ang petisyon.

Pero siyempre ang problema ni Chief Justice, hindi lang naman iyon nakabinbin laban sa kanya. She has to reckon with the fact that she also has an impeachment complain to reckon with.

PINKY: Right and that vote is going to be on Thursday. Just before we leave this topic, kung mali po ba si SolGen Calida, aaminin mo ho ba sa amin na mali siya?

SEC. ROQUE: Well, ang Korte po ang magsasabi. So wala nang aminan iyan, kasi the court will really say, 'this a justiciable controversy that has to be resolved.' And the court will have to say either way who is right and wrong.

PINKY: Okay. Let's talk about the—very briefly, joint exploration. I know that you've been talking about this over and over again. First, nasaan na ho tayo in terms of progress on the joint exploration? Because we're looking at two areas, hindi ho ba, sir?

SEC. ROQUE: Wala naman, parehong suspendido *[laughs]*. So this is a purely academic discussion.

Meanwhile, some companies are raking it in in the stock market because of the speculation that they will be allowed to engage in joint exploration. But I have verified of the status and according to Energy Secretary Cusi yesterday in our Cabinet meeting, we're very far from an agreement that would facilitate joint venture. And I guess—

PINKY: Wait, but you used 'suspended'. You said suspended, where are the talks right now? Are they suspended?

SEC. ROQUE: No. What happened was, for 57 and 72, we imposed a moratorium on exploration. So, there is no exploration ongoing right now.

Now sabi nga ni Secretary Cusi yesterday, *"I'd like at least to lift the moratorium so we can resume exploration activities in 57 and 72."* Ako naman, I had lunch with the Chinese Ambassador and sabi nila, *"We hope the Philippines will not do that, because right now the status quo is serving us very well, we want bilateral talks ahead of any unilateral action on the part of the Philippines."*

So I don't know where we are. To those speculating in the stock market, well, speculate on because there is no certainty on whether or not there will be joint exploration—

PINKY: But now I'm more confused, because the President is saying 'co-ownership'. You had earlier said that—no sorry, it was Secretary Alan Peter Cayetano who earlier said that we are aggressively pursuing talks for joint exploration. So now you're saying that, it's suspended?

SEC. ROQUE: No. What was suspended is the actual exploration activities. We declared a moratorium on all exploration activities.

PINKY: Stop the—

SEC. ROQUE: Talks are ongoing, but we're very far away from arriving at an agreement. I'll tell you why. On the part of the Philippines, there's political noise. There's political noise purportedly that it is not allowed. On the part of the Chinese, there's also political noise – because they also believe that portions of where they're exploring belongs to them, despite the arbitral decision. And they're not used to a state company having to share an activity with any other entity. They're used to doing it on their own.

PINKY: Kanila lang.

SEC. ROQUE: And they're also not used to dealing with Constitutional requirements, requiring that they retain minority stake. So it's not as if it will happen tomorrow, because as far as both sides are concerned, there are serious considerations to take care of and in the Philippines – certainly it's the political noise that [audio cut]...

PINKY: We'll be taking a short break. This is The Source in CNN Philippines. When we return, we'll talk more about joint exploration with China, with Presidential Spokesperson.

(Commercial break)

PINKY: All right. You're watching The Source on CNN Philippines. Our guest today, Presidential Spokesperson Harry Roque.

Sir, so we were talking about it. Just very briefly, there are two service contracts: 57 which is in Calamian, northwest of—

SEC. ROQUE: Wala pong ano iyan, controversy. Hindi iyan kasama sa West Philippine Sea. Now, ang problema po talaga in all extractive industries, and there is a new branch of international law that came because of it, is that you may have the mineral resource but, you know, developing countries don't simply have the technology and the capital. That's why foreign companies are allowed to come in. And that's why La Bugal says, come on, let's not construe the (AUDIO CUT) La Bugal. But outside of the Philippines, that's the story of all oil producing countries.

You know, in the beginning, because they were colonized, it's the colonizing country that developed the mining industry, the oil industry. And at some point, they became independent. They said, well, we have sovereignty over the mineral deposits, we're taking over. And that's when the oil companies decided to have a mechanism by which they could resort to arbitration to settle their disputes. And the rule now is, there shall be no taking of foreign investments without, number one, payment of just compensation – payment of just, adequate and prompt compensation. So that's the rule now.

Hindi lang po Pilipinas ang nagkaroon ng problema diyan. Ayaw talaga ng mga bansa na naging recently newly declared independent states that their colonial powers will monopolize the most lucrative industry. And that's why you now have International Center for the Settlement of Investment Disputes, you now have arbitral clause saying that international law shall govern because we want a level playing field between those who have resources and those who want to explore and exploit there.

PINKY: Okay. So we may have the resources, maybe we don't have the technology – fine.

SEC. ROQUE: And capital.

PINKY: And capital. But gusto ko lang balikan si Service Contract 57, hindi ba ito iyong sa PNOC, the Mitra Energy and the China National Offshore Oil Company, sir?

SEC. ROQUE: Well, ito po, hindi ito joint exploration. Talagang foreign ano lang siya, foreign company engaged in exploration in the Philippines. No similar from British Petroleum, starting the oil industry in Saudi Arabia.

PINKY: So this is not co-ownership whatsoever?

SEC. ROQUE: It's no co-ownership. Talagang siya ay foreign contractor.

PINKY: Ang problema po natin, the bone of contention is probably the Service Contract 72 which is the Reed or Recto Bank?

SEC. ROQUE: That's the Recto Bank. Akala ko nga noon hindi rin iyan disputed kasi napakalapit iyan sa atin. But it turns out, when you look at nine-dash line ay pasok siya.

Now, let me reiterate: Totoo po may desisyon na ang Arbitral Tribunal. At kaya nga po sinasabi ko, wala nang hadlang para tayo'y makipagkaibigan na sa Tsina. Bakit? Kahit ano pang gawin nila, kahit sila pa ang pinakamalakas na kapangyarihan sa buong mundo, they cannot erase the fact that there is now a declaration and the international law is saying that there is no basis for the nine-dash line. So magngawangawa sila diyan, they may be the mightiest country on earth, they can't erase that, that there's no basis for the nine-dash line.

PINKY: But, before you continue, I understand that, sir. It's good to hear that from you. But are they conceding that it's not theirs?

SEC. ROQUE: But you see, in international law, they don't need to concede. International law is law whether or not countries recognize it as law. That's the nature of international law. Hindi mo mapipilit ang ayaw tanggapin pero sa mata ng buong daigdig, tanggap iyon. Iyon ang hindi namin pinagkakaintindihan ng mga kritiko. Kahit anong gawin ng Tsina, hindi niya mabubura ang katotohanan na walang basehan iyong kaniyang nine-dash line. And the artificial islands, according to the ruling, of course, belongs to the Philippines because it's within our EEZ. Ang problema, ito namang 72, hindi naman naaapektuhan iyong mga artificial islands.

So hindi ko maintindihan kung bakit Justice Carpio, for instance, will cite the decision on the three artificial islands on 72 when the three artificial islands don't have anything to do with 72. What is clear is it's part of our EEZ, but there is still a dispute under international law. Because a dispute under international law is defined as a disagreement on a fact or law involving an issue of international law.

PINKY: I'm really talking to a professor here. All right, you know, so it's ours but I guess the problem is... at siguro a need to be discussed, sir, is what the President said about co-ownership? Ano ba iyong co-ownership?

SEC. ROQUE: Well, alam mo, hindi naman niya sinabi na blank co-ownership. It is 'like,' that makes a whole world of a difference. It is like, it is akin.

PINKY: What is 'like' a co-ownership?

SEC. ROQUE: Well, you know, what does it entail to have joint exploration? You have contribution either in capital or manpower. And then you share in the yield, meanwhile. It's actually no different from oil that is found on land. Kasi when you're on land and there are national boundaries, wala namang kinikilalang national boundary iyong oil because it's liquid. So countries opt to utilize them on a joint basis. So it's akin to co-ownership but it doesn't affect national territories.

So ganoon din ang sinasabi ng Pangulo natin. He said it is like co-ownership. He didn't actually say it is co-ownership.

PINKY: Okay. Because you said that, I want to bring this in, that in the 1987 Constitution it says 'that the State shall protect the nation's marine wealth in its EEZ and reserve its use and enjoyment exclusively to Filipino citizens.'

SEC. ROQUE: Well, alam mo, iyan nga iyong pinag-uusapan sa La Bugal. It's even worse. Kasi La Bugal has to do with mining in land territories subject to full sovereignty. And nakasulat diyan that mining or extractive industry is exclusively for Filipino corporations.

So ang isyu: Can foreigners participate even if they're not a Filipino corporation? And the Supreme Court said, yes.

Now, ito ang sinasabi: If in a land territory subject to full sovereignty, you can have foreign investors participate in extraction and exploitation, how much more in EEZ. Kasi in EEZ, walang sovereignty diyan, only sovereign rights.

PINKY: Yeah, but isn't the decision on land territory, sir?

SEC. ROQUE: No. But what I am saying is, land territory kasi involves full sovereignty. In EEZ, there is no full sovereignty, only sovereign rights. So the standard of enforcing or kumbaga, iyong exclusivity is not on the basis of sovereignty; it's just on sovereign rights.

Ito iyan, mas mataas ang sovereignty that all laws applicable all jurisdiction. Sovereign rights, limited lang – exploration and exploitation lang.

PINKY: Mahaba-haba pang discussion ito, sir. All right, very quickly though, there's still a lot of topics to discuss. We finally accepted aid from the EU, sir?

SEC. ROQUE: Because it was not subject to any conditionalities. And it was specifically intended to aid the Philippines and the President in his pet undertaking, the war against drugs.

PINKY: So lahat ho ba iyon, how much is it? And is it in full mapupunta sa drug rehabilitation?

SEC. ROQUE: It's 240 million plus, and it will all go to drug rehabilitation efforts. So we thank the EU for that. Because hindi naman sinasabi ng Presidente we're rejecting all aid. When it's actually pursuant to... about goals of the state such as successfully winning the war on drugs, of course, it will be welcome. And more importantly, not subject to conditionalities.

PINKY: So is there better relationship now between the Philippines and the EU?

SEC. ROQUE: I believe so kasi dati wala tayong naririnig sa EU kung hindi paglabag sa karapatang pantao itong giyera ng laban sa droga. But now that they have donated to the same war on drugs, who are they now to say that there's absolutely no benefit derived from the war against drugs?

PINKY: But just because they support or they gave financial aid on the war on drugs doesn't necessarily mean that there is no human rights abuses in the country, sir?

SEC. ROQUE: Well, if they believe that there are gross human rights violations, they should not give even a single Euro towards that purpose.

PINKY: No gross human rights violations. All right. Is there any more in the offing, sir, from the EU? Any more aid in the future?

SEC. ROQUE: Well, that really depends on them because we have not asked for any aid.

PINKY: Okay, Boracay. The issue on Boracay, sir, the six months—is this something you can clarify, sir?

SEC. ROQUE: You know, let me declare and this is something that I have to declare. I've been counsel to Boracay Foundation. And Boracay Foundation, of course, is an NGO that, you know, was established to protect the environment in Boracay because most of its members are resort owners. And the resort owners know that their business is only as good as Boracay. If Boracay is destroyed, then all their business interest go away.

Now, what they are worried about - although this is not a presidential line - is an unscientific closure of Boracay without knowing what they will be doing to rehabilitate Boracay. Remember, as resort owners, they would want to see Boracay cleaned and rehabilitated because, as I said, all the investments will go under if it's destroyed.

So I guess, I have to walk a fine line now. Of course I'm not practicing, but I have been in Boracay since 1988. I'm part of Boracay. I consider myself a resident of Boracay. I know there are violations. We've filed a writ of kalikasan against the - successfully ano - against the reclamation of Caticlan. We are at the forefront of the fight against West Cove. Everyone that violates, we sue them, at least in the past when I was their counsel.

But right now, I guess what they're saying is, we value Boracay like no other entities do because it's our livelihood. But we don't see how a closure, an immediate closure will result in the rehabilitation of Boracay. They want eventually some kind of major rehabilitation. But they want also scientific studies conducted because that's what we did when we filed suit on the reclamation of Caticlan. We actually hired the UP Institute of Marine Science to do a study. And they want to do the same thing before government resorts to closure. Now, that was really as a private person and as a person who grew up in Boracay literally.

But the President's order is clear—

PINKY: The government stand?

SEC. ROQUE: The government stand is, he reiterated—I have to agree there's a difference in interpretation between what I thought I heard when the President and Secretary Año, and this was apparent in yesterday's Cabinet meeting. What I thought the President said was, six months for the DENR Secretary to submit his recommendations on what to do with Boracay.

Now, last night, he reiterated again: We're in the process of conducting factual and legal investigation. Now, Secretary Año though interpreted the mandate of the President as within six months, do everything that you can.

WEBB: Tapusin mo in six months.

SEC. ROQUE: Oo, to preserve Boracay. So this is something that needs to be clarified. But I think the President, and I intend to sit down with Secretary Año, "Oh remember this is what he said." And I'm also getting the transcript, not just the transcript but the tape of the instructions of the President in the last Cabinet meeting. Because I noticed in the minutes, it did say 'that six months to close all violating establishments.' But there was no mention of to close Boracay itself. I guess that's what—

PINKY: So you need to clarify this.

SEC. ROQUE: We need to clarify this. And that's why you know I will review the tapes and I will sit down with—

PINKY: So hindi pa tayo sigurado on what was said and what was meant?

SEC. ROQUE: I have made a declaration yesterday in the press briefing on the basis of my notes and on my memory that the President really talked about a six-month period for the DENR Secretary to submit his recommendations.

But as I said in the bathroom yesterday, Secretary Año told me, six months to do everything that can be done to rehabilitate Boracay.

PINKY: So there is something maybe lost in translation here. So that's something you need to clarify. Because a lot of, siyempre, the tourists, the owners 'di ba, they're affected by this because they're thinking ano ba talaga.

SEC. ROQUE: Yeah, there's a colleague from UP, in fact they're going to have a world conference in Shangri-La in Boracay in July. And they want to know if the conference, the world conference will push through because Boracay might be closed in July.

PINKY: Lyon na, pasok doon sa six months. Rappler, sir, any update on this? Omidyar already donated the 1.4.

SEC. ROQUE: Well, I've said it, if they didn't think they were in violation of the Constitution, they would not have donated. They would have fought for the legal position that there was nothing—

PINKY: But there's still fighting it. There's still have a petition before the court.

SEC. ROQUE: Yeah, but they will now move to dismiss because they will argue that it has been mooted since the money has been donated, and effectively, the Philippine Depositary Receipt has ended. So that to my mind is an admission.

WEBB: All right. Secretary, what about the speakership? Is there something rumblings going on there?

SEC. ROQUE: You know, the Speaker is our most loyal and trusted ally in the House of the Representatives. I've lost touch because it's been five months. You know how time flies. It has been five months since I left Congress, but I think I have enough friends there, and I don't think there is any viable alternative to Speaker Pantaleon Alvarez. Although... although I do hear, you know, here and there, that there is some congressman who in the past were quite are now speaking against the Speaker. But all this will come to naught because, ultimately, the President will reiterate his support for Speaker Pantaleon Alvarez.

PINKY: Speaker Alvarez still has the full support of the President?

SEC. ROQUE: He does, he does.

PINKY: So any talk or talks on his possible removal is impossible?

SEC. ROQUE: Well, any such talk is wishful thinking on whoever wants to replace the Speaker.

PINKY: Presidential Spokesperson, sir, Harry Roque, always a pleasure. Maraming salamat for your time, sir. I know you are so busy now.

SEC. ROQUE: I always enjoy coming to your show. Thank you very much.

###