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PRESS BRIEFING OF PRESIDENTIAL SPOKESPERSON

SECRETARY HARRY ROQUE

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SWEEDEN VELADO/PTV4: Good morning, Malacañang Press Corps. Welcome to the press briefing of Presidential Spokesperson Harry Roque. Good morning, sir.

SEC. ROQUE: Good morning to the ladies and gentlemen of the Malacañang Press Corps. Magandang umaga Pilipinas.

Well ngayong umaga po, binibigyan ko po ng kompirmasyon na ang Executive Secretary po ay nakatanggap na ng instruction galing kay Presidente na magbigay notice 'no sa UN Sec-Gen na tayo po ay magbibitiw sa Rome Statute of the International Criminal Court. The Executive Secretary will implement immediately the President's directive through proper diplomatic procedure in coordination with the Department of Foreign Affairs.

Let me devote some time on this issue, because all that I could state yesterday was to confirm that a directive has been issued.

Now the decision to withdraw is because the ICC Prosecutor violated the very basis by which the Philippines and 124 other countries gave their consent to become members of the ICC - this is the principle of complementarity. Ang ICC po, hindi po 'yan ang court of first instance, 'yan po ay binuo ng mga kasapi ng ICC kasama ang Pilipinas para maging court of last resort. Gagalaw lang po dapat ang ICC kapag ang mga lokal na hukuman ay hindi gumagana.

Sa kaso po ng Pilipinas, malinaw na malinaw gumagana po ang ating mga hukuman at hindi po pupuwedeng makaiwas sa pananagutan ang kahit sino, kasama na po ang isang presidente. Alam naman po natin sa Pilipinas na iyong immunity ay habang sila'y nakaupo lamang; dalawang presidente na po ang kinulong natin immediately after ng kanilang termino. Patunay po na walang such a thing as immunity to anyone dito sa ating Pilipinas.

Importante po kasing itong consent na ibinigay natin, dahil wala naman pong bansa na boluntaryong magsu-surrender ng kanilang soberenya at kasapi po sa soberenya iyong hurisdiksiyon ng mga hukuman na lumitis doon sa mga lumalabag sa batas ng Pilipinas at sa batas na pang-international.

I hasten to add that in the Philippines, not only do we have a functioning judiciary, and I think no one can dispute that. We also have a domestic statute 'no which mirrors the crimes cognizable by the International Criminal Court.

Ang pag-withdraw po natin sa ICC, ay dahil nalabag iyong ating basehan kung bakit tayo pumayag na maging miyembro ng ICC, at ito po ay dahil ang dapat na maglitis at mag-imbestiga kay Presidente kung mayroong saysay ang mga demanda na 'yan, ay ang ating mga lokal na hukuman. Uulitin ko po, wala naman po doon sa 124 countries na kasapi ng ICC na pumayag na hindi na gagana ang kanilang mga domestic na mga hukuman. Lahat po sila pumayag, pero court of last resort lang po ang ICC. Ang court of primary jurisdiction should be domestic courts.

Now, I have been asked many times about the fact that I was at the forefront of the campaign to then convince President Aquino to sign up for the ICC. I can confirm this. In fact perhaps, I was the strongest lobbyist for membership in the ICC. I have no regrets for doing so as I believe that there must be an end to impunity. But when I lobbied for Philippine membership into the ICC, it was because I knew it cannot be a substitute for domestic courts. Importante nga lang po na magkaroon tayo ng alternatibo kung hindi na gumagana ang mga lokal na mga hukuman.

How do I feel about it? I'm already Spokesperson, I have no personal opinion. But in this instance, I will make an exception. Yes, it saddens me because our membership to the ICC perhaps is my single most important achievement as a member of civil society, but I agree with the President – hindi naman po pupuwede na isantabi iyong soberenya at saka iyong basehan ng consent to be bound dahil lamang sa gawain ng prosecutor.

Hindi ko po 'to sinasabi ngayon lang. Kung sinubaybayan ninyo po iyong sinabi ko sa meeting ng Assembly of State Parties, nag-warning na po ako doon na huwag sanang magpagamit sa mga politiko ang prosecutor dahil kung hindi po, kapag nilabag ng prosecutor iyong principle of complementarity, hindi po mag-aatubili ang Pilipinas na umalis sa International Criminal Court, at narito na nga po tayo sa puntong ito – nagkaroon na ng desisyon ang ating Presidente.

Now ang tingin ko po, mas maraming mawawala sa International Criminal Court sa ating pag-alis. Bakit po? Sa Southeast Asia, dadalawa na lang pong natitirang countries na miyembro ng ICC – Timor-Leste at saka Cambodia. Wala na pong ibang bansa na talagang aktibo sa pag-iimbita, pag-eengganyo sa ibang mga bansa sa Asya na maging kasapi ng ICC. Ngayong lumabas na po tayo, wala nang ibang bansa na mag-eengganyo sa Asya na sumapi ang ibang mga bansa sa Asya sa International Criminal Court. But this is a decision that—this is a development that the prosecutor should have considered when she decided to embark on preliminary examination.

Sa akin po, mas malaki ang talo ng ICC at ng quest for justice sa buong daigdig. Dahil sa paglabag na ginawa ng prosecutor, nawalan na po ng pinakamalakas na aliyado sa kontinente ng Asya ang International Criminal Court dahil wala na pong magiging kasing-lakas na supporter na bansa sa Asya kung hindi ang Pilipinas. So to the ICC, to the Assembly of State Parties, they only have to thank the prosecutor for the end of our dream to achieve universal ratification for the ICC.

My only hope is that this will not lead into an avalanche of countries wanting to get out from the ICC. Note that three other countries have given notice to withdraw from the ICC, one actually withdrew Burundi; two others relented, but they have not said that their decision not to leave is permanent.

Questions?

MARICEL HALILI/TV5: Hi sir, good morning.

SEC. ROQUE: Good morning.

MARICEL HALILI/TV5: Sir, iyong tungkol po sa ICC. Does it automatically mean na dismiss na rin iyong preliminary examination following iyong pagwi-withdraw natin sa Rome Statute?

SEC. ROQUE: Nakapagtataka nga po because talagang napakadaming ekspertong lumabas. Sa katunayan po, pupuwede po tayong umalis at mawawalang-bisa po ang kaso o iyong preliminary examination na sinimulan. Bakit po? Kasi ang preliminary examination, hindi naman po ‘yan actual stage sa International Criminal Court. Pero may posibilidad bang magpatuloy? Mayroon din po. Kailan puwedeng magpatuloy ‘yan? Kung sa loob ng isang taon, at mayroon pong one year withdrawal process, ay mag-proceed sa preliminary investigation ang prosecutor, pupuwede pong matuloy. Pero kapag hindi po siya nag-proceed within one year sa preliminary investigation, mababale-wala na po iyong kaso o iyong preliminary examination na sinimulan ng prosecutor.

So ngayon po, walang kasiguraduhan. Ang katotohanan po niyan, bagama’t ang dami nang mga ekspertong nagsasalita, hindi pa po natin alam kung ano magiging epekto diyan doon sa preliminary examination, kasi isang taon nga po iyong withdrawal process. Now ganoon pa man, malinaw po ang sinasabi ng Presidente na hindang-hindi niya kikilalanin ang hurisdiksiyon ng ICC sa kaniyang pagkatao, dahil maba-violate iyong kaniyang karapatan to due process dahil hindi nga na-publish ng gobyerno daw ni Presidente Aquino iyong ICC Rome Statute in full ‘no.

Now, that’s of course a recognized principle in our domestic law; that’s in the Constitution and because international law automatically forms part of the laws of the land, the latest decision of the Supreme Court on the matter Magallona versus Executive Secretary says that the Constitution must prevail.

Now, imposible rin pong magkaroon ng hurisdiksiyon over the person of the President. Sabihin na nating masampahan siya ng kaso, iyong pag-aaresto po sa Presidente depends wholly on cooperation. I don’t think the Philippines will ever surrender him to the International Criminal Court. Sino pong magpapa-surrender sa kaniya? Eh dadalawa lang iyong bansa dito sa Southeast Asia – Temor-Leste and Cambodia. So unless pupunta po doon ang Presidente na may kaso na siya sa International Criminal Court, eh hindi naman po siya maaresto.

At ngayon po mayroong isang presidente na kinasuhan ng ICC, gumagala-gala po sa mga teritoryo na member-parties, hindi rin inaaresto. So ang nangyari po dito, nagmumukhang inutil

lang ang ICC sa ginawa ng kaniyang prosecutor – mali po ‘yang ganiyang hakbang. Dahil ako po talaga, I will have seen a strong and credible ICC na na-undermine po ni prosecutor dahil dito sa kaniyang walang saysay na ginawan ng preliminary examination, knowing na napakalakas naman ng hudikatura at ng sistema ng katarungan dito sa Pilipinas.

MARICEL HALILI/TV5: Sir, does it mean that we will still follow Article 127 of the Rome Statute? Kasi nakalagay doon sa letter kahapon, na one year upon notice iyong puwede tayong mag-withdraw. But then again sabi ni Secretary Sal Panelo, effective immediately na raw iyong withdrawal. So—

SEC. ROQUE: All I can confirm is *pacta sunt servanda*. *Of course, we recognize the principle ‘no applicable to withdrawal. But the President* from the beginning has said, they will never acquire jurisdiction over this person. So this is actually a question which is moot and academic. Kahit ano pa ang gawin ng ICC, hindang-hindi magpapasa-ilalim ng hurisdiksiyon ang Presidente Duterte.

MARICEL/TV5: Sir, some critics are saying that this is, parang a sign of cowardice on the part of Malacañang, because you are not willing to participate on the procedure.

SEC. ROQUE: Unang-una po, hindi natin sinabi na hindi na tayo magpa-participate. Ang sinabi lang natin, hindi magkakaroon ng hurisdiksiyon sa pagkatao ni Presidente. Pangalawa, hindi po Pilipinas lang ang umalis sa ICC. May tatlo na pong nagbigay ng notice, isa tuluyan ng umalis – Burundi – iyon din iyon din po iyong estado ata ng prosecutor, kung hindi ako nagkakamali. Baka magkamali ako diyan! I am not sure. Pero alam ko isa sa tatlong bansa na nagbigay ng notice ay iyong bansa mismo ng prosecutor.

At pangatlo po, hindi naman po universal ratification, hindi po lahat ng bansa sa daigdig ay miyembro. Ang Estados Unidos, hindi po miyembro niyan. Dahil nga ang Estados Unidos, sa mula’t-mula hindi po gusto na napakamakapangyarihan noong prosecutor, pupuwede siyang magsimula ng preliminary examination, nagiging political issue domestically and yet wala namang pananagutan iyong prosecutor. Ito po talaga ang dahilan kung bakit sa mula’t-mula ang sabi ng mga Amerikano, hindi sila magiging miyembro ng ICC, because the prosecutor has absolutely no accountability to anyone. At iyan nga po ang nangyari sa kaso natin.

Binigyan niya ng bala ang mga pulitikal na kalaban ng ating Presidente, pinoliticized niya ang proseso at hindi po iyong pag-alis ni Presidente ang makakaapekto doon sa ICC, iyong aksyon po na ginawa ng prosecutor na nilabag niya mismo iyong prinsipyo ng complementarity. Show-off hands, sino ho ba talaga ang nagsasabi na hindi gumagana ang hukuman sa ating bayan?

Sige nga po, dito sa Press Corps, sino po ang magsasabi niyan? Wala po for the record! So, hindi ko po talaga maintindihan anong pumasok na espiritu diyan sa prosecutor na iyan at sinabi niya na domestic courts are—the Philippines courts are unable and unwilling.

MARICEL/TV5: Sir, last. How will this affect, sir the impression of the international community sa Pilipinas following iyong ating action? Aren’t you concerned on the possibility—?

SEC. ROQUE: Hindi po. Ang Amerika, hindi miyembro ng ICC, may epekto ba ho iyan sa imahe ng Amerika? Wala po! Ang Russia, hindi po miyembro ng ICC, may epekto ba ho iyan? Ang Tsina, may epekto ba ho iyan? Again, there are 198 countries in this planet. Only 124 became members, less two now, 122. Kasama na po diyan iyong mga maliliit na bansa ng Pacific, kaya marami. Pero kung titingnan ninyo po iyan, ang composition niya is predominantly a European, A Latin American, an African and Pacific States Court. Wala po halos Asia na miyembro ng International Criminal Court.

PIA GUTIERREZ/ABS-CBN: Sir hihingi lang po ako ng clarification, because I remember, sir na nagbigay kayo ng explanation dito on the processes doon sa ICC. Pero iyong preliminary examination that you are objecting to, isn't that a matter of procedure that because the ICC has received an information, that they have to act on it?

SEC. ROQUE: Hindi po! Meron pong nagdemanda laban sa Santo Papa for sexual abuses, hindi naman po nag preliminary examination ang prosecutor. Bagama't hindi po ito kabahagi pa ng pormal na proseso, ito po ay isang mensahe na isa sa mga kaso na pag-aaralan ng prosecutor ito. At sinasabi nga namin dapat iyan, bago pa siya nag preliminary examination nalaman na niya na gumagana ang sistemang katarungan dito sa Pilipinas.

PIA/ABS-CBN: Pero, sir wouldn't the aim of the preliminary examination is to determine whether they have jurisdiction over the case?

SEC. ROQUE: That maybe the case, wrong political move, Madame Prosecutor and I am addressing you, wherever you are "you just give countries confirmation on why they why they should not become a member of the ICC. Because you have shown that you can exercise your power without accountability. You are to blame if the ICC will become part of history. You are to blame if ICC becomes part of the dustbin of history."

PIA/ABS-CBN: So for the record sir, ano po ba dapat ang ginawa ng prosecutor?

SEC. ROQUE: Dinismiss outright iyan! Dahil alam naman niya gumagana ang mga hukuman! Hello, alam na alam ng lahat ng tao ang partisipasyon ko sa ratification ng ICC. Alam nilang may nakaupo tayong hukom sa ICC. Alam nila iyong mga estudyante ay prosecutors diyan sa ICC. Alam nila ang estado ng katarungan dito sa Pilipinas.

So kung talagang in-apply niya ang prinsipyo ng complementarity, hindi niya ginalaw iyan. Ginalaw niya iyan, iyan ay patunay na pinupulitika niya ang ating Presidente, lalong-lalo na ang naghain pulitiko. You don't have to be a rocket scientist to know that a case is politicized when a politician has filed it. It should have been thrown to the waste basket instantly.

PIA/ABS-CBN: Sir, another question, nabanggit po doon sa statement ni Presidente kahapon that the Rome Statute u is not enforceable in the Philippines because it was not published in the official gazette or a newspaper of general circulation.

SEC. ROQUE: I can confirm. That's the personal conviction of the President, that's pursuant to the case of Tañada versus Tuvera.

PIA/ABS-CBN: Pero sir, following that thinking, sir. Ano pa po bang mga international treaties and hindi enforceable sa Pilipinas, dahil hindi siya na-publish?

SEC. ROQUE: Well, alam n'yo po, ito kasi kakaiba. Kasi ito lang iyong tratado na nagbibigay parusa sa mga krimen. So this being criminal in nature, it should have been published. Now, because of your question, yes the only other treaty that I know, hindi eh wala eh. Kasi even the torture convention enjoins member states to come up with domestic legislation criminalizing torture.

So, sa pagkakaalam ko po, iyon convention against genocide, ganun din po, kinakailangan bumuo ng mga batas na pinaparusahan ng genocide. Ito lang po talaga iyong tratado na nagbibigay ng isang criminal code na kinakailangan talaga na na-publish, for due process sake.

PIA/ABS-CBN: So sino, sir dapat ang magpa-publish noon. Isn't that the government, dapat?

SEC. ROQUE: That should have been done by President Aquino, since he ratified it.

SANDRA AGUINALDO/GMA7: Sir, i-clarify ko lang. So, your opinion is that iyong article 127, iyong withdrawal na one year period. For you, even as we speak, dapat hindi na nila, hindi na umuusad iyong kaso po sa ICC?

SEC. ROQUE: Well, mag a-apply pa lang iyon pong 127 kung may actual kaso na po, wala pa po. Ang actual kaso rito begins with preliminary investigation. And since, there is no preliminary investigation, if there is none conducted within a year, tapos na po, patay na itong kaso na isinampa nung mga pulitiko laban kay Presidente sa ICC.

SANDRA/GMA7: So iyong opinyon ni Representative Tinio na parang iyong one year notice na iyon, ay puwede pang magpatuloy po o gumulong iyong complaint against the President. What is your ---

SEC. ROQUE: This is not just a difference in opinion, I think this now entails for professional legal opinion which he cannot give. Not only it is an issue of law, this is an issue of specialized law in the field of International Criminal Law. So I will not argue against someone who is not even capable of giving an ordinary legal opinion.

LIELA SALAVERIA/PDI: Sir, what changed between February when you said that the President is willing to face the ICC and this month, when he decided to withdraw the ratification of the—?

SEC. ROQUE: The statement of the UN High Commissioner for human rights.

LIELA/PDI: Particularly?

SEC. ROQUE: Asking him to see a psychiatrist. With the statement, the President is convinced that there must be some kind of a conspiracy on the part of pressure groups and UN officials to shame him 'no.

Because prior to that statement of the Prince of Jordan, he says, I have nothing to hide. But of course, even in our initial briefing. I did say that I spoke and he knew I spoke in New York upon his instruction to warn the ICC that politicizing the ICC will result in our decision to leave the court. That is exactly what I said in the United Nations Assembly of state-parties of the ICC in New York last December.

So it's just implementing a policy statement that we delivered in the UN.

LIELA/PDI: Sir, why are you blaming the ICC for the statement of the High Commissioner for Human Rights?

SEC. ROQUE: Well, you know, let me be clear: it's not just the Prince; it's also the UN; Agnes Callamard. It seems that – as far as the President is concerned – there's like concerted effort on the part of lobby groups to influence UN officials to indict and convict the President in the court of public opinion. That's what it is! It's a concerted effort to convict him in the court of public opinion and he will not have anything to do with that.

LIELA/PDI: But, sir isn't the ICC independent from the UN technically?

SEC. ROQUE: It is, it is! But the perception is it's somehow allied still with the United Nations. In fact, the withdrawal mechanism is deposited with the UN Secretary-General. Although the reason why it's not part of the UN of course, is that not all members-state of the UN agreed to become members of the ICC. Only 124, now 122, I should say.

LIELA/PDI: Sir, why did the Palace not consult the senate before deciding?

SEC. ROQUE: Because there is no obligation to do so.

LIELA/PDI: But the Senate's ratification is needed for it to be in effect.

SEC. ROQUE: Yeah, to become a part of the law of the land. But is there anything that says executive needs to consult with the senate when we withdraw from a treaty? None! Even former Senate President Drilon has admitted that he tried to adopt a resolution that before we could withdraw from a treaty, there must be a Senate concurrence and it was not acted upon by his colleagues. The reason why the Senate consent is not necessary is that the Constitution does not provide it's necessary. That is a decision to be made by the President as Chief architect of foreign policy.

LEILA SALAVERRIA/PDI: Sir last na lang. Doon sa impression of the Philippines in the International Community? Kasi other countries did not ratify the Rome Statute but we ratified it and we withdraw it after the preliminary examination began. So does it mean—

SEC. ROQUE: As I said, it just proves perhaps that the fears of other countries including the United States that the prosecutor is unduly powerful without the accountability, is probably correct. It has nothing to do, it will not affect our image because if the United States did not agree to become a member for reasons now that the President is invoking, then somehow there

must be truth behind the policy of the United States not to have joined the ICC. And it's not just the United States, it's Russia, China and other powerful countries as well.

LEILA SALAVERRIA/PDI: Sir, aren't we just—parang appearing to avoid accountability?

SEC. ROQUE: No, because it pushes through, the President has said—has not said that he will not participate. I'm the only Filipino Council recognized in the list council and my suggestion would probably be: let's face it but let's avoid a future instance where the prosecutor will violate the very basis by which states became a part of the ICC.

ROSALIE COZ/UNTV: Good morning, Secretary.

SEC. ROQUE: Yes?

ROSALIE/UNTV: Can we assure na pinag-aralang mabuti iyong desisyon po nating mag-withdraw from the Rome Statute and enough ba iyong i-compensate? Sabi ninyo nga po isa kayo sa mga nanindigan para mai-ratify so—

SEC. ROQUE: Sa akin po malinaw na malinaw, tama po ang desisyon ng Presidente, mali po ang prosecutor. Maling-mali po iyong prosecutor! As I said ang naging halaga po ng ganitong maling desisyon ay iyong possibility na mawawalan na pong saysay ang ICC. Tandaan ninyo po iyan, napakalaki po ng epekto na ang Pilipinas ay miyembro ng ICC at napakalaki ng epekto hindi lang sa Asya kung hindi sa ibang mga bansa pa nitong pag-aalis natin sa ICC. Wala na pong pag-asa na iyong mga karatig bansa natin, Indonesia, Thailand, Malaysia, Vietnam, Singapore ay magiging miyembro ng ICC. Wala na po, zero!

ROSALIE/UNTV: Pero Secretary, in case sa hinaharap, hindi po under this administration. Ano na ang magiging deterrent or ano na po ang magiging last resort if ever iyong mga susunod na mga authorities kakitaan ng severe violation of human rights. Ano na po ang magiging hakbang ng Pilipinas?

SEC. ROQUE: Ang kailangan lang naman kasi galangin noong prosecutor iyong nakasulat sa tratado. Kung gumagana ang hukuman, puwede siguro siyang magsalita, 'O mga hukumang lokal, gumalaw kayo' pero huwag siyang maghihimasok kasi talagang walang estado na pumayag sanang maging miyembro ng ICC kung alam nila mababale-wala ang kanilang mga lokal na hukuman.

Mano ba ang mga bansa na nalilitis na ng ICC, Somalia, Sudan iyong mga walang gumaganang mga gobyerno. Libya at saka iyong mga kasong napo-prosecute talaga diyan at least dalawa. Security Council po ng UN ang nagsabi, nag-refer ng kaso diyan. So makikita ninyo po na ang practice ng hukuman kung hindi naire-refer ng UN Security Council o hindi naire-refer ng mga bansa mismo na kasapi ng ICC ay hindi naman magkakaroon ng hurisdiksiyon ang ICC. Hindi po pumayag ang Pilipinas na maging husga ang ICC prosecutor sa gawain ng isang Presidente. Lokal na Hukuman pa rin po ang dapat magdesisyon diyan. Hindi po tayo umiiwas sa pananagutan, ang sinasabi lang natin igalang ang soberenya natin dahil hindi naman tayo pumayag na babale-walain natin ang soberenya natin.

ROSALIE/UNTV: Last na lang po, sorry. Pero mayroon din po bang chance na i-reverse iyong desisyon ng withdrawal?

SEC. ROQUE: I can only say that two other countries that gave notice have so far relented and have not pushed through with their withdrawal: one of them is South Africa. We will see what happens.

LEO PALO/DZME: Sir una, ang sabi mo kanina malaki ang epekto. So ano ang epekto direkta sa mga—sa sambayanang Pilipino? Pangalawa, ang sabi po ni—

SEC. ROQUE: Sa sambayanang Pilipino po wala. Ang epekto po niyan doon sa kagustuhan ng ICC na magkaroon ng universal ratification, ang Universal ratification ay para lahat po ng bansa sa mundong ito na maging miyembro ng ICC. Ngayon nga lang po 122 na lamang ang natitira at iyong malalaking bansa hindi pa nag-miyembro.

LEO/DZME: Sir pangalawa lang. Ang sabi ni Senator Trillanes, kaya daw inatras ni Pangulo itong sa ICC dahil guilty! Ano ang reaksiyon?

SEC. ROQUE: Hindi po! Inatras po iyan dahil pinulitika ng prosecutor ang kaniyang desisyon dahil kung hindi niya pinulitika iyan ay alam niyang dapat binasura ang reklamo ng isang pulitiko laban sa ating Presidente.

LEO PALO/DZME: So ibig sabihin marami pang susunod na mga bansa na sa tingin ninyo ay aatras?

SEC. ROQUE: Sa tingin ko po unang-una, wala ng bagong bansa na papasok diyan kasi alam ninyo ang imahe ng Pilipinas, tayo talaga iyong—kumbaga we are recognize as probably the number one defender of human rights and democracy in the world. At pagdating dito sa ICC napakalaki talaga ng tiwala na ibinigay ng hukuman sa aming mga civil society na kumbinsihin iyong mga gobyerno ng daigdig na sumapi. Pero sa development pong ito malabo na talaga na mapapayag pati iyong ating mga best friends dito sa South East Asia na sumapi sa ICC.

LEO PALO/DZME: So sir parang malinawan nang tapos na ang colonial mentality?

SEC. ROQUE: Well iyan po ang sinabi rin ng ating Pangulo kasi nga ang kritisismo rin ng mga African states kaya sila umaalis ay ang mga nagpapa-prosecute naman sa kanila iyong mga dati nilang mga colonial masters na European countries, na ang ginawa ni prosecutor siguro pakitang gilas kasi iyan nga iyong pula ng mga African countries at dahilan kung bakit tatlo sa kanila ay nagbigay ng notice na aalis sila, na it is a European court, iyong kanilang mga colonial masters na nagsasabing litisin ninyo itong mga bansang ito at kapag nagsalita po ang Presidente tungkol dito sigurado po ako sasabihin niya na this is the last vestige of European colonialism dahil Europeans naman talaga ang naghari-harian dito sa ICC.

LEO PALO/DZME: So sa tingin ninyo sir pagbagsak na ito na ito ng ICC?

SEC. ROQUE: Tingin ko po simula na nitong prosesong ito. Nakakalungkot po but this development is not because of the President's decision. It is the act of the prosecutor in disregarding complementarity. At pag-uusapan po ito dahil noong ako naman ay nagpunta doon sa ASEAN state parties, lahat sila nakikinig sa ating pronouncement. Nagalak sila noong panahon na iyon, inaasahan nila bibitiw na tayo pero ang sabi ng Pangulo, bigyan naman natin sila ng notisiya. And since we have already given notice nangyari na nga po. I can assure you: this is the single most important development in the life of the Court itself.

PIA GUTIERREZ/ABS-CBN: Sir kung iyong problema lang po natin ay iyong actions ng isang prosecutor. Could not—why couldn't the Philippines have just filed a complaint against her or at least argue the jurisdiction issue in the Courts?

SEC. ROQUE: Hindi po kami—iyon nga ho nangyari eh. Even if preliminary examination is not an official part of Court procedure yet nagkaroon na ng political mileage iyong mga kalaban ni Presidente. Iyan po iyong sinasabi natin na napulitika, pinupulitika! At iyan din iyong sinasabi ni Secretary Allan Cayetano na we are politicizing and weaponizing human rights. Ginagamit lang na instrumento ito para ma-impluwensiyahan iyong mga hindi gustong mga leaders ng ilang mga bansa. So iyan po ang tinututulan natin ngayon! Uulitin ko po ako mismo, ako siguro ang pinakamalungkot dahil ako iyong pinaka aktibo. Wala na po sigurong mas aktibo pa na nagkampanya para sa ratification. Pero maling-mali po talaga ang ginawa ng prosecutor! At sana po ay huwag nang maulit ito and the message is kung talagang gusto natin na mas maraming bansa na sumapi, igalang natin kung anong nakasaad sa tratado mismo.

PIA/ABS-CBN: So sir the—an action of one prosecutor is enough for us to assume that the ICC is politicized?

SEC. ROQUE: Yes Pia, because that's the very reason, countries like the US, Russia, and China have refused to join the non-accountability of the prosecutor.

PIA/ABS-CBN: Sir you were mentioning about lobby groups. Sino-sino po ito at sa palagay po ng Pangulo at kasama po ba dito iyong oposisyon sa mga lobby groups na ito?

SEC. ROQUE: Well alam ninyo po siyempre, alam ninyo naman kasi—kayo naman, kayong mga mambabatas alam ninyo naman iyong mga International Lobby Groups always ally themselves with opposition groups. So marami po iyang mga—ano na naman iyan, established naman iyan. Nandiyan iyong mga human rights organizations and their funders. I'm not begrudging it, karapatan naman ng mga mayayamang sumuporta sa mga lobby groups but alam natin na it's the same lobby groups who have successfully lobbied the Office of Prosecutor also to proceed at least with preliminary examination. Siguro sa isipan ni prosecutor preliminary examination lang naman. Well that's a fatal mistake. She should have weighed the policy implication of the Philippines' withdrawing from the ICC from appeasing lobby groups. I put the blame squarely on the prosecutor.

PIA/ABS-CBN: Sir, can you identify the lobby groups?

SEC. ROQUE: Marami po iyan, sino ba iyan, human rights watch, amnesty, sino na nagpopondo ‘no. I acknowledge I’ve even work with that group ‘no. But it’s the OSI group. Iyan naman iyong mga nagpopondo talaga ng Human Rights Group and they have a very strong lobby in the UN Human Rights bodies including the ICC because the difference nga is ay ang civil society representatives are allowed to attend ICC proceedings. And in fact I had gone many times to the ICC assembly of state parties as part of the civil society delegation.

PIA/ABS-CBN: Local political party sir kasama ba?

SEC. ROQUE: Ay ang mga local political parties naman sumasakay lang diyan. But alam naman natin na iyong pamahalaan po ni Presidente Aquino talagang sumapi po doon sa Open Governance Initiative na Open Society Institute ‘no or OSI.

PIA/ABS-CBN: Thank you sir.

HANNAH SANCHO/SONSHINE RADIO: Sir, just your reaction doon sa sinabi ng isang law expert na magiging disadvantage daw for Filipinos abroad iyong non-membership daw po natin sa ICC sakaling—

SEC. ROQUE: Mag-ingat naman tayo sa mga paggamit ng tutulong ‘expert’ ‘no. Hindi po totoo iyan. Gaya ng sinabi ko, kapag ang UN Security Council po ang nag-refer ng isang bagay sa ICC, iyan po sigurado lahat masasakop.

So ano naman pong advantage natin eh karamihan naman ng mga bansa kung saan nagtatrabaho ang ating mga migrant workers ay hindi rin miyembro ng ICC. Saudi Arabia, Kuwait, hindi naman po iyan member ng ICC. Wala nga tayong makuhang remedyo dahil kakaunti lang naman ang mga estado ang miyembro ng ICC.

HANNAH SANCHO/SONSHINE RADIO: So walang magiging epekto, masamang epekto doon sa mga OFWs?

SEC. ROQUE: Wala po. Ang mabuti naman po diyan, whether or not you’re a member of the ICC, kapag Security Council ang nag-refer ng matter, iimbestigahan at iimbestigahan po iyan ng hukuman.

JHOANNA BALLARAN/INQUIRER.NET: Hi, sir. Good afternoon. Sir, reaction lang po tungkol doon sa sinabi ni Attorney Bagares on social media on the publication of the treaty at the Official Gazette. He said po na there is this doctrine of transformation which states that an international treaty automatically becomes a part of domestic law upon concurrence of the Senate so wala ng requirement to be published sa Official Gazette. Can you expound on this?

SEC. ROQUE: Kasama ko po na nag-argue ng kaso ng Magallona vs. Executive Secretary si Romel Bagares. Ang sabi nga ng Korte Suprema, hindi pupuwedeng mag-supersede ng Saligang Batas ang isang tratado because it is only a law.

So ang sinasabi po ng Presidente, iyong publication is part of due process rights in the Bill of Rights. And of course, even if it has become a law in the Philippines, it cannot supplant a substantive right recognized by the Bill of Rights itself.

JHOANNA BALLARAN/INQUIRER.NET: But on the need to be published po sa Official Gazette, there is this doctrine of transformation po.

SEC. ROQUE: Ay naku, okay po iyan kung hindi penal in character. But this is penal in character; it makes a whole world of a difference. In fact, ito lang ho yata ang tratado na criminal in nature. Kasi iyong mga ibang tratado nga na sinabi ko sa inyo – torture, genocide – the obligation there is to criminalize torture and genocide under domestic law.

LEILA SALAVERRIA/PDI: Sir, on the drug charges against Lim and Espinosa. Sir, how can the Palace not know about it when regularly nagmi-meeting naman sa Palasyo about the drug war?

SEC. ROQUE: What do you mean, how do we not know about it? You know, that's why you have line agencies. That's why the President tells all the secretaries, "do what should be done." And the President always emphasizes wala nga siyang kontrata na pinakikialaman. So I don't think it's an issue that the President did not know about it. But when the President found out, he made his sentiments very clear.

Now, whether or not the President really said what I twitted, he did. Whether or not it should be taken literally by Secretary Aguirre, I will repeat what I have often said: Even you don't take the President literally; you take him all the time seriously.

So I think what the President said is a very clear expression of concern that he will not allow suspected drug lords to go scot-free

LEILA SALAVERRIA/PDI: Sir, I'm just wondering kasi may meeting nga about the drug war sa Palasyo, and the persons involved are high profile suspects.

SEC. ROQUE: The DOJ never attends the command conference. It's the PNP and the AFP.

LEILA SALAVERRIA/PDI: Hindi, how about Cabinet meeting, sir.

SEC. ROQUE: We never discuss individual cases. No, that's not the way to govern. Otherwise, the President should have head concurrently already the DOJ.

LEILA SALAVERRIA/PDI: Sir, walang nagtaka na the person who testified against De Lima is already in jail tapos wala pang napa-file na kaso against them?

SEC. ROQUE: Hindi ko maintindihan nga kung ano ang relasyon ng De Lima rito. Iba naman ang kaso ni De Lima sa kaso nitong dalawang ito. Hindi naman impleaded si De Lima diyan. Hindi ko maintindihan bakit nila pilit nili-link si De Lima.

Si De Lima, nakarating na ng Korte Suprema kung tama ba iyong mga charges sa kaniya. Sabi ng Korte Suprema, tama mag-proceed sa trial. Ito nasa level pa lang ng piskalya.

LEILA SALAVERRIA/PDI: Sir, does the President still trust the Justice Secretary?

SEC. ROQUE: He said so. But as I said, while you don't take the President literally, you must take him seriously. He could consider this as a joke, and in fact he was rather jokingly... he said it in rather jokingly manner. But from the almost six months now that I've worked closely with the President, he doesn't waste words. Unlike me, I'm very verbose 'no. But the President does not waste words.

I think the message is: He is not happy with the decision.

MODERATOR: Okay. Sir, we just have a phone in question from Pia Rañada of Rappler. She is asking: President Duterte appointed Aristotle Reyes as Regional Trial Court Judge in September. Reyes is the DOJ prosecutor who cleared Nicanor Faeldon of charges, as well as Peter Lim and Kerwin Espinosa. Was his promotion in anyway linked to these dismissals?

SEC. ROQUE: I don't think so. And it's farfetched. If at all, if the President knew that he cleared these individuals, he probably would not have been appointed. So I think the question is... has a wrong premise.

TINA MENDEZ/PHIL. STAR: Sir, earlier today, si former President Aquino nag-isyu statement sa Comelec. Hindi raw electioneering iyong pag-a-approve nila ng Dengvaxia vaccine at saka bereft of truth and puro kathang isip lang daw ang pinayl sa kaniya sa Comelec. Any comment from the Palace?

SEC. ROQUE: We leave this matter to the Comelec because under the Constitution, it is the Comelec that has supervision and control over all election-related activities, including the power to conduct preliminary investigation for election offenses.

HANNAH SANCHEZ/SONSHINE RADIO: Sir, any update doon sa ilalabas ninyo sa MRT issue po?

SEC. ROQUE: Ang dami na naman nating balita, next week na. Overload na nga tayo ng balita. Kapag wala ng balita, tsaka ko ilalabas.

HANNAH SANCHEZ/SONSHINE RADIO: All right. Sir, ito na lang. Sabi ni Bitangcol, sir, wala daw credibility iyong mga whistleblowers na ilalabas ninyo raw po?

SEC. ROQUE: Paano niya alam, hindi naman niya alam kung sino iyong mga whistleblowers ko. Hindi ko nga siya nakakausap.

MODERATOR: Sir, may phone in question po, sir, from Ms. Aileen Taliping po: Sir, iyong may-ari daw ng West Cove sa Boracay, si Crisostomo Aquino, has appealed the cancellation of forest land use agreement for tourism purposes covering his resort sa Office Of the President

where it remains pending. Will this affect iyong ginagawa ngayon ng mga hakbang to rehabilitate the island?

SEC. ROQUE: I hope not. Because the decision that they are in breach of the environment laws as far as I know is immediately executory. And I think the DILG and DENR have said that they will demolish West Cove. The last that I heard is that the local government may even ask the President for assistance to call in the Marines if need be. So when I heard that report, I told them, send the letter because I'm sure the President will not hesitate to send in the Marines and even use dynamites to blow up that illegal structure there.

ACE ROMERO/PHIL STAR: Secretary, you mentioned that the President still trust Justice Secretary Aguirre. But then mayroon siyang na-mention na kapag nakawala iyong mga suspects, siya iyong ipapalit. Mayroon bang kahit papaano nagkaroon na ng doubts si Presidente kay Justice Secretary?

SEC. ROQUE: Hindi ko po alam. Pero ang sinasabi ko lang is... my motto is: Always take the President seriously. Siguro po the trust remains dahil kung hindi naman, sisisantihin po siya ng Presidente. And the President has not hesitated to fire even members of the Cabinet. For as long as he has not been fired, he enjoys the trust and confidence of the President... as, you know, as is the case with all of us.

ACE ROMERO/PHIL STAR: So sinasabi ninyo, he should still take the President's word seriously?

SEC. ROQUE: I think he has, that's why he has already taken steps to create a new investigation panel.

PIA GUTIERREZ/ABS-CBN: Sir, labor groups are saying that today would be the day that the President will be issuing an EO ending endo. Any news on that, sir, or at least an assurance that an order is forthcoming?

SEC. ROQUE: I do not know anything about that. All I know is that it's Araw ng Davao, and I'm leaving tonight for Davao.

PIA GUTIERREZ/ABS-CBN: And also, sir, the President, sabi po ni Secretary Martin Andanar, the President has declared his support should you run for senator. Ano po ang sagot ninyo diyan, sir? Are you running for senator, sir?

SEC. ROQUE: I've responded to that. I really thank the President. It is an honor, but I need five hundred million pesos. So unless he is willing to give me five hundred million, all I can say is thank you very much.

MODERATOR: Okay? Thank you very much, MPC. Thank you, Secretary Harry Roque, Presidential Spokesperson.

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