

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

**PRESS BRIEFING OF CHIEF PRESIDENTIAL LEGAL COUNSEL AND  
PRESIDENTIAL SPOKESPERSON SALVADOR PANELO  
January 27, 2020 (12:44 P.M. – 1:03 P.M.)**

**USEC. IGNACIO:** Good afternoon, MPC. Kasama na natin si Chief Presidential Legal Counsel and Presidential Spokesperson Salvador Panelo. Good afternoon, sir.

**SEC. PANELO:** Good afternoon, MPC.

The Office of the President would like to share in the grief of the tragic horrible death of one of the legendary greats in basketball, Kobe Bryant. We're saddened by his death, as well as his daughter. We remember that he was a frequent visitor in the Philippines and was well-loved by his fans. All of you had seen him on the hard court and he was a sight to behold with his mastery of his craft. So we extend our deepest condolences to the family, to his friends, to his colleagues, to his loved ones, as well as the fans around the globe. We pray for the eternal repose of his soul.

We're ready for your questions.

**Q:** Hi, sir. Good morning po. Sir, may we confirm the statement of DOJ Secretary Menardo Guevarra that Malacañang has instructed the DOJ to make a preliminary impact assessment on the possible termination of VFA?

**SEC. PANELO:** Yes.

**Q:** Sir, may we ask for details bakit po naging ganoon ang order from the Palace?

**SEC. PANELO:** What do you mean?

**Q:** Bakit po kailangan ng preliminary impact assessment, sir?

**SEC. PANELO:** No, what Secretary Guevarra said, was instructed to study how to go about notifying the United States government relative to the termination. There certainly has a protocol in doing that, and it should be found in the Visiting Forces Agreement.

**Q:** So, sir, in place pa rin po iyong order na iti-terminate po iyong VFA?

**SEC. PANELO:** Yes.

**JOYCE BALANCIO/DZMM:** Sir, nagbigay ng warning si Senator Koko Pimental. He said that even if nabanggit naman po natin na hindi naman kasama iyong EDCA and MDT sa mga ipapa-cancel, the US also or the other party has also the power to abrogate the other treaties.

**SEC. PANELO:** The other treaties? With respect to ...

**JOYCE BALANCIO/DZMM:** If we push through the termination of the VFA, sir.

**SEC. PANELO:** That's in the realm of speculation. Number two, I think the treaties benefit more the United States than the Philippines. Strategically, the US needs to be in almost any part of the world to secure itself from its perceived enemies.

**JOYCE BALANCIO/DZMM:** So we're not concerned that other party, the US, can also cancel?

**SEC. PANELO:** No.

**JOSEPH MORONG/GMA7:** Sir, iyon pong last topic natin before... last week. So the President can on his own terminate a treaty? That's the position of the Palace?

**SEC. PANELO:** Yes. Since it is an executive agreement, and even US considers it one, then there is no need for a concurrence by the Senate. Moreover, the Constitution does not say that it requires a concurrence by the Senate with respect to termination of executive agreements and for that matter, treaties.

**ROSALIE COZ/UNTV:** Pero, sir, sa statement po ni Foreign Affairs Secretary Locsin ay nakikipag-ugnayan sila sa Senate because on our side, it is a treaty; sa US, it is an executive agreement.

**SEC. PANELO:** Secretary Locsin was giving due courtesy to a co-equal branch on what the Executive branch is doing.

**ROSALIE COZ/UNTV:** So ano lang po iyon, i-inform lang sila pero hindi naman kailangang kunin iyong kanilang concurrence? Ganoon po ba iyon?

**SEC. PANELO:** I think my response is clear enough, not to be repeated.

Oh incidentally, the tête-à-tête will be held tomorrow at 5 P.M. at the Heroes Hall at the Palace between the President and this representation.

**ACE ROMERO/PHIL STAR:** Secretary, what can change the President's mind with regard to the termination of the VFA?

**SEC. PANELO:** I really do not know. But as I said earlier, the cancelation of the Senator Bato's visa was the last straw that broke the camel's back. It was an accumulation, the series of disrespectful acts by some of the US senators, one, for its demanding the release of a Senator who is lawfully detained to our mind and to the President's mind. That is an intrusion and an insult to the judiciary system of this country.

Number two, a US Senate Resolution condemning alleged violations of human rights which have been a cycle of lies peddled by the critics and detractors of the President which are baseless and totally exaggerated.

Number three, the introduction of an amendment to the US national budget barring entry of certain Philippine government officials who were involved or has anything to do with what they described as wrongful detention, which is false as we have explained elaborately many times over, is a disrespect not that we are requiring US to tell us the reason for the barring, as well as Senator Bato's visa being cancelled. But we feel that as a matter of courtesy between countries who are allied, it should have given us the reasons therefore, after all, we stated the reason why we are refusing entry to two/three US Senators in the this country.

And fourth, of course, is that cancellation of Senator Bato's visa. These are the reasons why the President decided to terminate the Visiting Forces Agreement. You must remember that this VFA is a special grant of privilege agreement. Among others under the VFA, the Philippines cannot assume jurisdiction over crimes committed by US military personnel, unless the particular crime is of particular importance to the Philippines. And even in those cases where the Philippines can assume jurisdiction, under the VFA, the courts are required to finish it in one year with respect to the legal proceedings. So under the VFA, they cannot even be arrested or detained; they cannot even be tried in religious and military courts. They're exempted from the requirements on visa and passport. To top it all, the US aircrafts and vessels can move without restriction in the Philippines, unrestricted movement.

This is a very special privilege granted to the US military personnel, ships and aircrafts, which are not given to the counterparts in this country. So those are the reasons. It's not, as expressed by some, a decision on a whim. It is a studied response to acts that the President deems to be not only an intrusion, but an assault to the sovereignty of this country.

And to those who are thinking that this is a rush judgment, let me remind them that this President is a tactical and thinking president who has never lost an election, and who has thread a path that ordinary mortals, as well as even those pseudo intellectuals have not thread. He has done controversial things but he remains to be on top of the surveys, whether it's a trust rating, it's a satisfaction rating or an approval rating. The Filipinos overwhelmingly support this President. Those of course who oppose constitute a measly six percent.

**PRINCE GOLEZ/ABANTE:** Sir, good afternoon. Sir, aside from the VFA termination, tuloy din po ba iyong threat ni President Duterte na to ban the other US Senators who supported or who voted for the resolution from entering their country?

**SEC. PANELOL** Yes.

**PRINCE GOLEZ/ABANTE:** Kahit, sir, i-reverse iyong visa cancellation?

**SEC. PANELO:** Hindi ko alam iyon, iyong parteng iyon. Basta iyong... ituloy pa rin iyon. We'll ask him during the tête-à-tête.

**CHONA YU/RADYO INQUIRER:** Sir, if ever na ma-terminate na iyong VFA, what will happen doon sa ... like in the case of iyong kay Pemberton, will he be turned over sa US government?

**SEC. PANELO:** Somebody expressing that idea that the termination will result in the release. I cannot see the logic in that. Why? Because we acquired jurisdiction over him. Even without the VFA, all crimes committed in this country, Philippine courts have jurisdiction. That's only a privilege granted to them. And we assume jurisdiction precisely because that crime was of particular importance to us.

**PIA GUTIERREZ/ABS-CBN:** Sir, other topic po. Sir, based on the Corruption Perceptions Index of Transparency International, the Philippines slid down 14 points doon sa ranking. From 99 last year, 113<sup>th</sup> na tayo out of 180 countries. What's the reaction of the Palace on this, sir?

**SEC. PANELO:** It will goad us to sack more corrupt officials. Sack, S-A-C-K. Provided of course there is evidence to show that they are.

The problem is this: There are many complaints of corruption but the President, as a lawyer, needs certain documentary and testimonial evidence to give him the basis, and many Filipinos are still afraid to reveal themselves or to give evidence of this sort.

**PIA GUTIERREZ/ABS-CBN:** So sir, based doon sa sinabi ng report, the Philippines continues to struggle to tackle corruption. The Palace agrees, sir?

**SEC. PANELO:** Is what?

**PIA GUTIERREZ/ABS-CBN:** The Philippines continues to struggle to tackle corruption.

**SEC. PANELO:** Yes, we are in fact struggling because the President's hands are tied by the due process clause of the Constitution. It will be different if all of these have been appointed by the President so he can just dismiss all of them outright. You need to file charges against them, and you need evidence to back your complaint.

**PIA GUTIERREZ/ABS-CBN:** Sir, does the Palace admit that it is a failure of the administration?

**SEC. PANELO:** I don't think so because precisely we've been fighting corruption. And as we have seen, the President has been firing top government officials and complains against erring—government officials have been charged in the Ombudsman and in the courts.

**JOYCE BALANCIO/DZMM:** Sir, going back lang doon sa VFA. Sir, former Foreign Affairs Secretary Albert Del Rosario is urging President Duterte to accept the invitation of President Trump. And he said, it is an excellent opportunity for the President to place on the table his full expectations to our bilateral relations with the US.

**SEC. PANELO:** I suggest he stays retired. The President knows what he is doing. He doesn't need advice from those who have failed in their term as government officials, especially from the one who lost the West Philippine Sea to the Chinese government.

**JOYCE BALANCIO/DZMM:** So the President doesn't see the need to, you know, i-tackle itong issues niya with some bilateral agreements with US sa ASEAN Leader Summit sa US? He doesn't see that as opportunity to bring that up?

**SEC. PANELO:** These issues can always be brought up between countries that are affected by it; you do not need a special summit for that.

**USEC. IGNACIO:** Questions? No more questions. Thank you, MPC. Thank you, Secretary Panelo.

**SEC. PANELO:** Thank you. Henry, bakit wala kang tanong?

**USEC. IGNACIO:** Magtatanong si Henry. Magtatanong ka, Henry? Sige, Henry.

**HENRY URI/DZRH:** Sec., may pag-asa pa ba tayong makapunta ng Las Vegas, Nevada?

**SEC. PANELO:** Sabi ni Presidente, hindi na siya pupunta eh. Pero ikaw, makakapunta ka sigurado doon. Hindi ka naman kasama sa iba-ban.

**HENRY URI/DZRH:** Couple of days after na sabihin niya na hindi na siya pupunta, walang pagbabago? Ganoon pa rin?

**SEC. PANELO:** Wala. Sa tête-à-tête, tatanungin ko bukas.

**HENRY URI/DZRH:** Pero when was the last time na nagkausap kayo ng Presidente?

**SEC. PANELO:** Kailan ba kami? Noong sa Bacolod, noong sinabi niyang, 'Tonight!'

**HENRY URI/DZRH:** Kumusta pala siya? Anong schedule niya today if we may ask?

**SEC. PANELO:** Hindi ko pa nakita ang schedule. Mayroon na ba tayong schedule, Cris? Wala akong nakita. Bukas, bukas tête-à-tête lang daw ang schedule so siguradong tuloy iyon.

**Q:** [OFF MIC]

**SEC. PANELO:** Depende kay Presidente.

**HENRY URI/DZRH:** Nasa Davao po ba ang Pangulo ngayon o nandito na sa Palace?

**SEC. PANELO:** I think so. Baka papunta pa lang.

**USEC. IGNACIO:** Thank you, MPC. Thank you, Secretary Panelo.

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