

**INTERVIEW WITH PRESIDENTIAL LEGAL COUNSEL  
AND PRESIDENTIAL SPOKESPERSON SALVADOR PANELO  
BY MICHELLE ONG – EARLY EDITION/ANC  
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**ONG:** Good morning. So, sir, let's start with the VFA. US Defense Head Mark Esper says "Dissolving the VFA is a move in the wrong direction," and you're saying this is a move in the right direction and will end the Philippines being a parasite of another country. Critics say, the Philippines is going to be the biggest loser here, while China is the big winner. This could embolden China more when it comes to its expansion in disputed waters. What do you think?

**SEC. PANELO:** You must remember that the VFA agreement is one sided in the sense that the provisions in that agreement are more advantageous the Americans. Moreover, the President feels that it is about time that we stand on our own. We have to strengthen our own defenses against the enemies of the state, and this is the time for that. In fact, we should have abolished or abrogated this agreement a long time ago.

**ONG:** Secretary, you say this was more advantageous to the US, in what way? Can you give us a concrete example, sir?

**SEC. PANELO:** Well, under the Visiting Forces Agreement, you cannot arrest or detain any American citizen who has committed a crime in the Philippines. We will have to ask the United States to acquire jurisdiction over these persons – that is one. Unless, the crime committed is of particular importance to us that is the time we can acquire jurisdiction. Otherwise, they will be the one acquiring jurisdiction over the American soldier. But if our soldiers, for instance, commit a crime in the United States, it's the American courts that will acquire jurisdiction.

**ONG:** Sir, clearly, agreements have to be give and take. Do you think that take is not equal to the give that they're giving us – military funding, military assistance?

**SEC. PANELO:** Something is wrong with your.. I cannot even hear you now. Can you repeat that again?

**ONG:** Secretary Panelo, you know, agreements are always 'give and take'. Do you think that take that you just mentioned is not equal to the give when it comes to the US giving us military funding, military assistance, the benefits that we get?

**SEC. PANELO:** You know, as the President says, if we keep on relying on the United States government for our defenses, our defenses will always remain stagnate or weak. We have to strengthen our own resources. We cannot be forever relying on the Americans for our defenses.

**ONG:** But sir, now, some are saying that we can look to other countries for other visiting forces agreements. Wouldn't that be relying on others again?

**SEC. PANELO:** As far as the President is concerned, we will not rely anymore on any foreign country for our defenses. We will have to strengthen our own resources.

**ONG:** Just to clarify, sir: Are you saying that we won't be turning to other countries for new VFAs?

**SEC. PANELO:** Nope, no.

**ONG:** What about the one we have with Australia?

**SEC. PANELO:** Well, the existing ones will be there because there is no reason to terminate that. You must remember that there is a reason for the President to do that, and we have already elaborated on that. For one, the President feels that the US, in so far as the Senate is concerned – the US Senate, as well as the Executive department, has assaulted our sovereignty. One, they demanded the release of detained Senator De Lima which to our mind is not only a disrespect to our judicial system but an assault to our sovereignty. They cannot be interfering in our internal affairs.

They're saying that it's a wrongful detention on the part of Ms. De Lima, but the facts are very clear. There were three processes that passed through the detention of the Senator: One, there was a preliminary investigation, and the prosecutor found probable cause to formally charged Ms. De Lima; And then before the court can issue a warrant for her arrest, it has to determine personally on the basis of evidence presented before this court if Ms. De Lima or if there is strong evidence to show that she could be probably guilty thereof; And then, they raised the case to the Supreme Court, and the court said the detention is legal. So the US Senate cannot overlook these facts. It cannot interfere with our judicial process.

And then, they passed a resolution condemning the war on drugs on the basis of information mainly provided by the opposition and those who critical of the President's war on drugs. What else..?

**ONG:** Secretary Sal Panelo, I'd just want to ... of course, you've made this very clear in previous interviews, I'd just want to ask. The President has issued this warning back in 2016, so clearly this was not the first time he thought about this. But was this termination, the actual termination carefully studied because I understand, there has been a ... there was a DOJ study being done on this? Was that study even completed before this was terminated?

**SEC. PANELO:** What is, I think important, is the President has carefully studied the termination of this agreement. In fact when he was still a mayor, when we were discussing this several years ago, he was already against this military or rather this military forces agreement of the visiting forces agreement. And it is only now, as President, that he can do it because he is the chief architect of foreign policy.

**ONG:** But are you aware, sir, who the President consulted with before he actually terminated this – because clearly, based on the Senate hearings – not his Defense Chief, not the DFA Chief.

**SEC. PANELO:** He does not have to consult anyone. He is the chief architect of the foreign policy. It is only when he is in serious doubt of his move that he may consult anyone.

**ONG:** So, from the filing of notice of termination, we're going to count 180 days to take effect from the receipt?

**SEC. PANELO:** And that would be ... beginning yesterday because they received it the day before yesterday.

**ONG:** So, can we still change our mind?

**SEC. PANELO:** As far as the President is concerned, his position is unchanged.

**ONG:** Now, without the VFA, what happens to the EDCA and the Mutual Defense Treaty? Some experts say, this will become hollow agreement, useless piece of papers.

**SEC. PANELO:** Well, I understand the Senate will be studying the implication of the termination of the VFA. And so they will be studying EDCA and other agreement with the US.

**ONG:** Okay. So, sir, let's now move on to another topic which is ABS-CBN's franchise. I'd just want to ask you: Did the President have knowledge that this quo warranto was going to be filed by Solicitor General Calida? Was this ever discussed in the Cabinet?

**SEC. PANELO:** No, it was never discussed in the Cabinet. It's an independent move of the Solicitor General. Under the Constitution and the law, the SolGen has to file an action in court if he believes that there is violation or transgression of any law. That is his duty.

**ONG:** And has the President talked to SolGen Calida since that filing?

**SEC. PANELO:** None that I know of. You know, the President does not interfere with any departments or heads of offices. Unless there is a complaint of corruption or abused of authority, that is the time that he comes in.

**ONG:** What does the President say about the move?

**SEC. PANELO:** I have not heard him say anything about it. It was never discussed in the Cabinet. I was absent in the last Cabinet meeting and I saw the transcript and there was no discussion on that aspect.

**ONG:** And, have you personally talked to SolGen Calida recently?

**SEC. PANELO:** Well, I asked him to send me a copy of the petition. He sent me a copy but I haven't gone over it.

**ONG:** Uhum. So you haven't asked him, he hasn't expressed how he felt about filing the quo warranto, clearly a controversial move that's drawing criticisms, possible backlash? Not a very popular move.

**SEC. PANELO:** Well, he has sufficiently explained that it is his duty to file this petition. Otherwise, he would be charged with dereliction of duty.

**ONG:** But sir, do you think this is the correct way to question ABS-CBN's franchise, because some critics are saying, the Supreme Court doesn't even have jurisdiction over the issue, that it should be brought instead to the Securities and Exchange Commission who can determine foreign ownership restriction violations?

**SEC. PANELO:** But that is with the Supreme Court to decide, whether it has jurisdiction or not, not for them.

**ONG:** Uhum. And is this you think move even necessary or proper, the parallel moves – filing quo warranto – when there is already a pending franchise application before Congress?

**SEC. PANELO:** You know, this is akin to the case of the former Chief Justice of the Supreme Court. There was a pending impeachment proceedings and they were arguing that Congress have the exclusive authority to remove a sitting Chief Justice. But the SolGen file a quo warranto and the Supreme Court ruled that it was legal.

**ONG:** Secretary Panelo, some lawmakers have already come out to say—aside from complaining that it appears that the SolGen has taken that power from them to decide on franchises. Some of them have come out to say, "Don't worry, if Congress is not able to take this up and decide on the franchise before it expires in March, it is going to be deemed extended." Is this in the law or just a matter of practice?

**SEC. PANELO:** From what I know is, that is a matter of practice. You know, actually the filing of the petition is 'a much 'ado about nothing' with respect to the opposition because if the quo warranto succeeds, then all the ABS-CBN can do is to apply for a new franchise. There's nothing that would prevent them from applying again for a new franchise. Because you must remember that it is supposed to expire on the 30th, if I'm not mistaken on March, and even members of the Congress are saying that that can be extended up to June-something.

**ONG:** So when you say—very interesting that you say it's 'a much ado about nothing', are you saying that is moot and academic that with or without the quo warranto?

**SEC. PANELO:** What I'm saying is, the reason why the SolGen filed this case is because that is his constitutional duty, that is a legal duty imposed on him by law. If he does not, then he opens himself to criminal prosecution – of dereliction of duty. He cannot close his eyes. He cannot close his eyes to any violation regardless of the time because it is only now that he discovered that there has been a violation by the ABS-CBN. And let the court decide whether or not he's correct on that.

**ONG:** But based on your statement earlier sir, are you saying that whether this quo warranto succeeds or not, ABS-CBN can file/re-apply for a franchise with this current Congress without having to close?

**SEC. PANELO:** Of course, because precisely the petition refers to the present franchise which will be—which will end on, I think the 31st of March or end of the month, end of March. So if the petition refers only to the present franchise, and then if it expires, then it can ask Congress, and in fact it is asking Congress for that.

**ONG:** Uhum. Okay, that's clear now. Sir just wanted to ask, also yesterday you were quoted as saying—rather telling Congress do not be pressured by the President's personal pronouncements.

**SEC. PANELO:** Yes.

**ONG:** I guess I wanna ask you, do you honestly believe Congress, which is dominated by the President's allies can detach themselves from what the President says publicly?

**SEC. PANELO:** All one has to do is to look at the record of Congress and the President's not interfering with its function. You must remember that Congress, in confirming the appointments of the President, has that authority and many of the appointees of the President in the Cabinet did not passed Congress. He could have, if he wanted to do, interfere given the so-called perception that he controls Congress, but he never did. In that same way that he never interferes with the Supreme Court relative to any cases pending before it that involves the government.

**ONG:** Secretary Panelo, can I ask you? Do you think ABS-CBN should be shut down?

**SEC. PANELO:** Personally? Mine is irrelevant. What we are concern of is, is there a violation of the law? If there is a violation the law, then as the President says everytime there is a controversial issue in the Cabinet, "Let the law takes its course." Moreover as I said, if the franchise is revoked by reason of the petition for quo warranto, then ABS-CBN with respect to its pending application or it can again apply for a new franchise, and Congress will have to resolve it, if it wants to renew with this license or not.

**ONG:** But sir in your opinion as a legal expert yourself, do you think ABS-CBN should be shut down?

**SEC. PANELO:** Oh, if it has violated the law then—

**ONG:** Has it?

**SEC. PANELO:** As far as the SolGen is concerned, I cannot preempt. I am not the SolGen.

**ONG:** Okay, fair enough Sir. Final topic for today sir, would be the Taiwan travel ban.

**SEC. PANELO:** Yes.

**ONG:** What is the rationale behind that travel ban extended to cover Taiwan? Because clearly if you look at the number of confirmed nCoV cases there, they're much lower than in Singapore or Japan but we don't have bans on Singapore and Japan. Why Taiwan?

**SEC. PANELO:** Well you must remember that the primordial concern of the President is the safety of our countrymen. That is why when the World Health Organization included Taiwan as those having, or having caught the virus or there is infection of this—in those places, then the DOH recommended that the same also be covered by the travel ban.

**ONG:** Because the WHO sir is considering Taiwan under China, following China's one country, two systems policy, are we in effect doing the same that's why we're extending the travel ban to cover Taiwan?

**SEC. PANELO:** Not necessarily. As the President says last night, or is it few many hours earlier... he said that regardless of whatever policy we have, the ultimate consideration would be the safety, the health safety of our people.

**ONG:** But sir if that is the ultimate consideration, then why don't we imposed and extend travel ban to cover Japan or Singapore which have declared more cases?

**SEC. PANELO:** Well as far as DOH is concerned, we have to include China—I mean, Taiwan.

**ONG:** And not Singapore and Japan, or other countries with more cases?

**SEC. PANELO:** Well, if there is a recommendation on the part of the DOH then the President will consider the same. As of now, there is none.

**ONG:** Okay. On that note, thank you very much Secretary Panelo for joining us this morning.

**SEC. PANELO:** Thank you for having me.

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