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INTERVIEW WITH PRESIDENTIAL SPOKESPERSON HARRY ROQUE BY PINKY WEBB
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WEBB: Secretary Roque, welcome back to The Source and thank you for your time.

SEC. ROQUE: Yes, it's a pleasure to be back, Pinky; and Happy New Year.

WEBB: Happy New Year to you. Secretary, can the DND unilaterally just terminate that UP-DND Accord?

SEC. ROQUE: Well, let me make this very clear 'no. This was a decision of the Secretary of National Defense and the DND has its own spokesperson 'no. So I really can't [garbled] on behalf of Secretary Lorenzana. All that I said in the press briefing is under the qualified political agency, of course, the President supports the acts of [garbled].

But as far as the details are concerned, you really have to talk to Secretary Lorenza about it because, as I said 'no, it's not a presidential decision and not something for the presidential spokesperson to discuss.

WEBB: Yeah, you mentioned though yesterday that the President supports the decision of Secretary Delfin Lorenzana. Correct, sir?

SEC. ROQUE: Correct! Because under the doctrine of qualified political agency, unless revoked by the President, acts of his alter egos are valid and acts of the President as well.

WEBB: Okay. But do you know if Secretary Delfin Lorenza consulted the President regarding this?

SEC. ROQUE: As far as I know, he did not. So it was a decision of the DND as privy or a party to that contract between UP and DND.

WEBB: But what I'm asking you then, of course, all the other details should possibly, well, come from Secretary Delfin Lorenza but as a legal question: Can, in your opinion, the Department of National Defense just terminate the agreement unilaterally?

SEC. ROQUE: Well, in our general laws on obligations and contracts 'no, it really depends. If it's supported by consideration, then it cannot be. But if there is no consideration for a contract, then it can be done. Of course, a termination unilaterally comes with a caveat that when brought to court, it could be declared as null and void 'no. But that's the general rules of obligations and contracts.

WEBB: I was also asking, Secretary, some lawyers what they thought about this. Of course, there are different reactions. Attorney Te was saying that this could actually violate the principle of mutuality of contracts; termination cannot be left solely on one side. Would you agree to that?

SEC. ROQUE: Certainly not 'no because although it is not my field of specialty, I have taught, I think for three semesters, obligations and contracts. And only contracts supported by consideration cannot be unilaterally terminated. Everything else, you know, if it's bilateral, if it's for cause, then it can be terminated. This is also an unusual contract; it's an extraordinary contract. It is an act of beneficence of the state in the sense that it suspends the exercise of jurisdiction 'no in a given territory 'no. So I don't think mutuality is required, and I'm speaking as a lawyer.

[Garbled] the UP position is best articulated by the president of the university and the position of the DND is best articulated by the Secretary of National Defense.

WEBB: Ang hiling po ng UP President na si Danilo Concepcion is bawiin ho ito and that there should be some sort of a conversation or talk with Secretary Delfin Lorenzana. Is this something you think that is possible na, number one, mag-usap po sila; number two na bawiin po itong termination ng accord?

SEC. ROQUE: Well, I think it is the proper course of action and, of course, the UP President is a lawyer himself so it is a contract so it should be discussed by the party. And being a UP graduate and UP professor myself, I even offer my good office if they need assistance in discussing this matter.

WEBB: You would offer your office to do what, sir?

SEC. ROQUE: I said I will offer my good office 'no. A good office is the... an offer to be involved in the discussion hoping that the matter can be resolved by the parties 'no. [Garbled] offer my good office so that UP President and the Secretary of National Defense can discuss this matter.

WEBB: So let me ask you then, Spox, Do you support this UP-DND Accord?

SEC. ROQUE: Well, let's just say that I spent ten years as a student in UP, 15 years as a professor 'no. And since the accord has been in effect for the past 30 years, I don't know how it is to have policemen and soldiers on campus. I never experienced it. I studied since high school, to me it's foreign 'no that there will be policemen and military there.

But having said that, I have also studied abroad, I spent three years in the US and one year in England, and particularly in Europe, I have said that there's no such thing as a campus in European universities; the city where they are located is the campus because the university

should always be part of the bigger society ‘no. And of course, in European campuses, as well as in US campuses, the local police exercise their jurisdiction within the campus.

WEBB: Yeah. But in the case—of course, there was an incident prior to the accord ano po ‘no and then eventually, of course, also that happened in 1989 and then in 1990, there was a PUP-DND Accord. So do you think its best that the accord stays as a student of UP and as a professor of UP?

SEC. ROQUE: As presidential spokesperson, I have to say that under the qualified political agency, the President supports the decision of the DND. But if you ask for my personal opinion, I do not know how it is to have cops and military people on campus. I would say that if it worked for 30 years, let’s talk why it should not continue for another 30 years.

WEBB: Right, and I think that’s exactly what the President of UP wants. Let’s look at some of the reactions, Secretary, on this. Si Vice President Leni Robredo was saying, “This is actually designed to sow fear, to discourage dissent, to silence criticism,” which is being echoed by students, graduates of UP as well. Nakikita ninyo ho ba na posibleng this could heighten tension between UP and the government or the police and military?

SEC. ROQUE: Well, I beg to disagree. We have to be aware of historical facts ‘no. At the time of Martial Law when UP, in fact, had a Diliman commune, we did not have an agreement where the police and the soldiers could come in. What I’m saying is, as an iskolar ng bayan, I don’t think the UP students will ever be cowed even by the presence of policemen and military. At the height of Martial Law, the community shut itself off. They were invaded by the military but they stood their ground.

So kung ako po ay estudyante, hindi po ako magpapatinag kahit anong mangyari ‘no, ipaglalaban ko po ang karapatan ko. At I think as a matter of historical record, people have seen how I can take stands ‘no. And as a UP alumnus, as a former UP faculty, I don’t think any UP student will be cowed. They will be undeterred; they will pursue and exercise their rights. And of course, one of the most important rights in a university setting is that of academic freedom and the freedom to think.

WEBB: Could this in one way or another stifle, affect academic freedom?

SEC. ROQUE: No, I don’t think so because as I said, this is only a 30-year accord. And at the darkest period of Martial Law, we did not have this accord and it did not have the effect of the students allowing anyone to interfere with the exercise of their rights.

WEBB: There is one more reaction sir that I wanted to bring in. UP journalism professor Danilo Arao was saying, he put out this challenge on his Twitter account, “UP faculty and alumni who are Duterte’s top level officials should denounce Lorenzana’s letter terminating the 1989 Accord. This disregards everything UP stands for. Should they remain silent? A six-word question: Where is your honor and excellence?”

So let me ask you, sir, are you denouncing this letter by Secretary Lorenzana as a UP student and as a former UP professor? Are you denouncing it?

SEC. ROQUE: I'm asking the DND Secretary and the President of UP to sit down, and I've offered my good office to facilitate this meeting.

WEBB: But the word is "denounce", sir. Dini-denounce ninyo ho ba ito? And we're not speaking as a presidential spokesperson—

SEC. ROQUE: I'm also a presidential spokesperson. Well, there's really no such thing 'no when you are a presidential spokesperson. All I'm saying is, let's talk about this; I support the steps of the UP President, and let's see why a 30-year-old accord should not be continued when it has worked, apparently perfect well in the past 30 years.

WEBB: So that doesn't make you silent on the issue because you are actually taking a stand—

SEC. ROQUE: It doesn't and I'm not duty bound to follow anything that Professor Arao says. [Garbled] academic than him.

WEBB: All right. Presidential Spokesperson Harry Roque will still be with us after the break. Later we're going to talk about government's vaccination program. Secretary Galvez will be speaking to Senate President Tito Sotto about this. Will discuss this after the break.

[COMMERCIAL BREAK]

WEBB: You're watching The Source on CNN Philippines. Our guest today, Presidential Spokesperson Harry Roque. Sec., I still need to do a follow up on this because now the Duterte Youth Partylist is seeking or asking that kung ano po iyong ginawa sa UP ay iyon din ang gawin sa PUP. Just want to get your thoughts on that, sir.

SEC. ROQUE: Well, you know, it's a free country. If that is the thought of the Duterte Youth, so be it. And that's something that the Presidential Spokesperson does not have to be involved with 'no.

But you know, Pinky, I have to highlight the fact that I think the question of Arao was unfair. In the first place, why am I duty-bound to follow anything that Professor Arao says? He made appear as if it's compulsory for me to follow him. I spent more time in UP than him. And I think, as I said, I even have... I'm even more senior academic than him 'no. So it was not a fair question. I'm not duty-bound to follow anything that Danny Arao says. It should not [garbled]

WEBB: Spox, don't get me wrong. I wasn't saying you're duty-bound—

SEC. ROQUE: Yes, but you were wrong. You were implying as if I had to follow what Danny Arao has said. What is the basis for that? There's no place for that.

WEBB: It was a tweet, sir. It was a tweet, Spox, and then it just said—

SEC. ROQUE: Yes, but you said, I had to follow him and if I did not do as he did, then I have no honor or excellence. Is that a fair question? That's not.

WEBB: No, I did not say that, Secretary Roque.

SEC. ROQUE: That's what he said though. That's what he said, and that's why I'm calling you out for that. It's [off mic]

WEBB: Secretary Roque, okay. Just to be very clear about this, it was a tweet that I read and I asked for your reaction if you would denounce it and then after that—

SEC. ROQUE: Yes. But, it's implying that I should follow what Danny Arao says. And where's the basis? Tell your viewers now! Where is the basis that I should follow what Danny Arao says. It's not just you asking for a reaction, you were pursuing – will you denounce? See? So, it's not just a reaction, you wanted me to answer Danny Arao. Why should I? And it's not fair on your end to do that.

WEBB: Okay. Then if you say, why should you answer it, and you answer it that way, sir, then I would have to take it as is. It was just a challenge—

SEC. ROQUE: Yes, but you're pushing the point.

WEBB: Well, be—

SEC. ROQUE: You're going beyond asking for my reaction.

WEBB: Sir—Okay. It's a challenge—

SEC. ROQUE: Will you denounce it? You said it on record. The TV recorded it.

WEBB: Yes, that's right.

SEC. ROQUE: You have to be fair, 'no.

WEBB: I am trying to be fair, Secretary Roque. I was not—

SEC. ROQUE: No, you were not, you were not. It's as if, if I don't agree with Arao that I have no sense of excellence or honor.

WEBB: Absolutely not, I never meant that. Please don't think that, Secretary Roque. I would have never—

SEC. ROQUE: If you did not speak on record.

WEBB: I would have never meant that.

SEC. ROQUE: Certainly, I take offense that I have to follow anyone else's advice, 'no. It's not right

WEBB: So, just to end this topic, how would you like to end this, sir, this issue on—

SEC. ROQUE: I already said it. I have never experienced being in UP with soldiers or military and I'd like to facilitate the discussion between the UP President and the Secretary of National Defense. I'm offering my good offices for them to have this conversation.

WEBB: All right.

SEC. ROQUE: And of course, I think it has to be discussed why a 30-year accord which has been in place should be revoked at this point.

WEBB: Fair enough, sir. Can we move to another topic now? The vaccination program of the government, I believe it was Senator Bong Go who said that Secretary Galvez will be speaking to Senate President Tito Sotto about the vaccination program for transparency. Can you share us any details about this? Will it just be SP Sotto or will this happen prior to Friday's Committee of the Whole meeting at the Senate?

SEC. ROQUE: Well, I think to be transparent, the issue was Secretary Galvez was saying because of the Senate hearings he has lost about two weeks worth of negotiations with drug suppliers. So, Secretary Galvez, in fact, was saying 'could I skip the hearing, 'no because it's very important that I resume me negotiations with the vaccine developers because otherwise we might run out of supplies.'

But in fairness to the President, his answer was no, go to the Senate, continue answering questions, continue the way in the manner that you have been answering and if they become abusive to you verbally, just stand up and leave. And if they cite you in contempt, I will come and fetch you. So, that's the context, 'no.

So, Secretary Galvez and Secretary Duque, if the Senate will have a hearing this Friday, will be there but with instruction that if anyone becomes verbally abusive to them, they have the license to stand up and leave.

WEBB: Sir, to be clear about this—sorry, sir. So, hindi po sila mag-uusap prior to Friday's Committee of the Whole?

SEC. ROQUE: Hindi ko po alam, 'no. Ang alam ko mayroong mga pag-uusap na mangyayari na informal, of course. This was mentioned by Secretary Galvez in my presidential briefing yesterday and he says that I think he's of the opinion that everything will turn out okay because all the questions have been answered, 'no and that there may have been miscommunication somewhere down the line. So, that's what I know.

WEBB: Okay. So, iyon po bang executive session, pinag-uusapan pa rin ho ba iyan? Is that still something that could happen as suggested by Secretary Galvez when we're talking about some issues regarding the vaccine, especially the price?

SEC. ROQUE: I think what Secretary Galvez suggested was not just an executive session but it was also a CDA between the individual senators and the drug companies, 'no. That's what I heard from his own mouth, 'no. So, but I think there will be informal discussions I've heard and let's see what happens. But what is important is the President did not say that Secretary Galvez should not go to the Senate, he said, yeah you should. You should continue answering the questions because we have nothing to hide but certainly if they start being abusive, just walk out.

WEBB: Did he feel or did the President feel that at some point that happened in the past to hearings of the Senate?

SEC. ROQUE: Certainly. He could not understand why the demeanor of the senators were apparently bellicose-like, they were war-like, 'no. And of course, there was like already an attitude as if there was corruption going on, when it was fact-finding in fact, 'no. So, the President thought, you know, despite the separation of powers and despite the power of oversight, it does not give the senators the license to be abusive.

WEBB: We're going to talk about the price. Is this something that may be revealed on Friday but we need to take a very short break. We'll be right back.

[COMMERCIAL BREAK]

WEBB: You're watching the source on CNN Philippines. Our guest today, Presidential Spokesperson Harry Roque.

Spox, we're talking about the price which of course has become very controversial. You have said, I believe last Sunday, that the price of the Sinovac vaccine is about P650.00—

SEC. ROQUE: More or less.

WEBB: Yes. Sabi po ni Secretary Galvez, hindi tataas sa P700.00. Ganoon po iyong price range that is coming out from both you and Sec. Galvez. Sa Senado ho ba, is this something that

would need to be confirmed by Secretary Galvez, because apparently to the senators, hindi nga po lumalabas iyong presyo because of the CDA.

SEC. ROQUE: Well, that is something that the senators will have to ask for themselves but I think they would have to be content with a range because that's what we give. In the spirit of transparency, we gave a range and of course I don't think this violates the CDA but for Secretary Galvez to say the exact price would be a violation of that CDA.

WEBB: So, clearly a range is okay huwag lang iyong eksaktong amount kung magkano po iyong vaccine?

SEC. ROQUE: That's correct.

WEBB: Okay. So, I'm sure lalabas po iyan, I'm assuming lalabas po iyan sa Friday. Also a question posed by one senator, I'm not sure if it's Senate President—It is Senate President Tito Sotto, kasi lumalabas that the President seems to believe that senators are favoring another vaccine over Sinovac. I think nagtanong nga si SP Sotto saan nanggaling ito. Would you know, Spox, saan galing itong mindset na may pinapaboran iyong mga senador na vaccine?

SEC. ROQUE: The President had with him a piece of paper containing quotes from the senators and he was quoting in fact a quote from Senator Risa Hontiveros, so that's where it came from.

WEBB: A quote from—

SEC. ROQUE: From the direct quote of the senators.

WEBB: I see—

SEC. ROQUE: Some senators! Probably not Senate President Tito Sotto, probably not Senator Lacson but definitely Senator Risa Hontiveros.

WEBB: Okay. So, it was one senator na may nakitang quote po si Pangulo kaya niya po nasabi iyon?

SEC. ROQUE: Mayroon pa pong iba, because he had the whole page full of quotes from different senators. Possibly the President only read one of the many quotes that he had in that print out of his.

WEBB: Does he believe that in general, that the senators are favoring a particular vaccine?

SEC. ROQUE: Let's just put it this way, 'no, and this was part of the contemporaneous statements of the President: Some senators judged some of these vaccines depending on

where they manufactured and some senators apparently have reservations about particular vaccine also because it was manufactured in a certain place,' and that I think that is a fact.

WEBB: So, basically kapag iyong Sinovac na galing sa China nagkakaroon ng hesitation. Would you say it as that? Is that what you mean? Pero kapag western—

SEC. ROQUE: I think that's a fair conclusion. That's a fair conclusion about on the basis of what some senators have said.

WEBB: Okay. Secretary, I need to ask you again about this deal with Sinovac because I was able to interview the General Manager, Sinovac—

SEC. ROQUE: Yes, congratulations and I'm happy that you did.

WEBB: Si Helen Yang. Napag-usapan po iyong, we need to clarify this, sir, kasi napag-usapan term sheet. Ang sabi nga niya, non-binding term sheet. And then upon listening to the Senate during the privilege of Senator Lacson, mayroon pong tinatawag na term sheet, mayroon pong supply agreement na how I understood it is kapag supply agreement, doon na halos finalized ito. So, right now, the Sinovac deal – is this a done deal, finalized na ho ba ito? Ano ang status niya?

SEC. ROQUE: The confusion here is that people think that a term sheet is not an obligation. It is – it is an obligation by itself because the three elements of an obligation are present – cost, object, consideration. Now, it is however an obligation subject to what is known as a suspensive condition and a suspensive condition is a future event that may or may not happen and one of these suspensive conditions is actually the approval of the FDA.

WEBB: I see.

SEC. ROQUE: So, although the term sheet has obligated the supplier to supply a certain amount and the Philippine Government to purchase a certain amount, the obligation to actually sell is dependent on the happening of the condition and one of those is the approval by the FDA. So, it's a perfectly binding obligations – the term sheet agreement – although it is separate and distinct from the contract of sale itself.

WEBB: So, you're calling the term sheet binding, tama ho ba?

SEC. ROQUE: Yes. Well, it is a binding obligation regardless of its terminology, because it is a commitment to supply and a commitment to buy subject to the happening of a suspensive condition.

WEBB: Which is the EUA from the FDA?

SEC. ROQUE: Approval [unclear] of the FDA, among others.

WEBB: Among others. All right! Very quickly just a last question, sir. President-elect Joe Biden to be sworn in a couple of hours. Has Malacañang reached out in any way or form to the Biden camp?

SEC. ROQUE: Well, of course it's always good news that democracy has prevailed and we congratulate again the incoming president and we look forward to having close and friendly relations with the Biden Administration.

WEBB: All right! Presidential Spokesperson Harry Roque, maraming salamat po sa inyo!

SEC. ROQUE: Salamat and magandang umaga po.

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