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SENATE
P.S.R. No. 391

RECEIVED BY: 

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**RESOLUTION EXPRESSING THE SENSE OF THE SENATE TO SUPPORT
SENATOR LEILA DE LIMA'S REQUEST TO VOTE ON LANDMARK PIECES OF
LEGISLATION SUBJECT TO COURT APPROVAL**

WHEREAS, Senator De Lima is a duly elected Senator of the Republic of the Philippines of the Seventeenth Congress who enjoys the support of 14,144,070 Filipino voters.

WHEREAS, presently, Senator De Lima is detained at the Philippine National Police facility in Camp Crame, Quezon City while awaiting trial. Senator De Lima has a pending petition before the Supreme Court questioning the jurisdiction of the Regional Trial Court and the validity of the warrant of her arrest.

WHEREAS, in her letter to Senate President Aquilino Pimentel III dated 11 May 2017, Senator Leila De Lima requested an expression of support from the Senate for her "desire to be occasionally granted furlough by the court in charge of her detention to vote on crucial landmark legislation, *on a case-to-case basis.*"

WHEREAS, the Supreme Court held in the case of *People vs. Jalosjos*¹ that "emergency or compelling temporary leaves from imprisonment are allowed to all prisoners, at the discretion of the authorities or upon court orders."

WHEREAS, the Supreme Court has, in a number of instances, granted the request of former Senators similarly charged with a non-bailable offense, temporary furlough for humanitarian reasons:

1.) The Sandiganbayan granted temporary furlough to detained former Senator Ramon "Bong" Revilla, Jr. to visit his son, then-Governor Jolo Revilla,² and his father, Senator Ramon Revilla, Sr.³ He was also allowed for medical reasons to see his dentist.⁴

¹ 381 Phil. 690 (2000).

² Sandiganbayan granted Sen. Revilla's motion to visit his son, then-Governor Jolo Revilla, in March 2015 at the Asian Hospital in Muntinlupa City after sustaining a gunshot wound on his chest. (Rappler, *Let out of detention: Is the Sandiganbayan consistent?*, Available at <http://www.rappler.com/newsbreak/iq/118793-out-detention-anti-graft-court-sandiganbayan>, Accessed on 22 May 2017.)

³ (1) Sandiganbayan granted Sen. Revilla's motion to visit his father at the St. Luke's Medical Center in Bonifacio Global City on 14 July 2015 for five hours; (2) Sandiganbayan Special 1st Division granted Sen. Revilla's motion to allow him to visit his father, Ramon Revilla Sr., at the St. Luke's Hospital in Bonifacio Global City on 29 December 2016 from 6 AM to 12 PM, 31 December 2016 from 2 PM to 8 PM, and on 01 January 2017 from 2 PM to 8 PM. The court cited "humanitarian considerations" in granting his motion; (3) Sandiganbayan First Division granted Sen. Revilla's motion to visit his father during the latter's surgery on 08 February 2017 from 6 AM to 12 NN, and 09 February 2017 from 4 PM to 8 PM at the St. Luke's Medical Center in Bonifacio Global City. The court cited "humanitarian considerations" in granting his motion. (Rappler, *op. cit.* and other online news reports accessed on 22 May 2017)

⁴ (1) Sandiganbayan granted Sen. Revilla's motion to undergo dental procedures on 13, 16, and 23 July 2016; Sandiganbayan granted Sen. Revilla's motion to drop by his dentist's clinic – Gan Advanced Osseointegration Center – in August 2015 in Makati City to undergo dental crowning procedure; (2) Sandiganbayan First Division granted Sen. Revilla's motion to return to his dentist in October 2015 for a post-dental check-up and procedures. (Rappler, *op. cit.* and other online news reports accessed on 22 May 2017)

2.) Former Senator Jose "Jinggoy" Ejercito Estrada was granted furlough by the Sandiganbayan to undergo therapy sessions,⁵ MRI and X-ray,⁶ and medical examination,⁷ visit his father, former President Joseph Estrada,⁸ attend the graduation of his son, Julian Estrada,⁹ and visit his mother-in-law, Estelita Vitug¹⁰.

3.) Former Senator Juan Ponce Enrile was granted temporary liberty by the Supreme Court¹¹ because of his "advanced age, poor health as well as his past and present disposition of respect for the legal process, length of public service and private reputation."

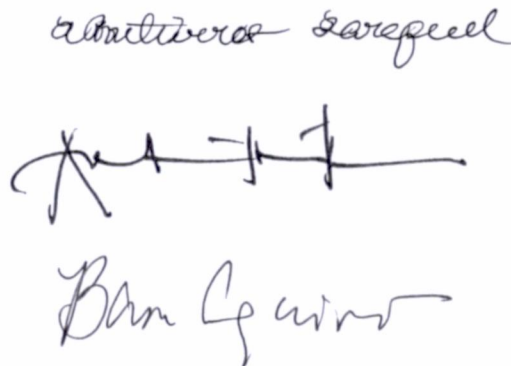
WHEREAS, considering that the Supreme Court has recognized the foregoing reasons as sufficient compelling justification to grant the former senators' request for furlough, then all the more reason exists to similarly grant Senator De Lima's request for temporary furlough to attend to matters of crucial landmark legislation, in the exercise of her constitutional mandate as a representative of the sovereign Filipino people, on a case-to-case basis.

WHEREAS, Senator De Lima has not been convicted of any crime and is in full possession of political and civil rights, the exercise of which, are only limited by the deprivation of her physical liberty.

WHEREAS, Senator De Lima is not asking for the privilege of attending all legislative sessions or hearings, but is simply requesting for a modicum of support from the Senate to enable her to properly perform her mandate as bestowed by the millions of Filipino voters who elected her as their sovereign representative in the Senate, by attending Senate sessions in order to cast her vote on crucial landmark legislation.

NOW THEREFORE, BE IT RESOLVED, as it is hereby resolved by the Senate of the Philippines to express the sense of the Senate to support Senator Leila De Lima's request to attend Senate sessions to vote on landmark pieces of legislation subject to court approval.

Adopted,



⁵ Sandiganbayan granted Sen. Estrada's motion to undergo therapy sessions at the Cardinal Santos Medical Center in San Juan City in November 2014. (Rappler, op. cit. and other online news reports accessed on 22 May 2017)

⁶ Sandiganbayan 5th Division granted Sen. Estrada's Motion to undergo MRI and X-ray at the Cardinal Santos Medical Center in San Juan from 12 NN to 6 PM on 18 May 2017. (Rappler, op. cit. and other online news reports accessed on 22 May 2017)

⁷ Sandiganbayan granted Sen. Estrada's motion to undergo medical examination at the Cardinal Santos Medical Center in August 2015. (Rappler, op. cit. and other online news reports accessed on 22 May 2017)

⁸ Sandiganbayan 5th Division granted Sen. Estrada's motion to attend his father, former President Joseph Estrada's 80th birthday celebration on 19 April 2017 from 5 PM to 11 PM at the Manila Hotel. The court cited "deeply embedded Filipino customs and traditions, covering respect and regard for parents and the elderly." (Rappler, op. cit. and other online news reports accessed on 22 May 2017)

⁹ Sandiganbayan 5th Division granted Sen. Estrada's motion to attend the graduation of his son, Julian Estrada, on 17 March 2015 at the OB Montessori in San Juan City from 2 PM to 5 PM. Associate Justice Roland Jurado noted that the decision was for the benefit of Sen. Estrada's son, who might face trauma for not seeing his parents during such an important day. (Rappler, op. cit. and other online news reports accessed on 22 May 2017)

¹⁰ Sandiganbayan granted Sen. Estrada's motion to visit his mother-in-law, Estelita Vitug, at St. Luke's Medical Center in Quezon City in July 2015. (Rappler, op. cit. and other online news reports accessed on 22 May 2017)

¹¹ Juan Ponce Enrile v. Sandiganbayan (Third Division) et al., G.R. No. 213847, 18 August 2015.