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CA rejects DFA chief Yasay, confirms 7 DFA senior officials and defers action on DENR chief Lopez' appointment; New Rules of the Commission on Appointments adopted

Seven senior officials from the Department of Foreign Affairs (DFA) got their *ad interim* appointments confirmed by the Commission on Appointments (CA) on Wednesday in its plenary session presided by President of the Senate/Chairman of the Commission Aquilino "Koko" L. Pimentel III. Their chief, **DFA Secretary Perfecto R. Yasay, Jr.**, however, failed to hurdle the Commission when members from the Committee on Foreign Affairs, chaired by Sen. Panfilo M. Lacson, unanimously voted for the rejection of his *ad interim* appointment in a caucus prior to the plenary session.

Confirmed by the Commission were the *ad interim* appointments of seven foreign service officers, namely, **Redentor D. Genotiva, Carlyn A. Monastrial, Arvic V. Arevalo, Jay Francis G. Alcantara, Kristine Margret M. Malang, Anna Marie C. Santos and John Francis S. Herrera.**

Members of the foreign affairs panel focused mainly on Yasay's US citizenship issue. At the committee level, Yasay was grilled for not being upfront when asked whether or not he has acquired American citizenship and a US passport.

It can be recalled that Yasay was questioned about his citizenship during his confirmation hearing in February where he said he did not legally acquire US citizenship. Occidental Mindoro Rep. Josephine Y. Ramirez Sato repeatedly asked Yasay on Wednesday to categorically state whether or not he was an American citizen at any point in his life and whether or not he had a US passport. Yasay, having admitted in an earlier television interview that he used to own a US passport also manifested before the panel having a US passport but said "it has been misplaced and could not be located despite diligent search." In his opening statement, Yasay said, "Let me quickly apologize for having inadvertently misled the Commission on this matter. It has never been mentioned to deceive this Commission about my citizenship status." He, however, repeatedly stated that he is a Filipino and not an American citizen and that he never lied before the Commission or in any other forum. He argued that his declaration was anchored on his firm belief as a lawyer that has practiced and specialized in US immigration law that he did not legally obtain US citizenship.

Documents obtained by the Commission showed that Yasay acquired US citizenship in 1986 and renounced it at the US embassy in Manila only in June last year, before he was named to the foreign affairs top post. "I can't understand why the secretary cannot admit to this Commission he was an American citizen and only lost it in February 2017," Sato said. The documents revealed that it was just last February when the US

Internal Revenue Service published its list of individuals (with Yasay's name on the list) who lost their US citizenship.

Lacson, during the plenary session, pronounced that, "The Commission has gone over the qualifications and issues besetting the appointee. After careful deliberation of the foregoing circumstances and upon a unanimous vote of 15 of its members present in a caucus this morning, this representation as chairman of the CA Committee on Foreign Affairs, hereby move to reject the *ad interim* appointment of Perfecto Rivas Yasay, Jr." Yasay's fate in the Commission is also a stark reminder, according to Lacson, of the CA's power over presidential appointments requiring its approval and about the sacredness of taking oath. "Let this be a reminder to everyone present in this hall that by definition, an oath is a solemn declaration, accompanied by a swearing to God... that by doing so, one will be bound to a promise and the person making an oath implicitly invites punishment if his statement is not true, or if the promise is broken."

Pimentel declared Lacson's motion to reject Yasay's *ad interim* appointment as DFA secretary approved after hearing no objection from the floor.

Meanwhile, the Commission also withheld action on the *ad interim* appointment of **Department of Environment and Natural Resources (DENR) Secretary Regina Paz La'o Lopez** after two marathon committee hearings on Wednesday and Thursday. The Committee on Environment and Natural Resources, chaired by Sen. Emmanuel "Manny" D. Pacquiao, deliberated on the merit and fitness of Lopez for the job and heard a number of oppositions to her appointment that lasted for seven hours on the second day of hearing.

On the first day of committee hearing, Lopez was allowed to make a presentation before the members of the committee showing various photographs of mining sites and explaining her development plans that clearly showed her passion about her job.

However, Lopez' critics, mostly from the mining industry and mining professionals, experts and communities, were far from impressed as they raised their opposition to her confirmation on the basis of her questionable fitness and competence, violation of due process and defiance to procedural rules and regulations, lack of technical and scientific knowledge, poor track record in leading and managing environmental and ecotourism projects and conflict of interest, among others. In a resolution filed with the Commission by the Chamber of Mines of the Philippines (COMP), one of the points raised against Lopez was her "undeniable bias against and antagonism towards large-scale mining, rendering her unfit and incapable of a responsible, fair, just and balanced implementation of the Constitution, the Philippine Mining Act and related laws and regulations, and of upholding personal interest and advocacies over public interest."

A caucus was scheduled by the Commission on March 14, 2017 for an Executive Session/Caucus on the *ad interim* appointment of Lopez, as environment and natural resources secretary.

The Commission, on Tuesday, likewise, held a plenary session where it adopted the New Rules of the Commission on Appointments and the Rules of the Standing Committees. The Commission's Committee on Rules, chaired by Majority Leader Rep. Rodolfo T. Albano III, facilitated the conduct of meetings in November last year, January and February 2017, to deliberate on the important provisions proposed and included in the new rules.

With no objections raised in the plenary session, Pimentel approved to adopt on March 7, 2017 the New Rules of the Commission on Appointments, as recommended by Albano. These rules shall take effect 15 days from the date of publication in two newspapers of general circulation.

