

REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 28
Tuesday, September 28, 2010

FIFTEENTH CONGRESS
FIRST REGULAR SESSION

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CALL TO ORDER

At 3:30 p.m., Senate President Pro Tempore, Hon. Jinggoy Ejercito Estrada, called the session to order.

PRAYER

Senate President Juan Ponce Enrile led the prayer, to wit:

Dear God,

We begin each day with hope.
We clasp our brethren's hand
and walk forward to a common goal.

We bow down our heads in prayer
to make our bond stronger.
We bow down in silence to hear Your voice.

May this day unfold to reveal Your promise
That those of us riding in a ship of hardship
find rest even in a sea of troubles.

We pray that anyone lost will be found.
That the hungry be fed.
That the sick be healed.
That justice and forgiveness
find their way to those incarcerated.

With Your love no one is abandoned.
Take care of the men and women
who lead our country.

Guide our governance so we may contribute
to the family of nations.

Make Your presence felt.
Visit us often, not so much
with the wrath of nature,

*But with a gentle presence
found in family and friends.
Do not abandon our children,
They are our hope.*

*And remind us always that the good
shall be rewarded –
Not so much with riches or honor or fame –
But by the warm golden light of Your peace.*

Amen.

SUSPENSION OF SESSION

With the permission of the Body, the Chair suspended the session.

It was 3:32 p.m.

RESUMPTION OF SESSION

At 3:33 p.m., the session was resumed with Senate President Enrile presiding.

ROLL CALL

Upon direction of the Chair, the Secretary of the Senate, Atty. Emma Lirio-Reyes, called the roll, to which the following senators responded:

Angara, E. J.	Legarda, L.
Arroyo, J. P.	Marcos Jr., F. R.
Drilon, F. M.	Osmeña III, S. R.
Ejercito Estrada, J.	Pangilinan, F. N.
Enrile, J. P.	Recto, R. G.
Escudero, F. J. G.	Revilla Jr., R. B.
Honasan, G. B.	Sotto III, V. C.
Lapid, M. L. M.	Zubiri, J. M. F.

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With 16 senators present, the Chair declared the presence of a quorum.

Senators Cayetano (A) and Guingona arrived after the roll call.

Senator Cayetano (P) was on official mission abroad.

Senator Villar was likewise on official mission.

Senator Defensor Santiago was on sick leave.

Senator Lacson was absent.

Senator Trillanes was unable to attend the session as he was under detention.

APPROVAL OF THE JOURNAL

Upon motion of Senator Sotto, there being no objection, the Body dispensed with the reading of the Journal of Session No. 27 (September 27, 2010) and considered it approved.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

Senator Sotto acknowledged the presence in the gallery of the following guests:

- Mayor Herbert Bautista and city officials of Quezon City;
- Former Representative Abdullah Dimaporo; and,
- Vice Mayor Teodora Condon and the *Sangguniang Bayan* members of Caba, La Union.

Senate President Enrile welcomed the guests to the Senate.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Sotto, there being no objection, the Chair referred the privilege speech of Senator Angara on the history of the Manila galleons in the previous day's session to the Committee on Education, Arts and Culture.

OVERSIGHT COMMITTEE MEMBERSHIP

Nominated by Senator Ejercito Estrada, there being no objection, the following senators were elected members to the Congressional Oversight Committee on Overseas Workers Affairs:

<i>Majority:</i>	<i>Minority:</i>
Zubiri	Cayetano (A)
Lapid	
Guingona	

At this juncture, Senate President Enrile relinquished the Chair to Senate President Pro Tempore Ejercito Estrada.

PRIVILEGE SPEECH OF SENATOR ZUBIRI

Availing himself of the privilege hour, Senator Zubiri followed up on the speech of Senator Legarda in the previous day's session on the issue of fund allocations for relief operations, rehabilitation, and reconstruction of areas affected by typhoons *Ondoy* and *Pepeng*.

The full text of his speech follows:

Last Sunday, 26 of September, was the first year since Metro Manila and many parts of Luzon were devastated by Typhoon *Ondoy*, which has been called many names: "the great flood," "epic flood," "mega flood," etc. Yesterday, Senator Loren Legarda, our disaster risk management and climate change champion, delivered her privilege speech also on *Ondoy* and raised valid issues that are also on our mind. Before I proceed, let us remember the 464 souls who perished in *Ondoy* by offering a minute of silence.

At this juncture, the Body observed a minute of silent prayer.

Immediately after the devastation of *Ondoy* on September 26 and 27 last year, I stood on the floor to describe the havoc it brought to Metro Manila and many parts of Luzon. At that time, we can only provide estimates of the devastation in terms of lives lost, damage to properties, and the economic cost of the typhoon. The latest data available show that aside from the 464 lives lost in *Ondoy*, hundreds were injured, more than 30 people are still missing, billions of pesos in infrastructure damages and setbacks in the economy were incurred.

The losses were as follows: infrastructure, P4.391 billion; agriculture, P6.669 billion; schools, instructional materials and school equipment

P750 million; houses partially destroyed, 130,736; houses totally destroyed, 27,809; agricultural land, 203,477 hectares; and agricultural crops, 328,230 tons.

The extent of the damage can also be seen in the Philippine Insurance and Reinsurers Association report as of July 2010 that they had already paid P15 billion in nonlife insurance claims.

Immediately after *Ondoy* and *Pepeng* – the latter crossed the Philippines twice on October 1-3 and October 7-9 — Congress had seen the urgency of the situation and the need to provide immediate assistance to our people, and in clock-work fashion, we passed Joint Resolution No. 5, entitled: “Joint Resolution Authorizing the Use of the Unprogrammed Funds in an Amount not to Exceed Twelve Billion Pesos (P12,000,000,000.00) for the Relief Operations, Rehabilitation and Reconstruction to Areas Affected by these Natural Calamities.” It was a record of sorts. Through the smooth cooperation of Congress and the Executive, we passed one of the fastest laws that churned out from the legislative mill.

In a record two days since the transmittal of the House Joint Resolution No. 48 to the Senate and the subsequent filing of Committee Report No. 706 on October 13, 2009, we passed a law authorizing a supplemental budget on October 14, 2009, in the tune of P12 billion for relief operations, rehabilitation and reconstruction works of public infrastructure and assistance to the families affected by the typhoons.

The said supplemental budget is in the category of the Unprogrammed Fund, and as we know, Unprogrammed Fund can only be expended if there are additional revenues or sources of funding such as borrowings. We also know that we were on a deficit spending last year and this year. However, we would like to find out how much was really used or expended from the allocation of P12 billion.

In passing the said law and in appreciating the urgency of the situation, we did not even see or check the list of the Executive branch of items included in the list for repair, rehabilitation or reconstruction works. We completely trusted the Executive officials to identify these projects. We were not even consulted nor were we asked to recommend which items to be funded or prioritized.

However, in giving them the leeway, we did not mean to give them blanket authority. We should demand accountability. We should ask a reporting from the Executive. Where did the

funds go? How many schoolbuildings were repaired or reconstructed? How many bridges were rehabilitated or kilometers of roads reconstructed? Did they comply with the monthly reporting of these projects to Congress as required by the law we passed?

Another vital concern is the reconstruction, rehabilitation and expansion of agricultural infrastructure in consideration of food security for the whole country and the livelihood of people in affected communities. Many areas hit by *Ondoy* and *Pepeng* were productive croplands: 11 regions were hit by *Ondoy* and six regions were affected by *Pepeng*, on top of the National Capital Region.

As we are now deliberating on the budget for the year 2011, we would like to find out what other projects are needed to be funded for rehabilitation and reconstruction. We would like to know if there is a need to reconfigure the 2011 budget to accommodate these type of projects.

Another issue that I want to bring up is: What have we learned from *Ondoy* and *Pepeng* and the other calamities before them? Do we now have a local early warning system or mechanism for our people? Do the most vulnerable areas to this kind of disaster have a disaster risk management plan in place?

Two weekends ago, there were news reports that certain localities have prepared their disaster risk management plans. These areas are the provinces of Bohol, Leyte, Laguna, Pampanga, Surigao del Norte, Surigao del Sur and Zambales; the cities of Tandag and Calamba and several towns. However, I could not see the many areas which are most vulnerable to disasters in the said list. Not one was from Metro Manila. I hope the list is incomplete or not accurate.

Over the weekend, newspapers were replete with articles and news about *Ondoy* and the preparedness of the national and local governments for another type of disaster. There were many contradicting opinions on our readiness. We would like to know the real score and ask the concerned government agencies, both in the national and local levels, if they are truly prepared.

The Mines and Geosciences Bureau of the DENR claims that it has accomplished 97% of multi-hazard maps for the whole country. Is that true? We do not know. We need to confirm this. And, are these maps already part of the DRRM or Disaster Reduction & Risk Management template of the LGUs, especially areas affected by *Ondoy* and *Pepeng*?

We are asking these questions not to satisfy our curiosity merely for personal satisfaction. It is typhoon season once again, and, if we are going to believe PAGASA – although based on their recent erroneous weather forecasts, I too am not inclined to believe them – there will be a *La Niña* towards the end of the year.

We are asking these questions so that the public would know what our authorities, at the local and national levels, have been doing or planning at all. Are they preparing for such disasters? A plan, no matter how good in paper and in rhetoric, is not a good plan if not properly executed. The best plan will be for naught if not communicated well to the people for whom it was purposely created or brought to all levels of governance and the public.

An accounting of the expenditures covered by the P12 billion supplemental budget is timely. And, overdue. *Ondoy* struck September 26 and 27; *Pepeng* hit us October 1 to 3; *Ramil* rammed us October 20 and it was internationally called *Lupit*, which it was – *talagang napakalupit*; and, *Santi* on October 30 and 31. We knew it is a Herculean task to recover and prop up the victims. That initial distress right after the chain of disasters is understandable – at personal and government levels. We rose, though, and decided to make those damages temporary setbacks. However, it seems there is a likelihood that those damages would become permanent due to the lackluster pace of rehabilitation and rebuilding efforts.

However, after 12 months, this Representation believes all the agencies entrusted with the P12 billion fund had had more than enough time to report a factual accounting to the Filipino people, among them, the Aetas of Botolan, Zambales still living in a tent city of makeshift shelters and substandard sanitation facilities.

I sincerely hope that we shall be satisfied with the forthcoming accounting to help us explain to our affected countrymen that they would – sooner rather than later – benefit from the P12 billion fund.

What is alarming is that yesterday during the interpellations we had with Sen. Loren Legarda, it was found out that the first initial amount of P340 million was utilized for farm-to-market roads and river dredging in areas that were not completely affected by *Ondoy* and *Pepeng*. So an accounting truly is needed and I am sure that the Chairman of the Committee on Finance, Sen. Franklin Drilon, who is now busy with the budget hearing, can compel the

agencies in charge of these funds to submit a proper accounting.

We are also making this call and remembering *Ondoy* and *Pepeng*, as *Katrina* was to the Americans, so that we will learn the lessons of history, so that we can prepare for the next disaster of this magnitude and thereby prevent deaths and minimize damage.

INTERPELLATION OF SENATOR DRILON

At the outset, Senator Drilon commended Senator Zubiri for bringing to the public attention such neglect of the *Ondoy* and *Pepeng* victims.

Asked who the Senate should summon to answer all the questions raised as regards the funds, Senator Zubiri cited the agencies tasked to handle the P12 billion calamity fund, namely: National Disaster Coordinating Council (NDCC), Department of National Defense (DND); Department of Budget and Management (DBM); Department of Public Works and Highways (DPWH), recipient of most of the funds; Department of Social Welfare and Development (DSWD); and Department of Agriculture (DA).

Asked if former President Arroyo, now congresswoman from Pampanga, should be invited to the Senate to answer questions about the fund, Senator Zubiri stated that the first thing that the Committee should look into is how much was released from the funds. He said that the Senate could invite Representative Arroyo but she should also be accorded due respect as a member of a coequal branch.

Senator Drilon pointed out that then President Arroyo had full control of the 2009 budget from which billions of pesos were released, including over P1.3 billion on February 10, 2010, for the dredging of rivers in eight provinces that, however, were not affected by *Ondoy*. Senator Zubiri commented that if the P1.3 billion was part of the P12 billion rehabilitation fund, then it was not utilized for the right purpose.

Senator Drilon clarified that the P12 billion rehabilitation fund was just an authorization and it was supposed to come from the unprogrammed portion of the budget, the source of which should have been looked into first.

On whether the previous administration exerted any effort to fund the Unprogrammed Funds, Senator Zubiri replied that he was not aware if it did which gives him more reason to push for the investigation.

REMARKS OF SENATOR LEGARDA

On the matter of who should be summoned to the Senate hearing, Senator Legarda stated that first, it should be the DBM so that it could reconstruct the timeline of releases since the Joint Resolution was passed in October 2009; second, the DOF because under EO 838, the Finance Secretary chairs the Special National Public Reconstruction Commission (SPNRC), whose private sector partner was the Philippine Disaster Recovery Foundation (PDRF) headed by Manny Pangilinan, which was reported to have raised P80 million. She underscored the need to determine why the SPNRC has not been convened and what it has done, noting that there were two requests amounting to P14 billion and P10.8 billion, respectively, pending with the SPNRC since February 2010.

Senator Legarda stressed that Joint Resolution No. 5 authorized the release of not more than P12 billion in 2009 but according to the letter of Secretary Abad, approximately P339 million was released from the Unprogrammed Fund; P100 million was from the Calamity Fund; and P10 billion from the Malampaya Fund. She stressed that the Senate must also look into how the Malampaya Fund was spent and what agency handled the money.

Furthermore, Senator Legarda recalled that P3.5 billion was released from the Unprogrammed Fund to support Joint Resolution No. 5 but the total releases in 2009 and 2010 that supposedly amounted to P14 billion did not go to areas affected by typhoons *Ondoy* and *Pepeng*. She narrated that during the budget hearing, she was surprised to hear that Antique got a portion of a P1 billion funding for a dredging project but she was never informed about it, so she presumed that it was part of a congressional insertion which was not covered in Secretary Abad's letter. She informed the Body that the Committee on Climate Change would hold a hearing on Monday, October 4, 2010, to discuss matters related to the funds. She underscored that the Committee was not out on a witch-hunt, clarifying that it merely wants to find out where the funds went and how the government can help the victims of *Ondoy* and *Pepeng* who until now live in tent cities.

REMARKS OF SENATOR GUINGONA

In addition thereto, Senator Guingona stated that he has a copy of a letter to Sec. Cesar Purisima from Mr. Burt Hoffman of the World Bank about a loan for the SPNRC. He said that the letter did not indicate an amount; it only disclosed "a supplemental support for post-typhoon recovery Loan No. 7913" which was released in August 27, 2010, and through which new funds were infused into the SPNRC. However, he noted that the DOF has not appointed anyone to head the SPNRC, a matter that the Committee should look into.

MANIFESTATION OF SENATOR LEGARDA

Senator Legarda pointed out that the government acquired three loans in relation to typhoons *Ondoy* and *Pepeng*, one of which was the World Bank loan called Food Crisis Response Development Policy Operation and Supplemental Support for Post-Typhoon Recovery worth US\$250 million or P11 billion that Senator Guingona mentioned. She stated that the Senate must also find out how the DOF intended to use the P11 billion loan.

Further, Senator Legarda pointed out that the DPWH has a P1.8 billion for its bridge construction and replacement project and she demanded that the department identify the bridges as they might lead to nowhere again. She informed the Body that JICA also gave a P5.2 billion "Short-Term Infrastructure Rehabilitation Project" to be implemented by the DPWH.

In conclusion, Senator Legarda stressed that the Senate should look into the Unprogrammed Funds, Malampaya Fund, Calamity Fund, the congressional insertions, and loans that the government has contracted in relation to the typhoon *Ondoy* and *Pepeng*.

INTERPELLATION OF SENATOR DRILON (Continuation)

Asked by Senator Drilon if he was aware of the P8,328,995,000 released by the DBM between February 18, 2010 and February 26, 2010, for purposes other than rehabilitation, Senator Zubiri stated that he was not, and thanked Senator Drilon for the information.

Senator Zubiri recalled that before the elections, he warned Senator Aquino about several transactions

being brokered using the Road User's Fund and he feared that nothing would be left to the new administration.

On whether he was aware of the P889,200,000 that was released in March 19, 2010 for various projects like dredging and desilting of rivers all over the country, Senator Zubiri replied in the negative.

Senator Drilon informed the Body that on May 21, 2010, P500 million was released for various projects including flood control, channeling of rivers in Legazpi City and river dredging in Antique. He also revealed that P888,100,000 was released on June 29, 2010 for various projects including flood control in Pampanga, and that from February 10, 2010 to June 29, 2010, a day before the term of President Arroyo expired, a total of P10,606,295,000 was released. He stressed that the various projects that were funded had nothing to do with typhoons *Ondoy* and *Pepeng* and yet, the calamity funds for relief operations were not released.

Senator Drilon bared that all the amounts mentioned were covered by SAROs and released by the DBM directly to the district engineering offices of the DPWH without passing through its central office. He said that indeed it is something that must be looked into in view of the non-implementation of Joint Resolution No. 5.

Agreeing with Senator Drilon, Senator Zubiri suggested that aside from looking into where the funds went, the Committee should also conduct an ocular inspection of the projects. He opined that some of the projects might actually be "farm-to-pocket" roads. He stated that the "recoverable amount," a term used for kickback money, could be as high as 70%, so that of the P10 million, for instance, given to an LGU for a road project, almost P7 million goes to the pocket and only P3 million is spent on materials.

Senator Drilon assured the Body that the Committee would conduct an ocular inspection and would make an initial examination of the documents pertaining to the releases. He invited Senator Zubiri to take part in the ocular inspection.

Senator Zubiri stated that along with Senator Drilon, he would be part of the anti-corruption program and advocacies of the Aquino Administration. He expressed support for the Administration in its move to limit, if not totally eliminate, corrupt practices.

MANIFESTATION OF SENATOR LEGARDA

Senator Legarda stated that as the Senate was debating about the billions of pesos allocated from the GAA and loans secured from the Deutsche Bank, World Bank and JICA, 10,000 victims of *Ondoy* and *Pepeng* still live in 27 evacuation centers in Luzon. She said that perhaps the DSWD can look into the matter since it would be unconscionable to allow these people to live in evacuation centers 12 months after the disaster.

MANIFESTATION OF SENATOR CAYETANO (A)

Senator Cayetano (A) stated that he, in fact, has brought up the issue of the P12 billion calamity funds a number of times. He recalled questioning the rush of passing Joint Resolution No. 5 and until the last day of the 14th Congress, he was inquiring into how the fund was used. To allow the agencies to immediately help the victims of the typhoons, he stated that Congress eventually passed the resolution but not after putting in a number of safeguards, one of which was the requirement to post the release of the fund on a website. He noted that a year has passed and a new administration has been installed but the fund is nowhere to be found, in spite of the many follow-ups.

Senator Cayetano (A) lamented that despite the notion that "Congress holds the purse," the reality is that DBM and the Office of the President have absolute discretion over the budget, particularly during the previous administration when the DBM would release funds only to preferred entities. He then underscored the need for Congress to exercise its oversight function on the national budget, in the same manner as that in the U.S. when congressional action is sometimes required before funds for the following quarter could be released. He expressed faith and confidence that Senator Drilon, as the Chair of the Committee on Finance, would be able to find a way—whether through an oversight committee or through any other mechanism—to exercise control and supervision over the budget.

Senator Drilon said that the Oversight Committee on Public Expenditures which was created during the previous Congress is being organized to exercise oversight functions over the budget, as he assured Senator Cayetano (A) that the oversight committee would look into how the budget is being used and the amounts that are expended.

Senator Cayetano (A) further lamented that the Philippine Constitution was made in a way that more of the freedoms and authority on the budget are given to the President, unlike in the U.S. where Congress has more power over it. Nonetheless, he believed that nothing can stop Congress—either by its rules, by a resolution or by special provisions in the GAA—to work out with the new administration that believes in transparency and accountability, or to try or test how it would be able to do its part in making sure that the budget is well spent.

Senator Drilon said that at the moment, all that the public can rely on is the power of Congress to make public all the releases or expenditures, as he admitted difficulty in imagining a situation where it can intervene in the power to release funds because it may not be able to stand constitutional scrutiny. Nonetheless, he believed that a transparent environment would create its own check on the releases and utilization of the funds given the vibrancy of the country's media sector. Senator Cayetano (A) agreed, adding that the passage of the Freedom of Information bill could have caused the posting of the information in the websites of different agencies. Congratulating the previous Congress for approving the Freedom of Information Act, he expressed hope that the current Congress would also pass it and finally realize its enactment into law.

Senator Drilon assured that even without waiting for the enactment of the Freedom of Information bill, the present administration, given its policy on transparency, would have no objection to the publication through the internet and the media outlets of public expenditures and even allocations of each member of the legislature. He said that Congress could make representations particularly with the DBM so that all the expenditures that are authorized under the General Appropriations Act could be published.

REFERRAL OF SPEECH TO COMMITTEES

Upon motion of Senator Sotto, there being no objection, the Chair referred the privilege speech of Senator Zubiri to the Committee on Climate Change and the Committee on Finance.

REFERENCE OF BUSINESS

The Deputy Secretary for Legislation, Atty. Edwin B. Bellen, read the following matters and the Chair made the corresponding referrals:

BILLS ON FIRST READING

Senate Bill No. 2501, entitled

AN ACT AMENDING SECTION SEVENTY-EIGHT OF PRESIDENTIAL DECREE NUMBERED SEVEN HUNDRED FIVE, AS AMENDED, OTHERWISE KNOWN AS THE REVISED FORESTRY CODE OF THE PHILIPPINES

Introduced by Senator Revilla Jr.

To the Committee on Environment and Natural Resources

Senate Bill No. 2502, entitled

AN ACT TO PROHIBIT UNATTENDED CHILDREN IN MOTOR VEHICLES

Introduced by Senator Revilla Jr.

To the Committee on Public Services

Senate Bill No. 2503, entitled

AN ACT REQUIRING THE TEACHING OF DISASTER AWARENESS AND DISASTER MITIGATION AS PART OF THE CURRICULUM OF ALL PRIMARY AND SECONDARY SCHOOLS, AND FOR OTHER PURPOSES

Introduced by Senator Revilla Jr.

To the Committees on Education, Arts and Culture; National Defense and Security; and Finance

Senate Bill No. 2504, entitled

AN ACT TO PROVIDE COMPENSATION, REIMBURSEMENT FOR HOSPITALIZATION EXPENSES, AND OTHER BENEFITS, TO CIVILIANS CAUGHT IN THE CROSSFIRE BETWEEN REBELS AND THE MILITARY, AND FOR OTHER PURPOSES

Introduced by Senator Revilla Jr.

To the Committees on Justice and Human Rights; National Defense and Security; and Finance

Senate Bill No. 2505, entitled

AN ACT AMENDING REPUBLIC ACT NO. 53, AS AMENDED, OTHERWISE KNOWN AS AN ACT TO EXEMPT THE PUBLISHER, EDITOR OR REPORTER OF ANY PUBLICATION FROM REVEALING THE SOURCE OF PUBLISHED NEWS OR INFORMATION OBTAINED IN CONFIDENCE BY, INCLUDING WITHIN ITS COVERAGE, JOURNALISTS FROM BROADCAST, NEWS AGENCIES AND INTERNET PUBLICATIONS

Introduced by Senator Revilla Jr.

To the Committee on Public Information and Mass Media

Senate Bill No. 2506, entitled

AN ACT INCREASING THE TAX ON IDLE LANDS, AMENDING FOR THE PURPOSE, SECTION 236 OF R.A. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

Introduced by Senator Revilla Jr.

To the Committees on Local Government; and Ways and Means

Senate Bill No. 2507, entitled

AN ACT PROVIDING FOR THE SUMMARY TITLING OF REAL PROPERTIES USED AS SITES FOR PUBLIC SCHOOLS AND APPROPRIATING FUNDS THEREOF

Introduced by Senator Revilla Jr.

To the Committees on Environment and Natural Resources; Education, Arts and Culture; and Finance

Senate Bill No. 2508, entitled

AN ACT TO ADVANCE AND DEVELOP PROFESSIONAL AND AMATEUR

BOXING ESTABLISHING THE PHILIPPINE BOXING ACADEMY UNDER THE GAMES AND AMUSEMENT BOARD (GAB), APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Games, Amusement and Sports; Education, Arts and Culture; Ways and Means; and Finance

Senate Bill No. 2509, entitled

AN ACT INSTITUTING MANDATORY GOVERNMENT SERVICE TO GRADUATES OF PHILIPPINE MERCHANT MARINE ACADEMY (PMMA), AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 3680 AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committee on Civil Service and Government Reorganization

Senate Bill No. 2510, entitled

AN ACT TO EXPAND AND REVITALIZE THE SPECIAL EDUCATION PROGRAM FOR GIFTED AND HANDICAPPED CHILDREN AND YOUTH IN THE PHILIPPINES

Introduced by Senator Lapid

To the Committees on Education, Arts and Culture; Youth, Women and Family Relations; and Finance

Senate Bill No. 2511, entitled

AN ACT EXPANDING THE COVERAGE OF INCENTIVES EXTENDED TO THE NATIONAL ATHLETES AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 9064 OTHERWISE KNOWN AS "NATIONAL ATHLETES, COACHES AND TRAINERS BENEFITS AND INCENTIVES ACT OF 2001," AND FOR OTHER PURPOSES

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Introduced by Senator Lapid

To the Committee on Games, Amusement and Sports

Senate Bill No. 2512, entitled

AN ACT REGULATING THE USE OF TEXT, GRAPHICS, MULTIMEDIA AND OTHER SIMILAR MESSAGING SYSTEMS OF MOBILE PHONES AS MEDIUM FOR BUSINESS ENTITY ADVERTISEMENTS AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committee on Public Services

Senate Bill No. 2513, entitled

AN ACT FURTHER EXPANDING THE COVERAGE OF THE COLLEGE STUDENT BENEFICIARIES UNDER THE STUDENT VOUCHER SYSTEM OF PRIVATE EDUCATION STUDENT FINANCIAL ASSISTANCE (PESFA) PROGRAM, AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 8545 OTHERWISE KNOWN AS "EXPANDED GOVERNMENT ASSISTANCE TO STUDENTS AND TEACHERS IN PRIVATE EDUCATION ACT," AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Education, Arts and Culture; and Ways and Means

Senate Bill No. 2514, entitled

AN ACT REQUIRING ALL CONSUMER PRODUCTS TO SPECIFY IN THEIR RESPECTIVE LABELS THE NUTRITION INFORMATION THAT EACH CONSUMER PRODUCT CONTAINS, AMENDING FOR THE PURPOSE ARTICLE 77 OF R.A. 7394 ALSO KNOWN AS THE CONSUMER ACT OF THE PHILIPPINES

Introduced by Senator Lapid

To the Committees on Trade and Commerce; and Health and Demography

Senate Bill No. 2515, entitled

AN ACT EXTENDING POSTAL DISCOUNT PRIVILEGE TO THE IMMEDIATE FAMILY MEMBERS OF OVERSEAS CONTRACT WORKERS

Introduced by Senator Lapid

To the Committees on Public Services; and Labor, Employment and Human Resources Development

Senate Bill No. 2516, entitled

AN ACT MAKING AVAILABLE ELECTRONIC MEDICAL RECORDS OF ALL PATIENTS OF HOSPITALS AND CLINICS ESTABLISHING FOR THIS PURPOSE ELECTRONIC MEDICAL RECORD CENTER UNDER THE DEPARTMENT OF HEALTH, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Health and Demography; and Finance

Senate Bill No. 2517, entitled

AN ACT TO IMPROVE THE NUTRITION QUALITY OF FOOD SERVED TO PRIMARY AND SECONDARY SCHOOL STUDENTS IN SCHOOL CANTEENS AND CAFETERIAS, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Education, Arts and Culture; and Health and Demography

Senate Bill No. 2518, entitled

AN ACT AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT

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6847, OTHERWISE KNOWN AS "THE PHILIPPINE SPORTS COMMISSION ACT" AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Games, Amusement and Sports; and Ways and Means

Senate Bill No. 2519, entitled

AN ACT PROVIDING FOR THE MAINTENANCE AND SUPPORT OF ELDERLY MEMBERS OF THE FAMILY AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Social Justice, Welfare and Rural Development; and Youth, Women and Family Relations

Senate Bill No. 2520, entitled

AN ACT AMENDING SECTION 385 OF PRESIDENTIAL DECREE NO. 1460, AS AMENDED BY PRESIDENTIAL DECREE 1455, OTHERWISE KNOWN AS THE INSURANCE CODE OF THE PHILIPPINES

Introduced by Senator Villar

To the Committee on Banks, Financial Institutions and Currencies

Senate Bill No. 2521, entitled

AN ACT BANNING THE RE-APPOINTMENT OF A REGULAR MEMBER OF THE JUDICIAL AND BAR COUNCIL WHO HAS ALREADY SERVED THE FULL TERM

Introduced by Senator Defensor Santiago

To the Committee on Justice and Human Rights

Senate Bill No. 2522, entitled

AN ACT REPEALING ARTICLE 247 OF ACT NO. 3815, ALSO KNOWN AS

THE REVISED PENAL CODE, ON DEATH OR PHYSICAL INJURIES INFLICTED UNDER EXCEPTIONAL CIRCUMSTANCES

Introduced by Senator Defensor Santiago

To the Committee on Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 2523, entitled

AN ACT FURTHER AMENDING PRESIDENTIAL DECREE NO. 1638 AS AMENDED, OTHERWISE KNOWN AS "ESTABLISHING A NEW SYSTEM OF RETIREMENT AND SEPARATION FOR MILITARY PERSONNEL OF THE ARMED FORCES OF THE PHILIPPINES AND FOR OTHER PURPOSES BY GRANTING THE RIGHT TO RECEIVE RETIREMENT BENEFITS TO RETIREES WHO HAVE REACQUIRED PHILIPPINE CITIZENSHIP"

Introduced by Senator Defensor Santiago

To the Committee on National Defense and Security

Senate Bill No. 2524, entitled

AN ACT INSTITUTING SHIPPING INDUSTRY REFORMS, PROVIDING FOR THE PURPOSE A CLEAR SYSTEM OF SHIP REGISTRATION AND INCENTIVES THEREFOR, A COMPREHENSIVE MECHANISM FOR SHIP MORTGAGES, MARITIME CLAIMS AND MARITIME LIENS, AND FURTHER DEFINING THE PARAMETERS FOR SHIP ARREST AND MARITIME LIABILITY LIMITATION AND FOR OTHER PURPOSES

Introduced by Senator Defensor Santiago

To the Committees on Public Services; and Ways and Means

Senate Bill No. 2525, entitled

AN ACT INCREASING THE PENALTIES FOR ELECTION OFFENSES

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ATTENDED BY VIOLENCE, COERCION, INTIMIDATION, FORCE OR THREATS AND FOR OTHER ELECTION OFFENSES

Introduced by Senator Lapid

To the Committee on Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 2526, entitled

AN ACT ESTABLISHING THE NATIONAL MARICULTURE PROGRAM, AND PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Marcos Jr.

To the Committees on Agriculture and Food; Public Works; and Finance

Senate Bill No. 2528, entitled

AN ACT REQUIRING THE DISCLOSURE OF GIFTS PROVIDED BY PHARMACEUTICAL MANUFACTURERS OR MEDICAL DEVICE MANUFACTURERS TO HEALTH CARE PROVIDERS

Introduced by Senator Defensor Santiago

To the Committee on Health and Demography

Senate Bill No. 2529, entitled

AN ACT EXEMPTING THE USERS OF ELECTRONIC VEHICLES FROM THE PAYMENT OF THE ROAD USER'S TAX

Introduced by Senator Defensor Santiago

To the Committee on Public Works; and Ways and Means

Senate Bill No. 2530, entitled

AN ACT DIRECTING THE SECRETARY OF HEALTH, IN CONSULTATION WITH THE SECRETARY OF EDUCA-

TION, TO DEVELOP GUIDELINES TO BE USED ON A VOLUNTARY BASIS TO DEVELOP PLANS TO MANAGE THE RISK OF FOOD ALLERGY AND ANAPHYLAXIS IN SCHOOLS

Introduced by Senator Defensor Santiago

To the Committees on Health and Demography; and Education, Arts and Culture

Senate Bill No. 2531, entitled

AN ACT MANDATING A CONTINUING EDUCATION FOR TEACHERS IN ALL LEVELS IN PUBLIC AND PRIVATE SCHOOLS AND PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Marcos Jr.

To the Committees on Education, Arts and Culture; and Finance

Senate Bill No. 2532, entitled

AN ACT ESTABLISHING A NATIONAL FIRST-CLASS DEVELOPMENT PROGRAM OF PUBLIC ELEMENTARY AND SECONDARY SCHOOLS AND PUBLIC LIBRARIES AND APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Marcos Jr.

To the Committees on Education, Arts and Culture; Ways and Means; and Finance

Senate Bill No. 2533, entitled

AN ACT CREATING THE PHILIPPINE MILLENNIUM DEVELOPMENT FUND, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Marcos Jr.

To the Committees on Government Corporations and Public Enterprises; Economic Affairs; and Ways and Means

Senate Bill No. 2534, entitled

AN ACT DEFINING CYBERCRIME, PROVIDING FOR THE PREVENTION, INVESTIGATION AND IMPOSITION OF PENALTIES THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Marcos Jr.

To the Committees on Science and Technology; Constitutional Amendments, Revision of Codes and Laws; and Finance

Senate Bill No. 2535, entitled

AN ACT ESTABLISHING AN ELEMENTARY SCHOOL IN BARANGAY BANAY-BANAY 1.0, SAN JOSE, PROVINCE OF BATANGAS TO BE KNOWN AS BANAY-BANAY 1.0 ELEMENTARY SCHOOL AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Recto

To the Committee on Rules

Senate Bill No. 2536, entitled

AN ACT EXEMPTING PUBLIC UTILITY VEHICLES AND ELECTRIC VEHICLES FROM THE MOTOR VEHICLE USER'S CHARGE AND REALLOCATING THE DISPOSITION OF MONIES COLLECTED AMENDING FOR THE PURPOSE SECTIONS 2, 3 AND 7 OF REPUBLIC ACT NO. 8794, OTHERWISE KNOWN AS THE "MOTOR VEHICLE USER'S CHARGE OF 2000" AND FOR OTHER PURPOSES

Introduced by Senator Recto

To the Committees on Public Works; and Ways and Means

RESOLUTIONS

Proposed Senate Resolution No. 210, entitled

RESOLUTION CONGRATULATING AND COMMENDING THE PHILIP-

PINE MADRIGAL SINGERS FOR BEING CONFERRED THE GUIDONEUM AWARD 2010 BY THE *FONDAZIONE GUIDO D'AREZZO* AT THE 58TH INTERNATIONAL CHORAL COMPETITION ON 18 SEPTEMBER 2010 IN AREZZO, ITALY

Introduced by Senator Lapid

To the Committee on Rules

Proposed Senate Resolution No. 211, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE FORMULATION OF MECHANISMS TO AMEND THE PAGCOR CHARTER IN ORDER TO IMPROVE THE EFFICIENCY IN THE USE OF ITS FUNDS, AND THE TRANSPARENCY IN ITS OPERATIONS

Introduced by Senator Defensor Santiago

To the Committee on Government Corporations and Public Enterprises

Proposed Senate Resolution No. 212, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE DEVELOPMENT OF HYDROGEN ENERGY TECHNOLOGIES CONSISTENT WITH ENVIRONMENTAL PROTECTION, SUSTAINABLE DEVELOPMENT, AND ECONOMIC PROSPERITY

Introduced by Senator Defensor Santiago

To the Committees on Energy; and Environment and Natural Resources

Proposed Senate Resolution No. 213, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON HEALTH TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE NEED

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TO ENACT MEASURES TO CURB
THE YEARLY RISE OF DENGUE
CASES IN THE COUNTRY

Introduced by Senator Defensor Santiago

To the Committee on Health and Demography

Proposed Senate Resolution No. 214, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON HEALTH TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE INCREASING PREVALENCE OF OBESITY AMONG YOUNG FILIPINO ADULTS AND EXPLORING POSSIBLE TAXATION MEASURES ON UNHEALTHY FOOD CHOICES TO CURB OBESITY

Introduced by Senator Defensor Santiago

To the Committees on Health and Demography; and Ways and Means

Proposed Senate Resolution No. 215, entitled

RESOLUTION CONGRATULATING AND COMMENDING FILIPINO STEEPLECHASE SPECIALIST RENE HERRERA AND LONG JUMPER HENRY DAGMIL FOR EMERGING VICTORIOUS AT THE 72ND SINGAPORE OPEN TRACK AND FIELD CHAMPIONSHIP HELD IN SINGAPORE ON 18-19 SEPTEMBER 2010

Introduced by Senator Lapid

To the Committee on Rules

Proposed Senate Resolution No. 216, entitled

RESOLUTION CONGRATULATING AND COMMENDING THE PHILIPPINE SOFT TENNIS TEAM FOR BRINGING HOME A TOTAL OF FOURTEEN GOLD MEDALS AT THE 2010 SOUTH EAST ASIAN SOFT TENNIS FEDERATION (SEAST)

CHAMPIONSHIPS ON 17-19
SEPTEMBER 2010 IN KOTA
KINABALU, SABAH MALAYSIA

Introduced by Senator Lapid

To the Committee on Rules

ADDITIONAL REFERENCE OF BUSINESS

COMMUNICATIONS

Letter from the Office of the President of the Philippines, dated 2 August 2010, furnishing the Senate with a certified true copy of Executive Order No. 1, dated 30 July 2010, entitled

CREATING THE PHILIPPINE TRUTH COMMISSION OF 2010.

To the Committees on Justice and Human Rights; and Finance

Letter from the Social Housing Finance Corporation, submitting to the Senate the Corporation's Annual Report for 2009.

To the Committee on Urban Planning, Housing and Resettlement

Letter from the *Bangko Sentral ng Pilipinas*, dated 13 August 2010, furnishing the Senate with a certified true copy of BSP Circular No. 693, s. of 2010, dated 9 August 2010, in compliance with Section 15(a) of Republic Act No. 7653 (The New Central Bank Act).

To the Committee on Banks, Financial Institutions and Currencies

Letter from the Dangerous Drugs Board, dated 23 August 2010, submitting copy of a brief memorandum clarifying the issue of whether or not POEA is separate and independent of DDB, and is directly under the Office of the President; and a copy of the letter-explanation excerpted from the report of former DDB Executive Director Jose C. Calida to a query posed on the same issue.

To the Committee on Public Order and Illegal Drugs

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Letter from the Office of the Ombudsman, dated 25 August 2010, submitting to the Senate the annual report of the Office of the Ombudsman for calendar year 2009, pursuant to Section 34 of Republic Act No. 6770.

To the Committee on Justice and Human Rights

Letter from the Supreme Court of the Philippines, dated 25 August 2010, submitting to the Senate the Report operation and activities of the Supreme Court from 1 January to 31 December 2009, pursuant to Article VIII, Section 16 of the Constitution.

To the Committee on Justice and Human Rights

Letter from the Department of Labor and Employment, dated 26 August 2010, addressed to Speaker Feliciano R. Belmonte Jr. of the House of Representatives, copy furnished the Senate, submitting the Executive Summary Report to Congress including the individual reports from the 38 Philippine Overseas Labor Offices, covering the period of January to December 2009, pursuant to Section 33 of Republic Act No. 8042 (The Migrant Workers and Overseas Filipino Act of 1995).

To the Committees on Labor, Employment and Human Resources Development; and Foreign Relations

Letter from the Philippine Judicial academy System, dated 3 September 2010, submitting to the Senate the report on its Investment Portfolio as of 31 December 2009, in compliance with Section 36 of Republic Act No. 8291 (GSIS Act of 1997).

To the Committee on Government Corporations and Public Enterprises

Letter from the Office of the President of the Philippines, dated 8 September 2010, transmitting to the Senate two original copies of Republic Act No. 10143, entitled

AN ACT ESTABLISHING THE PHILIPPINE TAX ACADEMY, DEFINING ITS POWERS AND FUNCTIONS,

which lapsed into law on 31 July 2010.

To the Archives

Letter from the Office of the President of the Philippines, dated 9 September 2010, transmitting to the Senate a certified copy of Executive Order No. 7, dated 8 September 2010, entitled

DIRECTING THE RATIONALIZATION OF THE COMPENSATION AND POSITION CLASSIFICATION SYSTEM IN GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS (GOCCs) AND GOVERNMENT FINANCIAL INSTITUTIONS (GFIs), AND FOR OTHER PURPOSES.

To the Committee on Government Corporations and Public Enterprises

CHANGE IN OVERSIGHT COMMITTEE MEMBERSHIP

Nominated by Senator Sotto, on behalf of Senator Ejercito Estrada, there being no objection, Senator Arroyo was elected member of the Congressional Oversight Committee on Overseas Workers Affairs in lieu of Senator Cayetano (A), on the part of the Minority.

PROPOSED SENATE RESOLUTION NO. 53

Upon motion of Senator Sotto, there being no objection, the Body considered Proposed Senate Resolution No. 53, entitled

RESOLUTION CALLING FOR THE LIVE STREAMING OF SENATE PROCEEDINGS IN THE PLENARY AS WELL AS HEARINGS AND MEETINGS OF THE SENATE COMMITTEES TO PROVIDE ACCURATE INFORMATION IN REAL TIME TO THE PUBLIC.

With the permission of the Body, only the title of the resolution was read without prejudice to the insertion of its full text into the Record of the Senate.

Thereupon, the Chair recognized Senator Sotto for the sponsorship.

SPONSORSHIP REMARKS OF SENATOR SOTTO

Senator Sotto stated that Proposed Senate Resolution No. 53 calls for the live streaming of the Senate proceedings, specifically the plenary sessions and committee hearings, on the Internet.

He said that it is the view of the Rules Committee that the Senate should take advantage of the information revolution in this digital age so that the Filipino people can have access to and be informed of the goings-on in the Senate.

The Senate proceedings, he said, will be broadcast to the public as they happen in real time, or simultaneous committee hearings can be pre-recorded. He emphasized that accessibility and transparency will be the hallmarks of this venture into modernization.

As Sen. Francis N. Pangilinan, the principal author, has pointed out, Senator Sotto said that the live streaming of proceedings has long been practiced by parliaments throughout the world, such as Vermont, Arizona, New York, Colorado, Oregon, Oklahoma, Montana and Arkansas in the United States, as well as in some European countries.

Senator Sotto stated that the members of the Rules Committee had discussed the resolution in a public hearing with resource persons from the Senate Secretariat as well as from the Department of Science and Technology.

He said that the live streaming will undergo a feasibility study and pilot testing before it is fully undertaken which, in fact, is the thrust of the proposed committee amendment to the resolution. He stated that if the Senate finds the live streaming to be financially and technically feasible, it can proceed with its institutionalization.

INQUIRY OF THE CHAIR

Asked by the Chair if the Senate proceedings would be broadcast only through the Internet, Senator Sotto replied in the affirmative, explaining that it would be done through the Senate website so that the Senate would not be beholden to cable operators.

TERMINATION OF THE PERIOD OF INTERPELLATIONS

There being no interpellation, upon motion of Senator Sotto, there being no objection, the Body closed the period of interpellations and proceeded to the period of committee amendments.

AMENDMENT BY SUBSTITUTION

As proposed by Senator Sotto, there being no objection, the Body approved the substitution of the entire text of Proposed Senate Resolution No. 53 with the following:

RESOLUTION AUTHORIZING THE LIVE STREAMING OF SELECTED SENATE PROCEEDINGS IN THE PLENARY AS WELL AS HEARINGS AND MEETINGS OF THE SENATE COMMITTEES, SUBJECT TO A FEASIBILITY STUDY AND PILOT TESTING TO PROVIDE ACCURATE INFORMATION IN REAL TIME TO THE PUBLIC, AND THE RELEASE OF BUDGETARY ALLOCATION THEREFOR.

WHEREAS, Article III, Section 7 of the Constitution provides that the right of the people to public information on matters of public concern, and that access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as the government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law;

WHEREAS, in response to the above-stated Constitutional guarantee, the Senate, in accordance with its power to promulgate and determine its own rules of procedure, deems it necessary and proper to authorize the introduction of technological innovation such as live streaming that will give the community the chance to have access to the public proceedings in the Senate, more importantly the Filipinos abroad who can witness the actual proceedings and debates/discussion on issues affecting their conditions and state of affairs in their employment in other countries;

WHEREAS, the on-line live streaming and audio web cast processes as sources of first-hand information by the public will allow a more dynamic link to the public at all times and will provide equal opportunity to all, particularly the students who are very interested in how the

Senators work to pass bills into laws, since the gallery in the plenary hall cannot accommodate each and every person who wants to witness the Senate proceedings;

WHEREAS, already recognized in other states and/or countries such as Vermont, Arizona, New York, Colorado, Oklahoma, Montana and Arkansas in the United States and in Canada, the live streaming and recording of the Senate proceedings will encourage greater participation from the public, thus avoiding unnecessary confusion and interpretation of issues and discussions raised during the plenary sessions and committee hearings/meetings;

WHEREAS, live feed from the legislature without editing or commentary will provide accurate information to the public, promote transparency and accountability of legislators in the proceedings in the Senate, and expand the opportunities for the proper dissemination of what is happening in real time during plenary sessions and committee hearings at the Senate;

WHEREAS, in order to ensure the cost effectiveness and accurate recording and live streaming of the Senate sessions and committee hearings, a feasibility study shall be conducted by the Committee on Rules on the recording and live streaming of Senate proceedings and meetings and/or hearings of the Senate committees: Now, therefore, be it

RESOLVED BY THE SENATE, To authorize, as it hereby authorizes, the live streaming of selected Senate proceedings in the plenary as

well as hearings and meetings of the Senate committees, subject to a feasibility study and pilot testing, to provide accurate information in real time to the public, and the release of budgetary allocation therefor.

ADOPTION OF PROPOSED SENATE RESOLUTION NO. 53

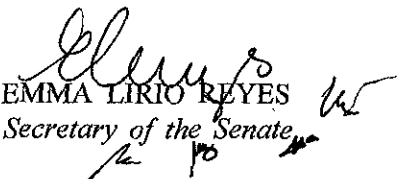
Upon motion of Senator Sotto, there being no objection, Proposed Senate Resolution 53, as amended by substitution, was adopted by the Body.

ADJOURNMENT OF SESSION

Upon motion of Senator Sotto, there being no objection, the Senate President Pro Tempore declared the session adjourned until three o'clock in the afternoon of the following day.

It was 4:37 p.m.

I hereby certify to the correctness of the foregoing.


EMMA LIRIO REYES
Secretary of the Senate

Approved on September 29, 2010