



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 36
Monday, November 8, 2010

FIFTEENTH CONGRESS
FIRST REGULAR SESSION

SESSION NO. 36
Monday, November 8, 2010

CALL TO ORDER

At 3:23 p.m., the Senate President, Hon. Juan Ponce Enrile, called the session to order.

PRAYER

The Body observed a minute of silent prayer.

NATIONAL ANTHEM

The St. Scholastica's College High School Glee Club led the singing of the national anthem and thereafter rendered the song, entitled "*Awit ng Kabataang Pinoy*."

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.	Honasan, G. B.
Cayetano, A. P. C. S.	Legarda, L.
Cayetano, C. P. S.	Recto, R. G.
Drilon, F. M.	Revilla Jr., R. B.
Ejercito Estrada, J.	Sotto III, V. C.
Enrile, J. P.	Zubiri, J. M. F.
Escudero, F. J. G.	

With 13 senators present, the Chair declared the presence of a quorum.

Senators Arroyo, Guingona, Pangilinan and Osmeña arrived after the roll call.

Senators Defensor Santiago, Lapid, Marcos and Villar were on official mission abroad.

Senator Lacson was absent.

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

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

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. 35 (October 13, 2010) and considered it approved.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 3:33 p.m.

RESUMPTION OF SESSION

At 3:34 p.m., the session was resumed.

**APPROVAL OF SENATE BILL NO. 138
ON THIRD READING**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading,

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Senate Bill No. 138, printed copies of which were distributed to the senators on October 12, 2010.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Sotto, there being no objection, Secretary Reyes read only the title of the bill, to wit:

AN ACT REQUIRING MANDATORY BASIC IMMUNIZATION SERVICES AGAINST HEPATITIS-B FOR INFANTS, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 996 AS AMENDED BY REPUBLIC ACT NO. 7846, AND APPROPRIATING FUNDS THEREFOR.

Secretary Reyes called the roll for nominal voting.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor

- | | |
|------------------|---------|
| Angara | Honasan |
| Cayetano (A) | Legarda |
| Cayetano (P) | Recto |
| Drilon | Revilla |
| Ejercito Estrada | Sotto |
| Enrile | Zubiri |
| Escudero | |

Against

None

Abstention

None

With 13 senators voting in favor, none against, and no abstention, the Chair declared Senate Bill No. 138 approved on Third Reading.

APPROVAL OF HOUSE BILL NO. 2307 ON THIRD READING

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading, House Bill No. 2307, printed copies of which were distributed to the senators on October 13, 2010.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Sotto, there

being no objection, Secretary Reyes read only the title of the bill, to wit:

AN ACT GRANTING PHILIPPINE CITIZENSHIP TO MARCUS EUGENE DOUTHIT.

Secretary Reyes called the roll for nominal voting.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor

- | | |
|------------------|---------|
| Angara | Honasan |
| Cayetano (A) | Legarda |
| Cayetano (P) | Recto |
| Drilon | Revilla |
| Ejercito Estrada | Sotto |
| Enrile | Zubiri |
| Escudero | |

Against

None

Abstention

None

With 13 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 2307 approved on Third Reading.

REFERENCE OF BUSINESS

The Secretary of the Senate read the following matters and the Chair made the corresponding referrals:

BILLS ON FIRST READING

Senate Bill No. 2567, entitled

AN ACT RECOGNIZING THE EARLY YEARS FROM 0 TO 6 AS THE FIRST CYCLE OF EDUCATIONAL DEVELOPMENT, AMENDING REPUBLIC ACT NO. 8980 FOR THIS PURPOSE, STRENGTHENING THE EARLY CHILDHOOD CARE AND DEVELOPMENT COUNCIL AND FOR OTHER PURPOSES

Introduced by Senator Angara

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

Senate Bill No. 2568, entitled

AN ACT PROVIDING FOR THE RE-APPORTIONMENT OF THE LONE LEGISLATIVE DISTRICT OF THE CITY OF BACOLOD AND CREATING A NEW LEGISLATIVE DISTRICT THEREFROM

Introduced by Senator Drilon

To the Committees on Local Government; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 2569, entitled

AN ACT AMENDING SECTION 107 (A) OF THE NATIONAL INTERNAL REVENUE CODE SEEKING TO EXEMPT FROM THE IMPOSITION OF THE VALUE ADDED TAX ON DONATED IMPORTATIONS OF ITEMS OR GOODS, WHICH ARE FOR NON-PROFIT, CHARITABLE, HUMANITARIAN, RELIEF PURPOSES

Introduced by Senator Villar

To the Committee on Ways and Means

Senate Bill No. 2570, entitled

AN ACT PROHIBITING CORPORATIONS, CONSTRUCTION COMPANIES, FIRMS, PARTNERSHIPS, LEGAL ENTITIES OR INDIVIDUALS WHICH OR WHO ARE BANNED BY INTERNATIONAL FUNDING AGENCIES LIKE THE WORLD BANK, FROM PARTICIPATING IN ANY PUBLIC BIDDING OR CONSTRUCTION CONTRACT OR AGREEMENT OF ANY KIND WITH THE GOVERNMENT, AND PROVIDING PENALTIES IN VIOLATION THEREOF

Introduced by Senator Villar

To the Committees on Economic Affairs; Public Works; and Finance

Senate Bill No. 2571, entitled

AN ACT AMENDING TITLE V, SECTION 470(A), (B) AND SECTION 471(A) OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

Introduced by Senator Villar

To the Committee on Local Government

Senate Bill No. 2572, entitled

AN ACT DEFINING THE USE AND PROTECTION OF THE RED CROSS, RED CRESCENT, RED CRYSTAL AND RED LION AND SUN EMBLEMS, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES

Introduced by Senator Marcos Jr.

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

Senate Bill No. 2573, entitled

AN ACT DIRECTING THE SECRETARY OF HEALTH TO DEVELOP AND IMPLEMENT A NATIONAL PUBLIC EDUCATION CAMPAIGN ON THE IMPORTANCE OF ADVANCE CARE PLANNING AND OF AN INDIVIDUAL'S RIGHT TO DIRECT AND PARTICIPATE IN HIS OR HER HEALTH CARE DECISIONS

Introduced by Senator Defensor Santiago

To the Committee on Health and Demography

Senate Bill No. 2574, entitled

AN ACT TO CREATE THE GREEN BUILDING CODE COMMISSION TO DRAFT THE NATIONAL GREEN BUILDING CODE

Introduced by Senator Defensor Santiago

To the Committees on Public Works; and Environment and Natural Resources

RESOLUTIONS

Proposed Senate Resolution No. 247, entitled

RESOLUTION URGING THE COMMITTEES ON ENERGY; ENVIRONMENT AND NATURAL RESOURCES; AND SCIENCE AND TECHNOLOGY TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE FEASIBILITY AND ECONOMICS OF UTILIZING WASTE VEGETABLE OIL (WVO) WITH THE END IN VIEW OF PROTECTING THE ENVIRONMENT AND PROVIDING FOR ALTERNATIVE FUEL FOR AUTOMOBILES

Introduced by Senator Villar

To the Committees on Energy; and Environment and Natural Resources

Proposed Senate Resolution No. 248, entitled

RESOLUTION URGING THE SENATE COMMITTEE ON YOUTH, WOMEN AND FAMILY RELATIONS TO CONDUCT A COMPREHENSIVE STUDY, IN AID OF LEGISLATION, ON THE ALARMING INCREASE OF DOMESTIC VIOLENCE CASES IN THE COUNTRY WITH THE OBJECTIVE OF FORMULATING REMEDIAL LEGISLATION FOR THE PURPOSE

Introduced by Senator Villar

To the Committee on Youth, Women and Family Relations

Proposed Senate Resolution No. 249, entitled

RESOLUTION URGING THE COMMITTEES ON AGRICULTURE AND FOOD; AND SCIENCE AND TECHNOLOGY TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION,

ON THE RESULT OF THE SUPER BUFFALO AND ANIMAL CLONING PROJECTS CONDUCTED BY THE PHILIPPINE CARABAO CENTER (PCC), THE DEPARTMENT OF SCIENCE AND TECHNOLOGY-PHILIPPINE COUNCIL FOR AGRICULTURE, FORESTRY AND NATURAL RESOURCES RESEARCH AND DEVELOPMENT (DOST-PCARRD) WITH THE END IN VIEW OF IMPROVING THE LIVESTOCK SUPPLY OF THE PHILIPPINES

Introduced by Senator Villar

To the Committees on Agriculture and Food; and Science and Technology

Proposed Senate Resolution No. 250, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEES ON ENVIRONMENT AND NATURAL RESOURCES; CULTURAL COMMUNITIES; AND AGRICULTURE AND FOOD TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE REPORTED DISAPPEARANCE OF RARE SPECIES "DOJO" OR RARE EEL, THE MOST VALUED BIRD "TALA," AND OTHER ENDANGERED SPECIES IN THE CORDILLERA AS A RESULT OF COMMERCIAL FARMING DESTROYING THUS THE BIODIVERSITY OF THE REGION'S RICE TERRACES CULTURE WITH THE END IN VIEW OF FORMULATING STRATEGIES TO PROTECT OUR ECOSYSTEM

Introduced by Senator Villar

To the Committees on Environment and Natural Resources; and Agriculture and Food

Proposed Senate Resolution No. 251, entitled

RESOLUTION GRANTING SENATOR EDGARDO J. ANGARA, PERMISSION TO RECEIVE THE 2010 PREMIO CASA ASIA FOR HIS EXCEPTIONAL CONTRIBUTION

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TOWARDS PROMOTING KNOWLEDGE, UNDERSTANDING AND DIALOGUE BETWEEN SPAIN AND THE PHILIPPINES

Introduced by Senator Sotto III

To the Committee on Rules

Proposed Senate Resolution No. 252, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON TRADE AND COMMERCE AND THE SENATE COMMITTEE ON ACCOUNTABILITY OF PUBLIC OFFICERS AND INVESTIGATIONS TO INVESTIGATE, IN AID OF LEGISLATION, THE ALLEGED ANOMALOUS MULTIBILLION LAND TRANSACTION BETWEEN CAPITOL HILLS GOLF AND COUNTRY CLUB, INC. (CHGCC) AND AYALA LAND INC. (ALI), WITH THE ALLEGED CULPABLE COMPLICITY AND/OR NEGLIGENCE OF THE SECURITIES AND EXCHANGE COMMISSION (SEC) IN FAILING TO EXERCISE ITS JURISDICTION TO PROTECT THE RIGHTS AND INTERESTS OF THE STOCKHOLDERS OF CHGCC, WITH THE END IN VIEW OF COMING UP WITH REMEDIAL MEASURES TO PREVENT THE OCCURRENCE OF SIMILAR TRANSACTIONS IN THE FUTURE

Introduced by Senator Sotto III

To the Committees on Accountability of Public Officers and Investigations; and Trade and Commerce

Proposed Senate Resolution No. 253, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON EDUCATION, ARTS AND CULTURE TO STUDY, IN AID OF LEGISLATION, GOVERNMENT EFFORTS TO PRESERVE HERITAGE SITES IN THE PHILIPPINES AND TO FORMULATE POLICY MEASURES TO PREVENT

THEIR DEGRADATION AND PRESERVE THEIR INTEGRITY

Introduced by Senator Villar

To the Committee on Education, Arts and Culture

Proposed Senate Resolution No. 254, entitled

RESOLUTION URGING THE COMMITTEES ON SCIENCE AND TECHNOLOGY; AND PUBLIC INFORMATION AND MASS MEDIA AND OTHER APPROPRIATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE INCREASING INCIDENCE OF HARASSMENT ON THE INTERNET OR CYBERBULLYING VIS-À-VIS PRESENT STATUTES AND LEGISLATION WITH THE END IN VIEW OF PROTECTING INTERNET USERS

Introduced by Senator Villar

To the Committees on Science and Technology; and Public Information and Mass Media

Proposed Senate Resolution No. 255, entitled

RESOLUTION COMMENDING THE DEPARTMENT OF FINANCE FOR ISSUING PROACTIVE REVENUE REGULATIONS IN COMPLIANCE WITH THE COUNTRY'S COMMITMENT TO IMPLEMENT INTERNATIONALLY ACCEPTED TAX STANDARDS

Introduced by Senator Defensor Santiago

To the Committee on Rules

Proposed Senate Resolution No. 256, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED INCREASE OF STANDARD MARINE MAMMALS IN THE COUNTRY

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Introduced by Senator Defensor Santiago

COMMUNICATIONS

To the Committee on Environment and Natural Resources

Proposed Senate Resolution No. 257, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, THE ALLEGED INCREASE IN THEFT CASES INVOLVING AUTOMATED TELLER MACHINES (ATMs)

Introduced by Senator Defensor Santiago

To the Committees on Public Order and Illegal Drugs; and Banks, Financial Institutions and Currencies

Proposed Senate Resolution No. 258, entitled

RESOLUTION TO INSTITUTIONALIZE THE *SUMMER SA SENADO* PROGRAM, THEREBY RECOGNIZING THE VITAL ROLE OF THE YOUTH IN NATION-BUILDING

Introduced by Senator Defensor Santiago

To the Committee on Youth, Women and Family Relations

Proposed Senate Resolution No. 259, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE SCHEME CURRENTLY BEING STUDIED BY THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY TO HAVE SOME DETAINEES PAY RENT FOR SPACE, FOOD AND UTILITIES WHILE THEIR CASES ARE BEING HELD IN COURT, AND THE WORSENING CONDITION OF THE COUNTRY'S JAILS THAT PROMPTED SUCH PROPOSAL

Introduced by Senator Defensor Santiago

To the Committees on Justice and Human Rights; and Public Order and Illegal Drugs

Letter from the Commission on Audit, dated 24 September 2010, submitting to the Senate the 2009 ANNUAL FINANCIAL REPORT for LOCAL GOVERNMENTS, pursuant to Section 4, Article IX-D of the Constitution.

To the Committee on Finance

Letter from the National Nutrition Council, dated 29 September 2010, submitting to the Senate its 2008 ANNUAL REPORT.

To the Committee on Health and Demography

Letter from the *Bangko Sentral ng Pilipinas*, dated 4 October 2010, furnishing the Senate with a certified true copy of BSP Circular Letter No. CL-2010-60, dated 29 September 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 National Economic and Development Authority, dated 11 October 2010, submitting to the Senate its 2009 ANNUAL REPORT.

To the Committee on Economic Affairs

Letter from the Commission on Human Rights, dated 11 October 2010, furnishing the Senate with a copy of CHR (IV)-A2010-004, on the Implementation of the Accessibility Law.

To the Committees on Social Justice, Welfare and Rural Development; and Health Demography

Letter from the Office of the President of the Philippines, dated 12 October 2010, furnishing the Senate with a photocopy of the First IIRC Report, dated 17 September 2010, and a certified photocopy of the Review of said report, dated 8 October 2010, relative to the 23 August 2010 hostage-taking incident.

To the Committee on Public Order and Illegal Drugs

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Letter from BAI OMER A. D. DIANALAN-LUCMAN of the National Commission on Muslim Filipinos, dated 13 October 2010, furnishing the Senate with a copy of Supreme Court *en banc* resolution dated 13 October 2010 regarding the leadership issue in the Commission.

To the Committee on Cultural Communities

Letter from the Parish Pastoral Council for Responsible Voting, dated 19 October 2010, furnishing the Senate with a copy of the PPCRV Elections 2010 Report.

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

2009 Annual Report of the Philippine Textile Research Institute, Department of Science and Technology.

To the Committee on Science and Technology

Letter from the National Security Council, dated 27 October 2010, furnishing the Senate with a copy of Executive Order No. 34, series of 2001, entitled "Reconstituting the National Security Council and for Other Purposes."

To the Committee on National Defense and Security

Letter from the *Bangko Sentral ng Pilipinas*, dated 27 October 2010, submitting to the Senate the Report to Congress on Public Sector/Publicly-Guaranteed Private Sector Foreign Loans approved in the Third Quarter of 2010.

To the Committees on Finance; and Economic Affairs

Letter from the *Bangko Sentral ng Pilipinas*, dated 28 October 2010, submitting to the Senate the Report on the Status of the Philippine Financial System for the First Semester of 2010, pursuant to Section 39 (c) of Article V of Republic Act No. 7653 (The New Central Bank Act).

To the Committee on Banks, Financial Institutions and Currencies

COMMITTEE REPORT

Committee Report No. 7, submitted jointly by the Committees on Labor, Employment and Human Resources Development; and Social Justice, Welfare and Rural Development, on Senate Bill No. 78, introduced by Senator Ejercito Estrada, entitled

AN ACT PROVIDING FOR ADDITIONAL BENEFITS AND PROTECTION TO THE HOUSEHELPERS THEREBY AMENDING FOR THIS PURPOSE ARTICLES 141, 142, 148 AND 151 OF CHAPTER III OF P. D. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES,

recommending its approval with amendments.

Sponsor: Senator Ejercito Estrada

To the Calendar for Ordinary Business

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

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

1. Dr. Vilma Labrador, Chairperson of the National Commission for Culture and the Arts;
2. Ms. Cecile Guidote Alvarez of the International Theater Institute;
3. Dir. Jeremy Barns of the National Museum; and
4. Atty. Apolonio Anota, Executive Director of the Nayong Pilipino Foundation.

Senate President Pro Tempore Ejercito Estrada welcomed the guests to the Senate.

PRIVILEGE SPEECH OF SENATOR LEGARDA

Marking the culmination of the celebration of the National Indigenous Peoples' Month in October, Senator Legarda availed herself of the privilege hour and spoke on the importance of protecting the rights and cultural integrity of the indigenous peoples.

The full text of her speech follows:

“ISANG HABI, ISANG LAHI”

I. Recognition of Indigenous Peoples in the International Arena

Indigenous Peoples (IPs) make up over 370 million or about 5% of the world's population and live in 90 countries all over the world. While there is no universally accepted definition of who Indigenous Peoples are, the United Nations (UN) human rights bodies, the International Labour Organization (ILO), the World Bank, as well as international law, provide for four criteria that guide us in distinguishing who the Indigenous Peoples are:

1. They have geographically distinct ancestral territories;
2. They maintain distinct social, economic, and political institutions within their territories;
3. They remain distinct culturally, geographically, and institutionally and do not fully assimilate into national society; and
4. They self-identify as indigenous or tribal.

Recognizing that indigenous issues received scant attention from the international community all-throughout the 20th century, the UN General Assembly proclaimed the First International Decade of the World's Indigenous People from 1995 to 2004 and committed itself to seeking improvements in the situation of IPs worldwide, particularly in the areas of human rights, environment, development, education and health.

It was during this decade that the UN General Assembly adopted the Declaration on the Rights of Indigenous Peoples on September 2007. After more than 20 years of negotiations between nation-states and Indigenous Peoples, it was adopted with an overwhelming majority of 143 votes in favor and only four negative votes cast. The Declaration recognized a wide range of basic human rights of IPs, particularly: the right to unrestricted self-determination; right to the ownership, use and control of lands, territories and other natural resources; right to maintain and develop their own political, religious, cultural and educational institutions; and the right to protect their cultural and intellectual property.

Despite the UN proclamation of an International Decade for the World's Indigenous Peoples, their situation remains precarious. IPs continually face systemic discrimination and exclusion from political and economic decision-making, and are displaced from their ancestral

domains due to wars, environmental disasters, and intrusion of extractive industries or development projects in their area. They also suffered murder, genocide, as well as rape, as a form of ethnic cleansing, among other human rights violations.

Their cultural integrity is greatly undermined as well, amidst the growing phenomenon of globalization and acculturation. They were robbed and exploited as their traditional and cultural practices were marketed and patented without their consent or participation. The United Nations Educational, Scientific and Cultural Organization (UNESCO) estimates that, “of the 7,000 languages spoken in the world today, more than 4,000 are spoken by IPs, and that up to 90% of the world's languages are likely to become extinct or threatened with extinction by the end of the century.”

Indigenous Peoples are also included in the world's poorest, with poverty rates being significantly higher as compared to other groups. The UN reveals that although IPs constitute only 5% of the world's population, they make up 15% of the world's poor.

In light of the enormous problems and issues that continually plague our indigenous brothers and sisters, taking into consideration the efforts made during the first decade, the UN General Assembly declared a Second International Decade from 2005 to 2015 with action-oriented goals: promoting nondiscrimination; promoting full and effective participation of IPs in decision-making regarding issues affecting them; redefining development equitable and culturally sensitive policies, increasing monitoring and accountability at the international, regional and national level for the protection of IPs.

II. The Ongoing Fight of IPs in the Local Arena

As a part of the community of nations that have made IP rights a priority for the second decade in a row, amidst numerous laws acknowledging their centuries-old plea to be recognized and respected by society, the Philippine government has a compelling moral and legal obligation to promote, protect and uphold the rights of indigenous peoples in the country.

We have numerous state policies and legal instruments that seek to protect indigenous rights as well as their knowledge systems and practices:

- Indigenous Peoples Rights Act or RA 8371, the comprehensive law which mandates the State to recognize, respect and protect the

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rights of indigenous peoples and develop their cultures, traditions and institutions.

- The National Heritage Act or RA 10066, which seeks to protect, preserve, conserve and promote the nation's cultural heritage, its property and histories, and the ethnicity of local communities.

Despite these developments, there are still many forces that work against IPs, those that divide and destroy their distinct way of life and their very existence.

1. The intrusion of development and extractive projects into ancestral lands without the free, prior and informed consent of the IPs living in the area threatens their right to a healthful environment and priority right to the use of their natural resources.
2. The increase in internal displacement due to war, environmental degradation, climate change and other disasters disproportionately affects our ethnic minorities. In the Autonomous Region of Muslim Mindanao and Region XII alone, where more than half of the IP population of the Philippines is found, a total of 69,327 persons have been displaced and continue to live in evacuation centers as of August of 2010.
3. With regard to human rights violations, the Commission on Human Rights reported that from 1997 to 2009, more than 10 years since the passage of IPRA, a total of 137 cases of human rights violations such as torture, enforced disappearances, forced recruitment as soldiers, murder, among many others, have been filed with their office.
4. Poverty as well as the continued racial and religious profiling and discrimination in employment, access to basic services and education hinder the development of IPs and proliferate the vicious cycle of their marginalization; and
5. In the era of globalization, our distinct cultures are lost to mainstream beliefs, with acculturation erasing indigenous knowledge, skills and practices.

In my capacity as legislator and chair of the Committee on Cultural Communities, I have filed the following bills:

1. Senate Bill No. 1342 – Anti-Religious and Racial Profiling Act
2. Senate Bill No. 1365 – Declaration of No-Mining Zones
3. Senate Bill No. 1371 – Internal Displacement Act of 2010

4. Senate Bill No. 1372 – Equal Employment Opportunity for IPs

5. Senate Bill No. 1371 – Resettlement for Under-Privileged and Homeless Citizens affected by government development projects.

The Committee is also working on the Philippines being a state-party to the ILO Convention 169 or the Indigenous and Tribal Peoples Convention and has begun the work of creating a comprehensive law on anti-discrimination on the grounds of race, color, descent or national or ethnic origin, covering all constitutionally protected rights and freedoms.

The exhibit we just inaugurated is but a single reminder of their importance and respect we should accord our indigenous people.

As the culminating activity of the National Indigenous Peoples' Month, let us take a look at the history of our indigenous peoples as well as experience and learn of their present lives in order to carve our future as one people. Let us work together to hear the chants of our elders, move with the dances to the deities, weave organic fabrics, learn sustainable agriculture and cure sickness through healing methods that have stood the test of time. Let us preserve our distinct heritage, our Filipino ancestral wisdom, and take pride in our country's cultural diversity.

Mabuhay ang mga Katutubo. Mabuhay ang Pilipino.

INTERPELLATION OF SENATOR ZUBIRI

At the onset, Senator Zubiri congratulated Senator Legarda for taking up the cudgels for the indigenous peoples like the seven tribes of Bukidnon that constitute the majority of the population in the province. In this regard, he informed the Body that this month, the National Museum will declare Apo Mamalog burial ground of the Manobos in Damulog, Bukidnon as a national cultural treasure.

Asked by Senator Zubiri to confirm the information he received from close friends that she is a member of an indigenous tribe in Antique, Senator Legarda said that every Filipino who comes from the provinces has some connection with indigenous peoples. She stated that based on her family tree, one of her ancestors was an Ati of the Province of Antique who married a beautiful Spanish lass.

At this point, Senator Legarda took the opportunity to thank Senator Zubiri for supporting

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the *Katutubo* celebration. She recalled that the senator's father, Gov. Jose Ma. Zubiri, gave her a beautiful Manobo costume when she was declared a *Bai* of the Manobo tribe. She hoped that with the cooperation of concerned government agencies like the NCCA and the National Museum, her dream of having a textile museum to house all the handiworks of the IPs, including the seven tribes of Bukidnon, would be realized.

INTERPELLATION OF SENATE PRESIDENT ENRILE

Noting Senator Legarda's reference to the word "territory" in her speech, Senate President Enrile asked whether it was her understanding that the laws Congress passed on ancestral domain and the rights of the IPs contemplated a territory as understood in political and international law. Senator Legarda replied that the term "ancestral domain" was used in the Indigenous Peoples' Rights Act.

To the observation that "territory" means not just dominion over terrestrial areas but also dominion over air space and territorial seas, Senator Legarda stated that the term "territory" in her speech was culled from a UNDP publication as indicated in the footnote of her speech.

Senate President Enrile rued that sometimes certain UN conventions and concepts that are alien to the Constitution are used by legislators in crafting laws. He maintained that the State is primarily governed by the Constitution, thus, any law passed by Congress cannot go beyond its spirit and principles. He said that he did not think that Senator Legarda was contemplating a situation where tribal groups own the air space above them or control the Sulu Sea. Senator Legarda confirmed that she was not, saying that she was simply reiterating her advocacy for the protection of the indigenous peoples' culture and heritage.

Senate President Enrile said that he had to raise the issue in view of the ongoing peace talks between the national government and the Moro Islamic Liberation Front (MILF). He believed that the government must not accept the proposition that the MILF are entitled to the waters and airspace of some portions of Mindanao and Palawan because it would be a violation of the Constitution.

In reply, Senator Legarda clarified that she never indicated any violation of the Constitution.

Senate President Enrile stated that under the Philippine Constitution, the lands of the public domain are divided mainly into three general classifications, namely: timberlands, mineral lands and public agricultural lands. With respect to mineral lands, he explained that the country adopted the principle of *Regalian Doctrine*, which means that the sovereign owns everything within its domain except those that it has parted away through the laws it enacted and in accordance with the procedures adopted in those laws.

Asked whether the *Regalian Doctrine* was discarded with the passage of the IPRA, Senator Legarda said that she was not party to the enactment of the IPRA, but she believed that the *Regalian Doctrine* was not discarded. She clarified that the word "territory" as mentioned in the speech was quoted from a publication which is used internationally, and she asserted that international institutions like the U.N. should respect the State's own definition of its land area.

Senate President Enrile explained that although the IPRA grants various tribal groups in the country some degree of influence over the disposition of their so-called "ancestral domain," it does not totally discard the power of the State to determine, as a matter of policy, what ought to be done with these national assets. In the case of mining, he believed that the State should not be denied the power to legislate in this area and to grant concessions to whoever can meet its requirements in order to use these assets for national development.

In reply, Senator Legarda pointed out that the enactment of the Mining Act and the pronouncements of the present and previous administrations that mining is one of the biggest sources of revenue for the country, would show that the government does not leave to the indigenous peoples the right to mine or to prevent the State from exploiting the natural resources of the land.

Senate President Enrile said that he raised the question in light of the present situation wherein the government cannot do anything even if it wants to develop a certain mining property in order to provide jobs to the jobless Filipinos unless the tribe in the area agrees. In response, Senator Legarda noted that environmental clearance certificates (ECCs) are not issued to mining companies unless local consultations with the affected communities are conducted and their informed consent obtained.

Asked which prevails between the national collectivity and the minority collectivity, Senator Legarda believed that it would be the government because there is the process to be followed wherein the Executive department, upon implementation of present laws, may exploit the resources of the land as long as they are sustainably utilized.

Asked whose will would prevail in a situation where the national government issues a mining concession to a certain corporation in the areas of the Higaonons who may be against it, Senator Legarda clarified that she was not in a position to adequately answer the question because it would depend on the issues at hand especially since there are many similar cases pending before various courts, both local and in the Supreme Court.

Senate President Enrile believed that this issue should be a concern of the Committee on Cultural Communities which Senator Legarda chairs, given the fact that it involved both national and tribal interest.

In reply, Senator Legarda said that she has already filed a resolution for the creation of an oversight committee to find out the many disputes in the local level, many of which are long pending before the courts, and to revisit the IPRA and the Mining Act to make sure that these laws are implemented properly and to ensure that there is sufficient consultation. She expressed agreement with Senate President Enrile that there is a need to balance and find out which will prevail between the IPs' rights and the government's.

Senate President Enrile lamented that the country has not progressed much because there are laws so complicated that a decision by the national government can no longer be implemented unless the government consults so many people, discouraging, in the process, prospective investors. He said that the government should not complain why there is no sufficient investment in the country coming from overseas because it has created the problem itself. He explained that he raised the question to put on record that the problem facing the nation was not that simple but a complex one because many constitutional issues will arise from it. He expressed hope that future bills or measures for consideration on the floor would not import any conventions without properly defining first what are to be imported into the country's laws. He cautioned the Body to be very careful with semantics so that there would be no new interpreta-

tion to intrude into the Philippine constitutional system which is already well-defined.

Senator Legarda agreed with Senate President Enrile that the matter should be reviewed and the laws should prevail in any event. She added that even if the word "territory" is used internationally, the United Nations respects a State's own definition of its land areas, i.e., the term "domain" is accepted as the country's own definition of land area, and respects the concept of native title, thus, there is no conflict.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Sotto, there being no objection, the Chair referred the privilege speech of Senator Legarda and the interpellations thereon to the Committee on Cultural Communities.

PROPOSED SENATE RESOLUTION NO. 251

Upon motion of Senator Sotto, there being no objection, the Body considered Proposed Senate Resolution No. 251, entitled

A RESOLUTION GRANTING SENATOR EDGARDO J. ANGARA, PERMISSION TO RECEIVE THE 2010 *PREMIO CASA ASIA* FOR HIS EXCEPTIONAL CONTRIBUTION TOWARDS PROMOTING KNOWLEDGE, UNDERSTANDING AND DIALOGUE BETWEEN SPAIN AND THE PHILIPPINES.

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.

REMARK OF SENATOR ARROYO

Senator Arroyo commended Senator Angara for the award given by the Spanish government.

MANIFESTATION OF SENATOR SOTTO

Senator Sotto congratulated Senator Angara for being the recipient of the award conferred by the Spanish government. He informed the Body that the Spanish government, in fact, decided to move the awarding ceremonies to November to coincide with

PS

the congressional break, thus, Proposed Senate Resolution No. 251 would confirm and ratify the acceptance of the award by Senator Angara.

**ADOPTION OF PROPOSED
SENATE RESOLUTION NO. 251**

Upon motion of Senator Sotto, there being no objection, Proposed Senate Resolution No. 251 was adopted by the Body.

COAUTHOR

Upon his request, Senator Angara was made coauthor of Senate Bill No. 2566.


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 4:17 p.m.

I hereby certify to the correctness of the foregoing.


EMMA LIRIO REYES
Secretary of the Senate

Approved on November 9, 2010