



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 48
Tuesday, December 14, 2010

FIFTEENTH CONGRESS
FIRST REGULAR SESSION

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CALL TO ORDER

At 3:39 p.m., the 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 Lord,

As the days shorten and the nights
grow long;
The meaning of Christmas is in the
image of a candle vigilant in the dark.
Help us keep the flame alive.
Let the light grow.
Guide those in need of the light.

We ask that You bless all the families
in the world.
Specially those who are separated from
each other because of work, or war,
or natural catastrophe.

This Christmas, may Your presence be felt
in orphanages, in prisons, in places
where people feel abandoned and life
seems short of hope.

Make all of us farmers of peace.
Like brothers and sisters in one family,

Do not allow governments to go to war or
misunderstandings to fester.

We are thankful for the blessings
that You have bestowed on Your
Senate family.

In this time of sharing, may we look
beyond gifts and merriment,
as we find in us and in others
the true spirit of light conquering
the dark.

And may others in the wider community
of government acknowledge the need
to thank You and live by Your
example of love, service and sacrifice.

These we ask for the betterment of our
nation, and in the Name of God the
Father.

Amen.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was
suspended.

It was 3:42 p.m.

RESUMPTION OF SESSION

At 3:44 p.m., the session was resumed.

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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:

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

With 12 senators present, the Chair declared the presence of a quorum.

Senators Angara, Guingona, Pangilinan, Recto and Villar arrived after the roll call.

Senators Cayetano (A) and Escudero were on official mission.

Senator Defensor Santiago was on sick leave.

Senators Lacson and Lapid were absent.

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

APPROVAL OF THE JOURNAL OF SESSION NO. 47

Upon motion of Senator Sotto, there being no objection, the Body dispensed with the reading of the Journal of Session No. 47 (December 13, 2010) and considered it approved.

ACKNOWLEDGEMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Sotto acknowledged the presence in the gallery of the guests of Senator Cayetano (P), the staff of the World Medical Relief, Inc. headed by its president and CEO, Mr. George Samson.

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

REFERENCE OF BUSINESS

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Letters from Speaker Feliciano Belmonte Jr. of the House of Representatives, all dated 21 September 2010, designating the following Representatives as Members of the House panel to the following Oversight Committees:

Representatives Mandanas (H.), Briones (N.), Fuentes (D.), Duavit (J.R.) and Umali (R.) for the Oversight Committee on Physical Examination of Imported Articles (COCPEIA);

Representatives Fernandez (D. R.), San Luis (E.), Sarmiento (M. S.), Binay (M. A.) and Syjuco Jr. (A.) for the Oversight Committee on Ecological Solid Waste Management; and

Representatives Bello (W.), Zamora-Apsay (M.C.), Crisolago (V.), Violago (J. G.), and Revilla (L.) for the Oversight Committee on Migrant Workers and Overseas Filipinos Act of 1995 as amended.

To the Committee on Rules**RESOLUTIONS**

Proposed Senate Resolution No. 310, entitled

RESOLUTION URGING THE SENATE COMMITTEE ON HEALTH AND DEMOGRAPHY, AND OTHER APPROPRIATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE RETURN OF SOME TOXIC WHITENING PRODUCTS IN THE MARKET, DESPITE BEING BANNED BY THE FOOD AND DRUG ADMINISTRATION FOR HIGH MERCURY CONTENT, WITH THE END IN VIEW OF TIGHTENING POLICIES ON THE SALE AND/OR IMPORTATION OF PERSONAL CARE PRODUCTS THAT POSE HEALTH RISKS TO CONSUMERS

Introduced by Senator Villar

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

Ado

Proposed Senate Resolution No. 311, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE REPORTED RISE OF ILLEGAL FISHING IN THE COUNTRY SPECIFICALLY IN THE PALAWAN AREA FOR THE PURPOSE OF HALTING THE CONTINUING DESTRUCTION OF CORAL REEFS, A DIVERSE MARINE HABITAT AND EXPLORING ALTERNATIVE MEANS TO IMPROVE THE ECONOMIC WELL BEING OF LOCAL FISHERFOLKS AND THEIR DEPENDENTS

Introduced by Senator Villar

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

Proposed Senate Resolution No. 312, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON PUBLIC ORDER AND DANGEROUS DRUGS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE PREVENTION MEASURES IMPLEMENTED BY THE GOVERNMENT TO CURB ILLEGAL DRUG PROLIFERATION AND THE SUCCESS IN THE PROSECUTION OF OFFENDERS WITH THE END IN VIEW OF ASSESSING THE EFFECTIVITY OF THE CURRENT DRUG PREVENTION PROGRAM OF THE PHILIPPINE GOVERNMENT

Introduced by Senator Villar

To the Committee on Public Order and Dangerous Drugs

COMMITTEE REPORT

Committee Report No. 13, prepared and submitted jointly by the Committees on Youth, Women and Family Relations, through its subcommittee on

Anti-Human Trafficking; Foreign Relations; Local Government; and Finance, on Senate Bill No. 2625, with Senators Trillanes IV, Villar, Legarda, Cayetano (P.), Marcos Jr. and Drilon as authors thereof, entitled

AN ACT AMENDING REPUBLIC ACT NO. 9208, ENTITLED "AN ACT TO INSTITUTE POLICIES TO ELIMINATE TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND CHILDREN, ESTABLISHING THE NECESSARY INSTITUTIONAL MECHANISMS FOR THE PROTECTION AND SUPPORT OF TRAFFICKED PERSONS, PROVIDING PENALTIES FOR ITS VIOLATIONS, AND FOR OTHER PURPOSES," OTHERWISE KNOWN AS THE ANTI-TRAFFICKING IN PERSONS ACT OF 2003,

recommending its approval in substitution of Senate Bill Nos. 172, 376, 395 and 1216, taking into consideration Proposed Senate Resolution No. 100.

Sponsors: Senators Cayetano (P.), Legarda, Marcos Jr. and Drilon

To the Calendar for Ordinary Business

ADDITIONAL REFERENCE OF BUSINESS

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

Letter from the Secretary General of the House of Representatives, informing the Senate that on 13 December 2010, the House of Representatives adopted House Concurrent Resolution No. 8, entitled

CONCURRENT RESOLUTION CONCURRING WITH PROCLAMATION NO. 75 OF THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES DATED 24 NOVEMBER 2010, ENTITLED: GRANTING AMNESTY TO ACTIVE AND FORMER PERSONNEL OF THE ARMED FORCES OF THE PHILIPPINES, PHILIPPINE NATIONAL POLICE AND THEIR SUPPORTERS WHO

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MAY HAVE COMMITTED CRIMES PUNISHABLE UNDER THE REVISED PENAL CODE, THE ARTICLES OF WAR AND OTHER LAWS IN CONNECTION WITH THE OAKWOOD MUTINY, THE MARINES STAND-OFF AND THE PENINSULA MANILA HOTEL INCIDENT,

in which it requested the concurrence of the Senate.

To the Committee on Rules

MANIFESTATION OF SENATOR SOTTO

Senator Sotto stated that on December 7, 2010, the Senate adopted Senate Concurrent Resolution No. 4 concurring with Presidential Proclamation No. 75 (Amnesty Proclamation) dated November 24, 2010. He informed the Body that the Senate was already in receipt of House Concurrent Resolution No. 8 which likewise concurred with the Amnesty Proclamation, although it contained some recommendations to amend the proclamation.

MANIFESTATION OF SENATOR GUINGONA

Senator Guingona stated that House Concurrent Resolution No. 8 was similar to Senate Resolution No. 4 except that it included the following recommendations for inclusion in the implementing rules and regulations of the Amnesty Proclamation:

- No application for amnesty shall be given due course without the applicant admitting his guilt or criminal culpability of any or all of the subject incidents in writing, as expressed in the application; and
- The decision granting the amnesty shall not be executory pending appeal.

Senator Guingona expressed his disagreement with the recommendations. Nevertheless, he emphasized that the discretion to adopt or not to adopt the recommendations lies solely with President. Acknowledging the time constraints to thresh out the differences between the two versions, and to expedite the process and thereby allow the Executive Branch to process the amnesty applications, he moved that the Body adopt the House concurrent resolution.

INQUIRIES OF SENATE PRESIDENT ENRILE

At the outset, Senate President Enrile stated that he wanted to ask questions to clarify the nature of the amendments that the House of Representatives proposed to the President of the Philippines.

As regards the second amendment, to wit: "The decision granting amnesty shall not be executory pending appeal," the Senate President asked where the appeal would be made. Senator Guingona replied that pursuant to Section 2 of the Amnesty Proclamation, the appeal would be made by the beneficiary of the amnesty to the Office of the President, in case his application was denied by the processing agency.

Citing a portion of the additional resolutory clause which reads "that both House of Congress adopt the following recommendations...", Senate President Enrile said that he could not recall the Senate imposing conditions in its version. He then asked if the House of Representatives could speak for the Senate. Senator Guingona replied in the negative. He affirmed that the Senate could also have its own interpretation of the concurrent resolution.

Senator Guingona further affirmed the Senate President's interpretation that the resolution gives the President the sole discretion to adopt or not to adopt the recommendations and if he so adopts them, he may include them in the implementing rules and regulations of the Amnesty Proclamation if indeed there is a need for such implementing rules and regulations.

Senate President Enrile said that if this was the accepted interpretation of the proviso, he would vote in favor of the resolution.

INQUIRIES OF SENATOR DRILON

In reply to Senator Drilon's queries, Senator Guingona affirmed that a party to the amnesty application would be eligible to appeal from whatever decision the Secretary of National Defense may make, and that an amnesty application can be opposed by any party; and notwithstanding the opposition and the amnesty is granted by the Secretary of National Defense, the oppositor can appeal the grant to the Office of the President.

Senator Drilon explained that he just wanted to be clarified that there could be an opposition to the

application for amnesty if the crime for which the amnesty was being sought was not really political in nature, which is excluded in the Amnesty Proclamation.

INQUIRY OF SENATOR ARROYO

Asked by Senator Arroyo what would happen should the President decide not to adopt the recommendations, Senator Guingona stated that Proclamation No. 75, as worded, stands and that the discretion solely lies with the President.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 4:06 p.m.

RESUMPTION OF SESSION

At 4:08 p.m., the session was resumed.

CONCURRENCE IN HOUSE CONCURRENT RESOLUTION NO. 8

Senator Sotto moved that the Senate concur with House Concurrent Resolution No. 8 subject to the clarifications and intent that were spread into the records during the interpellations.

Senator Sotto called for a nominal voting on the resolution.

Thereafter, Secretary Reyes called the roll for nominal voting.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor

Angara	Osmeña
Drilon	Pangilinan
Ejercito Estrada	Recto
Enrile	Revilla
Guingona	Sotto
Legarda	Zubiri
Marcos	

Against

None

Abstention

Arroyo Honasan

With 13 senators voting in favor, none against, and two senators abstaining, House Concurrent Resolution No. 8 was adopted by the Body.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 4:10 p.m.

RESUMPTION OF SESSION

At 4:13 p.m., the session was resumed.

MANIFESTATION OF SENATOR SOTTO

Senator Sotto informed the Body that he was in receipt of a copy of the letter from Senator Villar informing the Senate President that he was designating Senator Cayetano (A) as Chairman of the Congressional Oversight Committee on E-Commerce.

Senator Sotto suggested that the letter be referred to the Committee on Rules for further study considering that the E-Commerce law mandates that the co-chairs of the Oversight Committee should be the Chairs of the Committees on Trade and Commerce; Science and Technology; and Finance.

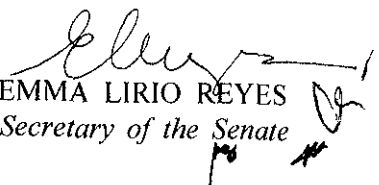
Acting on Senator Sotto's suggestion, the Chair referred Senator Villar's letter to the Committee on Rules.

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 4:14 p.m.

I hereby certify to the correctness of the foregoing.


EMMA LIRIO REYES
Secretary of the Senate

Approved on December 15, 2010