



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 51
Tuesday, January 18, 2011

FIFTEENTH CONGRESS
FIRST REGULAR SESSION

SESSION NO. 51
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CALL TO ORDER

At 3:22 p.m., the Senate President, Hon. Juan Ponce Enrile, called the session to order.

PRAYER

Sen. Gregorio B. Honasan led the prayer, to wit:

Our Father, as we begin our day's work and continue our life's journey, please allow us to temper the enduring virtues of faith, hope and love with kindness, understanding and reason so that we may continue to be good *lolos* and *lolas*, good parents, husbands and wives, good sons, daughters, brothers and sisters, and good citizens and senators.

Amen.

ROLL CALL

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

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

With 18 senators present, the Chair declared the presence of a quorum.

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

Senator Defensor Santiago was on sick leave.

Senator Lacson was absent.

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. 50 and considered it approved.

ANNOUNCEMENT OF THE CHAIR

Senate President Enrile announced that the session would be suspended to allow the Members to go into caucus to discuss the Senate's legislative direction for the next few months.

**ACKNOWLEDGMENT
OF THE PRESENCE OF GUESTS**

At this juncture, Senator Sotto acknowledged the presence in the gallery of Mayor Edward Hagedorn of Puerto Princessa and the provincial board members of Bataan as well as councilors Maricel Morales of the NMYL, Noli Soriano and Ruel Agrade.

Senate President Enrile welcomed the guests to the Senate.

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SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 3:27 p.m.

RESUMPTION OF SESSION

At 4:10 p.m., the session was resumed with Senate President Pro Tempore Ejercito Estrada presiding.

PRIVILEGE SPEECH OF SENATOR ZUBIRI

Availing himself of the privilege hour, Senator Zubiri delivered a speech urging the Chamber to support measures imposing a total log ban all over the country.

The full text of his speech follows:

I stand here today to deliver a privilege speech on a very timely issue, especially now that we have been experiencing such terrible calamities due to climate change, such as heavy flooding, landslides and mudslides.

I am quite certain I need not attempt to weave words in order to paint a vivid picture as to how recent catastrophic events have turned out to be in our country. They speak loudly for themselves, and the message, I daresay, reverberates across our land. I talk of the floods and landslides that beset St. Bernard in the town of Guinsaugon in the province of Leyte, the floods in Butuan City, in Albay, even in Narra and several other areas of Palawan, and in Camarines Norte and Camarines Sur. The aftermath is, to say the least, very devastating. At least 42 people have died and the number of displaced families has reached 1,355,229. In the province of Albay alone, where my mother hails from, the disaster claimed 25 lives and the number of displaced individuals has already ballooned to 452,999. Add to all these the estimate made by the National Disaster Risk Reduction Management Council as regards the damage to property, infrastructure and agriculture amounting to P1.2 billion. This is absolutely not a fascinating picture. But I have to admit we painted this ourselves.

The tragedies in Ormoc, Mindoro, Davao and Quezon should have already served as a lesson and a call to action. They were signposts that logging activities in the country have taken

their toll in the environment. *"We are losing our trees, we are losing them fast!"* As correctly pointed out by no less than the President of the Republic, our trees are our first defense against these disastrous flashfloods and landslides. But sadly we are slowly and surely squandering this defense due to no other than our continuous unsustainable exploitation of forest resources. We all have seemed to be unmindful of the fact that our incessant irresponsible utilization of finite resources almost always results into a catastrophe.

I commend therefore and in fact rally behind President Benigno Simeon Aquino III in his pronouncement that there is an imperative need for a log ban in the Philippines. Although I am of the belief that a total log ban should be imposed in the whole country, the executive order that President Noynoy Aquino shall sign today mandating a log ban in specified areas in the Philippines is definitely a welcome development and absolutely a step in the right direction. Thousands of Filipinos have already drowned as the same number or even more loved ones have been left forgotten between the rubbles of gravel and mud. It is thus incumbent, to say the least, upon our government to take a drastic and positive action—a course of action that goes beyond the mere act of hurling a buoy to keep our people afloat, but an action that would keep Juan dela Cruz from falling over and drifting away.

In our hearings with the Department of Environment and Natural Resources, it was revealed that there are only three timber license agreement (TLA) holders left. All the other TLAs have already been cancelled – from 33 to 3 and out of the 3, only one is active which, I believe, is in the province of Surigao.

I think the blame should not be put totally on the logging concessionaires. It is a result of a multitude of problems. The number one problem is that illegal loggers have no concessions from the government. Many of these syndicates continue to ply the mountains of the Sierra Madre and the mountains of Mindanao and the Benguet Provinces where there are unabated logging activities uncontrolled by government. Aside from illegal loggers, there are also the *kaingineros*, and those who make charcoal or *panggatong* as their livelihood which, I think, is one of the most destructive ways to rape a forest. Thus, when we come up with a bill promoting such ban, we also have to come up with a comprehensive solution to the livelihood of those who live in the forest.

Bukidnon, for example, was once 80% covered with rain forest but with the advent of settlers from Luzon and Visayas, including industries from pineapple, banana, sugar and other agricultural products, many of these forest areas disappeared. We now only have about 12% forest cover, limited to the mountain ranges of Mts. Kitanglad and Kalatungan. Even in these mountain ranges there are several IP communities living within the areas. The local governments within these areas, as well as the Protected Areas Management Boards (PAMBs), have to double their efforts in finding livelihood programs for these IP communities lest they leave off the land by illegally cutting trees, thereby creating more damage to the forest.

So, when we file a bill, it should not just be a bill or a ban for no reason. We should also file a bill that would promote industrial tree plantations as had been done in Europe and in other parts of Asia. I have spoken to several timber concessionaires and I had asked them, "What if government gives you a denuded mountain and gives you the concession to plant trees there for the next 50 years? Would it not be a better proposition? One large tree will give you hundreds of thousands of pesos." But they said, "Well, it will cost us money. If government will give us the incentives, we will go into industrial tree plantation." The beauty in industrial tree plantation is that if they have 1,000 hectares and they plant 100 hectares this year and another 100 hectares next year, on the 10th year after planting 1,000 hectares, they will be able to harvest their first plot of 100 hectares, and so on and so forth. So, it is sustainable. In our technical working group, we will have to come up with a bill that would be able to support and give economic and fiscal benefits to those who will promote industrial tree plantations.

In view of all these, I appeal to all our colleagues in this Chamber to join me as I ask the Executive to certify as urgent measures pending before the Senate imposing this type of law to our natural resources. I humbly submit and offer for the consideration of our people our bill, Senate Bill No. 2172, which I filed since 1998, proposing a moratorium on logging operations on our primary and secondary growth forests. The remaining growth forests have already become natural parks. The secondary growth forests are those that are attached to these natural parks. That is about 7% to 8% left of our forest cover. Everything else we can discuss, but at least, the primary and secondary growth forests of this country will be protected for future generations to enjoy.

My strong belief is that this measure, juxtaposed with those of the other bills filed by other legal and other personalities of the Senate, will ensure, without doubt, sustainable development for our country.

I call on all our people to endeavor to "best work and best agree" as we struggle to meet the needs of our present generation without compromising those of generations to come.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Sotto, the speech of Senator Zubiri was referred to the Committee on Environment and Natural Resources.

COAUTHORS

Upon his request, Senator Escudero was made coauthor of Senate Bill Nos. 2618 and 2026.

Likewise, upon his request, Senator Lapid was made coauthor of Senate Bill Nos. 455, 2625 and 1809.

COMMITTEE MEMBERSHIP

With the consent of Senator Recto, upon motion of Senator Sotto, there being no objection, Senator Marcos was elected member of the Congressional Oversight Committee on the Proper Implementation of the National Internal Revenue Code.

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. 2633, entitled

AN ACT TO IMPOSE STIFFER PENALTY FOR THE FALSIFICATION OF TORRENS CERTIFICATES OF TITLE, AMENDING FOR THE PURPOSE ARTICLES 171 AND 172 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE AND FOR OTHER PURPOSES

Introduced by Senator Revilla Jr.

To the Committees on Environment and Natural Resources; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 2634, entitled

AN ACT TO PROMOTE THE PRESERVATION AND PROMOTION OF THE COUNTRY'S RICH ARTISTIC, CULTURAL, AND HISTORICAL HERITAGE, CREATING FOR THE PURPOSE A NATIONAL FILM ARCHIVE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9167

Introduced by Senator Revilla Jr.

To the Committees on Public Information and Mass Media; Education, Arts and Culture; and Finance

Senate Bill No. 2635, entitled

AN ACT TO UPHOLD THE HUMAN RIGHTS AND PROMOTE THE WELFARE OF THE UNBORN CHILD, AMENDING FOR THE PURPOSE ARTICLES 256, 257, 258 AND 259 OF THE REVISED PENAL CODE, AND FOR OTHER PURPOSES

Introduced by Senator Revilla Jr.

To the Committees on Youth, Women and Family Relations; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 2636, entitled

AN ACT PROHIBITING THE ACCESS OF MINORS TO ALCOHOL AND PENALIZING ESTABLISHMENTS THAT FURNISH ALCOHOL TO MINORS

Introduced by Senator Revilla Jr.

To the Committees on Health and Demography; Youth, Women and Family Relations; and Finance

Senate Bill No. 2637, entitled

AN ACT DECLARING THE FILING OF FALSE COMPLAINTS AGAINST PUBLIC OFFICERS AS A CRIME AGAINST HONOR, PRESCRIBING PENALTIES THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Revilla Jr.

To the Committees on Justice and Human Rights; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 2638, entitled

AN ACT PENALIZING THEFT AND TAMPERING OF DISASTER WARNING AND RISK REDUCTION DEVICES, AND FOR OTHER PURPOSES

Introduced by Senator Zubiri

To the Committee on Justice and Human Rights

RESOLUTIONS

Proposed Senate Resolution No. 329, entitled

RESOLUTION DIRECTING THE COMMITTEE ON ACCOUNTABILITY OF PUBLIC OFFICERS AND INVESTIGATIONS (BLUE RIBBON) AND/OR SUCH OTHER APPROPRIATE COMMITTEE/S OF THE SENATE TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, INTO COMPLAINTS OF ANOMALIES AND ALLEGED COLLUSION WITHIN THE PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION (POEA) LEADING TO THE TRAFFICKING AND ILLEGAL RECRUITMENT OF FILIPINOS OVERSEAS

Introduced by Senator Trillanes IV

To the Committees on Accountability of Public Officers and Investigations; and Labor,

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Employment and Human Resources Development

Proposed Senate Resolution No. 330, entitled

RESOLUTION URGING THE SENATE COMMITTEES ON ECONOMIC AFFAIRS; AND PUBLIC SERVICES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ECONOMIC IMPLICATIONS OF THE INCREASE IN TOLL RATES AND TRAIN FARES TO MOTORISTS, ENTREPRENEURS, BUS COMPANIES, STUDENTS, LOW-INCOME WORKERS AND THE RIDING PUBLIC IN GENERAL

Introduced by Senator Villar

To the Committees on Public Services; and Economic Affairs

Proposed Senate Resolution No. 331, entitled

RESOLUTION URGING THE SENATE COMMITTEES ON LABOR, EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT; AND FOREIGN RELATIONS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE REPORTED UNSOLVED CRIMES INVOLVING OVERSEAS FILIPINO WORKERS AND THE ALLEGED ABSENCE OF ASSISTANCE FROM CONCERNED GOVERNMENT AGENCIES IN MIDDLE EAST COUNTRIES WITH THE END IN VIEW OF STRENGTHENING MEASURES FOR THE PROTECTION OF OVERSEAS FILIPINO WORKERS

Introduced by Senator Villar

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

Proposed Senate Resolution No. 332, entitled

RESOLUTION URGING THE SENATE

COMMITTEE ON HEALTH AND DEMOGRAPHY TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE REPORTED RISE OF KIDNEY STONES DISEASES IN FILIPINO ADULTS WITH THE END IN VIEW OF FORMULATING A COMPREHENSIVE PROGRAM FOR ITS PREVENTION AND ASSISTANCE TO AFFLICTED CITIZENS

Introduced by Senator Villar

To the Committee on Health and Demography

Proposed Senate Resolution No. 333, entitled

RESOLUTION URGING THE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON MEASURES TO PROTECT CRITICALLY ENDANGERED SPECIES UNIQUE TO THE PHILIPPINES AND TO FORMULATE POLICIES AND PROGRAMS INCLUDING BIOSECURITY AND CAPTIVE BREEDING TO PREVENT THEIR EXTINCTION

Introduced by Senator Villar

To the Committee on Environment and Natural Resources

Proposed Senate Resolution No. 334, entitled

RESOLUTION DIRECTING THE COMMITTEE ON TRADE AND COMMERCE AND THE COMMITTEE ON AGRICULTURE AND FOOD TO CONDUCT A STUDY, IN AID OF LEGISLATION, ON THE STATE OF THE PHILIPPINE BANANA INDUSTRY FOR THE PURPOSE OF STRENGTHENING THE SECTOR

Introduced by Senator Villar

To the Committees on Trade and Commerce; and Agriculture and Food

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Proposed Senate Resolution No. 335, entitled

RESOLUTION DIRECTING THE COMMITTEE ON PUBLIC SERVICES AND OTHER APPROPRIATE COMMITTEES TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE MECHANISMS ADOPTED TO PROMOTE ROAD SAFETY IN THE PHILIPPINES AND THE ACTIONS AND POLICY MEASURES TO ENSURE THAT TRAFFIC RULES ARE IMPLEMENTED IN CONSONANCE WITH COMMITMENTS TO ENFORCE INTERNATIONAL STANDARDS OF ROAD SIGNS AND SIGNALS

Introduced by Senator Villar

To the Committees on Public Works; and Public Services

COMMUNICATION

Letter from the *Bangko Sentral ng Pilipinas*, dated 7 January 2011, furnishing the Senate with a certified true copy of BSP Circular Nos. 703, 704 and 705, series of 2010, dated 23, 22 and 29 December 2010, respectively, 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

INTERPELLATION ON SENATOR ZUBIRI'S SPEECH

Thereafter, the Body proceeded to the interpellation on Senator Zubiri's privilege speech.

INTERPELLATION OF SENATOR LEGARDA

Senator Legarda recalled that during her first term as senator in 1998, she filed the bill imposing a total ban on commercial logging. She lamented, however, that 13 years since, there is still logging in production forests.

Asked by Senator Legarda if total log ban would cover every region in the country — whether production forest, or primary or secondary growth

forests, Senator Zubiri replied that his bill, which recognizes the need for the timber industry to survive, is pushing for an industrial plantation industry so that the remaining 7% to 8% primary and secondary growth forests in the country would be protected. Primary growth trees, he said, are found in the areas of Mt. Kitanglad, Mt. Apo, Mt. Kanlaon and Mt. Isarog which are rich in biodiversity. He affirmed that primary forests refer to natural old-growth forests, and that for a healthy ecology, of the 30 million hectares comprising the Philippine archipelago, at least 50% should be forested areas.

Asked what percentage of the 30 million hectares have primary forests, Senator Zubiri said that according to the Namria, the remaining primary and secondary growth forests comprise only about 7% to 8% of the total land area in the Philippines, which is equivalent to 2.1 million to 2.5 million hectares. But he clarified that the remaining primary forest was about 800,000 to 900,000 hectares.

In connection therewith, Senator Legarda asked Senator Zubiri to identify where the 800,000 hectares of primary forests are located and how much area should be reforested to restore the ideal situation. Senator Zubiri replied that to have a very healthy ecology, there should be at least five to six million hectares of natural forest.

In response to a further query, Senator Zubiri explained that a secondary growth forest is an area around a primary forest that is the most threatened, for instance, by informal settlers who use the trees as sources of charcoal and other wood products or by subdivision developers.

At this juncture, Senate President Enrile stated that forest areas can never be converted into subdivisions as these are inalienable assets of the government. He pointed out that only declared alienable and disposable public agricultural lands can be occupied for farming and residential purposes.

However, Senator Zubiri recalled that the Avilon Zoo in Montalban, Rizal used to be a secondary-growth forest before it was developed into a recreational area. Senate President Enrile clarified that under the three general classifications of lands, namely, mineral lands, forest lands and agricultural lands, the State can only dispose agricultural lands. He believed that the area in Montalban was not a classified forest by law.

To Senator Zubiri's observation that government officials were not enforcing the laws because all the areas that he cited have already been converted into subdivisions, Senate President Enrile said that it was possible that the areas referred to were disposable lands and not forest lands which can never be titled. He stated that squatting in forested areas happen because there are no forest guards in areas where the total log ban was imposed. He warned that the forest would be gone in 50 years if the government adopted a total log ban.

Senator Zubiri revealed that several hectares of lands in Cagayan de Oro, Davao and Bukidnon that used to be forested areas were now fully developed but still classified as forest lands, a matter he believed that the proper committee should investigate to determine how certain individuals or corporations were able to construct houses or resorts. Senate President Enrile said that the development of the areas cited by Senator Zubiri shows that the government has been very lax in enforcing the laws. He urged that the land laws be studied very carefully.

In this regard, Senator Zubiri invited Senate President Enrile to the Committee hearing on the proposed Land Use Code. He agreed to the observation of Senator Legarda that the points raised by Senate President Enrile showed the wanton disregard of forest laws.

Senator Legarda asked whether there are other classifications of forest lands apart from the primary and secondary forests. In response, Senator Zubiri stated that it was unfortunate that a lot of forest areas, like those in Bukidnon, have become pasture areas but are still considered as forest lands. He suggested that the Committee also look into the matter as well as determine if fiscal incentives can be given to entities who are willing to undertake reforestation projects.

At this juncture, upon query of Senate President Enrile, Senator Zubiri affirmed that most of the lands in Bukidnon are grazing lands.

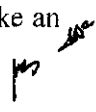
Senate President Enrile informed the Body that Del Monte Philippines, Inc. got the land for its pineapple plantation through a grant signed by President Quezon although the title holder was the National Development Company. He stated that the land was leased to Del Monte as an incentive to put

up the plantation. In the case of Bukidnon, he noted that although it is classified as forest land, it has always been a grazing land. He pointed out that Maramag, the hometown of Senator Zubiri, became the center of the sugar industry in Bukidnon, as he recalled that he organized ten corporations, each of which was supposed to handle a 2,000 hectare area in Bukidnon for cattle ranch and dairy farming for the Soriano interest but the project fizzled out because of the opposition of the natives who claimed that the area was an ancestral burial ground. He stated that later on, sugar planters from Luzon went to Bukidnon and planted sugarcane on the land in spite of the fact that it could not be titled to them. He disclosed that the lands of the Bukidnon Sugar Milling Corp. (BUSCO) are classified as timberlands.

Senator Zubiri stated that once the timber was gone, the land was used as pasture land, for which purpose the DENR issued a Pasture Lease Agreement (PLA). Bukidnon, he noted, is one of the largest producers of cattle, next only to Masbate. Ideally, he said, the government should have protected the forest land and prevented it from being used for industrial or residential purposes. Unfortunately, he lamented, the government allowed these practices in many forest areas throughout the country. He asserted that government should now look at a comprehensive land-use policy that, hopefully, could be initiated at the Committee hearing so that Congress could come up eventually with a land-use code that delineates exactly what lands can be used for habitation and what lands can be preserved for agriculture. He asserted that the DENR topographic maps were so outdated that even cogonal lands are identified as forested lands.

Asked by Senator Legarda in what forest areas the three TLA holders were operating, Senator Zubiri stated that he would provide the information in the hearing.

Asked on the policy of the present administration on logging, Senator Zubiri stated that according to the DENR Secretary, he has stopped the issuance of logging licenses and that of the three TLAs left, only one was operating but not in the primary forest which is protected by law. He pointed out that protecting an area can be done through an act of Congress or through a presidential proclamation, although, in the latter, it cannot be funded unlike an act of Congress.



Upon further query, Senator Zubiri clarified that some of the protected areas are secondary forests and production forests. He said that he was, in fact, pushing for industrial forests, noting that Bukidnon, Davao and Agusan were already harvesting trees that were planted ten years ago. He asserted that cogonal lands could be converted into industrial forests but he urged that the land laws be straightened out first.

Citing the success of the indigenous people of Maramag in the Court of Appeals to nullify three titles to 3,000 hectares of land of the Central Mindanao University, Senator Zubiri expressed concern over the ramifications behind the successful move of the indigenous people to claim as ancestral land the area occupied by Central Mindanao University. He also expressed confusion on what laws to be followed because under the IPRA, all forest lands which could be utilized in sustainable forest management should not be touched but indigenous peoples are claiming these as their ancestral domain.

In a related matter, Senator Legarda believed that since the three TLA holders were logging either in the production or the secondary forests, the DENR, in the next day's public hearing, could provide information not only on the areas where these TLA holders were operating but also on the status of the primary forest and the locations of the secondary forests.

As regards the status of the Community-Based Forest Management (CBFM), Senator Zubiri believed that the program had been ineffective in view of DENR records which revealed a failure rate of 80% which was likely due to lack of funding. He noted that the LGUs expected the government to fund their operating expenses for the CBFM but unfortunately, the program eventually depended on the financial support of NGOs, the UN and other foreign agencies.

As a consequence, he said, the industrial tree plantation did not survive because the protected areas were left unattended and unprotected after the program ran out of funds. Also, he expressed concern over some LGUs that were granted logging permits but failed to care for the newly planted trees because they do not have the resources to take care of them.

Senator Zubiri believed that in theory, the CBFM is a good program because it ensures the protection of the forests and benefits the poorest of the poor. However, he underscored the fact that the program would be a failure without funding from the national government.


In closing, Senator Legarda requested that resource persons attending the Land Use Code hearing the following day ought to be prepared to present the facts concerning the state of the country's primary and secondary forests as well as the CBFM holders so that there could be a proper assessment of the situation.

ADJOURNMENT OF SESSION

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

It was 4:54 p.m.

I hereby certify to the correctness of the foregoing.


EMMA LIRIO REYES,
Secretary of the Senate

Approved on January 19, 2011