



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 53
Monday, January 24, 2011

FIFTEENTH CONGRESS
FIRST REGULAR SESSION

SESSION NO. 53
Monday, January 24, 2011

CALL TO ORDER

At 3:29 p.m., the Senate President, Hon. Juan Ponce Enrile, called the session to order.

PRAYER

Sen. Loren Legarda led the prayer, to wit:

Almighty Father, we ask for Your continuous grace as we face tougher challenges today.

Many more places in the country and in the whole world experience disasters of greater magnitude — the giant floods in Australia have affected 3.1 million people; floods and mudslides in Brazil have killed at least 791 individuals, while more than 400 are still missing; torrential rains in South Africa have claimed the lives of 70 people, and forced the evacuation of some 8,000 citizens.

Here in our country, 68 people have already died and almost two million displaced due to incessant rains that have caused floods and landslides in 25 provinces. Eleven sea accidents were recorded in just three days as a result of these prolonged weather disturbances.

Dear God, as we witness the occurrence of these tragic events, may we finally

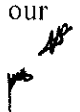
realize that climate change is a matter that must be taken very seriously; that it is not a phenomenon made up by overzealous minds but a reality that needs to be addressed right away; that what we are experiencing now is just a portion of the worst that could happen if we take these warnings for granted.

As we continue to discover what the changing climate may cause us, may we be more concerned with what is happening in our surroundings, be active in protecting and preparing our communities from the ill effects of disasters, and be more caring to our environment.

Grant, Oh Lord, that our government, including us, the members of this august Chamber, may take the necessary measures that would protect our nation and our citizens from the wrath of disasters. As leaders of our nation, we have the moral responsibility to usher and achieve genuine development for our country and our communities. We have to make our nation disaster-resilient and climate change-adaptive.

Grant us the wisdom, courage and will power to do what is right and to do it now because our people expect a lot from us.

We ask You these, Almighty Father, as we pray that You continue to bless our nation. Amen.



NATIONAL ANTHEM

The God's Little Wonders Learning Center Flute Ensemble accompanied the Body as it sang the National Anthem and thereafter played the song, entitled *May Bukas Pa*.

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, P. S.	Marcos Jr., F. R.
Defensor Santiago, M.	Osmeña III, S. R.
Drilon, F. M.	Pangilinan, F. N.
Ejercito Estrada, J.	Recto, R. G.
Enrile, J. P.	Revilla Jr., R. B.
Escudero, F. J. G.	Sotto III, V. C.
Guingona III, T. L.	Trillanes IV, A. F.
Honasan, G. B.	Villar Jr., M.
Lapid, M. L. M.	Zubiri, J. M. F.

With 20 senators present, the Chair declared the presence of a quorum.

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

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. 52 (January 19, 2011) and considered it approved.

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

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. 2642, entitled

AN ACT MANDATING THE ESTAB-

LISHMENT OF INSTRUCTIONAL GARDENS IN ALL ELEMENTARY AND SECONDARY SCHOOLS, PUBLIC OR PRIVATE, MAKING IT A REQUIREMENT FOR THE CREATION AND ISSUANCE OF PERMITS FOR SCHOOLS AND FOR OTHER PURPOSES

Introduced by Senator Villar

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

Senate Bill No. 2643, entitled

AN ACT PROMOTING JOB GENERATION BY PROVIDING ADDITIONAL INCENTIVES TO MICRO, SMALL AND MEDIUM ENTERPRISES

Introduced by Senator Recto

To the Committees on Economic Affairs; and Ways and Means

Senate Bill No. 2644, entitled

AN ACT REQUIRING THE REGISTRATION OF THE BUYERS OF PREPAID SIM CARDS, AND PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF

Introduced by Senator Villar

To the Committees on Public Services; and Trade and Commerce

RESOLUTIONS

Proposed Senate Resolution No. 338, entitled

RESOLUTION URGING THE SENATE COMMITTEE ON GAMES, AMUSEMENT AND SPORTS AND OTHER APPROPRIATE COMMITTEES TO CONDUCT A FEASIBILITY STUDY AND TRANSPARENT DISCUSSION ON THE PLANNED INTRODUCTION OF "LOTERYA NG BAYAN," THE RE-INVENTED SMALL TOWN

LOTTERY (STL), WITH THE END
IN VIEW OF DETERMINING ITS
NECESSITY AND MERIT

Introduced by Senator Villar

**To the Committee on Games, Amusement
and Sports**

Proposed Senate Resolution No. 339, entitled

RESOLUTION URGING THE APPROPRIATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, IN ORDER TO COME UP WITH A COMPREHENSIVE ROAD MAP FOR PHILIPPINE TOURISM CONSISTING OF SHORT-TERM MECHANISMS AS WELL AS LONG-TERM APPROACHES TO PUMP PRIME THE TOURISM CAMPAIGN REDOUNDING TO NATIONAL ECONOMY

Introduced by Senator Villar

To the Committee on Tourism

COMMUNICATION

Letter from the *Bangko Sentral ng Pilipinas*, dated 13 January 2011, furnishing the Senate with certified true copies of BSP Circular Nos. 706 and 707, series of 2011, dated 5 and 7 January 2011, 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

**ACKNOWLEDGMENT
OF THE PRESENCE OF GUESTS**

At this juncture, Senator Sotto acknowledged the presence in the gallery of the faculty members and administrators of God's Little Wonders Learning Center of San Juan City, and the Called to Rescue group headed by Dr. Cindy Romine and Anthony Pangilinan.

The Senate President Pro Tempore welcomed the guests to the Senate.

**PRIVILEGE SPEECH
OF SENATOR LEGARDA**

On the occasion of the Philippine Tropical Fabrics Day, Senator Legarda availed herself of the privilege hour and delivered the following speech:

Today, January 24, has been declared by Malacañang as the "Philippine Tropical Fabrics Day." The objective is to increase awareness on the use of indigenous fibers and fabrics. Proclamation No. 86 is the government's recognition of the importance of promoting our nation's rich resources, particularly our indigenous fibers and fabrics through the implementation of Republic Act 9242, or the Philippine Tropical Fabrics Law, which this Representation authored in her first term. This measure intends to promote the country's natural fabrics through the use of such materials for the official uniforms of government officials and employees, with the end in view of strengthening the local fiber industry.

In my advocacy to revive this industry, I have visited numerous weaving communities over the past decades, all over the country. I have seen precious fabrics woven by hand, stitched with intricate designs, each thread, each fabric telling a story, many of which were passed from generation to generation from our ancestors.

We have the raw materials, the skill and expertise to further enhance this sector. We have the sturdy abaca grown all over the country; the banana fiber; the delicate pineapple fiber; the precious silk; and many others. Weaving is also a traditional industry in various parts of the country, with different provinces known for their respective natural fabrics such as the *Ikat*, *Tinalak* and *Inaul* of Mindanao; the *Abel* of Ilocos; the weaves of the different tribes from the Cordilleras; the *Hablon* of the Ilonggos; and the *Piña* of Aklan, to name a few.

In 2004, there was an estimated 1.4 million government employees who should have been wearing uniforms made from local tropical fabrics. According to the Department of Science and Technology (DOST), producing a set of uniforms that contain 20% indigenous fiber blend would need approximately 571 metric tons of pineapple or piña, 691 metric tons of banana, or 627 metric tons of abaca fibers. These requirements would thus generate additional income for our agricultural workers in these specific crops. The DOST estimates that processing these fibers into yarns and finished

ms

fabrics could produce an income of P126.5 million for pineapple, P122.8 million for banana, and P110.1 million for abaca fiber

Imagine what this would generate for the agricultural sector and all the other sectors like those who do the yarn, the fiber, all the handloom weaving centers and the women who are going to benefit from this industry.

The tropical fabrics industry has great potential in the world market. With the shift in consciousness and more responsible consumer practices, there is an increased demand for natural, eco-friendly fabrics that give livelihood to communities and preserve the environment.

We have our government agencies that should work with each other: the Center for International Trade Expositions and Missions (CITEM) which organizes trade fairs that showcase our products both locally and abroad; the Fiber Industry Development Authority (FIDA) that promotes fiber products, establishes processing facilities and product development, in fact, the FIDA is supposed to be the implementing agency of the Tropical Fabrics Law; the Department of Trade and Industry (DTI) which undertakes the marketing and establishment of trade fairs; the Technical Education and Skills Development Authority (TESDA) for skills training; and the Department of Science and Technology (DOST) for provision of equipment and conduct of textile research and development. In 2009, the Philippine Council for Industry and Energy Research and Development, and the Philippine Textile Research Institute (PTRI) led the stakeholders in the natural fibers industry in crafting a Textile Industry Roadmap, which was designed to enforce the Tropical Fabrics Law by 2010, establish a pool of Filipino designers by 2011, and revive at least three spinning mills by 2014. Let us make use of this roadmap to guide us as we double, triple our efforts in strengthening this industry.

I also call on our other government agencies, including the Senate of the Philippines, to follow the lead and implement RA 9242 and sustain this practice in their respective departments. The strengthening of the tropical fabrics industry is attuned to our advocacy of promoting sustainable development and preserving our nation's rich heritage. It will also provide millions of jobs needed in the rural areas. While being environment-friendly, this effort will not only instill pride and sense of identity and nationalism in our government workforce, but for all Filipinos as they use fabrics which are distinctly Philippine-made.

As we celebrate the Philippine Tropical Fabrics Day, let us make this potential a reality and make our distinct fabrics known to our people and to the world. Let us support our tropical fiber industry and preserve the art of Filipino weaving.

REFERRAL OF PRIVILEGE SPEECH

Upon motion of Senator Sotto, there being no objection, the Chair referred the privilege speech of Senator Legarda to the Committee on Trade and Commerce.

COMMITTEE REPORT NO. 9 ON SENATE BILL NO. 455

(Continuation)

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 455 (Committee Report No. 9), entitled

AN ACT QUALIFYING THE KILLING OF MEMBERS OF BROADCAST AND PRINT MEDIA ON THE OCCASION OF THE EXERCISE OF THEIR FUNCTIONS AS SUCH, AS A CRIME OF MURDER PUNISHABLE UNDER ARTICLE 248 OF THE REVISED PENAL CODE, AS AMENDED

Senator Sotto stated that the parliamentary status was still the period of interpellations.

Thereupon, the Chair recognized Senator Escudero, Sponsor of the measure, and Senator Defensor Santiago for her interpellation.

INTERPELLATION OF SENATOR DEFENSOR SANTIAGO

On the outset, Senator Defensor Santiago noted that Senate Bill No. 455, which seeks to qualify the killings of members of broadcast and print media as a crime under Article 248 of the Revised Penal Code, does not clearly define the phrase "broadcast and print media" as distinguished from existing laws which define this term. For guidance in defining the scope of the phrase, she stated that the technical working group could adopt any of the descriptions of "print and broadcast media" and "media" in general based on the following laws:

1. Presidential Decree No. 1018, enacted 1976:

Section 1. The term "mass media" refers to the print medium of communication, which includes all newspapers, periodicals, magazines, journals, and publications and all advertising therein, and billboards, neon signs and the like, and the broadcast medium of communication, which includes radio and television broadcasting in all their aspects and all other cinematographic or radio promotions and advertising.

2. Presidential Decree No. 1776, enacted in 1981

Section 2. For purposes of this Decree, mass media shall be divided into two groups: Print Media and Broadcast Media. "Print Media" includes all newspapers, periodicals, magazines, journals, and publications and all advertising therein, and billboards, neon signs and the like. "Broadcast Media" includes radio and television broadcasting in all their aspects, including all forms of audio, visual or audio-visual communications such as video tapes, citizens band, and other similar electronic devices, and cinematography, to the extent that these forms are utilized as mass media through radio or television broadcasting transmission. The Print Media group and the Broadcasting Media group are hereby authorized to organize and determine the composition of a body or council within each group which shall be responsible for instituting and formulating systems of self-regulation and internal discipline within its own ranks; *Provided*, That there shall be adequate representation from the general public in such body or council by the inclusion of knowledgeable prominent citizens of unquestioned integrity; on

3. Republic Act No. 9211, enacted in 2003:

Section 4(f). "Mass Media" - refers to any medium of communication designed to reach a mass of people. For this purpose, mass media includes print media such as, but not limited to, newspapers, magazines, and publications; broadcast media such as, but not limited to, radio, television, cable television, and cinema; electronic media such as but not limited to the internet.

Senator Escudero stated that the Committee had wanted to include new media under that definition because it is not within the purview of the existing laws. However, he expressed concern that the definition might become too broad, particularly with

respect to the internet where almost any online blogger or journalist is categorized as "citizen media."

Senator Defensor Santiago asked why the proposed amendment did not include digital media and that it only included members of print and broadcast media. She emphasized that due regard must also be given to practitioners of the "digital media," whose mode of communication is through the internet and the mobile phones.

Moreover, Senator Defensor Santiago said that the digital media has been used by media practitioners to relay information, which were previously channeled only through the print and broadcast media. For instance, she cited the traditional print and broadcast media giants such as ABS-CBN, GMA, Channel 5 and *Inquirer* that have ventured into their own website and mobile phone programs due to its fast and accessible nature. She also observed that many newspaper journalists regularly post socio-political commentaries online using their own web-based journals.

She noted that since these online journalists discuss the same sensitive topics tackled by traditional media practitioners, they have also received their share of harassment from the people they criticize. She recalled how a Russian online journalist had been forced to go into hiding after receiving threats for an article about the abuses of the Russian Government, which he had published in his website. She also told of a similar incident in Yemen where an online journalist allegedly suffered harassment from his government for posting the following anti-regime comments in his website:

"Despite many appeals by the Yemeni Journalists Syndicate and international advocacy organizations such as the Committee to Protect Journalists, and others, attacks against journalists including online journalists remained on the rise. It is widely believed that websites that contained content critical of the regime were attacked systematically by individuals paid for by the regime so as to limit the oppositional voices on the Internet."

Based on the foregoing, Senator Defensor Santiago concluded that practitioners of the digital media should be offered protection under the bill since they are also exposed to the same dangers encountered by print and broadcast media practitioners.

Lastly, Senator Defensor Santiago sought clarification as to the criteria for identifying the so-called “members of the broadcast or print media.” She pointed out that by not providing any standard for determining legitimate print and broadcast media practitioners would pose a problem in the determination of the applicability of the proposed additional qualifying circumstances. She noted that unlike membership in the medical or legal profession which is controlled by qualifying examinations, there is no similar screening procedure which determines membership in media. Moreover, she pointed out that no single organization controls membership in print or broadcast media. She further stated that membership in media organizations, such as the *Kapisanan ng mga Brodkaster ng Pilipinas*, is merely voluntary and not a prerequisite to media practice. She said that with the rising popularity of blogs and video-sharing websites, ordinary folk who regularly post sensitive socio-political commentaries online, with content similar to those traditionally published in newspapers or broadcast over television, may actually be exposed to the same dangers encountered by the institutional media practitioners.

Senator Defensor Santiago then cited Commission on Elections Resolution No. 9031 which provides that the term “media practitioners” is not limited to the stereotypical print, television or radio journalists, but also includes novelists, online journalists, and even public relations contractors, provided, that said individuals are actively engaged in the pursuit of information gathering, report or distribution, to wit:

Section 1. Media representatives are defined as those who are actively engaged in the pursuit of information-gathering and reporting or distribution, in any manner or form, including:

- Print Journalists
- Television Journalists
- Photo Journalists
- Online Journalists
- Radio Journalists
- Novelists
- Screenwriters
- Playwrights
- Feature Film makers
- Documentary makers
- Television Production
- Professional Photographers
- Professional Videographers
- Public Relations Contractors

In closing, Senator Defensor Santiago expressed her intention to propose an amendment that would reproduce the scope of coverage of members of print or broadcast media as that stated in the Comelec resolution. Senator Escudero welcomed the suggestion.

MANIFESTATION OF SENATOR ESCUDERO

Senator Escudero informed the Body of his intention to introduce an amendment by substitution in conformity with the issues that had been raised by Senator Drilon in his previous interpellation.

INTERPELLATION OF SENATOR DRILON (Continuation)

Initially, Senator Drilon referred to Article 248 which the measure proposes to amend, particularly the “attendant circumstances” that qualify the killing of a person as murder, to wit:

1. Treachery,
2. In consideration of a price, reward, or promise.
3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a locomotive, fall from an airship, by means of motor vehicles, or with the use of any other means involving great waste and ruin;
4. On occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic or other public calamity;
5. With evident premeditation; and
6. With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse.

Senator Drilon noted that the six circumstances enumerated under Article 248 refer to the manner, occasion, or means used, so that the killing cannot become murder if it is in nature of one’s calling or occupation because under the Constitution, no person shall be denied equal protection of the laws. He then asked if Senate Bill No. 455 classifies a killing as murder because the victim is a member of the media and not because of the presence of a qualifying circumstance.

mb

Senator Escudero explained that the Committee grappled with the two types of circumstances – aggravating circumstances under Article 14 and the attendant circumstances under Article 248 – and it decided to use Article 248 because item No. 2 thereof, which refers to a killing in consideration of a price, reward or promise, pertains to the motive or reason behind the killing. He said that the Committee considered the crime to be murder if the killing was not only motivated by the fact that the victim was a member of the media, but was also carried out due to a promise or reward.

Senator Drilon clarified that his understanding of the intent of the bill is that it qualifies the killing as murder if the victim is a member of media, regardless of whether or not the six circumstances were present, and the prosecution does not have to prove that it was done in consideration of a price, reward or promise.

Senator Escudero clarified that mere membership in media would not automatically qualify the killing of a media person as murder but rather that the killing should be by reason of or on the occasion of the lawful exercise of his/her profession.

Asked by Senator Drilon whether the intent is to classify the killing of a media personality as murder if the act was committed while the victim was performing his/her professional duty, Senator Escudero replied in the affirmative. He confirmed that a distinction was being made with respect to the media profession.

Asked if the killing a senator or congressman while in the performance of his/her official functions like delivering a privilege speech would be considered murder, Senator Escudero replied that under the present law, it would not be considered as such unless one of the six circumstances was present. Similarly, he said that the killings of government lawyers, judges and fiscals while in the performance of their profession would not qualify as murder because offenses against public officers in the performance of their official functions or duties are already penalized under the law. He said that the instant bill was filed principally in response to the spate of killings of media personalities that made the Philippines the second most dangerous place in the world for them.

Senator Drilon argued that as a rule, the grant of special status in general is prohibited because it is

violative of the equal protection clause. He opined that the grant of special status to media practitioners cannot therefore be sustained unless it includes all other professions. He recalled that in *People vs. Cayat* and more recently, in the case of the Truth Commission, the Supreme Court ruled that there must be a reasonable classification, and this has been interpreted to mean that there must be a substantial distinction between the media and the other professions that would justify such special qualifications. He asserted that there was no reasonable basis for especially qualifying media.

Senator Drilon clarified that he was in favor of imposing a stiff penalty on attacks on press freedom, but he feared that efforts might go for naught if the bill cannot withstand constitutional scrutiny. He explained that killings committed against media people while in the exercise of their profession do not provide a reasonable justification to make a distinction between them and members of other professions.

In response, Senator Escudero gave assurance that the Committee would look into how the bill could be improved to comply with the equal protection clause of the Constitution. He said that Senator Drilon would be provided a copy of the study so as to make sure that the efforts of the Senate would not be for naught. Further, he said that he would be ready to defend the law in case its constitutionality is questioned before the Supreme Court.

With respect to the phrase “members of the broadcast and print media,” Senator Drilon observed that Senator Defensor Santiago was correct in pointing out that there is no organization that licenses a media practitioner.

Asked if members of the National Press Club (NPC) are considered members of media, Senator Escudero stated that he is a member of the NPC but is not a media practitioner although he has a website which might be considered new media.

Senator Drilon asked how the prosecutors and judges would be guided in deciding whether the victim was a member of media or not. He stated that in determining who the members of media are, the parameters of the law should be looked into because, as Senator Defensor Santiago correctly pointed out, there is no listing of media practitioners. He inquired if membership in the KBP is a reliable and absolute basis in determining membership in media.

Senator Escudero stated that he would welcome suggestions from Senator Defensor Santiago on defining "media" during the period of amendments. He clarified that mere membership in the KBP does not automatically make the person a member of media and nonmembership in the KBP does not disqualify the person as a member of the media. Citing GMA-7, he believed that the mere fact that the organization was not a member of the KBP does not disqualify its officials and employees from being considered as members of the media within the purview of the measure. Precisely, he said that he agreed to the suggestions of Senator Defensor Santiago in light of the difficulty in drawing the parameters of the measure not only because of the equal protection clause but also because of the coverage of the measure with regard to members of media.

On whether a photographer or TV cameraman is classified as a media practitioner, Senator Escudero replied in the affirmative. He said that even screenwriters and playwrights fall under the definitions read earlier by Senator Defensor Santiago. He stated that at the end of the day, it is a question of whether or not third parties are given the opportunity to read and be exposed to whatever a person has written or produced.

Asked if production assistants are considered members of media by extension, Senator Escudero replied in the negative, adding that even make-up artists do not qualify. He reiterated the difficulty of drawing the line, identifying, writing and putting the distinctions into the law because the law could become too complicated, cumbersome and detailed.

As regards blocktimers who buy airtime of 30 minutes to one hour, Senator Drilon pointed out that especially during the election period, they attack political opponents for a fee, even as he acknowledged that clearly they are exercising their freedom of expression. He asked whether the killing of a blocktimer by a political opponent, in a fit of rage, could be considered murder under the law. Senator Escudero stated that it would fall under the law regardless of the length of time spent by the blocktimer in media. He believed that the challenge is how to clarify and distinguish, and provide government prosecutors clear guidance on how to proceed with the particular case.

As regards service providers like Google, Yahoo, and Wikipedia, Senator Escudero stated that given the proposal to include digital media practitioners,

they would fall under the classification. He said that by analogy, Channel 2 would be like Yahoo and Channel 7, Google in the internet.

In a scenario where the president of ABS-CBN, Mr. Gaby Lopez, was shot in the course of giving instructions to his broadcasters, asked if the killing would be considered murder, Senator Escudero clarified that the killing would qualify as murder if it was prompted by the fact that the victim was the owner of a media organization.

Asked if owners of radio stations are members of media, Senator Escudero replied in the affirmative. He acknowledged that even with the enactment of the Human Security Act, government prosecutors still rely on the Revised Penal Code because of the stringent provisions of the law. He said that the Senate would like to avoid the same situation from happening with the instant bill.

Asked if stockholders of ABS-CBN or GMA can be considered members of media, Senator Escudero reiterated that the suggestions of Senators Defensor Santiago and Drilon would help the Committee delineate and draw the line so as to be clear as to who would be included; otherwise, he cautioned, Congress might pass a law that prosecutors might be unable to use.

Senator Drilon cautioned that the proposed bill might become a dead law because of the difficulty in its implementation. He pointed out that the questions were being raised because of the need to have a reasonable basis for providing a special classification to members of media as this circumstance can give rise to many difficulties, not because he does not believe that press freedom should not be fully protected but because there are certain provisions in the Bill of Rights which must be taken into account.

Senator Escudero welcomed the issues raised by Senator Drilon. He expressed hope that the measure would be used by the prosecutors and would serve as a deterrent to those who might want to commit, in the future, crimes against members of media.

Senator Drilon stated that limiting the coverage of the bill to members of media may actually be discriminatory to other professions. He said that if the Senate cannot rationalize this, then the "equal protection clause" becomes a very difficult roadblock to contend with.

Asked whether a child who killed his or her father in the course of the parent's exercise of his profession as media practitioner would be charged with parricide or murder of a media person, Senator Escudero explained that with respect to other crimes which are covered by more than one law, either under the Revised Penal Code or special law, the discretion on which case should be filed against the accused would be up to the prosecutor. He said that if he were the prosecutor, it might be easier to prove the relationship of the father and the son than to prove that the crime was committed in consideration of a price, reward or promise, thus, he would most likely charge the accused with parricide given that the penalty in both crimes are the same.

Senator Drilon pointed out that if the relationship is between ascendant and descendant, the crime would be parricide and not murder.

Senator Escudero said that the crime is covered by Articles 246 and 248 of the Revised Penal Code but the prosecutor would most likely use parricide depending on the pieces of evidence that are available. He said that if the relationship between the ascendant and descendant was illegitimate, it might be more difficult for the prosecutor to prove the relationship between the two than to prove that the crime was committed in consideration of a price, reward or promise such that there was evident premeditation.

Expressing serious reservations about the bill as presently crafted, Senator Drilon pointed out that in cases involving crimes which are covered by more than one law such as the one he earlier cited, it would be an open question as to which article would cover the killing. He hoped that the Committee can find the appropriate language for the bill that can respond to the challenge of constitutionality, especially as regards the equal protection clause.

Senator Escudero gave the assurance that the Committee would look into the points raised by Senator Drilon, especially on the equal protection clause and on the specificity of the coverage of the offense to avoid any confusion in the use of the law by the prosecutors.

MANIFESTATION OF SENATOR PANGILINAN

Senator Pangilinan stated that the issues that he wanted to raise with regard to the proposed bill have already been raised by Senators Defensor Santiago

and Drilon. In view thereof, he said that he was waiving his right to interpellate without prejudice to raising clarificatory questions during the period of amendments.

INTERPELLATION OF SENATOR OSMEÑA

Asked by Senator Osmeña what his reaction would be should there be a proposal to exclude blocktimers from the purview of the bill, Senator Escudero stated that the only distinction between a blocktimer and a non-blocktimer is the fact that the blocktimer pays for its own time. He explained that from the point of view of the information being exposed to a third person, there should be no distinction between the two, but from the point of view of compensation, there would be a distinction. He said that as long as the airwaves are being used and digital media is being used to convey information, that is still media and it would be difficult to distinguish between blocktimers and non-blocktimers especially if the only basis for the distinction would be the fact that blocktimers are paying for the airtime while others are not.

Senator Osmeña pointed out that blocktimers, who seek a larger audience in order to get more ads and a bigger income, tend to be less responsible in their commentary because it does not come from the mouth of the news and public affairs director of a particular station which provides the electronic means to get to the consumer.

Asked if the Committee was able to segregate information on whether the victims of media killings in the past 10 years were blocktimers or regularly paid employees of a radio or television station, Senator Escudero replied in the negative. He said that the Committee can get the data from the PNP.

Senator Osmeña explained that he was requesting for the information because he felt that about 75% of the radio people who have been killed in the past few years would be blocktimers. He said that while it may be difficult to distinguish a columnist as a blocktimer, it would be interesting to find out if majority of the killings involved radio commentators who were blocktimers and had less responsibility on their part.

Senator Escudero informed the Body that he has received news that earlier in the day, a member of RMN Palawan, who was not a blocktimer, was shot and killed. He said that the Committee will provide Senator Osmeña with the information that he requested.

For his part, Senator Drilon stated that the matter on blocktimers is one of the difficult issues that must be addressed in the measure.

Senator Escudero asked the Members to help the Committee wade through the legalities of the measure in order to avoid conflict with the equal protection clause in the Constitution and to address the lack of specificity in the coverage of the offense.

TERMINATION OF THE PERIOD OF INTERPELLATIONS

There being no further interpellation, upon motion of Senator Sotto, there being no objection, the Body closed the period of interpellations.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 455

Upon motion of Senator Sotto, there being no objection, the Body suspended consideration of the bill.

DESIGNATION OF SENATOR ANGARA AS COMMITTEE VICE CHAIRMAN

Senator Sotto manifested that Senator Angara was designated by the Chairman of the Committee on Constitutional Amendments, Revision of Codes and Laws as vice chairman of the committee.

MOTION OF SENATOR SOTTO

At this point, Senator Sotto moved for the election of Senator Cayetano (A) as member of the Committee on Constitutional Amendments, Revision of Codes and Laws to represent the Minority.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 4:46 p.m.

RESUMPTION OF SESSION

At 4:46 p.m., the session was resumed.

Upon resumption, Senator Osmeña pointed out that there was no need for Senator Cayetano (A) to be elected as member of the Committee on Constitutional Amendments, Revision of Codes and Laws because as Minority Leader, he is already an *ex-officio*

member of all committees, exercising the same rights and privileges accorded to a regular member.

Senator Sotto replied that in the past, the Minority Leader was elected as member of certain committees. He believed that the reason behind the election of Senator Cayetano (A) as member of the Committee on Constitutional Amendments, Revision of Codes and Laws is that the Committee is in need of one more member.

Senator Osmeña said that there are other members of the Minority — Senators Arroyo and Cayetano (P). He stated that the matter should be clarified first with the Minority because the Body might be creating a different class of membership in committees. He asked if there was any rule prohibiting an *ex-officio* member from signing a committee report because, in effect, this would give extra powers to the Minority Leader as member of the Committee on Constitutional Amendments, Revision of Codes and Laws and instead referred it to the Committee on Rules.

WITHDRAWAL OF MOTION

Thereupon, Senator Sotto withdrew his motion to elect Senator Cayetano (A) as member of the Committee on Constitutional Amendments, Revision of Code and Laws and instead referred it to the Committee on Rules.

COAUTHOR


Upon his request, Senator Revilla was made coauthor of Senate Bill No. 2640 (GOCC Governance Act of 2011).

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 4.50 p.m.

I hereby certify to the correctness of the foregoing.


EMMA LIRIO REYES
Secretary of the Senate

Approved on January 25, 2011