



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 67
Wednesday, February 23, 2011

FIFTEENTH CONGRESS
FIRST REGULAR SESSION

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CALL TO ORDER

At 3:41 p.m., the Senate President, Hon. Juan Ponce Enrile, called the session to order.

PRAYER

Sen. Miriam Defensor Santiago read the prayer written by Helen Steiner Rice, to wit:

My Daily Prayer

Bless me, heavenly Father,
Forgive my erring ways,
Grant me strength to serve Thee,
Put purpose in my day.

Give me understanding,
Enough to make me kind,
So I may judge all people
With my heart and not my mind.

And teach me to be patient
In everything I do,
Content to trust Your wisdom
And to follow after You.

And help me when I falter,
And hear me when I pray,
And receive me in Thy kingdom,
To dwell with Thee someday.

Amen.

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.	Guingona III, T. L.
Arroyo, J. P.	Honasan, G. B.
Cayetano, A. P. C. S.	Lapid, M. L. M.
Cayetano, P. S.	Revilla Jr., R. B.
Defensor Santiago, M.	Sotto III, V. C.
Drilon, F. M.	Trillanes IV, A. F.
Ejercito Estrada, J.	Zubiri, J. M. F.
Enrile, J. P.	

With 15 senators present, the Chair declared the presence of a quorum.

Senators Escudero, Marcos, Osmeña, Recto and Villar arrived after the roll call.

Senator Legarda was on official mission.

Senator Pangilinan was on official mission abroad.

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. 66 (February 22, 2011) and considered it approved.

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

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Sotto acknowledged the presence of the following:

- Students from Don Bosco Academy in Pampanga;
- Students from the St. Paul University Quezon City, headed by Ms. Mary Tess Tischer;
- Students from Colegio de San Agustin Biñan, Laguna, headed by Prof. Luningning Diones; and
- Political Science students from Paman-tasan ng Lungsod ng Muntinlupa.

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

REFERENCE OF BUSINESS

The Secretary of the Senate read the following bills which the Chair referred to the committees hereunder indicated:

Senate Bill No. 2710, entitled

AN ACT AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NO. 6957, AS AMENDED BY REPUBLIC ACT NO. 7718, ENTITLED "AN ACT AUTHORIZING THE FINANCING, CONSTRUCTION, OPERATION AND MAINTENANCE OF INFRASTRUCTURE PROJECTS BY THE PRIVATE SECTOR, AND FOR OTHER PURPOSES," APPROPRIATING FUNDS FOR THE SAID PURPOSE, AND FOR OTHER PURPOSES

Introduced by Senator Recto

To the Committees on Public Works; Local Government; Ways and Means; and Finance

Senate Bill No. 2711, entitled

AN ACT PROMOTING A NATIONAL STRATEGY FOR THE SUSTAINABLE DEVELOPMENT, MANAGEMENT, AND PROTECTION OF MANGROVE RESOURCES IN THE PHILIPPINES AND FOR OTHER PURPOSES

Introduced by Senator Villar

To the Committees on Environment and Natural Resources; and Finance

Senate Bill No. 2712, entitled

AN ACT PROVIDING A FRAMEWORK FOR AGRICULTURE SCHOLARSHIPS, BURSARY AND ENTREPRENEURSHIP ASSISTANCE TO YOUNG FILIPINOS AND FOR OTHER PURPOSES

Introduced by Senator Villar

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

PRIVILEGE SPEECH OF SENATOR SOTTO

Availing himself of the privilege hour, Senator Sotto spoke on the issue of drug mules, otherwise known as drug couriers. He challenged the government bureaucracy from the Chief Executive and the Senate as well as the Department of Foreign Affairs (DFA), Department of Justice (DOJ) and other concerned agencies for the next action after the government sent Vice President Jejomar Binay to China to ask for leniency in the case of three Filipinos facing execution for drug smuggling in the hope that their sentence could be commuted to life imprisonment. He pointed out that even though some were elated over China's decision to stay the execution, the real issue behind the matter as well as the different aspects involved ought to be viewed from the proper perspective.

Senator Sotto stressed that while he believed that the convicts ought to be given leniency, reports regarding their alleged status as Overseas Filipino Workers (OFWs) ought to be clarified.

He said that it was unfortunate that media reports and Vice President Binay himself referred to the three Filipinos as “undocumented OFWs,” or those who are not registered with the Philippine Overseas Employment Administration (POEA), Overseas Workers Welfare Administration (OWWA) or the Department of Labor and Employment (DOLE) but are able to get contracts and find employment abroad, when, according to information from the National Bureau of Investigation (NBI), the Philippine Drugs Enforcement Agency (PDEA), and even the POEA, OWWA and DOLE, these three Filipinos were drug couriers since they did not have employment contract records with the POEA, OWWA or DOLE. He believed that referring the three convicts as OFWs is an insult to real hardworking OFWs who do not give in to the monetary enticement of drug syndicates.

Senator Sotto revealed that the convicted drug couriers include 42-year old Ramon Credo, who was caught smuggling around four kilos of heroin in Xiamen on December 2008; Sally Villanueva, 32 years old, who was also intercepted in the same city while smuggling heroin; and Elizabeth Batain, who was arrested for possession of almost seven kilos of heroin in Shenzhen on May 2008. Moreover, he recalled that another Filipino drug mule had also been arrested in Thailand around that time. He scored the government’s delayed action on the case since the three had already been convicted in 2008. He asked what the government would do next insofar as the 72 Filipinos in China who were also meted the death sentence were concerned since real OFWs may be among them.

Senator Sotto revealed that from the mid-2000 up to the present, 630 Filipinos have been imprisoned for drug trafficking in different countries including China, where 205 are being detained, as well as Thailand, Malaysia, Hong Kong, Macau, Brazil and South America. He recalled that when he was appointed Chairman of the Dangerous Drugs Board, he already sounded the alarm, and in an effort to show that the Philippines does not tolerate drug-trafficking the previous administration took the position that it would not offer assistance to Filipinos convicted or caught for drug trafficking abroad.

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

In a related matter, Senator Sotto pointed out that the Chinese government had been quite lenient with convicted drug couriers, having sent home two pregnant convicts even though the first had previously been sentenced to life imprisonment, while the other would have been jailed for 20 years.

Noting media calls for tight security measures in airports in light of recent developments, Senator Sotto pointed out that since 2008 the government has, in fact, enforced stronger security efforts as shown by the decline in the number of drug traffickers arrested from 2010 to 2011. Further, he clarified that most of these drug couriers did not even come from the Philippines but from Malaysia, Thailand, Macau and Hong Kong. He explained that the *modus operandi* of international drug syndicates such as the West African Drug Syndicate (WADS), the most notorious of them all, is to recruit overseas Filipino workers with the promise of renewing their Chinese visas in another country, for instance, Malaysia, along with round trip tickets and a fee ranging US\$1,500.00 to US\$5,000.00 depending on the quantity of drugs that will be carried as well as board and lodging while in Malaysia. He also cited the arrest of two members of the WADS who are presently under the custody of the NBI, and a number of drug mules, some of whom confessed that there were recruited by the WADS.

Senator Sotto recalled that when he, as DDB Chairman, sounded the alarm, the POEA, DOLE, OWWA, and the DFA came up with a massive information campaign for OFWs in 2008, which minimized the incidence of drug-related crimes. He stated that six Filipinos were apprehended in China in 2010 and only two in 2011; and from 2008 to 2011, five of the 11 Filipinos, who were sentenced to death in China, were given a reprieve, three out of the six remaining death convicts were granted a stay of execution through the efforts of Vice President Binay, while another two were given a two-year reprieve, leaving one Filipino on death row.

He called on the proper Senate committee to look into the matter and come up with a concrete policy, in consultation with the Executive department, on how the government should deal with Filipinos who are apprehended abroad for drug trafficking. He pointed out that dangerous drugs are a life-threatening commodity, which is the reason why many countries mete out the death penalty to drug traffickers. He said that the Filipinos must be forewarned about the

after-effects of the government's intervention in the drug trafficking case of the three Filipinos in China.

Senator Sotto requested that his concerns be referred to the Committee on Public Order and Dangerous Drugs, which can ask assistance from concerned agencies such as the NBI, PDEA and DFA.

INTERPELLATION OF SENATOR EJERCITO ESTRADA

Asked by Senator Ejercito Estrada whether he is for the restoration of the death penalty, Senator Sotto replied in the affirmative, clarifying that it should be imposed only for drug trafficking.

In reply to another query, Senator Sotto stated that he was not too keen on agreeing to the decision of the government to send Vice President Binay to China to plead for the three convicted Filipino drug mules.

Asked why the case of the three convicted Filipino drug mules in China was being given more attention and assistance than the case involving a Member of the House of Representatives who was arrested in Hong Kong, Senator Sotto said that the laws in Hong Kong are different from those in China and the quantity of drugs that was involved in these cases was not the same: the congressman was caught with about six grams of cocaine in his possession, which is not punishable by death, while each of the three couriers was caught with more than four kilos of dangerous drugs.

Senator Ejercito Estrada opined that majority of the Filipinos condemn the act of the congressman because he is a public servant and he would not need assistance from the government because he has all the power and resources to defend himself in court as compared to the three Filipinos who were only used as drug mules and who do not have the resources to defend themselves.

Senator Sotto believed that the public sympathized with the three drug mules because initial reports identified them as OFWs who, he discovered later after talking with Chinese authorities and officials of the NBI, PDEA, POEA, OWWA and DOLE, are not really OFWs. He questioned why the government has not provided assistance to legitimate OFWs all over the world who are facing the death penalty for

offenses like murder, rape and robbery. Further, he said that the government should have started helping the three drug mules as early as 2008 when they were first apprehended and not when the reports have already come out that they were scheduled for execution.

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

INTERPELLATION OF SENATOR ZUBIRI

Initially, Senator Zubiri commended Senator Sotto for being a true anti-drugs advocate who has been consistent with his stand from the time he was vice mayor of Quezon City up to the present.

Senator Zubiri lamented the fact that the other OFWs in death row and the 14 Filipino seamen who were kidnapped by Somali pirates have not been given enough media mileage to garner as much support as the three convicted drug mules in China. He said that he appreciated the effort of Vice President Binay in going to China to plead for the drug mules but the travel expenses, he believed, could have also been used to assist the Filipino seamen and other similarly situated OFWs all over the world.

To the observation that the Philippine government's weakness in implementing its drug laws is the reason why most Chinese drug traffickers and manufacturers have closed shop in China and have started operations in the Philippines, Senator Sotto agreed, saying that the way the government handles its policies is being abused by Chinese nationals and the West African Drug Syndicate which has pinpointed the Philippines as its top source of human resources. He recalled the case of Calvin Tan, a drug lord who owned a mega shabu laboratory in Mandaue City, Cebu. He said that after being caught by authorities, Mr. Tan was able to escape and flee the country and he had to be extradited from Hong Kong to the Philippines where a case against him was filed before the RTC of Mandaue, Cebu in 2003 and is still being heard up to the present.

Senator Zubiri expressed concern that the drug trade involved kilos of dangerous drugs and the participation of Filipinos in the trade sends a strong message to the world that the Philippine government is weak in the fight against illegal drugs. He averred

that sending the Vice President to China to plead for the drug mules only showed that Filipinos take pity on drug traffickers. He noted that almost 80% of crimes committed at present are either drug-related or drug-induced as he recalled a disturbing news report involving three teenagers who were high on drugs and who massacred a family in Cainta.

Senator Zubiri feared that if the government did not clamp down on the problem of drugs, it would face a situation similar to that of Mexico. He said that last week alone, he read a *Yahoo.com* news that a young female police officer who volunteered to be the police chief of a Mexican town where drug trafficking is rampant was assassinated in front of her daughter in her own house. He said that all the drug traffickers who used to operate in Colombia are now operating in Mexico that it has become a battlefield, with drugs lords acting with impunity, indiscriminately killing Mexicans, the most recent 18 people inside a club, to show the public that they are a force to reckon with. He recalled that Mexico repealed the death penalty in 2005, at about the same time the Philippines did, resulting in an escalation of killings, kidnappings, and mayhem perpetrated by drug lords and their paid lieutenants.

Senator Zubiri stated that he shared the sentiments of Senator Sotto that the government must show a strong face and field a strong force in the fight against illegal drugs.

Asked if it was possible that foreign nationals who operated drug laboratories in countries that impose severe penalties on drug-related crimes have moved their operations to the Philippines, Senator Sotto replied that there is a distinct possibility it has happened and he feared that narcopolitics is growing because of it. In this regard, he said that the concerned agencies know what they are doing but they must have the full support of the government and the populace. He stressed that the drug problem which is so complex cannot just be left to the police but should involve everyone, including the schools, the communities, the government, the church and the media.

As regards the statement of Senator Ejercito Estrada about taking pity on Filipinos who are languishing in foreign jails for carrying drugs, Senator Sotto advised media to validate and check the details of a case first before reporting on it. He observed that when media chooses to highlight the dramatic

statements of Filipinos on death row in China, who claim they did not know what they were carrying, the viewers or readers tend to pity or sympathize with them but are completely unaware of the veracity of their claims or the details of their cases.

On the issue of reimposing the death penalty on drug traffickers, Senator Sotto clarified that he was advocating and, in fact, supporting the return of death penalty but only for big-time drug lords and drug traffickers, because, to him, small-time drug pushers should be given the chance to be rehabilitated. He stressed that big-time drug lords should be deterred from repeating their crimes. He recalled that when he was Vice Mayor of Quezon City, a certain Taiwanese drug lord named Ip Chun Ming was apprehended by the authorities, convicted and sent to the national penitentiary in Muntinlupa; however, he found out two years later that Ming was still operating the Manila-Taiwan drug trade through his cell phone and it was only after he delivered a privilege speech in the Tenth Congress that Ming was moved to the Iwahig Penal Colony. He stated that if he cannot convince the other senators to reimpose the death penalty on high-level drug traffickers, he would propose the establishment of a national penitentiary, that has no access to cell sites, for people convicted of drug crimes, saying that it would be a good solution to the problem.

Senator Sotto underscored that drug trafficking is a big-business crime as he bared that a nationwide survey conducted by the Philippine Normal University Research Institute, together with the DILG, found out that the Philippines has approximately 1.7 million drug dependents and of that number, 50% or 850,000 regularly use *shabu*, the number one drug of choice, followed by marijuana. He explained that a regular *shabu* user consumes one gram a week, the price of which ranges from P5,000 to P12,000 depending on its grade and where it was purchased. He said that the user therefore spends P20,000 a month on his habit and if that amount is multiplied by 850,000 users, it would translate into billions of pesos.

Senator Sotto said that tolerating drug-trafficking by Filipinos abroad is something that runs counter to the effort to unite the people in the battle against illegal drugs. He stressed that sacrifices have to be made and the government has to show a strong face to prevent the country from being overwhelmed by the drug problem.

Senator Zubiri stated that in his column, Mon Tulfo criticized the extraordinary efforts of the government on behalf of the Filipino drug mules or drug carriers and asserted that the government should not interfere in cases involving violations of drug laws of foreign countries. He said that according to Mr. Tulfo, the situation of the three drug mules is different from that of Flor Contemplacion who was executed in Singapore for supposedly killing the child of her employers. He said that Filipinos were shocked by her execution because they believed that she got a raw deal.

As regards the case of the three drug-traffickers languishing in Chinese jails, Senator Zubiri pointed out that one of them swallowed 24 capsules of heroin placed inside condoms and that contrary to her claim, he doubted if she did not know what she was doing. Senator Sotto agreed, as he revealed that before these recruits go on a mission for these drug syndicates, they undergo a lot of practice, for instance, swallowing a whole grape, the size of which is similar to the actual size of drug wrapped in condoms that they are going to carry, so that he could not accept the alibi that they did not know what they were being asked to do.

Senator Zubiri agreed with Senator Sotto that the Philippine government should go slow in moving heaven and earth to save Filipinos who were meted severe sentences by foreign countries, especially if they had valid reasons for apprehending, convicting and sentencing them. He also concurred with Senator Sotto on the need to reimpose the death penalty on big-time drug traffickers and drug lords, and if the other senators are not convinced to do so, then to establish an isolated penal institution for convicted drug-traffickers and drug lords. He said that putting a convict in an isolation cell might be a better punishment than death.

In conclusion, Senator Zubiri congratulated Senator Sotto for taking a brilliant and gallant stand despite its unpopularity. He noted that Filipinos are quick to take pity on their fellow Filipinos who are subject to extraordinary situations, and that they tend

to take pity on their fellow Filipinos who have been convicted by foreign courts. But he advised his countrymen to study the cases first to determine if there was merit in the legal process.

For his part, Senator Sotto agreed that indeed, he took an unpopular stand when he called upon the government to be strong and tough on the issue of illegal drugs. He recalled that the movie *The Flor Contemplacion Story*, in which his wife starred, presented both the side of Flor Contemplacion and that of the Singapore government. He asserted that the three Filipinos on death row in China should have thought of the consequences of their act and the government should have also realized that not all Filipinos abroad are OFWs. He said that it is an insult to the OFWs, who toil and engage in honest work, to be mistaken for drug mules.

REFERRAL OF SPEECH TO COMMITTEE

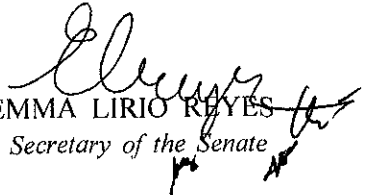
Upon motion of Senator Sotto, there being no objection, the Chair referred his privilege speech and the interpellations thereon to the Committee on Public Order and Dangerous Drugs.

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 Monday, February 28, 2011.

It was 4:40 p.m.

I hereby certify to the correctness of the foregoing.


EMMA LIRIO REYES
Secretary of the Senate

Approved on February 28, 2011