



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 71
Monday, March 7, 2011

FIFTEENTH CONGRESS
FIRST REGULAR SESSION

SESSION NO. 71
Monday, March 7, 2011

CALL TO ORDER

At 3:32 p.m., the Senate President, Hon. Juan Ponce Enrile, called the session to order.

PRAYER

The Body observed a minute of silent prayer.

NATIONAL ANTHEM

The Senate Choir led the singing of the national anthem.

SUSPENSION OF SESSION

With the permission of the Body, the Chair suspended the session.

It was 3:34 p.m.

RESUMPTION OF SESSION

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

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.
Drilon, F. M.	Marcos Jr., F. R.
Ejercito Estrada, J.	Recto, R. G.
Enrile, J. P.	Revilla Jr., R. B.
Escudero, F. J. G.	Sotto III, V.C.
Honasan, G. B.	Villar, M.
Lapid, M. L. M.	Zubiri, J. M. F.

With 14 senators present, the Chair declared the presence of a quorum.

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

Senator Cayetano (A) was on official mission.

Senator Defensor Santiago was on official mission abroad.

Senators Angara, Cayetano (P) and Lacson were absent.

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

APPROVAL OF THE JOURNAL

Upon motion of Senator Sotto, there being no objection, the Body dispensed with the reading of the Journal of Session No. 70 (March 2, 2011) and considered it approved.

**ACKNOWLEDGMENT
OF THE PRESENCE OF GUESTS**

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

- Delegates from the Republic of Korea, namely: Honorable Judge Sang-Hyun Song, President of the International Criminal Court (ICC); His Excellency, Hye-min Lee, Ambassador Extraordinary and Plenipotentiary of the Republic of Korea to the Philippines; and Mrs. Louisewies

Van Der Laan, Chef de Cabinet of Judge Song, ICC;

- Former Senator Leticia Ramos-Shahani with her Philippine Constitution students from Miriam College;
- Students from the Batangas State University-Alangilan Campus; and
- Local government officials from Cavite, namely: Mayor Enrico "Boy" Alvarez of Noveleta, Mayor Benjarde "Benjo" Villanueva of Amadeo, Mayor Lamberto "Bert" Bambao of Ternate, Mayor Bienvenido "Berny" Dimero of Indang, Mayor Edwin Sisante of Magallanes, Mayor Reynaldo "Tik" Aguinaldo of Kawit, Mayor Mon Anthony Andaman of Maragondon, Cavite, and Mayor Luis "Jon-jon" Ferrer of Gen. Trias.

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:

BILLS ON FIRST READING

Senate Bill No. 2727, entitled

AN ACT CONVERTING THE CATANDUANES STATE COLLEGES IN THE PROVINCE OF CATANDUANES INTO A STATE UNIVERSITY TO BE KNOWN AS THE CATANDUANES STATE UNIVERSITY AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Escudero

To the Committee on Rules

Senate Bill No. 2728, entitled

AN ACT AMENDING REPUBLIC ACT NO. 9441, OTHERWISE KNOWN AS AN ACT ESTABLISHING A MARINE RESEARCH AND BREEDING CENTER IN THE MUNICIPALITY OF BALER,

PROVINCE OF AURORA, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Angara

To the Committee on Agriculture and Food

Senate Bill No. 2729, entitled

AN ACT MANDATING AN IMMEDIATE VALIDATION PROCESS WHICH SATISFIES INTERNATIONALLY ACCEPTED NUCLEAR POWER INDUSTRY NORMS TO DETERMINE THE BATAAN NUCLEAR POWER PLANT'S OPERABILITY CULMINATING IN EITHER THE IMMEDIATE REHABILITATION, CERTIFICATION, AND COMMERCIAL OPERATION, OR THE IMMEDIATE PERMANENT CLOSURE AND SALVAGE VALUE RECOVERY OF THE BATAAN NUCLEAR POWER PLANT

Introduced by Senator Defensor Santiago

To the Committees on Energy; and Finance

Senate Bill No. 2730, entitled

AN ACT TO PROMOTE MINIMUM REQUIREMENTS FOR THE PREVENTION AND TREATMENT OF CONCUSSIONS CAUSED BY PARTICIPATION IN SCHOOL SPORT.

Introduced by Senator Defensor Santiago

To the Committee on Education, Arts and Culture

Senate Bill No. 2731, entitled

AN ACT TO PROTECT RUNAWAY, HOMELESS AND EXPLOITED YOUTH

Introduced by Senator Defensor Santiago

To the Committees on Youth, Women and Family Relations; and Social Justice, Welfare and Rural Development

ms

Senate Bill No. 2732, entitled

AN ACT PROVIDING FOR RULES ON PLEA BARGAINING IN CRIMINAL CASES, PROVIDING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES

Introduced by Senator Drilon

To the Committee on Justice and Human Rights

RESOLUTIONS

Proposed Senate Resolution No. 408, entitled

RESOLUTION URGING THE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE PRESENT STATE OF THE ILOILO RIVER WITH THE INTENTION OF FORMULATING A SUSTAINABLE ECOLOGICAL INITIATIVE AND STRATEGY TO PROTECT, SUSTAIN AND PRESERVE THE SAME

Introduced by Senator Villar

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

Proposed Senate Resolution No. 409, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED NEED TO CREATE MEASURES TO CURB THE RISE OF ILLEGAL RECRUITMENT BY DRUG SYNDICATES IN THE COUNTRY THROUGH SOCIAL NETWORKING SITES

Introduced by Senator Defensor Santiago

To the Committee on Public Order and Dangerous Drugs

Proposed Senate Resolution No. 410, entitled

RESOLUTION DIRECTING THE PROPER

SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE NON-RECORDED WITHDRAWALS BY THE CIVIL AVIATION AUTHORITY OF THE PHILIPPINES (CAAP) AMOUNTING TO P508 MILLION THAT IS ALLEGEDLY CONNECTED TO THE DEPLORABLE SEND OFF MONEY PRACTICE

Introduced by Senator Defensor Santiago

To the Committee on Accountability of Public Officers and Investigations

Proposed Senate Resolution No. 411, entitled

RESOLUTION DIRECTING THE COMMITTEES ON TRADE AND COMMERCE; AND SCIENCE AND TECHNOLOGY TO CONDUCT A STUDY, IN AID OF LEGISLATION, ON THE IMPLICATIONS OF THE RISING INCIDENCE OF CYBER-CRIMES IN THE PHILIPPINES WITH THE GOAL OF PLUGGING THE LOOPHOLES IN THE CURRENT RELEVANT STATUTES ON THE MATTER

Introduced by Senator Villar

To the Committees on Science and Technology; and Constitutional Amendments, Revision of Codes and Laws

Proposed Senate Resolution No. 412, entitled

RESOLUTION URGING THE DEPARTMENT OF FOREIGN AFFAIRS, OVERSEAS WORKERS WELFARE ADMINISTRATION AND THE PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION AS WELL AS THE OTHER CONCERNED EXECUTIVE AGENCIES TO DEVISE A COMPREHENSIVE STRATEGY TO ADDRESS THE CONCERNS OF OUR REPATRIATED OVERSEAS FILIPINO WORKERS DUE TO THE SERIES OF UNREST IN THE MIDDLE EAST AND NORTH

AFRICA PROVIDING THEM WITH THE ECONOMIC ASSISTANCE IN THE FORM OF FINANCIAL AID, LIVELIHOOD AND TECHNICAL SKILLS TRAINING, PREFERENCE IN REDEPLOYMENT, FREE HOSPITALIZATION AND PHILHEALTH MEMBERSHIP, EDUCATIONAL HELP AND OTHER BENEFITS

Introduced by Senator Villar

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

COMMITTEE REPORT

Committee Report No. 19, prepared and submitted jointly by the Committees on Justice and Human Rights; and Constitutional Amendments, Revision of Codes and Laws, on Senate Bill No. 2726, with Senators Ejercito Estrada, Legarda, Escudero and Defensor Santiago as authors thereof, entitled

AN ACT DECRIMINALIZING VAGRANCY AMENDING FOR THIS PURPOSE ARTICLE 202 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE,

recommending its approval in substitution of Senate Bill Nos. 915, 1423 and 2367.

Sponsor: Senator Escudero

To the Calendar for Ordinary Business

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 3:43 p.m.

RESUMPTION OF SESSION

At 3:54 p.m., the session was resumed.

PRIVILEGE SPEECH OF SENATOR LEGARDA

Availing herself of the privilege hour, Senator Legarda spoke on the highlights of the briefing

conducted for the senators that day by Judge Sang-Hyun Song, President of the International Criminal Court (ICC), on the role of the ICC in addressing the serious crimes of genocide, war crimes and aggression.

Following is the full text of her speech:

The Philippines is a nation that gravely condemns atrocious acts against humans. On July 27, 2009, Republic Act 9851 was signed into law. This law defines and penalizes crimes against international humanitarian law, genocide and other crimes against humanity.

As millions of Filipinos reside or are deployed in various parts of the world, we cannot help but be deeply concerned with the events that occur in foreign lands, especially when circumstances become a threat to the lives and safety of our citizens. The current situation in Libya, for instance, where thousands of our countrymen remain trapped amidst the continuing unrest, makes us all the more persistent and eager in seeking ways to strengthen the protection of our citizens' life, welfare and rights.

Today, we are truly honored to have with us no less than the President of the International Criminal Court, Judge Sang-Hyun Song from the Republic of Korea, as a primary resource person to share with us his knowledge and experiences on the Rome Statute.

The visit of Mr. Song comes at a most opportune time given ICC's growing role in addressing the most serious crimes of international concern – genocide, crimes against humanity, war crimes, and aggression.

We share the principles upon which ICC's mandate is anchored. It is the fundamental duty, as articulated in the Philippine Constitution, to protect human rights, including the right to human life and dignity, and we remain steadfast in our policy to condemn and penalize perpetrators of the most atrocious acts.

Today, we listened to Mr. Song's learned opinion on the ICC because the Philippines, by this visit, can learn from the wisdom of ICC's experiences. And we are happy to note that last February 28, President Benigno Aquino III signed the treaty and the Senate is therefore awaiting its transmission to the Senate ten years after it was originally signed by then President Gloria Macapagal Arroyo.

And just for the information of the Body, we have some points about the ICC which, I believe,

will be instrumental and useful when we discuss it here in plenary after hearings have been conducted by the Committee.

What is the ICC?

The ICC is a permanent court. The nature of ICC as such is a qualitative development of the international public order, on account of the fact that the preceding international criminal tribunals, historic in importance as they were, were merely *ad hoc* tribunals. Principally, the predecessor courts were the Nuremberg International Military Tribunal and the Tokyo Military Tribunal.

Unlike the International Court of Justice (ICI) which is the judicial organ of the UN established by the UN Charter, the ICC is an independent court of the UN. It is non-political and is brought into relationship with the UN by agreement, subject to approval by the assembly of states-parties to the Rome Statute. It would be of interest to this Chamber that the case of Muamar Gaddafi of Libya was approved unanimously by the UN Security Council and will be referred to the ICC. The ICC is governed by the principle of complementarity by which the national criminal jurisdiction has primacy over the ICC. It may determine that a case is inadmissible if it is being investigated or prosecuted by a State or if it has been investigated by a State which decided not to prosecute the person concerned; in short, it is the court of last resort and it will not try cases which are already being tried in the states themselves. It will only try cases which have not been tried for various reasons.

The ICC jurisdiction pertains only to criminal liability of individual natural persons. Official capacity does not affect the liability of persons and therefore the jurisdiction of the ICC applies equally to a head of state or head of government or to members of parliament

Crimes within the ICC Jurisdiction

The ICC jurisdiction includes only the following crimes: (a) genocide, (b) crimes of humanity, (c) war crimes, and (d) aggression. The ICC jurisdiction is not yet in effect with respect to crime of aggression.

The ICC jurisdiction is limited to what the Rome Statute identifies as "the most serious crimes of international concern." Accordingly, it is required that for acts to constitute "crimes against humanity" when committed, must be "part of a plan or policy or as part of a large-scale commission of such crimes." A single act in question, by itself, may not be considered such a crime.

Crimes within the ICC jurisdiction are not subject to prescription as to time.

In fact, in the case of Libya, which is a non-state party to the ICC, it had to take the United Nations Security Council to unanimously approve its referral to the ICC. After which, a pre-trial chamber composed of three judges will do the pre-hearing or pre-trial. And we ask Judge Song whether the accused or the defense will be able to give his or her day in court.

These are just some elements for the enlightenment of the Chamber. We mentioned him today to acknowledge the presence of President Song and also to give enlightenment to the members of the Chamber who will eventually debate this very important, however controversial subject, because it has been 11 years since the Philippines signed it but it is only now that President Aquino will hopefully transmit it soon to the Philippine Senate for ratification.

With that, I hope that I have conveyed to my colleagues the wisdom that I learned from President Song's briefing today.

REFERRAL OF SPEECH TO THE COMMITTEE

Upon motion of Senator Sotto, there being no objection, the Chair referred the privilege speech to the Committee on Foreign Relations.

SPECIAL ORDER

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 19 on Senate Bill No. 2726 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 19 ON SENATE BILL NO. 2726

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 2726 (Committee Report No. 19), entitled

**AN ACT DECRIMINALIZING VAGRANCY
AMENDING FOR THIS PURPOSE
ARTICLE 202 OF ACT NO. 3815, AS
AMENDED, OTHERWISE KNOWN
AS THE REVISED PENAL CODE.**

Pursuant to Section 67, Rule XXIII of the Rules

of the Senate, with the permission of the Body, upon motion of Senator Sotto, only the title of the bill was read without prejudice to the insertion of its full text into the Record of the Senate.

The Chair recognized Senator Escudero for the sponsorship.

SPONSORSHIP REMARKS OF SENATOR ESCUDERO

At the instance of Senator Escudero, his Explanatory Note of Senate Bill No. 2367, and the Explanatory Notes of Senate Bill No. 915, introduced by Senator Ejercito Estrada, and Senate Bill No. 1423, introduced by Senator Legarda, were adopted as part of the Sponsorship Speech of Senate Bill No. 2726.

Senate Bill No. 2367

By Senator Escudero

The Revised Penal Code lists some minor felonies, offenses, and infractions which cause little or no damage to persons, property and community, and which are often motivated not by malice but by some psychological disorders that should be addressed with treatment, rather than with punishment.

One good example is vagrancy, penalized under Article 202 of the Revised Penal Code, which fails to see that vagrants are victims of poverty and the lack of opportunities for employment and access to decent standards of living and quality of life.

This bill seeks to decriminalize the above offense in order to decongest the load of the justice system, allow our law enforcement officers to pay more attention to graver offenses, and improve the administration of justice in our land. This measure also seeks to give a more humane countenance on our justice system, which prioritize the rehabilitation of the offender and acknowledges the value of every human life.

In view of the foregoing, early passage of this bill is earnestly requested.

Senate Bill No. 915

By Senator Ejercito Estrada

The creation and repeal of laws are largely dictated by the call of the times. The changing world order necessitates the review of the

existing policies that may have once proven effective, but now simply serve to oppress the very people that they sought to benefit and protect. Once such policy is the law on vagrancy.

Historically, vagrancy laws were created bearing the concept of criminality. As a result of the breakdown of feudalism, vagrancy laws were passed to discourage the idleness of the population. Over time, vagrants became regarded as public nuisances.

The Revised Penal Code, under Article 202, defines vagrancy as a criminal act. This law carries the same concept of criminality that has been challenged by human rights advocates all over the world, as it violates certain cherished freedoms such as the right to move freely in travel. In the United States, vagrancy laws have already been stricken down on constitutional grounds.

Moreover, there are numerous reports of arbitrary arrest by the police as a result of the wide discretion afforded to law enforcement by the vagrancy law. Police have rounded up the poor, accusing them of vagrancy, and holding them on prison cells. Most of these vagrants are detained for long periods because they have no access to lawyer.

Numerous cases of streetchildren arbitrarily arrested by the police have likewise been documented, particularly during international references, when national and international attention is focused on a locality.

The law on vagrancy blurs the line between poverty and criminality. As the economic crisis persists, the poor will continue to suffer from oppressive laws such as the law on vagrancy.

In view of the foregoing, the immediate passage of this measure is earnestly sought.

Senate Bill No. 1423

By Senator Legarda

This bill seeks to make the crime of vagrancy more relevant to present conditions by amending the enumeration of persons that may be found guilty committing the same and to remove the discrimination against gender insofar as defining what is prostitution is by broadening its meaning to include all persons, amending for the purpose Article 202 of the Revised Penal Code.

There is a clamor for the repeal of the anti-vagrancy law on the basis that it discriminates

AS

of subsistence. The law has also been used in a way that discriminates on the basis of gender. Women's groups report that while women, particularly suspected prostitutes, are routinely arrested under the law, it is never or rarely used against suspected male offenders, such as men who use prostitutes. As early as 1997, the United Nations Committee on the Elimination of Discrimination Against Women criticized the discriminatory application of the law, noting that it was enforced against female sex workers but not against men involved as traffickers, pimps or clients. Amnesty International is concerned that the anti-vagrancy law has been used as a pretext for arbitrary arrest and detention. The organization is particularly concerned that the vague wording of the law leaves it open to abuse by law enforcement officials.

Instead of addressing the issue of poverty through positive actions in the form of policies and regulations that would address their basic needs, the State penalizes the poor through the anti-vagrancy laws.

This bill aims to remedy such situation by removing the anti-poor provisions of Article 202 of the Revised Penal Code. *It likewise removes the discrimination against gender in so far as defining who are prostitutes under the law. Under this bill, prostitution is defined as persons, no longer just women as contained in the present law who, for money or profit, habitually indulge in sexual intercourse or lascivious conduct.*

In view of the foregoing, the immediate passage of this bill is earnestly requested.

Additionally, Senator Escudero stated that the Revised Penal Code was enacted in 1932, taking into consideration the conditions obtaining at that time. He explained that as earlier pointed out by Senator Defensor Santiago when a similar bill was discussed in the previous Congress, the reason for this law on vagrancy, which was enacted during the Industrial Revolution, was to keep the workers inside the workplace.

Senator Escudero stressed that Article 202, which the bill seeks to amend, basically provides that if one is seen loitering for no justifiable cause and without any means of support, he can be arrested by law enforcers. He described the law as anti-poor.

He recalled that a couple of months ago, a street vendor, along with her husband, was arrested allegedly for vagrancy by a member of the Manila Police District; she was brought to the police station and in

one of the rooms, she was allegedly raped and thereafter released. It was a good thing, he said, that the victim has the courage to file a case against those who violated her. He lamented that vagrancy has been the common and convenient excuse given by law enforcement officers to arrest and detain any person without any specific crime to charge with.

Senator Escudero then urged the Body to approve with dispatch Senate Bill No. 2726, noting that a similar bill was approved on Third Reading in the previous Senate.

REMARKS OF SENATOR ZUBIRI

Senator Zubiri expressed support for the bill as he recalled that the House of Representative passed a similar bill when he and Senator Escudero were still serving in the House.

He recalled that during the 1998 hearings on the bill, vagrancy became a big issue when a number of alleged* prostitutes were apprehended by the police for vagrancy and Representative Mike Defensor came to their defense as they were his constituents.

In closing, Senator Zubiri requested that he be made coauthor of the bill. Senator Escudero acceded to the request as he gave assurance that he would ask Senator Sotto to make the proper motion.

TERMINATION OF THE PERIOD OF INTERPELLATIONS

Upon motion of Senator Sotto, there being no objection, the Body closed the period of interpellations and proceeded to the period of amendments.

TERMINATION OF THE PERIOD OF AMENDMENTS

There being no committee or individual amendment, upon motion of Senator Sotto, there being no objection, the Body closed the period of amendments.

APPROVAL OF SENATE BILL NO. 2726 ON SECOND READING

Submitted to a vote, there being no objection, Senate Bill No. 2726 was approved on Second Reading.

*As corrected by Senator Sotto on March 8, 2011.

AS

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2726

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

COAUTHOR

Upon his request, Senator Zubiri was made coauthor of Senate Bill No. 2726.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 4:12 p.m.

RESUMPTION OF SESSION

At 4:35 p.m., the session was resumed.

COMMITTEE REPORT NO. 16 ON SENATE BILL NO. 2671

(Continuation)

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 2671 (Committee Report No. 16), entitled

AN ACT STRENGTHENING THE CAREER EXECUTIVE SYSTEM.

Senator Sotto stated that the parliamentary status was the period of individual amendments.

Thereupon, the Chair recognized Senator Trillanes, Sponsor of the measure.

MANIFESTATION OF SENATOR TRILLANES

Preliminarily, Senator Trillanes informed the Body that his committee had accepted two of the four proposed amendments of Senator Defensor Santiago but had requested that the consideration of the other remaining proposals be deferred so that it could be studied further.


He pointed out that Senator Defensor Santiago had proposed that the measure grant the Career

Executive Service Board (CESB) some reasonable degree of autonomy in the performance of its functions with all its actions being subjected to prior approval of the Civil Service Commission (CSC) so that the relationship between the CSC and the CESB could be redefined from a relationship of "control and supervision" to that of "administrative supervision for the purpose of policy and program coordination."

However, he said that the Committee had also proposed amendments to the bill in keeping with the position of Senator Drilon that the CESB should be brought into the fold of the CSC system in the light of the constitutional provision providing that the CSC shall be the sole central personnel agency of the government and as such, all decisions, determination and actions of the CESB should bear the prior approval of the CSC.

He said that while his committee agreed with Senator Drilon's suggestion to bring the CESB under the supervision of the CSC to ensure unity of command, prevent a repeat of the case of PAO chief Persida Acosta, and comply with the constitutional mandate that only the CSC should be the central personnel agency of the government, it also found merit in the proposition of Senator Defensor Santiago that the CESB should be granted reasonable latitude of autonomy in order to allow it to properly perform its functions and prevent undue duplication of functions between the CSC and CESB.

Senator Trillanes informed the Body that his committee had adopted a compromise formula following a consultative group meeting last February 28, 2011. He explained that the proposal would put the CESB under the supervision of the CSC through a "presumptive approval" of its resolutions, actions and decisions by the CSC. He said that under this proposed regime, the CESB shall be authorized to take cognizance of all matters within the sphere of its primary jurisdiction but would forward a written notice of its resolutions, actions and decisions to the CSC, which would have 30 days to review, revise, modify or reverse the same if it feels that these are not consistent with its own resolutions, actions and/or decisions. He said that this would also comply with the constitutional mandate of having only one central personnel agency of the government because the resolutions, actions and/or decisions are deemed to be "presumptively approved" by the CSC if the latter does not modify or reverse the same within the prescribed period.



TRILLANES AMENDMENTS

As proposed by Senator Trillanes, there being no objection, the Body approved the following amendments to the February 22, 2011 version of the bill, subject to style:

1. On page 3, line 15, delete the words "CONTROL AND";
2. On page 4, lines 6 to 8, replace the phrase "NO RULE, DECISION OR ANY ACTION OF THE BOARD SHALL BE VALID AND EFFECTIVE WITHOUT APPROVAL OF THE COMMISSION" with IN THE EXERCISE OF ITS POWER OF SUPERVISION, THE COMMISSION MAY *MOTU PROPRIO* REVIEW, REVISE, REVERSE OR MODIFY ANY POLICY, RULING AND/OR ACTION OF THE BOARD WITHIN A PERIOD OF THIRTY (30) DAYS FROM RECEIPT OF WRITTEN NOTICE THEREOF; *PROVIDED FURTHER*, THAT IF THE COMMISSION DOES NOT ACT WITHIN THE SAID PERIOD, THE SUBJECT POLICY, RULING AND/OR ACTION OF THE BOARD SHALL BE DEEMED AS PRESUMPTIVELY APPROVED BY THE COMMISSION;
3. On page 2, line 17, after the word "System," insert the phrase *UNDER THE SUPERVISION OF THE CIVIL SERVICE COMMISSION AS PROVIDED HEREIN*;

Senator Trillanes explained that the amendment sought to address the need to revisit the provision relating to the definition of the CESB under Section 4(d) of the bill as earlier suggested by Senator Drilon.

4. On page 7, insert a new Section 20 - CREATION OF A CESB AND OCES EVALUATION BODY; and

Senator Trillanes explained that the amendment, which was proposed by Senator Defensor Santiago, seeks to provide for the creation of a review body to be created by the CSC after three (3) years from the initial implementation of the Act and every three (3) years thereafter, which shall consist three (3) heads of public and private institutions whose work is related to executive development within the framework of developing countries. He said that after public consultations, the review body would prepare and submit its evaluation report as well as recommendations concerning the performance of the CESB and the OCES, not only to the CESB, OCES, and the CSC but also to the appropriate committee of Congress.

He believed that the proposal would introduce an appropriate, impartial and objective feedback mechanism that can help guide the CESB, OCES and CSC in assessing and improving their performance in managing the Career Executive System. Moreover, he pointed out that the amendment would, in effect, provide Congress with the necessary inputs so that it could decide whether the existing law needed to be refined.

5. Renumber the succeeding sections accordingly.

DRILON AMENDMENTS

As proposed by Senator Drilon and accepted by the Sponsor, there being no objection, the Body approved the following amendments, one after the other:

1. On page 4, reword the provision after the period (.) on line 13 up to line 16 to read:
IT SHALL BE HEADED BY AN EXECUTIVE DIRECTOR, WHO SHALL BE ASSISTED BY A DEPUTY EXECUTIVE DIRECTOR, BOTH OF WHOM SHALL BE APPOINTED BY THE CHAIRPERSON OF THE COMMISSION UPON RECOMMENDATION BY THE BOARD;
2. On page 5, line 2, remove the bracket (]) before the word "based" and the bracket (]) after the word "eligibility" and the comma (,); and
3. On the same page, delete the second sentence of Section 10 (*Security of Tenure*) on lines 3 to 6.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 4:56 p.m.

RESUMPTION OF SESSION

At 4:56 p.m., the session was resumed.

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

There being no other individual amendment, upon motion of Senator Sotto, there being no objection, the Body closed the period of individual amendments.

**APPROVAL OF SENATE BILL NO. 2671
ON SECOND READING**

Submitted to a vote, there being no objection, Senate Bill No. 2671 was approved on Second Reading.

**SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 2671**

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

ADDITIONAL REFERENCE OF BUSINESS

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

RESOLUTION

Proposed Senate Resolution No. 413, entitled

RESOLUTION DIRECTING THE APPROPRIATE COMMITTEES IN THE SENATE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE REGISTRATION AND RENEWAL PROCESS FOR BOTH PRIVATE AND PUBLIC (FOR HIRE) VEHICLES OF THE LAND TRANSPORTATION OFFICE WITH THE END IN VIEW OF ADDRESSING THE PROLIFERATION OF SMOKE-BELCHING AND DILAPIDATED VEHICLES TO SAFEGUARD THE GENERAL PUBLIC

Introduced by Senator Lapid

To the Committee on Public Services

COMMITTEE REPORT

Committee Report No. 20, prepared and submitted by the Committee on Foreign Relations, on Proposed Senate Resolution No. 414, entitled

RESOLUTION CONCURRING IN THE RATIFICATION OF THE AGREE-

MENT ON TECHNICAL COOPERATION BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF JAPAN,

recommending its approval without amendment.

Sponsor: Senator Legarda

To the Calendar for Ordinary Business

MANIFESTATION OF SENATOR SOTTO

Senator Sotto informed the Body that as agreed upon between Senators Legarda and Defensor Santiago, there shall be created a Subcommittee on the Rome Statute of the International Criminal Court, with the latter as subcommittee chair.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 4:59 p.m.

RESUMPTION OF SESSION


At 4:59 p.m., the session was resumed.

ADJOURNMENT OF SESSION

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

It was 5:00 p.m.

I hereby certify to the correctness of the foregoing.


EMMA LIRIO REYES
Secretary of the Senate

Approved on March 8, 2011