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SESSION NO. 78
Tuesday, March 22, 2011

FIFTEENTH CONGRESS
FIRST REGULAR SESSION

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CALL TO ORDER

At 3:31 p.m., the Senate President, Hon. Juan Ponce Enrile, called the session to order.

PRAYER

Sen. Francis N. Pangilinan led the prayer, to wit:

PSALM 36

Sin whispers to the wicked, deep within their hearts. They have no fear of God at all. In their blind conceit, they cannot see how wicked they really are.

Everything they say is crooked and deceitful. They refuse to act wisely or do good. They lie awake at night, hatching sinful plots. Their actions are never good.

They make no attempt to turn from evil.

Your unfailing love, O Lord, is as vast as the heavens; Your righteousness is like the mighty mountains, Your justice like the ocean depths.

You care for people and animals alike, O Lord. All humanity finds shelter in the shadow of Your wings.

You feed them from the abundance of Your own house, letting them drink from Your river of delights. For You are the fountain of life, the light by which we see.

Pour out Your unfailing love on those who love You; give justice to those with honest hearts. Don't let the proud trample me or the wicked push me around.

Look! Those who do evil have fallen! They are thrown down, never to rise again.

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.	Legarda, L.
Defensor Santiago, M.	Pangilinan, F. N.
Drilon, F. M.	Revilla Jr., R. B.
Ejercito Estrada, J.	Sotto III, V. C.
Enrile, J. P.	

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

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

Senators Trillanes and Villar were 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. 77 (March 21, 2011) and considered it approved.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended to allow the Members to greet Senator Cayetano (P) on the occasion of her birthday.

It was 3:34 p.m.

RESUMPTION OF SESSION

At 4:36 p.m., the session was resumed with Senate President Pro Tempore Ejercito Estrada presiding.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Sotto acknowledged the presence in the gallery of members of the *Sangguniang Bayan* of Luisiana, Laguna, headed by Mayor Manuel Rondilla.

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

SUSPENSION OF SESSION

Upon motion of Senator Cayetano (P), the session was suspended.

It was 4:37 p.m.

RESUMPTION OF SESSION

At 4:40 p.m., the session was resumed.

PRIVILEGE SPEECH OF SENATOR CAYETANO (P)

Availing herself of the privilege hour on the occasion of the International World Water Day, Senator Cayetano (P) spoke on the need to plan and manage the country's water resources to ensure clean and safe drinking water for the population.

The full text of her speech follows:

Today is International World Water Day. International World Water Day is held annually on March 22 to focus attention on the importance of freshwater and advocate the sustainable management of freshwater resources. It is an initiative that grew out of the 1992 United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro.

Each year, World Water Day highlights a specific aspect of freshwater. UN Water has chosen *Water for Cities: Responding to the Urban Challenge for World Water Day 2011*. This is to address the worsening problem of management of urban water and waste. This is also in line with Millennium Development Goal 7 for environment sustainability, which is to halve, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation.

II. Philippine Situation

Water pollution in the Philippines is a growing problem due to rapid urbanization and industrialization. According to the Philippine Environment Monitor Report of the World Bank in 2003, domestic wastewater contributes 48 percent of the total pollution in the entire country. *Sa madaling salita, halos kalahati ng pollution sa buong bansa ay nanggagaling sa domestic wastewater. Ito po ay nanggagaling sa ating toilet.* The rest is due to industrial and agricultural sources. So, when we look at the pollution issue, we have to remember that it comes from our own homes, from our bathroom. In Metro Manila, the share of domestic sewage is 58 percent of the total. Due to insufficient sewage treatment and disposal, more than 90 percent of the sewage generated in the Philippines is not disposed of or treated in an environmentally acceptable manner.

I am sorry to put this very bluntly, but when we flush the toilet, *hindi tayo nakakasiguro kung saan pupunta ang duming iyon.* And the worst-case scenario is *iikot iyan* in a very unsanitary manner and we might end up drinking it.

The same report estimates that water pollution costs the Philippine economy an estimated P67 billion (US\$1.3 billion) annually, of which P3 billion is attributed to health, P17 billion to fisheries production, and P47 billion to tourism. Statistics from the Philippine Department of Health show that approximately 18 people die each day from water-borne diseases, which accounted for 31% of all reported illnesses from 1996-2000.

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Thus, in 2004, Republic Act No. 9275 or the Clean Water Act was enacted. It is an integrated, holistic, decentralized and participatory approach to abating, preventing and controlling water pollution.

III. Joint Congressional Oversight Committee on the Clean Water Act

The Clean Water Act created the Joint Congressional Oversight Committee, which I currently co-chair with Representative Dan Fernandez. The Oversight Committee has conducted two committee hearings with a third scheduled tomorrow, Wednesday, March 23.

We are hard-pressed to improve our water quality situation today. During our committee hearings, we found out that enforcement is weak due to several factors – inadequate resources, institutional fragmentation, and poor statistics.

1. Inadequate Resources

According to the Philippine Environment Monitor Report of the World Bank in 2006, to reach the MDG for water and sanitation, an investment of P6 billion to P7 billion per year is necessary for water while an average of P25 billion per year in investments is necessary for sanitation and sewerage to improve the current situation by 2015. However, according to the Philippine Water Supply Sector Roadmap of the National Economic and Development Authority (NEDA), only about P3 billion to P5 billion is invested in water supply and sanitation with a minimal amount, about P500 million, invested in sewerage and sanitation.

The Metropolitan Waterworks and Sewerage System (MWSS), through their two water concessionaires, has had some recent success in developing sewerage networks and treatment plants in Metro Manila. They presented to us their roadmap. However, I must say that this is still a long way in coming because it will take many years for them to complete the sewerage system. Outside Metro Manila, the focus of the more than 200 operational water districts is solely on water supply, not sanitation services. If I remember correctly, there are only two areas outside of Metro Manila that have a sewerage system. All other places do not have any. The good news is that one of our biggest tourism destinations in Boracay will be inaugurating a water treatment facility, I think next week.

2. Institutional Fragmentation

There are too many hands dipping in the broth, so to speak. About 30 government agencies are involved in the management of our water resources. The gaps, overlaps and

conflicts of responsibilities were made apparent during the hearings, making the institutional framework highly fragmented, weak and complicated. In line with this, I filed Proposed Senate Resolution No. 72 last August 10, 2010, directing the Senate Committee on Environment and Natural Resources to look into the current fragmentation of water resources planning and management given the lack of a water regulatory body to address the water issues in our country today.

Part of the priority bills discussed during the LEDAC meeting last February 28 were bills on the Water Sector Reform Act which, in the Senate, are referred primarily to the Committee on Public Services. We join the call for the early approval of these bills.

3. Poor Statistics

The dearth of reliable data regarding the status of water in our country makes management more difficult. Unfortunately, we are still using the data circa 1998 from the Master Plan on Water Resources Management in the Philippines by the National Water Resources Board (NWRB) and the Japan International Cooperation Agency (JICA) in order to manage our water resources. I believe the data have already been overtaken by the rapid rate of urbanization and have been rendered obsolete. The time is ripe for the government to conduct its own study in order to have a more realistic picture of our water resources today.

IV. Conclusion

To conclude, the United Nations recently declared the right to safe and clean drinking water and sanitation as a fundamental human right. It is the government's obligation to respect, protect, and fulfill the enjoyment of the right to water. As such, it is high time that we devoted the much-needed attention to this basic need. The work before us is tremendous. But the importance of water to our people and our country cannot be undervalued.

Before I end, let me just point out that to the fullest extent possible, I prepare and read my speeches through my cellphone or computer to also diminish my contribution to the pollution and to add to our efficiency in solid waste management.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Sotto, there being no objection, the privilege speech of Senator Cayetano (P)

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was referred to the Committee on Environment and Natural Resources.

PROPOSED SENATE RESOLUTION NO. 432

Upon motion of Senator Sotto, there being no objection, the Body considered Proposed Senate Resolution No. 432, entitled

RESOLUTION ADOPTING THE RULES OF PROCEDURE ON IMPEACHMENT TRIALS.

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 resolution was read without prejudice to the insertion of its full text into the Record of the Senate.

SPONSORSHIP SPEECH OF SENATOR SOTTO

Senator Sotto stated that Section 1 of Article XI of the Constitution provides that, "Public office is a public trust. Public officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency, act with patriotism and justice, and lead modest lives," and Section 3 (6) of the same Article XI cannot be clearer when it says, "The Senate shall have the sole power to try and decide all cases of impeachment."

He stated that Proposed Senate Resolution No. 432 was actually a modified version of Senate Resolution No. 68* that was adopted in the 11th Congress, and the modifications, he explained, were the product of the series of meetings and consultations the Committee held with officials of the Senate Secretariat who had a hand in the drafting of Senate Resolution No. 68.* He said that the Committee also took into consideration the older rules of impeachment, specifically those crafted by the Senate in anticipation of the impeachment trial of then President Elpidio Quirino in 1949 which did not transpire. He added that the Committee also inputted the suggestions made by some Members during the caucus.

Senator Sotto explained that the key modifications to the Rules were as follows: 1) the provisions of the revised Rules of Court shall apply suppletorily; 2) the Senator/Judge shall refrain from making any comments and disclosures in public pertaining to the

merits of an ongoing impeachment trial, as suggested by Senator Drilon, and this same prohibition shall likewise apply to the prosecutors, the person impeached, and to their respective counsels and witnesses; 3) an effectivity clause was included and it includes a requirement for the publication of the Rules and the continued effectivity thereof until amended or repealed; and 4) on the title of the Resolution, the phrase "Proceedings in the Senate which appeared in the old Rules was deleted so that the amended title shall read "RESOLUTION ADOPTING THE RULES OF PROCEDURE ON IMPEACHMENT TRIALS."

He stated that in *Francisco, Jr. vs. House of Representatives*, G. R. No. 160261, November 10, 2003, the Supreme Court held that:

"xxx the term 'Impeachment Proceedings' is not a single act. It is a complex use of acts consisting of a beginning, a middle and an end.

"The end is the transmittal of the articles of impeachment to the Senate. The middle consists of those deliberative moments leading to the formulation of the articles of impeachment. The beginning or the initiation is the filing of the complaint and its referral to the Committee on Justice."

Further, Senator Sotto said that in the same decision, Fr. Joaquin Bernas, a member of the Constitutional Commission, was quoted as saying, "The impeachment proceeding is not initiated when the complaint is transmitted to the Senate for trial because that is the end of the House proceeding and the beginning of another proceeding, namely, the trial."

Finally, Senator Sotto urged his colleagues to support and adopt Proposed Senate Resolution No. 432.

INTERPELLATION OF SENATOR CAYETANO (A)

Preliminarily, Senator Cayetano (A) said that in an impeachment court, the senators are called upon to act as judges and to decide whether to convict or acquit an impeachable constitutional officer. He noted that the list of impeachable officers is exclusive and is found in the Constitution. He explained that a charge sheet, called the "Articles of Impeachment," is transmitted by the House of Representatives to

*As corrected by Senator Sotto on March 23, 2011

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the Senate, but he rued that this early, newspaper columnists, political analysts, lobbyists and even members of Malacañang's communications group were already speculating and making fearless forecasts on how the senators would vote. Clarifying the nature of the impeachment process and the impeachment court, he pointed out that the impeachment trial is admittedly a numbers game in so much as the Constitution provides for specific number of votes to impeach. For example, he said, in the House of Representatives, a one-third vote of all the members is necessary to impeach and to have the Articles of Impeachment transmitted to the Senate; and in the Senate, a two-thirds vote of all the members is necessary to pronounce a judgment of conviction.

Senator Cayetano (A) stated that although the impeachment trial is a political process and a numbers game, it does not mean that it is not judicial in character or that the law and the principles of fairness are not applied.

Senator Cayetano (A) pointed out that there is a difference between "political" and "partisan." He quoted American scholars as explaining that "political," insofar as the U.S. Supreme Court or lower court judges in a judicial process are concerned, means that they have to have cold neutrality; in the case of the Commission on Appointments, however, there is a political character but the Members are not supposed to be partisan. On the other hand, he said that "partisan" means being biased. However, he said that in being political, there is still an aspect wherein political considerations are tolerated. As an example, he recalled that in the impeachment trial of President Estrada, one senator accused the President of his supposed crimes while others went to the streets and joined the rallies, yet they were not required to inhibit themselves because the impeachment trial has a political character.

Senator Cayetano (A) asserted that the Rules should reflect the judicial nature of the process, and that he was generally satisfied with the proposed Rules. He noted that the Chairman of the House Committee on Justice, in his sponsorship speech, and even the illustrious Fr. Joaquin G. Bernas, in his article in the March 21, 2011 issue of the *Philippine Daily Inquirer*, quoted Justice Storey who said that "impeachment is a proceeding, purely of political nature, is not so much designed to punish an offender as to secure the State against gross political misdemeanors. It touches neither his person nor his

property, but simply divests him of his political capacity."

Senator Cayetano (A) further quoted Father Bernas who said in the same article, "This is what we have now and we apply it to key officials including the Ombudsman and the Supreme Court justices. Removal can only be based on the grounds of 'culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust.'" He expressed the view that even if it is a political process and even if it is true that the proceeding does not deprive the person of his property and life, his political capacity is nonetheless affected. He stressed that in an impeachment trial there are still legal grounds to follow, hence, it is important that the Rules ensure fairness. He also averred that it was unfair that the senators have been perceived to be pro- or anti-impeachment since the prosecution and the defense have not yet made their case and until then, the jurors cannot make an informed decision.

As regards informed decision, Senator Cayetano (A) stressed that the only acceptable lobbyist in the impeachment process is the 100 million Filipino people. To give the Filipinos enough information to make an informed judgment and to lobby, he underscored that there should be full media coverage in accordance with network policies. He suggested that media be allowed to conduct interviews and do research. However, he advised the senators to practice self-restraint to ensure fairness and impartiality.

Adverting to Rule IV, Senator Cayetano (A) asked whether the Body would liberally construe the Rules of Court and apply the same when applicable. In response, Senator Sotto explained that the way Senate President Enrile described it, the Rules of Court are subject to different interpretations so it would be better to imply that the Rules of Court applies.

REMARKS OF SENATOR DRILON

Senator Drilon intervened to state that the Committee proposed the inclusion in the new Rules of the sentence, "The Revised Rules of Court shall apply suppletorily" and deleted the sentence, "Rules of evidence and procedure shall be liberally construed" in the 1992 Rules.

On the question of whether the Rules of Court should no longer be applied liberally, Senator Drilon

explained that the replacement of the phrase "insofar as they are applicable" with the word "suppletory" is in consonance with the mandate of the Rules of Court which concretely provides for suppletory applicability in certain cases, especially in non-judicial proceedings like the impeachment trial. He quoted Rule 1, Section 4 of the Rules of Court, to wit: "These rules shall not apply to land registration, cadastral and election cases, naturalization and insolvency proceedings, and other cases not herein provided for, except by analogy or in a suppletory character and whenever practicable and convenient."

He stated that the deletion of the last sentence on liberal construction of the Rules of Evidence and Procedure was justified since the same were already incorporated in the sentence, "The provisions of the revised Rules of Court shall apply suppletorily." He posited that the sentence "Rules of Court and Evidence shall be liberally construed" is a surplusage because the Rules of Evidence and Procedure are part and parcel of the Rules of Court including the Rules on Electronic Evidence, otherwise known as the Electronic Commerce Act.

Still on the same matter, Senator Drilon emphasized that Rule 1, Section 6 of the Rules of Court and Section 2 of the Rules on Electronic Evidence already provide for the liberal construction thereof, which is consistent with the prevailing legal principle on construction of procedural rules. He quoted Rule 1, Section 6: "*Construction.* These Rules [Rules of Court], shall be liberally construed in order to promote their objective of securing just, speedy and inexpensive disposition of every action and proceeding"; and Rule 2, Section 2 of the Rules on Electronic Evidence: "These rules shall be liberally construed to assist the parties in obtaining a just, expeditious and inexpensive determination of cases."

Senator Drilon asserted that the Committee on Rules did not change the concept of the liberal construction of the Rules since they are liberally construed in the first place.

**INTERPELLATION
OF SENATOR CAYETANO (A)**
(Continuation)

Senator Cayetano (A) accepted the explanations of Senators Sotto and Drilon. He noted that according to principle of statutory construction, when a new law or a new rule comes into existence and an old

one is deleted, the interpretation is that it was deleted for a specific purpose. Following this principle, he said that the deletion would give rise to a possible interpretation that in the new Rules on Impeachment, the Rules of Evidence shall not be construed liberally. He stated that he wanted to put on record that the old provision was deleted because it was a surplusage.

On another matter, Senator Cayetano (A) pointed out that there are common Rules of Evidence for criminal and civil procedures, and there is a different rule for administrative procedure that it is not covered by the Rules of Court. Further, he said that there is a difference between admissibility of evidence and quantum of evidence, and in an impeachment trial, the Senate President can initially decide on the admissibility of evidence but he can be overruled by the Body, or that he can also pass the question to the Body. However, he stated that if a certain piece of evidence is excluded, there is no quantum of evidence to talk about. For instance, he stated that a xerox copy of a document can be deemed admissible although it is not the best evidence; however, if the Rules are liberally construed and the evidence is admitted, its weight is different from that of the original and it is up to the senator-judge to determine the quantum or weight of evidence.

Senator Cayetano (A) stressed that he did not want to make it harder for Congress to impeach an officer of the State but he wanted it clarified that the Rules of Court will be liberally construed.

As regards the two-minute rule allowed each senator to propound a question, Senator Cayetano (A) asked the senators, who participated in the impeachment trial of President Estrada, if two minutes is enough for each senator to mention a litany of evidence that swayed his/her vote or if the senator-judge needed more time, say five minutes. Senator Sotto replied that he would leave it to the Body to determine the most suitable length of time. He explained that the two-minute rule for propounding questions was adopted by the Committee because the juror should have enough time to lay down the premise of his/her question.

Senator Cayetano (A) suggested that the other senators be consulted with regard to the length of time they can pose questions.

Relative thereto, Senator Cayetano (A) stated that the explanation of votes cannot be per article

because if there are 10 articles of impeachment, it would take too long. He proposed that a senator-judge be given a total of five minutes to explain his/her vote to convict or acquit. He believed that two minutes is too short that it might shortchange the people, and that if a senator-judge is not given enough time to explain, a media analyst might do it for him/her. Nevertheless, he said that it was up to the Committee on Rules to make the necessary amendment at the proper time.

Senator Sotto stated that he would consult with the other Members and, at the proper time, propose an amendment.

Senator Cayetano (A) recalled that during the impeachment trial of President Estrada, the prosecution team walked out. He asked if the trial would proceed if the same thing happens. Responding thereto, Senator Sotto stated that the impeachment court can compel the persons who walked out to come back to the trial, otherwise, they will be cited for contempt. He believed that this should have been done by the Presiding Officer during the impeachment trial of President Estrada.

Senator Cayetano (A) clarified that he did not mean to ruffle any feather and he only intended to broach the matter because the Rules being set are applicable not only to Ombudsman Gutierrez but also to other impeachable officers of the State.

On whether a trial *in absentia* is allowed, Senator Sotto replied in the affirmative, saying that this matter would be decided by the senator-judges.

As regards the comment that the media analyst might be perceived to be speaking for the senators, Senator Sotto maintained that the senators should only listen and answer to the people.

Senator Cayetano (A) observed that some media analysts were already predicting that some senators would vote this way or that way, depending on the stand of his/her party. He pointed out that being partisan is different from being political. He explained that when a person is partisan, he/she follows the official stand of the party to which he/she belongs but in being political, the party affiliation does not matter because the person decides on his/her own.

He underscored that there is still the judicial aspect, so no one can influence the decision of a senator-judge except the people who voted him/her to office and gave him/her the mandate. As an affirmation of the Senate's commitment to the Philippine media as the Fourth Estate, he stated that since they have free access to the whole proceedings, to the prosecutors and to individual senators, the media should be allowed to cover the proceeding live because aside from the senators sitting as judges, the people would be judging the whole proceeding. He said that a live coverage would ensure that the people are updated, and that the proceeding was being conducted with fairness and impartiality.

Senator Cayetano (A) stated that he was committed to arriving at a decision based on the merits of the case and that he would be fair in evaluating the evidence to be presented as he has always advocated. He averred that the process might be political but it is still fair and in accordance with the Rules. He said it would be an injustice if, as early as now, there are speculations on how a senator would vote.

At this juncture, Senator Cayetano (A) informed the Body that during the caucus, it was agreed upon that the Senate would continue with the committee hearings, sessions and even adjust the legislative calendar. He stated that according to the proposal, the schedule would be as follow:

Monday to Wednesday

– sessions in the mornings;

Thursday and Friday

– committee hearings in the morning;

Monday to Thursday

– impeachment trial in the afternoon;

Friday

– motions;

Saturday and Sundays

– for constituents, family and rest day.

Senator Sotto confirmed that the schedule given by Senator Cayetano (A) was agreed upon during the caucus. He then gave the tentative daily schedule as follows:

DAY	TIME	SCOPE OF WORK
Monday/	9:00 a.m.	Session
Tuesday	12:00 p.m.	

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DAY	TIME	SCOPE OF WORK
	2:00 p.m. 7:00 p.m.	Impeachment Court
Wednesday	9:00 a.m. 12:00 p.m.	Commission on Appointment/ Committee Hearings
	3:00 p.m. 8:00 p.m.	Impeachment Court
Thursday	9:00 a.m. 12:00 p.m.	Committee Meeting/ Hearings
	2:00 p.m. 7:00 p.m.	Impeachment Court
Friday	9:00 a.m. 12:00 p.m.	Committee Meeting/ Hearings
	Afternoon	Motion Day

Senator Sotto stated that the Senate would be working five days a week. He explained that Wednesday was reserved for the Commission on Appointments but if the CA is not holding a session, committee hearings can be held in the morning of that day. Although there would be more working hours, he emphasized that the work has to be done.

As regards the understanding that the Rules of Evidence and Procedure shall be liberally construed, Senator Cayetano (A) clarified that evidence may be admitted without giving it proper weight. He stated that under the Rules of Court a picture may be submitted as evidence but the person who took the picture must testify that he/she did it. He explained that with today's technology, the defense can claim that the photograph was altered using a certain software.

Asked who would break a tie-vote, Senator Sotto stated that the impeachment court would follow the Rules of the Senate so that if there is no majority vote, the motion is lost.

On the concern that there might be instances of tie-votes on motions, Senator Drilon stated that under the Rules on Impeachment, the presiding officer, in this case, the Senate President, would rule on motions; in case the ruling is appealed, it will be submitted to the Body for voting; if the appeal does not get the majority vote or in case of a tie, then the ruling of the Senate President stands.

Senator Cayetano (A) read Rule VI of the Rules of Procedure on Impeachment Trials: "The President of the Senate or the Chief Justice when presiding in the trial may rule on all questions of evidence

including but not limited to..." He noted that the presiding officer has the option to rule on a motion/question then wait if there is an appeal or he just might submit the matter to the Body. He said that if the presiding officer rules and there is a tie-vote on the appeal, then the ruling of the presiding officer stands; however, if the presiding officer submits the matter to the Body and there is still a tie even with his vote, then there would be a problem. He expressed concern that the proceeding might be bogged down by technicality. However, he said that he would leave the matter to the Rules Committee to decide.

INTERPELLATION OF SENATOR ARROYO

Prefatorily, Senator Arroyo recalled that he participated in the impeachment of Pres. Joseph Estrada as a prosecutor and this time he would be sitting as a juror in the impending trial of Ombudsman Merceditas Gutierrez. He said that before him were three rules: the Rules of the United States Senate as embodied in U.S. Senate Resolution No. 479 of August 16, 1986, Senate Resolution No. 68 or the Rules of Procedure that applied to the impeachment trial of President Estrada, and the proposed Rules under consideration.

He observed that in 1999, the Senate adopted, more or less, the procedure of the U.S. Senate and that the instant Resolution, more or less, reproduced Senate Resolution No. 68. He underscored that the senators must understand that before them are the Rules of Procedure and not Rules of Evidence.* He said that in an impeachment proceeding, the net effect is that senator-jurors are free agents and are not bound by the Rules of Procedure.

He stressed that what the members should guard against is a disorderly trial. He said that he has meticulously read the Articles of Impeachment against Ombudsman Gutierrez that the House of Representatives passed last night and he noticed that all the issues revolve around betrayal of public trust.

He pointed out that the principle or concept of betrayal of public trust is something peculiar to the Philippines as there is no mention of it in the U.S. Constitution nor in the 1935 Philippine Constitution, and that it evolved only in the 1986 Philippine Constitution. He stated that since there are no precedents thereon, there are no precedents to follow. Since

*As corrected by Senator Arroyo on March 23, 2011

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there is no definition of "betrayal of public trust," he stressed that the senators have a very wide latitude in interpreting it and it is up to the senator's individual conscience on how to resolve it. He noted that according to the proposed schedule, there would be sessions for two hours in the morning, Monday to Friday,* for legislative work and in the afternoon, the impeachment trial, from 2:00 p.m. to 7:00 p.m. He claimed that the schedule is tiring for everyone concerned – the prosecutors, the staff, and especially the senators.

He underscored that the Chair of the Committee on Rules should clarify how the voting on the articles of impeachment will be conducted. Since there were six Articles of Impeachment, he asked whether there would be voting on each article after the termination of the presentation of evidence from both sides at the end of each article or whether the voting on each article would only take place after the presentation of all the six articles.

Senator Arroyo said that following U.S. precedents, the whole trial should be finished first before the voting, and the voting will be for each article with each senator just saying "guilty" or "not guilty" with no explanation of vote. However, he pointed out that if in the course of the voting on each article, 16 votes are obtained on the third article, the Senate will not proceed anymore on the voting on the fourth, fifth and the sixth articles of impeachment.

What is important, Senator Arroyo emphasized, is that the voting will not take place until after all the evidence have been presented which is something that the Committee should make clear to everyone, including the prosecution, to avoid misunderstanding.

In response, Senator Sotto stated that the voting procedure is outlined in Rule 21 of the Rules.

Senator Arroyo recommended the deletion of the third paragraph of Rule XXI which states: "The President of the Senate shall, in the event any Senator cannot personally cast his/her vote due to any valid reasons, prescribe the manner and procedure on how the vote shall be cast and communicated to the Chamber," saying that it is tantamount to allowing absentee voting which is unfair to those who attended the trial.

At this point, Senator Arroyo adverted to the opening paragraph of Rule XXI of the old rules of

impeachment, to wit: "An article of impeachment shall not be divisible for the purpose of voting thereon at any time during the trial. Once voting has commenced on an article of impeachment, it shall continue until completed on all articles of impeachment, unless the Senate adjourns for a period not to exceed one day or adjourns *sine die*." He noted that the text was lifted from the U.S. rules which he described as convoluted.

Senator Sotto explained that precisely, the Committee deleted the paragraph which was lifted from the U.S. rules and reproduced in the 1949 Quirino rules and in Senate Resolution 68. He asserted that the provision, "An article of impeachment shall not be divisible for the purpose of voting thereon at any time during the trial" presupposes that the articles of impeachment should be voted upon *in toto*.

Senator Arroyo recalled that there were four articles of impeachment against President Estrada and during that time, the Rules provided that voting takes place only after all the articles had been deliberated upon. He further recalled that the prosecutors asked whether the Senate could already vote on the first article and if there was a conviction, to proceed no longer to the other articles; Chief Justice Davide, the presiding officer, did not agree to the proposal and ruled that all the articles must be finished before voting can take place.

At this point, Senator Sotto asked Senator Arroyo if he was proposing that voting take place after the presentation of each article. In response, Senator Arroyo stated that he was not making any proposal at that point.

Senator Sotto proposed that the senators thoroughly debate on the Rules, proceed to the period of committee and individual amendments, and then suspend consideration of the Resolution. He stated that on the last day of session, Wednesday, March 23, 2011, a clean copy of the Resolution shall be distributed to the senators for finalization and adoption.

Still on the opening paragraph of Rule XXI that was adopted from the U.S. rules, Senator Arroyo stated that it was rationalized by the U.S. Senate as follows:

The portion of the amendment effectively enjoining the division of an individual article into separate specifications is proposed to permit the

*As corrected by Senator Arroyo on March 23, 2011

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most judicious and efficacious handling of the final question, both as a general manner and, in particular, with respect to the form of the articles that proposed the impeachment of President Richard M. Nixon. The latter did not follow the more familiar pattern of embodying an impeachable offense in an individual article but, in respect to the first and second of those articles, set out broadly based charges alleging constitutional improprieties followed by a recital of transactions illustrative or supportive of such charges. The wording of Articles I and II expressly provided that a conviction could be had thereunder if supported by "one or more of the" enumerated specifications. The general view of the Committee at that time was expressed by Senators Byrd and Allen, both of whom felt that division of the articles in question into potentially 14 separately voted specifications might "be time consuming and confusing, and a matter which could create great chaos and division, bitterness, and ill will ***." Accordingly, it was agreed to write into the proposed rules language which would allow each Senator to vote to convict *under either the first or second articles* if he were convinced that the person impeached was "guilty" of one or more of the enumerated specifications."

Senator Arroyo recalled that during the impeachment trial of former President Estrada, the Senate moved to the second article without voting on the first article. He cautioned that the rule might invite criticism that in this particular section, the rule in the impeachment of former President Estrada is different from the rule in the impeachment trial of Ombudsman Gutierrez.

Senator Sotto explained that the general idea is to continue with the impeachment until all the articles shall have been presented and the arguments shall have been heard and then vote on the Articles as provided in Rule XXI. However, he said that during the trial, a motion may be raised to vote on a particular article.

INTERPELLATION OF SENATOR ESCUDERO

Adverting to Rule XVII which allows a senator to put a question to a prosecutor or the person being impeached or to their counsel, Senator Escudero said that a senator cannot question the person being impeached while he/she is seated in the gallery and not on the witness stand. He stated that at the proper time, he would propose to amend the second sentence

in Rule XVII because if the person being impeached is on the witness stand, he/she would be covered by the first sentence.

Moreover, Senator Escudero expressed reservations regarding the fourth sentence in Rule XVII which would allow the counsel to object to a clarificatory question propounded by a senator-judge to a witness because this was not included in the Rules of Court.

Senator Sotto said that the particular provision can be deleted at the proper time.

MANIFESTATION OF SENATOR PANGILINAN

Senator Pangilinan recalled that in a previous session, he manifested that the Committee on Rules should look into the matter on which Senate committee has jurisdiction over the Articles of Impeachment, after this particular concern was raised by Senator Escudero.

He said that he would raise the matter the following day when the Articles of Impeachment is expected to be brought before the Senate so that this can be resolved by the Body. Nonetheless, he stated that he took note of the fact that prior to sponsoring Proposed Senate Resolution No. 432, Senator Sotto had the unanimous consent of the Body to defend the proposed rules on impeachment.

For his part, Senator Escudero stated that the Rules on Impeachment in previous Congresses did not include a provision pertaining to the jurisdiction of the Committee on Justice and Human Rights over impeachment proceedings against constitutional officers and other officers legally removable by impeachment, as provided under Rule X (15) of the Rules of the Senate. He said that he would not object to the amendment of the relevant provision which shall put the impeachment proceedings under the jurisdiction of the Committee on Rules and not under the Committee on Justice and Human Rights as it is in the House of Representatives. He stated that just like any other senator, he would be sitting as a judge when the Senate convenes into an impeachment court, and cannot, in any way, be associated with the Articles of Impeachment.

Senator Sotto pointed out that Rule I does not provide for the referral of the impeachment

proceedings to any committee because it would be the entire Senate which shall take proper order on the subject of impeachment. Nonetheless, he said that the Body would resolve the matter at the proper time.

INQUIRY OF SENATOR DRILON

Senator Drilon inquired into the meaning of the phrase "all the forms of proceedings" and the phrase "all forms during the trial" as used in Rule VI.

Senator Arroyo said that in an impeachment trial, the Secretary of the Senate acts as Clerk of Court who shall present all the writs and orders to the Presiding Officer for his/her signature. He stated that the particular provision is well-placed although it makes the job of the Secretary very burdensome.

To Senator Drilon's suggestion to recraft the particular provision upon clarification with Senator Sotto the following day, Senator Sotto said that he would ask the Secretariat to assist in recrafting this provision.

INQUIRY OF THE CHAIR

At this point, the Chair asked whether it is mandatory on the part of the Senate President as *Presiding Officer to cite in contempt a member of the prosecution panel who walks out of the hall during the impeachment trial.*

Senator Arroyo said that he was constrained to take the floor to clarify that the private prosecutors were the ones who walked out during the impeachment trial of then President Estrada, and not the House representatives who composed the prosecution because they were not supposed to do anything without the permission of the House of Representatives that commissioned them to prosecute. He recalled that right after the private prosecutors left, the members of the prosecution panel sat down and agreed to seek counsel from the House of Representatives on what to do next given the turn of events. He said that the Records of the Senate would show that he stood up to ask the Presiding Officer to excuse the members of the prosecution panel who at that time believed that the trial had already been adjourned as a result of the walkout; shortly thereafter, the members of the prosecution panel filed their resignation letters before the House of Representatives which was about to act on it by appointing a new prosecution

panel but was unable to do so because of intervening events.

At this point, Senate President Pro Tempore Ejercito Estrada clarified that he merely wanted to be enlightened about what really transpired at that time as he expressed hope that a similar walkout would not happen again.

MANIFESTATION OF SENATOR PANGILINAN

Senator Pangilinan said that he would like to place on record that the position of Senator Arroyo that the House of Representatives' prosecutors could be cited for contempt by the House itself and not by the Senate is arguable. He expressed the belief that it is to the Senate that the prosecutors should be answerable because the contemptible act was directed towards it sitting as an impeachment court and not to the House of Representatives.

REMARK OF SENATOR ESCUDERO

Senator Escudero pointed out that under the Constitution, the impeachable officer is impeached by the House of Representatives who would then be represented in the Senate by "impeachment managers." If the prosecutors or impeachment managers themselves will enter their appearances, he believed that the Senate would have jurisdiction over them for any misbehavior committed before the impeachment court; on the other hand, if it is the House itself who enters the appearance but acting through the impeachment managers, he said that disciplinary action would have to be implemented by the House.

Senator Arroyo pointed out that since it was the House of Representatives that commissioned the House prosecutors, it was to the House of Representatives that the members of the prosecution panel addressed their resignation. Thus, he said that it is the House that could cite the House prosecutors for abandonment and dereliction of duty as they were voted upon by the House in plenary to act as its prosecutors. Moreover, he said that while the Senate could cite the members of the prosecution panel for contempt, it is only the House that could punish and suspend them accordingly.

When the private prosecutors walked out, Senator Sotto believed that the Presiding Officer

should have compelled them to come back. In this light, he expressed the belief that it is high time that the Body reviewed the idea of getting the services of private prosecutors especially as the Rules are silent on the matter.

Senator Drilon, however, pointed out that the second sentence of Rule XVII expressly allows the hiring of counsel for the prosecutor, to wit: "A senator may likewise put a question to a prosecutor or the person impeached or to their counsel." Senator Sotto agreed, saying that, indeed, Rule XIII specifically provides that: "Counsel for the parties shall be admitted to appear and be heard upon an impeachment: *Provided*, That the counsel for the prosecutors shall be under the control and supervision of the panel of prosecutors of the House of Representatives."

INTERPELLATION OF SENATOR LEGARDA

Adverting to paragraph 2 of Rule XVIII, Senator Legarda asked on the nature of comments and/or disclosures that the senator-judges are prohibited from revealing to the public. Senator Sotto replied that it would mean anything pertaining to the merits of the case or to the Articles of Impeachment.

Asked if the senator-judges would then be barred from discussing the merits of the case in public, Senator Sotto said that it would depend on the questions asked of them.

On whether there is a blanket rule that any interview cannot be granted if it is related to the impeachment, Senator Sotto replied in the affirmative.

Noting the absence of a provision for a *sub judice* rule that prohibits judges and prosecutors from making any public comment that would tend to influence the outcome of the case, Senator Pangilinan asked whether indeed Rule XVIII is the Senate's version of the *sub judice* rule. Senator Sotto replied in the affirmative. Senator Pangilinan said that the effect of the rule is that even after the proceedings are suspended and a senator-judge is being interviewed, he/she cannot make comments pertaining to the merits of the impeachment trial.

In the event that the impeachment court cannot finish the Gutierrez impeachment proceedings before the Senate's adjournment *sine die* on the first week of June, Senator Legarda asked whether the Senate would be allowed to hear the case during adjourn-

ment. Senator Sotto replied in the affirmative, as he pointed out that Congress went beyond the *sine die* adjournment during the last presidential elections to act as the National Board of Canvassers. However, he said that he would leave the decision to the collective wisdom of the Senate.

Adverting to Article II, Section 3(8) of the Constitution, Senator Legarda asked why it is only the Senate that would have to approve the Rules of Impeachment when it provided that "Congress shall promulgate the Rules of Impeachment." She stressed the need to clarify the matter to avoid any potential technicality.

Senator Sotto replied that an impeachment proceeding is not a single act as it includes the action of the House of Representatives that transmitted the articles of impeachment to the Senate. He said that what the Senate is having is an impeachment trial. He then adverted to the case of *Francisco vs. House of Representatives* on November 10, 2003, under G. R. 10261, to wit:

The term "impeachment proceeding" is not a single act. It is a complex of acts consisting of a beginning, a middle and an end. The end is the transmittal of the Articles of Impeachment to the Senate. The middle consists of those deliberative moments leading to the formulation of the articles of impeachment. The beginning or the initiation is the filing of the complaint and its referral to the Committee on Justice.

Further, Senator Sotto quoted Fr. Joaquin Bernas on the matter, to wit:

(The impeachment proceeding) is not initiated when the complaint is transmitted to the Senate for trial because that is the end of the House of Representatives' proceeding and the beginning of another proceeding, namely, the trial.

In reply to further queries, Senator Sotto affirmed that the Rules that the Senate would be adopting do not need the approval of the House of Representatives, as indicated in the title of the Resolution, to wit: "Adopting the Rules of Procedure on Impeachment Trial."

Asked on the possibility of adopting the Rules on Impeachment the following day and the publication of the same the day after, Senator Sotto underscored the need for immediate adoption so as not to delay

the impeachment trial. He said that the Articles of Impeachment would be transmitted by the House of Representatives the following day.

INTERPELLATION OF SENATOR RECTO

Asked by Senator Recto how Rule I of the Rules on Impeachment Trials would operationalize, Senator Sotto said that a single communication from the House of Representatives addressed to the President of the Senate shall suffice. Should the House of Representatives fail to transmit the articles of impeachment to the Senate, he affirmed that the President of the Senate would not be able to inform the House that the Senate is ready to receive the prosecutors on the time and date as it may specify.

Senator Recto said that even if the Rules of Procedure on Impeachment Trials were approved the next day, without an impeachment calendar, Rule I cannot be enforced with respect to the time and date the House prosecutors would be received which must be indicated in the communication to be sent to the House. Senator Sotto agreed to the observation, however, he pointed out that the Rules of Impeachment of the 11th Congress could be adopted by the present Congress with some amendments.

To the observation that it is imperative that the Rules be adopted the next day to be fair to everyone, Senator Sotto agreed.

Assuming that the Rules of Impeachment were approved and the Articles of Impeachment were received the next day, Senator Recto asked if the impeachment calendar must also be approved within the same day. Senator Sotto replied that the Senate President may set the calendar, as agreed upon during the caucus, pursuant to Rule VI which provides:

“The President of the Senate shall direct all necessary preparations in the Senate, and direct all the forms of proceedings xxx”.

Upon further query, Senator Sotto said that the impeachment trial shall commence when Congress convenes on May 9, 2011, assuming the Rules have been approved and the Articles of Impeachment have been received. He said that while the Rules does not say that the impeachment court must convene on the resumption of session on May 9, 2011, such was the consensus at the caucus. He clarified that it was not made part of the Rules so that the Senate

would have leeway in deciding the date and time when the prosecutors shall be received.

In connection with the different periods provided for in the Rules for undertaking certain activities, Senator Sotto explained that the 15-day period in Rule XXV, for instance, is to allow the publication of the Rules which can be done during the recess; when Congress convenes on May 9, 2011, the person to be impeached would be given a nonextendible period of 10 days within which to submit an answer to the Articles of Impeachment and the prosecutors, on the other hand, would be given a nonextendible period of five days to respond.

Given the specific periods provided for in the Rules, Senator Recto calculated that the actual impeachment trial might begin by the end of May 2011. Senator Sotto agreed as he confirmed that the impeachment calendar is totally different from the legislative calendar.

In answer to further queries, Senator Sotto said that if the Rules were adopted the next day, the impeachment court could convene on May 9, 2011, that is if a motion to this effect is approved by the Body.

MANIFESTATION OF SENATOR DRILON

Senator Drilon appealed to the Majority Leader and the Committee on Rules to reexamine Rule XVIII which he believed could lead to a lot of questions later. Adverting to the second paragraph of said rule which states: “The Presiding Officer and the Members of the Senate shall refrain from making any comments and disclosures in public pertaining to the merits of a pending impeachment trial,” he pointed out that there could be a number of possible circumstances when it would be difficult to determine if the comments made pertained to the merits of the case. For example, he said that if one of the parties objected to the admission of evidence and the Chair ruled to admit the same, upon appeal, the senator-judges would vote and it is possible a senator-judge would be criticized for his/her vote. Given that scenario, he asked whether the comment of the senator-judge in response to the criticism would pertain to the merits of the case.

The Chair disclosed that said provision was proposed by Senator Defensor Santiago during the caucus.

Senator Drilon interjected that it was his understanding that the context of Senator Defensor Santiago's proposal is to stop the practice of media of pulling out the senator-judges during the actual trial for interviews. He added that the boundaries of Rule XVIII are so nebulous that it could be subjected to a varied interpretation which could lead to its suspension later.

At this point, Senator Sotto informed the Body that Senator Defensor Santiago had asked him to read into the record her proposed amendments, one of which read as follows:

Rule IV. No Senator-Judge shall communicate with any person who is not a Senator-Judge in the course of and concerning the proceedings of the impeachment trial until after final judgment. Such prohibited means of communication with non-judges during trial particularly include cell phone texting, internet chatting, and the like."

REMARKS OF SENATOR PANGILINAN

Senator Pangilinan said that the proposed amendments of Senator Defensor Santiago should be discussed the next day. However, he cautioned that it would be difficult for the senators to comply with the said rule since they go around the country to honor speaking engagements.

Senator Sotto stated that the proposed amendments must be read into the record so that the Body can arrive at a better consensus. He said that clean copies of the Rules would be distributed to the members by noon the next day.

Senator Drilon noted that the Majority Leader has to signify first whether he has accepted the proposed amendments of Senator Defensor Santiago.

The Chair suggested that the senators hold a caucus before the session the next day.

Senator Pangilinan reiterated his suggestion that the proposed amendments of Senator Defensor Santiago be entered into the record so that the Members could prepare for the debate thereon.

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, subject to the understanding, at the instance of Senator Pangilinan, that questions could be raised during the period of amendments.

COMMITTEE AMENDMENTS

As proposed by Senator Sotto, there being no objection, the Body approved the following Committee amendments, one after the other:

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1. On line 2 of Rule VII, between the words "shall" and "issue," insert the word BE;
2. On the same line, change the word "issue" to ISSUED;

Page 3

3. On line 1, between the words "within" and "five," insert the phrase A NON-EXTENDIBLE PERIOD OF;
4. On the same line, after the word "therefrom," change the semicolon (;) to a period (.) and delete line 2;
5. On line 3, start a new paragraph beginning with the word "Such";
6. On the same line, after the word "person," delete the phrase "as shall be";
7. On line 5, delete the phrase "as shall be named in such order" and in lieu thereof, insert the phrase OF THE PERSON IMPEACHED;
8. On line 6, before the word "cannot," delete the word "that" and in lieu thereof, insert the words PERSONAL SERVICE;
9. On the same line, between the words "cannot" and "be," delete the word "conveniently";
10. On the same line, after the word "done" and the comma (,), delete the word "by" up to the word "just" on line 11 and in lieu thereof, insert the following: SERVICE OF THE WRIT MAY BE MADE BY LEAVING A COPY THEREOF AT HIS/HER LAST KNOWN ADDRESS OR AT HIS/HER OFFICE OR PLACE OF BUSINESS WITH A PERSON OF SUFFICIENT AGE AND DISCRETION FOUND THEREIN;
11. On line 11, between the article "the" and the word "writ," insert the phrase SERVICE OF SUCH;
12. On lines 11 and 12, replace the phrase

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“aforesaid shall fail of service in the manner aforesaid” with SHALL FAIL;

13. On line 15, change the phrase “thereof as aforesaid” to THEREIN;

Page 2

14. Delete the first paragraph of Rule VI;

Page 4

15. On lines 2 and 3 of Rule XVII, delete the phrase “or the person impeached;” and
16. Delete the last two sentences in Rule XVII.

Senator Sotto adhered to Senator Drilon’s recommendation for the deletion of the last two sentences in Rule XVII since senator-jurors should be allowed to ask questions during the trial.

INQUIRY OF SENATOR DRILON

Noting that under parliamentary practice, a senator may raise a “point of order” against another senator and ask that the Chair rule on the same, Senator Drilon asked whether the same rule would apply during the impeachment trial such that the Presiding Officer – in this case, the Senate President – may rule a question raised by a senator-juror as being “not in order.” Senator Sotto cited the second paragraph of Rule VI which states that the presiding officer in the trial may rule on all questions of evidence.

At this juncture, the Chair asked whether the presiding officer may also propound questions during the trial. Senator Sotto replied in the affirmative.

TERMINATION OF THE PERIOD OF COMMITTEE AMENDMENTS

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

MANIFESTATION OF SENATOR SOTTO

Senator Sotto stated that each Member would be given a clean copy of the resolution, incorporating all the approved committee amendments.

INSERTION OF PROPOSED AMENDMENTS INTO THE JOURNAL AND RECORD OF THE SENATE

Upon motion of Senator Sotto, there being no

objection, the Body approved the insertion of the following proposed amendments of Senator Defensor Santiago into the Journal and Record of the Senate:

PROPOSED DEFENSOR SANTIAGO AMENDMENTS

Rule 1. Impeachment is both quasi-political and quasi-judicial in nature. In its quasi-political aspect, the impeachment process is governed, among others, by R. A. No. 6173, aka Code of Conduct and Ethical Standards for Public Officials and Employees. Section 4, para. (d) provides: “Political neutrality. — Public officials and employees shall provide service to everyone without unfair discrimination and regardless of party affiliation or preference.”

Rule 2. In its quasi-judicial aspect, the impeachment process is governed by the Rules of Evidence, which are part of the Rules of Court.

Rule 3. If any party refuses or fails to participate during any stage of the impeachment trial, such refusal or failure shall be deemed to be a waiver of any right to further participation, and trial shall proceed under these Rules to final judgment.

Rule 4. No senator-judge shall communicate with any person who is not a senator-judge, in the course of and concerning the proceedings of the impeachment trial, until after final judgment. Such prohibited means of communication with non-judges during trial particularly include cellphone texting, internet chatting, and the like.

Rule 5. No impeachment rule shall be passed, abridging the freedom of the mass media to make factual reports on the progress and status of the impeachment trial; Provided, that there shall be no reports or comments on the merits of the trial. In the course of the impeachment trial, no senator-judge shall give interviews to mass media, particularly on the merits of the case, until after final judgment.

Rule 6. In a civil case, the standard of proof is mere “preponderance of evidence.” In a criminal case, the standard is “proof beyond reasonable doubt.” An impeachment case sets an intermediate standard which is more than mere “preponderance,” but less than “beyond reasonable doubt.” This intermediate standard which applies to an impeachment case is “overwhelming preponderance of evidence,” also known as the standard of “clear and convincing evidence.” Every senator-judge must find this standard in his or her own conscience, as advised by reflection.

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Rule 7. The rule of silence and order in the visitors' gallery shall be observed, on pain of eviction from the trial venue.

Recommendation

The entire Senate Impeachment Rules should be rewritten for style, in modern and simple English understandable to the layman. Do not use archaic legal English with obsolete terms, such as "hereinunder." The style editor should follow *Elements of Style* by Strunk and White, sold for P50 at National Book Store.

SUSPENSION OF CONSIDERATION OF PROPOSED SENATE RESOLUTION NO. 432

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

REFERENCE OF BUSINESS

The Deputy Secretary for Legislation, Atty. Edwin B. Bellen, read the following matters and the Chair made the corresponding referrals:

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

Letter from the Secretary General of the House of Representatives, informing the Senate that on 15 March 2011, the House of Representatives passed the following House bills in which it requested the concurrence of the Senate:

House Bill No. 590, entitled

AN ACT ESTABLISHING A PROGRAM FOR PUBLIC EDUCATION ON PROSTATE CANCER AND OTHER LEADING TYPES OF CANCER

To the Committee on Health and Demography

House Bill No. 4209, entitled

AN ACT STRENGTHENING ADULT EDUCATION PROGRAMS FOR WORKERS AND EMPLOYEES, AMENDING FOR THE PURPOSE ARTICLE 210 OF PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES

To the Committee on Labor, Employment and Human Resources Development

House Bill No. 4210, entitled

AN ACT INTEGRATING LABOR EDUCATION INTO THE SOCIAL SCIENCE SUBJECTS IN THE TERTIARY EDUCATION CURRICULUM

To the Committees on Education, Arts and Culture; and Labor, Employment and Human Resources Development

House Bill No. 4251, entitled

AN ACT PENALIZING PERSONS DRIVING UNDER THE INFLUENCE OF ALCOHOL, DANGEROUS DRUGS, AND SIMILAR SUBSTANCES AND FOR OTHER PURPOSES

To the Committees on Justice and Human Rights; and Public Services

House Bill No. 4255, entitled

AN ACT STRENGTHENING THE LADDERIZED INTERFACE BETWEEN TECHNICAL-VOCATIONAL EDUCATION AND TRAINING AND HIGHER EDUCATION

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

and House Bill No. 4256, entitled

AN ACT CONVERTING THE CORDOVA PUBLIC COLLEGE IN THE MUNICIPALITY OF CORDOVA, PROVINCE OF CEBU INTO A STATE COLLEGE TO BE KNOWN AS THE CORDOVA STATE COLLEGE OF SCIENCE AND TECHNOLOGY AND APPROPRIATING FUNDS THEREFOR

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

BILL ON FIRST READING

Senate Bill No. 2754, entitled

AN ACT INCREASING THE EXCISE ¹⁰

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TAX ON MINERALS, MINERAL PRODUCTS AND QUARRY RESOURCES, AMENDING FOR THE PURPOSE CERTAIN SECTIONS OF THE NATIONAL INTERNAL REVENUE CODE OF 1997, AS AMENDED

Introduced by Senator Recto

To the Committee on Ways and Means

RESOLUTION

Proposed Senate Resolution No. 438, entitled

RESOLUTION CONGRATULATING AND COMMENDING FILIPINO TENNIS PLAYER ANNA CLARICE CONWI PATRIMONIO FOR WINNING THE GIRLS' SINGLES TITLE OF THE 43RD BRUNEI INTERNATIONAL TENNIS FEDERATION JUNIOR TENNIS CHAMPIONSHIPS IN BANDAR SERI BEGAWAN, BRUNEI DARUSSALAM HELD ON 8-13 MARCH 2011

Introduced by Senator Lapid

To the Committee on Rules

COMMITTEE REPORT

Committee Report No. 24, submitted jointly by the Committees on Education, Arts and Culture; Ways and Means; and Finance, on House Bill

No. 3826, introduced by Representative Escudero, *et al.*, entitled

AN ACT INSTITUTIONALIZING THE KINDERGARTEN EDUCATION INTO THE BASIC EDUCATION SYSTEM AND APPROPRIATING FUNDS THEREFOR,

recommending its approval with amendments, taking into consideration Senate Bill No. 2700.

Sponsor: Senator Angara


To the Calendar for Ordinary Business

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 7:15 p.m.

I hereby certify to the correctness of the foregoing.


EMMA LIRIO REYES
Secretary of the Senate

Approved on March 23, 2011