



**REPUBLIC OF THE PHILIPPINES**  
**Senate**  
Pasay City

# **Journal**

**SESSION NO. 94**  
Wednesday, June 8, 2011

**FIFTEENTH CONGRESS**  
**FIRST REGULAR SESSION**

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Wednesday, June 8, 2011

**CALL TO ORDER**

At 3:27 p.m., the Senate President, Hon. Juan Ponce Enrile, called the session to order.

**PRAYER**

Sen. Panfilo M. Lacson led the prayer, to wit:

Heavenly Father,

On this last day of the First Regular Session of the 15<sup>th</sup> Congress, we pray that our colleagues and all the Senate staff and employees be kept out of harm's way during our session break.

Give us Your guidance, that we may survive the relaxation of our 45-day recess with body and soul intact;

On a personal note, I thank You, Lord, for allowing me to continue performing my legislative duties, and do justice to the 15,508,996 Filipinos who voted me into office.

But most of all, we pray that we keep You foremost in our minds every single day of our lives until the day we face Your final judgment.

Amen.

**ROLL CALL**

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

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

With 13 senators present, the Chair declared the presence of a quorum.

Senators Cayetano (A), Cayetano (P), Osmeña, and Trillanes arrived after the roll call.

Senators Pangilinan and Villar were on official mission.

Senators Angara and Legarda were on official mission abroad.

Senators Defensor Santiago and Recto were on sick leave.

*ps* *for*

## APPROVAL OF THE JOURNAL

Upon motion of Senator Sotto, there being no objection, the Body dispensed with the reading of the Journals of Session No. 92 (June 6, 2011) and Session No. 93 (June 7, 2011) and considered them approved.

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

## SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended to allow the Members to go into a caucus.

*It was 3:30 p.m.*

## RESUMPTION OF SESSION

At 3:42 p.m., the session was resumed.

## ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Sotto acknowledged the presence in the gallery of the officers of the Resources for the Blind headed by its director, Randy Weisser, and officers of the Philippine Trial Judges League, Inc., headed by its president, Judge Josefina Siscar.

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. 2868, entitled

AN ACT AMENDING PARAGRAPH (A), SECTION 393, CHAPTER IV, TITLE I, BOOK III OF REPUBLIC ACT NO. 7610, THE LOCAL GOVERNMENT CODE, AS AMENDED, INCREASING THE BENEFITS OF BARANGAY OFFICIALS

Introduced by Senator Escudero

To the Committee on Local Government

Senate Bill No. 2870, entitled

AN ACT DEFINING AND PROVIDING FOR MORE SEVERE PENALTIES FOR LARGE SCALE EXPLORATION AND EXPLOITATION OF CORALS, CORAL REEFS, AND THE FISHING OR TAKING OF THREATENED OR ENDANGERED SPECIES, AND OTHER SIMILAR ACTS OF DESTRUCTION OF OUR MARINE AND AQUATIC RESOURCES, AMENDING FOR THIS PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 8550, OTHERWISE KNOWN AS THE PHILIPPINE FISHERIES CODE OF 1998

Introduced by Senator Villar

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

## RESOLUTIONS

Senate Concurrent Resolution No. 6, entitled

RESOLUTION CONFIRMING THE AUTHORITY CONFERRED BY LAW UPON THE SENATE PRESIDENT AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO FIX AND DETERMINE THE SALARIES, ALLOWANCES AND OTHER BENEFITS OF OFFICIALS AND EMPLOYEES OF THE SENATE AND THE COMMISSION ON APPOINTMENTS, AND THE HOUSE OF REPRESENTATIVES, RESPECTIVELY, AND TO DETERMINE AND ADDRESS THE BUDGETARY REQUIREMENTS OF THEIR RESPECTIVE PERSONNEL, COMMITTEES AND SERVICE UNITS AS THEY MAY DEEM TO BE IN THE BEST INTEREST OF THE SERVICE, SUBJECT TO THE LIMITATIONS SET BY THE CONSTITUTION AND THE GENERAL APPROPRIATIONS ACT

Introduced by Senators Sotto III and Lacson

To the Committees on Rules; and Accounts

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Proposed Senate Resolution No. 516, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT A REVIEW, IN AID OF LEGISLATION, OF THE COUNTRY'S EXISTING ADOPTION LAWS TO STREAMLINE THE ADOPTION PROCESS FOR THE WELFARE OF CHILDREN UP FOR ADOPTION AND THE ADOPTING PARENTS

Introduced by Senator Angara

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

#### COMMUNICATIONS

Letter from the *Bangko Sentral ng Pilipinas*, dated 20 May 2011, furnishing the Senate with a certified true copy of BSP Circular No. 721, series of 2011, dated 13 May 2011, in compliance with Section 15(a) of Republic Act No. 7653 (The New Central Bank Act).

**To the Committee on Banks, Financial Institutions and Currencies**

Letter from the Tariff Commission, dated 1 June 2011, furnishing the Senate with a copy of its Annual Report for Calendar Year 2010.

**To the Committee on Ways and Means**

Letter from the Office of the President of the Philippines, dated 6 June 2011, transmitting to the Senate two (2) original copies of Republic Act No. 10149, entitled

AN ACT TO PROMOTE FINANCIAL VIABILITY AND FISCAL DISCIPLINE IN GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS AND TO STRENGTHEN THE ROLE OF THE STATE IN ITS GOVERNANCE AND MANAGEMENT TO MAKE THEM MORE RESPONSIVE TO THE NEEDS OF THE PUBLIC INTEREST AND FOR OTHER PURPOSES,

which was signed by His Excellency, President Benigno S. Aquino III, on 6 June 2011.

**To the Archives**

#### COMMITTEE REPORT

Committee Report No. 50, prepared and submitted by the Committee on National Defense and Security, on Senate Bill No. 2869, with Senators Trillanes IV, Defensor Santiago and Lacson as authors thereof, entitled

AN ACT PRESCRIBING FIXED TERMS FOR THE CHIEF OF STAFF AND THE MAJOR SERVICE COMMANDERS OF THE ARMED FORCES OF THE PHILIPPINES (AFP) AND FOR OTHER PURPOSES,

recommending its approval in substitution of Senate Bill Nos. 20 and 2285, and House Bill No. 6.

Sponsors: Senators Lacson, Trillanes IV and Defensor Santiago

**To the Calendar for Ordinary Business**

#### SENATE CONCURRENT RESOLUTION NO. 6

Upon motion of Senator Sotto, there being no objection, the Body considered Senate Concurrent Resolution No. 6, entitled

RESOLUTION CONFIRMING THE AUTHORITY CONFERRED BY LAW UPON THE SENATE PRESIDENT AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO FIX AND DETERMINE THE SALARIES, ALLOWANCES AND OTHER BENEFITS OF OFFICIALS AND EMPLOYEES OF THE SENATE AND THE COMMISSION ON APPOINTMENTS, AND THE HOUSE OF REPRESENTATIVES, RESPECTIVELY, AND TO DETERMINE AND ADDRESS THE BUDGETARY REQUIREMENTS OF THEIR RESPECTIVE PERSONNEL, COMMITTEES AND SERVICE UNITS AS THEY MAY DEEM TO BE IN THE BEST INTEREST OF THE SERVICE, SUBJECT TO THE LIMITATIONS SET BY THE CONSTITUTION AND THE GENERAL APPROPRIATIONS ACT.

*Handwritten initials*

With the permission of the Body, only the title of the resolution was read without prejudice to the insertion of its text into the Record of the Senate.

### COAUTHORS/COSPONSORS

Senator Sotto manifested that all senators were coauthors of Senate Concurrent Resolution No. 6.

### ADOPTION OF SENATE CONCURRENT RESOLUTION NO. 6

Upon motion of Senator Sotto, there being no objection, Senate Concurrent Resolution No. 6 was adopted by the Body, subject to style.

### PRIVILEGE SPEECH OF SENATOR TRILLANES

Availing himself of the privilege hour, Senator Trillanes called the attention of the Body of the "K+12 Basic Education System," which he described as a big, costly and potentially disastrous experiment that the Department of Education is apparently poised to inflict upon the entire school system during the next academic year, 2012-2013.

*The rest of his speech follows:*

The main feature of this education model, particularly the additional two years of senior high school levels and the inclusion of one year of kindergarten as early childhood education, is said to be: *"intended for consolidation of all academic skills of the students."* Proponents contend that these additional years of education *"will... allow students to better prepare themselves for the specific fields they want to enter such as science and technology, music and arts, agriculture, fisheries, sports, and entrepreneurship."*

K+12 will be gradually implemented this year in the kindergarten level. It must be emphasized that I support this action and have no objection in providing for universal kindergarten. I believe it is at this critical stage that we must invest to ensure on the intellectual and social development of our children.

Incoming Grade 1 and First Year high school students during Academic Year 2012-2013 will be covered by the program. The intention of the DepEd is to fully implement the program by Academic Year 2017-2018.

The situation of our country's education sector — where the quality of education continues to decline while dropout rates of students continue to escalate — begs a simple question with far-reaching implications:

Is it practical for us to adopt this kind of system?

Every June, along with our country's school year opening, we also open our education sector's own Pandora's Box which hosts multitudes of problem. Please allow me to restate some of these problems to our distinguished colleagues.

Decades of huge underspending on education led our country to a severe backlog in classrooms and teachers. The statistics reflect the dismal state of our public schools.

It has been estimated that as of academic year 2010-2011, declines in education budget have brought shortages of about:

- 50,000 teachers;
- 4,500 principals;
- 6,400 head teachers;
- 60,000 classrooms;
- 816,000 seats; and
- 113,000 water and sanitation facilities.

In a statement he made to the media just the other weekend, DepEd Asst. Sec. Tonisito Umali admitted that if we are to follow the ideal class size of 45 students, our shortage in teachers and classrooms is much worse. We would be short by more than 90,000 classrooms and by around 100,000. Likewise, DepEd Sec. Armin Luistro admitted in the news that we have a shortage of around 27,000 volunteer teachers for kindergarten.

My question is this: What are our DepEd officials thinking of?

With severe shortage estimated by DepEd itself of more than 100,000 elementary and high school teachers plus 27,000 kindergarten teachers and an equally severe shortage of classrooms estimated at around 90,000, why are our education officials proposing to adopt a system, which will obviously result in an aggravation of the already severe shortage in teaching personnel and classrooms?

The average class size in Philippine secondary schools is 56.1 — very far from our neighboring countries' averages. Malaysia's average is 34, South Korea's is 35.4 while Thailand's is 41.5.

Most public schools in the NCR have 76-79 students per classroom, a far cry from the ideal ratio of 45 students per classroom.

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We need not look far to cite a concrete example. Not very far from the Batasang Pambansa is the Batasan National High School. Our students there, because of the severe shortage of classrooms and teachers, have to be scheduled in three shifts of classes daily:

1<sup>st</sup> shift is from 5:30 a.m. to 10:00 a.m.;  
2<sup>nd</sup> shift is from 10:20 a.m. to 3:00 p.m.; and  
3<sup>rd</sup> shift is from 3:20 p.m. to 7:20 p.m..

If we implement DepEd's K+12 system, are we going to add a 4<sup>th</sup> shift and require our students to wake up earlier, say at 3:00 a.m., or maybe go home at midnight? Are we going to pack the students even more tightly with 150 or more students in each class?

These problems are staring at us in the face. Are we now creating another monster by the name of K+12?

To restate the obvious, it is clear that we lack vital resources to even just meet the current needs of the education sector. Why is the DepEd now instituting a program that will very clearly further aggravate our already severe shortage in classrooms, teachers and virtually everything else?

As admitted by the DepEd itself, instituting the K+12 Education will entail tremendous additional burden on our already severely strained education budget — with estimated costs amounting to P150 billion. According to the DepEd's *Primer on the K+12 Program*, this amount will be used to procure the required additional:

150,000 classrooms;  
100,000 teachers;  
95 million books; and  
13 million seats.

More importantly, the program entails additional costs not only to the government but most especially to the parents of our students: parents who are barely able to make both ends meet; the same parents who must now bear the burden of the rising cost not only of education but of almost everything else — the rising cost of food and utilities, of gasoline and LPG.

Recent figures paint a very bleak picture based on the existing drop-out rates in our school system.

For every 100 who enter Grade I, only 43 finish high school and only 14 would actually finish college. Considering the current economic situation, I do not think you have to be a genius to see that the drop-out rate would be further

exacerbated if we impose a mandatory lengthening of our school curriculum by two years.

With these bleak consequences waiting to explode in our faces, it is imperative for us to check the myth behind the K+12 adoption.

One of the principal reasons advanced for the adoption of the K+12 program is that it seeks to address our students' dismal performance in Mathematics and Science, as shown by our country's performance in Trends in International Mathematics and Science Study (TIMSS). A closer look at the Study, however, reveals an inherent flaw in the K+12 proponents' arguments.

The Study's results negate the correlation of the number of years of study to the performance of the students. Additional years of schooling do not translate to better performance and scores of students. Elementary students from countries such as Russia, Armenia, Hungary, Bulgaria, Serbia, Italy, Egypt, and Iran — all of which have shorter elementary cycle than our country — performed better than our students.

South Korean students, moreover, performed better than their counterparts from our country. Take note that we have the same length of elementary education cycle.

Not only that, Singapore which topped the study has the same length of high school cycle with our country. South Africa, Chile, Palestine, Morocco and Saudi Arabia, which have longer high school cycles, belong to low-performing countries such as the Philippines.

Let me share to this august Chamber the conclusion of a study which, I think, sums up the irony in K+12's proponents' arguments released by former Deputy Education Minister Abraham I. Felipe and Dr. Carolina C. Porio. It stated that:

"[t]here is no clear empirical basis in TIMSS to justify a proposal for the Philippines to lengthen its education cycle... There is no basis to expect that lengthening the education cycle calendar-wise, will improve the quality of education... The value of the 12-year cycle is ultimately weighing the large and certain costs against the uncertain gains in lengthening the education cycle... If the plan is hastily adopted, pretty soon the problem would be how to cut short a poor quality 12-year cycle.

Another argument put forward by K+12 proponents is that the program will eventually

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address youth unemployment since the additional years of education, as I already stated earlier, will provide students with technical-vocational skills. Eighteen-year old students who graduate from the K+12 program, the DepEd argued, will be employable even without a college degree.

To be candid, I find this argument quite absurd, coming as it does from our education officials.

In the first place, as already pointed out earlier, the sheer economic burden on the average Filipino families, more so on economically disadvantaged Filipino families, imposed by the additional two years of schooling will force more students to drop out of school and not finish even high school. Hence, we will actually have more unemployable high school dropouts instead of "more employable high school graduates," as the DepEd suggests.

Moreover, DepEd's argument is quite simplistic and is not grounded on current realities. DepEd argues that K+12 will result in high school graduates who will be provided with technical-vocational skills and who are, thus, employable even without a college degree. Ergo, our youth unemployment problem would be resolved!

Statistics reflect that probably our country's high unemployment rates particularly from the youth sector may not be linked with the country's shorter education cycle but instead may be better addressed by reviewing our country's existing economic system and the government's job generation policies.

In short, if thousands upon thousands of college degree holders now cannot find employment, what makes the DepEd believe that they can resolve our unemployment problem by producing "employable" high school graduates?

The other question is, if the intention of DepEd is to come up with a crop of young people who will be provided with technical-vocational skills and who could be employed in the said fields, why not come up with a program which will provide said young people with more focused post-high school technical-vocational training instead? Why force all high school students to undergo such general technical-vocational training?

*Hirap na hirap na nga po ang ating mga kababayan para mapagtapos ng kahit high school man lang ang kanilang mga anak! Ang tanong ko, bakit po natin dadagdagan ang kanilang paghihirap sa pamamagitan ng*

*pagdagdag ng dalawang taon pa sa ating primary at secondary education system samantalang wala namang maliwanag na pakinabang ang bayan sa nasabing programa?*

It is in this light that I filed Proposed Senate Resolution No. 499, which seeks to conduct an in-depth inquiry into the soundness of the K+12 proposal of the DepEd.

A teachers' group once said: "[o]ur only concern is education officials should not turn this into a game of trial and error. This is not simple trial. And if the program turns out to be riddled with errors, this will have a big effect on the nation."

## REFERRAL OF PRIVILEGE SPEECH TO COMMITTEES

Upon motion of Senator Sotto, there being no objection, the Chair referred the privilege speech of Senator Trillanes to the Committee on Education, Arts and Culture and the Committee on Civil Service and Government Reorganization.

## COMMITTEE REPORT NO. 36 ON SENATE BILL NO. 2817

(Continuation)

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 2817 (Committee Report No. 36), entitled

## AN ACT DEFINING AND PENALIZING THE CRIME OF ENFORCED OR INVOLUNTARY DISAPPEARANCE.

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

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

## MANIFESTATION OF SENATOR SOTTO

At this point, Senator Sotto informed the Boy that Senator Defensor Santiago had submitted a list of questions and comments to Senator Escudero pertinent to Senate Bill No. 2817.

For his part, Senator Escudero confirmed that he had received the list, in answer to which, he had clarified certain points with the senator's staff and adopted her proposals as committee amendments.

*no yes*

# **INSERTION OF SENATOR DEFENSOR SANTIAGO'S QUESTIONS/COMMENTS INTO THE JOURNAL AND RECORD OF THE SENATE**

Upon motion of Senator Sotto, there being no objection, the Body approved the insertion of the questions/comments of Senator Defensor Santiago on Senate Bill No. 2817 into the Journal and Record of the Senate:

*Following is Senator Defensor Santiago's list of questions/comments:*

1. Do we intend to be a party to the International Convention for the Protection of All Persons from Enforced Disappearances?

*Comments:*

In June 2006, the Human Rights Council of the United Nations adopted the International Convention for the Protection of all Persons from Enforced Disappearances (the "Convention"). In December 2006, the General Assembly adopted the Convention. It appears, however, that the Philippines has not yet ratified the Convention.

The Convention principally "affirms that enforced disappearances constitute a crime against humanity when practiced in a widespread or systematic manner. It creates an obligation for States to make the offense of enforced disappearance punishable by appropriate penalties which take into account its extreme seriousness."

2. Who are considered "agents of the State" or "persons or groups of persons acting with the authorization, support or acquiescence of the State"?

*Comments:*

The definition of "enforced or involuntary disappearance" provided in Senate Bill No. 2817 is the same as the definition provided in the Convention. However, "agents of the State" or "persons or groups of persons acting with authorization, support or acquiescence of the State" must be clarified.

*Follow-up questions:*

- What constitutes State authorization, support or acquiescence?
- What will qualify an "authorization, support or acquiescence" as a State action?
- Who represents the State in this case?

3. What is the definition of a "human rights organization"?

*Comments:*

Section 7 of Senate Bill No. 2817 provides that any person who has an information of a case of enforced or involuntary disappearance or who shall learn of such information or that a person is a victim of enforced or involuntary disappearance, shall immediately report the same to the Philippine National Police, Armed Forces of the Philippines, Department of National Defense, City or Provincial Prosecutor, the Commission on Human Rights or any human rights organization.

*Follow-up questions:*

- What constitutes a "human rights organization" under Section 7?
- Does it require accreditation?

*Comments:*

This must be clarified since the penalty of *arresto mayor* shall be imposed against any person who shall violate Section 7.

4. What measures will be undertaken to ensure that the person reporting an information about a case of enforced or involuntary disappearance under Section 7 of Senate Bill No. 2817 is duly protected?

*Comments:*

Section 25 of Senate Bill No. 2817 generally provides that "the State through its appropriate agencies shall ensure the safety of all persons involved in the search, investigation and prosecution of enforced or involuntary disappearance. They shall likewise be protected from any form of intimidation or reprisal." It is important to note that Article 12(1) of the Convention requires that "appropriate steps shall be taken, where necessary, to ensure that the complainant, witnesses, relatives of the disappeared person and their defense counsel, as well as persons participating in the investigation, are protected against all ill-treatment or intimidation as a consequence of the complaint or any evidence given."

5. What measures will be undertaken to prevent and sanction acts that hinder the conduct of investigation of cases of enforced or involuntary disappearance?

*Comments:*

Article 12(4) of the Convention requires each State Party to take the necessary

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measures to prevent and sanction acts that hinder the conduct of investigation. Particularly, the State Party shall ensure that persons suspected of having committed an offense of enforced disappearance are not in a position to influence the progress of investigation by means of pressure or acts of intimidation or reprisal aimed at the complainant, witnesses, relatives of the victim or their defense counsel. How is this mandate addressed in Senate Bill No. 2817?

6. What agency shall provide the official up-to-date register under Section 9 of Senate Bill No. 2817?

*Comments:*

Section 9 of Senate Bill No. 2817 provides that "all persons to be detained or confined pursuant to existing laws and rules and regulations shall be placed solely in officially recognized and controlled place of detention or confinement where an up-to-date register of such persons shall be maintained."

*Follow-up questions:*

- Will this official up-to-date register be centralized?
- Who will be responsible for setting up this official register?
- Where will the budget come from?

*Comments:*

This must be clarified since the penalty of *arresto mayor* shall be imposed against any person who shall violate Section 9.

7. What is an "officially recognized and controlled detention or confinement facility"? What agencies are authorized to recognize a detention or confinement facility as official?

*Comments:*

Section 10 of Senate Bill No. 2817 requires all government agencies concerned to submit an updated inventory or list of all officially recognized or controlled detention or confinement facilities. This must be clarified since the penalty of *arresto mayor* shall be imposed against any person who shall violate Section 10.

8. What are the elements of enforced or involuntary disappearance?

*Comments:*

Section 17 of Senate Bill No. 2817 provides that in the event the prosecution

fails to prove all the elements of enforced or involuntary disappearance and the victims appears, the act shall be made punishable as kidnapping under the Revised Penal Code.

*Follow-up questions:*

- Does this require the presence of all elements of kidnapping?
- Can the offense of enforced or involuntary disappearance prosecuted with other offenses under the Revised Penal Code such as Arbitrary Detention (Art. 124), Delay in the Delivery of Detained Persons (Art. 125), Delaying Release (Art. 126), Expulsion (Art. 127)?

*Comments:*

Moreover, Section 17 provides that if the victim is found dead or his/her disappearance persists for over three (3) years, the act of enforced or involuntary disappearance in either case shall be made punishable as murder under the Revised Penal Code.

*Follow-up questions:*

- What is the reason or basis for the presumptive death?
  - What if the victim reappears and the offender has already been convicted under this provision?
9. Are the aggravating, justifying, exempting and mitigating circumstances under the Revised Penal Code applicable to an offense of enforced or involuntary disappearance?

*Comments:*

Section 20 of Senate Bill No. 2817 provides that an order from a superior officer or a public authority causing the commission of enforced or involuntary disappearance is unlawful and cannot be invoked as a justifying circumstance. Furthermore, Section 28 provides that "the applicable provisions of the Revised Penal Code shall have suppletory application insofar as they are consistent with the provisions of this Act."

*Follow-up question:*

Does this mean that the other justifying, aggravating, exempting and mitigating circumstances under the Revised Penal Code apply to the offense of enforced or involuntary disappearance?

## 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 and proceeded to the period of committee amendments.

## COMMITTEE AMENDMENTS

As proposed by Senator Escudero, there being no objection, the Body approved the following committee amendments, authored by Senator Defensor Santiago, one after the other:

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1. On line 14, after the words "*reclusion perpetua*," insert the phrase AND ITS ACCESSORY PENALTIES;

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2. On line 1, after the words "*reclusion temporal*," insert the phrase AND ITS ACCESSORY PENALTIES;
3. On the same page, line 4, after the words "*reclusion temporal*," insert the phrase AND ITS ACCESSORY PENALTIES;
4. On the same page, line 18, after the words "*prision correccional*," insert the phrase AND ITS ACCESSORY PENALTIES;
5. On the same page, line 22, after the words "*arresto mayor*," insert the phrase AND ITS ACCESSORY PENALTIES; and

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6. On lines 9 and 10, delete the phrase "or his/her disappearance persists for over three years."

## 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.

## TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

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

## APPROVAL OF SENATE BILL NO. 2817 ON SECOND READING

Submitted to a vote, there being no objection, Senate Bill No. 2817 was approved on Second Reading.

## SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2817

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

## SPECIAL ORDER

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 50 on Senate Bill No. 2869 from the Calendar for Ordinary Business to the Calendar for Special Orders.

## COMMITTEE REPORT NO. 50 ON SENATE BILL NO. 2869

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 2869 (Committee Report No. 50), entitled

AN ACT PRESCRIBING FIXED TERMS  
FOR THE CHIEF OF STAFF AND THE  
MAJOR SERVICE COMMANDERS  
OF THE ARMED FORCES OF THE  
PHILIPPINES (AFP) AND FOR  
OTHER PURPOSES.

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 Lacson for the sponsorship.

## SPONSORSHIP SPEECH OF SENATOR LACSON

Senator Lacson presented for plenary consideration Senate Bill No. 2869 under Committee Report No. 50, entitled "An Act Prescribing Fixed Terms for the Chief of Staff and the Major Service

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Commanders of the Armed Forces of the Philippines (AFP) and For Other Purposes.” He said that the bill was filed in substitution of Senate Bill No. 20, filed by Sen. Antonio F. Trillanes IV, and Senate Bill No. 2285, filed by Sen. Miriam Defensor Santiago.

*The rest of his sponsorship speech follows:*

The call for reforms in the military service has always been part of the agenda of any administration and the topic of numerous bills here in Congress. It is undeniable that every country must place a premium on national security, and peace and order. Unfortunately, the road towards effective reforms is being hampered by the frequent change in the leadership of the Armed Forces or what is commonly referred to as the *revolving door policy*.

Senate Bill No. 2869 aims to give due recognition to the significance of the positions of the AFP Chief of Staff and the major service commanders by guaranteeing the stability and continuity of their service at the helm of the Armed Forces. Essentially, the objectives of this bill are as follows:

1. To prevent the trivialization of the position of the chief of staff and the major service commanders thereby preserving the integrity of their offices;
2. To provide stability to the leadership of the Armed Forces of the Philippines by fixing the duration of the term of core leadership so as to ensure continuity and consistency in the formulation and implementation of policies and programs; and
3. To prevent the politicization of the above-mentioned positions.

Under this bill, the *Chief of Staff* shall be given a fixed term of three years. History has taught us that due to the limitations brought by the statute on mandatory retirement, there had been instances in the past when the appointed chief of staff only served for a few months or at most a year before he was forced to retire. Indeed, such a short period of service is not enough for one official to learn the ropes, more so, to effect meaningful changes in the Armed Forces. In fact, during our committee hearing, we learned that the first year of service is usually for purposes of familiarization while the time for reforms begins only during the second or third year in the office.

The instability created by such a situation only serves to derail the modernization efforts in the military service. And this is precisely the problem sought to be resolved by this measure.

Senate Bill No. 2869 provides that when the officer appointed as chief of staff reaches the compulsory retirement age before the end of the three-year term, the statutory compulsory retirement of the chief of staff shall be deferred until the completion of the prescribed term. This is, of course, without prejudice to the power of the President as commander-in-chief to remove the said officer from office for loss of confidence at any time before the end of the prescribed three-year term.

In the same vein, the positions of the major service commanders also require a modicum of stability and continuity so as to afford these officials sufficient time to craft their program of action as well as oversee its implementation. It is for this reason that this proposed measure grants them a minimum term of two years. However, giving due consideration to the restrictions embodied in our Constitution, the bill also provides a limitation on the appointment of these officials such that officers who can be appointed as a major service commander must have at least two years remaining in active service.

With the stability and continuity ingrained within the Armed Forces of the Philippines, its core leadership will once again obtain the integrity that their positions duly deserve. More importantly, having an armed forces that is characterized not just by bravery and patriotism but also by integrity, stability, and continuity in its leadership, will enable the AFP to fulfill its mandate of protecting the people and in preserving national security.

Given the controversies plaguing the Armed Forces of the Philippines, there is no question that reforms are badly needed in order to restore the AFP to its former glory and honor. Senate Bill No. 2869 is a step towards this direction.

This is the third time that a member of this Chamber will sponsor this measure for the approval of the Body. The bills prescribing a fixed term for the AFP Chief of Staff and the major service commanders had long been debated upon in our halls but for some reason, time ran out on the passage of this measure. It is this Representation's hope that with the support of my fellow senators, time and fate will be on our side so that we can finally see this bill enacted into a law.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2869**

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

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**ADDITIONAL REFERENCE OF BUSINESS**

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

**MESSAGES FROM THE  
HOUSE OF REPRESENTATIVES**

Letter from the Secretary General of the House of Representatives, informing the Senate that on 6 June 2011, the House of Representatives passed House Bill No. 4169, entitled

AN ACT EXTENDING THE IMPLEMENTATION OF THE LIFELINE RATE, AMENDING FOR THE PURPOSE SECTION 73 OF REPUBLIC ACT NUMBERED NINETY-ONE THIRTY-SIX, OTHERWISE KNOWN AS THE ELECTRIC POWER INDUSTRY REFORM ACT OF 2001,

in which it requested the concurrence of the Senate.

**To the Archives**

Letter from the Secretary General of the House of Representatives, informing the Senate that on 6 June 2011, the House of Representatives adopted Senate Joint Resolution No. 9 as an amendment to House Joint Resolution No. 14, entitled

JOINT RESOLUTION EXTENDING THE LIFE OF THE JOINT CONGRESSIONAL POWER COMMISSION, CONSTITUTED PURSUANT TO SECTION 62 OF REPUBLIC ACT NO. 9136, OTHERWISE KNOWN AS THE ELECTRIC POWER INDUSTRY REFORM ACT OF 2001.

**To the Archives**

Letter from the Secretary General of the House of Representatives, informing the Senate that on 6 June 2011, the House of Representatives requested a conference and designated Representatives Marañon III and Yap, on the part of the Majority, and Representative Mercado-Revilla, on the part of the Minority, as its conferees to the Bicameral Conference

Committee on the disagreeing provisions of House Bill No. 4393, entitled

AN ACT PROVIDING FOR MANDATORY HEPATITIS-B VACCINATION OF ALL INFANTS WITHIN A REASONABLE PERIOD OF TIME AFTER BIRTH, AND OTHER VACCINE-PREVENTABLE DISEASES,

and Senate Bill No. 138, entitled

AN ACT REQUIRING MANDATORY BASIC IMMUNIZATION SERVICES AGAINST HEPATITIS-B FOR INFANTS, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 996 AS AMENDED BY REPUBLIC ACT NO. 7846, AND APPROPRIATING FUNDS THEREFOR.

**To the Committee on Rules**

Letter from the Secretary General of the House of Representatives, informing the Senate that on 7 June 2011, the House of Representatives concurred with the amendments introduced by the Senate on House Bill No. 4146, entitled

AN ACT PROVIDING FOR THE SYNCHRONIZATION OF THE ELECTIONS AND THE TERM OF OFFICE OF THE ELECTIVE OFFICIALS OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO (ARMM) WITH THOSE OF THE NATIONAL AND OTHER LOCAL OFFICIALS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9333, ENTITLED "AN ACT FIXING THE DATE FOR REGULAR ELECTIONS FOR ELECTIVE OFFICIALS OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO," AND FOR OTHER PURPOSES.

**To the Archives**

Letter from the Secretary General of the House of Representatives, informing the Senate that on 7 June 2011, the House of Representatives adopted Senate Bill No. 2846 as an amendment to House Bill No. 4169, entitled

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AN ACT EXTENDING THE IMPLEMENTATION OF THE LIFELINE RATE, AMENDING FOR THE PURPOSE SECTION 73 OF REPUBLIC ACT NUMBERED NINETY-ONE THIRTY-SIX, OTHERWISE KNOWN AS THE ELECTRIC POWER INDUSTRY REFORM ACT OF 2001.

**To the Archives**

## **SPECIAL ORDER**

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 27 from the Calendar for Ordinary Business to the Calendar for Special Orders.

## **COMMITTEE REPORT NO. 27**

Upon motion of Senator Sotto, there being no objection, the Body considered Committee Report No. 27 re: *Proposed Senate Resolution No. 337, "Resolution Directing the Senate Committee on Accountability of Public Officers and Investigations (Blue Ribbon Committee) and Other Appropriate Senate Committees to Conduct An Inquiry, In Aid of Legislation, Into the Circumstances Surrounding the Plea Bargaining Agreement By and Between Government Prosecutors and General Carlos Garcia Who is Charged with Plunder with the End in View of Crafting Legislative Measures to Curtail Corruption and Promote Transparency and Accountability in the Government; and the Privilege Speech of Senator Jinggoy Ejercito Estrada delivered on 19 January 2011."*

With the permission of the Body, only the title of the Committee Report was read without prejudice to the insertion of its text into the Record of the Senate.

Thereupon, the Chair recognized Senator Guingona for the sponsorship.

## **SPONSORSHIP SPEECH OF SENATOR GUINGONA**

In presenting for the approval of the Body Committee Report No. 27, Senator Guingona delivered the following speech:

The Blue Ribbon Committee hereby presents Committee Report No. 27 on Proposed Senate

Resolution No. 227 which sought an inquiry in aid-of-legislation, into the circumstances surrounding the plea bargaining agreement (PBA) by and between government prosecutors and General Carlos Garcia who is charged with plunder and the privilege speech of Senator Jinggoy Estrada delivered on the 19<sup>th</sup> of January 2011.

This Report was filed on March 23, 2011, and calendared for Ordinary Business on May 9, 2011.

The Blue Ribbon Committee stands by its findings that a betrayal of public trust was committed when the plea bargain deal was entered into. The recent developments in the courts, including the Sandiganbayan's decision to uphold the propriety of the plea bargaining agreement, do not change the Blue Ribbon's findings in the case. It is with utmost vigilance that we follow the developments in the courts. There is still room for the justices to correct themselves and ensure that they are not instrumental to the cuddling of officials who betrayed public's trust.

The Blue Ribbon Committee believes that the plea bargaining agreement by and between Maj. Gen. Carlos Garcia and government prosecutors is void. In fact, the Office of the Solicitor General has filed a Motion for Leave to Intervene to nullify the PBA. Recently, Sandiganbayan Associate Justice Samuel Martires branded the Office of the Solicitor General (OSG) as "crazy wolves," who, he said, are "howling not in the middle of the night, but at noon." Martires made the remarks in connection with the OSG's motion to allow its lawyers to intervene in the plunder case against Garcia. Before anything else, I would like to state that I staunchly support the OSG's efforts to pursue the plunder case and to put a stop to the PBA.

As the PBA is void, all the consequent acts of the PBA should be vacated and nullified — which include subsequent arraignment and bail.

Why do we say that the PBA is void? It is void for the following reasons:

- 1) The PBA has no basis. The Office of the Special Prosecutors initially claimed that the evidence is weak, but later on, they asserted that the evidence is strong.
- 2) There is lack of full restitution. By practice, and according to the Sandiganbayan's internal rules, a PBA should require restitution. It is worthy to note that in the PBA of the Office of the Ombudsman with Charlie "Atong" Ang, there was a full

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restitution. In the case of Maj. Gen. Carlos García, he was allowed to pocket P165 million in “pabaon.”

- 3) There is lack of consent of the offended party, as required by the Rules of Court. In this case, the immediate and direct offended party is the Armed Forces of the Philippines, and, ultimately, the Filipino People.

It must be noted that as early as the 23<sup>rd</sup> of March of this year, the Blue Ribbon Committee already sought the resignation of Merceditas Gutierrez in order to save the Office of the Ombudsman as an institution. On April 29, Gutierrez did in fact resign. *Hindi po doon nagtapos ang laban.* Much needs to be done to ensure that public officials do their job. And that they do it well.

*Hindi po pwedeng imbestiga nang imbestiga lang tayo lagi pero wala naman tayong ginagawa pagkatapos ng imbestigasyon. Tapos na ang Blue Ribbon hearing sa kasong ito, ano na ngayon?*

The Blue Ribbon Committee stands by its recommendations to ensure that prosecutorial treason and other breaches of law by public officials are not relegated to the archives of a vault inaccessible to the people of the Philippines.

Here are our recommendations:

**First**, this Body must have a shared sense of urgency to pass the Freedom of Information Act. In the 15<sup>th</sup> Congress, no less than 12 senators, including this Representation, filed their own versions of this law. All bills assert that citizen’s participation is a major factor in preventing and discovering corruption. The impenetrable veil of secrecy that covered the García plea bargaining deal cannot be the standard by which government decisions must be made.

**Second**, a plea bargaining law must be passed to ensure that the proper offices and institutions have a direct participation in its entry and approval. A plea bargaining agreement is not for the convenience of the accused but for the paramount public interest of justice. This morning, I myself filed Senate Bill No. 2871, the Plea Bargaining Act of 2011. Among other requirements, this bill proposes that for the offenses of plunder and money laundering, the consent of the Ombudsman and the President are required. I hope that swift action will be taken on this measure.

**Third**, The Blue Ribbon Committee recommends the passage of a law that would amend the Anti-Money Laundering Act. True to our

commitment to act on our own recommendations, hearings are now being conducted for the purpose of amending the AMLA. These amendments hope to put a stop to the well-orchestrated acts of depriving the government and our people of public funds. *Hindi tayo pwedeng uupo lamang habang ang kaban ng bayan ay kaliwa’t kanang ninanakawan ng kung sinu-sino.*

As part of our recommendations, we also seek:

1. The passage of a law that designates the Department of Justice to have concurrent jurisdiction to investigate and prosecute administrative and criminal cases against the employees of the Ombudsman.

In closing, allow me to quote the closing paragraphs of this Committee Report:

The Senate Blue Ribbon Committee has taken the responsibility to take up the cudgels for the Filipino people to tell the Ombudsman that it has betrayed public trust; that it has failed the Filipino people; and this time, instead of being the ones holding other public officers accountable for malfeasance, misfeasance and nonfeasance, they are the public officers who have violated exactly the same rules that they have sworn to respect, uphold and protect.

Indeed, this is the time of reckoning. And this is the time when the Senate shall take it upon themselves to become the Filipino people’s protectors in demanding accountability from the people who have abused, wasted, and destroyed the trust that were reposed on them.

## SUSPENSION OF CONSIDERATION OF COMMITTEE REPORT NO. 27

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

## CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 138 AND HOUSE BILL NO. 4393

Upon motion of Senator Sotto, there being no objection, the Body considered the Conference Committee Report on the disagreeing provisions of Senate Bill No. 138, entitled

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AN ACT REQUIRING MANDATORY BASIC IMMUNIZATION SERVICES AGAINST HEPATITIS-B FOR INFANTS, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 996 AS AMENDED, AND APPROPRIATING FUNDS THEREFOR,

and House Bill No. 4393, entitled

AN ACT PROVIDING FOR MANDATORY HEPATITIS-B VACCINATION OF ALL INFANTS WITHIN A REASONABLE PERIOD OF TIME AFTER BIRTH, AND OTHER VACCINE-PREVENTABLE DISEASES.

The Chair recognized Senator Cayetano (P) to sponsor the report

**JOINT EXPLANATION  
OF THE CONFERENCE COMMITTEE**

Upon motion of Senator Cayetano (P), there being no objection, the following Joint Explanation of the Conference Committee on the disagreeing provisions of Senate Bill No. 138 and House Bill No. 4393 was deemed read into the Journal and Record of the Senate:

The Conference Committee of the Senate and House of Representatives on the disagreeing provisions of Senate Bill No. 138 and House Bill No. 4393, after having met and fully discussed the subject matter, hereby report to their respective Houses the following, that:

1. The House version was adopted as the working draft.
2. On Sec. 1. *Title*, between the words "Infant" and "Health," the phrase "AND CHILDREN" was inserted. Sec. 1. *Title* of the reconciled version reads as follows:

SECTION 1. *Title*. This Act shall be known as the "Mandatory Infant and Children Health Immunization Act of 2001"

3. On Section 2. *Declaration of Policy*, after the word "infants," the phrase "AND CHILDREN" was added. Sec. 2. *Declaration of Policy* of the reconciled version reads as follows:

SEC. 2. *Declaration of Policy*. In accordance with Article II, Section 15 of the Constitution, it is hereby declared to be the

policy of the State to take a proactive role in the preventive health care of infants and children. Towards this end, the State shall adopt a comprehensive, mandatory and sustainable immunization program for vaccine-preventable diseases for all infants and children.

4. The second paragraph of Sec. 3 of the House version was adopted as the first paragraph of Sec. 3. *Coverage* of the reconciled version with amendments; and the third paragraph of the House version was deleted. Moreover, the first paragraph of Sec. 3 of the House version was adopted as the third paragraph of Section 3 of the reconciled version with amendments taken from Sec. 1 of the Senate version. Sec. 3. *Coverage* of the reconciled version reads as follows:

"SEC. 3. *Coverage*. The mandatory basic immunization for all infants and children provided under this Act shall cover for the following vaccine-preventable diseases:

- a) Tuberculosis;
- b) Diphtheria, tetanus and pertussis;
- c) Poliomyelitis;
- d) Mumps;
- e) Measles;
- f) Rubella or German measles;
- g) Hepatitis-B;
- h) H. Influenza type B (HIB); and
- i) Such other types as may be determined by the Secretary of Health in a department circular:

"The mandatory basic immunization shall be given for free at any government hospital or health centers to infants and children up to five (5) years of age.

"Hepatitis-B vaccine shall be administered by any duly licensed physician, nurse or midwife to all infants born in hospitals, health infirmaries, health centers, or lying-in centers with obstetrical and pediatric services, whether public or private, within twenty-four (24) hours after birth; *Provided, however*, That in cases of infants born in places other than the above, any duly licensed physician, nurse or midwife who delivers, or assists in the delivery of the newborn shall be responsible for administering the vaccine to the latter; *Provided, further*, That for deliveries assisted by persons other than the health professionals mentioned above, the infant should be brought to any available health care facility so as to be immunized against

Hepatitis-B within twenty-four (24) hours after birth but not later than seven (7) days; *Provided, finally*, That subsequent doses of Hepatitis-B vaccination shall be completed according to the recommended schedule of Hepatitis-B immunization, as may be provided in the implementing rules and regulations to be issued by the Department of Health (DOH)."

5. Sec. 4 of the House version was deleted and was replaced by a new Section 4. *Education and Information Campaign*. The first paragraph was adopted from the last phrase in Sec. 1 of the Senate version, and the second paragraph was adopted from the 2<sup>nd</sup> paragraph of Sec. 5 of the House version. Section 4. *Education and Information Campaign* of the reconciled version reads as follows:

"SEC. 4. *Education and Information Campaign*. All health care practitioners or health care workers who are administering prenatal care shall educate all pregnant mothers on the importance of giving their infants the basic immunization services as well as any possible effects of immunization.

The DOH, other government agencies, non-government organizations, professional and academic societies, and local government units shall make available appropriate information materials and shall have a system of its distribution to the public."

6. Sec. 5 of the House version was amended and adopted as the Sec. 5. *Obligation to Inform* of the reconciled version, to read as follows:

"SEC. 5. *Obligation to Inform*. Any physician, nurse, midwife, nursing aide or skilled birth attendant, who delivers, or assists in the delivery of, a newborn shall, prior to delivery, inform parents or legal guardian of the newborn of the availability, nature and benefits of immunization against Hepatitis-B and other vaccine-preventable diseases at birth."

7. Sec. 6 of the House version was amended and adopted as Sec. 6. *Continuing Education and Training of Health Personnel* of the reconciled version, to read as follows:

"SEC. 6. *Continuing Education and Training of Health Personnel*. The DOH, with the assistance of local government units, academe, professional societies and non-governmental organizations, shall undertake a continuing information, education

and training programs for all health personnel on the rationale and benefits of as well as modern procedures for immunization of infants and children against vaccine-preventable diseases."

8. On Sec. 7. *Appropriations*. A second paragraph was added, taken from the second paragraph of Sec. 2 of the Senate version. Sec. 7. *Appropriations* of the reconciled version reads as follows:

"SEC. 7. *Appropriations*. The amount necessary to carry out the implementation of this Act shall be charged against the current year's appropriations for expanded program on immunization of the DOH. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act."

"The Philippine Health Insurance Corporation (PHIC) shall include the basic immunization services in its benefit package."

9. Finally, the title of the House version was adopted with amendments, to read as follows:

AN ACT PROVIDING FOR MANDATORY BASIC IMMUNIZATION SERVICES FOR INFANTS AND CHILDREN, REPEALING FOR THE PURPOSE PD 996, AS AMENDED.

In case of a conflict between the statements/ amendments stated in this Joint Explanatory Statement and that of the provisions of the consolidated bill in the accompanying Conference Committee Report, the provisions of the latter shall prevail.

## COAUTHORS

At the instance of Senator Cayetano (P), Senators Legarda, Ejercito Estrada and Cayetano (A) were made coauthors of Senate Bill No. 138.

Senator Cayetano (P) stated that then Congressman Cayetano (A) filed a similar bill in the House of Representatives almost a decade ago.

## APPROVAL OF THE CONFERENCE COMMITTEE REPORT

Submitted to a vote, there being no objection, the Conference Committee Report on the disagreeing provisions of Senate Bill No. 138 and House Bill No. 4393 was approved by the Body.

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**COMMITTEE REPORT NO. 40**  
**ON SENATE BILL NO. 2849**  
*(Continuation)*

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 2849 (Committee Report No. 40) entitled

AN ACT AMENDING REPUBLIC ACT NO. 7875, OTHERWISE KNOWN AS THE NATIONAL HEALTH INSURANCE ACT OF 1995, AS AMENDED, AND FOR OTHER PURPOSES.

Thereupon, the Chair recognized Senator Zubiri for the cosponsorship speech.

**SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 4:32 p.m.*

**RESUMPTION OF SESSION**

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

**COSPONSORSHIP SPEECH**  
**OF SENATOR ZUBIRI**

In cosponsoring Senate Bill No. 2849, Senator Zubiri delivered the following speech.

First, I thank the Chairperson of the Committee on Health and Demography, the healthiest member of the Senate, the lovely Sen. Pia "Compañera" Cayetano for her generosity in allowing me to cosponsor Senate Bill No. 2849 under Committee Report No. 40, as well as the other chairpersons of the other committees who jointly submitted this committee report.

I am honored to cosponsor this important piece of legislation, being an author of a bill which is part of this consolidated bill.

The issue of providing health to our citizens is enshrined in the Constitution, particularly Article XIII, Section 11, which states that:

The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other

social services available to all the people at affordable cost. There shall be priority for the needs of the underprivileged, sick, elderly, disabled, women and children. The State shall endeavor to provide free medical care to paupers.

Since Congress enacted RA 7875 in 1995 and its subsequent amendment in 2004 under RA 9241, the constitutional thrust of providing basic health care to all Filipinos, especially the underprivileged, indigents and marginalized citizens, remains elusive. This is because of several factors, among which is the issue on the payment of premiums of indigents or the underprivileged and those in the informal sector. This issue is critical to the universal coverage objective of the National Health Insurance Program. Under Section 29 of RA 7875, the premium payment of indigent or the underprivileged is partially subsidized by the local government unit where the member resides, though, in the case of fourth, fifth and sixth-class municipalities, the national government shall provide up to 90% of the subsidy until such time that they shall have been upgraded to first, second or third-class municipalities. In short, the subsidy to be provided by the LGUs is a gray area in the implementation of the law and many LGUs could not provide such subsidies.

Thus, in the current bill, we have streamlined the sectors or categorized the enrollees to either: 1) indigents, as may be identified by a means test to be conducted by the national government; 2) members of the informal sector; 3) practicing professionals and self-earning individuals; and 4) the formal sector. And under our bill, the payment of premium for each category has been clearly defined, such as: for indigents, the national government will now subsidize entirely the payment of contributions; for the members of the informal sector, especially the lowest income level, payment for their premiums shall be subsidized entirely by the local government units, legislative sponsor or other sponsors, or oneself, if one is capable of doing so.

The other good features of the bill have already been introduced by the main sponsor during her sponsorship speech, such as the shift to case-based payment from the current fee-for-service arrangement which is cost-inefficient and subject to abuses by hospitals and medical professionals on how much they will charge for the treatment administered and services rendered.

I am glad that the good Sponsor also mentioned the capitation fund and the success



stories among the LGUs on this feature. The sponsor mentioned the Province of Bukidnon as one of the LGUs that best practiced this. Let me briefly show the Chamber the accomplishments of Bukidnon's Provincial Health Indigency Program.

The following are the salient features:

- Creation of the Provincial Health Indigency Program Provincial Office;
- Presence of provincial health stations (PHSs) in all municipalities;
- Unlimited access to out-patient benefit package;
- Services in the PHS and Bukidnon provincial hospital, from basic diagnostic tests and medicines;
- Totally free hospitalization in provincial hospitals, including subsidy on bills not covered by PHIC;
- Subsidy for indigents not qualified under NHIP; and
- Ambulance service.

Many years ago, when my father became governor of the Province of Bukidnon, he tried to figure out why the people of Bukidnon were always having problems – suffering from poverty and economic difficulties. One of the things he saw was that many of our people did not have medical insurance or lacked the capability to pay for health services and needs. It was like a big thorn on their backs. A poor farmer with only two hectares of land with probably no savings in the bank or no bank account, once his child or his wife fell ill, he had to sell his carabao, lease or loan his land, *sa Tagalog po ay iprenda iyong lupa para lamang mabayaran po ang kanilang utang. So, pinag-isipan po namin nang mabuti dito sa probinsya ng Bukidnon at nagpasalamat din po kami kay Senator Guingona*, a representative for two terms, who supported us in this project. When we decided to come up with the Provincial Health Indigency Program, the national government subsidized the cost of health services for our indigent brothers and sisters of Bukidnon. This was a successful program and what we undertook to promote it were a massive registration, in partnership with the local government units, specifically the Local Civil Registry, based on birth and marriage certificates; and a massive barangay information, education and communications campaign, in coordination with partners, PhilHealth, PRO and the LGUs. It was a difficult process. People did not understand why we were having them

registered. At first, they were quite suspicious until we educated them that the registration was for their own good so that we can enroll them in a health insurance program. The requirements were: the enrollee must at least have six-month residency in the barangays, has less than P12,000 per capita income. Heads of families, regardless of age, became members of the program, as well as single parents and men and women 60 years and above with qualified dependents; the qualified dependents were the legitimate spouse, legitimate and legitimated children below 21 years old and single, the physically and mentally-disabled. Children, men and women of all ages were part of this coverage. Parents over 60 years old were also qualified.

In 2010, the actual enrollees of the program were 170,877 families. The province paid in 2010, P100,720,000 worth of premium but there was a capitation. Thanks to the program wherein a portion of the insurance premium will revert to the province an amount of P51,263,100.

This capitation, I would like to add, is being utilized for the payment of salaries of nurses, doctors, and the purchase of medicines for the hospital.

The out-patients who availed of benefits from January to May 2010 were 55,925 families; and those served were 88,667 patients, 17,835 non-PHIP members, and 21,120 children under five years of age have been served and benefited from this program from our provincial health stations and hospitals.

Medical infrastructure and facilities were also constructed in the three component hospitals of Bukidnon.

The Provincial Indigency Health Program benefited 1,555,907 individuals who availed of the out-patient service and hospital-care package since 2003. Provincial health stations were built in every municipality and two cities. A doctor, a nurse, a medical technologist, an ambulance driver, and one Provincial Indigency Health Program coordinator, who checks the documents and insurance of indigents who availed of the program, were also provided. Support for all health and social welfare programs and projects are continuing. The hospital also has modern equipment and facilities.

Our pride and joy in the province of Bukidnon, the Bukidnon Provincial Medical Center in Malaybalay City (BPMC), to the construction of which Senator Guingona also contributed, is a three-story, third-level referral hospital with a 150-bed capacity. The floor area

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is almost half a hectare; thus, we were trying to increase it to a 200-bed capacity hospital. It also has a chapel, motor pool, power house, water tanks, perimeter fence, and guard house.

Why was there a need to build such a very large hospital? In the early years of the Provincial Indigency Health Program in 2003, there were no problems with the initial issuance of the insurance to the indigent families. But suddenly, the people came back because the insurance did not cover the additional payment for over-priced goods in the private hospitals like dextrose and medicines. Those are sold at double the price by the private hospitals who took advantage of the poor indigent families. This is the reason why the provincial government decided to build its own hospitals. Among the three hospitals, BPMC is the largest. It is in Malaybalay, the center of Bukidnon.

The hospital equipment include 3D/4D ultrasound machines, mobile compact C-arms, CT scan processors, blood bank refrigerators, histopathology equipment, and x-ray machines. The CT scan, which can detect tumors and any abnormalities in the body, is the most expensive among the equipment. It is the same as the equipment used in Makati Medical Center and St. Luke's Medical Center. The tertiary hospital is complete, but the only thing that cannot be done are transplants which have to be done in Cagayan de Oro, Davao, Philippine Heart Center, or Kidney Center. Anything less complicated can be done in BMPC.

The hospital also has the pediatrics ward, male ward, female ward, nurse station, laboratory room, delivery room, the intensive care unit, and emergency room. As much as possible, we are trying to complete medical services and equipment in the hospital.

The second hospital built in Maramag, North Poblacion, was built to service the 10 municipalities in the southern part of Bukidnon. It is a 130-bed capacity with a floor area of 3,362 square meters. The equipment include suction machine, expandable x-ray machines, blood analysis machines, ambulance, ultrasound machines, and other types of equipment needed by this tertiary hospital. It also has a nurse station, medical wards, intensive care unit, operating room, laboratory room, and emergency room.

The third hospital was built in the northern part of Bukidnon since many people complained that Malaybalay is quite far from the municipalities close to Cagayan de Oro. It is a 36-bed capacity, second-level referral hospital with a floor area of 1,902 square meters. The equipment

include x-ray machines, dental chairs, ECGs, microscope, blood bank refrigerator, ambulances, and different rooms.

A first-level referral hospital is in Malitbog, and we also have pictures of our prototype 14 provincial health stations in all municipalities.

All of these were funded by the provincial government without contributions from the national government. We, together with Senator Guingona, are proud of our province for achieving this type of health service for our people.

### **Lessons learned**

We need a holistic approach to development, a strengthened service delivery, and local government confidence to respond to the needs of the people. What we need is political will because many LGUs would rather put their money in infrastructure like building roads, farm-to-market roads, and buy over-priced medicines. This is where they make their kickbacks. With strong devotion to the program, the people will benefit.

Health is a concern. Addressing health is giving the people access to social justice and unburdening them to face other challenges and opportunities in their life. Once we take out the thorn from their backs, they will have no problems about the health of their families. They will think about productivity.

Regarding transparency in procurement, let me share this anecdote with the Body. When we pooled all the pharmaceutical companies and asked them to bid, they immediately replied, "*Sir, mayroon pong SOP ito.*" *Nagulat po kami. Ang sabi nilang SOP ay 30% daw.* I wrote this in my book that I gave to all the senators. When my father said, "No, we cannot agree to the 30% SOP. Just take out 30% from the cost." The pharmaceutical companies said, "*Hindi po iyan pwede, sir, kasi maraming makukulong.*" They said that the other local governments buy at a certain price and the SOP is not declared for obvious reasons. So, what did we do? Initially, for the first three years, we imported medicines from India, which was 50% of the cost of locally produced medicines. Now, we have a program that lowered the cost of medicines, and we now have the cheapest medicine cost in the country.

Lastly, the flexibility of PhilHealth significantly contributed to the success of Bukidnon and, hopefully, to the nation. That is why I enjoin my colleagues to approve this measure sponsored by Sen. Pia Cayetano and four other colleagues.

*Ma J*

## **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2849**

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

## **MANIFESTATION OF SENATOR SOTTO**

Senator Sotto stated that Senate Resolution No. 25 authorizes all committees of the Senate to hold meetings, hearing or conferences during the recess of the Congress.

## **MEMBERSHIP IN THE SENATE ELECTORAL TRIBUNAL**

Nominated by Senator Sotto, there being no objection, Senators Honasan and Escudero were elected as members of the Senate Electoral Tribunal, the latter vice Senator Angara effective on July 31, 2011. He said that their election supersedes the manifestation found on page 258 of the August 23, 2010 Journal.

## **COAUTHOR**

Upon his request, Senator Escudero was made coauthor of Senate Bill Nos. 2681, 2660, and 2851.

## **REPORT OF SENATOR DRILON**

At this point, Senator Drilon reported the activation of the Philippine-Japan Parliamentary Friendship Association (PJPA) during the meeting held last June 2, 2011, at the Pecson Committee Room in the Senate. He said that the meeting of the PJPA last week was prompted by the desire of both the Japanese Diet and the Philippine Congress to revive what was already a flourishing and vibrant bilateral relation between both parliaments.

*Following is the full text of the report:*

### **REPORT ON THE MEETING OF THE PHILIPPINE-JAPAN PARLIAMENTARIANS ASSOCIATION (PJPA)**

In November of last year, a delegation from the Japan-Philippines Parliamentary Friendship League headed by its president, the Honorable Hajime Ishii, called on our President Benigno S. Aquino III during his official visit to Japan for the APEC Economic Leaders Meeting and expressed their desire to meet their counterparts

from the Congress of the Philippines. It was then that the President invited the Members of the Japanese Diet to also visit the Philippines.

On May 4 of this year, the Honorable Ishii came to the Philippines on a personal visit and I had the opportunity to meet with him briefly as we held parliamentary discussions on a proposed exchange of visits between the members of our two parliaments.

With these developments in mind, Sen. Panfilo Lacson, PJPA's incumbent president since 2005, decided to call for a meeting of the Association in order to reconstitute its membership and elect a new set of officers for the 15<sup>th</sup> Congress.

Thus, last week, June 2, the members of the PJPA met to deliberate on the composition of the new PJPA Board of Directors and select a new set of officers.

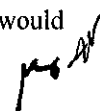
Fifteen members were nominated to constitute the PJPA's Board of Directors, namely: from the Senate: Senators Panfilo Lacson, Edgardo Angara, Manuel Lapid, Pia Cayetano, Ferdinand Marcos Jr., Teofisto Guingona III and this Representation; and from the House of Representatives: Representatives Ferjanel Biron, Janette Garin, Romeo Acop, Roy Loyola, Juan Edgardo Angara, Erineo Maliksi, Joseph Emilio Abaya, and Niel Tupas, Jr.

The Body then proceeded to elect a new set of officers for the Association following the Association's tradition, with the officers alternately coming from both the Senate and House of Representatives. The body elected, for its President, this humble Representation, for which I would like to take this opportunity to thank my colleagues, specially Senator Lacson, for the trust and confidence they have placed in me to lead the PJPA in this new Congress.

The other officers elected by the Association are: Congresswoman Janette Garin as Vice President, Senator Edgardo Angara as Secretary and Congressman Romeo Acop as Treasurer.

The Body then discussed the forthcoming visit to the Philippines of our counterpart Members from the Japan-Philippines Parliamentary Friendship League (JPPFL) by the fourth (4<sup>th</sup>) quarter of this year. Based on our records of parliamentary exchanges, it is the turn of the Philippines to host such a visit, of course with the consent and approval of our Senate President who, by the way, is also a founding member of the PJPA.

The PJPA welcomes the visit of our Japanese counterparts which, I believe, would



further enhance the robust relationship that the Philippines and Japan continue to enjoy. The visit will also be a good opportunity to raise at the parliamentary level several issues important to the Philippines.

During our meeting, Senator Angara suggested that we utilize the visit to gain support from our friends from the Japanese Parliament on the issue of the overly strict admission/entry requirements for Philippine nurses to work in Japan under the Japan-Philippines Economic Partnership Agreement, or the JPEPA.

This is the essence of the PJPA – to facilitate exchanges between Filipino and Japanese legislators that benefit the Filipino people. Founded way back in 1988 by Sen. Jovito Salonga and Sen. Edgardo J. Angara as its first president, the PJPA has remained the main forum where members of the Philippine Congress engage their Japanese counterparts on matters of mutual interest as well as contribute to meaningful cooperation between the two parliaments. The PJPA also facilitates the conceptualization and implementation of development programs and projects beneficial to both countries.

The PJPA therefore plays an important role in the Philippine-Japan relations since it establishes a base of support in the Japanese Diet where Philippine concerns can be raised and followed up. Senator Angara recounted the fact that in the '90s, a PJPA delegation lobbied with Japanese Diet Members for their government to consider removing the restrictive three-month visa policy imposed on Filipino workers. The PJPA has also provided an avenue for some of our legislators to interface with Japanese development agencies in order to avail of official development assistance funds to assist their development projects back in their local constituencies.

Most recently in 2006, Sen. Panfilo Lacson led a PJPA delegation on an official visit to Japan and met with their counterparts and high-level government officials. The PJPA's ability to directly meet with Japan's policymakers and top government officials makes it a very useful platform to maximize our relations with Japan.

In 2009, the Department of Foreign Affairs elevated our relations with Japan to a "Strategic Partnership Between Two Close Neighbors." With a reconstituted membership of the Philippine-Japan Parliamentaries Association, I believe that we in Congress can do our share towards realizing the full potential of this mutually-beneficial relationship.

I thus look forward and hope to count on the support of my colleagues in this collective endeavor.

## **SECOND ADDITIONAL REFERENCE OF BUSINESS**

The Deputy Secretary for Legislation 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 6 June 2011, the House of Representatives passed the following House bills in which it requested the concurrence of the Senate:

House Bill No. 342, entitled

**AN ACT ESTABLISHING A NATIONAL  
HIGH SCHOOL IN BARANGAY  
PANIKIAN, MUNICIPALITY OF  
BANAYBANAY, PROVINCE OF  
DAVAO ORIENTAL TO BE KNOWN  
AS PANIKIAN NATIONAL HIGH  
SCHOOL AND APPROPRIATING  
FUNDS THEREFOR**

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

House Bill No. 547, entitled

**AN ACT ESTABLISHING A NATIONAL  
HIGH SCHOOL IN BARANGAY  
POBLACION, MUNICIPALITY OF  
MAHINOG, PROVINCE OF CAMIGUIN  
TO BE KNOWN AS MAHINOG  
NATIONAL HIGH SCHOOL AND  
APPROPRIATING FUNDS THEREFOR**

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

House Bill No. 747, entitled

**AN ACT ESTABLISHING A NATIONAL  
HIGH SCHOOL IN BARANGAY  
KAYPIAN, CITY OF SAN JOSE DEL  
MONTE, PROVINCE OF BULACAN**

TO BE KNOWN AS KAYPIAN  
NATIONAL HIGH SCHOOL AND  
APPROPRIATING FUNDS THEREFOR

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

House Bill No. 748, entitled

AN ACT ESTABLISHING A NATIONAL  
HIGH SCHOOL IN BARANGAY STO.  
CRISTO, CITY OF SAN JOSE DEL  
MONTE, PROVINCE OF BULACAN  
TO BE KNOWN AS STO. KRISTO  
NATIONAL HIGH SCHOOL AND  
APPROPRIATING FUNDS THEREFOR

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

House Bill No. 749, entitled

AN ACT ESTABLISHING A NATIONAL  
HIGH SCHOOL IN BARANGAY  
CITRUS, CITY OF SAN JOSE DEL  
MONTE, PROVINCE OF BULACAN  
TO BE KNOWN AS CITRUS  
NATIONAL HIGH SCHOOL AND  
APPROPRIATING FUNDS THEREFOR

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

House Bill No. 851, entitled

AN ACT RECLASSIFYING PORTIONS  
OF THE ROOSEVELT PROTECTED  
LANDSCAPE LOCATED IN THE  
MUNICIPALITIES OF DINALUPIHAN  
AND HERMOSA, PROVINCE OF  
BATAAN AS ALIENABLE AND  
DISPOSABLE LAND

**To the Committee on Environment and  
Natural Resources**

House Bill No. 904, entitled

AN ACT SEPARATING THE BISLIG  
CITY NATIONAL HIGH SCHOOL –  
SAN ISIDRO ANNEX IN BARANGAY  
SAN ISIDRO, CITY OF BISLIG,  
PROVINCE OF SURIGAO DEL

SUR FROM THE BISLIG CITY  
NATIONAL HIGH SCHOOL, CON-  
VERTING IT INTO AN INDEPEN-  
DENT NATIONAL HIGH SCHOOL  
TO BE KNOWN AS SAN ISIDRO  
NATIONAL HIGH SCHOOL AND  
APPROPRIATING FUNDS THEREFOR

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

House Bill No. 905, entitled

AN ACT SEPARATING THE BISLIG  
CITY NATIONAL HIGH SCHOOL –  
BUCTO ANNEX IN BARANGAY  
BUCTO, CITY OF BISLIG, PROVINCE  
OF SURIGAO DEL SUR FROM THE  
BISLIG CITY NATIONAL HIGH  
SCHOOL, CONVERTING IT INTO  
AN INDEPENDENT NATIONAL  
HIGH SCHOOL TO BE KNOWN AS  
BUCTO NATIONAL HIGH SCHOOL  
AND APPROPRIATING FUNDS  
THEREFOR

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

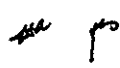
House Bill No. 951, entitled

AN ACT DECLARING A PARCEL OF  
LAND OF THE PUBLIC DOMAIN  
LOCATED AT PONONG, BARA-  
NGAY SIMACOLONG, MUNICI-  
PALITY OF LAZI, PROVINCE OF  
SIQUIJOR AS ALIENABLE AND  
DISPOSABLE

**To the Committee on Environment and  
Natural Resources**

House Bill No. 1154, entitled

AN ACT ESTABLISHING AN ELEMEN-  
TARY SCHOOL IN BARANGAY  
LINAMPONGAN, MUNICIPALITY  
OF PONTEVEDRA, PROVINCE  
OF CAPIZ TO BE KNOWN  
AS CONGRESSMAN DINGGOY  
ARANETA ROXAS MEMORIAL  
ELEMENTARY SCHOOL AND  
APPROPRIATING FUNDS THEREFOR



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

House Bill No. 1208, entitled

AN ACT ESTABLISHING A NATIONAL HIGH SCHOOL IN BARANGAY DIDIPIO, MUNICIPALITY OF KASIBU, PROVINCE OF NUEVA VIZCAYA TO BE KNOWN AS EASTERN NUEVA VIZCAYA NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR

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

House Bill No. 1318, entitled

AN ACT CONVERTING THE SANTA JUANA PUBLIC HIGH SCHOOL IN BARANGAY SANTA JUANA, MUNICIPALITY OF TAGBINA, PROVINCE OF SURIGAO DEL SUR INTO A NATIONAL HIGH SCHOOL TO BE KNOWN AS SANTA JUANA NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR

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

House Bill No. 1338, entitled

AN ACT SEPARATING THE OTON NATIONAL HIGH SCHOOL – CAMBITU EXTENSION IN BARANGAY CABOLOAN SUR, MUNICIPALITY OF OTON, PROVINCE OF ILOILO FROM THE OTON NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS CAMBITU NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR

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

House Bill No. 1339, entitled

AN ACT SEPARATING THE TIGBAUAN NATIONAL HIGH SCHOOL –

BAGACAY EXTENSION IN BARANGAY BAGACAY, MUNICIPALITY OF TIGBAUAN, PROVINCE OF ILOILO FROM THE TIGBAUAN NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS BAGACAY NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR

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

House Bill No. 1340, entitled

AN ACT SEPARATING THE DON FELIX SERRA NATIONAL HIGH SCHOOL – BAD-AS EXTENSION IN BARANGAY BAD-AS, MUNICIPALITY OF SAN JOAQUIN, PROVINCE OF ILOILO FROM THE DON FELIX SERRA NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS BAD-AS NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR

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

House Bill No. 1465, entitled

AN ACT ESTABLISHING A NATIONAL HIGH SCHOOL IN BARANGAY BUENAVISTA, MUNICIPALITY OF CASTILLA, PROVINCE OF SORSOGON TO BE KNOWN AS BUENAVISTA NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR

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

House Bill No. 1468, entitled

AN ACT ESTABLISHING A NATIONAL HIGH SCHOOL IN BARANGAY BEHIA, MUNICIPALITY OF MAGALLANES, PROVINCE OF SORSOGON TO BE KNOWN AS

*ph pb*

**BAGATAO NATIONAL HIGH  
SCHOOL AND APPROPRIATING  
FUNDS THEREFOR**

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

House Bill No. 4573, entitled

AN ACT REVERTING THE NAME OF  
THE PROVINCE OF COTABATO  
TO ITS ORIGINAL NAME "NORTH  
COTABATO", REPEALING FOR THE  
PURPOSE BATAS PAMBANSA  
BLG. 660

**To the Committee on Local Government**

House Bill No. 4585, entitled

AN ACT CONVERTING THE KALINGA-  
APAYAO STATE COLLEGE IN  
THE CITY OF TABUK, PROVINCE  
OF KALINGA INTO A STATE  
UNIVERSITY TO BE KNOWN AS  
THE KALINGA STATE UNIVERSITY  
AND APPROPRIATING FUNDS  
THEREFOR

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

House Bill No. 4586, entitled

AN ACT ESTABLISHING A STATE  
COLLEGE IN THE MUNICIPALITY  
OF COMPOSTELA, PROVINCE OF  
COMPOSTELA VALLEY TO BE  
KNOWN AS THE COMPOSTELA  
VALLEY STATE COLLEGE, INTE-  
GRATING THEREWITH AS REGULAR  
BRANCHES THE BUKIDNON  
STATE UNIVERSITY EXTERNAL  
STUDIES CENTERS IN THE  
MUNICIPALITIES OF MONKAYO,  
MARAGUSAN, MONTEVISTA AND  
NEW BATAAN, ALL LOCATED IN  
THE PROVINCE OF COMPOSTELA  
VALLEY AND APPROPRIATING  
FUNDS THEREFOR

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

House Bill No. 4641, entitled

AN ACT CONVERTING THE PALOMPON  
INSTITUTE OF TECHNOLOGY IN  
THE MUNICIPALITY OF PALOMPON,  
PROVINCE OF LEYTE INTO A  
STATE UNIVERSITY TO BE KNOWN  
AS THE PALOMPON POLYTECHNIC  
STATE UNIVERSITY, INTEGRAT-  
ING THEREWITH THE MARCELINO  
R. VELOSO NATIONAL POLYTECH-  
NIC COLLEGE IN THE MUNICIPAL-  
ITY OF TABANGO, PROVINCE OF  
LEYTE AND APPROPRIATING  
FUNDS THEREFOR

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

House Bill No. 4643, entitled

AN ACT EXPANDING THE PROHI-  
BITED ACTS OF DISCRIMINATION  
AGAINST WOMEN ON ACCOUNT  
OF SEX, AMENDING FOR THE  
PURPOSE ARTICLES 135 AND 137  
OF PRESIDENTIAL DECREE NO.  
442, AS AMENDED, OTHERWISE  
KNOWN AS THE LABOR CODE OF  
THE PHILIPPINES

**To the Committees on Labor, Employment  
and Human Resources Development; and  
Youth, Women and Family Relations**

House Bill No. 4656, entitled

AN ACT INSTITUTING REFORMS  
IN THE GOVERNMENT'S DRIVE  
AGAINST PROFESSIONAL SQUAT-  
TERS AND SQUATTING RACKET-  
EER/S OR SYNDICATES, STRENG-  
THENING THE MECHANISMS  
THEREFOR, AMENDING FOR THE  
PURPOSE REPUBLIC ACT NO. 7279,  
AND FOR OTHER PURPOSES

**To the Committees on Urban Planning,  
Housing and Resettlement; Local Government;  
and Finance**

House Bill No. 4657, entitled

AN ACT DECLARING CERTAIN

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PORTIONS OF LAND IN BARANGAY COMBADO, MAASIN CITY, SOUTHERN LEYTE AS ALIENABLE AND DISPOSABLE LANDS

**To the Committee on Environment and Natural Resources**

House Bill No. 4659, entitled

AN ACT NAMING THE POLICE REGIONAL OFFICE 11 AT SITIO CATITIPAN, BARANGAY COMMUNAL, BUHANGIN DISTRICT, DAVAO CITY AS CAMP QUINTIN M. MERECIDO

**To the Committee on Public Order and Dangerous Drugs**

House Bill No. 4672, entitled

AN ACT DECLARING THE CELEBRATION OF THE NATIONAL CHILDREN'S MONTH IN THE COUNTRY ON OCTOBER OF EVERY YEAR

**To the Committee on Education, Arts and Culture**

House Bill No. 4673, entitled

AN ACT DECLARING NOVEMBER 22 OF EVERY YEAR AS A SPECIAL NONWORKING HOLIDAY IN THE PROVINCE OF SULTAN KUDARAT

**To the Committee on Local Government**

House Bill No. 4674, entitled

AN ACT DECLARING JULY 29 OF EVERY YEAR AS A SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY OF VILLANUEVA, PROVINCE OF MISAMIS ORIENTAL IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY TO BE KNOWN AS *ADLAW SA VILLANUEVA*

**To the Committee on Local Government**

House Bill No. 4675, entitled

AN ACT DECLARING SEPTEMBER 1 OF EVERY YEAR AS A SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY OF JASAAN, PROVINCE OF MISAMIS ORIENTAL IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY TO BE KNOWN AS *ADLAW SA JASAAN*

**To the Committee on Local Government**

House Bill No. 4676, entitled

AN ACT DECLARING JULY 22 OF EVERY YEAR AS A SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY OF CLAVERIA, PROVINCE OF MISAMIS ORIENTAL IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY TO BE KNOWN AS *ADLAW SA CLAVERIA*

**To the Committee on Local Government**

House Bill No. 4677, entitled

AN ACT DECLARING JULY 12 OF EVERY YEAR AS A SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY OF LIBERTAD, PROVINCE OF MISAMIS ORIENTAL IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY TO BE KNOWN AS *ADLAW SA LIBERTAD*

**To the Committee on Local Government**

House Bill No. 4678, entitled

AN ACT DECLARING AUGUST 18 OF EVERY YEAR AS A SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY OF ALUBIJID, PROVINCE OF MISAMIS ORIENTAL IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY TO BE KNOWN AS *ADLAW SA ALUBIJID*

**To the Committee on Local Government**

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## House Bill No. 4679, entitled

AN ACT DECLARING NOVEMBER 4 OF EVERY YEAR AS A SPECIAL NONWORKING HOLIDAY IN THE PROVINCE OF QUEZON

**To the Committee on Local Government**

## House Bill No. 4680, entitled

AN ACT DECLARING AUGUST 15 OF EVERY YEAR AS A SPECIAL NONWORKING HOLIDAY IN THE PROVINCE OF BULACAN IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY TO BE KNOWN AS *ARAW NG BULACAN*

**To the Committee on Local Government**

## House Bill No. 4681, entitled

AN ACT DECLARING SEPTEMBER 7 OF EVERY YEAR AS A SPECIAL NONWORKING HOLIDAY IN THE CITY OF CAVITE, PROVINCE OF CAVITE IN COMMEMORATION OF ITS FOUNDATION ANNIVERSARY

**To the Committee on Local Government**

## House Bill No. 4682, entitled

AN ACT DECLARING OCTOBER 16 OF EVERY YEAR AS A SPECIAL NONWORKING HOLIDAY IN THE CITY OF CALBAYOG TO BE KNOWN AS THE CALBAYOG CITY CHARTER DAY

**To the Committee on Local Government**

## House Bill No. 4688, entitled

AN ACT GOVERNING THE CREATION AND ACCREDITATION OF MICRO-ENTERPRISE DEVELOPMENT INSTITUTIONS AND FOR OTHER PURPOSES

**To the Committees on Economic Affairs; Banks, Financial Institutions and Currencies; and Ways and Means**

## House Bill No. 4693, entitled

AN ACT REGULATING THE PRACTICE OF MINING ENGINEERING IN THE PHILIPPINES, REPEALING FOR THE PURPOSE REPUBLIC ACT NUMBERED FOUR THOUSAND TWO HUNDRED SEVENTY-FOUR (R.A. NO. 4274), AS AMENDED, OTHERWISE KNOWN AS THE "MINING ENGINEERING LAW OF THE PHILIPPINES," AND FOR OTHER PURPOSES

**To the Committees on Civil Service and Government Reorganization; and Finance**

## House Bill No. 4711, entitled

AN ACT IMPOSING A LOGGING BAN IN THE SECOND DISTRICT OF THE PROVINCE OF SURIGAO DEL SUR

**To the Committee on Environment and Natural Resources**

## and House Bill No. 4731, entitled

AN ACT PROVIDING FOR THE REAPPORTIONMENT OF THE PROVINCE OF RIZAL INTO FOUR (4) LEGISLATIVE DISTRICTS

**To the Committees on Local Government; and Constitutional Amendments, Revision of Codes and Laws**

**BILL ON FIRST READING**

## Senate Bill No. 2871, entitled

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

Introduced by Senator Guingona III

**To the Committee on Justice and Human Rights**

## SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

*It was 5:09 p.m.*

## RESUMPTION OF SESSION

At 5:09 p.m., the session was resumed.

## OVERSIGHT COMMITTEE CHAIRMANSHIP

Nominated by Senator Sotto, there being no objection, Senator Lacson was elected as chair of the Oversight Committee on Intelligence Funds, Programs and Activities.

## PROPOSED SENATE RESOLUTION NO. 510

Upon motion of Senator Sotto, there being no objection, the Body considered Proposed Senate Resolution No. 510, entitled

RESOLUTION DECLARING AS READ  
AND APPROVED THE JOURNAL  
OF THE 94<sup>TH</sup> SESSION OF THE  
SENATE.

Secretary Reyes read the resolution, to wit:

RESOLVED BY THE SENATE, That the Journal of the 94<sup>th</sup> Session, June 8, 2011, be declared, as it is hereby declared, read and approved.

## ADOPTION OF PROPOSED SENATE RESOLUTION NO. 510

Upon motion of Senator Sotto, there being no objection, the Body adopted Proposed Senate Resolution No. 510.

## PROPOSED SENATE RESOLUTION NO. 511

Upon motion of Senator Sotto, there being no objection, the Body considered Proposed Senate Resolution No. 511, entitled

RESOLUTION AUTHORIZING THE  
PRODUCTION AND DISTRIBUTION  
OF ONE HUNDRED FIFTY (150)  
PRINTED AND DIGITAL COPIES

EACH OF THE JOURNAL AND THE  
RECORD OF THE SENATE FOR THE  
FIRST REGULAR SESSION OF THE  
FIFTEENTH CONGRESS OF THE  
PHILIPPINES.

Secretary Reyes read the resolution, to wit:

RESOLVED BY THE SENATE, To authorize, as it hereby authorizes, the production of one hundred fifty (150) printed and digital copies each of the Journal and the Record of the Senate for the First Regular Session of the Fifteenth Congress of the Philippines, and its distribution under the direction of the Secretary of the Senate.

## ADOPTION OF PROPOSED SENATE RESOLUTION NO. 511

Upon motion of Senator Sotto, there being no objection, the Body adopted Proposed Senate Resolution No. 511.

## SENATE CONCURRENT RESOLUTION NO. 5

Upon motion of Senator Sotto, there being no objection, the Body considered Senate Concurrent Resolution No. 5, entitled

CONCURRENT RESOLUTION PROVID-  
ING FOR THE ADJOURNMENT  
OF THE FIRST REGULAR SESSION  
OF THE FIFTEENTH CONGRESS  
OF THE PHILIPPINES NOT LATER  
THAN TWELVE O'CLOCK, MID-  
NIGHT, TODAY, JUNE 8, 2011.

Secretary Reyes read the resolution, to wit:

RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, that the President of the Senate and the Speaker of the House of Representatives be authorized, as they are hereby authorized, to declare the First Regular Session of the Fifteenth Congress of the Philippines adjourned *sine die*, by adjourning the session of their respective Houses not later than twelve o'clock midnight, today, June 8, 2011.

RESOLVED FURTHER, that a committee of three (3) Members of the Senate, appointed by the Senate President, join a committee of the

House of Representatives, to inform the President of the Republic that the First Regular Session of the Fifteenth Congress is about to close, and that the two (2) Houses are ready to adjourn unless the President has a message or communication to transmit to them.

#### **ADOPTION OF SENATE CONCURRENT RESOLUTION NO. 5**

Upon motion of Senator Sotto, there being no objection, the Body adopted Senate Concurrent Resolution No. 5.

#### **NOTIFICATION COMMITTEE**

Pursuant to Senate Concurrent Resolution No. 5, the Chair appointed Senators Ejercito Estrada, Sotto and Cayetano (P) as members of the Notification Committee on the part of the Senate.

#### **PROPOSED SENATE RESOLUTION NO. 512**

Upon motion of Senator Sotto, there being no objection, the Body considered Proposed Senate Resolution No. 512, entitled

RESOLUTION COMMENDING THE  
MINORITY LEADER, SENATOR  
ALAN PETER "COMPAÑERO"  
CAYETANO, FOR HIS INVALU-  
ABLE CONTRIBUTION TO THE  
FRUITFUL DELIBERATIONS OF  
THE SENATE DURING THE FIRST  
REGULAR SESSION OF THE  
FIFTEENTH CONGRESS.

Secretary Reyes read the resolution, to wit:

WHEREAS, the Honorable Alan Peter "Compañero" Cayetano actively participated as Minority Leader during floor deliberations and in Senate committee investigations and public hearings during the First Regular Session of the Fifteenth Congress;

WHEREAS, he has shown serious concern for the plight of the elderly and the abandoned and neglected children, introducing proposed measures that will adequately promote and protect their welfare;

WHEREAS, his strong and sustained advocacy against graft and corruption and support for good governance earned for him an award from the Junior Chamber International

Philippines (JCI-Philippines) as one of the Outstanding Young Men (TOYM) of 2010 for his exceptional contributions to public service;

WHEREAS, the issues and advocacies he has articulated in the plenary and committee meetings and in the Commission on Appointments have enriched and helped the Senate come up with better output in understanding the various issues confronting the country;

WHEREAS, his invaluable contribution as Senator and Minority Leader in the legislative process deserves commendation and recognition: *Now, therefore, be it*

RESOLVED BY THE SENATE, To commend, as it hereby commends, the Minority Leader, Senator Alan Peter "Compañero" Cayetano, for his invaluable contribution to the fruitful deliberations of the Senate during the First Regular Session of the Fifteenth Congress.

#### **ADOPTION OF PROPOSED SENATE RESOLUTION NO. 512**

Upon motion of Senator Sotto, there being no objection, the Body adopted Proposed Senate Resolution No. 512.

#### **SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 5:16 p.m.*

#### **RESUMPTION OF SESSION**

At 5:17 p.m., the session was resumed.

#### **PROPOSED SENATE RESOLUTION NO. 513**

Upon motion of Senator Honasan, there being no objection, the Body considered Proposed Senate Resolution No. 513, entitled

RESOLUTION COMMENDING THE  
SENATE MAJORITY LEADER,  
SENATOR VICENTE C. SOTTO III,  
FOR SKILLFULLY STEERING THE  
SENATE PROCEEDINGS DURING  
THE FIRST REGULAR SESSION OF  
THE FIFTEENTH CONGRESS.

Secretary Reyes read the resolution, to wit:

*Handwritten signature*

WHEREAS, the Honorable Vicente C. Sotto III has performed with distinction as Chairman of the Committee on Rules and as Majority Leader by skillfully and patiently guiding the deliberations of the Senate;

WHEREAS, his ability to manage the Senate proceedings amidst opposing views over contentious issues enabled his colleagues in the august Chamber to work harmoniously for a common legislative agenda;

WHEREAS, as former head of the Philippine Drug Enforcement Agency (PDEA), he ardently supported the government's drive against illegal drugs, strongly denouncing the reported proliferation of poppy seed extract used as ingredients in some pastries and even skin care products;

WHEREAS, the Majority Leader's firm belief in the equal and fair application of the laws enabled him to work for the grant of amnesty to members of the Armed Forces who were implicated in the failed mutinies during the previous administration;

WHEREAS, a public servant devoted to the government's social and economic reform agenda, he was responsible for the united and concerted action of his colleagues in enacting measures that would address immediate national concerns: *Now, therefore, be it*

RESOLVED BY THE SENATE, To commend, as it hereby commends, the Senate Majority Leader, Senator Vicente C. Sotto III, for skillfully steering the Senate proceedings during the First Regular Session of the Fifteenth Congress.

## MANIFESTATION OF SENATOR SOTTO

Senator Sotto thanked his colleagues for the commendation, as he shared it with them for their clarity of thinking, eloquence and sincerity in serving the Filipino people.

## PROPOSED SENATE RESOLUTION NO. 514

Upon motion of Senator Sotto, there being no objection, the Body considered Proposed Senate Resolution No. 514, entitled

RESOLUTION COMMENDING THE  
SENATE PRESIDENT PRO TEMPORE,  
HONORABLE JINGGOY EJERCITO  
ESTRADA, FOR HIS DEDICATED  
PERFORMANCE DURING THE  
FIRST REGULAR SESSION OF THE  
FIFTEENTH CONGRESS.

Secretary Reyes read the resolution, to wit:

WHEREAS, the Honorable Jinggoy Ejercito Estrada has performed his duties and responsibilities as Senate President Pro Tempore with devotion and candor;

WHEREAS, he has ably assisted the Senate President and patiently presided over the deliberations of the Senate, marked by long and exhaustive debates, on bills and resolutions, particularly the General Appropriations Act of 2011 which was enacted at a record-setting speed;

WHEREAS, as Chairman of the Senate Committee on Labor, Employment and Human Resources Development, he authored a number of bills protecting women workers, such as the bills providing for additional benefits and protection to house helpers; expanding the exceptions from night work prohibition of women employees; expanding the *Prohibited Acts of Discrimination Against Women on Account of Sex*; and the proposed *Anti-Gender Discrimination in Employment Advertising Act*;

WHEREAS, a staunch advocate of the government's call for transparency and the elimination of graft and corruption in government transactions, he fearlessly exposed the alleged graft in the Armed Forces of the Philippines in a series of Senate public hearings in aid of legislation;

WHEREAS, his remarkable performance as a legislator and as President Pro Tempore helped

## ADOPTION OF PROPOSED SENATE RESOLUTION NO. 513

Upon motion of Senator Honasan, there being no objection, the Body adopted Proposed Senate Resolution No. 513.

## SUSPENSION OF SESSION

Upon motion of Senator Honasan, the session was suspended.

*It was 5:19 p.m.*

## RESUMPTION OF SESSION

At 5:21 p.m., the session was resumed with Senator Honasan presiding.

*Handwritten initials*

the Chamber in achieving the trust and confidence of the Filipino people: *Now, therefore, be it*

RESOLVED BY THE SENATE, To commend, as it hereby commends, the Senate President Pro Tempore, Honorable Jinggoy Ejercito Estrada, for his exemplary performance during the First Regular Session of the Fifteenth Congress.

#### **ADOPTION OF PROPOSED SENATE RESOLUTION NO. 514**

Upon motion of Senator Sotto, there being no objection, the Body adopted Proposed Senate Resolution No. 514.

#### **REMARKS OF SENATOR EJERCITO ESTRADA**

Senator Ejercito Estrada expressed his gratitude to Senate President Enrile and to his colleagues for bestowing their trust and confidence in him and for appreciating his performance as Senate President Pro Tempore in the last four years.

#### **REMARK OF SENATOR OSMEÑA**

Senator Osmeña lauded Senator Ejercito Estrada for his patience and performance as Senate President Pro Tempore.

#### **REMARKS OF SENATOR CAYETANO (A)**

Preliminarily, Senator Cayetano (A) said that the present Congress started each session with a prayer, asking the Almighty for His aid and urging all the Members to participate in the deliberations. He noted that in spite of their differences over issues, the Members were able to find a way to work together to support the President's call for a *tuwid na daan*.

He stated that the Legislative-Executive Development Advisory Council (LEDAC) has been very productive, citing the lively exchange between the President, Senate President Enrile and the Members from both Houses of Congress in the discussion of the legislative agenda.

He thanked his colleagues for the commendation and lauded the Senate President, the Senate President Pro Tempore and the Majority Leader for their performance. He underscored that there were a lot of ideas from all sides but regretted the lack of venue to put them together. He enjoined the members of

the LEDAC to work with the President even during the recess in crafting a legislative agenda as he emphasized that the people were expecting much from the new Administration. He believed that it is easier to pass bills certified by President than a bill sponsored by a Member.

On another matter, Senator Cayetano (A) suggested that the P11-billion budget for the Typhoon *Ondoy* victims be investigated to determine whether it went to the targeted beneficiaries. One year after the new Administration came in, he said, the Department of Public Works and Highways was reported to have canceled some contracts for the *Ondoy* rehabilitation projects on the ground that they were overpriced. Up to now, he confessed, he had no idea where the P11 billion went or if, indeed, it has reached the typhoon victims although that information was supposed to be available through a government website.

He rued that the legislative department has always been blamed for the wrong implementation of the laws when, in fact, it is the responsibility of the executive department. Thus, he congratulated the leadership of the Senate for putting the oversight committees into perspective and for finding a way to ensure the proper implementation of the laws.

#### **MOTION OF SENATOR OSMEÑA**

Upon motion of Senator Osmeña, duly seconded by Senate President Enrile, there being no objection, the Committee on Accounts was mandated to review the budget of the Senate committees to make it more equitable and material to the needs of the nation.

#### **PROPOSED SENATE RESOLUTION NO. 515**

Upon motion of Senator Sotto, there being no objection, the Body considered Proposed Senate Resolution No. 515, entitled

RESOLUTION EXPRESSING THE  
SINCERE APPRECIATION OF THE  
SENATE TO ITS PRESIDENT, THE  
HONORABLE JUAN PONCE  
ENRILE, FOR HIS EXEMPLARY  
LEADERSHIP DURING THE FIRST  
REGULAR SESSION OF THE  
FIFTEENTH CONGRESS.



Secretary Reyes read the text of the resolution, to wit:

WHEREAS, acknowledged by this peers as the most senior member of the Fifteenth Congress whose more than four-decade public service, both in the executive and legislative branches of government would provide a better perspective in the deliberation of vital pieces of legislation, Senator Juan Ponce Enrile was again elected President of the Senate when the First Regular Session opened on July 26, 2010;

WHEREAS, as the third highest official of the land, he discharged his duties and responsibilities with expertise, wisdom and total devotion to the national interest thereby earning for the Senate its traditional independence and the people's continuing trust and confidence;

WHEREAS, under his stewardship, the Senate expeditiously passed the national budget bill on December 1, 2010 (now R.A. No. 10147, General Appropriations Act of 2011), the earliest the Senate had done so since 1987 or since the Eighth Congress;

WHEREAS, in response to the government's fight against corruption and in pursuance of the campaign to institute reforms in government, Senate President Juan Ponce Enrile has supported the passage of the proposed GOCC Governance Act of 2011 (now R.A. No. 10149); the synchronization of election in the Autonomous Region of Muslim Mindanao with the national and local election; and took an active role in the Senate investigations on alleged graft in the Armed Forces of the Philippines;

WHEREAS, his deep concern and firm commitment to protect the people from the worst impacts of climate change has led him to author the People's Survival Fund Bill which aims to finance local climate adaptation programs and projects of local government units throughout the country;

WHEREAS, in recognition of his distinguished performance as a public servant who has contributed to society through his work, advocacies and achievements, he was honored by the *People Asia Magazine* as among its "People of the Year" awardee for being "one of the most enduring and brilliant political figures in the country": *Now, therefore, be it*

RESOLVED BY THE SENATE, to express, as it hereby expresses, the sincere appreciation of the Senate to its President, the Honorable Juan Ponce Enrile for his exemplary leadership during the First Regular Session of the Fifteenth Congress."

## ADOPTION OF PROPOSED SENATE RESOLUTION NO. 515

Upon motion of Senator Sotto, there being no objection, Proposed Senate Resolution No. 515 was adopted by the Body.

## CLOSING STATEMENT OF SENATE PRESIDENT ENRILE

As the First Regular Session of the 15<sup>th</sup> Congress came to a close, Senate President Enrile delivered the following statement:

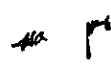
Thank you very much for your expression of confidence in my humble self, as by accident of history and fate, was elevated by you to the position of Senate President of this very august Body, the Senate of the Republic of the Philippines.

I am impressed by the first "WHEREAS" clause because it tells about not only of my age, which is probably the most telling attribute given to me because I have passed eight decades and I am entering the ninth decade of life on earth. But it records the fact that I have been in the national scene for almost 45 years now, doing things for the nation, sometimes hurdling very difficult crises along the way, and doggedly persevering to help the people of this country to attain the greatness that they deserved.

I would like to thank all of you for having helped me during my stint as the head of this organization. I tried my best to elevate it to the highest possible position of respect and assuring to the Filipino people that they have a Senate that they can depend on to protect their rights, to promote their well-being, and to guard their liberties even to the extent of defying self-interest, as well as the immense powers of those wielders of power in the land—not because of any effort to defy but because of the traditional notion that this Senate is perceived as a Senate of the people, *Senatus populorum*.

And today, as we adjourn *sine die* in the First Regular Session of our 15<sup>th</sup> Congress, allow me to report to our people and to the watching audience of the world what the Senate of the Republic of the Philippines has accomplished.

Last Monday, President Benigno C. Aquino III signed into law the GOCC Governance Act of 2011, now Republic Act No. 10149, which will reform the operations of state-owned enterprises and curb the abuses with regard, in particular,



to excessive bonuses and allowances. I would like to take this opportunity and occasion to commend the brilliant mind of our colleague, former President of the Senate, the distinguished senator from Iloilo, Sen. Franklin M. Drilon, for crafting the law, for overseeing its passage in the Senate, and to commend as well, the wisdom, patriotism and vision of the Members of the Senate in pushing this piece of legislation which, I think, is timely and needed in order to arrest a cancer that has actually sapped the financial energies of the nation.

I would like also to recall the extensive public hearings held by the Senate last year after we opened sessions in July 2010 to look into the excessive and scandalous allowances that board members of government-owned or -controlled corporations and government financial institutions have arrogated unto themselves using public funds, and this again is the effort initiated by the chairman of the Finance Committee of the Senate.

As an offshoot of this legislative inquiry, what is now Republic Act No. 10149, is the first major reform law that this 15<sup>th</sup> Congress has approved, and is in line with the new administration's reform agenda and anti-corruption campaign under the slogan *Daang Matuwid*, straight path.

Last Monday evening also, after almost six hours of debate, the Senate passed House Bill No. 4146, synchronizing the elections in the ARMM with the national and local elections. This particular measure was not an ordinary measure. It was a very delicate measure and it was full of political overtones and undertones. Any political figure in this country who has experienced going to the people to present himself as a candidate for any public office would not have dared stand up and sponsor such a measure given the political impact it could impose on whoever advocated it.

But again because of the courage of a Member of the Senate to do what is right for the Republic and the Filipino people, this bill was passed by the Senate, as well as by the House of Representatives, and the credit does not only go to the whole Senate, it goes most especially again to Senator Drilon for ably sponsoring it in this Chamber. And this law will hopefully pave the way for much-needed political, social and economic reforms in the region of Muslim Mindanao. This law is not an anti-Muslim law. It does not derogate the importance and necessity of autonomy for Muslim Mindanao. It does not impair the autonomy that was granted to Muslim

Mindanao. It does not reduce, decrease or, in any manner, dilute the powers of the autonomy of Muslim Mindanao. It simply wishes – and rightly so – to comply with the Constitution that there must be a synchronized election for national and local elective officials. It was a law intended to correct a constitutional anomaly although some members of our society misunderstood it because they confuse autonomy with election. Nonetheless, I think the people will understand in due time the importance of this law.

On March 14, 2011, we concurred in the ratification of the Agreement on Technical Cooperation between our government and the government of Japan by approving Senate Resolution No. 36. The agreement provides technical training to Philippine nationals in Japan; dispatches Japanese volunteers with a wide range of technical skills and abundant experience to the Philippines; and, provides our government with needed equipment, machinery and materials.

Of course, last year, this Chamber passed in record time the General Appropriations Act of 2011, now RA 10147. And again, I could not escape the thought that the responsibility and effort on this was largely due to the energy of Sen. Franklin M. Drilon. Yes, I am just putting into the record a fact, and I am not flattering the gentleman.

The demands of the changing times and modernity have served as a magnifying glass that compelled most of us to take a second look at existing statutes. Thus, along the way, we have introduced, deliberated in committee and in plenary, and then approved on Third Reading amendatory bills that seek to either strengthen or further improve existing laws on labor, health, environment, family relations, civil service and justice. These include, among others, the following:

- 1) Senate Bill No. 78 – providing for additional benefits and protection to the househelpers, the *kasambahay*;
- 2) Senate Bill No. 138 – requiring mandatory basic immunization services against Hepatitis-B for infants authored by Sen. Pia “Companera” Cayetano;
- 3) Senate Bill No. 480 – amending Article III of The Family Code of the Philippines;
- 4) Senate Bill No. 1052 – amending Article 26 of The Family Code of the Philippines;
- 5) Senate Bill No. 2671 – strengthening the Career Executive System, authored by Senator Trillanes;

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- 6) Senate Bill No. 2726 – decriminalizing vagrancy;
- 7) Senate Bill No. 2808 - amending Article 39 of the Revised Penal Code; and,
- 8) Senate Bill No. 2701 – expanding the exceptions from the night work prohibition of women employees, amending Articles 130 and 131 of the Labor Code of the Philippines, as amended, authored by the President Pro Tempore; and,
- 9) Senate Bill No. 2748 – a bill to ensure the release of the retirement pay, pensions, gratuities and other benefits of retiring government employees within a period of thirty (30) days after his or her actual date of retirement.

We have also approved Senate Bill No. 2846 which extends the implementation of the lifeline rate and thus continue to benefit the poor who consume 100 kilowatts or less of electricity. The authors of this measure were Senators TG Guingona III and Serge Osmeña.

To institutionalize a national system for early childhood care and development, we also passed on Third Reading Senate Bill No. 2802, or the proposed Early Years Act, authored and sponsored by Senator Angara. The bill recognizes the early years from zero to six as the first cycle of educational development and for this purpose, the bill aims to strengthen the Early Childhood Care and Development Council, and rename the Day Care Center as Child Development Center. The system should also cater to children with special needs.

### ***Bills on Second Reading***

Let me assure our people that the Senate continues to pore over and study a range of general and specific problems and issues facing the nation.

Certain bills under consideration on Second Reading, therefore, are products of a national trauma experienced, for instance, from climate change-related disasters such as the heavy loss of lives and properties from the flooding caused by Typhoon *Ondoy* and other landslides and calamities around the country caused by other strong typhoons. Soon, a bill will probably reach this Chamber on the problem of the huge, immense and costly fishkills in Taal Lake and elsewhere in the country. The execution in China of so-called Filipino “drug mules” prompted a second look at existing legislation.

Other bills stem from the need to address serious problems in education, human rights,

child welfare and high cost of energy. These bills include, among others, the establishment of the People’s Survival Fund (Senate Bill No. 2811) for local governments and communities. The People’s Survival Fund (PSF) can be used by localities threatened by persistent flooding, by coastal communities facing rising sea levels, as source of fund for them to initiate local climate change adaptation plans and vulnerability assessments. Local government units can also tap the fund to promote agriculture programs resilient to extreme temperatures and changing rainfalls. The bottom line is that the PSF can protect our people from the worst impacts of climate change.

On a personal note, I laud the Administration for creating a Cabinet Cluster on Climate Change recently. It shows its seriousness and responsive leadership in dealing with this major and international issue.

Other bills pending second reading approval are:

- Expanding the prohibited acts of discrimination against women on account of sex, (S. No. 429);
- Qualifying The killing of members of broadcast and print media on the occasion of the exercise of their functions as such, as a crime of murder punishable under Article 248 of the Revised Penal Code, as amended (S. No. 455);
- Prohibiting gender discrimination in employment advertising (S. No. 930);
- Strengthening and propagating foster care for abused, abandoned, neglected and other children with special needs (S. No. 2486);
- Creating and establishing the Philippine High School for Sports (S. No. 2620);
- Amending Republic Act No. 9208, otherwise known as The Anti-Trafficking in Persons Act of 2003 (S. No. 2625);
- Defining cybercrime, providing for prevention, investigation and imposition of penalties (S. No. 2796);
- Prohibiting profiling as well as discrimination against persons on account of ethnic or racial origin and/or religious affiliation or belief (S. No. 2814);
- Defining and penalizing the crime of enforced or involuntary disappearance (S. No. 2817);
- Institutionalizing the kindergarten education into the basic education system (H. No. 3826);

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- Providing for a national policy on Reproductive Health and Population and Development (S. No. 2865); and
- Amending the National Health Insurance Act of 1995, As Amended (S. No. 2849).

#### **Committee work**

May I also commend the diligence and hard work performed by the various Senate committees. Our primary committees, subcommittees and joint congressional oversight committees have conducted 155 public hearings since we opened the First Regular Session last year without which this list of outstanding approved laws and proposed measures I enumerated earlier could not have been possible.

Of special mention is our Committee on the Accountability of Public Officers and Investigations, or the Blue Ribbon Committee, which held 14 hearings. This committee is headed by a young distinguished senator from Mindanao, Teofisto Guingona III, who conducted hearings on the controversial plea bargain agreement between former AFP Gen. Carlos Garcia and the Office of the Ombudsman, and this led somehow to an impeachment filed against the Ombudsman which reached the Senate but which was overtaken by events upon the resignation of the Ombudsman herself. The investigations not only made our people understand the truth about the agreement. The series of hearings also eventually unearthed multi-million peso graft cases and corrupt practices in the Armed Forces of the Philippines.

Let me now thank each and every one of you, my colleagues in this Chamber, for your devotion to the mandate and trust that the people has bestowed upon all of us. *Sila ang ating mga bosses.*

My gratitude also for the continued support and understanding that you, your staff members, together with the officers and members of the Senate Secretariat, headed by Secretary Emma Reyes, have provided the Senate leadership. The things that we have accomplished could not have been made possible without your unstinting support and untiring effort in doing the chores that made the Senate move forward efficiently and speedily.

My distinguished colleagues, as your elected leader, I am personally supportive of the legislative priorities that you have set and defined for yourselves early on this year.

Let us work on them collectively in the coming regular sessions. We have five years

ahead of us and we have to finish all our legislative plans within that span of time or even sooner. We have only just begun. Let us pursue our legislative tasks as a collegial body until these priorities bear fruit of economic security for our people, a robust economy for the nation, health and education for all, a national police able to secure peace and order, an armed forces able to protect our sovereignty against predatory countries, and a government that is always transparent and accountable to its people.

We can achieve what we, in this Chamber, have set out to do. As an old adage goes, "where there is a will, there is a way." But equally, in doing so, let us be guided by a passage in the Book of Proverbs where it says, "Let us not only be wise unto our own eyes, but in all our ways, let us also acknowledge God, and He will direct our paths."

Thank you *at maraming salamat po at mabuhay ang sambayanang Filipino. Mabuhay ang Senado ng Republika ng Pilipinas!*

#### **SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 5:59 p.m.*

#### **RESUMPTION OF SESSION**


At 6:00 p.m., the session was resumed with Senate President Enrile presiding.

#### **ADJOURNMENT SINE DIE**

Pursuant to Senate Concurrent Resolution No. 5, upon motion of Senator Sotto, there being no objection, the Senate President declared the First Regular Session of the Fifteenth Congress of the Philippines, on the part of the Senate, adjourned *sine die*.

*It was 6:01 p.m.*

I hereby certify to the correctness of the foregoing.

  
EMMA LIRIO REYES  
*Secretary of the Senate*

Approved on June 8, 2011