



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 50
Wednesday, February 5, 2014

SIXTEENTH CONGRESS
FIRST REGULAR SESSION

SESSION NO. 50
Wednesday, February 5, 2014

CALL TO ORDER

At 3:15 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

PRAYER

Sen. Maria Lourdes Nancy S. Binay led the prayer, to wit:

Aming Panginoon,

Muli po kaming nagtitipon ngayon upang ipagpugay ang Inyong Pangalan, ipagpasalamat ang Inyong mga biyaya at tuparin ang aming mga pangako sa taumbayang naghatal sa amin.

Nagsusumamo po kami sa Inyo na kami ay Inyong gabayan sa aming pag-iisip, pananalita at gawa, na isipin at gawin ang makabubuti sa sambayanang Pilipino. Nawa'y manahan sa aming mga puso na ang pagsisilbi sa sambayanang Pilipino ay pagsisilbi rin sa Inyo.

Tulongan po Ninyo kami upang maunawaan namin ang bawat isa – upang kami ay magbuklod-buklod para sa aming mga pamilya, para sa bawat Pilipino, at para sa bayan.

Amen.

ROLL CALL

Upon direction of the Chair, the Secretary of the Senate, Atty. Oscar G. Yabes, called the roll, to which the following senators responded:

Angara, S.	Lapid, M. L. M.
Aquino, P. B. IV B.	Legarda, L.
Binay, M. L. N. S.	Marcos Jr., F. R.
Drilon, F. M.	Osmeña III, S. R.
Ejercito, J. V. G.	Pimentel III, A. K.
Enrile, J. P.	Poe, G.
Estrada, J.	Sotto III, V. C.
Guingona, T. L.	Trillanes IV, A. F.
Honasan, G. B.	Villar, C. A.

With 18 senators present, the Chair declared the presence of a quorum.

Senators Cayetano (P) and Escudero arrived after the roll call.

Senators Cayetano (A), Recto and Revilla were on official mission.

Senator Defensor was on sick leave.

APPROVAL OF THE JOURNAL

Upon motion of Senator Aquino, there being no objection, the Body dispensed with the reading of the Journal of Session No. 49 (February 4, 2014) and considered it approved.



REFERENCE OF BUSINESS

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

BILL ON FIRST READING

Senate Bill No. 2098, entitled

AN ACT PROMULGATING A COMPREHENSIVE POLICY IN ADDRESSING THE NEEDS OF PERSONS WITH RARE DISEASE

Introduced by Senator Cayetano (P)

To the Committees on Health and Demography; Social Justice, Welfare and Rural Development; and Ways and Means

RESOLUTION

Proposed Senate Resolution No. 480, entitled

RESOLUTION EXPRESSING SYMPATHIES AND SINCERE CONDOLENCES OF THE SENATE OF THE PHILIPPINES ON THE DEATH OF FORMER NATIONAL BUREAU OF INVESTIGATION (NBI) CHIEF AND FORMER GOVERNOR OF CAVITE EPIMACO VELASCO

Introduced by Senator Ramon "Bong" Revilla Jr.

To the Committee on Rules

COMMUNICATIONS

Letter from the Office of the Undersecretary for Migrant Workers' Affairs, submitting to the Senate the "Report to Congress on Assistance to Nationals" for the period January to June 2013, in CD digital format, pursuant to Section 33 of Republic Act No. 8042, otherwise known as Migrant Workers and Overseas Filipinos Act of 1995, as amended by Republic Act No. 10022.

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

Letter from the *Bangko Sentral ng Pilipinas*, submitting to the Senate the Report to Congress on Public Sector/Publicly-Guaranteed Private Sector Foreign Loans, approved by the *Bangko Sentral ng Pilipinas* (BSP) for the Third Quarter of 2013 and the entire 2013, pursuant to Section 20, Article VII of the Constitution of the Republic of the Philippines.

To the Committees on Economic Affairs; and Finance

ADDITIONAL REFERENCE OF BUSINESS**MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

Letter from the Secretary General of the House of Representatives, informing the Senate that on 3 February 2014, the House of Representatives passed the following House bills, in which it requested the concurrence of the Senate:

House Bill No. 45, entitled

AN ACT DECLARING THE CITY OF CAGAYAN DE ORO A MINING-FREE ZONE

To the Committee on Environment and Natural Resources

House Bill No. 670, entitled

AN ACT DECLARING THE PROVINCE OF CATANDUANES A MINING-FREE ZONE

To the Committee on Environment and Natural Resources

House Bill No. 1214, entitled

AN ACT REQUIRING THE USE OF FILIPINO SIGN LANGUAGE INSETS FOR LOCAL NEWS PROGRAMS, AMENDING FOR THE PURPOSE SECTION 22 OF REPUBLIC ACT NO. 7277, AS AMENDED, OTHERWISE

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KNOWN AS THE MAGNA CARTA
FOR PERSONS WITH DISABILITY

**To the Committees on Public Information
and Mass Media; and Social Justice, Welfare
and Rural Development**

House Bill No. 1641, entitled

AN ACT DECLARING THE CELEBRA-
TION OF THE NATIONAL CHILD-
REN'S MONTH IN THE COUNTRY
IN OCTOBER OF EVERY YEAR

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

House Bill No. 1847, entitled

AN ACT CHANGING THE NAME OF
ALCANTARA NATIONAL TRADE
SCHOOL TO ROMBLON NATIONAL
INSTITUTE OF TECHNOLOGY

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

House Bill No. 2297, entitled

AN ACT CHANGING THE NAME OF
KASIBU NATIONAL AGRICULTURAL
SCHOOL BEING ADMINISTERED
BY THE TECHNICAL EDUCATION
AND SKILLS DEVELOPMENT
AUTHORITY (TESDA) IN BARANGAY
PUDI, MUNICIPALITY OF KASIBU,
PROVINCE OF NUEVA VIZCAYA
TO NUEVA VIZCAYA POLYTECHNIC
INSTITUTE

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

House Bill No. 3575, entitled

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

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

House Bill No. 3593, entitled

AN ACT EXEMPTING FROM THE
REQUIREMENT ON POPULATION
AND ON LAND AREA THE CON-
VERSION OF A MUNICIPALITY
INTO A COMPONENT CITY IF IT
HAS A LOCALLY GENERATED
AVERAGE ANNUAL INCOME OF
AT LEAST TWO HUNDRED TWENTY
MILLION PESOS (P220,000,000.00),
AMENDING FOR THE PURPOSE
SECTION 450 OF REPUBLIC ACT
NO. 7160, AS AMENDED, OTHER-
WISE KNOWN AS THE LOCAL
GOVERNMENT CODE OF 1991

To the Committee on Local Government

and House Bill No. 3617, entitled

AN ACT ESTABLISHING A VOLUN-
TARY STUDENT LOAN PROGRAM
BY PRIVATE BANKS PROVIDING
INCENTIVES THEREFOR AND FOR
OTHER PURPOSES

**To the Committees on Banks, Financial Insti-
tutions and Currencies; Government Corporations
and Public Enterprises; and Ways and Means**

BILL ON FIRST READING

Senate Bill No. 2099, entitled

AN ACT ESTABLISHING THE MALUNG-
GAY INDUSTRY, STRENGTHENING
THE DEVELOPMENT OF MALUNG-
GAY UTILIZATION AND FOR
OTHER PURPOSES

Introduced by Senator Cynthia A. Villar

**To the Committees on Agriculture and Food;
and Trade, Commerce and Entrepreneurship**

RESOLUTIONS

Proposed Senate Resolution No. 481, entitled

RESOLUTION RECOGNIZING LORENZ
RAY PAYONGA AND ALYSSA
TRICIA ELOISE VINTOLA OF THE

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ATENEO DE MANILA UNIVERSITY FOR THEIR INNOVATIVE PROJECT CALLED "OSCILLOHUMP," AN ALTERNATIVE ENERGY SOLUTION WHICH HARVESTS ENERGY FROM ROAD HUMPS AS THEY EMERGED WORLD CHAMPIONS IN SCHNEIDER ELECTRIC'S "GO GREEN IN THE CITY" GLOBAL FINALS HELD IN PARIS, FRANCE, PROVING THE GLOBAL COMPETITIVENESS OF THE FILIPINO YOUTH

Introduced by Senator Grace Poe

To the Committees on Rules

Proposed Senate Resolution No. 482, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON PUBLIC WORKS TO CONDUCT AN INQUIRY IN AID OF LEGISLATION ON THE ENVIRONMENTAL SUSTAINABILITY OF THE CEMENT BEING PRODUCED BY THE PHILIPPINE CEMENT MANUFACTURING INDUSTRY AND TO CALL ON THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS TO ENSURE THAT THE LOCAL CEMENT PRODUCTION INDUSTRY IS ONE WITH THE GLOBAL COMMUNITY IN THE EFFORTS TO MAKE CEMENT PRODUCTION "GREENER" AND MORE ENVIRONMENT-FRIENDLY

Introduced by Senator Marcos Jr.

To the Committees on Trade, Commerce and Entrepreneurship; and Environment and Natural Resources

SECOND ADDITIONAL REFERENCE OF BUSINESS

BILLS ON FIRST READING

Senate Bill No. 2100, entitled

AN ACT MANDATING THE BUREAU

OF INTERNAL REVENUE TO EXCLUSIVELY INVESTIGATE, PROSECUTE AND HANDLE TAX RELATED CASES, AMENDING SECTION 220, CHAPTER II, TITLE VIII OF REPUBLIC ACT NO. 8424, OTHERWISE KNOWN AS THE "TAX REFORM ACT OF 1997" AND FOR OTHER PURPOSES

Introduced by Senator Enrile

To the Committee on Ways and Means

Senate Bill No. 2101, entitled

AN ACT EXEMPTING THE SALE OF ELECTRICITY TO RESIDENTIAL CONSUMERS WITH CONSUMPTION NOT EXCEEDING 250 KILOWATT HOUR FROM THE VALUE-ADDED TAX, AMENDING FOR THE PURPOSE SECTION 109 (1) OF REPUBLIC ACT NO. 8424 OF THE NATIONAL INTERNAL REVENUE CODE OF 1997, AS AMENDED, AND FOR OTHER PURPOSES

Introduced by Senator Enrile

To the Committees on Ways and Means; and Energy

Senate Bill No. 2102, entitled

AN ACT AMENDING SECTION 86 (A) (4) OF REPUBLIC ACT NO. 8424, AS AMENDED, OTHERWISE KNOWN AS THE NATIONAL INTERNAL REVENUE CODE OF 1997

Introduced by Senator Enrile

To the Committee on Ways and Means

COMMITTEE REPORTS

Committee Report No. 11, prepared and submitted jointly by the Committees on Civil Service and Government Reorganization; and Finance, on Senate Bill No. 2103, with Senators Legarda, Trillanes IV and Escudero as authors thereof, entitled

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AN ACT REGULATING THE PRACTICE OF METALLURGICAL ENGINEERING IN THE PHILIPPINES, REPEALING FOR THIS PURPOSE PRESIDENTIAL DECREE NUMBERED 1536, OTHERWISE KNOWN AS THE METALLURGICAL ENGINEERING LAW OF THE PHILIPPINES, AND FOR OTHER PURPOSES,

recommending its approval in substitution of Senate Bill Nos. 672 and 1011.

Sponsor: Senators Trillanes IV, Legarda and Escudero

To the Calendar for Ordinary Business

Committee Report No. 12, submitted jointly by the Committees on Civil Service and Government Reorganization; and Finance on Senate Bill No. 2055, introduced by Senator Trillanes IV, entitled

AN ACT REGULATING THE PRACTICE OF FORESTRY IN THE PHILIPPINES, REPEALING FOR THE PURPOSE REPUBLIC ACT NUMBERED SIXTY-TWO HUNDRED THIRTY-NINE, KNOWN AS "THE FORESTRY PROFESSION LAW", APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES,

recommending its approval with amendments.

Sponsors: Senators Trillanes IV and Escudero

To the Calendar for Ordinary Business

Committee Report No. 13, submitted jointly by the Committees on Civil Service and Government Reorganization; and Finance, on Senate Bill No. 914, introduced by Senator Trillanes IV, entitled

AN ACT TO REGULATE AND MODERNIZE THE PRACTICE OF CHEMISTRY IN THE PHILIPPINES, REPEALING FOR THE PURPOSE REPUBLIC ACT NUMBERED 754, ENTITLED "AN ACT TO REGULATE THE PRACTICE OF CHEMISTRY IN THE PHILIPPINES," AND FOR OTHER PURPOSES,

recommending its approval with amendments.

Sponsors: Senators Trillanes IV and Escudero

To the Calendar for Ordinary Business

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

Senator Aquino acknowledged the presence in the gallery of the following guests from the Democratic Socialist Republic of Sri Lanka:

1. Hon. D. E. W. Gunasekera, Special Envoy for His Excellency Mahinda Rajapaksa, President of Sri Lanka, and Senior Minister of Human Resources;
2. Mr. Lionel Fernando, Advisor to Hon. Senior Minister of Human Resources; and
3. Mrs. H.M.G.R.R.K. Wijeratne Mendis, Charge d' Affaires, a.i., Embassy of Sri Lanka, Manila.

Senate President Drilon welcomed the guests to the Senate.

COMMITTEE REPORT NO. 2 ON SENATE BILL NO. 1733
(Continuation)

Upon motion of Senator Aquino, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1733 (Committee Report No. 2), entitled

AN ACT IMPLEMENTING THE PEOPLE'S RIGHT TO INFORMATION AND THE CONSTITUTIONAL POLICIES OF FULL DISCLOSURE AND HONESTY IN THE PUBLIC SERVICE AND FOR OTHER PURPOSES.

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

SUSPENSION OF SESSION

Upon motion of Senator Aquino, the session was suspended.

It was 3:28 p.m.

RESUMPTION OF SESSION

At 3:37 p.m., the session was resumed.

Upon resumption, the Chair recognized Senator Poe, sponsor of the measure, and Senator Sotito for the continuation of his interpellation.

INTERPELLATION OF SENATOR SOTTO (Continuation)

Adverting to Section 3, paragraph (b), Senator Sotito questioned the inclusion of draft records as part of the information that may be accessed as he feared that it may create confusion to the public if draft records are treated as official because erroneous conclusions may be drawn from these records.

Senator Poe explained that Section 3, paragraph (b) was adopted from the People's Ownership of Government Information (POGI) bill passed during the 15th Congress. She said, however, that the Committee is willing to delete this provision, at the proper time, because of concerns raised against it.

Senator Sotito suggested the inclusion of the term "personal information" in the Definition of Terms in Section 3. He noted that only the word "information" was defined even if the term "personal information" was mentioned in Section 10.

Senator Poe welcomed the proposal, saying that it is more secure to define "personal information" or the right to privacy to delineate them from those which pertain to public transactions.

On Section 4 (*Coverage*), Senator Sotito asked if private entities performing public functions are covered by the bill. Senator Poe said that they are covered as far as transactions with the government are concerned.

Asked which, and how, transactions are determined as "high public interest," Senator Poe stated that, at the proper time, the Committee will propose the following amendment to the second sentence:

PROVIDED, THAT PUBLIC SERVICE CONTRACTORS MUST SUBMIT TO THE GOVERNMENT AGENCY CONCERNED ALL RECEIPTS, IDENTITIES OF SUPPLIERS, PURCHASE ORDERS, CASH VOUCHERS, RELATED CONTRACTS AND AGREEMENTS WITH

OTHER PRIVATE ENTITIES AND ANY AND ALL DOCUMENTS AND/OR PAPERS RELATED TO THE EXECUTION OR IMPLEMENTATION OF THEIR TRANSACTIONS/CONTRACT WITH THE GOVERNMENT AGENCIES INVOLVED; *PROVIDED, FURTHER*, THAT THE DUTY OF PRIVATE CONTRACTORS TO SUBMIT THE DOCUMENTS AND/OR PAPERS TO THE GOVERNMENT AGENCY INVOLVED SHALL BE A MANDATORY PROVISION OR UNDERTAKING IN THEIR CONTRACT WITH SAID GOVERNMENT AGENCY, A NONCOMPLIANCE OF WHICH WOULD SUBJECT THE PUBLIC SERVICE CONTRACTOR TO A LIABILITY UNDER SECTION 20.

She explained that before a private entity could enter into a contract with the government, both parties will have to agree to a mandatory undertaking that all information regarding the entity's transactions, both private and public, should be declared to determine the private entity's capability to transact with the government.

Asked on the procedure of obtaining documents from private entities, Senator Poe stated that an individual who will request for details of a contract between a private contractor and a government agency should go to the latter for the information because it is where the contractor who submits all the information as required by law.

Senator Sotito expressed concern that a private contractor might submit an edited or different information regarding its transactions. He then asked how an individual would be able to identify if the information is true or false.

Senator Poe clarified that the bill allows an individual to request such information from the private contractor and it is up to the contractor to grant the request. She reiterated that it is the duty of the contractors to submit to the concerned agency the requirements provided in the bill. Nevertheless, she expressed willingness to accept amendments at the proper time,

Senator Sotito suggested the inclusion of private entities in the enumeration of those who are covered under Section 22 (*Criminal Offenses and Penalties*).

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Without this inclusion, he said that an individual can easily be refused when asking for direct information from them.

Senator Poe said that there are penalties imposed upon a government agency that would withhold information not within the exemptions in Section 7. However, she welcomed the proposal to include the private contractors in the enumeration, saying that it would encourage their participation in the submission of information.

On Section 5 (*Access to Information*), Senator Sotto inquired if access to information is limited to natural persons and does not include juridical persons like corporations. Senator Poe replied that since most of the information will be in the websites of concerned agencies, even non-Filipinos could access said information. She explained that even if the provision intends to protect the rights of Filipino citizens, a particular foreign company may request said information from any Filipino and no Filipino is prevented from sharing such to foreigners.

Asked if there is an age limit, Senator Poe said that the only requirement for accessing information is a curious mind.

Senator Sotto said that Section 7(j) is vague, making it prone to abuse. He expressed concern that agencies might use the provision as an excuse not to disclose the information requested.

Senator Poe said that any provision on exemption in any law is always subject to abuse. She stated that included in the main considerations of the bill are the remedial measures which could be challenged in court or in another forum, such as the Office of the Ombudsman.

As to how Section 7(j)(2) would apply, in particular to the possible prevention of the implementation of a proposed action, Senator Poe cited a case when a discussion of stock manipulation has transpired but the parties do not immediately reveal their sources especially if they have not necessarily decided on the authenticity of the matter.

Noting that Section 8 provides for the mandatory disclosure of information in contracts and agreements involving at least P50 million, Senator Sotto asked what the basis is for the threshold and the reason for the apparent exclusion of other contracts. Senator

Poe disclosed that the provision was lifted from the POGI version, and that the threshold was based on the amount that would qualify for the crime of plunder. She said that the threshold was for determining the contracts that should be mandatorily uploaded in full. She clarified, however, that the government would not be precluded from uploading any other contracts for public scrutiny.

On Section 12, *Procedure of Access*, which provides that "the stated reasons shall not be used as a ground to deny the request or to refuse the acceptance of the request, unless such reason is contrary to law," Senator Sotto asked whether any request for access to information would be granted regardless of the reason, provided it is not contrary to law. Senator Poe answered in the affirmative, adding that it is not necessary to prove the importance of the requested document. She explained that a form has to be filled out with the requester's name, address and the reason for the request, among others. She said that the reason for the request will never be the basis for its denial but is merely intended to give the government agencies an idea for such request. She affirmed that proper identification of the requesting party should be provided and that anonymous requests will not be allowed. She said that for indigents, a barangay certification would suffice in lieu of an ID.

Senator Sotto noted that Section 13 (*Access and Processing Fees*) provides that "government agencies may charge a reasonable amount to reimburse actual cost of reproduction, copying, or transcription and communication of the information requested." He suggested that a maximum charge be imposed to discourage exorbitant charges which could be construed as a way of withholding information. In reply, Senator Poe said that a provision stating that the government agency could not charge beyond the actual cost of production could instead be included in cases where the requested document would be in a format that is not yet available online and the document would have to be photocopied. Senator Sotto suggested a conference between their respective staff for the purpose of formulating an acceptable amendment.

Asked to describe the procedure in exhausting the remedies provided for under Section 16 in case of denial of the request, Senator Poe explained that the requesting party should proceed to the FOI desk of the agency to fill out a form and present verifiable



identification; the type of information requested would be submitted for consideration and the agency would have 15 working days from receipt of the request, to comply; and in the event that the agency could not provide the information, the request should be referred to the proper agency where the information may be obtained. She said that if the agency could not provide any information, or if the requesting party felt that the information was being unjustly withheld, the request could then be referred to the person of a higher position than the one in the FOI desk who will have five working days to respond to the request; if after five days the agency denies the request because the requested information is not available or refuses to provide the information because the requesting party is not deemed authorized to receive such, a petition for *mandamus* could be filed in the proper court as well as an administrative complaint before the Ombudsman in cases where the head of the agency was just being lazy to comply or was obviously trying to conceal a wrongful act.

On Section 17 (*Keeping of Records*) and considering the allowable archival period, Senator Sotto asked whether the archival cost was considered in the bill. Senator Poe answered in the affirmative, adding that the allowable archival period is five years. She noted that the National Archives of the Philippines (NAP) Act of 2007 mandates that certain information should be kept for specific number of years except cultural, historical, evidentiary, or administrative information such as SALNs of employees, which cannot be destroyed at any time. She explained that the proposed FOI bill would mandate every government agency to include in its budget an amount necessary to sustain the FOI law. But she said that in practice, the National Archives is the the agency which primarily determines the type of documents which can be destroyed or not.

Asked whether the measure covers local government units, Senator Poe admitted that the main focus of the bill is on government agencies but she will look into the local government offices, as well. Senator Sotto said that some cities like Quezon and Manila have budgets amounting to billions of pesos. Senator Poe commended Senator Sotto for the suggestion, saying that a lot of pertinent documents are contained and housed in local government institutions.

Asked about a circular issued by the National Archives regarding the retention period, Senator Poe quoted Section 13 of Republic Act No. 9470 which

states that: "All government offices shall each establish their archives and records office/unit in coordination with the DBM and the National Archives from their organic personnel within a year from the date of effectivity of this Act. The records officer or an archivist of a government office shall head the said archives and records office/unit." She said that the bill mandates all government offices to establish an archives and records unit. She said that the Body should be firm if it wants to include local government units, recognizing that archiving LGU's documents would be a huge task to accomplish.

Senator Sotto read into the record a provision from National Archives of the Philippines Circular No. 1, to wit: "Retention Period – refers to the specific period of time established and approved by the National Archives of the Philippines as the life span of records, after which they are deemed ready for permanent storage or destruction." He then asked about the National Archives' scope insofar as the retention period in the LGUs is concerned.

In reply, Senator Poe said that the LGUs' records are also under the NAP as provided for under Section 5 of RA 9470 which, among others, mandates government accountability in ensuring that full and accurate records of the affairs of national government and the LGUs are maintained and preserved. She cautioned, however, that prudence dictates the scrutiny of the NAP's procedure in housing documents in the local level considering that it does not even have its own building. She said that she has no information as to whether it has enough storage facilities or whether it could justify that all government units are actually preserving the documents required of them.

Senator Sotto recalled that during the Twelfth Congress, he brought up the integrity of the records in the National Archives which, as revealed, can be manufactured, as when a record indicated that Fernando Poe Jr. was not a Filipino.

Senator Poe commended Senator Sotto for raising the matter and recognizing the vulnerability of the archiving system in the country. She emphasized the importance of preserving documents, ensuring their integrity and having an accurate records keeping system. While all government offices, including the national government and LGUs, would be mandated to establish their respective archives under the bill, she said that she will still invite the NAP officials during the period of amendments, for the purpose of

strengthening the provision of the bill on records keeping.

Asked whether a private citizen could be penalized under the bill, Senator Poe answered in the affirmative, citing as an example a contractor who would conspire with a government employee to withhold information that should have been revealed.

Citing the last paragraph of Section 22, Senator Poe said that even contractors who conspire with private individuals would be penalized by automatic revocation of their license to operate. She stressed the need to refine the provision by including private individuals not connected to any corporation, or the middlemen.

Asked for an instance when withholding information is in good faith, as stated in Section 23, Senator Poe cited a case when an information is not found at the time of the request due to the fact that the archiving system in the Philippines is not perfect. She said that an FOI officer should not be penalized if the reason for the failure to produce the information is an honest mistake, and not because of laziness or negligence as corroborated by those in the department.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1733

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

SUSPENSION OF SESSION

Upon motion of Senator Aquino, the session was suspended.

It was 4:19 p.m.

RESUMPTION OF SESSION

At 4:20 p.m., the session was resumed.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Aquino acknowledged the presence in the gallery of Councilor Milton Isagani Mendador from Catarman, Northern Samar who was also the former Sangguniang Kabataan National Federation president.

Senate President Drilon welcomed the guest to the Senate.

CHANGE OF REFERRALS

Consistent with the *Rules* defining the jurisdiction of each committee, upon motion of Senator Aquino, there being no objection, the Body approved the transfer of the referrals of the following to the appropriate committees hereunder indicated:

1. From the Committee on Rules now becoming the secondary committee, to the Committee on Peace, Unification and Reconciliation as the primary committee;
 - Senate Resolution No. 471 (inquiry into the framework agreement on the Bangsamoro and the annexes passed and signed by the government of the Philippines and the MILF);
2. From the Committee on Education, Arts and Culture to the Committee on Youth:
 - Senate Bill No. 153 (prescribing entrepreneurship education to high school and college students);
 - Senate Bill No. 201 (developing financial literacy education);
 - Senate Bill No. 1192 (developing financial literacy education);
 - Senate Bill No. 1327 (including entrepreneurial and financial literacy education for secondary school students);
 - Senate Bill No. 1713 (establishing the National Commission on Entrepreneurial Education); and
 - Senate Bill No. 147 (requiring the inclusion of entrepreneurship as a separate subject in the high school curriculum).

SPECIAL ORDER

Upon motion of Senator Aquino, there being no objection, the Body approved the transfer of Committee Report No. 11 on Senate Bill No. 2103 from the Calendar for Ordinary Business to the Calendar for Special Orders.

**COMMITTEE REPORT NO. 11
ON SENATE BILL NO. 2103**

Upon motion of Senator Aquino, there being no objection, the Body considered, on Second Reading, Senate Bill No. 2103 (Committee Report No. 11), entitled

AN ACT REGULATING THE PRACTICE OF METALLURGICAL ENGINEERING IN THE PHILIPPINES, REPEALING FOR THIS PURPOSE PRESIDENTIAL DECREE NUMBERED 1536, OTHERWISE KNOWN AS THE METALLURGICAL ENGINEERING LAW OF THE PHILIPPINES, 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 Aquino, 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 Trillanes for the sponsorship.

**SPONSORSHIP SPEECH
OF SENATOR TRILLANES**

Senator Trillanes explained that Senate Bill No. 2013 seeks to replace the existing Metallurgical Engineering Law created under Presidential Decree No. 1536 to make it attuned to the recent developments in the field of technological developments in the globalizing world.

He then presented the following changes which the bill seeks to establish to enable and equip these professionals as effective partners of the government in nation-building and in order for them to be at par with their global counterparts:

First, the re-definition of scope of practice of metallurgical engineering, providing for a clear delineation of functions vis-à-vis its allied professions such as Mining Engineering and Geology;

Second, the creation of a Professional Regulatory Board which shall supervise the practice of metallurgical engineering, including the conduct of examination for prospective metallurgical engineers;

Third, the mandate of continuing professional education of our professionals in order to ensure that they are updated on the latest developments and innovations in their profession;

Fourth, the provision of a reciprocity clause which would pave the way for our metallurgical engineers to practice abroad, provided that we afford the same privilege to the citizens of the receiving country;

Lastly, the integration of the metallurgical engineering profession through one and only accredited professional organization as registered under the Securities and Exchange Commission.

Senator Trillanes emphasized that in order to mainstream metallurgical engineering practice in the country, there is need to provide a stable and updated framework which will ensure for the country a capable and competitive stream of metallurgical engineer professionals. Recognizing the potential of metallurgical engineering in the country, he said that the country's professionals must keep pace with the changing environment, and that this bill will help them do that.

He informed the Body that a similar measure was passed on Third Reading in the House of Representatives during the 15th Congress, but due to time constraints and other priorities, it was not passed in the Senate.

Finally, he then asked the support of the Body for the immediate passage of the bill in recognition of the great potential and importance of metallurgical engineering profession to the country.

**SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 2103**

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

SPECIAL ORDER

Upon motion of Senator Aquino, there being no objection, the Body approved the transfer of Committee Report No. 12 on Senate Bill No. 2055 from the Calendar for Ordinary Business to the Calendar for Special Orders.

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**COMMITTEE REPORT NO. 12
ON SENATE BILL NO. 2055**

Upon motion of Senator Aquino, there being no objection, the Body considered, on Second Reading, Senate Bill No. 2055 (Committee Report No. 12), entitled

AN ACT REGULATING THE PRACTICE OF FORESTRY IN THE PHILIPPINES, REPEALING FOR THE PURPOSE REPUBLIC ACT NUMBERED SIXTY-TWO HUNDRED THIRTY-NINE, KNOWN AS "THE FORESTRY PROFESSION LAW," APPROPRIATING FUNDS THEREFOR 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 Aquino, 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 Trillanes for the sponsorship.

**SPONSORSHIP SPEECH
OF SENATOR TRILLANES**

Senator Trillanes stated that the Forestry Profession Law or Republic Act No. 6239 is one of the professional regulatory laws that the Committee intends to update in order to ensure that the country registered professionals and standards of practice are attuned to the international standards and developments in the field. He noted that since the enactment of the Forestry Profession Law of 1971, there have been a number of changes to the milieu, as well as issues, in which the forestry profession operates. He stressed that the pressing concern of climate change aggravated by human-induced environmental destruction as well as natural calamities necessitates a major reorientation of this profession, and that the interplay of various political, environmental and ethical considerations has made the practice of this profession truly unique.

Given this peculiar nature of the forestry profession, Senator Trillanes presented the salient features of this bill which seeks to repeal Republic Act No. 6239 and enacts a more comprehensive

law that will regulate the practice of forestry in the country, to wit:

- a. A more detailed and comprehensive definition of the scope of activities and services of the practice of forestry;
- b. Establishment of a Professional Regulatory Board for foresters which shall regulate the practice of forestry in accordance with the provisions of this measure;
- c. Provision of a reciprocity clause which would pave the way for our foresters to practice abroad, provided that we afford the same privilege to the citizens of the receiving country; and
- d. Integration of forestry practitioners into one and accredited national organization.

Having witnessed the impact of changes in our environment, particularly the devastation brought by climate change and environmental changes in the country, Senator Trillanes believed that foresters play a significant role in mitigating the impact of these changes and in attaining sustainable development. In order to fulfill this role, he said that it is just right that they are provided with the necessary framework that will allow them to enhance their capacity through the enactment of this measure.

**SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 2055**

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

SPECIAL ORDER

Upon motion of Senator Aquino, there being no objection, the Body approved the transfer of Committee Report No. 13 on Senate Bill No. 914 from the Calendar for Ordinary Business to the Calendar for Special Orders.

**COMMITTEE REPORT NO. 13
ON SENATE BILL NO. 914**

Upon motion of Senator Aquino, there being no objection, the Body considered, on Second Reading, Senate Bill No. 914 (Committee Report No. 13), entitled

AN ACT TO REGULATE AND

MODERNIZE THE PRACTICE OF CHEMISTRY IN THE PHILIPPINES, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 754 ENTITLED "AN ACT TO REGULATE THE PRACTICE OF CHEMISTRY IN THE PHILIPPINES," 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 Aquino, 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 Trillanes for the sponsorship.

SPONSORSHIP SPEECH OF SENATOR TRILLANES

Preliminarily, Senator Trillanes stated that chemistry plays an important role in every aspect of life—from scientific or academic endeavour to its application in everyday life, so that without the proper regulation of its application and practice, it has the potential to become a threat to the safety of the public.

He explained that the old Chemistry Law or Republic Act No. 754 was enacted in 1952 to regulate the practice of chemistry in the country; however, recent developments in science and technology as well as in global standards have made the provisions of this law outdated, thus the need to reformulate the law to make it more responsive to these recent developments.

Senator Trillanes stated that Senate Bill No. 914 seeks to repeal Republic Act No. 754 and introduces the following:

- Update the definition of Chemistry and the scope of the professional practice of Chemistry;
- Define the practice of the Chemical Technician;
- Strengthen the professional practice of Chemistry to promote global competitiveness and to bring it in line with international practice, certification and standards;
- Rationalize the relationship between Chemistry and allied professions;
- Strengthen the authority of the Board of Chemistry to supervise chemistry laboratories and other entities which practise chemistry to ensure that the minimum quality standards are maintained;
- Support the requirement for Continuing Professional Education (CPE) for the continuous training and international competitiveness of professional chemists;
- Allow foreign chemists to practice in the country, provided that their countries of origin afford the same privilege to Filipino chemists; and
- Bring the practice of Chemistry in line with the PRC Modernization Act of 2000 (Republic Act No. 8981) as well as national concerns related to chemistry such as the laws relating to toxic, hazardous and nuclear wastes (Republic Act No. 6969) and the Dangerous Drugs Act (Republic Act No. 9165).

He informed the Body that during the 15th Congress, this measure was passed on Third Reading in the House of Representatives, but due to time constraints and different priorities, it was not passed in the Senate.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 914

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

COMMITTEE MEMBERSHIPS

Upon motion of Senator Aquino, there being no objection, the following senators were elected to the Committee on Women, Family Relations and Gender Equality:

Chairperson : Cayetano (P)

Members :

Legarda	Poe
Angara	Villar
Marcos	Binay
Defensor Santiago	Ejercito

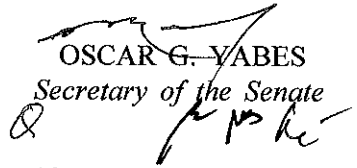
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ADJOURNMENT OF SESSION

Upon motion of Senator Aquino, there being no objection, the Chair declared the session adjourned until three o' clock in the afternoon of Monday, February 10, 2014.

It was 4:36 p.m.

I hereby certify to the correctness of the foregoing.


OSCAR G. YABES
Secretary of the Senate

Approved on February 10, 2014