



REPUBLIC OF THE PHILIPPINES  
**Senate**  
Pasay City

# Journal

**SESSION NO. 54**  
Monday, February 17, 2014

**SIXTEENTH CONGRESS**  
**FIRST REGULAR SESSION**

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**CALL TO ORDER**

At 3:08 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

**PRAYER**

Sen. Joseph Victor G. Ejercito led the prayer, to wit:

*Mahal naming Panginoon, kami ay nagpapasalamat sa araw na ito at muli Ninyo kaming tinipon upang gampanan ang aming mga tungkulin. Ipinagpapasalamat din namin ang patuloy Ninyong paggabay sa amin. Patawarin Ninyo po kami sa aming mga pagkukulang. Sa kabila po ng mga pagsubok, kami ay maglilingkod sa Inyo sa pamamagitan ng aming mga gawain.*

*Idinudulog po namin sa Inyo lahat ang mga suliraning kinakaharap ng aming bansa. Nawa po ay magkaroon ng katuranan ang mga pangyayaring ito upang muling hubugin ang aming katatagan at pagkakaisa. Patuloy po naming ipinagdarasal ang kapayapaan at kaunlaran ng aming bansa.*

*Ang lahat ng ito ay ibinabalik namin sa Iyo Panginoon, ng buong puso.*

*Amen.*

**NATIONAL ANTHEM**

The Balikatan Multipurpose Cooperative for the Blind led the singing of the national anthem and thereafter rendered the song, entitled "Bayan Ko."

**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.	Honasan, G. B.
Aquino, P. B. IV B.	Lapid, M. L. M.
Binay, M. L. N. S.	Legarda, L.
Cayetano, A. P. C. S.	Osmeña III, S. R.
Drilon, F. M.	Pimentel III, A. K.
Ejercito, J. V. G.	Recto, R. G.
Enrile, J. P.	Revilla Jr., R. B.
Escudero, F. J. G.	Sotto III, V. C.
Estrada, J.	Villar, C. A.

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

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

Senators Guingona and Marcos were on official mission

Senator Defensor Santiago was on sick leave.

*gyh*

## APPROVAL OF THE JOURNAL

Upon motion of Senator Cayetano (A), there being no objection, the Body dispensed with the reading of the Journal of Session No. 53 (February 12, 2014) and considered it approved.

## SUSPENSION OF SESSION

Upon motion of Senator Cayetano (A), the session was suspended to allow the Members to extend their birthday greetings to Senator Enrile (February 14) and Senator Estrada (February 17).

*It was 3:15 p.m.*

## RESUMPTION OF SESSION

At 3:17 p.m., the session was resumed.

## MANIFESTATION OF SENATOR ESTRADA

Senator Estrada asked if there were indeed CCTV footages that will prove Mrs. Tuason's claim that she delivered a bag full of money to his office by passing through the Senate basement parking lot. The Senate President replied that based on the written report submitted by the Sergeant-at-Arms to the Office of the Senate President, CCTV footages taken in the Senate prior to 2010 were recorded in VHS tapes and were erased after 30 days in the absence of any request for the same. The tapes, he said, were reused for the same purpose thereafter. He confirmed that recordings of CCTV footages in DVDs only began in 2011, and he assured Senator Estrada that he will be provided with a copy of the report.

Senator Estrada stated that since the alleged whistleblower mentioned the year when the alleged delivery was made, the Senate President can authorize the release of the CCTV footages which captured the face of Mrs. Tuason. He stressed the importance of releasing the tapes since the issue involves not only the credibility of every member of the Senate but also of the institution itself. The Senate President said that the Sergeant-at-Arms would submit a report, particularly on the dates involved, copy of which will be given to Senator Estrada and released to the public.

Likewise, Senator Estrada said that while he was monitoring the hearing of the Blue Ribbon Committee last Tuesday, he was surprised upon hearing the statement of the Committee Chairman, Senator Guingona,

concluding that the testimony of Mrs. Tuason, at the last hearing, was a "three-point shot buzzer-beater winning basket." He pointed out that during his ten years in the Senate, he has never prejudged the outcome of any investigation which, he said, are supposed to be conducted in aid of legislation. He questioned the propriety of a committee chairman prejudging the outcome of any hearing, adding that if this is allowed, then as the chairperson of the Committee on Labor, Employment and Human Resources Development, he could also do the same during his own hearings. He asked if there was still need to call for another hearing by the Blue Ribbon Committee since Senator Guingona had already prejudged the outcome and has found him guilty. He believed that if anyone has evidence against him, the Committee on Ethics and Privileges should be convened as the proper forum for this issue.

Along with Senators Enrile and Revilla, Senator Estrada lamented that since they were implicated in the PDAF scam, almost everyday, they have been hogging\* the headlines, demonized and tried by publicity. He maintained that Mrs. Tuason gave an empty testimony. He admitted that he was hurt by the parting statements of Senator Guingona, but he stressed that while they are colleagues, he would not let anyone pass judgment on him and that he is ready to fight for his right because he is innocent. He said that he would never seek assistance from anyone because his conscience was clear and he could defend his case in court.

Senator Estrada acknowledged that Vice President Binay, as well as his other colleagues, is free to express his views on the issue, but he insisted that this should not be the case for the chairperson of the Blue Ribbon Committee.

Senator Cayetano (A) explained that the Senate leadership was aware that the hearing would be difficult for the Senate because, while self-regulation is necessary in any organization, investigations involving a member are expected to result in complaints on how they are handled because the personalities involved are public figures. He said that he understood that the members, such as Senator Guingona, were only doing their job. He added that he was thankful that Senator Estrada did not take personally the interviews that he gave to the media regarding the issue. He added that he, in fact, declined the requests

\*As corrected by Senator Estrada on February 18, 2014.

for interviews of the three major television networks in deference to Senators Enrile and Estrada who were celebrating their birthdays.

Senator Cayetano (A) also agreed with Senator Estrada that the chairperson of a committee and its members have different responsibilities, and he believed that Senator Guingona could explain his side. He said that Senator Estrada's absence during the hearing was understandable because he could be accused of bullying the witnesses, in the same way that even Senator Estrada's partymates or the members of the Minority, might also be suspected of siding with him if they asked questions during the hearing. But, on the other hand, he said their absence could also be seen as a lost opportunity for them to ask questions.

Senator Cayetano (A) said that he would leave it to Senator Guingona if he will answer the challenge and manifestations made by Senator Estrada.

#### REMARKS OF SENATOR SOTTO

Senator Sotto called on his colleagues to look back at how members of past Congresses conducted themselves. Specifically, he recalled that in the Tenth Congress, when he was being encouraged to become the running mate of then Sen. Gloria Macapagal Arroyo under KAMPI, he became a victim of black propaganda, linking him to a suspected druglord, knowing even that what catapulted him into the Senate in the Ninth Congress was his achievements as head of the Quezon City Anti-Drug Abuse Council which was declared the model council by the WHO for fighting dangerous drugs in the Philippines. He narrated that one witness was presented by then DOJ Secretary Teofisto Guingona who linked that particular suspected druglord to his office and one or two members of his staff.

Senator Sotto recalled that during that time, he rose on a question of personal privilege and called for the creation of a select committee, which was eventually headed by Sen. Marcelo Fernan, former chief justice. He said that numerous hearings were conducted but not a single member of the Senate said anything against him. He stated that all the pieces of evidence were presented and discussed in the committee and, thereafter, Senator Fernan came up with a report declaring that the Senate Select Committee did not find Senator Sotto guilty of anything. •

He further recalled that when then Secretary Guingona became senator, he set a breakfast meeting through Sen. Neptali Gonzales, to tell him that there was nothing personal between them and to admit that he was fed with wrong information.

Senator Sotto said that even after what happened, there was no disharmony in the Senate. He hoped that in the Sixteenth Congress, the Senate should avoid this kind of events.

Senator Cayetano (A) stated that the Senate was in a very difficult situation and that history will be the judge. He narrated that in a morning talk show earlier, he mentioned that he was happy that Senator Estrada was challenging the witnesses with his call to present the CCTV footages, and that in a radio interview he had together with Senator Estrada last Saturday, he heard Senator Estrada asking "how he was supposed to have a SARO when he has just been elected and he was against President Gloria Macapagal Arroyo."

Senator Cayetano (A) pointed out that in the past, when an issue was hurled against an individual senator, it was between him and the public. But this time, it is the whole Senate as an institution which is on trial.

#### ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Cayetano (A) acknowledged the presence in the gallery of the following:

- Students of Don Bosco Academy, Pampanga, headed by the teachers-in-charge, Ms. Ana Layug, Michelle Liwanag and class president Jed Serrano;
- Students of the University of the Cordilleras, headed by Dean Reynaldo Agranzamendez;
- Vice Mayor Victomar Bunnol of Lamut, Ifugao Province, and the barangay officials of West Lamut, Ifugao Province; and
- Mr. Allan Pineda *aka* apl. de. ap, with Ambassador Marciano Paynor Jr., Consul General of the Philippines in San Francisco, and Director General of the Organizing Committee for the APEC Summit in 2015.

\*As corrected by Senator Sotto on February 18, 2014.

Senate President Drilon 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. 2119, entitled

AN ACT PROVIDING FOR THE CODE OF MILITARY JUSTICE FOR THE ARMED FORCES OF THE PHILIPPINES AND THE PHILIPPINE COAST GUARD, REPEALING FOR THE PURPOSE COMMONWEALTH ACT NUMBERED FOUR HUNDRED EIGHT, OTHERWISE KNOWN AS THE ARTICLES OF WAR, AS AMENDED, OTHER SPECIAL LAWS, AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Trillanes IV

**To the Committees on National Defense and Security; and Finance**

Senate Bill No. 2120, entitled

AN ACT AMENDING REPUBLIC ACT NO. 9184, OTHERWISE KNOWN AS THE GOVERNMENT PROCUREMENT REFORM ACT, AND FOR OTHER PURPOSES

Introduced by Senator Osmeña III

**To the Committee on Constitutional Amendments and Revision of Codes**

Senate Bill No. 2121, entitled

AN ACT AMENDING REPUBLIC ACT NO. 8762, OTHERWISE KNOWN AS THE RETAIL TRADE LIBERALIZATION ACT, AND FOR OTHER PURPOSES

Introduced by Senator Osmeña III

**To the Committee on Trade, Commerce and Entrepreneurship**

Senate Bill No. 2122, entitled

AN ACT PROHIBITING DISCRIMINATION ON THE BASIS OF ETHNICITY, RACE, RELIGION OR BELIEF, POLITICAL INCLINATION, SOCIAL CLASS, SEX, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, CIVIL STATUS, HIV STATUS AND OTHER MEDICAL CONDITION AND PROVIDING PENALTIES THEREFOR

Introduced by Senator Paolo Benigno "Bam" Aquino IV

**To the Committees on Cultural Communities; and Social Justice, Welfare and Rural Development**

### RESOLUTIONS

Proposed Senate Resolution No. 496, entitled

RESOLUTION CONGRATULATING AND COMMENDING KAREN JANARIO OF LEYTE SPORTS ACADEMY (LSA) FOR GARNERING FIVE GOLD MEDALS IN THE BATANG PINOY NATIONAL FINALS

Introduced by Senator Maria Lourdes Nancy S. Binay

**To the Committee on Rules**

Proposed Senate Resolution No. 497, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON ELECTORAL REFORMS AND PEOPLE'S PARTICIPATION TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE FEASIBILITY OF CONDUCTING OVERSEAS REGISTRATION AND VOTING VIA INTERNET OR ELECTRONIC MAIL

Introduced by Senator Pimentel III

**To the Committee on Electoral Reforms  
and People's Participation**

Proposed Senate Resolution No. 498, entitled

RESOLUTION HONORING THE MEMORY  
OF RETIRED SUPREME COURT  
JUSTICE SERAFIN R. CUEVAS AND  
EXPRESSING CONDOLENCE FOR  
HIS PASSING

Introduced by Senator Maria Lourdes Nancy  
S. Binay

**To the Committee on Rules**

**COMMUNICATIONS**

Letter from the Export Development Council,  
submitting to the Senate its 2013 Annual Report  
(Consolidated Quarterly Report), in compliance  
with Section 7(h) of Republic Act No. 7844  
also known as the Export Development Act  
of 1994.

**To the Committee on Trade, Commerce  
and Entrepreneurship**

Letters from the *Bangko Sentral ng Pilipinas*,  
transmitting to the Senate copies of the following  
certified and authenticated BSP issuances, in  
compliance with Section 15(a) of Republic Act  
No. 7653 (The New Central Bank Act):

Circular Letter Nos. CL-2013-047 to  
CL-2013-066;

Circular Nos. 806 to 808; 810 to 818; 820  
to 823; and

Memorandum Nos. M-2013-039 to M-2013-  
048; M-2013-051; M-2013-053 to  
M-2013-060.

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

**SUSPENSION OF SESSION**

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

*It was 3:41 p.m.*

**RESUMPTION OF SESSION**

*At 3:41 p.m., the session was resumed.*

**MANIFESTATION  
OF SENATOR CAYETANO (A)**

Senator Cayetano (A) manifested that on January  
29, 2014, the Senate adopted Senate Resolution  
No. 26, introduced by Senate President Franklin M.  
Drilon, entitled "Resolution Acknowledging and  
Commending the Artistic Achievement, Philanthropy  
and Education Advocacy Campaign of Mr. Allan  
'apl. de. ap' Pineda."

He said that at the time Senate Resolution No. 26  
was adopted by the Senate, Mr. Allan Pineda,  
a member of the internationally-acclaimed Black  
Eyed Peas, was out of the country and could not  
personally receive the official copy of the resolution.

**SUSPENSION OF SESSION**

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

*It was 3:43 p.m.*

**RESUMPTION OF SESSION**

*At 3:44 p.m., the session was resumed.*

Upon direction of the Chair, the Secretary of the  
Senate read the title of Senate Resolution No. 26,  
to wit:

RESOLUTION ACKNOWLEDGING AND  
COMMENDING THE ARTISTIC  
ACHIEVEMENTS, PHILANTHROPY  
AND EDUCATION ADVOCACY  
CAMPAIGN OF MR. ALLAN "apl.  
de. ap" PINEDA.

**SUSPENSION OF SESSION**

Upon motion of Senator Cayetano (A), the session  
was suspended to allow the senators to congratulate  
Mr. Allan Pineda.

*It was 3:44 p.m.*

**RESUMPTION OF SESSION**

*At 3:49 p.m., the session was resumed.*

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

Upon motion of Senator Cayetano (A), 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 PUBLIC DISCLOSURE AND HONESTY IN THE PUBLIC SERVICE AND FOR OTHER PURPOSES.

With permission of the Body, the Chair recognized Senator Poe to introduce the proposed committee amendments.

**COMMITTEE AMENDMENT**

On page 2, between lines 6 and 7, as proposed by Senator Poe, there being no objection, the Body approved the insertion of a new subsection D, to read as follows:

(D) "PUBLIC SERVICE CONTRACTOR" SHALL BE DEFINED AS A PRIVATE ENTITY THAT HAS A DEALING, CONTRACT OR TRANSACTION OF WHATEVER FORM OR KIND WITH THE GOVERNMENT OR A GOVERNMENT AGENCY/OFFICE THAT UTILIZES PUBLIC FUNDS.

**PARLIAMENTARY INQUIRY  
OF SENATOR SOTTO**

Asked by Senator Sotto whether the Body was allowing the introduction of committee amendments which were supposed to be individual amendments considering that what was reported out was a substitute bill, the Chair explained that precisely the permission of the Body was sought and given before Senator Poe was allowed to introduce the proposed committee amendments.

**COMMITTEE AMENDMENTS**  
(Continuation)

As proposed by Senator Poe, there being no objection, the Body approved the following committee amendments, one after the other.

1. On page 2, delete lines 17 to 21 and insert a new paragraph, to read as follows:

PUBLIC SERVICE CONTRACTORS ARE COVERED UNDER THIS ACT ONLY INSOFAR AS THEY ARE REQUIRED TO SUBMIT TO THE GOVERNMENT AGENCY CONCERNED ALL RECEIPTS, IDENTITIES OF SUPPLIERS, PURCHASE ORDERS, CASH VOUCHERS, RELATED CONTRACTS, AGREEMENTS WITH OTHER PRIVATE ENTITIES AND ANY AND ALL OTHER DOCUMENTS AND/OR PAPERS RELATED TO THE EXECUTION OR THE IMPLEMENTATION OF THEIR TRANSACTIONS/ CONTRACTS WITH THE GOVERNMENT AGENCY INVOLVED.;

2. On the same page, line 33, between the words "cause" and "damage," delete the word "serious";
3. Still on the same page, delete the last proviso from line 38 after the phrase "with any state" up to line 42, and in lieu thereof, insert the following provisos:

*PROVIDED*, THAT SUFFICIENT INFORMATION IS DISCLOSED TO AFFORD REASONABLE PUBLIC PARTICIPATION IN GOVERNMENT DECISION-MAKING ON BILATERAL AND MULTILATERAL AGREEMENTS; *PROVIDED FURTHER*, THAT THE HEAD OF THE DEPARTMENT OR AGENCY HAVING CUSTODY OR POSSESSION OF SUCH INFORMATION SHALL KEEP UNDER CONTINUING REVIEW ALL CLASSIFIED INFORMATION IN HIS CUSTODY AND MAY DIRECT THE DECLASSIFICATION REVIEW OF SUCH REVIEW AS NEEDED. DECLASSIFICATION OF INFORMATION SHALL BE SUBJECT TO THE APPROVAL OF THE PRESIDENT;

**SUSPENSION OF SESSION**

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

*It was 3:57 p.m.*

**RESUMPTION OF SESSION**

At 3:59 p.m., the session was resumed.

Upon resumption, the Chair requested Senator Poe to read the entire Section 7(a)(2), starting from line 35 of page 2.

**SUSPENSION OF SESSION**

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

*It was 4:05 p.m.*

**RESUMPTION OF SESSION**

At 4:07 p.m., the session was resumed.

Upon resumption, Senator Poe read the amended Section 7(a)(2), as follows:

- (2) The information requested pertains to the foreign affairs of the Republic of the Philippines, when its revelation shall unduly weaken the negotiating position of the government in an ongoing bilateral or multilateral negotiation or seriously jeopardize relations of the Philippines with any state. *PROVIDED*, THAT SUFFICIENT INFORMATION IS DISCLOSED TO AFFORD REASONABLE PUBLIC PARTICIPATION IN GOVERNMENT DECISION-MAKING ON BILATERAL AND MULTILATERAL AGREEMENTS. *PROVIDED, FURTHER*, THAT THE HEAD OF THE DEPARTMENT OR AGENCY HAVING CUSTODY OR POSSESSION OF SUCH INFORMATION SHALL KEEP UNDER CONTINUING REVIEW ALL CLASSIFIED INFORMATION IN HIS CUSTODY AND MAY DIRECT THE DECLASSIFICATION REVIEW OF SUCH REVIEW AS NEEDED. THE DECLASSIFICATION OF INFORMATION SHALL BE SUBJECT TO THE APPROVAL OF THE PRESIDENT.

**COMMITTEE AMENDMENT**

*(Continuation)*

As proposed by Senator Poe, there being no objection, the Body approved the deletion of subsection (b) starting from lines 43 to 45 of page 2, up to lines 1 to 3 on page 3, and in lieu thereof, the insertion of a new subsection (b), to read as follows:

- (B) THE INFORMATION CONSISTS OF MINUTES OR RECORDS OF ADVICE GIVEN OR OF OPINIONS EXPRESSED DURING DECISION-MAKING OR POLICY FORMULATION INVOKED BY THE CHIEF EXECUTIVE TO BE PART OF

PRESIDENTIAL COMMUNICATIONS PRIVILEGE. WHENEVER DISCLOSURE WOULD SIGNIFICANTLY UNDERMINE THE FREE AND FRANK PROVISION OF ADVICE OR EXCHANGE OF VIEWS *PROVIDED*, THAT AN EXECUTIVE ORDER SHALL BE ISSUED SPECIFYING THE REASONABLE PERIOD AFTER WHICH INFORMATION INVOKED TO BE PRIVILEGED UNDER THIS PARAGRAPH SHALL BE MADE ACCESSIBLE TO THE PUBLIC.

**SUSPENSION OF SESSION**

Upon motion of Senator Poe, the session was suspended.

*It was 4:11 p.m.*

**RESUMPTION OF SESSION**

At 4:12 p.m., the session was resumed.

**MANIFESTATION OF SENATOR POE**

Senator Poe stated that it would be more convenient to follow the format earlier suggested by the Senate President, which is to specify the page and line numbers instead of amending it by section and paragraph. She then requested to suspend the committee amendments until the following session day.

**SUSPENSION OF SESSION**

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

*It was 4:13 p.m.*

**RESUMPTION OF SESSION**

At 4:14 p.m., the session was resumed.

**MANIFESTATION OF SENATOR CAYETANO (A)**

Senator Cayetano (A) suggested that an advance copy of the proposed amendments be given to the senators before the measure is taken up again.

*yl* *rs*



Senate President Drilon agreed, saying that since the amendments are extensive, an advance copy would aid the Members in following the proposed amendments, particularly the lengthy ones. However, he cautioned against changing the format of the original bill as submitted to the Committee as it might create confusion when Members make cross-references.

Apart from providing the Members a copy of the bill as filed, Senator Cayetano (A) agreed that a clean copy incorporating the proposed amendments be provided for comparison.

Senator Poe agreed to comply with the recommendations.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1733**

Upon motion of Senator Cayetano (A), there being no objection, the Body suspended consideration of the bill.

#### **COMMITTEE MEMBERSHIP**

Upon nomination by Senator Cayetano (A), there being no objection, Senator Poe was elected member of the Joint Congressional Oversight Committee on Public Expenditures.

#### **SUSPENSION OF SESSION**

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

*It was 4:16 p.m.*

#### **RESUMPTION OF SESSION**

At 4:21 p.m., the session was resumed.

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

Considering that the *Record of the Senate* and the *Journal* are written records of the proceedings, Senator Cayetano (A) stated that the Senate President, upon consultation with the Secretariat and with Senator Sotto, has given instructions pertaining to the proper presentation of the proposed amendments.

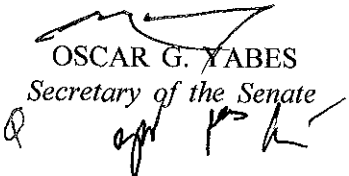
#### **ADJOURNMENT OF SESSION**

Upon motion of Senator Cayetano (A), there being no objection, the Chair declared the session adjourned until three o'clock in the afternoon of the following day.

*It was 4:22 p.m.*

I hereby certify to the correctness of the foregoing.

OSCAR G. YABES  
Secretary of the Senate



Approved on February 18, 2014