



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 55
Tuesday, February 18, 2014

SIXTEENTH CONGRESS
FIRST REGULAR SESSION

SESSION NO. 55
Tuesday, February 18, 2014

CALL TO ORDER

At 3:23 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

PRAYER

Sen. Juan Ponce Enrile led the prayer, to wit:

Aming Panginoon,

Lubos ang aming pasasalamat sa Inyong mga biyaya sa aming bansa.

Patuloy po sana Kayong maging bahagi sa pagbangon ng mga kababayan namin na nangangailangan.

Huwag N'yo pong pabayaang manatili ang kanilang buhay sa bingit ng paghihikahos at kawalan ng pag-asa.

Sa halip, panatilihin po Ninyo ang lakas ng loob at pag-asa sa kanilang mga puso.

Sa gitna ng mga pasakit at paghihirap na dulot ng mga kalamidad, lubos pa rin ang pagtulon ng marami, dahil inudyok Mo ang sambayanan tungo sa diwa ng tunay na bayanihan at pagdadamayan.

Aming Ama, aming dasal, bilang isang pamayanan, na manaig ang pagkakaisa tungo sa hangaring umunlad ang bansa.

Panginoon, basbasan Ninyo ang lahat ng aming gawain dito sa Senado, sa lalong ikapupunyagi ng Inyong Kaharian.

Bigyan N'yo po kami ng tunay na pagkaunawa, upang hindi mahusgahan ang aming mga gawa dulot ng mga maling akala.

Bilang mga lingkod-bayan, muli naming inaalay ang aming mga sarili bilang mga instrumento ng Inyong banal na hangarin.

Manatili nawa ang Inyong salita sa aming mga puso.

Siya Nawa.

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.
Cayetano, A. P. C. S.	Osmeña III, S. R.
Drilon, F. M.	Pimentel III, A. K.
Ejercito, J. V. G.	Poe, G.
Enrile, J. P.	Recto, R. G.
Escudero, F. J. G.	Sotto III, V. C.
Estrada, J.	Trillanes IV, A. F.
Guingona III, T. L.	Villar, C. A.
Honasan, G. B.	

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With 21 senators present, the Chair declared the presence of a quorum.

Senator Revilla arrived after the roll call.

Senator Cayetano (P) was on official mission.

Senator Defensor Santiago was on sick leave.

APPROVAL OF THE JOURNAL AS CORRECTED

Upon motion of Senator Cayetano (A), there being no objection, the Body dispensed with the reading of the Journal of Session No. 54 (February 17, 2014) and considered it approved, subject to the following corrections made by Senators Estrada and Sotto, respectively:

1. On page 1006, right column, second paragraph, under the heading "MANIFESTATION OF SENATOR ESTRADA" replace the word "hugging" with HOGGING; and
2. On page 1007, left column, last paragraph, under the heading "REMARKS OF SENATOR SOTTO," replace the sentence "Senator Fernan came up with a report declaring that the Senate did not have anything against him" with SENATOR FERNAN CAME UP WITH A REPORT DECLARING THAT THE SENATE SELECT COMMITTEE DID NOT FIND SENATOR SOTTO GUILTY OF ANYTHING.

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. 2123, entitled

AN ACT FURTHER AMENDING THE NATIONAL INTERNAL REVENUE CODE (NIRC) OF 1997, AS AMENDED, BY INCLUDING THE TRANSPORT OF CARGOES BY INTERNATIONAL CARRIERS UNDER THE LAST PARAGRAPH OF SECTION 28(A)(3),

PARAGRAPH (S) OF SECTION 109 AND DELETING SECTION 118 OF TITLE V THEREOF FOR THE PURPOSE OF EXPANDING TRADE AND ATTRACTING INVESTMENTS IN THE COUNTRY, AND FOR OTHER PURPOSES

Introduced by Senator Osmeña III

To the Committee on Ways and Means

RESOLUTIONS

Proposed Senate Resolution No. 499, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO INVESTIGATE, IN AID OF LEGISLATION, THE HIGH UNEMPLOYMENT RATE OF THE PHILIPPINES WITH THE END IN VIEW OF ADDRESSING THE CAUSES THEREOF

Introduced by Senators Sonny Angara, Paolo Benigno "Bam" Aquino IV, Guingona III, Grace Poe, and Pimentel III

To the Committee on Labor, Employment and Human Resources Development

Proposed Senate Resolution No. 500, entitled

RESOLUTION COMMENDING OVERSEAS FILIPINO WORKER JAYSON CASTILLO FOR HIS HONESTY AND INTEGRITY IN RETURNING VALUABLES AND MONEY HE FOUND IN QATAR

Introduced by Senator Maria Lourdes Nancy S. Binay

To the Committee on Rules

Proposed Senate Resolution No. 501, entitled

RESOLUTION COMMENDING 15-YEAR-OLD BAGUIO SWIMMER JENKINS LORENZO LABAO FOR WINNING 7 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. 502, entitled

RESOLUTION COMMENDING LOURENCE
ILAGAN FOR BEING THE FIRST
FILIPINO WORLD CHAMPION OF
SOFT-TIP DARTS IN THE WORLD
2013 GRAND FINAL

Introduced by Senator Maria Lourdes Nancy
S. Binay

To the Committee on Rules

Proposed Senate Resolution No. 503, entitled

RESOLUTION DIRECTING THE
PROPER SENATE COMMITTEES TO
CONDUCT AN INQUIRY, IN AID
OF LEGISLATION, REGARDING
ALLEGED SCAMS IN ONLINE
SELLING SITES, USING IDENTITIES
OF PROFESSIONALS TO COMMIT
FRAUD, WITH THE INTENTION OF
PROTECTING PROFESSIONALS
AND ONLINE BUYERS AND
RAISING AWARENESS AGAINST
ONLINE SELLING FRAUDS

Introduced by Senator Maria Lourdes Nancy
S. Binay

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

Proposed Senate Resolution No. 504, entitled

RESOLUTION DIRECTING THE
PROPER SENATE COMMITTEES TO
STUDY, IN AID OF LEGISLATION,
THE UNITED NATIONS OPTIONAL
PROTOCOL TO THE CONVENTION
ON THE RIGHTS OF THE CHILD ON
THE INVOLVEMENT OF CHILDREN
IN ARMED CONFLICT WITH THE
INTENTION OF STRENGTHENING
IMPLEMENTATION AND IMPROV-
ING LEGISLATION ON CHILDREN'S
RIGHTS

Introduced by Senator Maria Lourdes Nancy
S. Binay

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

ADDITIONAL REFERENCE OF BUSINESS

RESOLUTION

Resolution of Both Houses No. 1, entitled

RESOLUTION OF BOTH HOUSES OF
CONGRESS PROPOSING AMEND-
MENTS TO CERTAIN RESTRICTIVE
ECONOMIC PROVISIONS IN THE
1987 CONSTITUTION OF THE
REPUBLIC OF THE PHILIPPINES
SPECIFICALLY ON ARTICLES XII,
XIV AND XVI THEREOF

Introduced by Senator Recto

**To the Committee on Constitutional Amend-
ments and Revision of Codes**

**ACKNOWLEDGMENT
OF THE PRESENCE OF GUESTS**

At this juncture, Senator Cayetano (A) acknowl-
edged the presence of the following guests in the
gallery:

- College of Business Administration and
Accountancy students from Central Luzon
State University headed by Dr. Alpha
Santos-Recto;
- Father Eliseo Mercado, Jr. (OMI); and
- Ms. Dianne Cristine Sedenio.

Senate President Drilon welcomed the guests to
the Senate.

**QUESTION OF PRIVILEGE
OF SENATOR GUINGONA**

Rising on a question of personal and collective
privilege, Senator Guingona delivered the following
speech:

THE SEARCH FOR TRUTH

I begin with a quote from a once-famous
19th century French essayist by the name of

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Joseph Joubert. This prolific writer wrote, and I quote:

“When you go in search of honey
... you must expect to be stung by
bees.”

When I was given the task of serving as chair of the Senate Blue Ribbon Committee, I knew it would be a difficult one – an extremely difficult one.

It is a difficult task because its mandate is the search for truth, and, in the process, pinpoint accountabilities. Searching for truth, one might say, is like searching for honey.

Hindi po madali ang tungkulin at layunin ng Senate Blue Ribbon Committee at ng chairman nito. Subali't mahalaga ang kanyang layunin at tungkulin. Dahil dito, tinanggap ko ang tungkulin. At sa abot ng aking makakaya, sinisikap kong gawin ito nang maayos at mahusay.

Isang malaking hamon ang paghahanap ng katotohanan – lalo na kapag ang sangkot ay ang interes ng sambayanan.

Sa tungkuling ito, hindi umaasa ang komite ng papuri o paghanga man. Sapat na po ang masabi natin na nagawa natin nang tama ang ating tungkulin.

The work and mission of the Senate Blue Ribbon Committee has become even more difficult because the probe allegedly involves three of our peers in the Senate. I am not sure if this has a precedent in the history of Congress of our Republic. I am inclined to believe, at this point, that there is none.

Natatandaan ko po na nang umpisahan ng Blue Ribbon Committee ang imbestigasyon sa isyu ng PDAF, malaki ang naging pagdududa sa isip ng ating mga kababayan.

Una, iimbestigahan daw ba ng Senado ang sariling mga miyembro nito?

Pangalawa, kaya raw ba ng Senado ng Pilipinas na magsagawa ng isang tunay, patas at masusing imbestigasyon kung ang mga sangkot sa usapin ay mga kapwa senador?

Sa kabila ng mga pagdududang ito, tinitiyak ko po sa inyo na sinikap pa rin ng Blue Ribbon Committee na isagawa nang maayos ang tungkuling ito.

At ngayon po, nakalulungkot na sa puntong ito ang pagdududa sa kakayahan natin ay manggagaling mismo sa kasamahan natin.

Hindi po dapat na mangyari ito.

Allow me, therefore, to clear the air.

For the record, I have no intention of prejudging the guilt or innocence of any of our peers allegedly involved in the issue now under probe by the Senate Blue Ribbon Committee.

The transcripts of the hearings should prove this fact. And I believe I speak for myself as well as for our peers who have attended the hearings when I say that we have done our utmost best to ensure that the dignity and honor of our colleagues involved in this issue are preserved and protected.

I am aware, however, that a recent statement I have made both at the last committee hearing and press conference has caused offense and the perception that I may have “prejudged” the guilt of one of our peers.

Let me assure you as well as our colleagues that to “prejudge” has never been my intention.

I understand that the offense and the perception were apparently the result of the use of an analogy from the favorite national pastime – basketball. True, I have made such reference.

Let me assure you and our colleagues that the phrase did not refer to a state of guilt on the part of any person. *Uulitin ko*, the phrase did not refer to a state of guilt on the part of any person.

There are questions the Committee is attempting to answer. The witness had surely helped in the search for the answers — I repeat, in the search for answers not in the determination of guilt or innocence.

The phrase was used by me to describe and underscore the possible impact and value of the testimony of a witness.

Ang mga salitang ginamit ko ay hindi paghusga ng pagiging may sala o inosente ng sinuman. Ginamit ko ang salita upang ilarawan ang posibleng maging kahalagahan ng testimonya sa imbestigasyon ng komite.

I believe that there is a battle we must all fight together as one. And this is the battle to restore our people’s trust in the Senate of the Republic of the Philippines.

Naniniwala po ako, mayroon tayong isang malaking laban na kailangang harapin – at harapin natin ng sama-sama. Ito ay ang pakikipaglaban para maibalik ang tiwala ng mga kababayan natin sa Senado.

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Kasama dito ang tapat at magaling na pagtupad ng tungkulin ng Blue Ribbon Committee.

Part of that effort is the dedicated and good performance of its job by the Blue Ribbon Committee.

Mahirap ang tungkuling ginagampanan ng Blue Ribbon Committee. Pero anumang hirap nito, ito ay gagampanan natin.

Ano pa man ang hirap ng tungkuling ito, maaasahan ninyo na "trabaho lang po...at walang personalan."

SUSPENSION OF SESSION

Upon motion of Senator Aquino, the session was suspended.

It was 3:41 p.m.

RESUMPTION OF SESSION

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

INTERPELLATION OF SENATOR SOTTO

Senator Sotto said that while he concurred with the intention of the Blue Ribbon Committee to arrive at the truth, he found it difficult to reconcile the fact that the committee conducts two investigations at the same time: (1) investigation of public accountability; and 2) investigation of fellow senators. He believed that the latter could be best handled by the Committee on Ethics and Privileges so that the Blue Ribbon Committee could focus on the public accountability hearings concerning the PDAF issue to come up with better legislation.

Senator Guingona agreed, saying that he has no objection to the proposal.

INTERPELLATION OF SENATOR ESTRADA

Preliminarily, Senator Estrada said that while he has been hurt by Senator Guingona's parting statement during the last hearing of the Blue Ribbon Committee on the issue of PDAF, he was joining Senator Guingona in his quest to find the truth. However, he asked Senator Guingona for his true intention behind the statement "I think the testimony of Tuason is a three-point shot *na*, buzzer-beater *na*, winning shot *pa*," particularly since he mentioned in his speech that the said remark was not meant to prejudge him

(Senator Estrada). Senator Guingona explained that he had no intention of hurting Senator Estrada with the statement and said that it was an expression of his personal opinion on the value of the witness' testimony.

Asked how the statement, which in basketball parlance refers to a winning basket, can be connected to the testimony of Mrs. Tuason, Senator Guingona replied that the witness presented a very strong testimony since this was the first time that a witness claimed that she personally handed money to a senator.

Saying that he would not discuss details of the issue since the plenary session was not the proper forum, Senator Estrada nevertheless denied the allegations in the affidavit of Mrs. Tuason. He pointed out that Mrs. Tuason presented an empty affidavit because it contained generalizations and was bereft of details. He noted that the witness could not even remember how much money she allegedly delivered to him nor his address in Greenhills, San Juan.

Senator Guingona clarified that while he respected Senator Estrada's opinion, he nevertheless did not agree with it.

Senator Estrada said he respected Senator Guingona's opinion. However, he asked whether Senator Guingona took Mrs. Tuason's statement as gospel truth. Senator Guingona replied that he took the affidavit as a valuable testimony of a witness who said that she had personally given money to a senator.

On Senator Estrada's suggestion that he should have considered other pieces of evidence presented before coming to a conclusion on the matter, Senator Guingona reiterated that he did not make any conclusion but was merely expressing his opinion on the value of the testimony. He further disagreed with the observation that Mrs. Tuason's testimony was bereft of details because the witness even recalled having gone to the Senate parking lot and the experience of giving money to a senator many times in different places, and also remembered the faces of two staff members. He added that it would be difficult for the witness to remember the amount of money she delivered to the senator in 2008 which was six years ago. He doubted whether anyone could remember how much he spent in a single day for that long a period of time.

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But Senator Estrada pointed out that the issue was whether the witness was telling the truth or not, and he asked how Senator Guingona could be certain that Mrs. Tuason was not lying. He recalled having mentioned during his own media interviews that Mrs. Tuason only brought trays of sandwiches to his office and not a duffel bag as she claimed, and that he even challenged the Office of the Sergeant-At-Arms to produce the CCTV footages showing the witness delivering money to him.

Moreover, Senator Estrada said that he was surprised that only Atty. Gigi Reyes and himself were mentioned in the affidavit of Mrs. Tuason even if she was visiting other senator-friends and was asking for funding for some projects through PDAF. He questioned why Senator Guingona did not ask the witness about the other senators she was visiting aside from Senator Enrile and himself. Senator Guingona replied that they did ask Mrs. Tuason but the witness denied it.

Asked by Senator Estrada why Senator Enrile and himself were the only legislators mentioned in Mrs. Tuason's testimony even if he has received information that the witness also visited incumbent and former senators for projects, Senator Guingona replied that such questions should be addressed to the witness herself.

Senator Estrada stated that Senator Guingona had prejudged him in this issue, but Senator Guingona maintained that this was not the case.

SUSPENSION OF SESSION

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

It was 3:54 p.m.

RESUMPTION OF SESSION

At 5:19 p.m., the session was resumed.

Thereupon, the Chair recognized Senator Estrada for the continuation of his interpellation.

MANIFESTATION OF SENATOR ESTRADA

Senator Estrada stated that during the break, Senate President Drilon requested him not to prolong the debate with Senator Guingona because the

exchange might become personal. As befitting statesmen and honorable legislators, he said that he was acceding to the request of the Senate President. He likewise revealed that during the break, he had a lengthy talk with Senator Guingona where he expressed all his sentiments regarding the manner by which the Blue Ribbon Committee was handling the hearings on the pork barrel scam. He said that he requested Senator Guingona to hold impartial hearings and advised him to refrain from issuing statements that might influence the outcome of the investigation.

Senator Guingona said that the suggestions and advice of Senator Estrada were well-taken.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Cayetano (A), there being no objection, the Chair referred the speech of Senator Guingona and the interpellations thereon to the Committee on Rules.

SUSPENSION OF SESSION

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

It was 5:22 p.m.

RESUMPTION OF SESSION

At 5:22 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.

Senator Cayetano (A) stated that the parliamentary status was still the period of committee amendments.

Thereupon, the Chair recognized Senator Poe, sponsor of the measure.

MANIFESTATION OF SENATOR POE

At the outset, Senator Poe informed the Body that she would be using the amended copy of the bill containing the approved committee amendments as of February 17, 2014 as the working draft.

COMMITTEE AMENDMENTS

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

1. On page 3, line 25, between the word "function" and the period (.), insert a comma (,) and the phrase THE REVELATION OF WHICH WOULD IMPAIR THE IMPARTIALITY OF VERDICTS OR OTHERWISE OBSTRUCT THE ADMINISTRATION OF JUSTICE;
2. On page 4, line 20, after the word "before," delete the phrase "the Ombudsman or";
3. On page 8, lines 35 and 36, after period (.) following the word "negligence," delete the sentence "The procedure for such petition shall be summary in nature" and in lieu thereof, insert the sentence SUBJECT TO THE PROVISIONS OF EXISTING LAWS AND THE ISSUANCES OF THE SUPREME COURT, ALL COURTS SHALL GIVE PREFERENCE TO THE HEARING AND DISPOSITION OF PETITIONS FOR *MANDAMUS* FILED PURSUANT TO THE PROVISIONS OF THIS ACT.;
4. On the same page, line 37, after the word "examine," replace the word "then" with THEM;
5. On page 11, after the word "supervisor" on line 25, delete the words "the Ombudsman" up to line 26;
6. On the same page, between lines 29 and 30, insert a new subsection (a)(5) to read as follows:
 - (5) FAILURE TO UPLOAD INFORMATION REQUIRED TO BE POSTED ON AN AGENCY WEBSITE WITHIN THE PERIOD PROVIDED UNDER SECTION 19: *PROVIDED*, THAT THE HEAD OF AGENCY OR ANY OTHER OFFICER OR EMPLOYEE TASKED TO PERFORM SAID UPLOADING SHALL BE HELD LIABLE.
7. On the same page, line 47, after the word "any," delete the phrase "public officer or

employee" and in lieu thereof, insert the word INDIVIDUAL; and

8. On page 12, between lines 2 and 3, insert a new subsection (g) to read as follows:
 - (G) THE RESPONSIBLE OFFICERS OF THE PUBLIC SERVICE CONTRACTOR AND THE SIGNATORIES TO THE CONTRACT OR ANY DOCUMENT EVIDENCING TRANSACTION WITH THE GOVERNMENT OR GOVERNMENT AGENCY WHO FAIL TO SUBMIT THE NECESSARY DOCUMENTS/PAPERS AS PROVIDED IN SECTION 4 OF THIS ACT.

TERMINATION OF THE PERIOD OF COMMITTEE AMENDMENTS

There being no other committee amendment, upon motion of Senator Cayetano (A), there being no objection, the Body closed the period of committee amendments.

REQUEST FOR CLEAN COPY

Senator Cayetano (A) asked that the Members be furnished with a clean copy of the bill.

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.

MANIFESTATION OF SENATOR POE

Senator Poe expressed gratitude to the Members for the support and assistance extended to her in drafting the bill. In particular, she expressed gratitude to *Senator Sotto for helping her in the previous day's session when she presented the amendments for the first time, and to Senate President Drilon for his patience and for guiding her during the process.*

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Cayetano (A) acknowledged the presence in the gallery of the barangay captains of Bislig City, Surigao Del Sur, headed by City Mayor Librado Navarro.

Senate President Drilon welcomed the guests to the Senate.

NEXT DAY'S AGENDA

Senator Cayetano (A) stated that in the next day's session, the Body would resume consideration on Senate Bill No. 2046 (*Go Negosyo* bill). He requested the Members to prepare their individual amendments that would immediately follow the committee amendments.


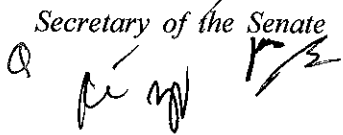
ADJOURNMENT OF SESSION

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 5:31 p.m.

I hereby certify to the correctness of the foregoing.


OSCAR G. YABES
Secretary of the Senate


Approved on February 19, 2014