



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 59
Wednesday, February 26, 2014

SIXTEENTH CONGRESS
FIRST REGULAR SESSION

SESSION NO. 59
Wednesday, February 26, 2014

CALL TO ORDER

At 3:12 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

PRAYER

Sen. Gregorio B. Honasan led the prayer, to wit:

Ama namin, sa araw na ito at sa darating na panahon at mga paghamon, turuan po Ninyo kami sa pamamagitan ng buhay na halimbawa ng Inyong Anak na si Hesus na maging makatarungan, maunawain, mapagbigay at mapagmahal sa kapwa.

At sa Inyong tulong, kami po sana ay tularan ng aming mga anak at nakababata. Sila ang aming tanging yaman na pinakaiingatan, hinuhubog at inihahanda upang maging mabuting mamamayan at mga susunod na pinuno ng bansa.

Sila ang aming inaasahan na magdulot ng mailap na pagkakaisa, kapayapaan, katarungan at tunay na pagbabago sa aming Inang Bayan.

Batid po namin na malayo pa at totoong mahirap ang aming paglalakbay tungo sa kaunlaran at lahat na patuloy na ipinaglalaman ng sambayanan. Kaya bigyan Ninyo po kami ng sapat na lakas

at tibay ng pananampalataya upang huwag mawalan ng pag-asa at pag-ibayuhin ang pagtutulungan para sa kinabukasan.

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

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

Senators Osmeña and Recto arrived after the roll call.

Senator Enrile was on official mission.

Senator Defensor Santiago was on sick leave.

Senators Guingona and Villar were absent.

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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. 58 (February 25, 2014) and considered it approved.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

Senator Cayetano (A) acknowledged the presence in the gallery of the following guests:

1. From the Metrobank Foundation, Inc. — Mr. Sobrepeña, president; Mr. Torres, executive director; Mr. Bugaoan, program officer; Ms. Garcia, program assistant; and Ms. Misajon, program assistant;
2. From Probe Media Foundation, Inc. — Ms. Yasmin Mapua-Tang, executive director;
3. From Binibining Pilipinas Charities, Inc. — Ms. Stella Marquez-Araneta, founder and president; Mrs. Bernado, director; and Ms. Ma. Teresa Mangahas, PR girl;
4. Students and members of the Anthonian Z Club and Kamalayan Club from the School of Saint Anthony, Quezon City headed by Ms. Ludmilla Dabajo;
5. Students from the School of Saint Anthony, Lagro, Quezon City; and
6. Students from Philippine Normal University- College of Education.

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:

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Letters from the Speaker of the House of Representatives, designating Representatives Quimbo, Mendoza, Eriguel, Abu and Echiverri as House Members to the Congressional Oversight Committee on Comprehensive Tax Reform Program;

Representatives Relampagos, Ungab, Lacson-Noel, Haresco Jr. and Garcia to the Joint Congressional Oversight Committee on Tourism;

Representatives Mendoza, Binay, Eriguel, Del Rosario and Fuentebella to the Joint Congressional Oversight Committee on Ecological Solid Waste Management.

To the Committee on Rules

BILLS ON FIRST READING

Senate Bill No. 2140, entitled

AN ACT GRANTING RETIREMENT AND OTHER BENEFITS TO EMPLOYEES OF THE OFFICE OF THE OMBUDSMAN AMENDING FOR THAT PURPOSE SECTION 6 OF REPUBLIC ACT NO. 6770, OTHERWISE KNOWN AS "THE OMBUDSMAN ACT OF 1989," AND FOR OTHER PURPOSES

Introduced by Senator Guingona III

To the Committees on Justice and Human Rights; and Civil Service and Government Reorganization

Senate Bill No. 2141, entitled

AN ACT STRENGTHENING THE FISCAL AUTONOMY OF THE OFFICE OF THE OMBUDSMAN BY AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 6770 OTHERWISE KNOWN AS "THE OMBUDSMAN ACT OF 1989," AND PROVIDING FUNDS THEREFOR

Introduced by Senator Guingona III

To the Committees on Justice and Human Rights; and Finance

Senate Bill No. 2142, entitled

AN ACT STRENGTHENING ASSISTANCE TO FARMERS, FISHERFOLK AND AGRARIAN REFORM BENEFI-

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CIARIES BY INSTITUTIONALIZING DIRECT CREDIT SUPPORT TO THE SECTORS, AMENDING REPUBLIC ACT NO. 3844 OR THE AGRICULTURAL LAND REFORM CODE

Introduced by Senator Grace Poe

To the Committee on Banks, Financial Institutions and Currencies

RESOLUTIONS

Proposed Senate Resolution No. 530, entitled

RESOLUTION RECOGNIZING AND COMMENDING MARIA TERESA MARTINEZ FOR HER ENDURING COMMITMENT AND PERSEVERANCE IN HELPING HER SON, MICHAEL CHRISTIAN MARTINEZ, REALIZE HIS DREAM OF BECOMING A FILIPINO OLYMPIAN

Introduced by Senator Maria Lourdes Nancy S. Binay

To the Committee on Rules

Proposed Senate Resolution No. 531, entitled

RESOLUTION CALLING FOR THE CONCURRENCE OF THE SENATE IN THE RATIFICATION OF THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL, AND CULTURAL RIGHTS, AND THEREBY FURTHER STRENGTHENING HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Introduced by Senator Guingona III

To the Committee on Foreign Relations

ADDITIONAL REFERENCE OF BUSINESS

BILL ON FIRST READING

Senate Bill No. 2143, entitled

AN ACT PROVIDING FOR TAX

EXEMPTIONS AND SUBSIDIES FOR THE LOCAL MUSIC INDUSTRY AND AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NO. 7160 OR THE LOCAL GOVERNMENT CODE OF 1991

Introduced by Senator Grace Poe

To the Committees on Local Government; and Ways and Means

RESOLUTIONS

Proposed Senate Resolution No. 532, entitled

RESOLUTION DIRECTING THE COMMITTEE ON LOCAL GOVERNMENT TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED RESTIVENESS OF CERTAIN STAKEHOLDERS IN THE TRUCKING INDUSTRY, OVER THE MMDA DAYTIME TRUCK BAN IN METRO MANILA; AND TO ENSURE THAT NO UNDUE DISRUPTION OF TRAFFIC IN METRO MANILA MIGHT BE CAUSED BY RESISTANCE TO THE BAN

Introduced by Senator Defensor Santiago

To the Committees on Local Government; and Public Services

Proposed Senate Resolution No. 533, entitled

RESOLUTION URGING THE SENATE COMMITTEES ON PUBLIC INFORMATION AND MASS MEDIA; AND ON JUSTICE AND HUMAN RIGHTS TO LOOK INTO GOVERNMENT INTERVENTIONS TO RESOLVE MEDIA KILLINGS AND EFFORTS TO PROTECT THE MEDIA IN THE LIGHT OF THE DROP IN PRESS FREEDOM RANKINGS OF THE PHILIPPINES FOR THE SECOND YEAR IN A ROW BY THE PARIS-BASED REPORTERS SANS FRONTIERES

Introduced by Senator Grace Poe

Handwritten initials and marks at the bottom right of the page.

To the Committees on Public Information and Mass Media; and Justice and Human Rights

Proposed Senate Resolution No. 534, entitled

RESOLUTION URGING THE SENATE COMMITTEE ON TRADE, COMMERCE AND ENTREPRENEURSHIP TO FURTHER EXAMINE HOUSEWIVES', STUDENTS', DISABLED OR RETIRED PERSONS' AND SEASONAL WORKERS' ACCESS TO THE BENEFITS OF REPUBLIC ACT NO. 9501 OR THE MAGNA CARTA FOR MICRO, SMALL AND MEDIUM-SCALE ENTERPRISES, REPUBLIC ACT NO. 9178 OR THE BARANGAY MICRO BUSINESS ENTERPRISES ACT OF 2002 AND OTHER PERTINENT LAWS TO FURTHER PROMOTE ESTABLISHMENT OF MICRO, SMALL AND MEDIUM ENTERPRISES FOR THOSE OUTSIDE THE LABOR FORCE AND TACKLE INCREASING UNEMPLOYMENT

Introduced by Senator Grace Poe

To the Committee on Trade, Commerce and Entrepreneurship

COMMITTEE REPORTS

Committee Report No. 16, prepared and submitted by the Committee on Foreign Relations, on Proposed Senate Resolution No. 535, entitled

RESOLUTION CONCURRING IN THE RATIFICATION OF THE EXTRADITION TREATY BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

recommending its approval without amendment,

Sponsor: Senator Defensor Santiago

To the Calendar for Ordinary Business

Committee Report No. 17, prepared and submitted by the Committee on Foreign Relations, on Proposed Senate Resolution No. 536, entitled

RESOLUTION CONCURRING IN THE RATIFICATION OF THE EXTRADITION TREATY BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE REPUBLIC OF INDIA,

recommending its approval without amendment,

Sponsor: Senator Defensor Santiago

To the Calendar for Ordinary Business

Committee Report No. 18, prepared and submitted by the Committee on Foreign Relations, on Proposed Senate Resolution No. 537, entitled

RESOLUTION CONCURRING IN THE RATIFICATION OF THE TREATY ON EXTRADITION BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE KINGDOM OF SPAIN,

recommending its approval without amendment,

Sponsor: Senator Defensor Santiago

To the Calendar for Ordinary Business

PROPOSED SENATE RESOLUTION NO. 505

Upon motion of Senator Cayetano (A), there being no objection, the Body considered Proposed Senate Resolution No. 505, entitled

RESOLUTION CONGRATULATING AND COMMENDING MICHAEL CHRISTIAN MARTINEZ FOR BEING THE FIRST SKATER FROM SOUTHEAST ASIA TO QUALIFY FOR THE WINTER OLYMPICS AND FOR FINISHING 19TH PLACE IN THE 2014 WINTER OLYMPICS HELD IN SOCHI, RUSSIA,

taking into consideration Proposed Senate Resolution Nos. 511, 513, 514, 515, 517 and 529.

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The Deputy Secretary for Legislation, Atty. Edwin B. Bellen, read the text of the resolution, to wit:

WHEREAS, Section 17 of Article II of the 1987 Philippine Constitution provides that “the State shall give priority to education, science and technology, arts, culture and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development”;

WHEREAS, the 2014 Winter Olympics, officially known as the XXII Olympic Winter Games, is a major international multi-sport event held in Sochi, Russia on February 7-23, 2014;

WHEREAS, Michael Christian Martinez, a 17-year old Filipino skater, is the first skater from Southeast Asia to qualify for the Winter Olympics. He is the lone representative of the Philippines at the 2014 Winter Olympics and served as its flag bearer during the opening ceremony;

WHEREAS, Michael Christian Martinez, qualified for the free skate and finished 19th overall with a total score of 184.25 in the 2014 Winter Olympics;

WHEREAS, Michael Christian Martinez, despite his family’s limited resources and severe asthma medical condition, pursued to learn and develop his skills in figure skating in various shopping mall rinks in the Philippines. He dreamed that one day, he would join the Winter Olympics and would bring pride to the Filipino nation;

WHEREAS, Michael Christian Martinez has proved to Filipinos that with perseverance, determination and hard work, it is possible to attain and fulfill one’s goals;

WHEREAS, during Michael Christian Martinez’ performance, commentators of the 2014 Winter Olympics have uttered the following compliments: “Such a great performance from such a young man!, what a debut for the Philippines!, that was fantastic!;

WHEREAS, Michael Christian Martinez’ achievement has brought pride, recognition and honor to the country and to Filipino people;

WHEREAS, Michael Christian Martinez rightfully deserves commendation from the Philippine Senate for remarkably showing to the world the exceptional talent of Filipinos;

RESOLVED, AS IT IS HEREBY RESOLVED, by the Senate of the Philippines, commending and congratulating Michael Christian Martinez

for being the first skater in Southeast Asia to qualify for the Winter Olympics and for finishing 19th place in the 2014 Winter Olympics held in Sochi, Russia, thereby bringing pride, joy and honor to the Filipino people.

Thereupon, the Chair recognized Senator Sotto for the sponsorship.

SPONSORSHIP SPEECH OF SENATOR SOTTO

In sponsoring Proposed Senate Resolution No. 505, Senator Sotto delivered the following speech:

This afternoon, we pause from affairs of state of legislation and of investigations for a little breath of fresh air.

To have an Olympic performer on ice and figure skating at that, when the only ice we produce in our country are from refrigerators, is an outstanding achievement indeed.

We salute those in the private sector, the commercial establishments, which foresaw that ice skating talent can come out from the youth, from a tropical archipelago such as ours. It is a triumph of vision and optimism.

The ordinariness of your circumstances, Michael, the challenges you faced, and the love of country you exhibited is nothing ordinary. While awaiting your scores you probably held your shirt with the Philippines embroidered thereon, like a flag waving in the winds. You are outstanding at the time when many of your age failed to finish high school, failed to help their family, and succeeded only in unprofitable and dangerous pleasures. By just being yourself, you proclaimed that there is hope for this country, that simple people do have the right to aim high and achieve a lot. You are a role model for every Filipino who is trying to achieve his dream.

He might not have brought home the gold but he brought home honor to 90 million Filipinos. Michael Christian Martinez, Filipino, *mabuhay ka!*

ADOPTION OF PROPOSED SENATE RESOLUTION NO. 505

Upon motion of Senator Cayetano (A), there being no objection, the Body adopted, subject to style, Proposed Senate Resolution No. 505, taking into consideration Proposed Senate Resolution Nos. 511, 513, 514, 515, 517 and 529.

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COAUTHORS

Upon motion of Senator Cayetano (A), there being no objection, all senators present were made coauthors of the resolution.

SUSPENSION OF SESSION

Upon motion of Senator Cayetano (A), the session was suspended for the presentation of the resolution of commendation to Michael Christian Martinez.

It was 3:32 p.m.

RESUMPTION OF SESSION

At 3:36 p.m., the session was resumed.

**PRESENTATION OF SENATE
RESOLUTION NO. 30**

Senator Cayetano (A) stated that when the Senate adopted Senate Resolution No. 30 on January 30, 2014, Mr. Manicad and Mr. Bondoc were both in the field for their respective research endeavors, while Ms. Malou Mangahas was attending a training seminar, which was why they were not able to personally accept their copy of the resolution.

Thereupon, the Secretary of the Senate read the title of Senate Resolution No. 30, to wit:

RESOLUTION CONGRATULATING AND
COMMENDING MARIA LOURDES
"MALOU" C. MANGAHAS, JARIUS
Y. BONDOC AND RODRIGO "JIGGY"
D. MANICAD JR. FOR BEING
NAMED THE 2013 JOURNALISTS
OF THE YEAR.

SUSPENSION OF SESSION

Upon motion of Senator Cayetano (A), the session was suspended for the presentation of Senate Resolution No. 30 to the honorees.

It was 3:37 p.m.

RESUMPTION OF SESSION

At 3:43 p.m., the session was resumed.

**PRESENTATION OF SENATE
RESOLUTION NO. 25**

Senator Cayetano (A) stated that when the Senate adopted Senate Resolution No. 25 on January 22, 2014, Miss International 2013 Bea Rose Santiago was attending a social function and, therefore, could not personally accept her copy of the resolution.

Thereupon, the Secretary of the Senate read the title of Senate Resolution No. 25, to wit:

RESOLUTION CONGRATULATING
AND COMMENDING BEA ROSE
SANTIAGO FOR HONORING THE
PHILIPPINES WITH THE PRESTIGI-
OUS MISS INTERNATIONAL 2013
TITLE IN TOKYO, JAPAN ON
DECEMBER 17, 2013.

SUSPENSION OF SESSION

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

It was 3:45 p.m.

RESUMPTION OF SESSION

At 3:45 p.m., the session was resumed.

PROPOSED SENATE RESOLUTION NO. 348

Upon motion of Senator Cayetano (A), there being no objection, the Body considered Proposed Senate Resolution No. 348, entitled

RESOLUTION CONGRATULATING
AND COMMENDING FILIPINA
BEAUTY ARIELLA ARIDA FOR
BEING CROWNED THIRD RUNNER-
UP IN THE 2013 MISS UNIVERSE
PAGEANT HELD AT COCUS CITY
HALL IN MOSCOW, RUSSIA ON 10
NOVEMBER 2013,

taking into consideration Proposed Senate Resolution No. 368.

The Secretary of the Senate read the text of the resolution, to wit:

WHEREAS, the Philippine Senate has, on several occasions, paid tribute to outstanding

Filipinos for their awe-inspiring and astounding feats, which have gained them recognition and awards in international competitions, thereby bringing home pride and glory to the country;

WHEREAS, 24-year old Filipina beauty Ariella Arida was crowned Third Runner-Up in the 2013 Miss Universe pageant, which was held at Crocus City Hall in Moscow, Russia on 10 November 2013, thereby besting more than 80 other candidates and distinctly the sole Asian to make it to the pageant's Top 5;

WHEREAS, Ariella Arida is a Laguna-born Filipina who impressed the judges as well as the audience not only with her beauty, poise, and charisma but more so with her wisdom as she demonstrated an advocacy for education as well as a sympathetic heart for her countrymen who were ravaged by super typhoon *Yolanda* on 08 November 2013;

WHEREAS, Ariella Arida gave the country a source of hope and pride in the wake of super typhoon *Yolanda* by winning the Third Runner-Up crown and by dedicating her fight for the crown to the Filipino people, urging her countrymen to keep strong amidst the storm;

WHEREAS, by winning Third Runner-Up in the highly prestigious Miss Universe pageant, Ariella Arida has made our country proud and has shown to the world that Filipinas are truly delightful to behold not only in appearance but also in strength of virtue and character;

WHEREAS, this outstanding performance by our Filipina beauty deserves to be commended for the honor and recognition she has brought to our country;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved by the Senate to congratulate and commend Filipina beauty Ariella Arida for being crowned Third Runner-Up in the 2013 Miss Universe pageant held at Crocus City Hall in Moscow, Russia on 10 November 2013.

ADOPTION OF PROPOSED SENATE RESOLUTION NO. 348

Upon motion of Senator Cayetano (A) there being no objection, Proposed Senate Resolution No. 348 was adopted by the Body, subject to style and taking into consideration Proposed Senate Resolution No. 368.

COAUTHORS

Upon motion of Senator Cayetano (A), there

being no objection, all the senators present were made coauthors of the resolution.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

Senator Cayetano (A) acknowledged the presence of Ms. Mutya Johanna Datul who was presented with a copy of Senate Resolution No. 11, commending her for winning the 2013 Miss Supranational crown last October 2013.

Senate President Drilon welcomed Ms. Datul to the Senate.

SUSPENSION OF SESSION

Upon motion of Senator Cayetano (A), the session was suspended for the presentation of the resolutions of commendation to Miss International 2013 Bea Rose Santiago and Miss Universe Third Runner-Up Ariella Arida.

It was 3:49 p.m.

RESUMPTION OF SESSION

At 3:58 p.m., the session was resumed with Senate President Pro Tempore Recto presiding.

SPECIAL ORDER

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 15 on Senate Bill No. 2138 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 15 ON SENATE BILL NO. 2138

Upon motion of Senator Cayetano (A), there being no objection, the Body considered, on Second Reading, Senate Bill No. 2138 (Committee Report No. 15), entitled

**AN ACT FURTHER AMENDING
PRESIDENTIAL DECREE NO. 1606,
AS AMENDED.**

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, with the permission of the Body, upon motion of Senator Cayetano (A), only the title of the

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

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

SPONSORSHIP SPEECH OF SENATOR PIMENTEL

Senator Pimentel presented and sought the support of the Body for the immediate approval of Senate Bill No. 2138 or the "Act Further Amending Presidential Decree No. 1606, as Amended."

The full text of Senator Pimentel's sponsorship speech follows:

This bill is the fruition of a comprehensive study and due deliberation on the two bills filed by our Senate President, Senate President Franklin M. Drilon, and colleague Senator Teofisto Guingona III. The objective of this bill is to improve the disposition of cases in the Sandiganbayan, our country's specialized court tasked to effectively and swiftly resolve corruption cases against erring government officials and employees.

The Constitution entrusts the Congress with the determination of the specialized court's functions and jurisdiction. And it is this constitutionally-enshrined power and duty that we seek to exercise today. Today, we propose to further strengthen and improve the Sandiganbayan's structure so as to make it capable of delivering justice in an efficient manner.

Fifteen dedicated, competent and fair justices compose the Sandiganbayan. But with a more vigilant and participative citizenry, with the government expansion and multiplied transactions, and the current structure, the capacity of this court to decide cases efficiently and promptly has been stretched beyond its limits. Unfortunately, the litigation of graft cases filed at the Sandiganbayan usually takes five to eight years before they are resolved.

Hence, as a matter of duty, it is imperative for us to introduce and make the necessary revisions in the court's structure to ensure that justice is delivered with haste and without delay.

The salient features of the bill, all geared towards the speedy disposition of cases in the Sandiganbayan, are the following:

1. The bill amends the *Sandiganbayan* Division quorum's requirement from three justices to two (Sec. 1).

2. To further decongest the dockets of the fifteen-member court, the bill likewise seeks to transfer the jurisdiction of minor cases to the regional trial courts (Sec. 2).
3. Probably the most simple, yet most innovative amendment this bill seeks to introduce is the concept of "Justice-Designate." The current law requires all three members of the division to hear and receive evidence, and in the absence of one, the law requires the presiding justice to designate a member of another division to sit as a special member of said division. Under this bill, "when there are two or more cases ready for trial on a particular day, the Chairperson of a division shall designate a member to hear and receive evidence and resolve all incidents arising therefrom for that day." The member designated to hear that case on that particular day shall be known as the "Justice-Designate" (Sec. 3).
4. But emphasis should be made that the three members of the division are still required to deliberate on a case submitted for judgment or final order.
5. Upon passage of this bill, the concurrence of two justices, instead of three, shall be necessary to render a ruling on a formal or written motion and a judgment or final order.

These amendments, if approved, shall significantly expedite the resolution of cases in the Sandiganbayan.

The battle against corruption has never been this intense and we will be blamed by our people if their Congress does not adequately and aggressively equip our anti-graft institutions with the proper tools to defeat and arrest the abuses in the government.

For these reasons and more, I urgently seek your support for the passage of this bill.

COSPONSORSHIP SPEECH OF SENATE PRESIDENT DRILON

In cosponsoring Senate Bill No. 2138, Senate President Drilon delivered the following speech:

"Justice delayed is justice denied" – a maxim we are all familiar with – remains relevant today as it has been when it was first uttered more than a century ago.

While we long to believe that a hundred years of political revolution and socio-economic evolution has transformed our governmental institutions into unfailing instruments of justice

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and has therefore rendered such maxim obsolete, reality unfortunately dictates otherwise. Despite the numerous advancements that have been incorporated in our judicial system through the years, justice continues to be as elusive as it has been during the infancy of our republic.

The Sandiganbayan, when it was established 40 years ago, was regarded as a trailblazing institution that arose from our unique experience in public governance. It was indeed an effective public accountability mechanism that adequately responded to the needs of that time. However, as our judicial structure becomes more ingenious, so does graft and other malfeasance. In fact, we now have a list of known offenses involving public officials that is longer than ever before.

As currently structured, the Sandiganbayan completes the proceedings of a case – from the filing of the information to promulgation of judgment – in about **seven years**. I repeat that from the time the information is filed up to the time the judgment is rendered, seven years would lapse. This is not even counting the number of years when the case is pending before the Office of the Ombudsman, before the office of the fact-finding investigator and in the preliminary investigation. This dismal rate of disposition reflects the heavily clogged dockets of the court, given that the cases filed before it has multiplied over the years. Such a drawn-out process of litigation is injustice in itself.

This inability to swiftly achieve the objective for which it was created can be attributed to the anti-graft court's systemic limitations, considering that it has nearly been two decades since the Sandiganbayan Law has undergone legislative examination. As a result, this public accountability weapon, which used to be tagged as a frontrunner in defeating corruption, now occupies the last spot in the race towards good governance.

If we are to outrun graft and corruption, it is imperative that we resuscitate and recondition our existing prosecutorial and adjudicatory institutions against this opponent. It is in this light that I present to this august Chamber, together with the principal sponsor, Senator Pimentel, and on behalf of the Committee on Justice and Human Rights, Senate Bill No. 2138, under Committee Report No. 15, entitled "An Act Further Amending Presidential Decree No. 1606, as Amended."

This bill seeks to introduce three innovations in the Sandiganbayan Law: first is the introduction of the "justice-designate" concept; second is the transfer of so-called minor cases

to the regional trial courts; and last is a modification of the voting requirement in rendering decision.

The first innovation under the measure, which is the "justice-designate" system, entails the amendment of Section 5 of the Sandiganbayan Charter that currently requires the presence of all three members of a division before a case could be heard. If one member is absent, they cannot have the trial for that day. This bill capacitates the individual members of a division to hear and receive evidence, and resolve incidents arising during such session for the day, in behalf of the division to which he or she belongs. To further expedite the proceedings, the measure likewise allows session to be held upon the attendance of two members of a division, instead of all three, as presently required.

Nevertheless, consistent with the principle of collegiality, all three members of the division shall be required to deliberate and decide the case, after all pieces of evidence have been presented. This new concept is expected to accelerate the pace of case disposition, with minimal cost to the government.

In effect, if this bill meets the approval of this Chamber, we will have fifteen (15) justices who will hear cases in the Sandiganbayan as contrasted to the present five trial justices because we only have five divisions hearing these cases.

The second modification under the bill involves the streamlining of the anti-graft court's jurisdiction, which will enable the Sandiganbayan to concentrate its resources on resolving the most significant cases filed against public officials. The bill seeks to amend Section 4 of the law by transferring jurisdiction over cases that are classified as "minor" to the regional trial courts, which have the sufficient capability and competence to handle these cases. Under this measure, the so-called "minor cases," although not really minor, shall pertain to those where the information does not allege any damage or bribe; those that allege damage or bribe that are unquantifiable; or those that allege damage or bribe arising from the same or closely related transactions or acts not exceeding One Million Pesos.

As of the last quarter of 2013, about 60% of the cases before the Sandiganbayan constitute what we might call "minor cases." With this amendment, the court will be empowered to focus on the most notorious cases and be able to render judgment in a matter of months.

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The last innovation we seek to introduce in this measure is the modification of the voting requirement for promulgation of judgment. Under Section 5 of the Sandiganbayan Law, the unanimous vote of all three members is necessary for the rendition of final order. Failure to reach unanimity shall require the constitution of a special division of five members. We would like to stress that the constitution of this special division alone takes about four months, per the records of the Sandiganbayan, which further adds to the delay in the disposition of cases. Instead of the swift culmination of cases already submitted for resolution, the agony for both the accused and the public is further prolonged. Hence, we propose under the bill that a concurrence of two members be sufficient for the promulgation of judgment.

In addressing the limitations of the anti-graft court through these amendments, we are mindful of the constitutionally guaranteed rights of the accused. After all, it has been said that justice cannot be for one side alone, but must be for both. To guard against being an *ex post facto* legislation, the bill expressly provides that the amendments to the Sandiganbayan's jurisdiction and voting requirement for the promulgation of judgment shall only apply to cases arising from offenses committed after the effectivity of the measure. It will not apply to the existing cases now pending. Only the justice-designate amendment will apply to the present cases pending in the Sandiganbayan.

Ultimately, the most potent deterrent against the spread of corruption is the certainty of punishment and the expeditiousness of the proceedings, by boosting the structural capability of our anti-graft mechanisms.

With these cutting edge proposals, we are confident that not only will the Sandiganbayan catch up with the pace of graft and corruption in public institutions; such court will actually beat it to the finish line in this marathon to good governance. With these strategic changes, we can now move forward and regain our title in this race because, as has been said, "we don't want to be remembered as a beaten champion."

For all these reasons, I urge the support of this august Chamber for the passage of Senate Bill No. 2138 under Committee Report No. 15.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2138

Upon motion of Senator Cayetano (A), there

being no objection, the Body suspended consideration of the bill.

SUSPENSION OF SESSION

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

It was 4:15 p.m.

RESUMPTION OF SESSION

At 4:31 p.m., the session was resumed with Senate President Drilon presiding.

CHANGE OF REFERRAL

Upon motion of Senator Cayetano (A), there being no objection, the Chair approved to transfer the referral of Senate Bill Nos. 127, 149, 210 and 245, all dealing with the decriminalization of libel, from the Committee on Public Information and Mass Media to the Committee on Justice and Human Rights.

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 individual amendments.

Thereupon, the Chair recognized Senator Poe, sponsor of the measure, and Senator Sotto for his amendments.

MANIFESTATION OF THE CHAIR

Senate President Drilon stated that the Body would use the February 25, 2014 amended copy of the bill.

Senator Sotto, however, said that his amendments were based on the February 24, 2014 amended copy but he would use both copies for his amendments.

REMARKS OF SENATOR SOTTO

Senator Sotto recalled that during the 9th Congress,* the period of amendments was done in one sitting, thus it did not become a burden on the part of the Secretariat to keep on producing an amended copy of the bill every time it was amended by a senator, and at the same time it was beneficial for the sponsor of the bill because he/she would have one time only to consider the amendments.

Senator Sotto recalled that in the past, the practice was that during the period of amendments, amendments were presented page by page and line by line, and whoever had an anterior amendment was recognized first, after which all the amendments were incorporated and the Secretariat proceeded to prepare a clean copy of the bill as amended. He noted that at present, a clean copy is prepared each time a senator had completed the presentation of his/her amendment. He suggested that in the future, the Body may consider reverting to the previous practice in presenting amendments and in making clean copies of the bill.

Senate President Drilon believed that the appeal was addressed to all the senators and not merely to the Chair and the Majority Leader as they were simply recognizing and respecting the schedule of individual senators. He thanked Senator Sotto for reminding the Members of the orderly proceedings of the past as regards the presentation of amendments during plenary sessions.

SOTTO AMENDMENTS

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

1. On page 2, line 1, after the word "information," insert a comma (,) and the phrase IN FINAL FORM and a comma (,) thereafter;
2. On the same page, line 3, replace the comma (,) with a period (.) and delete the phrase "regardless of whether the information

is in the draft, final or any other stage or status";

3. On the same page, after line 6d, insert a new provision to read as:
 - (E) "PERSONAL INFORMATION" IS INFORMATION ABOUT AN A) IDENTIFIABLE INDIVIDUAL THAT WOULD IN THE ORDINARY COURSE OF EVENTS, BE KNOWN ONLY TO THE INDIVIDUAL OR MEMBERS OF HIS/HER FAMILY, OR FRIENDS OR B) IS HELD BY A PUBLIC BODY ON THE UNDERSTANDING THAT IT WOULD BE TREATED BY IT AS CONFIDENTIAL;
4. On the same page, line 30, replace the word "secret" with the word CONFIDENTIAL;
5. On page 3, line 31, after the word "official," insert the words OR EMPLOYEE;
6. On page 7, line 12, replace the word "the" with the word VERIFIABLE;
7. On page 8, line 2, replace the words "to reimburse" with the phrase WHICH SHALL IN NO CASE EXCEED; and
8. On page 12, line 10, after the period (.), insert a new sentence, subject to style, to read as:

IN CASES OF DENIAL OF REQUESTS, THE PUBLIC OFFICIAL, OFFICER OR EMPLOYEE INVOLVED MUST PROVE THAT HE/SHE ACTED IN GOOD FAITH BY SPECIFYING THE GROUND RELIED UPON FOR THE DENIAL.

MANIFESTATION OF SENATOR POE

Senator Poe thanked Senator Sotto for his guidance and support for the measure as well as his recommendation that the period of amendments be expedited while maintaining respect for the time allotted for each member to make his or her own proposals.

MANIFESTATION OF SENATOR CAYETANO (A)

Senator Cayetano (A) informed the Body that two or more Members would be proposing their amendments the following week. He expressed hope that the period of amendments would be completed by Monday so that the bill could be passed on Second Reading next week as well.

*As corrected by Senator Sotto on March 3, 2014.

The Chair directed the Office of the Majority Leader to inform the Members of the timetable so that the bill could be passed on Second Reading the following week and voted on Third Reading the week after.

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 MEMBERSHIPS

Upon nomination by Senator Cayetano (P), the following senators were elected to the following committees hereunder indicated:

Joint Congressional Oversight Committee on Cooperatives

Members: Marcos Angara Villar

Joint Congressional Oversight Committee on Tourism

Members: Angara Poe

SUSPENSION OF SESSION

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

It was 4:45 p.m.

RESUMPTION OF SESSION

At 4:45 p.m., the session was resumed.

COMMITTEE MEMBERSHIPS

Upon nomination by Senator Sotto, the following senators were elected to the following oversight committees hereunder indicated:

Joint Congressional Oversight Committee on Cooperatives

Member: Ejercito

Joint Congressional Oversight Committee on Tourism

Member: Binay

SUSPENSION OF SESSION

There being no objection, upon motion of Senator Cayetano (A), the session was suspended.

It was 4:46 p.m.

RESUMPTION OF SESSION


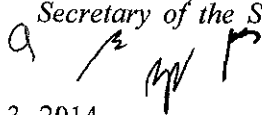
At 4:47 p.m., the session was resumed.

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 Monday, March 3, 2014.

It was 4:48 p.m.

I hereby certify to the correctness of the foregoing.


OSCAR G. YABES
Secretary of the Senate


Approved on March 3, 2014