



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 61
Tuesday, March 4, 2014

SIXTEENTH CONGRESS
FIRST REGULAR SESSION

SESSION NO. 61
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CALL TO ORDER

At 3:16 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

PRAYER

The Body observed a minute of silent prayer.

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.	Estrada, J.
Aquino, P. B. IV B.	Guingona III, T. L.
Binay, M. L. N. S.	Honasan, G. B.
Cayetano, A. P. C. S.	Lapid, M. L. M.
Cayetano, P. S.	Pimentel III, A. K.
Defensor Santiago, M.	Poe, G.
Drilon, F. M.	Recto, R. G.
Ejercito, J. V. G.	Sotto III, V. C.
Enrile, J. P.	Villar, C. A.
Escudero, F. J. G.	

With 19 senators present, the Chair declared the presence of a quorum.

Senators Osmeña and Revilla arrived after the roll call.

Senator Marcos was on official mission.

Senator Legarda was on sick leave.

Senator Trillanes was absent.

APPROVAL OF THE JOURNAL

Upon motion of Senator Cayetano, there being no objection, the Body dispensed with the reading of the Journal of Session No. 60 (March 3, 2014) and considered it approved.

**ACKNOWLEDGMENT
OF THE PRESENCE OF GUESTS**

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

- Dr. Suresh Kumar, First Secretary for Political Affairs of the Embassy of India;
- Ms. Farrah Rivero, Political and Prosperity Attache of the Embassy of the United Kingdom;
- Mr. Ignacio Perez-Camba, Deputy Head of Mission of the Embassy of Spain;
- Students of Saint Augustine Seminary School of Philosophy in Oriental Mindoro, headed by Father Jimson Ruga; and
- Students of Philippine Normal University-Manila, headed by Dr. Dionesia Rivas.

Senate President Drilon welcomed the guests to the Senate.

SUSPENSION OF SESSION

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

It was 3:19 p.m.



RESUMPTION OF SESSION

At 3:21 p.m., the session was resumed.

SPECIAL ORDER

Upon motion of Senator Cayetano (A), there being no objection, the Body approved the transfer of the following from the Calendar for Ordinary Business to the Calendar for Special Orders:

- Committee Report No. 16 on Proposed Senate Resolution No. 535;
- Committee Report No. 17 on Proposed Senate Resolution No. 536; and
- Committee Report No. 18 on Proposed Senate Resolution No. 537.

PROPOSED SENATE RESOLUTION NOS. 535, 536 AND 537

Upon motion of Senator Cayetano (A), there being no objection, the Body considered, on Second Reading, the following resolutions, one after the other:

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;

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; and

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.

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 titles of the resolutions were read without prejudice to the insertion of their full texts into the *Record of the Senate*.

The Chair recognized Senator Defensor Santiago for the sponsorship.

SUSPENSION OF SESSION

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

It was 3:23 p.m.

RESUMPTION OF SESSION

Immediately thereafter, the session was resumed.

OMNIBUS SPONSORSHIP SPEECH OF SENATOR DEFENSOR SANTIAGO

In sponsoring Proposed Senate Resolution Nos. 535, 536 and 537, Senator Defensor Santiago delivered the following speech:

Rationale

In 1977, Presidential Decree No. 1069, also known as the Philippine Extradition Law, took effect. Under this law, extradition is defined as “the removal of an accused from the Philippines with the object of placing him at the disposal of foreign authorities to enable the requesting state or government to hold him in connection with any criminal investigation directed against him or the execution of a penalty imposed on him under the penal or criminal law of the requesting state or government.”

In other words, extradition is the process of returning a fugitive from justice to the state where he committed his crime. And when another state makes a similar request to us, we naturally will grant the same privilege.

Under this law, the extradition of a person may only be granted pursuant to a treaty. For example, the Philippines cannot direct the United States to extradite to us a Filipino criminal unless there is a treaty between the Philippines and the United States. Fortunately, we do have such a treaty. For example, we have extradition treaties with the United States, Hong Kong, China, and proximate countries. Extradition treaties provide the means for the return of fugitives to the

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country whose laws they have violated and whose people and institutions they have offended. For those who have been tried and found guilty, and who thereafter flee to another country, extradition provides the mechanism for their return to the country whose laws they have violated in order to serve their sentences.

Extradition makes international cooperation more effective in the suppression of crimes. Hence, the Philippines has negotiated and concluded three more extradition treaties with the Republic of India, the Kingdom of Spain, and the United Kingdom of Great Britain and Northern Ireland.

Historical Background

Even before the issuance of P.D. No. 1069 on 17 January 1977, the Philippines had already concluded an extradition treaty with Indonesia. Clearly, at that time, there was already a pressing need for states to cooperate in the fight against criminality.

Acknowledging the importance of international cooperation in the pursuit of justice, the Philippines has concluded in all ten extradition treaties with other countries – Indonesia, Thailand, Canada, Federated States of Micronesia, Australia, South Korea, United States of America, Switzerland, Hong Kong and China. These treaties have strengthened our bilateral relations with these countries and territories. Under extradition treaties, they have been our partners in the global war against criminality, particularly transnational crimes.

To widen the scope of international cooperation in this worldwide problem and to make cooperation more effective, the Philippines welcomed the proposal to negotiate extradition treaties with India, Spain, and the United Kingdom. After several rounds of negotiations, these treaties were finally signed and are now awaiting this body's concurrence for their entry into force.

Salient Features of the Treaties

Pursuant to the treaty, the Contracting Parties undertake to extradite or surrender to each other, in accordance with the treaty provisions, any person who is wanted for prosecution, imposition or enforcement of a sentence in the Requesting State for an extraditable offense.

All these three treaties adopt the dual criminality rule whereby, for an offense to be extraditable, it must be punishable in both the Requesting State and the Requested State, subject to certain conditions provided in the treaty.

The rule of specialty is also taken up in these three treaties. This rule prohibits a Request-

ing State from trying an extradited individual for an offense other than the one for which such person was extradited. This rule, however, is not absolute and each of the treaties provides for an exception.

A request for extradition may be refused based on certain grounds listed in each of these treaties. Common grounds include political offense, military offense, or if the offense is barred by lapse of time or any other reason under the law of the Requested State, or if the person sought has been tried and convicted or acquitted for the same offense by final judgment in the Requested State. A request may also be refused if it involves an offense punishable by death – in the Philippines-Spain Extradition Treaty, the language used is death or life imprisonment – under the laws of the Requesting State and the laws of the Requested State do not allow such punishment for the offense, unless the Requesting State provides assurances which the Requested State may consider sufficient, that the death penalty, or life imprisonment, in the case of the Philippines-Spain Extradition Treaty, will not be carried out.

Lastly, all three treaties have retroactive effect. In other words, they are applicable to offenses committed prior to the entry into force of the treaties.

Reasons for Concurrence

It is worth noting that India, Spain and the United Kingdom have already notified the Philippines of the completion of their respective internal requirements for the entry into force of these treaties. It is now incumbent on the Philippines to give life to these treaties by completing our own internal requirements, and this is where our Senate duty arises.

The Constitution requires Senate concurrence for these treaties to be valid and to enter into force. Once these treaties take effect, the Philippines will have the obligation to act on requests for extradition coming from these countries. Conversely, the Philippines may also request the extradition of persons found in the respective territory or jurisdiction of India, Spain, and the United Kingdom of Great Britain and Northern Ireland.

Strong bilateral relations with these countries will also be a favorable effect of cooperating under the extradition treaties.

Advantages of Ratification

The increasing number of national and transnational crimes is an alarming global problem.

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Advances in communication and technology may have their benefits, but criminals take advantage of these modern means to commit crimes. States should take action and collaborate with one another to protect their sovereignty, their territory, and their people.

The extradition treaties with India, Spain and the United Kingdom will strengthen our bilateral relations with them, particularly in our common fight against criminality, our common goal of protecting our national security and our common quest for justice.

Extradition treaties are considered to be the most effective mechanism in obtaining the return of international fugitives in order for them to face the consequences of their criminal actions. By these treaties, the Philippines will also be fulfilling an international obligation under multilateral treaties like the Convention against Transnational Organized Crime, which obligates state parties to strengthen cooperation with other states in the field of extradition, mutual legal assistance, and law enforcement.

For these reasons, I humbly recommend that this Senate should concur in the ratification of the Philippine extradition treaties with India, Spain and the United Kingdom.

SUSPENSION OF SESSION

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

It was 3:32 p.m.

RESUMPTION OF SESSION

At 3:33 p.m., the session was resumed.

REQUEST OF SENATOR DEFENSOR SANTIAGO

Senator Defensor Santiago appealed to the Body to concur in the ratification of the three treaties, two of which were signed in 2004, and the one with the United Kingdom, in 2009. She stated that the three countries have already done their part in validating and authenticating their respective treaties. She clarified that it is the President who ratifies a treaty while the Senate concurs in the ratification of the same.

INTERPELLATION OF SENATOR SOTTO

Senator Sotto asked what course of action

should be taken if there was a conflict between the penalties enforced by the countries involved in the treaty, citing the Philippines which does not have a death penalty unlike other states. Senator Defensor Santiago explained that our law will prevail over the law of the other state, and, under international law, the Philippines would be justified to refuse to extradite a criminal due to the death penalty imposed in the other state. Similarly, she said that the other state may also refuse to extradite a criminal being requested by the Philippines.

Senator Defensor Santiago stated that there is no provision in international law on whether there is a duty or no duty to extradite, and that it all depends upon the will of the state.

INTERPELLATION OF SENATOR ESTRADA

Asked by Senator Estrada on the total number of Filipinos in India, United Kingdom and Spain, Senator Defensor Santiago replied that she had no information as to the number of Filipinos in those countries, and that she only had information on the number of requests for extradition filed in those countries by the Philippines and vice versa. She assumed that the Department of Labor and Employment might have the statistics on the total number of Filipinos in those countries.

TERMINATION OF THE PERIOD OF INTERPELLATIONS

With no further interpellations, upon motion of Senator Cayetano (A), there being no objection, the Body closed the period of interpellations.

TERMINATION OF THE PERIOD OF AMENDMENTS

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

APPROVAL OF PROPOSED SENATE RESOLUTION NO. 535 ON SECOND READING

Submitted to a vote, there being no objection, Proposed Senate Resolution No. 535 was approved on Second Reading.

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**APPROVAL OF PROPOSED
SENATE RESOLUTION NO. 536
ON SECOND READING**

Submitted to a vote, there being no objection, Proposed Senate Resolution No. 536 was approved on Second Reading.

**APPROVAL OF PROPOSED
SENATE RESOLUTION NO. 537
ON SECOND READING**

Submitted to a vote, there being no objection, Proposed Senate Resolution No. 537 was approved on Second Reading.

MOTION OF SENATOR CAYETANO (A)

Senator Cayetano (A) moved that the Body consider, on Third Reading, Proposed Senate Resolution No. 535.

**PARLIAMENTARY INQUIRY
OF SENATOR SOTTO**

Senator Sotto asked if the resolutions would have to be voted upon on Third Reading or simply adopted by the Body.

Senate President Drilon stated that the *Rules* provide that the treaty shall be voted upon and once approved, shall pass to its Third Reading.

SUSPENSION OF SESSION

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

It was 3:40 p.m.

RESUMPTION OF SESSION

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

**MANIFESTATION
OF SENATOR CAYETANO (A)**

Senator Cayetano (A) cited Rule XXXVI, Section 101, which requires resolutions of concurrence in treaties to go through Second and Third Readings, as with ordinary Senate bills. Also he noted that the three-day rule was explicitly stated only in the *Rules of the Senate* and not constitu-

tionally mandated, as with ordinary bills. He said that the *Rules* may be suspended with the approval of the majority of the Members.

**SUSPENSION OF SECTION 101
RULE XXXVI, RULES OF THE SENATE**

Upon motion of Senator Cayetano (A), there being no objection, the Body suspended Section 101, Rule XXXVI of the *Rules of the Senate*, to allow the approval on Third Reading of Proposed Senate Resolution Nos. 535, 536 and 537.

**APPROVAL OF PROPOSED
SENATE RESOLUTION NO. 535
ON THIRD READING**

Upon motion of Senator Cayetano (A), there being no objection, the Body considered, on Third Reading, Proposed Senate Resolution No. 535.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Cayetano (A) there being no objection, Secretary Yabes read only the title of the resolution, to wit:

RESOLUTION CONCURRING IN THE
RATIFICATION OF THE EXTRADI-
TION TREATY BETWEEN THE
GOVERNMENT OF THE REPUBLIC
OF THE PHILIPPINES AND THE
GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND.

Secretary Yabes called the roll for nominal voting.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor

Angara	Estrada
Aquino	Guingona
Binay	Pimentel
Cayetano (A)	Poe
Cayetano (P)	Recto
Defensor Santiago	Revilla
Drilon	Sotto
Ejercito	Villar
Escudero	

Handwritten initials: JN and P

Against

None

Abstention

None

With 17 senators voting in favor, none against, and no abstention, the Chair declared Proposed Senate Resolution No. 535 approved on Third Reading.

APPROVAL OF PROPOSED SENATE RESOLUTION NO. 536 ON THIRD READING

Upon motion of Senator Cayetano (A), there being no objection, the Body considered, on Third Reading, Proposed Senate Resolution No. 536.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Cayetano (A) there being no objection, Secretary Yabes read only the title of the resolution, to wit:

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.

Secretary Yabes called the roll for nominal voting.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor

Angara	Estrada
Aquino	Guingona
Binay	Pimentel
Cayetano (A)	Poe
Cayetano (P)	Recto
Defensor Santiago	Revilla
Drilon	Sotto
Ejercito	Villar
Escudero	

Against

None

Abstention

None

With 17 senators voting in favor, none against, and no abstention, the Chair declared Proposed Senate Resolution No. 536 approved on Third Reading.

APPROVAL OF PROPOSED SENATE RESOLUTION NO. 537 ON THIRD READING

Upon motion of Senator Cayetano (A), there being no objection, the Body considered, on Third Reading, Proposed Senate Resolution No. 537.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Cayetano (A) there being no objection, Secretary Yabes read only the title of the resolution, to wit:

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

Secretary Yabes called the roll for nominal voting.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor

Angara	Estrada
Aquino	Guingona
Binay	Pimentel
Cayetano (A)	Poe
Cayetano (P)	Recto
Defensor Santiago	Revilla
Drilon	Sotto
Ejercito	Villar
Escudero	

Against

None

Abstention

None

With 17 senators voting in favor, none against, and no abstention, the Chair declared Proposed Senate Resolution No. 537 approved on Third Reading.

**MANIFESTATION
OF SENATOR CAYETANO (A)**

Senator Cayetano (A) clarified that the *Rules* may be suspended only when a motion is presented by the Committee on Rules, through the Majority Leader, and approved by a majority of the senators present, there being a quorum; however, by tradition, unanimity is usually required.

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. 2150, entitled

AN ACT PROMOTING THE MAINSTREAM USE OF ELECTRIC, HYBRID AND OTHER ALTERNATIVE FUEL VEHICLES AND FOR OTHER PURPOSES

Introduced by Senator Paolo Benigno "Bam" Aquino IV

To the Committees on Trade, Commerce and Entrepreneurship; and Public Services

Senate Bill No. 2151, entitled

AN ACT PROVIDING INCENTIVES FOR THE MAINSTREAM USE, MANUFACTURE, ASSEMBLY AND CONVERSION OF ELECTRIC, HYBRID AND OTHER ALTERNATIVE FUEL VEHICLES AND FOR OTHER PURPOSES

Introduced by Senator Paolo Benigno "Bam" Aquino IV

To the Committees on Ways and Means; and Trade, Commerce and Entrepreneurship

At this juncture, the session was suspended and was resumed shortly thereafter.

RESOLUTIONS

Proposed Senate Resolution No. 539, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, REGARDING REPORTED DRUG DEALINGS INSIDE CASINOS

Introduced by Senator Maria Lourdes Nancy S. Binay

To the Committee on Public Order and Dangerous Drugs

Proposed Senate Resolution No. 540, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEES TO INVESTIGATE, IN AID OF LEGISLATION, THE RELEASE BY THE BUREAU OF IMMIGRATION OF A BRITISH NATIONAL ARRESTED FOR ALLEGED SEXUAL ABUSE OF A FILIPINO MINOR

Introduced by Senator Maria Lourdes Nancy S. Binay

To the Committee on Justice and Human Rights

Proposed Senate Resolution No. 541, entitled

RESOLUTION COMMENDING THE EIGHT (8) SWIMMERS OF THE PHILIPPINE SWIMMING LEAGUE FOR WINNING EIGHTEEN (18) GOLD, ELEVEN (11) SILVER AND SIX (6) BRONZE MEDALS IN THE 2014 WESTERN PROVINCE AQUATICS SWIMMING GALA HELD AT THE UNIVERSITY OF WESTERN CAPE AQUATICS CENTER IN CAPE TOWN, SOUTH AFRICA

Introduced by Senator Maria Lourdes Nancy S. Binay

To the Committee on Rules

Proposed Senate Resolution No. 542, entitled

RESOLUTION DIRECTING THE PROPER

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SENATE COMMITTEES TO INVESTIGATE, IN AID OF LEGISLATION, THE CYBER-ATTACKS ON OFFICIAL PHILIPPINE GOVERNMENT WEBSITES MADE BY HACKTIVISTS

Introduced by Senator Maria Lourdes Nancy S. Binay

To the Committees on Science and Technology; and Trade, Commerce and Entrepreneurship

Proposed Senate Resolution No. 543, entitled

RESOLUTION FOR THE SENATE OF THE PHILIPPINES TO PROVIDE SIGN LANGUAGE INTERPRETERS IN SENATE SESSIONS AND COMMITTEE HEARINGS WITH THE INTENTION OF IMPROVING INFORMATION DISSEMINATION TO PERSONS WITH DISABILITIES PARTICULARLY INDIVIDUALS WITH HEARING IMPAIRMENT

Introduced by Senator Maria Lourdes Nancy S. Binay

To the Committee on Rules

Proposed Senate Resolution No. 544, entitled

RESOLUTION DIRECTING THE COMMITTEE ON WAYS AND MEANS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE URGENT NEED TO INCREASE THE REVENUE COLLECTION OF THE BUREAU OF INTERNAL REVENUE (BIR) IN ORDER TO MEET ITS COLLECTION TARGET

Introduced by Senator Sonny Angara

To the Committee on Ways and Means

SUSPENSION OF SESSION

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

It was 3:50 p.m.

RESUMPTION OF SESSION

At 4:06 p.m., the session was resumed.

COMMITTEE MEMBERSHIPS

Upon nomination by Senator Cayetano (A), there being no objection, the following senators were elected to the Congressional Oversight Committee on Official Development Assistance:

Chairman : Angara
Members : Escudero
Pimentel
Recto
Guingona

CHANGE OF REFERRAL

Upon motion of Senator Cayetano (A), there being no objection, the Chair approved to transfer the referral of Proposed Senate Resolution No. 320 from the Committee on Electoral Reforms and People's Participation to the Committee on Rules.

MANIFESTATION OF SENATOR CAYETANO (A)

Senator Cayetano (A) said that the Body was supposed to open the period of interpellations on Senate Bill No. 2138 or the Sandiganbayan bill, but some Members of the Body have asked to be given one more day to prepare their questions.

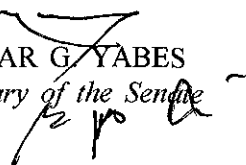
ADJOURNMENT OF SESSION

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 4:07 p.m.

I hereby certify to the correctness of the foregoing.

OSCAR G. YABES
Secretary of the Senate



Approved on March 5, 2014

