

REPUBLIC OF THE PHILIPPINES

S e n a t e

Pasay City

Journal

SESSION NO. 7

Monday, August 9, 2004

**THIRTEENTH CONGRESS
FIRST REGULAR SESSION**

SESSION NO. 7
Monday, August 9, 2004

CALL TO ORDER

At 3:30 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

PRAYER

Sen. Jinggoy Ejercito Estrada led the prayer, to wit:

Panginoon, Diyos Ama sa langit, pinupuri Ka namin at dinarangal sa Iyong kabutihan. Ikaw ang nagbibigay sa amin ng katalinuhan at pagkakataon na makapaglingkod. Ikaw ang nagbibigay sa amin ng lahat ng aming kailangan upang maisakatuparan ang aming mga mithiin at adhikain sa Kapulungang ito ng Senado. Ikaw ang nagbibigay sa amin ng kakayahang umunawa, pagkakaisa sa kabila ng pagkakaiba ng aming mga isipan at Ikaw rin ang nagbibigay ng tagumpay sa lahat ng aming gagawin lalo na ang mga batas na aming lilikhain para sa kapakanan ng aming bayan.

Salamat Po, Panginoon, sa lahat ng mga biyayang ito. Tulungan Mo Po kami sa lahat ng aming pag-uusapan, pagtatalastasan at lahat ng panukalang-batas na aming isasampa upang tunay na mapakinabangan ng aming mga kababayan.

Gabayan Mo ang mga susunod na magaganap sa loob ng bulwagang ito, pati na rin lahat ng nasa likod ng mga gawain – ang mga staff, ang mga nagmamasid, ang mga media, at ang lahat ng naririto.

Nawa Panginoon, lagi naming ilagay sa aming isipan ang mga tunay na adhikain kung bakit kami naririto: ang kapakanan at pag-unlad ng bayan, ang katotohanan, ang katarungan at kapayapaan.

At sa lahat Po ng aming pagkukulang, di pagkakaunawaan, at mga di inaasahang pag-iirangan, patawarin Ninyo kami at unawain.

Ngayon pa lamang ay nananalig na kami at inaangkin na ang mga biyayang iginawad Mo sa amin, lalo na ang tagumpay tungo sa ikauunlad ng aming bansa na Inyong kinupkop sa mapagpala Mong kamay.

Maraming salamat Po, Panginoon.

NATIONAL ANTHEM

Ms Dannila Audrey Latonio led the singing of the national anthem and thereafter rendered the song entitled *Love Will Be Our Home*.

ROLL CALL

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

Angara, E. J.	Lapid, M. L. M.
Arroyo, J. P.	Lim, A. S.
Biazon, R. G.	Madrigal, M. A.
Cayetano, C. P. S.	Magsaysay Jr., R. B.
Defensor Santiago, M.	Osmeña III, S. R.
Drilon, F. M.	Pangilinan, F. N.
Ejercito Estrada, J.	Pimentel Jr., A. Q.
Ejercito Estrada, L. L. P.	Recto, R. G.
Enrile, J. P.	Revilla Jr., R. B.
Flavier, J. M.	Roxas, M.
Gordon, R. J.	Villar Jr., M. B.
Lacson, P. M.	

With 23 senators present, the Chair declared the presence of a quorum.

MOTION OF SENATOR PANGILINAN

Senator Pangilinan moved that the Body dispense with the reading of the Journal of Session No. 6 and consider it approved.

**PARLIAMENTARY INQUIRY
OF SENATOR ROXAS**

Relative thereto, Senator Roxas inquired as to the exact time the roll call has to be made as he noted that the Journal had recorded that he arrived after

the roll call. He recalled that on that particular day, at exactly three o'clock in the afternoon, he was in the session hall and stayed there for a few minutes; since there was no quorum yet, he went to the senators' lounge and subsequently returned to the session hall.

Senator Roxas stated that the session is supposed to be called to order as provided for in the Rules, at which time, the Members might be already in the session hall. If the roll would be called at 3:40 p.m. as it was done for the day's session, he said that the Members might be in their offices or in the hallway talking to constituents. He asked if there is a definite time for calling the roll so that the Members could be present.

Senator Pangilinan replied that the Rules are silent about the time when the roll is called. However, he noted that under the last paragraph of Section 52, Rule XIX of the Rules, the Journal shall "include a list of Members who responded to the roll call, those who arrived at the session hall after the roll call, and those who are on official business/mission authorized by the Senate President" and those who are absent. What happened last Wednesday, he stated, was that the roll call was undertaken perhaps half an hour after three o'clock and, therefore, those who responded to the roll call, as provided for in the Rules, were recorded in the Journal.

Senator Roxas proposed that the matter be referred to the Committee on Rules so that a definite time for the roll call could be determined. That way, he said, the Members would not be at the mercy of when a quorum is present in the session hall; otherwise, the appointments, meetings and other works of the Members may be adversely affected.

There being no objection, the Chair referred the query and suggestion of Senator Roxas to the Committee on Rules.

DEFERMENT OF THE APPROVAL OF THE JOURNAL

At the instance of Senator Cayetano, upon motion of Senator Pangilinan, there being no objection, the consideration and approval of the Journal of Session No. 6 was deferred to a later time.

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. 351, entitled

AN ACT PROHIBITING THE PRESENTATION TO THE PRESS OR PUBLIC OF SUSPECTS IN CRIMINAL INVESTIGATIONS BEFORE CASES ARE FORMALLY FILED AGAINST THE SUSPECTS

Introduced by Senator Serge Osmeña

To the Committees on Justice and Human Rights; and Public Order and Illegal Drugs

Senate Bill No. 352, entitled

AN ACT CREATING A COMMISSION ON MISSING PERSONS

Introduced by Senator Serge Osmeña

To the Committees on Justice and Human Rights; Public Order and Illegal Drugs; and Finance

Senate Bill No. 353, entitled

AN ACT PROVIDING FOR A MANDATORY COURSE ON HUMAN RIGHTS FOR ALL OFFICERS, MEMBERS AND TRAINEES OF THE ARMED FORCES OF THE PHILIPPINES (AFP), THE PHILIPPINE NATIONAL POLICE (PNP), THE NATIONAL BUREAU OF INVESTIGATION (NBI) AND OTHER LAW ENFORCEMENT AGENCIES AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committees on National Defense and Security; Public Order and Illegal Drugs; and Finance

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Senate Bill No. 354, entitled

AN ACT RESTRUCTURING THE NATIONAL COUNCIL FOR THE WELFARE OF DISABLED PERSONS (NCWDP) INTO THE NATIONAL DISABLED PERSONS AUTHORITY (NDPA) AND STRENGTHENING ITS POWERS, FUNCTIONS AND RESPONSIBILITIES, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committees on Civil Service and Government Reorganization; Social Justice, Welfare and Rural Development; Ways and Means; and Finance

Senate Bill No. 355, entitled

AN ACT TO FURTHER PROTECT THE INTEGRITY OF A PASSPORT, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8239, OTHERWISE KNOWN AS THE "PHILIPPINE PASSPORT ACT OF 1996," AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committee on Foreign Relations

Senate Bill No. 356, entitled

AN ACT AMENDING ARTICLES 204, 205, 206 AND 207 OF THE REVISED PENAL CODE TO INCLUDE INVESTIGATING OFFICERS OR OTHER OFFICERS EXERCISING QUASI-JUDICIAL FUNCTIONS AS PERSONS LIABLE FOR FELONIES UNDER SAID ARTICLES, AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committees on Justice and Human Rights

Senate Bill No. 357, entitled

AN ACT REQUIRING PROBATIONERS TO PLANT AT LEAST TWENTY (20) TREES A YEAR AS PART OF THEIR SERVICE TO THE COMMUNITY, AMENDING FOR THE PURPOSE SECTION 10 OF PRESIDENTIAL DECREE NO. 968 OTHERWISE KNOWN AS THE PROBATION LAW OF 1998

Introduced by Senator Serge Osmeña

To the Committees on Justice and Human Rights; and Environment and Natural Resources

Senate Bill No. 358, entitled

AN ACT AUTHORIZING THE COURT TO REQUIRE COMMUNITY SERVICE IN LIEU OF IMPRISONMENT IN A JAIL FOR PENALTY OF ARRESTO MENOR, AMENDING FOR THAT PURPOSE ARTICLE 88 OF ACT 3815, THE REVISED PENAL CODE AS AMENDED, AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committee on Justice and Human Rights

Senate Bill No. 359, entitled

AN ACT INCREASING THE AMOUNT OF DAMAGES FOR DEATH CAUSED BY A CRIME OR QUASI DELICT, AMENDING FOR THIS PURPOSE TITLE XVIII, CHAPTER 2, ARTICLE 2206 OF REPUBLIC ACT NO. 386, OTHERWISE KNOWN AS THE CIVIL CODE OF THE PHILIPPINES

Introduced by Senator Serge Osmeña

To the Committee on Justice and Human Rights

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Senate Bill No. 360, entitled

AN ACT TO IMPROVE THE ADMINISTRATION OF JUSTICE BY DECRIMINALIZING AND PROVIDING FOR THE IMPOSITION OF ALTERNATIVE PENALTIES SHORT OF DEPRIVATION OF LIBERTY FOR CERTAIN OFFENSES

Introduced by Senator Serge Osmeña

To the Committee on Justice and Human Rights

Senate Bill No. 361, entitled

AN ACT PROVIDING HIGHER COMPENSATION TO VICTIMS OF UNJUST IMPRISONMENT OR DETENTION AND VICTIMS OF VIOLENT CRIMES, AMENDING FOR THE PURPOSES SECTION 4 OF REPUBLIC ACT NO. 7309, AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committees on Justice and Human Rights; Social Justice, Welfare and Rural Development; and Finance

Senate Bill No. 362, entitled

AN ACT INCREASING THE PENALTIES IMPOSED AGAINST CONTRACTORS AND SUBCONTRACTORS WHO VIOLATE ANY MATERIAL PROVISION OF CONTRACTS INVOLVING PUBLIC WORKS PROJECTS OF THE GOVERNMENT, AND PUBLIC OFFICIALS WHO ALLOW SUCH VIOLATIONS, AMENDING FOR THIS PURPOSE PRESIDENTIAL DECREE NO 1759

Introduced by Senator Serge Osmeña

To the Committee on Public Works

Senate Bill No. 363, entitled

AN ACT AMENDING SECTION 31 OF REPUBLIC ACT NO. 6770 ENTITLED AN ACT FOR THE FUNCTIONAL AND STRUCTURAL ORGANIZATION OF THE OFFICE OF THE OMBUDSMAN, AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committee on Justice and Human Rights

Senate Bill No. 364, entitled

AN ACT REORGANIZING AND STRENGTHENING THE PUBLIC ATTORNEY'S OFFICE (PAO), AMENDING FOR THE PURPOSE PERTINENT PROVISIONS OF THE ADMINISTRATIVE CODE OF 1987

Introduced by Senator Serge Osmeña

To the Committees on Justice and Human Rights; Constitutional Amendments, Revision of Codes and Laws; and Finance

Senate Bill No. 365, entitled

AN ACT TO REORGANIZE THE NATIONAL BUREAU OF INVESTIGATION INTO THE NATIONAL INVESTIGATION SERVICES OFFICE, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

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

Senate Bill No. 366, entitled

AN ACT INCREASING THE MINIMUM SALARY OF NATIONAL BUREAU

OF INVESTIGATION AGENTS TO TEN THOUSAND PESOS (P10,000.00) A MONTH AND THOSE WITH FIVE (5) OR MORE YEARS EXPERIENCE TO FIFTEEN THOUSAND PESOS (P15,000.00) A MONTH, EXEMPTING SAID OFFICE FROM THE SALARY STANDARDIZATION LAW, AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

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

Senate Bill No. 367, entitled

AN ACT TO STRENGTHEN THE NATIONAL PROSECUTION SERVICE BY MAINTAINING A ONE-TO-ONE RATIO OF PROSECUTORS TO REGIONAL COURTS AND SPECIAL CRIME COURTS, AMENDING FOR THE PURPOSE EXECUTIVE ORDER NO. 292, THE ADMINISTRATIVE CODE OF 1987, AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committee on Justice and Human Rights

Senate Bill No. 368, entitled

AN ACT TO ABOLISH THE PENALTY OF IMPRISONMENT IN LIBEL CASES AMENDING FOR THE PURPOSE ARTICLES 355-357 AND 360 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committees on Constitutional Amendments, Revision of Codes and Laws; and Public Information and Mass Media

Senate Bill No. 369, entitled

AN ACT AMENDING SECTION 1 OF BATAS PAMBANSA BILANG TWENTY-TWO (22), OTHERWISE KNOWN AS THE ANTI-BOUNCING CHECK LAW, REMOVING THE MAXIMUM FINE IMPOSABLE AGAINST THE ISSUANCE OF CHECKS WITHOUT SUFFICIENT FUNDS AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committees on Justice and Human Rights; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 370, entitled

AN ACT RESTORING THE ORIGINAL PENALTIES IMPOSED FOR ESTAFA COMMITTED THROUGH BOUNCING CHECKS UNDER ARTICLE 315 OF THE REVISED PENAL CODE AND REPEALING FOR THIS PURPOSE PRESIDENTIAL DECREE NO. 818

Introduced by Senator Serge Osmeña

To the Committees on Justice and Human Rights; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 371, entitled

AN ACT INCREASING THE PENALTIES FOR INFIDELITY IN THE CUSTODY OF PRISONERS AMENDING FOR THE PURPOSE ARTICLES 223 AND 224, CHAPTER FIVE, TITLE SEVEN, BOOK TWO OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE

Introduced by Senator Serge Osmeña

To the Committees on Justice and Human Rights; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 372, entitled

AN ACT IMPOSING A STIFFER PENALTY FOR THE CRIME OF ILLEGAL USE OF UNIFORMS AND INSIGNIA AMENDING FOR THE PURPOSE ARTICLE 179 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE

Introduced by Senator Serge Osmeña

To the Committees on Public Order and Illegal Drugs; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 373, entitled

AN ACT EXPANDING THE DEFINITION OF PIRACY AND INCREASING THE PENALTY FOR QUALIFIED PIRACY, AMENDING FOR THE PURPOSE ARTICLE 122 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE

Introduced by Senator Serge Osmeña

To the Committees on Public Order and Illegal Drugs; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 374, entitled

AN ACT AMENDING ARTICLE 29 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE

Introduced by Senator Serge Osmeña

To the Committees on Justice and Human Rights; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 375, entitled

AN ACT DECLARING HAZING UNLAWFUL PROVIDING PENALTIES THEREFOR, AND REPEALING FOR THE PURPOSE

REPUBLIC ACT NO. 8049, OTHERWISE KNOWN AS THE ANTI-HAZING LAW, AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committees on Constitutional Amendments, Revision of Codes and Laws; and Education, Arts and Culture

Senate Bill No. 376, entitled

AN ACT INCREASING THE PENALTY FOR ILLEGAL RECRUITMENT COMMITTED BY ANY PERSON WITHOUT LICENSE OR AUTHORITY, AMENDING TITLE II, ARTICLE 7 OF THE REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE OVERSEAS MIGRANT WORKERS' ACT AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committee on Labor, Employment and Human Resources Development

Senate Bill No. 377, entitled

AN ACT PUNISHING ANY OFFICER OR EMPLOYEE OF THE LAND TRANSPORTATION OFFICE WHO IS RESPONSIBLE FOR REGISTERING STOLEN MOTOR VEHICLE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 4136, AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committees on Public Services; and Accountability of Public Officers and Investigations

Senate Bill No. 378, entitled

AN ACT PROHIBITING THE SALE OF AND/OR USE OF MOTOR VEHICLE SIRENS, BLINKERS, DOMELIGHT AND OTHER SIMILAR EMERGENCY DEVICES,

EXCEPT AS PRESCRIBED BY LAW, PROVIDING PENALTIES THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committee on Public Services

Senate Bill No. 379, entitled

AN ACT STRENGTHENING THE CONSTITUTIONAL RIGHT TO SECURITY OF TENURE

Introduced by Senator Serge Osmeña

To the Committee on Labor, Employment and Human Resources Development

Senate Bill No. 380, entitled

ANACT AMENDING TITLE II OF BOOK II OF THE LABOR CODE OF THE PHILIPPINES

Introduced by Senator Serge Osmeña

To the Committees on Labor, Employment and Human Resources Development; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 381, entitled

ANACT RATIONALIZING FURTHER THE CONDUCT OF CERTIFICATION ELECTIONS BY PROVIDING THAT CERTIFICATION ELECTION IN AN APPROPRIATE BARGAINING UNIT SHALL NOT BE OFTENER THAN ONCE IN TWELVE (12) MONTHS, AMENDING FOR THIS PURPOSES THE RELEVANT PROVISIONS OF THE LABOR CODE OF THE PHILIPPINES

Introduced by Senator Serge Osmeña

To the Committee on Labor, Employment and Human Resources Development

Senate Bill No. 382, entitled

ANACT PRESCRIBING THE GROUNDS AND PERIOD OF PREVENTIVE SUSPENSION IN DISMISSAL CASES AMENDING FOR THIS PURPOSE ARTICLE 277 (b) OF PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES

Introduced by Senator Serge Osmeña

To the Committee on Labor, Employment and Human Resources Development

Senate Bill No. 383, entitled

ANACT INSTITUTING AN UNEMPLOYMENT WELFARE PROGRAM FOR DISMISSED, TERMINATED OR SEPARATED EMPLOYEES AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committees on Labor, Employment and Human Resources Development; and Civil Service and Government Reorganization

Senate Bill No. 384, entitled

ANACT PROVIDING FOR AUTOMATIC MEMBERSHIP OF PROFESSIONALS TO RESPECTIVE ACCREDITED ASSOCIATIONS, AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committee on Civil Service and Government Reorganization

Senate Bill No. 385, entitled

AN ACT CREATING A NATIONAL SEAFARERS COMMISSION, PRESCRIBING ITS POWERS AND FUNCTIONS AND APPROPRIATING

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FUNDS THEREFOR, AND FOR
OTHER PURPOSES

Introduced by Senator Serge Osmeña

**To the Committees on Labor, Employment
and Human Resources Development; and
Finance**

Senate Bill No. 386, entitled

AN ACT ESTABLISHING A CREDIT
ASSISTANCE PROGRAM FOR
OVERSEAS WORKERS

Introduced by Senator Serge Osmeña

**To the Committees on Labor, Employment
and Human Resources Development; and
Finance**

Senate Bill No. 387, entitled

AN ACT RE-IMPLEMENTING
THE SYSTEM OF ATTRITION,
PROVIDING FOR OPTIMUM
UTILIZATION OF PERSONNEL
IN GOVERNMENT SERVICE,
PROVIDING PENALTIES
THEREFOR AND FOR OTHER
PURPOSES

Introduced by Senator Serge Osmeña

**To the Committee on Civil Service and
Government Reorganization**

Senate Bill No. 388, entitled

AN ACT GRANTING HAZARD PAY
TO COVERED EMPLOYEES OF
THE GOVERNMENT AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Serge Osmeña

**To the Committees on Civil Service and
Government Reorganization; and Finance**

Senate Bill No. 389, entitled

AN ACT PROHIBITING GOVERNMENT
OFFICIALS AND EMPLOYEES

FROM PLAYING IN CASINOS
AND OTHER SIMILAR
ESTABLISHMENTS OPERATED
BY THE PHILIPPINE AMUSEMENT
AND GAMING CORPORATION,
OR BY OTHER SIMILAR
GOVERNMENT-OWNED OR
CONTROLLED CORPORATIONS,
AND THEIR FRANCHISE
HOLDERS, AND PROVIDING
PENALTIES FOR VIOLATION
THEREOF

Introduced by Senator Serge Osmeña

**To the Committee on Civil Service and
Government Reorganization**

Senate Bill No. 390, entitled

AN ACT ESTABLISHING A COLLEGE
EDUCATION TRUST FUND
FOR CHILDREN OF GSIS AND
SSS MEMBERS, AND FOR OTHER
PURPOSES

Introduced by Senator Serge Osmeña

**To the Committees on Government
Corporations and Public Enterprises; and
Education, Arts and Culture**

Senate Bill No. 391, entitled

AN ACT INCREASING THE PENSION
AND SOCIO-ECONOMIC BENEFITS
OF GOVERNMENT RETIREES
AND VETERANS AND FOR
OTHER PURPOSES

Introduced by Senator Serge Osmeña

**To the Committees on Civil Service and
Government Reorganization; and National
Defense and Security**

Senate Bill No. 392, entitled

AN ACT PROVIDING FOR AUTOMATIC
ADJUSTMENT OF THE BASIC
MONTHLY PENSION FOR RETIRED
PERSONNEL COVERED BY
THE GOVERNMENT SERVICE

INSURANCE SYSTEM AND SOCIAL SECURITY SYSTEM TO THE PREVAILING COST OF LIVING INDEX AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Serge Osmeña

To the Committee on Government Corporations and Public Enterprises

Senate Bill No. 393, entitled

AN ACT AMENDING SECTION 12 (B) OF REPUBLIC ACT NO. 8282, OTHERWISE KNOWN AS THE SOCIAL SECURITY ACT OF 1997

Introduced by Senator Serge Osmeña

To the Committees on Government Corporations and Public Enterprises; and Labor, Employment and Human Resources Development

Senate Bill No. 394, entitled

AN ACT TO GRANT THE FRANKING PRIVILEGE TO THE MEMBERS OF THE NATIONAL BOARD OF DIRECTORS OF THE LIGA NG MGA BARANGAY

Introduced by Senator Serge Osmeña

To the Committees on Public Services; and Local Government

Senate Bill No. 395, entitled

AN ACT PROVIDING FOR AN AUTOMATIC DEDUCTION FROM THE INTERNAL REVENUE ALLOTMENT OF EACH BARANGAY TO SERVE AS PAYMENT OF MEMBERSHIP DUES TO THE LIGA NG MGA BARANGAY AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committees on Local Government; and Finance

Senate Bill No. 396, entitled

AN ACT REQUIRING THE PHILIPPINE CHARITY SWEEPSTAKES OFFICE TO SECURE THE CONSENT OF THE LOCAL GOVERNMENT UNITS CONCERNED BEFORE IT CAN OPERATE WITHIN THEIR TERRITORIAL JURISDICTION AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 1169, AS AMENDED BY B.P. 42

Introduced by Senator Serge Osmeña

To the Committees on Government Corporations and Public Enterprises; and Local Government

Senate Bill No. 397, entitled

AN ACT AUTHORIZING BARANGAYS TO ENTER INTO OFFICIAL CONTRACTS WITH NATIONAL GOVERNMENT AGENCIES AND LOCAL GOVERNMENT UNITS TO UNDERTAKE THE DELIVERY OF BASIC SERVICES FOR THE PURPOSE OF PROVIDING EMPLOYMENT TO BARANGAY RESIDENTS AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committee on Local Government

Senate Bill No. 398, entitled

AN ACT PROVIDING FOR THE AUTOMATIC RETENTION BY THE BARANGAY OF ITS SHARE OF FIFTY PERCENT (50%) IN THE COMMUNITY TAX COLLECTED BY SAID BARANGAY, AMENDING FOR THE PURPOSE SECTION 164 OF REPUBLIC ACT 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991, AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committees on Local Government; and Ways and Means

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Senate Bill No. 399, entitled

**AN ACT PROVIDING FOR DEATH,
INJURY, RETIREMENT AND
LEAVE BENEFITS OF BARANGAY
OFFICIALS AND EMPLOYEES**

Introduced by Senator Serge Osmeña

**To the Committees on Local Government;
and Finance**

Senate Bill No. 400, entitled

**AN ACT GRANTING ADDITIONAL
INSURANCE BENEFITS TO
BARANGAY CAPTAINS, PROVID-
ING FUNDS FOR THE PAYMENT
OF ITS PREMIUMS, AND FOR
OTHER PURPOSES**

Introduced by Senator Serge Osmeña

**To the Committees on Government
Corporations and Public Enterprises; Local
Government; and Finance**

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 3:58 p.m.

RESUMPTION OF SESSION

At 3:58 p.m., the session was resumed.

**PRIVILEGE SPEECH
OF SENATOR GORDON**

Senator Gordon delivered the following speech:

**JUSTICE FOR JOURNALISTS
AND JUDGES**

Criminals today slap the face of Lady Justice. We rise today for justice against the killings of journalists as well as members of the Judiciary in particular and

also the public in general. The continued freedom of the press is crucial to the exercise of its lofty responsibility for public information for the effective functioning of democracy. Judges dispense justice equally to all men. They ensure the equal protection of rights of all people, rich or poor, that it shall dispense justice with no regard for status or power. When you kill a judge, you intimidate the Judiciary. When you kill a journalist, you not just attack press freedom but the citizen's right to know the truth. And when you get away with such a crime, a climate of fear ensues.

There have been 56 journalists killed since the restoration of press freedom in 1986 yet only two have been solved and both have been solved before 1986, not counting the 56 before 1986 – Antonio Abad Turnis who was killed in Cebu, when the perpetrator Augusto Pacis, City Treasurer of Cebu, was captured, and Ermin Garcia, publisher of the *Sunday Punch* who was shot in his Dagupan office in 1966, a year before my own father was assassinated. Three people were caught including the mastermind, Rudy Soriano, who was a councilor at that time. He was incarcerated but was pardoned after five years.

Just a couple of days ago, the newspapers announced that Arman Manalo, a broadcaster of DZRH, was killed in the line of duty in Batangas along with Roger Mariano, a local radio broadcaster from Laoag, who was ambushed last week, and Eddie Suede, Serverino Acrones, Joseph Aldeguer-Nava, and Noel Teñoso, a trainee broadcast reporter, who were killed in Panay Island. Their killers have not been identified, much less apprehended.

On June 10, 2004, Judge Voltaire Rosales of the Regional Trial Court of Tanauan, Batangas was shot dead in broad daylight by two unidentified gunmen, riding a motorcycle, just as the judge was driving home in Tanauan. In fact, Mr. Manalo was killed very near the place where Judge Rosales was killed in Tanauan as well. He

was the sixth (6th) member of the Judiciary killed in the line of duty since 1999.

The authors of his death are somewhere out there, unidentified, free to roam and direct other murders.

I rise therefore to protect our way of life. More so, I rise for those who cannot fight, since I, myself, and my family are victims of crime and injustice.

The importance of solving this problem cannot be gainsaid. Heaven help us all when our journalists and our judges give up the fight against lawlessness. That will certainly be the beginning of the end of our cherished democratic institutions. That will pave the way to anarchy.

From where I speak, I do so from experience. In the late '60s there were three attempts on the life of my father, the late James Gordon, the first mayor elected of Olongapo City. There were three attempts on my father's life. The first one was on July 4, 1965, when a hand grenade was thrown while he was driving his car unaccompanied by any security people. The second one was on the eve of my birthday, August 4, 1966, when three hand grenades were thrown at Jimmy Gordon while he was fighting a fire in the City of Olongapo. And finally on February 20, 1967, while talking to a constituent on the first floor of the city hall, they finally succeeded. He was gunned down by Nonito Alincastre, an escaped inmate of the National Penitentiary. He expired at the USS Repose, a US Navy hospital ship. He could not be saved because of his massive head injuries.

The pawns and the pushovers in that painful event in my life were eventually found, tried, convicted and incarcerated, but the mastermind of those three attempts remain unpunished until today. The memory of it all still discomferts me. That is why I sympathize with the families of those journalists and judges who were felled by assassins' bullets. I know how they feel.

The assassin of the first assassination attempt on my father's life was a convict of Muntinlupa. The assassins on the second attempt on my father's life were prisoners under custodial authority of the Subic Municipal Jail and were allowed to escape. The assassin of the successful attempt on my father's life was allowed to escape from Muntinlupa prison in 1967 and was supposed to be brought back after the successful assassination had he not been captured by local police authorities aided by the community.

Therefore, compounding the problem is that our national police authorities seem helpless in the unending fight against crime, and that as far as they are concerned, unless there is somebody who can categorically identify the culprits, no arrest will be made after the perfunctory investigations have been made and after the press statements have been handed out. Soon thereafter, the case is routinely condemned to the dungeon of disinterest and oblivion, much to the prejudice of the administration of justice and the rule of law. Right or wrong, this is the public perception of the situation as far as law enforcement in the Philippines is concerned.

What message do all these killings deliver to our journalists and our judges and our people?

To our journalists, the message is that press freedom is meaningless, that the freedom of the press can be abrogated anytime through the convenient expediency of an unlicensed, unregistered gun. The message is that those with these weapons at their disposal can make a mockery of press freedom and get away with it laughing along with their influence.

To our judges, the message is that the days of the members of the bench who dispense justice without fear or favor are numbered, that the judicial independence is at the mercy of those who are powerful, influential and live by the gun, and that the power of the law is no longer match for those who are influential.

The audacity of these criminals in using their firearms to commit crimes sends a message to our people, that lawlessness reigns supreme in our land.

It is undeniable that the sizeable number of unlicensed firearms in the country and the recent spate of deaths that have gone unsolved, combine to send a chilling message to our people that crimes in this country go unpunished. I say this because if the proliferate murder of journalists and judges in our country is properly investigated and prosecuted with dispatch, our journalists and judges will draw strength from the knowledge that the state will leave no stone unturned in its determination to put killers of journalists and judges behind bars. This way, our journalists and judges can carry on with their work without the impediments of fear and anxiety getting in the way of their duties. This way the criminal elements will come to realize that the old adage is true – *that crime does not pay*.

In days past, we could turn to the likes of Enrique Morales of Manila, Jimmy Barbers, Cesar Vinarao, even Fred Lim, our own colleague here and of course Cesar Dalanon of Quezon City who solved crimes with the help of the community, and their uncanny knack for investigation and piecing together clues from their own snitches in the other world. However, in their absence, the Senate must enact measures that shall neutralize the venom of these criminals.

First, among other things that we intend to file in this Congress, there must be a law mandating penalties for the failure of the Philippine National Police and other law enforcement authorities to report missing vehicles, which are subsequently used for criminal purposes, to the general public. Corollary to this, a reward system must be instituted for citizens who perform their part in curbing crime by providing information that lead to the apprehension of these criminals. Likewise, there must be a ready mechanism to digest, process and filter

information and reports of crime by the public.

Situations like this should allow the public to be able to get information from the Internet and see the lists of vehicles that have been stolen or missing plates that are stolen and are being used for nefarious purposes that would allow the public therefore to be able to report to the authorities through text or to the current emergency lines that the National Police Force is already operating.

Second, the government must have a complete inventory of all prisoners in municipal and provincial jails as well as those in the National Penitentiary. A list of prison escapees should be flashed at all exit points, airports, seaports and made available for all law enforcement agencies.

I would like to suggest that those who are allowed to go out be included in the *daily list to be put out in the Internet* so that people at least would have a public record to run to in case these acts are perpetrated by these people who are conveniently using a pass to be able to perpetrate their crimes at the behest of the influential.

Third, all firearms should be registered and penalties for ownership of unlicensed firearms must be increased. If the PNP cannot protect our citizens in their homes or vehicles, they must be allowed to bear legal arms for their personal protection, and the protection of their family and loved ones. In special instances, judges handling sensitive cases must be given protective security detail to ensure their safety. Journalists may also be allowed to carry firearms for as long as they meet the standard requirements set by law, not the way it is being suggested by the Chief PNP that all of them may be issued permits to carry firearms.

Fourth, measures should also be taken to beef up the strength, the competence, the integrity and the visibility of our police forces. The NBI and the PNP must be provided with proper training on forensics,

and upgrading of antiquated medico-legal methods, as well as modernized equipment to solve crimes.

It is really distressing to see that there is no CSI or crime scene investigator that we see on the crime scene when offenses are committed. People walk all over the crime scene without the necessary professionalism when this is undertaken. I dare say that, perhaps, even some local police force members in the hinterlands would know the meaning of CSI at this point in time.

Criminals operate using unlicensed firearms, stolen vehicles or vehicles with stolen plates. They even have few connections or protectors with the police forces. Perhaps it would also be prudent to examine if there is still a need for a national police force, but it is time perhaps to look and be imaginative and innovative at trying to get back local government control over local police forces. If in the beginning, at least, in terms of providing investigative techniques or personnel properly trained with the proper equipment to try and solve these cases, then, perhaps they might be more effective.

The bloated bureaucracy of the PNP perpetrates inefficiency and hides precisely inefficiency. In the old days, when the local police force of a particular municipality becomes corrupt, it is only that local police force that is blamed. Today, the act of one becomes the act of all. If the national police force fails, then the national police force becomes a national bureaucracy of corruption. Perhaps it is time—if we do change the Constitution—to try and revisit this once again. After all, we can provide safeguards as was done during the time of the Philippine Constabulary when a president can declare a town under PC control should the local police force run amok in that particular community.

I propose to have a counterpart local government controlled police force working hand-in-hand with the PNP. As such, the

support and resources of local governments and local citizens are utilized. In the end, a strong, competent, upright and visible national police force supported by a vigilant citizenry will be our strongest bet in the fight against criminality.

Gone are the days of Director Lucban of the NBI. The NBI, which is our premier investigative agency, should also likewise be provided with the necessary equipment and techniques as well as training to be able to make sure that they become the *primus inter pares* among the investigative agencies in this country.

Finally, the Senate must create—and I so do move to be followed by a formal resolution to that effect—an oversight committee that will look into prison management where they can report periodically on who is being allowed out or who has escaped from a particular prison in the country, including vehicle registration to know what vehicles have been stolen, what license plates are missing. We do propose to enact legislation which will make it mandatory for all missing plates to be regularly published in newspapers of general circulation so the public can help arrest these people who are using these instruments to perpetrate crimes.

This oversight committee should also deal with kidnapping, firearms registration, and the use of intelligence and confidential funds, programs and activities which may examine the performance level of the police and law enforcement agencies as well as serve as a venue for the police to express their needs.

Let us not allow lawless elements to take our nation down the path of anarchy. Let us feel a deep sense of outrage over this assault on representatives of our institutions of democracy. But most importantly, let us wage an unwavering and continuing fight against these criminal elements by taking a proactive stance and instituting policies that enable our people to protect themselves, because the fight against these criminals

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who spit at our laws is not a fight we can afford to keep on losing.

We owe it to our country and to our people to have the kind of climate not of fear but of confidence, to be able to ensure that we can really prevail as a society that is democratic, that is equal, and that is pro-people.

Senator Pangilinan stated that Senator Gordon had agreed to defer the interpellations to a later hour.

QUESTION OF PRIVILEGE OF SENATOR ENRILE

On a question of personal and collective privilege, Senator Enrile delivered the following speech:

First of all, let me reiterate what I already said previously that this Chamber must be the *senatus populi* of the nation. The Minority had indicated its readiness to lend its individual and collective experience and to cooperate and help the Majority in looking for suitable solutions to our manifold national problems.

To my mind, the committees of the Senate are its instruments in crafting sound and suitable policies and legislation to respond to our political, social and economic problems—there are so many of them and very serious ones—and for the development of the nation.

After the Majority caucus last Wednesday and before the session started that day, we were informed that eight out of the 36 standing committees of the Senate will be available for chairmanship to the Minority senators. What are these eight committees? They are:

1. The Committee on Cooperatives;
2. The Committee on Urban Planning, Housing and Resettlement;
3. The Committee on Cultural Communities;
4. The Committee on Social Justice, Welfare and Rural Development;

5. The Committee on Civil Service and Government Reorganization;
6. The Committee on Youth, Women and Family Relations;
7. The Committee on Public Information and Mass Media; and
8. The Committee on Peace, Unification and Reconciliation.

Without belittling the importance of these committees and the seriousness of the issues and concerns that they seek to address, we all know that relative to the other committees of the Senate, these are considered minor committees.

In contrast, the Majority has allocated among themselves the chairmanships of the 28 out of the 36 Senate standing committees. From what we know so far, these 28 committees will be chaired by members of the Majority—without having to mention the designated chairs—as follows:

1. Committee on Finance;
2. Committee on Ways and Means;
3. Committee on Economic Affairs;
4. Committee on Banks, Financial Institutions and Currencies;
5. Committee on Government Corporations and Public Enterprises;
6. Committee on Trade and Commerce;
7. Committee on Agriculture and Food;
8. Committee on Foreign Relations;
9. Committee on National Defense and Security;
10. Committee on Justice and Human Rights;
11. Committee on Public Works;
12. Committee on Local Government;
13. Committee on Agrarian Reform;
14. Committee on Labor, Employment and Human Resources Development;
15. Committee on Education, Arts and Culture;

16. Committee on Health and Demography;
17. Committee on Environment and Natural Resources;
18. Committee on Energy;
19. Committee on Public Services;
20. Committee on Science and Technology;
21. Committee on Constitutional Amendments, Revision of Codes and Laws;
22. Committee on Public Order and Illegal Drugs;
23. Committee on Tourism;
24. Committee on Games, Amusement and Sports;
25. Committee on Accountability of Public Officers and Investigations;
26. Committee on Rules;
27. Committee on Ethics and Privileges; and
28. Committee on Accounts.

Frankly, I would like to state for the record that it is not for me to question the prerogative of the Majority and the Senate leadership to assign the chairmanships of the various committees of the Senate to whomsoever they wish to chair each of the committees. I would like to further state into the record that the members of the Opposition of this Chamber do not beg for committees. We are not beggars, we do not beg for committees.

However, for the record, for posterity, and for transparency so that our people will know the true situation in this Chamber, and to serve as a guide to the members of the Chamber in the future, I wish to raise before this plenary body of the Senate certain questions on behalf of the people who elected us to be members of the Senate.

May I know the criterion or criteria used by the Majority and the Senate leadership in selecting or designating the chairman of each of the committees of the Senate?

Was the selection or designation of the chairman for each of the committees based purely on merit and experience and without any color of political consideration or any element of party affiliation?

Does this mean that the Majority and the Senate leadership do not welcome the offer of cooperation and assistance from the Minority?

Does this indicate that the Majority wishes to assume by itself all the necessary labor and the full responsibility of enacting the required legislation to deal with our national problems?

Does this suggest that the Majority and the Senate leadership do not wish or intend to avail of the individual and collective experience of the members of the Minority and in providing solutions to our critical national problems?

Is the allocation of committee chairmanship in the Senate indicative of an attitude of the Majority and the Senate leadership to regard the members of the Minority as adversaries and unworthy of trust?

In seeking suitable and meaningful committees, we are not after material gain. I think that should be well understood. We have no greed or avarice in our hearts. To be sure, with or without chairing any of these committees, the Minority will have its hands full in performing its role as fiscalizers of this Chamber.

Whether the Chair wants our cooperation and assistance or not, it is up to the Chair and the other members of the Majority. I would like to state empathically into the record that we will dance according to the tune they want to play.

INTERPELLATION OF SENATOR ANGARA

Asked by Senator Angara if he would be willing to dance to Cha-Cha, Senator Enrile said that he would, if it would do the country good.

Senator Angara affirmed that the Minority are not really asking—much less begging—for any committee. He said that like others who have chaired many committees in past Congresses, he was not really eager to chair a committee and to overburden himself with work.

Senator Angara asked whether the offer of cooperation of Senator Enrile and some Members meant that everybody should now try to see how work and responsibility could be shared equitably in the Senate to respond to the present crisis. Replying in the affirmative, Senator Enrile said that in his speech last July 27, he heeded the call for unity of President Macapagal-Arroyo during her State of the Nation Address. He said that as a Filipino and as an elected senator, it was his duty and responsibility to help the country and the people surmount the present difficulty.

Relative thereto, Senator Enrile pointed out that the Senate is not the property of the Majority or politicians; it is an institution established by the people, by virtue of their sovereign character, to be an instrument to solve problems and to foster well-being and economic development. He reiterated that he considered the Senate committees as the instruments that would effect development and the necessary policies as suitable solutions to the political, economic and social problems of the country. Even as the Senate is divided into a Majority and Minority, he said that the senators should not lose sight of the fact that they are serving one master, that is, the Filipino people.

Senator Enrile stated that while the senators maintain their roles as the Majority, who formulate policies, and the Minority, who scrutinize and fiscalize, they must work together and cooperate with one another to bring about a synthesis which would redound to the benefit of the Filipino people who elected them. Adverting to the President's call for unity and cooperation to solve the problems of the nation, he expressed hope that the senators would respond to it with equal measure.

Senator Angara agreed with the position of Senator Enrile that is quite a departure from his own position in the last three years when after every

SONA, he was always designated to deliver the contra-SONA, realizing that the nation is in deep trouble, thus, the need for the senators to pool together, form a common working agenda, and move together harmoniously to achieve the goal.

On another matter, Senator Angara said that he does not completely agree that all the eight committees being offered to the Minority are minor ones as he believed that the Committees on Urban Planning, Housing and Resettlement; Cultural Communities; Civil Service and Government Reorganization; and Youth, Women and Family Relations cover major areas of concern. The Committee on Cooperatives, he pointed out, is a minor committee, being an adjunct of the Committee on Agriculture and Food.

Further, Senator Angara stated that the Committee on Social Justice, Welfare and Rural Development is a hodgepodge that was carved out of the Committees on Education, Arts and Culture; Health and Demography; and Agriculture and Food. He noted that the Committee on Peace, Unification and Reconciliation is an ad hoc committee that was created during President Ramos' time to monitor the negotiations between the government and the MNLF.

Senator Enrile suggested that the Majority handle the following committees: Committee on Civil Service and Government Reorganization, because of the proposed reorganization of the civil service; Committee on Youth, Women and Family Relations, because of the population issue; and the Committee on Peace, Unification and Reconciliation, because of the need for unification in the country. He said that these areas of concern would require cooperation and coordination; besides, the administration as policy determinant and formulator needed guidelines. The Majority, he surmised, offered the Minority the chairmanships of the Committee on Civil Service and Government Reorganization because they are afraid of the backlash that would result from the reorganization of the bureaucracy. He wondered whether this is an admission and an implied statement that the Majority are afraid to face up to the problems of the country. He stated that while he would like to help the administration, together with his colleagues in the Opposition, he would like to make sure that the administration would not pass the buck

to the Minority in case it does not push through with its programs.

Noting that the Committees on Ethics and Privileges, and Accounts would be chaired by the Majority, Senator Angara stated that in the recent Commonwealth Parliamentary Association workshop he attended, one of the pleasant discoveries he made is that in the commonwealth parliamentary system, the Committees on Ethics, and Public Accounts are usually chaired by the members of the Minority to maintain a check and balance even within the parliament, and show the people that the legislators are collectively and individually willing to submit to public accountability.

Senator Enrile agreed, pointing out that a member of the Majority was the one who raised the question of extra compensation of some senators. He said that he does not question the prerogative of the Majority to assign committee chairmanships but if indeed the senators wanted to reform the system and blaze new paths to progress, they must discard traditions and face up to the problems. The Committee on Accounts, he stated, should be given to the Opposition so that they would be the guardians of the purse of the Senate. Instead, he noted that the Minority are being offered committees that are not effective enough to be used to solve the very serious problems of the nation. As a cultural communities committee chairman, for instance, he wondered what his stand would be on finance, economics, and the problems of energy and foreign relations if he were to be invited to a meeting of the high council of government.

Senator Angara recalled that in the Eighth Congress, Senator Joseph Estrada did fairly well in chairing the said committee. He pointed out that from day one of the post-EDSA Senate, the Majority shared the work and responsibility with the Minority. He stated that this arrangement had continued up to the Eleventh Congress but in the Twelfth Congress, the Minority were assigned minor committees. He said that he was bothered with the impending announcement of the designation of the chairs of the 28 committees.

Senator Enrile stated that Senator Joseph Estrada selected the said committee even though

each member of the Minority was given a choice of the committee that he wanted to chair based on his own assessment of his interest and capability. He pointed out that if the senators wanted to work together and serve the people, the fairest and most logical thing to do is for the Majority to select the committees that would interest them and for which they think they could contribute the most based on their capabilities in serving the interest of the nation, and thereafter, ask the Opposition what committees they would be willing to handle. He expressed hope that his questions would be answered.

INTERPELLATION OF SENATOR EJERCITO ESTRADA (J)

In the light of the seemingly minimal role the Majority wanted the Minority to perform, Senator Ejercito Estrada asked whether the Majority believe that they could discharge the mandate of the Senate.

Senator Enrile said that precisely, he was directing the same question to the Majority. The Majority, he stated, cannot dictate what the Minority can do in the Senate nor can they measure the level of what the Minority can and will do because all should live by the Rules. He stated that it is the duty of the Minority to fiscalize the Majority.

Asked what would happen if no committee report is filed and reported on the floor within 30 days in spite of the fact that all the chairmanships of the committees have been given to the Majority, Senator Enrile replied that under the Rules, each committee is given 30 session days to come out with a report on every proposed bill referred to it. He said that if a committee fails to perform such duty, the Opposition could file a resolution so that the matter could be taken up in the plenary.

Senator Ejercito Estrada (J) opined that the Majority would not be able to perform their duty if the chairmanships of all the committees would be given to them. It is for this reason, he added, that the administration senators needed the cooperation of the Minority.

Based on his experience, Senator Enrile pointed out that not even 23 senators, much less 13 senators

who belong to the Majority, would be able to act on all the proposed legislations filed by all the Members.

Asked what the Minority would do in such a situation, Senator Enrile replied that the Minority would deliver speeches to compel the Majority to work 24 hours a day so that they would report out the bills.

INTERPELLATION OF SENATOR LIM

At the onset, Senator Lim asked whether it is the looks or height or talent which was used as a criterion in selecting a committee chairman. Senator Enrile replied that he was not aware of the criteria used in the selection of the chairs of the committees.

Senator Lim noted that in the list of chairmanships, the Minority were allocated eight committees while the Majority were given 28 committees.

Senator Enrile stated that the Minority who comprise 40% of the Senate were given eight committee chairmanships while the Majority got 28 chairmanships. He pointed out, however, that in terms of power, privilege and additional budget, the Majority would get 78% while the Minority would only receive 22%. But he stressed that he was not asking that the Minority be given more committees, rather, he was merely saying that if the Majority really wanted the cooperation and help of the Opposition, the 13 administration senators should be allowed first to choose what committees they would like to chair and thereafter, the Minority should be given the chance to select which committees they would handle so that the Senate could effectively perform its duty.

Asked if the Majority do not believe in the capability of the Minority to head certain committees, Senator Enrile said he did not know.

Senator Lim pointed out that in spite of the offer of cooperation, the Majority feel that the Minority do not belong to the Senate. He then suggested that the eight committees being offered to the Minority be given also to the

Majority so that they would have an equal number of committees to chair.

Senator Enrile stated that he would not accept any chairmanship because his expertise is not on any of the eight committees being offered by the Majority.

Senator Lim reiterated his suggestion that all the eight committee chairmanships be offered to the Majority to prevent them from (...)*. He said that while he would support the Majority, he would oppose or fiscalize them when the interest of the country is at stake.

INTERPELLATION OF SENATOR PIMENTEL

Senator Pimentel stated that it is a tradition in Congress that the Majority decides what committees should be assigned to their members and to the Minority, a practice which, he said, does not take into account that the Minority are also elected by the people. It is, he said, a zero-sum game. He pointed out that in a democratic set-up, there is always power sharing so, theoretically, at least 40% of the committees should go to the Minority. Senator Enrile said that this was his understanding as he reiterated that the committees do not belong to anybody but to the Senate.

Senator Pimentel believed that the problem lies in the fact that when a majority is formed in the Senate, everything belongs first and foremost to that bloc regardless of the number that constitutes the minority. He said that the Majority are playing a winner-take-all kind of game which is against democratic processes.

Senator Enrile did not believe that the Majority intended to adopt the Jacksonian spoils system whereby "to the victors belong the spoils." However, he reiterated that if the Majority are really serious about dealing with the problems of the country and heeding the call for cooperation of the President, reason and wisdom dictate that senators should be fair with one another. But he warned that if the Majority wanted an adversarial proceedings in the Senate, the Minority would give it to them.

*stricken off the Record upon motion of Senator Biazon

Senator Pimentel recalled that he represented the Minority at the LEDAC meetings for the past two weeks, during which, the President requested him to invite Senators Enrile, Angara and Osmeña to attend the meeting of the Council because they could contribute to addressing the financial and economic problems of the country.* He believed that the invitation was a recognition of the talents and expertise of these senators.

Senator Enrile stated that if he was called upon to assist in finding solutions to the problems of the country, he would accord equal measure, to the extent of his knowledge and capability, regardless of his feelings and political position. However, he said that under the present condition, he would not accept any invitation to participate in the LEDAC because the Majority have indicated that they do not want the cooperation and assistance of the Minority.

On the assertion that the sharing of a substantial number of committees with the Minority would be an act that would engender support for legislation that the country needed, Senator Enrile explained that he put his statements into the record so that in the event of any failure to enact necessary legislations in the Senate, the people would know that it was not for lack of cooperation from the Minority but, rather, the Majority did not need the cooperation and assistance of the Minority.

SUGGESTION OF SENATOR LACSON

Senator Lacson believed that Senator Enrile raised valid questions on the issues of committee chairmanships and cooperation between the Majority and Minority. He suggested that Senate President Drilon be allowed to give his views on the matter.

REMARKS OF SENATOR PANGILINAN

Senator Pangilinan agreed that without the cooperation of the Minority, the work in the Senate would be difficult to do. He assured Senator Enrile that the issues raised would be discussed in the Majority caucus on Wednesday.

He also proposed to have a separate meeting with Senator Pimentel, at the latter's convenience, to find out how they could address the questions raised on the floor. He expressed hope that his response had initially satisfied Senator Enrile.

REMARKS OF SENATOR ARROYO

Adverting to the statement of Senator Pimentel that the President had invited Senators Angara, Enrile and Osmeña to the LEDAC meeting, Senator Arroyo admitted that there was a tinge of envy on his part because not once had he been invited to the LEDAC meeting by the President. Considering that she has been president for four years and they carry the same surname, Senator Arroyo remarked that he had never been consulted by the President on any matter either, in short, he does not exist.

REMARKS OF SENATOR BIAZON

Senator Biazon expressed appreciation to Senator Enrile for raising issues that, at one time or another, when he was still with the Minority, elicited the same sentiments. However, he took exception to the statement of Senator Lim that, to him, casts aspersions on the motives of the Majority.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 5:14 p.m.

RESUMPTION OF SESSION

At 5:22 p.m., the session was resumed.

MANIFESTATION OF SENATOR LIM

Initially, Senator Lim said that his innocent remark was misinterpreted. As regards the distribution of 28 chairmanships among the Majority, he said that there was a disparity in the allocation of chairmanship assignments because Senator Flavier, for instance, was assigned only one committee; besides, he was not aware who

*As corrected by Senator Pimentel on August 9, 2004

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got more than one. He said that he suggested that the Minority give up the eight committees to the Majority to make the distribution of chairmanships equal.

Senator Lim protested the behavior of Senator Biazon when the latter stood up and walked towards the lectern in a manner that he interpreted was one of "provocation." He expressed hope that the misunderstanding would pass. He stressed that he did not mean to hurt the feelings of Senator Biazon, much less to insinuate that the latter wanted to chair three committees. He clarified that he was speaking in a general sense because he could not understand why some senators who belong to the Majority had two chairmanships and the others, three. Unfortunately, he said, his expression of sympathy for the senators who got only one committee was misinterpreted.

MOTION OF SENATOR BIAZON

Senator Biazon pointed out that the statements made in the session hall are recorded for posterity and at one point in time, his grandson or anyone, for that matter, who reads the statement of Senator Lim in the Record about the senators in the Majority and the committee chairmanships might misinterpret the same. In this regard, he moved that the particular statement of Senator Lim be stricken off the Record.

OBJECTION OF SENATOR ENRILE

Senator Enrile objected to the motion, stating that it is the right of a Member to make a statement for the record. Besides, he said, the statement is not offensive.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 5:27 p.m.

RESUMPTION OF SESSION

At 5:28 p.m., the session was resumed.

Senator Enrile withdrew his objection.

There being no objection, the motion of Senator Biazon was approved by the Body.

Thereafter, the interpellation on Senator Gordon's speech commenced.

INTERPELLATION OF SENATOR ANGARA

At the outset, Senator Angara noted the four measures that were being proposed to help solve the merciless and needless killings of judges and journalists, the centerpiece of which is the creation of an oversight committee to monitor prison management, vehicle and firearms registration, kidnapping and the use of intelligence and confidential funds. He agreed to the proposals.

Asked about the function of the oversight committee and how it would interact with the oversight committees on drugs and illegal activities, and on the use of intelligence and confidential funds; and the Committee on Justice and Human Rights, Senator Gordon replied that it is principally based on the need to promptly act on such incidents like the killing of judges and newsmen or the use of government vehicles in the perpetration of offenses. He added that there is need for the regular monitoring of the activities of the law enforcement agencies and their ability to inform the public if the rules prescribed by law and by their respective agencies have been observed. He pointed out that there had been cases where prisoners were released in order to carry out their ill will upon others, and then brought back to the prison; when law enforcement authorities negligently failed to notify the public about missing car plates so that these could be reported to the proper authorities. He stated that he would like to see statistical presentations made by the law enforcement authorities as to whether they are on the right track.

As regards the committees, Senator Gordon said the committees mentioned are in charge of amplifying legal measures proposed in the Senate, but on a day-to-day basis, there is a need for the proposed oversight committee to improve policies.

Asked if the proposed oversight committee would be more focused on getting information about prisoners being used to commit crimes against other people, stolen vehicles and the use

of intelligence funds for illegal purposes, Senator Gordon replied in the affirmative.

Asked about the PNP register of firearms, Senator Gordon stated that the rules on firearm registration provide that only two firearms — one long, one short — shall be allowed each individual, yet there are cases where some people have 12 or more properly registered firearms. He said that he intended to file a bill that would allow the registration of loose firearms subject to rules and regulations of a law. He asserted that this law is important so that the authorities would know who owns firearms, and such information would help trace firearms that were used to commit crimes; it would, moreover, encourage people not to illegally keep firearms and deter would-be criminals. He said it was time the government raised more revenues from those who collect firearms or those who intend to have more than the allowable firearms.

Asked if the oversight committee would also investigate the alleged involvement of uniformed men in some criminal activities, Senator Gordon replied in the affirmative.

Senator Angara recalled that in the U.S. Senate, the Kefauver Committee investigated the illegal activities of the Mafia through legitimate labor unions. The proposed measure, he said, is a parallel effort to look into the unlawful combination of law enforcers and lawless elements in the commission of crimes.

Senator Gordon averred that there was a need to monitor the crime situation from a legislative point of view. He asserted that there is a need to establish whether the social contract with the police authorities who are allowed to use firearms to protect the citizenry is being properly implemented.

Senator Gordon noted that the oversight committee on the intelligence funds should be expanded to scrutinize the activities of certain people. He opined that the public would be more disposed to trusting the Senate than the law enforcement agencies. Senator Angara said that he would support such a resolution.

Asked about the proposal on a counterpart local police force under the control of local

governments, Senator Gordon replied that he preferred that local authorities have control over their own police. He observed that in the past, if a local police force "turned sour," there was still a national police force, the Philippine Constabulary, to rely on. Today, he said, if a policeman commits shenanigans in one locality, he is just transferred to another where he continues his activities. He said that it was important to look into the Constitution, if the Body so desires, and determine if the local police forces should be brought under the control of elected officials. He said that it was also important to maintain a national police force that would conduct training and keep central files like the FBI. He argued that there would be no violation of the Constitution if local government authorities would provide a group to take charge of investigating crimes within their jurisdiction.

Asked if he was proposing a return to a pre-1972 Constitution situation when there was a national police and a local police subject to the control and supervision of the local government officials, Senator Gordon replied in the affirmative.

Recalling that the situation in each community was much better then when the police was only accountable to a particular place, Senator Angara stated that a policeman then was recruited from his own locality, thus, he respected the rights of his fellow citizens in the light of personal and familial relations. He added that today, there is no such relationship because the policeman could be assigned anywhere.

Agreeing thereto, Senator Gordon noted that the relationship between the mayor and the national police force becomes totally transactional in the sense that most mayors do not want to give part of their IRA if they have no control over the police force and the peace and order situation.

Recalling the 1971 Constitutional Convention, Senator Angara pointed out that the rationale for nationalizing the police force was that some of the policemen were used as bodyguards of local officials. Looking back, he asked how many tyrannical local officials there were then and how many tyrannical chiefs there are now.

Senator Gordon replied that he opposed the creation of a national police force because once

the people perceived an element of it as corrupt, the whole police bureaucracy would be perceived as corrupt. This is the reason why there is no policeman in any locality who can actually come in and be an expert in solving crimes, he said. In fact, he added, no policeman dares to blow the whistle on his fellow policeman or commander, otherwise, he would be transferred or, worse, liquidated. He pointed out that as mayor of Olongapo City, he lobbied for the creation of PLEB so that the people would know where to go in case there is a rogue policeman in their midst, and they do not need a quantum of evidence to prove a criminal offense. It was unfortunate, though, that PLEB was not given enough support, he added.

Senator Angara pointed out that the national police has lost its sense of accountability because of the withdrawal of the confirmation of police officers by the Commission on Appointments. Senator Gordon agreed, saying that the CA was a great check and balance in the appointment of responsible government officials.

Senator Angara said he was ready to cosponsor a bill creating locally controlled police forces that do not undermine the national police. Senator Gordon welcomed the offer which, he said, is a signal that the Majority and Minority are working for the higher interest of the country.

Senator Angara believed that Senator Gordon has pointed out the number one problem in the minds of the people which is their safety and security in their homes and on the streets. He expressed hope that the proposals of Senator Gordon would help solve the problem.

At this juncture, Senator Pimentel yielded the floor to Senator Roxas, stating that he would interpellate afterwards.

INTERPELLATION OF SENATOR ROXAS

Underscoring the magnitude of lawlessness in the country, Senator Roxas recalled a fire fight involving two prominent families that took place two months ago. He noted that the fire fight was something that is more likely to occur in the mountains between two heavily armed groups. Relative thereto, he inquired whether new

legislation, better implementation of laws or placing of accountability is necessary to prevent such incidents.

Agreeing that better enforcement of the law is necessary, Senator Gordon noted that the Philippines has a seeming inability not only to enforce laws but also to make lawmakers, law enforcement officials and citizens accountable for their actions. Adverting to the Mandaluyong fire fight, he said the incident impacts several laws such as the accountability of the parents, the people who carried the firearms, and the police force who failed to come out with a cogent explanation on what really happened. He disclosed that up to present, no one has any idea where the high-powered weapons came from. Further, he pointed out that one of the people involved in the incident possessed 12 firearms which violates the firearm rules. He said that if the firearms used in the incident had been registered, ballistics would be able to trace their ownership; however, if the firearms were obtained illegally, it would be harder to determine the perpetrators of the crime.

To further emphasize his point, Senator Gordon recalled that grenades and, ultimately, a pistol were used in his father's assassination. He noted that the failure of the owner to register his weapon should be treated as a serious offense. He denounced the "one long, one short firearm" ownership rule which, in reality, is not being followed because many people are able to get away with owning a lot of firearms.

Senator Gordon said that government should generate not only revenues from the taxes charged on the purchase of such weapons but more importantly, gather data on where these weapons are. If these weapons were obtained illegally, then he said there should be a maximization of the penalty or "aggravation of the offense". To further underscore the need for new legislation on the matter, he recounted an incident in Malabang in Mindanao where he discovered, to his surprise, that there were thousands of firearms, including M-16s and rocket launchers in the municipality. He opined that it would be better for corporations or plantations to have the firearms licensed so that authorities could trace the ownership. He suggested that the government give

the owners shotguns in exchange for these high powered firearms which should be turned over to the military.

Senator Roxas wondered who could be made responsible for the EDSA firefight as the police themselves had said that no charges have been filed by either party up to now. Senator Gordon replied that this was why local executives are needed to manage the police force. Had the incident occurred with the local government unit on top of law enforcers, then, the local government officials could remove the chief of police for negligence, he stated. He also noted that there is no formal report on the matter as no investigation was actually conducted. He added that the legislature could have conducted an investigation into the incident in aid of legislation.

Upon further query, Senator Gordon said that calling the failure of the Mandaluyong police authorities to come up with a report on the incident as a "dereliction of duty" is a mild way of describing it. He believed that the police had been indifferent and had failed to perform their duties.

Senator Roxas suggested that the matter be referred to the Committee on Public Order and Illegal Drugs that would process the legislative proposals and conduct an investigation in aid of legislation.

Senator Gordon agreed as he underscored the fact that while media reports have desensitized the public to the issue, it is the media practitioners who are being attacked today. He pointed out that the killings of media personalities have happened over the years but the government has been helpless to do anything about those crimes. He stressed that this is not the way government operates. He expressed hope that his speech would awaken the higher instinct within the Filipinos so that justice may be served.

MANIFESTATION OF SENATOR PIMENTEL

Senator Pimentel waived his reservation to interpellate as he said that he had been convinced by the arguments of Senator Gordon.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Flavier, there being no objection, the Chair referred the privilege speech of Senator Gordon and the interpellations thereon to the Committee on Public Order and Illegal Drugs.

ADDITIONAL 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. 401, entitled

AN ACT PROVIDING INSURANCE TO BARANGAY HEALTH WORKERS

Introduced by Senator Serge Osmeña

To the Committees on Health and Demography; Local Government; and Finance

Senate Bill No. 402, entitled

AN ACT MANDATING THE PAYMENT OF REGULAR COMPENSATION TO ELECTED AND OTHER BARANGAY OFFICIALS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

Introduced by Senator Serge Osmeña

To the Committee on Local Government

Senate Bill No. 403, entitled

AN ACT RE-NATIONALIZING DEVOLVED PERSONNEL, POSITION, SERVICES AND FACILITIES OF THE DEPARTMENTS OF AGRICULTURE, HEALTH AND SOCIAL WELFARE AND DEVELOPMENT, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

**To the Committees on Local Government;
and Finance**

Senate Bill No. 404, entitled

AN ACT ESTABLISHING AN
EDUCATIONAL ASSISTANCE
AND TRAINING PROGRAM FOR
ENLISTED PERSONNEL OF THE
ARMED FORCES OF THE
PHILIPPINES AND FOR OTHER
PURPOSES

Introduced by Senator Serge Osmeña

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

Senate Bill No. 405, entitled

AN ACT PROVIDING FOR
EDUCATIONAL BENEFITS FOR
THE MINOR CHILDREN OF
SOLDIERS AND POLICEMEN WHO
ARE KILLED BY INSURGENTS
OR SLAIN IN THE LINE OF DUTY
AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

**To the Committees on Public Order and
Illegal Drugs; National Defense and Security;
and Finance**

Senate Bill No. 406, entitled

AN ACT AMENDING REPUBLIC
ACT NO. 6963, OTHERWISE
KNOWN AS AN ACT GRANTING
SPECIAL FINANCIAL ASSISTANCE
AND BENEFITS TO THE
FAMILY OR BENEFICIARY OF
ANY POLICE OR MILITARY
PERSONNEL OR FIREMAN
KILLED OR PERMANENTLY
INCAPACITATED WHILE IN THE
PERFORMANCE OF HIS DUTY
OR BY REASON OF HIS OFFICE
OR POSITION, AND FOR OTHER
PURPOSES

Introduced by Senator Serge Osmeña

**To the Committees on Public Order and
Illegal Drugs; and National Defense and Security**

Senate Bill No. 407, entitled

AN ACT ESTABLISHING THE
PHILIPPINE AIR FORCE
ACADEMY (PAFA) AND
APPROPRIATING FUNDS
THEREFOR

Introduced by Senator Serge Osmeña

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

Senate Bill No. 408, entitled

AN ACT ESTABLISHING THE
PHILIPPINE NAVAL ACADEMY,
APPROPRIATING FUNDS
THEREFOR AND FOR OTHER
PURPOSES

Introduced by Senator Serge Osmeña

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

Senate Bill No. 409, entitled

AN ACT IMPLEMENTING THE
PROVISIONS OF SECTIONS 7
AND 8 OF ARTICLE VII OF
THE CONSTITUTION ON
PRESIDENTIAL SUCCESSION

Introduced by Senator Serge Osmeña

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

Senate Bill No. 410, entitled

AN ACT TO GUARANTEE
THE RIGHTS OF PEOPLE'S
ORGANIZATIONS, AND FOR
OTHER PURPOSES,

Introduced by Senator Serge Osmeña

To the Committee on Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 411, entitled

AN ACT TO ENCOURAGE THE PARTICIPATION OF PEOPLE'S AND NON-GOVERNMENTAL ORGANIZATIONS AND STRENGTHEN THEIR ROLE IN NATIONAL DEVELOPMENT

Introduced by Senator Serge Osmeña

To the Committee on Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 412, entitled

AN ACT PROHIBITING THE ESTABLISHMENT OF POLITICAL DYNASTIES

Introduced by Senator Serge Osmeña

To the Committee on Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 413, entitled

AN ACT AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NO. 7941, OTHERWISE KNOWN AS THE PARTY LIST SYSTEM ACT

Introduced by Senator Serge Osmeña

To the Committee on Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 414, entitled

AN ACT PROVIDING FOR A BARANGAY ENERGIZATION FUND FOR RURAL ELECTRIC COOPERATIVES (RECs) TO ENERGIZE ALL BARANGAYS IN LUZON, VISAYAS AND MINDANAO

Introduced by Senator Serge Osmeña

To the Committees on Energy; Local Government; and Finance

Senate Bill No. 415, entitled

AN ACT TO FURTHER PROMOTE AND STRENGTHEN THE NATIONAL TOTAL ELECTRIFICATION POLICY, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NUMBERED TWO HUNDRED AND SIXTY-NINE (P.D. NO. 269), AS AMENDED, AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committees on Government Corporations and Public Services; Public Services; and Ways and Means

Senate Bill No. 416, entitled

AN ACT PROHIBITING THE ESTABLISHMENT AND OPERATION OF NUCLEAR POWER PLANT FACILITIES IN THE COUNTRY, AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committee on Energy

Senate Bill No. 417, entitled

AN ACT AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NUMBERED SEVENTY-EIGHT THIRTY-TWO, AS AMENDED, OTHERWISE KNOWN AS THE ANTI-ELECTRICITY AND ELECTRIC TRANSMISSION LINES/ MATERIALS PILFERAGE ACT OF 1994

Introduced by Senator Serge Osmeña

To the Committees on Public Services; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 418, entitled

AN ACT AMENDING REPUBLIC ACT NO. 8150 ENTITLED AN ACT

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PROVIDING FOR A FOUR-YEAR
PUBLIC WORKS AND HIGHWAYS
INFRASTRUCTURE PROGRAM

Introduced by Senator Serge Osmeña

**To the Committees on Public Works; and
Finance**

Senate Bill No. 419, entitled

AN ACT CREATING A ROAD
DEVELOPMENT AUTHORITY,
PROVIDING FUNDS THEREFOR
AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

**To the Committees on Government
Corporations and Public Enterprises; Public
Works; Ways and Means; and Finance**

Senate Bill No. 420, entitled

AN ACT TO REGULATE DIGGINGS
AND EXCAVATIONS ON ROADS
AND STREETS AND FOR OTHER
PURPOSES

Introduced by Senator Serge Osmeña

To the Committee on Public Works

Senate Bill No. 421, entitled

AN ACT DECLARING AS *PRIMA
FACIE* EVIDENCE OF GRAFT
AND CORRUPTION, INFRA-
STRUCTURE PROJECTS BELOW
THE PRESCRIBED STANDARDS
OR SPECIFICATIONS, AMENDING
FOR THE PURPOSE REPUBLIC
ACT NUMBERED THIRTY
HUNDRED NINETEEN,
OTHERWISE KNOWN AS THE
"ANTI-GRAFT AND CORRUPT
PRACTICES ACT," AND FOR
OTHER PURPOSES

Introduced by Senator Serge Osmeña

**To the Committees on Justice and Human
Rights; and Public Works**

Senate Bill No. 422, entitled

AN ACT PROVIDING FOR THE
COMPULSORY REGISTRATION
OF HEAVY EQUIPMENT

Introduced by Senator Serge Osmeña

**To the Committees on Public Works; and
Public Services**

Senate Bill No. 423, entitled

AN ACT AMENDING CERTAIN
SECTIONS OF THE PRESIDENTIAL
DECREE NO. 1096, MANDATING
THE DEMOLITION OF BUILDINGS,
STRUCTURES, OR ANY PART
OR PORTION THEREOF DAMAGED
BY FIRE, EARTHQUAKE, WIND,
OR BY ANY OTHER CAUSE,
POSING AN IMMINENT DANGER
TO LIFE, HEALTH, SAFETY OR
WELL BEING OF THE GENERAL
PUBLIC, WITH FIFTEEN (15) DAYS
FROM NOTICE, INCREASING THE
PENALTY FOR VIOLATION
THEREOF AND THE OTHER
PROVISIONS OF THE NATIONAL
BUILDING CODE, AND FOR OTHER
PURPOSES

Introduced by Senator Serge Osmeña

To the Committee on Public Works

Senate Bill No. 424, entitled

AN ACT REORGANIZING THE
NATIONAL TELECOMMUNICA-
TIONS COMMISSION, DEFINING
ITS POWERS AND FUNCTIONS
AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

**To the Committees on Public Services; and
Civil Service and Government Reorganization**

Senate Bill No. 425, entitled

AN ACT INSTITUTING THE
NATIONAL PUBLIC MARKET
CODE OF THE PHILIPPINES

Introduced by Senator Serge Osmeña

**To the Committees on Trade and Commerce;
and Local Government**

Senate Bill No. 426, entitled

AN ACT DEREGULATING CERTAIN
PUBLIC SERVICES, AMENDING
FOR THE PURPOSE COMMON-
WEALTH ACT NO. 146,
AS AMENDED, AND FOR
OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committee on Public Services

Senate Bill No. 427, entitled

AN ACT FURTHER RESTRICTING
THE TRANSFER OF TELECOM-
MUNICATION FRANCHISES
LEGISLATIVE, AMENDING FOR
THE PURPOSE SECTION 23,
ARTICLE VIII OF REPUBLIC ACT
NO. 7925, OTHERWISE KNOWN
AS THE PUBLIC TELECOM-
MUNICATIONS POLICY ACT OF
THE PHILIPPINES OF 1995

Introduced by Senator Serge Osmeña

To the Committee on Public Services

Senate Bill No. 428, entitled

AN ACT TO PROHIBIT AND PENALIZE
TELECOMMUNICATIONS FRAUD
AND THE DESTRUCTION OF
TELECOMMUNICATIONS FACILI-
TIES, AND FOR OTHER
PURPOSES

Introduced by Senator Serge Osmeña

To the Committee on Public Services

Senate Bill No. 429, entitled

AN ACT REQUIRING CLOSED-
CAPTIONS IN TELEVISION
PROGRAMS, HOME VIDEO

PROGRAMS AND MOTION
PICTURES AND PROVIDING
PENALTIES FOR VIOLATION
THEREOF

Introduced by Senator Serge Osmeña

**To the Committee on Public Information and
Mass Media**

Senate Bill No. 430, entitled

AN ACT ESTABLISHING TELECOM-
MUNICATIONS SERVICE
STANDARDS AND FOR OTHER
PURPOSES

Introduced by Senator Serge Osmeña

To the Committee on Public Services

Senate Bill No. 431, entitled

AN ACT PROTECTING USERS OF
TELEGRAPH, RADIO OR ANY
OTHER COMMUNICATIONS
SYSTEM IN THE PHILIPPINES
AND PRESCRIBING PENALTIES
FOR VIOLATIONS THEREOF

Introduced by Senator Serge Osmeña

To the Committee on Public Services

Senate Bill No. 432, entitled

AN ACT TO PREVENT FRAUDULENT
ACQUISITION OF A PHILIPPINE
DOMAIN OR PH DOMAIN
NAME OVER THE INTERNET
AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

**To the Committees on Science and
Technology; and Public Services**

Senate Bill No. 433, entitled

AN ACT TO ESTABLISH STRUCTURAL
REFORMS IN THE INFORMATION
AND COMMUNICATIONS
SECTOR TO PROMOTE THE

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DEVELOPMENT, DELIVERY
AND USE OF CONVERGENT
SERVICES

Introduced by Senator Serge Osmeña

**To the Committees on Science and
Technology; and Public Services**

Senate Bill No. 434, entitled

AN ACT REGULATING THE USE OF
TEXT, GRAPHICS, MULTIMEDIA
AND OTHER SIMILAR MESSAGING
SYSTEMS OF MOBILE PHONES
AS MEDIUM FOR BUSINESS
ENTITY ADVERTISEMENTS AND
FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committee on Public Services

Senate Bill No. 435, entitled

AN ACT PROVIDING FOR AGRO-
INDUSTRIAL INVEST-MENT
INCENTIVES TO ACCELERATE
DEVELOPMENT IN MINDANAO,
CREATING THE MINDANAO
INCENTIVES DEVELOPMENT
AUTHORITY FOR THIS PURPOSE,
AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

**To the Committees on Government
Corporations and Public Enterprises; Economic
Affairs; and Ways and Means**

Senate Bill No. 436, entitled

AN ACT CREATING METROPOLITAN
CEBU, ESTABLISHING THE
METROPOLITAN CEBU DEVELOP-
MENT AUTHORITY, DEFINING
ITS POWERS AND FUNCTIONS
PROVIDING FUNDS THEREFOR
AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

**To the Committees on Local Government;
and Finance**

Senate Bill No. 437, entitled

AN ACT PROVIDING FOR A MAGNA
CARTA OF SOCIAL WORKERS

Introduced by Senator Serge Osmeña

**To the Committee on Social Justice, Welfare
and Rural Development**

Senate Bill No. 438, entitled

AN ACT AMENDING SECTION 483 (A)
OF REPUBLIC ACT NO. 7160,
OTHERWISE KNOWN AS THE
"LOCAL GOVERNMENT CODE
OF 1991," AND FOR OTHER
PURPOSES

Introduced by Senator Serge Osmeña

To the Committee on Local Government

Senate Bill No. 439, entitled

AN ACT PROVIDING FOR A MAGNA
CARTA FOR THE POOR

Introduced by Senator Serge Osmeña

**To the Committees on Social Justice, Welfare
and Rural Development; Ways and Means; and
Finance**

Senate Bill No. 440, entitled

AN ACT REQUIRING ALL GOVERN-
MENT AND PRIVATE HOSPITALS,
MEDICAL CENTERS, CLINICS,
INFIRMARIES, PUERICULTURE
CENTERS TO EXTEND FREE
MEDICAL AND DENTAL
ASSISTANCE TO INDIGENT
CHILDREN

Introduced by Senator Serge Osmeña

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

Senate Bill No. 441, entitled

AN ACT PROVIDING FOR THE
TRANSFER OF SCIENCE AND

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TECHNOLOGY AND THE PRACTICE OF PROFESSIONS IN THE PHILIPPINES BY OVERSEAS FILIPINO PROFESSIONALS

Introduced by Senator Serge Osmeña

To the Committees on Science and Technology; and Justice and Human Rights

Senate Bill No. 442, entitled

AN ACT AMENDING SECTION TWENTY-SEVEN, PARAGRAPH (C) OF REPUBLIC ACT NO. 8424, OTHERWISE KNOWN AS TAX REFORM ACT OF 1997

Introduced by Senator Serge Osmeña

To the Committee on Ways and Means

Senate Bill No. 443, entitled

AN ACT RESTORING THE TAX EXEMPTION PRIVILEGE OF LOCAL WATER DISTRICTS UNDER SEC. 46 OF P.D. 198 AS AMENDED, AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committees on Public Services; Public Works; and Ways and Means

Senate Bill No. 444, entitled

AN ACT ABOLISHING THE PREMIUM TAX AND DOCUMENTARY STAMP TAX ON LIFE INSURANCE POLICIES AND ANNUITIES, REPEALING FOR THE PURPOSE SECTIONS 121 AND 183, AND AMENDING SECTION 186, OF THE NATIONAL INTERNAL REVENUE CODE, AS AMENDED

Introduced by Senator Serge Osmeña

To the Committees on Ways and Means; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 445, entitled

AN ACT PROVIDING FOR TAX EXEMPTION FOR EDUCATIONAL EXPENSES OF DEPENDENTS FOR INCOME TAX PURPOSES, AMENDING SECTION 32 OF THE NATIONAL INTERNAL REVENUE CODE, AS AMENDED, AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committee on Ways and Means

Senate Bill No. 446, entitled

AN ACT GRANTING A DOUBLE DEDUCTION FOR TUITION FEE EXPENSES INCURRED AND FOR THIS PURPOSE AMENDING SECTION 34, CHAPTER VII OF REPUBLIC ACT NUMBERED 8424 OTHERWISE KNOWN AS THE TAX REFORM ACT OF 1997

Introduced by Senator Serge Osmeña

To the Committee on Ways and Means

Senate Bill No. 447, entitled

AN ACT GRANTING A DOUBLE DEDUCTION FOR TUITION FEE EXPENSES INCURRED BY PUBLIC SCHOOL TEACHERS ENROLLED IN GRADUATE SCHOOL AMENDING FOR THIS PURPOSE SECTION 29, PARAGRAPH (A) OF COMMONWEALTH ACT NUMBERED FOUR HUNDRED SIXTY SIX, OTHERWISE KNOWN AS THE NATIONAL INTERNAL REVENUE CODE, AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committee on Ways and Means

Senate Bill No. 448, entitled

AN ACT EXEMPTING THE BANK DEPOSITS OF SENIOR CITIZENS

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FROM THE TWENTY PERCENT
(20%) WITHHOLDING TAX ON
INTEREST INCOME, AMENDING
FOR THE PURPOSE REPUBLIC
ACT NO. 7423

Introduced by Senator Serge Osmeña

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

Senate Bill No. 449, entitled

AN ACT IMPOSING A PROGRESSIVE
TAX ON ALL PRIVATE
AGRICULTURAL LANDS

Introduced by Senator Serge Osmeña

**To the Committees on Ways and Means;
Agrarian Reform; and Local Government**

Senate Bill No. 450, entitled

AN ACT RATIONALIZING THE
TAX ON WINNINGS AND
DOCUMENTARY STAMP TAX ON
HORSE RACING, AMENDING FOR
THE PURPOSE SECTIONS 126
AND 190 OF THE NATIONAL
INTERNAL REVENUE CODE
OF 1997, AS AMENDED, SECTIONS
11 AND 13 OF REPUBLIC ACT
NO. 8407 AND SECTIONS 8 AND
10 OF REPUBLIC ACT NO. 7953

Introduced by Senator Serge Osmeña

To the Committee on Ways and Means

**APPROVAL OF THE JOURNAL
AS CORRECTED**


Upon motion of Senator Flavier, there being no objection, the Body dispensed with the reading of the Journal of Session No. 6 and considered it approved subject to the corrections made by Senator Cayetano on page 121, left column, second paragraph, sixth line, to insert between the words "that" and "contraceptives," the phrase THE BILL AUTHORIZED THE GOVERNMENT TO MANDATE OR IMPOSE THE USE OF and to delete the words "are abortifacients" on the seventh line.

ADJOURNMENT OF SESSION

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

It was 6:20 p.m.

I hereby certify to the correctness of the foregoing.


OSCAR G. YABES
Secretary of the Senate
By *Y6* *✓*
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Approved on August 10, 2004