

REPUBLIC OF THE PHILIPPINES

S e n a t e

Pasay City

Journal

SESSION NO. 9

Wednesday, August 11, 2004

**THIRTEENTH CONGRESS
FIRST REGULAR SESSION**

SESSION NO. 9

Wednesday, August 11, 2004

CALL TO ORDER

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

PRAYER

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

Oh God, You made us in Your own image and redeemed us through Jesus, Your Son.

Look upon us with compassion.

Take away the arrogance and hatred which taint our hearts.

Break down the walls that separate us.

Unite us in bonds of love, and work through our struggles and confusion to accomplish Your purposes on earth. That in Your good time, all nations and races may serve You in harmony around Your heavenly throne, through Jesus Christ, our Lord.

Amen.

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.	Lacson, P. M.
Cayetano, C. P. S.	Lapid, M. L. M.
Defensor Santiago, M.	Lim, A. S.
Drilon, F. M.	Madrigal, M. A.
Ejercito Estrada, J.	Pangilinan, F. N.
Ejercito Estrada, L. L. P.	Pimentel Jr., A. Q.
Enrile, J. P.	Revilla Jr., R. B.
Flavier, J. M.	Roxas, M.
Gordon, R. J.	

With 17 senators present, the Chair declared the presence of a quorum.

Senators Arroyo, Biazon, Magsaysay, Osmeña, Recto and Villar arrived after the roll call.

APPROVAL OF THE JOURNAL

Upon motion of Senator Pangilinan, there being no objection, the Body dispensed with the reading of the Journal of Session No. 8 and considered it approved.

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. 551, entitled

AN ACT PROVIDING FOR ADDITIONAL BENEFITS AND PRIVILEGES TO PUBLIC SCHOOL TEACHERS AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 4670, OTHERWISE KNOWN AS "THE MAGNA CARTA FOR PUBLIC SCHOOL TEACHERS", AND FOR OTHER PURPOSES

Introduced by Senator Villar Jr.

To the Committee on Education, Arts and Culture

Senate Bill No. 552, entitled

AN ACT GRANTING PRIORITY TO HONOR GRADUATES OF STATE COLLEGES AND STATE UNIVERSITIES IN THE APPOINTMENT OF CIVIL SERVICE EMPLOYEES

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Introduced by Senator Villar Jr.

To the Committee on Civil Service and Government Reorganization

Senate Bill No. 553, entitled

AN ACT CREATING AN ADVANCED STUDIES DEVELOPMENT PROGRAM FOR EXCEPTIONAL EMPLOYEES FROM THE GOVERNMENT AND THE PRIVATE SECTOR AND FOR OTHER PURPOSES

Introduced by Senator Villar Jr.

To the Committees on Education, Arts and Culture; and Finance

Senate Bill No. 554, entitled

AN ACT PROVIDING A MECHANISM FOR GENERATING QUALITY GRADUATES OF HIGHER EDUCATION INSTITUTIONS BASED ON PERFORMANCE IN PROFESSIONAL LICENSURE EXAMINATIONS

Introduced by Senator Villar Jr.

To the Committees on Education, Arts and Culture; and Finance

Senate Bill No. 555, entitled

AN ACT TO PROTECT THE FREEDOM OF SPEECH AND OF ASSOCIATION RIGHTS OF STUDENTS ATTENDING INSTITUTIONS OF HIGHER EDUCATION

Introduced by Senator Villar Jr.

To the Committees on Education, Arts and Culture; and Justice and Human Rights

Senate Bill No. 556, entitled

AN ACT TO REQUIRE INSTITUTIONS OF HIGHER EDUCATION TO

WIDELY DISTRIBUTE INFORMATION DESCRIBING THEIR PROCEDURES FOR RECEIVING AND RESPONDING TO COMPLAINTS CONCERNING HARASSMENT

Introduced by Senator Villar Jr.

To the Committees on Education, Arts and Culture; and Justice and Human Rights

Senate Bill No. 557, entitled

AN ACT AMENDING REPUBLIC ACT NUMBERED SEVENTY-SIX HUNDRED AND FIFTY-THREE ENTITLED "THE NEW CENTRAL BANK ACT" AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committees on Banks, Financial Institutions and Currencies; Constitutional Amendments, Revision of Codes and Laws; and Ways and Means

Senate Bill No. 558, entitled

AN ACT TO PROVIDE FOR ELEMENTARY, SECONDARY, AND TERTIARY SCHOOL LIBRARY MEDIA RESOURCES, TECHNOLOGY ENRICHMENT, TRAINING AND DEVELOPMENT

Introduced by Senator Villar Jr.

To the Committees on Education, Arts and Culture; and Finance

Senate Bill No. 559, entitled

AN ACT TO PROMOTE CRIME AWARENESS AND SECURITY IN CAMPUSES

Introduced by Senator Villar Jr.

To the Committees on Public Order and Illegal Drugs; and Education, Arts and Culture

Senate Bill No. 560, entitled

AN ACT TO INTEGRATE IN THE CURRICULA OF ALL EDUCATION INSTITUTIONS INCLUDING NON-FORMAL, INDIGENOUS LEARNING AND OUT-OF-SCHOOL PROGRAMS, A COURSE IN PHILIPPINE SOCIETY AND THE ENVIRONMENT

Introduced by Senator Villar Jr.

To the Committees on Education, Arts and Culture; and Environment and Natural Resources

Senate Bill No. 561, entitled

AN ACT CREATING AND ESTABLISHING THE CENTER FOR STUDIES ON INDIGENOUS CULTURAL COMMUNITIES, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Villar Jr.

To the Committees on Cultural Communities; and Finance

Senate Bill No. 562, entitled

AN ACT TO STRENGTHEN THE SCIENCE AND TECHNOLOGY POPULARIZATION PROGRAM THROUGH THE ESTABLISHMENT OF THE PHILIPPINE SCIENCE CENTRUM AS THE NATIONAL SCIENCE AND TECHNOLOGY LEARNING CENTER/MUSEUM AND PROVIDING FUNDS THEREFOR

Introduced by Senator Villar Jr.

To the Committees on Education, Arts and Culture; Science and Technology; and Ways and Means

Senate Bill No. 563, entitled

AN ACT CREATING THE NATIONAL INSTITUTE FOR SCIENCE AND MATHEMATICS EDUCATION DEVELOPMENT (NISMED) APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Villar Jr.

To the Committees on Education, Arts and Culture; and Finance

Senate Bill No. 564, entitled

AN ACT REQUIRING THE USE OF THE ENGLISH LANGUAGE AS THE MEDIUM OF COMMUNICATION IN ALL GOVERNMENT-SPONSORED EXAMINATIONS

Introduced by Senator Villar Jr.

To the Committee on Civil Service and Government Reorganization

Senate Bill No. 565, entitled

AN ACT CHANGING THE SCHOOL CALENDAR FROM JUNE THROUGH MARCH TO SEPTEMBER THROUGH MAY

Introduced by Senator Villar Jr.

To the Committee on Education, Arts and Culture

Senate Bill No. 566, entitled

AN ACT TO STRENGTHEN THE UNIVERSITY OF THE PHILIPPINES AS THE NATIONAL UNIVERSITY

Introduced by Senator Villar Jr.

To the Committees on Education, Arts and Culture; Ways and Means; and Finance

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Senate Bill No. 567, entitled

AN ACT TO DEVELOP AN EDUCATION STRATEGY THAT ADDRESSES THE EDUCATIONAL NEEDS OF ALL MEMBERS OF LOCAL COMMUNITIES

Introduced by Senator Villar Jr.

To the Committees on Education, Arts and Culture; Local Government; and Finance

Senate Bill No. 568, entitled

AN ACT INSTITUTING A PUBLIC SCHOOL TEACHERS SCHOLARSHIP PROGRAM, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Villar Jr.

To the Committees on Education, Arts and Culture; and Finance

Senate Bill No. 569, entitled

AN ACT INSTITUTING THE VOLUNTEER AID TO SCHOOL AGE CHILDREN (VASAC) PROGRAM IN PUBLIC ELEMENTARY SCHOOLS AROUND THE COUNTRY AND APPROPRIATING FUNDS THEREOF

Introduced by Senator Villar Jr.

To the Committees on Education, Arts and Culture; and Finance

Senate Bill No. 570, entitled

AN ACT STRENGTHENING FURTHER AND BROADENING THE COVERAGE OF THE SPECIAL PROGRAM FOR EMPLOYMENT OF STUDENTS, AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 7323, AND FOR OTHER PURPOSES

Introduced by Senator Villar Jr.

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

Senate Bill No. 571, entitled

AN ACT EXEMPTING FROM TAX ALL ALLOWANCES AND BENEFITS GRANTED TO PUBLIC AND PRIVATE SCHOOL TEACHERS, INCLUDING THE FACULTY OF PUBLIC AND PRIVATE TERTIARY EDUCATIONAL INSTITUTIONS

Introduced by Senator Villar Jr.

To the Committees on Ways and Means; and Education, Arts and Culture

Senate Bill No. 572, entitled

AN ACT CREATING THE PHILIPPINE TEACHERS BANK, AND FOR OTHER PURPOSES

Introduced by Senator Villar Jr.

To the Committees on Banks, Financial Institutions and Currencies; and Education, Arts and Culture

Senate Bill No. 573, entitled

AN ACT PROHIBITING THE SALE OF TICKETS, COLLECTION OF CONTRIBUTIONS, SOLICITATIONS IN ANY FORM, OR ANY SIMILAR FUND-RAISING ACTIVITY, IN ELEMENTARY AND SECONDARY PUBLIC SCHOOLS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES

Introduced by Senator Villar Jr.

To the Committee on Education, Arts and Culture

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Senate Bill No. 574, entitled

AN ACT ESTABLISHING A COMPREHENSIVE AND INTEGRATED STUDENT HOUSING PROGRAM, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Villar Jr.

To the Committees on Urban Planning, Housing and Resettlement; Ways and Means; and Finance

Senate Bill No. 575, entitled

AN ACT PROVIDING FOR PROTECTION OF FAMILY PRIVACY

Introduced by Senator Villar Jr.

To the Committee on Youth, Women and Family Relations

Senate Bill No. 576, entitled

AN ACT TO PROMOTE FILIPINO EDUCATION AND HERITAGE THROUGH THE ESTABLISHMENT OF PHILIPPINE COMMUNITY SCHOOLS ABROAD FOR CHILDREN OF FILIPINO MIGRANT WORKERS AND OTHER OVERSEAS FILIPINOS

Introduced by Senator Villar Jr.

To the Committees on Education, Arts and Culture; Foreign Relations; and Finance

Senate Bill No. 577, entitled

AN ACT ESTABLISHING A PUBLIC HIGH SCHOOL IN EVERY MUNICIPALITY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Villar Jr.

To the Committees on Education, Arts and Culture; and Finance

Senate Bill No. 578, entitled

AN ACT RECOGNIZING SOUTHVILLE INTERNATIONAL SCHOOL AS AN EDUCATIONAL INSTITUTION OF INTERNATIONAL CHARACTER, GRANTING CERTAIN PREROGATIVES CONDUCTIVE TO ITS GROWTH AS SUCH AND FOR OTHER PURPOSES

Introduced by Senator Villar Jr.

To the Committee on Rules

Senate Bill No. 579, entitled

AN ACT SEPARATING THE BONBON EXTENSION HIGH SCHOOL IN BARANGAY BONBON, MUNICIPALITY OF LIBON, PROVINCE OF ALBAY FROM THE LIBON MUNICIPAL AGRO-INDUSTRIAL HIGH SCHOOL IN THE SAME MUNICIPALITY AND PROVINCE, AND CONVERTING THE SAME INTO AN INDEPENDENT NATIONAL HIGH SCHOOL, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Villar Jr.

To the Committee on Rules

Senate Bill No. 580, entitled

AN ACT SEPARATING THE AMTIC NATIONAL HIGH SCHOOL EXTENSION IN BARANGAY AMTIC, LIGAO CITY, FROM LIGAO NATIONAL HIGH SCHOOL, LIGAO CITY AND CONVERTING THE SAME INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS AMTIC NATIONAL HIGH SCHOOL, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Villar Jr.

To the Committee on Rules

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Senate Bill No. 581, entitled

AN ACT INSTITUTIONALIZING FREE PUBLIC PREPARATORY EDUCATION, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Villar Jr.

To the Committees on Education, Arts and Culture; and Finance

Senate Bill No. 582, entitled

AN ACT SEPARATING THE CAA HIGH SCHOOL ANNEX IN BARANGAY BF INTERNATIONAL/ CAA, LAS PIÑAS NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS THE CAA NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Villar Jr.

To the Committee on Rules

Senate Bill No. 583, entitled

AN ACT SEPARATING THE BUGA HIGH SCHOOL-LIBON AGRO-INDUSTRIAL EXTENSION HIGH SCHOOL IN BARANGAY BUGA, MUNICIPALITY OF LIBON, PROVINCE OF ALBAY FROM LIBON MUNICIPAL AGRO-INDUSTRIAL HIGH SCHOOL IN THE MUNICIPALITY OF LIBON, PROVINCE OF ALBAY AND CONVERTING THE SAME INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS THE BUGA NATIONAL HIGH SCHOOL, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Villar Jr.

To the Committee on Rules

Senate Bill No. 584, entitled

AN ACT SEPARATING THE POLANGUI GENERAL COMPREHENSIVE HIGH SCHOOL-BALOGO EXTENSION, BALOGO, MUNICIPALITY OF OAS, PROVINCE OF ALBAY FROM THE POLANGUI GENERAL COMPREHENSIVE HIGH SCHOOL, PROVINCE OF ALBAY AND CONVERTING THE SAME INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS THE BALOGO NATIONAL HIGH SCHOOL, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Villar Jr.

To the Committee on Rules

Senate Bill No. 585, entitled

AN ACT SEPARATING THE INTERIOR EIGHT HIGH SCHOOL-LIBON AGRO-INDUSTRIAL EXTENSION HIGH SCHOOL FROM THE LIBON MUNICIPAL AGRO-INDUSTRIAL HIGH SCHOOL IN BARANGAY SAN PASCUAL, MUNICIPALITY OF LIBON, PROVINCE OF ALBAY AND CONVERTING THE SAME INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS SAN PASCUAL NATIONAL HIGH SCHOOL, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Villar Jr.

To the Committee on Rules

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Senate Bill No. 586, entitled

AN ACT CREATING THE CARAGA STATE UNIVERSITY SYSTEM (CSUS) BY INTEGRATING THE (1) THE NORTHERN MINDANAO COLLEGE OF ARTS, SCIENCE AND TECHNOLOGY (NMCAST) IN CABADBARAN, AGUSAN DEL NORTE; (2) THE NORTHERN MINDANAO STATE INSTITUTE OF SCIENCE AND TECHNOLOGY (NORMISIST) IN AMPAYON, BUTUAN CITY; AND (3) SIARGAO NATIONAL COLLEGE OF SCIENCE AND TECHNOLOGY (SNCST) IN DEL CARMEN, SIARGAO, SURIGAO DEL NORTE AND APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Villar Jr.

To the Committee on Rules

Senate Bill No. 587, entitled

AN ACT CONVERTING THE OZAMIZ CITY SCHOOL OF ARTS AND TRADES IN OZAMIZ CITY, PROVINCE OF MISAMIS OCCIDENTAL INTO A POLYTECHNIC STATE COLLEGE TO BE KNOWN AS THE OZAMIZ CITY POLYTECHNIC STATE COLLEGE AND APPROPRIATING FUNDS THEREOF

Introduced by Senator Villar Jr.

To the Committee on Rules

Senate Bill No. 588, entitled

AN ACT DECLARING THE RIGHTS OF PATIENTS AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF

Introduced by Senator Villar Jr.

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

Senate Bill No. 589, entitled

AN ACT TO PROVIDE FOR A NATIONAL FOLIC ACID EDUCATION PROGRAM TO PREVENT BIRTH DEFECTS

Introduced by Senator Villar Jr.

To the Committees on Health and Demography; and Finance

Senate Bill No. 590, entitled

AN ACT INSTITUTIONALIZING THE NATIONAL MILK FEEDING PROGRAM AND PROVIDING FOR MILKFEEDING FUND THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Villar Jr.

To the Committees on Health and Demography; Youth, Women and Family Relations; Ways and Means; and Finance

Senate Bill No. 591, entitled

AN ACT TO PROVIDE FOR THE REDUCTION OF METALS IN PACKAGING

Introduced by Senator Villar Jr.

To the Committees on Trade and Commerce; and Health and Demography

Senate Bill No. 592, entitled

AN ACT TO REGULATE PESTICIDE CHEMICAL RESIDUES IN FOOD

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Introduced by Senator Villar Jr.

To the Committees on Agriculture and Food; and Health and Demography

Senate Bill No. 593, entitled

AN ACT ESTABLISHING A COMPREHENSIVE PROGRAM TO ENSURE THE SAFETY OF FOOD PRODUCTS INTENDED FOR HUMAN CONSUMPTION

Introduced by Senator Villar Jr.

To the Committees on Trade and Commerce; and Health and Demography

Senate Bill No. 594, entitled

AN ACT TO PRESCRIBE NUTRITION LABELING FOR FOODS

Introduced by Senator Villar Jr.

To the Committees on Trade and Commerce; and Health and Demography

Senate Bill No. 595, entitled

AN ACT TO PRESCRIBE LABELLING REQUIREMENTS FOR FOODS WHICH CONTAIN SATURATED FAT AND CHOLESTEROL

Introduced by Senator Villar Jr.

To the Committees on Trade and Commerce; and Health and Demography

Senate Bill No. 596, entitled

AN ACT TO PROMOTE RURAL HEALTH BY PROVIDING FOR AN ACCELERATED PROGRAM FOR THE CONSTRUCTION OF A POTABLE WATER SUPPLY SYSTEM IN EVERY BARANGAY IN THE COUNTRY WITHIN THREE YEARS

Introduced by Senator Villar Jr.

To the Committees on Health and Demography; Environment and Natural Resources; and Finance

Senate Bill No. 597, entitled

AN ACT PROMULGATING THE PHILIPPINE NATIONAL STANDARDS FOR DRINKING WATER, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES

Introduced by Senator Villar Jr.

To the Committees on Health and Demography; and Environment and Natural Resources

Senate Bill No. 598, entitled

AN ACT ESTABLISHING QUALITY STANDARDS FOR MINERAL WATER AND CARBONATED WATER

Introduced by Senator Villar Jr.

To the Committees on Health and Demography; Trade and Commerce; and Finance

Senate Bill No. 599, entitled

AN ACT PROVIDING FOR A UNIFORM REWARD SYSTEM IN THE CAMPAIGN AGAINST CRIME AND LAWLESSNESS

Introduced by Senator Villar Jr.

To the Committees on Public Order and Illegal Drugs; Ways and Means; and Finance

Senate Bill No. 600, entitled

AN ACT REQUIRING ALL CIGARETTE AND CIGAR MANUFACTURERS AND DISTRIBUTORS TO SCIENTI-

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FICALLY DETERMINE AND TRUTHFULLY PRINT, ON EACH BOX OR PACK OF CIGARS OR CIGARETTES THAT THEY MANUFACTURE, DISTRIBUTE OR SELL WITHIN THE COUNTRY, THE LEVELS OF NICOTINE, TAR AND CARBON MONOXIDE THAT COULD BE INHALED IN SMOKING A STICK OF CIGAR OR CIGARETTE, AND PROVIDE PENALTIES FOR VIOLATIONS THEREOF

Introduced by Senator Villar Jr.

To the Committees on Health and Demography; and Trade and Commerce

SUSPENSION OF SESSION

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

It was 3:30 p.m.

RESUMPTION OF SESSION

At 3:30 p.m., the session was resumed.

COAUTHORS

Senator Ejercito Estrada (L) manifested that Senator Angara is coauthor of Senate Bill Nos. 57, 78, 88, 93, 99, 106, 107, 114, 119, 127, 143, 164, 165, 173, 187 and 188.

Likewise, Senator Flavier manifested that Senator Angara is coauthor of Senate Bill Nos. 1 and 22.

REMARKS OF SENATOR PIMENTEL

Senator Pimentel stated that some Members filed bills which had been previously filed by other Members like himself who would have acquired "copyrights" over these intellectual properties.

The Chair noted Senator Pimentel's comments. It said that the appropriate acknowledgment should be made by the principal author when the bills are considered on the floor.

REMARKS OF SENATOR GORDON

Senator Gordon agreed to the observations of Senator Pimentel. He and the other neophyte senators, he said, were under pressure to produce bills but most of the bills had been filed by senators in previous Congresses. He suggested that the Members coauthor bills and that individual Members be asked about their pet bills so the others could file bills on other matters. He said that he would like to file a bill on the Mindanao or Panay railway system which all the senators could coauthor.

QUESTION OF PERSONAL PRIVILEGE OF SENATOR MADRIGAL

On a question of personal privilege, Senator Madrigal adverted to an article in the day's issue of the *Philippine Star* which reported that Senator Cayetano had given up the chairmanship of the Committee on Youth, Women and Family Relations to accommodate her. She said that the information was misleading because she had no personal negotiations with Senator Cayetano relative to the chairmanship of the Committee. Moreover, she stated that as a neophyte senator, she would not know if a senator could yield the chairmanship of a committee to another senator as a personal accommodation. She acknowledged though that it is the prerogative of the Majority to offer the chairmanship to the Minority. She clarified that she wanted to put the matter in the record to avoid any public misperception.

At this juncture, Senator Pimentel stated that the Committee on Youth, Women and Family Relations was one of the eight committees that had been offered to the Minority.

REMARKS OF SENATOR CAYETANO

Senator Cayetano thanked Senator Madrigal for her statement. She clarified that during the caucus of the Majority, she did express an interest in the Committee. However, she said, knowing that she could best serve as chairperson of two committees, she felt that it was in the interest of the other committees to be chaired by senators who were equally interested in them. She recalled that in the press conference the previous day, she mentioned that she had given up the chairmanship

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of the Committee on Youth, Women and Family Relations, and that she had specifically mentioned Senator Ejercito Estrada (L), the former chair, and Senator Madrigal who expressed an interest in it during the campaign. Saying that she would be happy to see either one elected as committee chair, she underscored that it was not up to her to assign any committee to any senator.

SUSPENSION OF SESSION

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

It was 3:39 p.m.

RESUMPTION OF SESSION

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

PRIVILEGE SPEECH OF SENATOR ANGARA

Availing himself of the privilege hour, Senator Angara delivered the following speech:

FOCUSING ON A CRITICAL FEW

Introduction

The need to carry out basic reforms is more urgent now than any other point in the recent past. Either we begin now or the decline of the national condition becomes irreversible.

There is not much time left to carry out the urgent task. The window to reform is fast closing as Senator Juan Ponce Enrile has likened the present situation to a ticking time bomb.

There is definitely no more place for government-as-usual.

The Minority, if it needs repetition, the Minority in the Senate, if it were just interested in narrow, partisan ends, could just watch from the sidelines and shirk from active participation in the reform process. But we are Filipinos first and oppositionists second.

The dangers our nation faces and the palpable loss of hope in the future compel us all – Majority and Minority – to speedily address the crisis.

Suggested reform areas

Today, I shall propose a framework for change and reform. The proposal is not an exhaustive and all-inclusive agenda. For a comprehensive reform agenda will require much time and even much more money, both of which we do not have the luxury at the moment. The proposals relate broadly to four foundation areas of development: human capital buildup, food and income generation, government and governance reform, and the peace process.

Let me specify the particular concerns: basic education, agriculture, rural infrastructure and agro-tourism, primary health care, political and constitutional reforms, security and public order reform.

Strengthening Basic Education

Let me take up education. Basic education, as we all know, is primary and secondary schooling. This is the first and largest building block of the Philippine educational structure. Ninety-two percent (92%) of Filipino children go to public elementary schools, while seventy-nine percent (79%) attend public secondary high schools.

The reform, first of all, must make up the perennial shortage of teachers, classrooms, textbooks, desks and other physical requirements. But beyond these physical requirements is the more pressing need for an intensive teacher training and retraining program – mathematics and science teachers in particular.

We should be able to fund a year-long training and retraining program for our elementary and high school teachers. Any effort in reforming education has to

start with creating a vast pool of good teachers at the basic education level.

Primary Health Care

Let me take up health reforms. Again, we are not taking on the whole universal problem of health. We are just going to suggest that we focus on primary health care and this means immunization, maternal and child health care, and nutrition.

Six of the top ten causes of death and morbidity in this country are all poverty-related and only four are lifestyle-related.

Our infant mortality rate of 29 deaths per 1,000 live births is one of the highest – in fact, we are the second highest next to Indonesia in Asia. This is an alarming statistics. This only means that we have to take better and focused care of our mothers and infant children.

One in every four of our children under age ten, the most critical phase of a child's life, is seriously malnourished. We may be seeing physically stunted and mentally deficient population in the future.

Addressing now the diseases linked to poverty and improving maternal and child health, I believe, offer a more viable, long-term investment in our people's health.

Agricultural reform

Let me go to food, the very basic need for food. Agricultural reforms should concentrate initially on building a network of post-harvest facilities across the country to reduce loss and wastage. Right now, this is the most strategic investment in the sector. We need to provide every province with an integrated milling complex. We need dryers and silos, grains handling facilities in ports, cold chain system and refrigeration facilities.

Just to cite one year, in 2001, the total losses of palay due to lack of post-harvest facilities represent almost 15% of the country's total production, or the equivalent of P15.230 billion. These losses are far more than the P7.65 billion we spent in importing rice during that year.

In the same breath, the loss in our corn production reached 2.70% or almost 3% or P2.150 billion in value, which is again more than our imports of corn during that year.

Plugging, therefore, these huge post-harvest losses in the grains sector even only by half would dramatically reduce our import dependency ratio if not achieve self-sufficiency in grains.

These post-harvest facilities shall be strategically placed in areas around the country that are highly suitable for agriculture. For instance, for corn, we can deploy the facilities in the country's top-producing provinces of Isabela, Bukidnon, South Cotabato, Lanao del Sur, North Cotabato, Maguindanao, Lanao del Norte, Sultan Kudarat, Cebu, Cagayan, Pangasinan and Sarangani. These areas produce at least 70% of our total corn production.

For palay, we should deploy these post-harvest facilities in Nueva Ecija, Isabela, Pangasinan, Iloilo, Cagayan, Tarlac, North Cotabato, Leyte, Camarines Sur, Negros Occidental, Sultan Kudarat, and Zamboanga Sur. These 12 provinces produce 70% of our total palay production.

Food production, rural infrastructure and agro-tourism should in fact be the Three Cogs of a viable job-generation and poverty reduction strategy.

The pursuit of the three goes hand in hand. We are basically a rural and agrarian society. Prioritizing the three under one comprehensive program will provide a major solution to generating jobs and

increasing income in the countryside where it matters most.

Agro-tourism development

On agro-tourism, and I owe much of these ideas to our colleague, Senator Dick Gordon, we can capitalize on our vast natural attractions and rich historical and cultural activities while preserving our rural environment. Local governments, with the full backing and support of the Department of Tourism, can conduct home stay programs in places where hotel rooms are inadequate or lacking. They should strongly promote sanitation and cleanliness, and ensure peace and order in their communities.

In this pursuit, government should promote the development of sites that are out of the traditional tourist destination loop, especially in the eastern portion of the country, which happens to be the most depressed areas of our country. These potential areas can be found starting from up north in Cagayan, Isabela, Aurora, Quezon, Camarines Norte, Albay, Catanduanes, Sorsogon and stretching down to the southern provinces of Eastern Samar, Surigao Norte, Misamis Oriental, Sarangani, the Zamboanga Peninsula, and Tawi-Tawi.

Legislators, especially us senators, can allocate some of our countryside development fund for projects such as farm-to-market roads, abattoirs, public markets, communal irrigation and other water resources projects. These key rural infrastructure projects are critical in helping promote economic growth and progress in the provinces.

Rebuilding our political institutions

Constitutional change, I believe, is imperative. Whether one sees the present system as predictable and need not be changed, and a new one uncertain which we cannot risk, all of us I hope can agree that almost six decades of the

present political system has not made the Filipinos more comfortable and secure. Our earlier dependency on the colonial master has just been transferred to a powerful Filipinized central government. I believe we need a thoroughgoing review, not a patchwork of amendment of our Charter.

But a change in the form of government requires as a precondition reforming the way we hold and conduct elections. Therefore, we go back to where we started in 1995 automating the electoral process. The experience of India, a tumultuous democracy that recently conducted a peaceful election using modern and untainted technology, shows that we can also do it here.

We can lay down the foundation for a durable and stable party system. I emphasize "party system," not any particular political party. We must have a stable party system based on ideology and political programs rather than personality, if we want really to achieve a mature democracy in our country. Two critical pieces of legislation are pending in this Chamber: the Political Party Development Act and the Campaign Finance Reform Act.

The first one, the Party Development Act, seeks to make political party strong and independent with ideology and program, not personality-based as the reason for being. We want political parties to become independent public institutions.

The proposed Campaign Finance Reform Act seeks to prevent the entry of dirty money into political campaign and ensure the integrity of the electoral process.

Already, gambling money is deep into the political stream and campaigning but we are beginning to see even the worst type of money, and that is drugs

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money being used in politics. I think we should fear the day when our elections would be like Colombia where narco money is king.

The passage of the two measures into law will be a big boost to our weak party system.

Anti-Corruption program

This is the third leg of the political and constitutional reform. Combating corruption is a key component of this program. A 2004 country assessment made by the United Nations Development Program said P100 billion of the country's annual budget is lost to corruption, mostly through rigged public works contracts and the purchase of goods and services.

A rigorous implementation of the Government Procurement Act would help ease official corruption. A system of reward and protection to those who expose corruption should be put in place. A rigid regulatory audit we must go over the books and look at needless duplicative and overlapping regulations so that we can throw them away to make doing business with government and doing business in this country much cheaper and simpler.

Promoting the peace process

Finally, we must push very strongly and vigorously to solving the insurgency problem and the secessionist problem. This, to me, is a prerequisite to a durable and sustainable development.

In the case of the MILF, I believe that we should formulate a special Mindanao Agenda to bolster the peace process in Mindanao. Securing peace in the troubled spots of Mindanao is critical and should be accorded very high priority in our agenda. Apart from preventing unnecessary waste of human

lives, the money that we would save once we stop buying arms and ammunition to secure the peace in Mindanao will now be our peace dividend. Just consider the following:

- * Mindanao is free from foot and mouth disease – which is commercially worth billions of pesos. In practical terms, a foot and mouth disease-free area can export any meat product to anywhere in the world.
- * Mindanao is typhoon-free, ensuring year-round agricultural production. This is again of huge monetary value.
- * Mindanao has marine and mineral resources that have yet to be fully tapped and exploited.
- * Mindanao is linked to an economically vibrant region and that linkage is of immense value in international trade and commerce.

Having indicated the areas where the reforms will initially, and I underscore—initially take place, then we ask, “Where do we get the money?” Let me say, to get the money, we need not impose any new tax or new taxes. I propose that we carry out several measures to increase revenue collection, plug tax leakages and raise money from off-tax undertakings. We can cut down by 50%, perhaps, for a limited time. We can cut down on non-essential government expenses and vigorously pursue the collection of our receivables.

Funding sources

The government, I submit, can generate an extra P14 billion in revenues annually simply by rationalizing the tax waivers and fiscal incentives that are written almost everywhere in our statute books. And it is not very difficult to look them up and review them.

Again, the yearly tax leakages amount to P240 billion. And this derives only from three principal sources of taxation: VAT, income tax. We can solve this by simply strengthening our tax administration. Just collecting 10% of this leakage, of plugging even 10% of this leak will yield at least P24 billion a year.

Again, based on 2003 earnings, some key government agencies like PCSO, PAGCOR, NAIA, ATO, LTO, LTFRB, LRA and PPA, among others, generate almost P52.5 billion a year. Say, we encourage these agencies to increase their earnings even by 10%, I think this is easily attainable especially in the case of PAGCOR. Then, we should have, at the very least, P5.2 billion.

I will not even cite the privatization proceeds, but that is a potential source although it is one of source. But again, just for the duration of the crisis, we can use them. For instance, the equity holdings of government in Meralco, Petron, and Equitable Bank are estimated at P18 billion. Of course, Equitable Bank is owned by the SSS, but Meralco and Petron can go to the General Treasury.

This is really staggering. Government account receivables of P523 billion is also a potential source, and just collecting 5% of this amount will easily yield P26.1 billion.

In other words, these probable sources of revenue without raising any taxes can give us substantial revenue both from existing taxes and non-tax efforts. And the cost of the reform that I am proposing is just a fraction of this potential source because the cost is only P30.5 billion a year.

This, of course, is not an exhaustive list. Our tax experts in this hall, I am certain, can originate other innovative ways of raising revenues without imposing new taxes. I have to emphasize, without imposing new taxes, because some of the business papers today had headlined that

Congress and the Palace have already agreed on passing new taxes. I am wondering whether this Body is really prepared to do that. What I have tried to do is only to indicate some of the areas for extra revenue generation. For now, let us build a bipartisan consensus to get these critical few projects moving and set a time line for their implementation.

The programs are about social spending and equity designed to bridge the vast gap between the rich and the poor. The gap should not be allowed to stretch to a dangerous threshold.

We ask this Chamber to consider these practical proposals which are within our means to finance and within our capacity to carry out. They can be achieved within a certain time frame, and when implemented, I believe, can provide a sure and sound foundation for sustainable development.

We have no time to waste. Let us begin now.

SUSPENSION OF SESSION

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

It was 4:07 p.m.

RESUMPTION OF SESSION

At 4:08 p.m., the session was resumed.

MANIFESTATION OF SENATOR ENRILE

Senator Enrile commended Senator Angara for opening the subject for extended debate specifically in the areas of political reform, peace and order, economy and revenue. He reserved the right to interpellate Senator Angara at a later time.

Further, he expressed gladness that the Opposition has taken the initiative to open the discussion which should have been done by the Majority. Nonetheless, he said, the Opposition would try its best to enlighten the nation and

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cooperate in finding solutions to the country's problems.

ANNOUNCEMENT OF SENATOR PANGILINAN

Senator Pangilinan stated that interpellations on Senator Angara's speech would commence on Monday, August 16.

PRIVILEGE SPEECH OF SENATOR DEFENSOR SANTIAGO

Also availing herself of the privilege hour, Senator Defensor Santiago delivered the following speech:

ANAK NG AMARI

Yesterday: The Notorious Amari Case

In 1995, the Public Estates Authority (PEA) entered, without public bidding, into a Joint Venture Agreement (Agreement) with Amari, a private corporation, to develop three reclaimed islands known as the Freedom Islands, located at the northern portion of the Manila-Cavite Coastal Road, Parañaque City.

The Freedom Islands have a total area of 157 plus hectares. The Agreement further required the reclamation of an additional 250 hectares of submerged areas surrounding these islands. And more, the Agreement granted Amari an option to reclaim another 350 hectares. Thus, the total reclamation area became 750 hectares.

Under the amended Agreement, Amari would pay to PEA the sum of some P1.8 billion, and would shoulder all the reclamation costs. Afterwards, the two parties would share the total net usable area, with 70% going to Amari, and only 30% to PEA. Thus, title would be issued in the name of Amari to 367.5 hectares of reclaimed land.

In 1997, after a joint investigation, two Senate committees submitted a

celebrated report, with the conclusion that the reclaimed lands are public lands, which PEA could not alienate in favor of Amari. This conclusion was later upheld by the Supreme Court in the 2002 case of *Chavez v. PEA and Amari* (384 SCRA 152). The Court ruled:

Since then and until now, the only way the government can sell to private parties government reclaimed and marshy disposable lands of the public domain is for the legislature to pass a law authorizing such sale.

In short, just two years ago, the Court in that notorious case emphasized that Congress is the final authority with power to approve the sale of reclaimed public lands. But apparently, nobody was home when the Supreme Court issued that decision. For today, we have a similar case, where the NHA seeks to transfer ownership of reclaimed land on Manila Bay to a private corporation, without public bidding, virtually without funding from the developer but at public cost, and without an enabling law passed by Congress.

Sinabi na sa kasong Amari na hindi pwedeng ibenta ang reclaimed land sa isang pribadong korporasyon, pero eto na naman, nilalabag pilit ang Saligang Batas. Kaya dapat lamang tawagin ang kaso nitong mapalad na negosyanteng si Reghis Romero II na "anak ng Amari," dahil sa hindi pagbibigay ng pansin sa kapangyarihan ng Kongreso.

Congressional Power to Authorize Sale of Public Land

Most of the powers of Congress are described in the Constitution, Article VI entitled "Legislative Department." But the Constitution also grants to Congress additional powers, such as those described in Article XII entitled "National Economy and Patrimony," particularly as follows:

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Sec. 2. All lands of the public domain, waters... and other natural resources are owned by the State. With the exception of agricultural lands, all other natural resources shall not be alienated....

Sec. 3. ...Alienable lands of the public domain shall be limited to agricultural lands. Private corporations or associations may not hold such alienable lands of the public domain except by lease,....

Taking into account the requirements of conservation, ecology, and development, and subject to the requirements of agrarian reform, the Congress shall determine, by law, the size of lands of the public domain which may be acquired, developed, held, or leased and the conditions therefor.

It bears emphasis that under the Constitution, Section 2, any private corporation is expressly disqualified to acquire public lands.

In any event, harmonious with these constitutional provisions, the Public Land Act of 1936 (Commonwealth Act No. 141) – which remains the basic law on disposition of public lands – provides:

Sec. 60 ... the land ... shall not be alienated, encumbered, or otherwise disposed of in a manner offsetting its title, except when authorized by Congress:

The principle that certain public lands cannot be sold without congressional consent, was first emphasized in the 1960 case of *Ignacio v. Director of Lands* (108 Phil. 335), where the Supreme Court held that:

[U]ntil a formal declaration on the part of the Government, through the executive department or the legislative, it continues to be part of the public dominion, not available for private expropriation or ownership.

This principle was amplified in the landmark 1990 case of *Laurel v. Garcia* (187 SCRA 797), which prohibited the sale of Roppongi property in Japan owned by the Philippine government. The Supreme Court ruled:

It is not for the President to convey valuable real property of the government on his or her own sole will. Any such conveyance must be authorized and approved by a law enacted by the Congress. It requires executive and legislative concurrence.

Procedure for Selling Reclaimed Land

As a reminder to those officials of the NHA and other similarly inclined government agencies who seem to take the view that reclaimed land can be sold or otherwise alienated whenever the fancy strikes them, or perhaps when the temptation to get rich quick seduces them, allow me to educate those who insist on their own ignorance, that the regalian doctrine is part of our legal history and culture. The regalian doctrine – which, like the Law of Waters, we inherited from the Spanish regime – provides that the State owns all lands and waters of the public domain. This doctrine is now found in the Civil Code, which provides:

ART. 420. The following things are property of public dominion:

- (1) Those intended for public use, such as roads, canals, rivers, torrents, ports and bridges constructed by the State, banks, shores, roadsteads, and others of similar character;
- (2) Those which belong to the State, without being for public use, and are intended for some public service or for the development of the national wealth.

Applying the regalian doctrine, lands reclaimed from foreshore and submerged areas are owned by the State. Under

the Constitution, waters form part of the public domain and are consequently inalienable. Reclaimed lands form part of the public domain, because they are reclaimed from such waters owned by the State. Reclaimed lands are inalienable public lands which are beyond the commerce of man. To become alienable, submerged areas should first be reclaimed from the sea, and then classified as public agricultural lands, because the Constitution provides that public agricultural lands are the only natural resources that the State may alienate. The mere fact that the lands have been reclaimed does not automatically include such lands under the category of alienable land of the public domain.

To transform reclaimed land into alienable land involves a long and complex process. To enumerate the various steps of this process involves an extensive collation and integration of various laws. I would list the various steps into the following order:

1. Under the Constitution, public agricultural lands are the only natural resources that the State may alienate. Hence, under the Administrative Code of 1987, DENR, the Department of Environment and Natural Resources, first decides whether the lands reclaimed from the sea can be classified as public agricultural lands. If so, DENR makes the proper recommendation to the President.
2. Under the Public Land Act, Section 8, the President exercises the authority to classify inalienable lands of the public domain, into alienable or disposable lands of the public domain. This is the contemplation of the Civil Code, which provides:

ART. 422. Property of public dominion, when no longer intended for public use or for public service, shall form part of the patrimonial property of the State.
3. Government declares that these lands are no longer needed for public use, public service, or quasi-public use.
4. Under the Public Land Act, Section 63, the PEA asks the DENR for authority to dispose of the land.
5. Under the Administrative Code of 1987, the Department of Environment and Natural Resources (DENR), which exercises supervision and control over alienable and disposable public lands, issues an authority to the PEA to reclaim areas under water.
6. The PEA undertakes the physical reclamation of areas under water, whether directly or through private contractors.
7. Under the Public Land Act and the Government Auditing Code, PEA conducts a public bidding in selling or leasing these lands, but it cannot sell the lands to private corporations.
8. If the public auction fails, a negotiated sale is allowed, but the Commission on Audit must approve the selling price.
9. Both under the BOT Law (Build-Operate-Transfer) and the Local Government Code, the contractor or developer, if a corporate entity, can only be paid with leaseholds on portions of the reclaimed land.
10. Under the Administrative Code of 1987, Congress enacts a law which authorizes and approves the conveyance of real property of the government.

We can summarize this purposely lengthy process, by formulating this principle: Even if all other requirements have been complied with, government cannot sell public land, unless Congress passes a law authorizing the sale.

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Today: The Scandalous R2 Builders Case

In 7 October 1992,* then President Ramos authorized the National Housing Authority to enter into a Joint Venture Agreement (Agreement) with R2 Builders owned by Reghis Romero 2, for the conversion of the Smokey Mountain area into a low-cost housing complex and industrial/commercial site, officially known as the Smokey Mt. Development and Reclamation Project. In pursuing this Project, the Ramos administration, particularly NHA, did not comply with any of the 10 steps I have previously enumerated as essential to the sale of public land. Not a single step.

The entire Smokey Mt. Project turned into a scam even worse than the Amari case, because at least in Amari, the negotiations were conducted by the PEA, which is authorized by law to do so. In the R2 case, negotiations were conducted by NHA, which simply has no such authority. Further, Amari paid PEA the sum of P1.8 billion to buy reclaimed land. In the R2 case, in effect NHA paid Romero the sum of P3 billion, and then gave the reclaimed land to Romero!

Where in the world can you find a government that gives a huge amount of money to a developer, for the purpose of reclaiming land, and then gives the reclaimed land to the developer?! *Por dios, por santo.* This contract has made history. It has to be the most lopsided contract in Philippine history, executed in favor of a corporation which has resulted in huge losses to the government. This is not just graft and corruption spelled out in neon lights; this is sheer, coldblooded wickedness.

The Ramos administration told the public that this Project would be implemented "with no cost to the government." To keep this promise, the Agreement provided:

*As corrected by Senator Defensor Santiago

Article 2

(a) Para. 2.01. The Developer shall fully finance all aspects of development of Smokey Mt. and reclamation of no more than 40 hectares of Manila Bay area across Radial Road 10.

Para. 2.05. The Developer shall reclaim forty (40) hectares of Manila Bay area directly across Radial Road 10 (R-10) as contained in Proclamation No. 34 as the enabling component of the project and payment to the Developer as its asset share.

Article 3

Para. 3.01. The Developer shall fully finance the Project and profit-sharing with the Authority (NHA) shall be in accordance with the approved pre-feasibility report submitted to the Executive Committee, to wit:

For the Developer:

1. To own the forty (40) hectares of reclaimed land.
2. To own the commercial area at the Smokey Mt. area composed of 1.3 hectares, and
3. To own all the constructed units of medium low-cost housing units beyond the 3,500 units share of the Authority.

Under the contract, R2 Builders (R2) would spend for the entire project, and in turn would become the owner of 40 — later amended to 79 — hectares of reclaimed land.

And then what happened to the Project?

Just like all pies in the sky and tall tales, this one turned out to be a fiasco. R2 built a few low-cost housing units, and then

declared that it had run out of money, thus failing to comply with its contractual obligation to "fully finance" the Project. At that point, it is as plain as daylight to both lawyer and layman that R2 should have been punished. The Office of the President should have instructed the Office of the Solicitor General to sue the developer for breach of contract and damages.

Instead, a miracle happened and R2, instead of being punished, was instead rewarded. The Ramos administration rewarded R2 by using taxpayers' money and financing the project itself, at a cost of some P3.1 billion. Even more amazingly, the same administration gave the developer the added right to reclaim 150 hectares of reclaimed land! And — wonder of wonders — the same administration gave 10 hectares of the reclaimed land to Harbor Center Port Terminal, Inc. (here known as Harbor). The fair market value of the 10 hectares is said to be P1.75 billion. Harbor is also owned by Romero.

Harbor is a corporation that operates harbor facilities in the project site. The Ramos administration gave it the 10 hectares, in exchange for 60% of the voting shares in the corporation. But using anomalous methods, Romero was able to dilute the government's share, with the result that the majority voting shares now belong to him.

In short, Romero not merely reneged on the contract, but is in the process of becoming the owner of public land consisting of 79 hectares of reclaimed land, plus 10 hectares of land valued at P1.75 billion, plus the right to reclaim 150 hectares of reclaimed land; plus, he effectively owns Harbor Port Terminal.

The P3 billion question is: Has Congress passed any law authorizing the transfer of these public lands to Romero?

Answer: No; therefore, the transfers of these public lands are unconstitutional, illegal, invalid, and criminal.

"Malversation of Reclaimed Lands"

In view of these allegations, I respectfully move the Senate to conduct an inquiry, in aid of legislation, on the criminal and civil liabilities of the developer, Reghis Romero 2, owner of R2 Holdings, Inc., as well as its subsidiary corporations, R2 Builders, Inc., and Harbor Center Port Terminal, Inc. and his cohorts; and to identify the public officials criminally liable under the Anti-Graft and Corrupt Practices Act, Section 2, which provides in paragraph (e):

(e) It is a crime to cause any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official, administrative or judicial functions through manifest partiality, evident bad faith, or gross inexcusable negligence.

Shortly, I shall file a bill defining a special crime to be known as "malversation of reclaimed lands," when any public officer aids, cooperates with, or otherwise consents to the transfer of reclaimed lands in favor of any private corporation, without a law passed by Congress authorizing any such transfer of title. The penalty should be identical with the penalty for plunder - *reclusion perpetua* to death.

In seeking this inquiry, I am well aware of the 1991 case of *Bengzon v. Senate Blue Ribbon Committee*, (203 SCRA 767), where the Supreme Court ruled that after a case had been filed in court, the Senate Blue Ribbon Committee could no longer conduct an inquiry, in aid of legislation, on the same subject matter. Last August 5, I learned

from a news item that a case was filed in the Supreme Court, *Chavez v. NHA, Reghis Romero 2, and his three corporations*, praying the Court to declare that the Project and all agreements related to it are null and void, for being unconstitutional.

However, despite this *Chavez* case, I respectfully submit that there is nothing to prevent the Senate from conducting an inquiry. The *Bengzon* and *Chavez* cases differ in one important aspect. The *ratio decidendi* in the *Bengzon* case was the purely private nature of the transaction being questioned. By contrast, here the transaction sought to be investigated involves public lands and certain public officials. Accordingly, the *ratio decidendi* in *Bengzon* does not apply, and because of this distinctive distinction between the two cases, Congress may exercise its constitutional prerogative to conduct an inquiry in aid of legislation, not only to determine the legality of the Project, but also to identify the persons who have incurred criminal liabilities as a result of the Project.

Therefore, I move that this speech should be referred, for an inquiry in aid of legislation, to the following committees:

- * Public Accountability;
- * Environment and Natural Resources;
- * Public Works; and
- * Government Corporations and Public Enterprises.

REMARK OF SENATOR DEFENSOR SANTIAGO

Senator Defensor Santiago expressed preference that the interpellations on her speech be made after the interpellations on the speech of Senator Angara which would probably take place next week.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:32 p.m.

RESUMPTION OF SESSION

At 4:34 p.m., the session was resumed.

MOTION OF SENATOR DEFENSOR SANTIAGO

Initially, Senator Defensor Santiago corrected that under the heading "Today: The Scandalous R2 Builder's Case" in her speech, the date "March 1999" in the first sentence should be corrected because President Ramos held office from 1992 to 1998. She said that she would consult her original sources to determine the exact date.

Senator Defensor Santiago said that the two committees mentioned in her speech were the Committee on Accountability of Public Officers and Investigations and the Committee on Environment and Natural Resources. Pursuant to Section 15 of the *Rules* which provides that a measure shall be referred to not more than two committees, provided that a motion for referral to a third committee shall be referred to the Committee on Rules, she moved that her privilege speech be also referred to the Committee on Rules to determine whether the same would be referred, thirdly, to the Committee on Public Works, although, the Committee on Government Corporations and Public Enterprises also has a very strong interest in the matter.

Senator Enrile recalled that a similar case was referred to the Blue Ribbon Committee and the Committee on Government Corporations and Public Enterprises with the latter preparing the committee report. He moved that the speech be referred to the Blue Ribbon Committee and the Committee on Government Corporations and Public Enterprises since the PEA has the sole authority to reclaim lands in the country.

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Senator Defensor Santiago stressed that the Administrative Code actually authorizes the DENR to decide whether reclaimed lands can be sold, a fact that even she as a former PEA board member overlooked. However, she moved that the speech be referred to the Committee on Accountability of Public Officers and Investigations and the Committee on Government Corporations and Public Enterprises. Further, she moved that the speech be referred to the Committee on Rules to determine whether the same should be referred, thirdly, to the Committee on Environment and Natural Resources.

Senator Enrile believed that it would be an opportune time for Congress to revisit the issue in the light of the Supreme Court decision in *Chavez v. PEA and Amari* declaring that all reclaimed lands along the bay shore and Roxas Boulevard are not open for disposition despite the PEA charter authorizing it to sell reclaimed lands. He said that Congress needed to address the problem because government financial institutions lent money in good faith for the reclamation of the lands along Roxas Boulevard.

REMARKS OF SENATOR BIAZON

Senator Biazon stated that indeed, the PEA had been involved in the disposition of public lands which included a stock farm in Muntinlupa, the lands in the *Amari contract* and the area surrounding North Harbor and Smokey Mountain, the major justification for which was housing. He said that these dispositions resulted in the relocation to Paliparan, Cavite of many squatters. He disclosed that in Smokey Mountain, a six-floor complex built by R2 Builders more than six years ago for 2,500 families remains unoccupied because these families continue to live in a temporary building also built by R2 Builders inside North Harbor. He affirmed that the contract with R2 Builders was perfected during the Ramos administration. He believed that the matter could also be referred to the Committee on Urban Planning, Housing and Resettlement.

Senator Pangilinan suggested that the referral of the speech to the appropriate committees be held in abeyance until after the interpellations thereon.

Senator Defensor Santiago reiterated her motion to refer the speech to the Committees on Accountability of Public Officers and Investigations, and Government Corporations and Public Enterprises. She stated that she would leave on the table the referral to a third committee until after the interpellations.

The Chair noted that the interpellations could take place on Monday.

Thereupon, the interpellations on the speech of Senator Biazon resumed.

INTERPELLATION OF SENATOR PIMENTEL

Asked by Senator Pimentel whether the thrust of his privilege speech was that in view of the overpopulation, there is need to adopt a family planning policy to lower the population growth rate, Senator Biazon said that there was need to address not the problem of overpopulation but of high population growth.

Asked if it would be fair to blame the Catholic Church for the "exploding" population, Senator Biazon said that "blame" is a very strong word. But he stressed that religious groups—including the Catholic Church—oppose the adoption of a family planning policy. He affirmed that the common perception is that the opposition resulted in the growth of the population to a dangerous level.

Replying to further queries, Senator Biazon agreed that the most populous nation in the world is China, followed by India and Indonesia. He noted, however, that these countries have large areas. He pointed out that China, in fact, has adopted family planning and population control policies.

Senator Pimentel maintained that it might be too facile and simplistic to say that the threat of population explosion is due to the Church's resistance to birth control procedures or devices. Senator Biazon reiterated that this is the common perception in the different fora that he attended. Despite the opposition by religious groups, he stressed the need to address the country's high

population growth which is a major factor in the formulation of economic policies and programs.

Senator Pimentel noted the argument of demographers that the huge population was behind the unmet needs of the people. Senator Biazon agreed, saying the country's economic managers point to the high population growth rate as a contributory factor to the inability of government to provide for the basic needs especially of the marginalized sectors of society. He, however, conceded that the high population growth rate should not be blamed entirely for this. He pointed out that corruption and the inequitable distribution of national wealth and the fruits of national labor are also contributory factors.

Asked whether it is a fair statement that the poor are being targeted for population management because population is a factor of poverty, Senator Biazon stated that the matter is debatable. High population growth rate, he maintained, should not be blamed solely for the inability of government to provide for the basic needs of society.

Senator Pimentel said that if the intent is to control or plan the size of the family, it would be important to take into account population density. For comparative purposes, he provided the following data:

<i>Country</i>	<i>Population Density</i>	<i>Per Capita GNP/Income</i>
Philippines	272 people per square kilometer	
Macau	66,666 people per square mile	\$6,900 (GNP)
Monaco	42,477 people per square mile	\$16,000 (GNP)
Singapore	6,086 people per square kilometer	\$23,000 per capita income
Malta	3,279 people per square kilometer	\$7,600 (GNP)
Japan	857 people per square mile	\$34,000 (GNP)
Liechtenstein	492 people per square mile	\$22,300 (GNP)
Switzerland	439 people per square mile	\$22,300 per capita income

Senator Pimentel argued that these figures show that population density is not a factor in the growth of certain countries. It is wrong, he said, to say that the Philippines is in danger of overpopulation because its population is growing by 2.36% per annum, hence, there is a need for a law on population management or family planning to address this concern.

Senator Biazon stated that it would be important to compare the economies of these countries with that of the Philippines because Macau, Hong Kong and Singapore are tourist spots. The population issue, he said, remains a concern because the Philippines is an agricultural country.

Senator Pimentel noted that Senator Biazon had admitted, although implicitly, that poverty is a factor of the economy. He said that the countries he mentioned are densely populated but their economies boomed.

Further, Senator Pimentel pointed out that in the Philippines, the economy and government mismanagement were factors that brought about poverty which is why 8 million Filipinos are working abroad and roughly one million Filipinos go abroad every year to look for work. He cautioned that if a limit on the size of the family is legalized, there would come a time when the Philippines would be in the ranks of 61 nations in the world that are experiencing a demographic winter because the replacement fertility rate has been overtaken by mortality rate.

Senator Biazon stated that there is no argument against the proposition that the status of the economy of a country is a factor in the level of the quality of life that its people enjoy. In the Philippines, he pointed out, about 40 percent of the people are living below the poverty line. He stated that the government cannot provide the people with a sufficient number of jobs, thus, many people from the countryside migrate to the urban areas simply because land for tilling has become smaller and smaller relative to the number of farmers and the population. Working abroad, he said, is only a temporary solution to the problem because there is stiff competition from Ceylon, Pakistan, Vietnam and China whose workers could, one day, displace Filipino workers; moreover, there is a move in some

labor-contracting countries like Saudi Arabia to nationalize their labor force. He underscored that the Philippine economy cannot absorb displaced OFWs.

Senator Pimentel argued that the burden of limiting family size is on the poor; however, this is opposed to the constitutional provision that guarantees the general welfare of all citizens. He lamented that the priorities of government have gone awry, pointing out that the \$5,000,000 given by USAID that could have built many classrooms and roads was spent on contraceptives. The Philippines, he maintained, can absorb the population growth. He noted that countries like Italy and Germany need thousands of migrants to balance their aging population. Further, he stated that the government should address the unemployment problem and not let its people rely on jobs abroad, the social cost being worse than the opportunities created.

Senator Biazon agreed that there is a cost to relying entirely on Filipino labor export. However, he clarified that the programs that he is advocating do not target only the marginalized sector of society because that would be tantamount to class legislation. He stressed that the proposed legislation covers everyone as he pointed out that the effects of a huge population are more pronounced in the marginalized sectors of society.

Government, Senator Biazon said, is more and more pressed to provide for the needs of families. He expressed the view that if the government cannot do so, it must at least provide alternatives to families who may want to limit the number of their children. Further, he clarified that it is not the intent of the proposed measure to dictate to the family the number of children it should have because this is against religious beliefs, the Constitution and existing laws.

Senator Pimentel argued that to use poverty as a reason why the family should not have more children and, therefore, a population control policy has to be enacted is a great disservice to the nation. He opined that the program would be biased against the poor and totally misplaced because while it is true that population growth is a matter of concern and concrete action must be taken relative thereto, the program should be

addressed primarily to the family. The primary rule, he said, is responsible parenthood.

Senator Pimentel noted that Abraham Lincoln, Ludwig Van Beethoven, Albert Einstein, Thomas Alva Edison, Benjamin Franklin, Fernando Amorsolo all came from large families; and so do Lucio Tan, John Gokongwei, Henry Sy, Senator Alfredo Lim and Mayor Jejomar Binay. He emphasized that all these individuals rose above poverty and became achievers, so poverty is not really a function of population.

Senator Biazon reiterated that his proposal does not seek to dictate to the family the number of children it should have; but initially, the government should conduct a massive education and information campaign on the consequences of having a large family and later on, provide modern, safe, and acceptable family planning or birth control methods to those who might want to avail of them. He informed the Body that several leaders of non-Christian sects have submitted resolutions in support of the proposed population program.

Asked how the program would succeed absent a law to enforce it, Senator Biazon recalled that under the Marcos Administration, the government implemented a nationwide population program, a component of which was a massive information and education campaign. He pointed out that the program did not impose any type of contraceptives but left to the families the right to choose the method. The program, he said, resulted in the decrease of the population growth rate from 3.5% to about 2.2% by 1986.

Senator Pimentel stated that the resistance or opposition to the proposal lies in the methods of population management or family planning being espoused. He noted that the *fatwah* on the population management issue is subject to so many exceptions. He disclosed that according to the dean of King Faisal Center for Islamic, Arabic and Asian Studies in Mindanao, the government should ensure that the laws do not contradict Islam because the Muslims believe that their religion and culture should also be recognized. He stressed that there should be no blanket endorsement of the family planning method being advocated.

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Senator Biazon revealed that other non-Christian groups who support the reproductive health bill suggested in their resolutions certain modifications to the measure.

Senator Pimentel agreed as he surmised that even the Catholic Church recognizes that there might be a need for a population management but the question is how to go about it.

Asked by Senator Pimentel when life begins, Senator Biazon replied that the universally accepted definition is that life begins at conception. He underscored that he was against abortion because it is against the teachings of the Catholic Church and it is a crime.

On the natural method that the Catholic Church is advocating, Senator Biazon noted that this is not foolproof. He said that the natural method and contraceptives both have the same objective, which is to prevent the union of the sperm and the egg. He pointed out that what is being proposed in the measure is the method to prevent the union of the two elements of life and not human intervention after conception.

Upon query, Senator Biazon replied that the definition of the beginning of life is a scientific issue.

Senator Pimentel stated that St. Thomas Aquinas followed the teachings of Aristotle who spoke of "hylomorphic composition," the first word based on the Greek words *hyle* (matter) and *morphe* (form), meaning matter takes form or life begins. He stated that St. Thomas Aquinas advanced the doctrine of "ensoulment" or that stage when the fetus is infused with the soul. For his part, Senator Biazon noted that St. Thomas Aquinas referred to "formation" which occurs within a number of days after conception. He said that in current theories, ensoulment begins at conception.

Senator Pimentel observed that even before scientific means proved that life begins at conception, the Catholic Church already maintained it is so. He adverted to the article entitled *Inside the Womb* in the November 11, 2002 issue of *Time Magazine*, where the scientist who conducted a study posited the view that life begins at

conception. Senator Biazon added this has been universally accepted.

Asked if he would support the use of certain contraceptives if it could be proven that these do not interfere with the process of life after conception, Senator Pimentel replied that the views of qualified doctors should first be considered and then, the theological implications.

Asked about the rationale for advocating the use of contraceptives, Senator Biazon replied that the use of contraceptives would help the family decide on the number of children it wants.

Senator Pimentel recalled that during the term of President Nixon, a study was conducted on the population trends of the world. The results of the study, he said, contained in National Security Study Memorandum No. 200, revealed that the unmitigated growth of the world population was a threat to the national security of the U.S., so the memorandum recommended abortion, contraceptives, and incentives to nations which would follow the memorandum's recommendations. He cited the Philippines as among the nations mentioned in the study, so assistance was initiated in the promotion of the use of contraceptives. He stressed that the whole idea of world population control basically originated from National Security Study Memorandum No. 200, one of the premises being that a rapid world population growth would reduce the base of resources needed by the U.S. to keep its world predominance.

Asked about the reason for the use of contraceptives to control population growth, Senator Biazon conceded that the U.S. may have initiated such a policy for its own intentions but clarified that he was proposing a family planning program because of evaluations that population is a factor in determining the level of the quality of life. He believed that the Philippines should not refuse help from the U.S. if such is in accordance with the country's decision to address the population problem.

Senator Pimentel pointed out that precisely, the memorandum intended to influence the thinking of Third World countries that population

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control is to their best interest such that the U.N. and other multinational institutions were used as fronts to conceal the extent of U.S. involvement. He informed the Body that familiarization programs are held at the UN headquarters in New York for ministers and senior officials of government. He said that the memorandum recommended that U.S. assistance be limited by the nature of diplomatic relations with the targeted country or by the lack of strong government interest in population reduction program. He disclosed that the targeted countries are India, Brazil, Egypt, Nigeria, Indonesia, Bangladesh, Pakistan, Mexico, Thailand, Turkey, Ethiopia, Colombia and the Philippines. He said that the document embodied the methods of influencing the leaders of these countries such as the use of media. He averred that the study posited that as young people grow up in these countries, they pose a greater threat to U.S. overseas interest because they are more difficult to manage.

Senator Biazon reiterated that his proposal stemmed from evaluations of the country's situation and was independent of the memorandum. He stated that if the memorandum encouraged the use of abortion as a means to control population growth, it would be up to the Philippines to adopt the same. He stated that he and most of the people who attended the consultation meetings were ignorant of the memorandum.

Senator Pimentel argued that issues concerning national population came to international consciousness because of the memorandum. The study, he said, had already foreseen the possible resistance of the people around the world and tried to camouflage the intent of the U.S. by tying up with the leaders of nations who were willing to look at the population situation in their countries in the same manner as the authors of the study.

Replying to Senator Pimentel's queries, Senator Biazon affirmed that he was against abortion. He stressed that the Constitution is very clear in giving equal protection to both the mother and the unborn child. He emphasized that family planning should be implemented without allowing human intervention at the time of conception. He explained that contraceptives are used to prevent unwanted pregnancies which

lead to abortion. This, he said, is human intervention before conception.

Asked if he agreed with Alfred Moran, the CEO of Planned Parenthood, that abortion should be part of a planned parenthood program, Senator Biazon replied in the negative. He stressed that he opposed abortion.

Apropos the statement of Mr. Moran that the demand for abortion increases when contraception fails, Senator Biazon cited Eastern Europe where the incidence of contraception is below 35% but the incidence of abortion is 65%. On the other hand, he said, in Western Europe, the incidence of contraception is 65% but the incidence of self-induced abortion is about 15%. Based on these statistics, he surmised that there are more abortions when contraceptives are not used.

To the observation that abortions are resorted to not only when contraception fails but also when the child is unwanted, Senator Biazon replied that he had no empirical data on the matter. But he expressed the view that the couple's beliefs would prevail should contraception fail.

Relative thereto, Senator Pimentel stated that a study conducted by the University of the Philippines in 1996 revealed that the demand for abortion is more prevalent when contraception fails. He then asked if Senator Biazon has heard of *Roe v. Wade*. Senator Biazon said he was not familiar with the case.

At this point, Senator Pimentel suspended his interpellation until Monday, August 16.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 6:17 p.m.

RESUMPTION OF SESSION

At 6:23 p.m., the session was resumed.

COMMITTEE CHAIRMANSHIPS

Upon nomination by Senator Pangilinan on the part of the Majority, the following senators were

elected chairpersons of the committees hereunder indicated:

Committee on Accountability of Public Officers and Investigations	- Arroyo
Committee on National Defense and Security	- Biazon
Committee on Health and Demography	- Cayetano
Committee on Education, Arts and Culture.	- Flavier
Committee on Tourism	- Gordon
Committee on Games, Amusement and Sports	- Lapid
Committee on Agriculture and Food	- Magsaysay
Committee on Ways and Means	- Recto
Committee on Public Works	- Revilla
Committee on Trade and Commerce	- Roxas
Committee on Foreign Relations	- Defensor Santiago
Committee on Finance	- Villar

For the record, Senator Pimentel stated that he, Senators Angara, Ejercito Estrada (L), Ejercito Estrada (J), Enrile, Lacson, Lim, Madrigal and Osmeña were casting a vote of abstention.

INQUIRY OF SENATOR OSMEÑA

Upon query of Senator Osmeña, the Chair replied that the Chairman of the Committee on Rules, Senator Pangilinan, was elected on the first session day.

MANIFESTATION OF SENATOR PANGILINAN

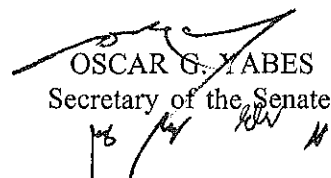
Senator Pangilinan expressed hope that the nomination of the chairpersons and members of the committees shall be completed by next week.

ADJOURNMENT OF SESSION

Upon motion of Senator Pangilinan, there being no objection, the Chair declared the session adjourned until three o' clock in the afternoon of Monday, August 16, 2004.

It was 6:26 p.m.

I hereby certify to the correctness of the foregoing.


OSCAR G. YABES
Secretary of the Senate

Approved on August 16, 2004