

REPUBLIC OF THE PHILIPPINES

S e n a t e

Pasay City

Journal

SESSION NO. 28

Tuesday, October 26, 2004

**THIRTEENTH CONGRESS
FIRST REGULAR SESSION**

SESSION NO. 28
Tuesday, October 26, 2004

CALL TO ORDER

At 3:45 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

PRAYER

Sen. Miriam Defensor Santiago read the prayer written by Rabindranath Tagore, an Indian poet and Nobel Prize for Literature winner, to wit:

This is my prayer to Thee, my Lord --
strike, strike at the root of penury in my heart;

Give me the strength lightly to bear my
joys and sorrows;

Give me the strength to make my love
fruitful in service;

Give me the strength never to disown the
poor or bend my knees before insolent might;

Give me the strength to raise my mind
high above daily trifles;

And give me the strength to surrender
my strength to Thy will with Love.

Where the mind is without fear and the
head is held high;

Where knowledge is free;

Where the world has not been broken
up into fragments by narrow domestic walls;

Where words come out from the depth
of truth;

Where tireless striving stretches its arms
towards perfection;

Where the clear stream of reason has
not lost its way into the dreary desert sand
of dead habit;

Where the mind is led forward by
Thee into ever-widening thought and
action --

Into that heaven of freedom, my Father,
let my country awake.

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:

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

With 16 senators present, the Chair declared the presence of a quorum.

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

Senators Angara and Lapid were on official mission.

Senator Recto was absent on account of sickness.

Senator Roxas was absent.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

Senator Pangilinan acknowledged the presence of officials of the University of the Philippines System, namely, UP President Francisco Nemenzo, Vice President for Academic Affairs Mariz Diokno, Vice President for Development Rafael Rodriguez, Vice President for Public Affairs Jose

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Dalisay, Diliman Chancellor Emma Roman, Dean Echanis, UP Manila Chancellor Dr. Marita Reyes and UP-PGH Director Carmelo Alfiler; the members of indigenous peoples of the Cordillera; Bishop Labayen, co-founder of CARE Foundation; and members of other nongovernment organizations.

REMARKS OF SENATOR DEFENSOR SANTIAGO

Senator Defensor Santiago informed the Body that Fr. Labayen is one of the most respected priests, especially among the young seminarians, who is known for his work with the poor and his courage in denouncing the mighty and the rich in society.

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. 27 and considered it approved.

REFERENCE OF BUSINESS

The Deputy Secretary for Legislation read the following matters and the Chair made the corresponding referrals:

MESSAGES OF THE PRESIDENT OF THE PHILIPPINES

Letter of Her Excellency, President Gloria Macapagal-Arroyo, dated September 13, 2004, certifying to the necessity of the immediate enactment of Senate Bill No. 1330, entitled

AN ACT PROVIDING FOR COMPENSATION TO THE VICTIMS OF HUMAN RIGHTS VIOLATIONS DURING THE REGIME OF FORMER PRESIDENT FERDINAND MARCOS, DOCUMENTATION OF SAID VIOLATIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES,

to address the urgent need of compensating and recognizing the heroism of all Filipinos who were victims of human rights violations during

the regime of former President Ferdinand Marcos and taking into account the country's adherence to the Universal Declaration of Human Rights.

To the Committee on Rules

Letters of Her Excellency, President Gloria Macapagal-Arroyo, dated October 5, 2004, submitting to the Senate for its consideration and immediate concurrence, a certified true copy of the ROTTERDAM CONVENTION FOR THE PRIOR INFORMED CONSENT PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES IN INTERNATIONAL TRADE (ROTTERDAM CONVENTION) which was signed by the Philippines on 11 September 1998; and FRAMEWORK CONVENTION ON TOBACCO CONTROL adopted by the World Health Organization (WHO) and signed by the Philippines on 23 September, 2003.

To the Committee on Foreign Relations

BILLS ON FIRST READING

Senate Bill No. 1825, entitled

AN ACT STRENGTHENING AND EXPANDING THE JURISDICTION OF THE PHILIPPINE COMMISSION ON THE PROMOTION AND DEVELOPMENT OF SCUBA SPORTS, AMENDING FOR THIS PURPOSE LETTER OF INSTRUCTION NO. 745, AND FOR OTHER PURPOSES

Introduced by Senator Pangilinan

To the Committees on Games, Amusement and Sports; and Tourism

Senate Bill No. 1826, entitled

AN ACT REPEALING THE CRIME OF PREMATURE MARRIAGES IN ARTICLE 351 OF THE REVISED PENAL CODE

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Introduced by Senator Gordon

To the Committees on Youth, Women and Family Relations; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 1827, entitled

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

Introduced by Senator Gordon

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

Senate Bill No. 1828, entitled

AN ACT PROVIDING FOR A MAGNA CARTA FOR JOURNALIST

Introduced by Senator Jinggoy Ejercito Estrada

To the Committees on Public Information and Mass Media; and Labor, Employment and Human Resources Development

RESOLUTIONS

Proposed Senate Resolution No. 115, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEES ON CULTURAL COMMUNITIES; JUSTICE AND HUMAN RIGHTS; SOCIAL JUSTICE; WELFARE AND RURAL DEVELOPMENT; URBAN PLANNING, HOUSING AND RESETTLEMENT; AGRARIAN REFORM; AND ENVIRONMENT AND NATURAL RESOURCES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON EXECUTIVE ORDER NO. 364, SERIES OF 2004, PROMULGATED 27 SEPTEMBER 2004 BY PRESIDENT GLORIA MACAPAGAL-ARROYO, ENTITLED, "TRANSFORMING THE DEPARTMENT OF AGRARIAN REFORM (DLR)" WHICH PLACED

BOTH THE PHILIPPINE COMMISSION ON URBAN POOR (PCUP) AND THE NATIONAL COMMISSION ON INDIGENOUS PEOPLE (NCIP) UNDER THE CONTROL AND SUPERVISION OF THE SECRETARY OF THE NEW DLR

Introduced by Senator M.A. Madrigal

To the Committees on Agrarian Reform; and Civil Service and Government Reorganization

Proposed Senate Resolution No. 116, entitled

RESOLUTION DIRECTING THE COMMITTEES ON EDUCATION, ARTS AND CULTURE, AND ACCOUNTABILITY OF PUBLIC OFFICERS AND INVESTIGATIONS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON VARIOUS TEXTBOOKS USED IN PUBLIC AND PRIVATE SCHOOLS WHICH CONTAIN NUMEROUS ERRORS WITH THE END IN VIEW OF REVIEWING AND FINDING THE QUALITY OF TEXTBOOKS USED IN PUBLIC AND PRIVATE SCHOOLS AND PROPOSING REMEDIAL LEGISLATION FOR THE PURPOSE

Introduced by Senator Luisa "Loi" P. Ejercito Estrada

To the Committees on Education, Arts and Culture; and Accountability of Public Officers and Investigations

Proposed Senate Resolution No. 117, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON HEALTH AND DEMOGRAPHY TO INVESTIGATE, IN AID OF LEGISLATION, THE ALLEGED ANOMALOUS TRANSACTION BETWEEN THE DEPARTMENT OF HEALTH AND THE COUPLES FOR CHRIST

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Introduced by Senator Luisa "Loi" P.
Ejercito Estrada

**To the Committee on Health and
Demography**

ADDITIONAL REFERENCE OF BUSINESS

RESOLUTIONS

Proposed Senate Resolution No. 118, entitled

RESOLUTION REQUESTING HER
EXCELLENCY PRESIDENT GLORIA
MACAPAGAL-ARROYO TO SET
ASIDE TWENTY HECTARES OF
PUBLIC LAND AT FORT
BONIFACIO, MAKATI CITY AS
THE SITE WHERE THE HOUSE
OF REPRESENTATIVES AND THE
SENATE WILL BE BUILT

Introduced by Senators Pimentel Jr.,
Magsaysay Jr., M.A. Madrigal, Jinggoy
Ejercito Estrada, Pangilinan, Ramon
Bong Revilla Jr. and Lim

To the Committee on Rules

Proposed Senate Resolution No. 119, entitled

RESOLUTION DIRECTING THE
APPROPRIATE SENATE
COMMITTEE TO INVESTIGATE,
IN AID OF LEGISLATION, THE
ALLEGED BIGTIME ONION AND
VEGETABLE SMUGGLING
SYNDICATES IN THE COUNTRY

Introduced by Senator Pimentel Jr.

**To the Committees on Trade and Commerce;
and Economic Affairs**

COMMUNICATIONS

Letter from Acting Executive Secretary Eduardo R.
Ermita of the Office of the President of the
Philippines, transmitting to the Senate the
letter of Her Excellency, President Gloria
Macapagal-Arroyo, addressed to Speaker Jose

De Venecia Jr. of the House of
Representatives, certifying to the necessity of
the immediate enactment of House Bill
No. 2996, entitled

AN ACT PROVIDING FOR OPTIMUM
PERFORMANCE IN REVENUE
COLLECTION THOUGH THE
GRANT OF SPECIAL INCENTIVES
AND REWARDS FOR EXEMPLARY
SERVICE AND THROUGH
LATERAL ATTRITION IN
REVENUE-GENERATING AGENCIES
OF GOVERNMENT AND FOR
OTHER PURPOSES,

pursuant to the provisions of Article VI,
Section 26(2) of the Constitution.

To the Committee on Rules

Letter from Chairperson Karina Constantino-David
of the Civil Service Commission, transmitting
to the Senate a copy of the Resolution of the
Inter-Agency Anti-Graft Coordinating Council
(IAAGCC) Recommending the Immediate
Concurrence by the Philippine Senate with
the United Nations Convention Against
Corruption.

To the Committee on Foreign Relations

First Indorsement from City Secretary Cynthia M.
Gomez of the Office of the Sangguniang
Bayan of Sta. Rosa, Province of Laguna,
respectfully forwarding to the Senate,
S.P. Resolution No. 1, including attachment in
connection with the ratification of Republic
Act No. 9264, otherwise known as "The
Charter of the City of Santa Rosa."

To the Archives

Letter from Vice-President Jennifer D. Espinosa of
the E&M Radio Marine Communications
Network, Inc., conveying to the Senate their
acceptance of the Expanded Franchise granted
under Republic Act No. 9283.

To the Committee on Public Services

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SUSPENSION OF SESSION

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

It was 3:58 p.m.

RESUMPTION OF SESSION

At 3:59 p.m., the session was resumed with Senate President Pro Tempore Flavio Reyes presiding.

COAUTHOR

Senator Lacson manifested that Senator Enrile is coauthor of Senate Bill No. 831, the Anti-Terrorism Bill.

PRIVILEGE SPEECH OF SENATOR LIM

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

THEN A DREAM, NOW A REALITY- A GRAND DECEPTION AND A GIGANTIC HOAX

Last October 5, 2004, I stood on a question of privilege.

I stood then because of a dream. And I shared it with you because it was worth sharing.

Today, I rise again but without any dream to share, rather to speak of a reality that you and I are worth pondering.

I stand because I am wary of what is going on in our country today.

Recently, we had been horrified by the spate of killings. Crimes brazenly and dastardly perpetrated; crimes that stained our country with the blood of the ordinary citizen and those who enjoy the privilege of holding key positions in the different departments of our government. Crimes that filled our hearts with bitterness, hatred and revenge particularly from the loved ones of those who perished through these ignominious acts.

The brazen killings occurring daily in our country is alarming, giving rise to apprehension and concern that the peace and order condition in this country is being annihilated and a regime of lawlessness instituted in its place.

Innocent and unwary victims succumb to assassins' bullets in broad daylight, in their homes, government offices and public places. The perpetrators of heinous crimes carry out their attacks without compunction, fear nor hesitation, because they easily escape and conveniently elude apprehension, for they believe that crime pays.

I rise because I am wary as I feel we are veering towards the dark moments of our political history, earlier emancipated by the blood of Benigno "Ninoy" Aquino Jr., a martyr and former colleague, who had unselfishly dedicated his life so that we and the next generation may endure the splendor of the gleaming dawn.

I am wary because I dread the day when violence and lawlessness shall reign high in every space and corner of our country, when the rule of law is no longer the beacon that lights our destiny.

A few days ago we were appalled by the following incidents:

In the early morning of October 18, 2004, bullets from caliber .45 pistols and ammalite rifles pierced the heart and body of P/Col. Manolo Martinez, a member of the Manila's Finest. Adding ignominy and insult to his cold-blooded murder, he was ambushed not anywhere but in front of the Sta. Mesa Police Station. His assassins knew his comrades-in-arms were within close range. Yet the killers were that daring in carrying out the assault. They fled on board a passenger jeep, more emboldened by the absence of resistance. Sadly, no one accepted their challenge because they knew the pride of the Manila's Finest is nothing but sheer

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memories initially absorbed by the Integrated National Police, wrecked and gone awry with the PNP.

The scenes were outrageous because they were not merely directed at the citizenry, but at the Philippine National Police, as well.

The brutality however, did not end with the killing of P/Col. Martinez. Thirty minutes later, or at 10:00 a.m. of the same fateful day, lethal bullets of three unknown van-riding assailants struck in Lipa City and snuffed out the life of PO2 Bernardo Amazona, assigned to the Traffic Management Group in Camp Crame, Quezon City.

But my God, their cop-slaying spree did not end there, as if the thrill of killing two policemen was not enough. Two days later, in the wee hours of the morning of October 20, 2004, another member of Manila's Finest, Police Inspector Emmanuel Sanchez, and his wife were fatally stabbed in their sleep by a suspected intruder-robber.

I was once a cop who rose from the ranks, a veteran of death-defying shooting encounters and street fights with notorious criminals. Yet, I have to candidly bare, never in the history of Manila's Finest, did it happen that a cop was ambushed, shot and killed in the premises of his own precinct, his own command.

In retrospect, I cherished the past accolades for the Manila's Finest, when in my time killing police officers was rare as it would be suicidal; for would-be cop killers respected the etched axiom in the premises of the WPD's headquarters heralding – GO SPREAD THE WORD AND TELL THE PASSERSBY, THAT IN THIS LITTLE WORLD MEN KNEW HOW TO DIE.

We heard of the brutal murder of Atty. Arbet Sta. Ana-Yongco, the lady lawyer who prosecuted the parricide case

of cult leader Ruben Ecleo Jr. She was shot at pointblank range inside her house and office in Zapatera, Cebu City and the assassin just casually walked away after the shooting. The cult leader was also charged with having masterminded the killing of his two brothers-in-law and father-in-law, as lawmen pursued his arrest.

But the quaint development in connection with the investigation of the murder of the lady prosecutor is the sudden relief of the NBI Regional Director in Cebu City.

It has been reported that the public prosecutor handling the case has already withdrawn. What impels him to withdraw from the case? Has he been terrorized? Why a sudden change of attitude towards the presentation of this case, especially now that blood has been spilled?

Judges have not been spared as many of them, mostly handling drug-related cases, had also been mercilessly killed or ambushed in the line of duty, obviously either to deter them from meting out the supreme penalty on convicts found guilty of violating drug laws or as reprisal for convicting those charged in their courts.

Broadcasters and media practitioners were similarly victims of the unabated, reprehensible and atrocious killings, thus causing serious trepidation and anxiety to those who continue to expose without fear the venalities and anomalies in the government and the public sector of our society.

For instance, on October 18, 2004, an anti-gambling radioman from Tandag, Surigao del Sur, Eldy Sablan, was shot three times by unidentified assassins, killing him instantly.

I recall that in the '80s, the late Vice President Pelaez was himself a victim of an attempted assassination and exclaimed to Gen. Tomas Karingal: "General, What's happening to our country?" Ironically,

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months later, General Karingal himself was assassinated in broad daylight in a public place.

Yes, what happened decades ago is also happening these days, the only difference being that this time, it is getting worse and the perpetrators are more audacious in carrying wicked pursuits.

I am constrained to ask: Why are these senseless killings happening to our country? Where are we heading to?

People have lost their respect for others' lives and are wont to appease evil day by day because, rather than be upright and civilized in their actions, they adhere to the power of the gun to achieve their goals, attain their purposes, get even with their adversaries and the most vicious of all, exchange their self-respect and honor for money, gold and wealth.

Morality and respect for the rule of law are getting rarer and rarer. Has our society gone bankrupt of virtues, righteousness and heroism?

The gruesome murders are quite alarming, not only because of the impudent manner through which the victims were executed, but also considering their positions and status.

These incidents undoubtedly blur our future. Internationally, these erode and render bleak our economic and cultural progress. Foreign investors are certainly being frightened from investing here, with tourism suffering its lowest projected expectations.

Guided by the wisdom of a Greek philosopher who said, "Let us tame the savageness of men to make the life gentle in this world," I feel as a senator and as an ordinary citizen, my solemn task is to search for the light, amidst the hovering darkness in our civil and political life.

What could have been the possible causes of the breakdown of law and order?

Let me cite them:

The police which is the armed component of the criminal justice system and explicitly mandated by law to "maintain peace and order and take all necessary steps to ensure public safety" and the local chief executives who are tasked with the responsibility of maintaining peace and order in their respective areas of jurisdictions, are primarily to blame for that breakdown.

Maintaining police visibility in public places is an effective deterrent in the commission of crimes. But where were these uniformed policemen when these crimes were being committed? Where were they? They became invisible.

It is an integral part of the crime prevention and control program.

The prosecutorial arm of the government and the courts are not entirely faultless because justice grinds exceedingly slow; potential criminals remain free and roam around the community, waiting for an opportunity to strike and commit further criminal acts, while their cases are mothballed before the prosecutors and the courts.

In my humble way, I take the liberty of postulating for your Honors' considerations, proposed solutions to these problems.

Crime prevention and control, to be effective, requires the active, integrated and synchronized effort of the five pillars of the Philippine criminal justice system. They must put their acts together and orchestrate a collective effort to fight crime and lawlessness.

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Of equal significance is the active and honest involvement of local chief executives who are explicitly tasked with the responsibility of maintaining peace and order and promoting the welfare of their constituents, within the range of their respective jurisdiction.

I would like to underscore, however, that the people's involvement, participation and support in the maintenance of peace and order are indispensable. We must realize that the success and efficacy of efforts to suppress these criminal activities are ultimately reposed on the willingness, readiness and courage of the public to come forth and assist the government in the investigation and prosecution in building up of cases against these criminal elements.

In fine, it is imperative that the five pillars of our criminal justice system should work conjunctively in combating criminalities. Toward this end, the Peace and Order Council, which is the coordinating mechanism of the five pillars of the criminal justice system, should be mobilized on all levels, from national to local.

Complementary thereto, in order to enable the local chief executives to perform their duties more effectively, I am advocating through a bill I filed with this august Chamber, the grant of more substantive powers to them, in the administration and operation of local police units.

The bill seeks to reorganize the present Philippine National Police (PNP) into one police organization with two major components: national and local. Even under the two tiered set-up which is well within the parameters of Sec. 6, Art. XVI of the 1987 Constitution, prescribing "one police force which shall be national in scope," the government can continue availing of the built-in advantages of a unitary police organization while at the same time improving the capability of enforcing the law and maintaining peace

and order at all local levels. Although the national character of the police force is retained, city or municipal mayors are given wider latitude of participation, in the supervision and control of PNP precincts or stations in their respective jurisdictions.

We all know that the glorious days of local police forces, then under the local chief executives, were cut short by the integration of local police under the Integrated Act of 1975 during Martial Law, with the Philippine Constabulary serving as its nucleus and the local police force as its civilian components.

The administrative control and supervision was under the NAPOLCOM, while the local executives exercised operational supervision and direction over the INP units assigned within their respective localities.

But the police set-up under the command of the military component was disastrous and severely eroded the civilian character of the INP. And the multiplicity in the governance of the PC-INP resulted in an inefficient police service.

There were inequities too because the military component had superior benefits and privileges to the disadvantage of the civilian police component.

Hence, the Constitutional Commission of 1986 took cognizance of these structural errors and devised a scheme to put an end to the problem, but the problem lay on the undisputed truth, that those who drafted this law probably overlooked certain loopholes.

Indeed, it is still being practiced to assign cops or policemen anywhere at the pleasure of their superior officers. There can be no protest even for a minor misdemeanor; the erring cop can be "frozen", assigned and transferred to the far-flung Mindanao spot, away from his family. Disoriented with his new tasks in an unfamiliar assignment and terrain and

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place among newly acquainted fellow policemen, he lost close rapport with the original colleagues in his former assignment and thus, endeavors to make new friends, familiarizes himself with the new surroundings for an effective fulfillment of his inherent tasks. But it could be short-lived because an order transferring him again to another place is not a remote possibility. The camaraderie which he was developing with his peers is continuously lost for as long as his removal and reassignment remain. The eventual loss of this "camaraderie" among members of the police force only makes them indifferent to each other. The *esprit de corps* has been lost.

Apropos to this theory, it has to be stressed that in this present set-up where a PNP member does not appear to be directly and personally accountable to his chief executive for all his misdeeds and infractions, his discipline is prone to deteriorate. A member, if vulnerable to vices and temptation, will surely succumb to these evils being dispersed all over new areas of responsibility, amidst stranger colleagues and the similarly unknown constituents in the place. Strangers, therefore, to the police and vice-versa, resident and/or individuals in his area of responsibility are thus normally beyond reach, being skeptical and suspicious, to the detriment of prompt police service.

Indeed, the return of the direct administrative and operational supervision and control of the local police force to its chief executive, will necessarily enhance and improve the discipline of its members. It is expected to yield better, competent and consummate service to the public, because no other, but the Chief Executive, is accountable and responsible for all the misdeeds, abuses and wrongdoings, if any, of his solely supervised and controlled local government unit. More than anybody, he can strictly instill the discipline on his local police unit,

for the good and benefit of their constituency.

In retrospect, let us acknowledge the worsening state of law and order, the rise in criminality, the boldness and temerity of the criminals, the deteriorating faith of the citizens in the government.

Let us divest ourselves of any hypocrisy, in admitting that these are all the unforeseen, the inevitable and deplorable consequences of our ineffectual, police force. Thus, we have to be firm, resolute, unyielding in acting now, before it becomes late. Let us work together in legally returning the exclusive control and supervision and command of the police force, to its local government unit. We cannot fail because the past is a mute witness that those days, when the local chief executive, either of a city or municipality, exercised absolute operational control on the police force of the particular locality, there was less power struggle in the force, lesser graft and corruption since the responsibility is confined to an area where familiarity does not breed contempt, but effective and immediate police service because policemen were the embodiment of legitimate authority on whom any citizen could depend for protection.

Let us then bring back the glory, the pride and the prestige to these policemen, who shall again be destined to yield obedience to a lone commander, and their loyalty to their constituents, all within a confined area of jurisdiction.

I am also soliciting the assistance of DILG Secretary Angelo Reyes and PNP Director General Edgardo B. Aglipay to look deeper into these cases particularly the case of P/Col. Manolo Martinez. And, in the course of their investigation, I fervently hope that extraordinary skill, care and prudence shall be adhered to in ferreting out the truth, rather than perverting it through the condemnable and inordinate use of fall guys. I wish the investigating

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police officers shall consistently refrain from recklessly taking pride in announcing to the world that a crime has been finally solved and the perpetrators have been arrested, when in truth and in fact, this is a grand deception and a gigantic hoax committed on the family of Col. Manolo Martinez and the citizenry in general.

I have spoken. If we have to act, we have to act now before it's too late! I leave everything to you for your honor's consideration.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:22 p.m.

RESUMPTION OF SESSION

At 4:23 p.m., the session was resumed.

Upon resumption, Senator Pangilinan manifested the desire of Senator Gordon and Senator Jinggoy Estrada to interpellate Senator Lim at the appropriate time.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:24 p.m.

RESUMPTION OF SESSION

At 4:27 p.m., the session was resumed.

PRIVILEGE SPEECH OF SENATOR MADRIGAL

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

FINAL SOLUTION: FILIPINO STYLE

I rise today on a matter of the highest personal and collective privilege. I address

you for the first time as a senator of the Republic on a matter that concerns not just the committee I head, but all of us, as a chamber of the legislature. I rise to speak, as well, on behalf of our brothers and sisters who compose the indigenous peoples of the Philippines whom we are tasked to represent with as much vigor as our Christian and Muslim fellow citizens. I rise to speak in defense of the Constitution that delineates, for all of us, the freedoms to which we are all entitled.

You and my colleagues know that I prefer to listen and learn rather than speak. The truth is that I have, until now, deliberately chosen to be silent, not because I lack anything to say, but because there is much that I still want to know and learn. My more senior peers in this Chamber with their erudition, experience, and exacting dedication to the principles of public service, demonstrate day after day, in this session hall and in the committee hearings, the need to think before acting on any matter.

The time has come to break my silence in this Chamber because there is now before us a challenge, a challenge made on the sly by the executive department; a challenge to the fundamental structure of our constitutional order; a challenge which must be met.

How we choose to meet that challenge is crucial. We have a choice whether to be silent in the face of a calculated assault on the fundamental principles of our republican institutions, or to speak out to condemn that assault. We have a choice whether to be silent accomplices to the erosion of the liberties of our countrymen who belong to the indigenous peoples, or to take our mandate as representatives of all the people, and not just the majority, seriously.

I choose to speak out. I choose to break my silence. I choose to take up the challenge.

The Executive Branch, recently, has taken upon itself to undo, by executive fiat,

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what took ten long years for the Congress of the Philippines to achieve: namely, the Indigenous Peoples' Rights Act of 1997. When this Act of Congress was signed in 1997, after ten years of difficult and tortuous debates, it earned respect for our country throughout the world. It was hailed as a triumph of political will, a remarkable example of legislation that made possible the rectification of many wrongdoings. It established the principle of collective and not just personal ownership of land for communities more concerned with the stewardship of their habitats, rather than its exploitation. The concept of stewardship is something we, the majority, still have to learn.

When Republic Act No. 8371 was signed, our indigenous peoples, and all who have been concerned with according them the dignity and rights commensurate to their cultures that we, who belong to the dominant Christian and Muslim cultures have long enjoyed, thought that at last, the crooked lines of our past relationships with them could be made straight. Our countrymen who belong to the indigenous peoples have endured treatment that was often faithless because it was so contradictory. The Philippine government, at the time of Commonwealth, had embarked on a program of establishing, by presidential proclamation and executive order, an extensive system of national parks and reserves, many of them encompassing the ancestral lands of our indigenous peoples. It was hoped that such a system would protect our environment, preserve our natural patrimony, and prevent outsiders from encroaching on the ancestral domains of our indigenous peoples.

President Quezon's extensive program was undertaken with the legal advice and assistance of my grandfather, Jose Abad Santos, who helped provide the Commonwealth government with the legal tools required to set in place national policies imbued with a sense of social justice. He was conscious of the need to

protect all, not just some, Filipinos, and the urgency of putting in place a just and humane social order as the Philippines prepared for final independence.

The Second World War claimed my grandfather's life, which he gladly gave for his country. But it also claimed much of the good work he intended. The destruction of our country and the haphazard economic planning that followed confused plunder with progress. Part of this policy of plunder in the quest of fleeting short-term profits was the steady revocation and amendment of the system of executive issuances that had established a large national parks and protected areas system.

Presidents and Congresses of the Philippines combined to alienate reserved lands in order to make them available for exploitation. Logging and industrial interests profited from this systematic reversal of pre-war policies; many grew fantastically rich. Where once the law had attempted to preserve the lands in which our indigenous peoples live, the law instead became an instrument for their accelerated marginalization and impoverishment.

Republic Act No. 8371 was meant to put an end to this process of alienation and marginalization. It was the law that was meant not only to rectify old wrongs, but empower our indigenous peoples.

In particular, a provision of this law established the National Commission on Indigenous Peoples (NCIP). Section 40 of Republic Act No. 8371 stated that this Commission would be independent, under the office of the President of the Philippines. This section gave the indigenous peoples of our country a dignity, status, and authority in the national government they had never possessed before.

These terms are essential. The National Commission on Indigenous Peoples

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conferred dignity because it elevated the concerns of our indigenous peoples to the national level. It raised their status because by having a chairman answerable only to the President of the Philippines, it firmly established the right of our indigenous peoples to decisive, prompt, and continued action on the part of the Executive; it allocated and established authority because at long last it placed the identification and protection of ancestral domains in the hands of those to whom it properly belonged. The creation of this Commission at long last liberated our indigenous peoples from second-class status in their own country, both in the eyes of the law and of their countrymen. It placed both the rights and obligations of ancestral domain protection and administration in the hands of those entitled to and qualified for it: in the very hands of our indigenous peoples. No longer would they be mendicants in their own land. From then on, they would be separate, but equal.

That is the importance of this Commission, and the importance of the law Congress passed to make such a Commission possible.

Now, after two administrations, what has the present administration undertaken? Nothing less than to reduce once more our indigenous peoples to second-class status. The Executive Branch has undertaken a policy that not only flouts the separation of powers, it demotes and thus, demeans, our indigenous peoples in the eyes of the law and their countrymen.

The instrument of this policy of depriving our indigenous peoples of their hard-won equality, this policy of stripping them of their hard-won rights, this policy of reducing them to the status of second-class citizens, is an executive order. Executive Order No. 364, signed on September 27 of this year, has as one of its provisions, the transfer of the Commission on Indigenous Peoples to the Department of Land Reform, created by the same order. Executive Order No. 364

transforms the Commission on Indigenous Peoples into a subordinate agency on par with agencies devoted to agrarian and urban land reform. It is this provision that presents a challenge by the executive branch to our Constitution, our Congress, and our indigenous peoples.

If the Executive were to suddenly order the transfer of the Commission on Human Rights under the supervision of the Department of National Defense, there would be a massive outpouring of protest and indignation. And rightly so. For the Commission on Human Rights was established under our present Constitution to prevent the abuse of authority and to investigate violations of human rights due to the traumatic experience of martial law. Many would protest such a move due to its patent lack of logic and the psychological and physical scars so many of our countrymen bear to this day.

The decision of the President of the Philippines to place the Commission on Indigenous Peoples under the direct supervision of the Department of Land Reform is a move equally illogical and definitely reprehensible. The Executive Order, in placing under the control of a cabinet official what Congress explicitly envisioned as a national commission directly under the President, contravenes the will of Congress. The Executive Order, in making the chairman on Indigenous Peoples a mere *ex-officio* undersecretary, demotes the Commission on Indigenous Peoples both administratively and morally. The Executive Order, in lumping together the distribution of agrarian and urban lands, with their system of torrens titles, with the administration of ancestral domains subject to an entirely different communal system, has sacrificed the true interests of social justice to window-dress the bureaucracy.

The Executive Order manifests a profound and insulting ignorance of the rights and needs of our indigenous peoples.

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Our farmers, for example, could do well with two hectares and a carabao, but this is not how our indigenous peoples live, or want to live. Social justice demands that the tillers of our soil be given land to own and till; but social justice requires that we do not presume that we can re-allocate what is already theirs by historical birthright. This very assumption that you can parcel out ancestral lands can only be made by people who neither understand nor consult our indigenous peoples. Agrarian and urban land reform concern the titling or giving away of land to the landless; ancestral domain management requires, however, the preservation of land to which certain populations are entitled by historic right. Agencies tasked with giving away should not be tasked with the radically different duty of preserving and keeping intact communal lands. The left hand cannot give away what the right hand has been tasked to protect.

As a senator of this Republic, I ask my colleagues and our countrymen to listen to their kinsmen. The indigenous peoples of the Philippines, representatives of whom have signed petitions, and some of whom have taken it upon themselves to be here, opposed and even burned this executive order. They denounce the arbitrary, short-sighted, and insulting demotion of their Commission to a subservient agency of the Department of Land Reform. The fundamental aspirations of social justice, which our Constitution ordains as one of the founding principles of our country, require me and all of us in the august Chamber to denounce this executive order as well.

The Senate cannot be supine in the face of Executive encroachment into the powers of Congress. The Senate cannot be a party to the reversal of a just and hard-won policy of empowerment and protection of our indigenous peoples. The Senate cannot be an accomplice to the Executive Department's efforts to

return our indigenous peoples to the status of inconvenient objects to be shunted aside.

The Executive Department has neither the courtesy nor the legal sense to consult Congress in the demotion of the Commission on Indigenous Peoples. It has lacked the understanding to realize that what Congress has enacted, the President cannot undo. It betrays a disrespect and lack of dedication to the interests of our indigenous peoples. If the Executive has done what it has done, out of a misplaced (because it is fundamentally ignorant) effort to make things better, then it does not know what it is doing. If it has done what it has done because of a contempt for the law, Congress, and our indigenous peoples, then it is embarking on a dangerous course of action. Either way, accidentally or intentionally, the Executive is poised to embark on a policy of aggression and exploitation.

In 1997, Congress enacted that the people best qualified to manage and protect the 30 million hectares of ancestral domain lands, are the 11.7 million individuals who comprise our indigenous peoples, working through their representatives and under the office of the President of the Philippines. In 2004, the very President tasked with upholding the Constitution and the laws, has taken it upon herself to set aside the intent of Congress while disregarding the protests and petitions of the indigenous peoples themselves.

Once again, our indigenous peoples are not free. Their future and rights have been made subservient to pencil pushers who think they know better than either Congress or the stakeholders whose needs have been addressed by law. Instead of protecting and preserving what has been hard-gained, a state policy has been subverted and the sad history of attempting to reduce our indigenous peoples to the level of mendicant pawns has been resumed.

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When the law is clear, it must be applied. This is a fundamental imperative of law. When social justice is envisioned, the means to institute it must neither be subverted nor removed. When peoples have been empowered, they must not have their empowerment reversed and their status made subordinate.

When the Constitution, Congress, and our people are thwarted, they must be upheld. When a minority has its rights reduced, the rights of the majority being reduced cannot be far off.

In the face of the Executive department's challenge to the basic principles of republican governance, constitutional order, and the rights of our indigenous peoples, I cannot be silent. And neither can this Chamber. I ask that the Senate of the Philippines rise to the defense of our Constitution, the basic tenets of legality, and our indigenous peoples. I ask that this Chamber resolve to face up to the Executive department's arrogating to itself the powers of Congress. I move that this Chamber should call upon the President of the Philippines to revoke the provisions of Executive Order No. 364 subordinating the Commission on Indigenous Peoples to the Department of Land Reform.

Our indigenous peoples may live differently from us but they have equal rights -- rights we must uphold as their elected representatives, rights that are theirs in perpetuity, and not by virtue of executive whimsy or political convenience. I cannot stay silent in the face of such a manifest injustice and neither should anyone else in this Chamber.

As least, the Nazis were lest hypocritical. They proclaimed the "Final Solution" to eliminate the gypsies and the Jews. The Final Solution, "Filipino style," has been done through stealth. The goal, however, whether in Berlin in 1943 when the Final Solution was decided or Manila in 2004 when EP 364 was signed is the same -- TO KILL A CULTURE.

REMARKS OF SENATOR PANGILINAN

At this juncture, Senator Pangilinan stated that Senator Lim sought leave to interpellate Senator Madrigal. The Chair asked whether the Body should first proceed with the interpellations on Senator Lim's speech.

Senator Pangilinan stated that the Body would proceed with the interpellations on Senator Madrigal's speech and thereafter, the interpellations on Senator Lim's speech. However, he said that Senators Lim, Ejercito Estrada (J) and Gordon have agreed to commence the interpellations on Senator Lim's speech the next day in view of the sponsorship of the UP Charter measure.

PARLIAMENTARY INQUIRY OF SENATOR ENRILE

Senator Enrile wondered whether the Body has changed the Rules because to his recollection, when a Member is allowed to rise and speak on a matter of personal or collective privilege or on any matter of national concern, the matter is finished by allowing other senators to interpellate the speaker. He said that with the present procedure, he did not know when a Member can interpellate the speaker. A Member who speaks on a matter, he underscored, should be accorded due courtesy to finish by allowing other senators to interpellate him or her before the Body takes up any other matter. He said that if there are several Members who wanted to speak on a given day, they must be told of the proper order, and if there are more urgent matters to be taken up during the session, the Body should decide its priorities.

Senator Enrile moved that the Body suspend the interpellations on the two speeches and proceed with the sponsorship of the UP Charter measure.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:55 p.m.

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RESUMPTION OF SESSION

At 4:56 p.m., the session was resumed.

Senator Pangilinan agreed with Senator Enrile that senators should be allowed full opportunity to interpellate those who have delivered privilege speeches. The suspension of the interpellation, he stated, is always with the permission and consent of the Body. He said that the Body would proceed with the interpellation on Senator Madrigal's speech.

INTERPELLATION OF SENATOR PIMENTEL

Senator Pimentel commended Senator Madrigal for taking up the cudgels for the indigenous peoples. Legislators, he said, tend to tackle problems that concern the greater majority of the people, forgetting that the grievances of the indigenous peoples also deserve adequate consideration. He asked what Senator Madrigal has to say on the President's power to transfer one office under her department to another department to facilitate executive supervision.

Senator Madrigal said that while the President has broad powers to transfer one office to another to reorganize for the sake of efficiency in the bureaucracy, she should not usurp the powers of Congress which has mandated through law that the NCIP be placed under the Office of the President.

Asked whether the Department of Land Reform has the same mandate of the NCIP to decide questions on ancestral domain, Senator Madrigal said that there seems to be a conflict of interest.

On whether like the NCIP, the DLR has authority to issue titles over ancestral domains, Senator Madrigal replied that this is another issue of conflict because there has been a lack of study on the matter.

Senator Pimentel stated that while the NCIP has quasi-judicial powers, its decisions on cases involving ancestral domain titles are not appealable to the President but to the Court of Appeals. The transfer, he said, would result in a situation

where the DLR has no power to actually supervise the discharge of the quasi-judicial powers of the NCIP. He asked whether the executive order was a knee-jerk decision of some people in the administration. Senator Madrigal replied that the reorganization was a very shallow bureaucratic window-dressing that has a deeper agenda.

On a related matter, Senator Pimentel recalled that the leader of the Yanomani Tribe in the Amazons told the land developers that his people do not need development but they wanted a dark night so they can see the stars. He said that this was also what Senator Madrigal tried to say in her speech.

INTERPELLATION OF SENATOR ENRILE

Asked by Senator Enrile whether the President, under the Revised Administrative Code, has the power to reorganize the Executive Branch, Senator Madrigal replied in the affirmative, stating that the President based her decision to place the NCIP under the Department of Land Reform on Section 31, Chapter 10, Book III of the Revised Administrative Code which gives her broad powers to reorganize offices under her administrative supervision and control.

Senator Enrile said that while Congress enacted a law which placed the NCIP under the Office of the President, it also gave the President, as chief executive, standby powers to reorganize the entire bureaucracy. However, Senator Madrigal expressed the view that while the power of the President to reorganize cannot be denied, the transfer of the NCIP from the Office of the President to the DLR was not in accordance with the law. She believed that a reorganization must be made in good faith for the purpose of achieving economy or bureaucratic efficiency. She pointed out that in the case of the NCIP, its transfer to the DLR was not an efficient move because the regalian doctrine, the basis of urban and agrarian land reform, is opposed to the collective ownership and management of indigenous ancestral lands.

Stating that the President has no power to amend or repeal existing laws, Senator Madrigal stated that in *Bengzon vs. Drilon*, the Supreme Court ruled that the power of the chief executive is merely to execute laws enacted by Congress.

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Moreover, she pointed out that Section 3 of Executive Order No. 364 would diminish the constitutionally protected rights of the indigenous peoples because the NCIP, which exercises a quasi-judicial function, shall be subject to the control and supervision of the DLR Secretary.

On whether there is a presumption of regularity in the official acts of the President, Senator Madrigal replied that the President should act within the bounds of the law.

But Senator Enrile argued that the law precisely grants the President's official acts the presumption of regularity and legality, thus, Congress would not be in a position to remedy the situation. He said that the proper course of action is to question the act of the President at the proper court.

Asked what terminology was used in Executive Order No. 364 to transfer the NCIP to the DLR, Senator Madrigal replied that the executive order transformed the Department of Agrarian Reform into the Department of Land Reform which would be responsible for all land reforms in the country including agrarian reform, urban land reform and ancestral domain reform.

Senator Enrile opined that the NCIP was transferred to the Department of Land Reform for administrative purposes only, therefore, its quasi-judicial function would not be affected in any way. He said that Senator Madrigal could raise the issue before the Supreme Court.

Senator Madrigal informed the Body that together with the cultural communities, she intended to file a case before the Supreme Court on the matter.

Senator Enrile gave the assurance that he would support any effort to protect the rights and welfare of the indigenous peoples.

INTERPELLATION OF SENATE PRESIDENT DRILON

At the onset, Senate President Drilon congratulated Senator Madrigal for delivering her maiden speech.

Asked whether she was aware of Section 31, Chapter 10 of the Revised Administrative Code, Senator Madrigal replied in the affirmative.

Senate President Drilon recalled that he used the same provision as then Executive Secretary when the Nayong Pilipino was transferred from the Office of the President to the Department of Tourism. He believed that Section 31 grants the President sufficient authority to transfer any agency under the Office of the President to any department.

Asked how she would rationalize this basic authority granted to the President with her strong criticism of E.O. No. 364, Senator Madrigal stated that the reorganization should be done in good faith such as for the purpose of economy or to make the bureaucracy more efficient pursuant to Section 31 of the Code. The basic question, she underscored, is whether the transfer would make the NCIP bureaucracy more efficient in the discharge of its duties to the indigenous peoples.

Senate President Drilon observed that under the Constitution, the President has supervision and control over the Executive Department. He asked why the transfer would not make the bureaucracy more efficient. Senator Madrigal replied that precisely, the task of the DLR to give land to the landless is completely opposite to the task of the NCIP to preserve the ancestral domain. She likened the situation to placing the Commission on Human Rights under the Department of National Defense.

Senate President Drilon stressed that the CHR is a constitutional body that cannot be placed under the Executive Department. Senator Madrigal clarified that she cited that particular example to emphasize the fact the NCIP and the DLR have opposite mandates.

Asked to clarify her statement that the NCIP Chairman was made a "mere *ex-officio*" undersecretary, Senator Madrigal pointed out that with the transfer, the chairman would report to the DLR Secretary instead of the President.

Other than that, asked whether there was a diminution of power of the NCIP Chairman,

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Senator Madrigal stressed that the demotion of the Chairman was a diminution.

Asked if the Executive Secretary directly supervises the NCIP Chairman in the day-to-day performance of administrative functions, Senator Madrigal replied in the negative, adding that the Chairman reports and coordinates directly with the Office of the President. However, Senate President Drilon pointed out that the Executive Secretary, who heads the Office of the President, is the only person who can sign by authority of the President. He stressed that more than any other cabinet member, the Executive Secretary can act for and in behalf of the President.

Senator Madrigal argued that if the NCIP Chairman reports directly to the Executive Secretary, there would be no diminution of role; however, with the transfer, the Chairman would now report to the DLR Secretary,

On whether the DLR Secretary can act for and in behalf of the President, Senator Madrigal stated that unlike the Executive Secretary, the DLR Secretary cannot sign executive issuances.

However, Senate President Drilon underscored that it is the prerogative of the President to delegate such authority to the Executive Secretary or the DLR Secretary.

On whether the Chairman was demoted when he was made an *ex-officio* undersecretary, Senator Madrigal replied in the affirmative.

INTERPELLATION OF SENATOR EJERCITO ESTRADA (J)

Initially, Senator Ejercito Estrada (J) stated that the action taken by President Gloria Macapagal Arroyo in transferring the NCIP to the Department of Land Reform raised several constitutional issues. Since the NCIP was created by R. A. No. 8371, he said, any changes affecting the agency should be done through an act of Congress. Senator Madrigal agreed.

Senator Ejercito Estrada (J) informed the Body that the NCIP head carries the rank of a cabinet secretary and as such, he cannot be placed

under another secretary unless the appropriate amendatory legislation is enacted.

Noting that the NCIP is a quasi-judicial body that adjudicates cases relating to ancestral lands, Senator Ejercito Estrada queried if a department can exercise quasi-judicial functions. Senator Madrigal replied in the negative.

Asked if the act of President Macapagal Arroyo constituted an impeachable offense, Senator Madrigal replied that it is for the Senate to decide if it is going to be turned, once again, into an impeachment court.

Senator Ejercito Estrada stated that maybe some of the Members of the House of Representatives could be convinced to undertake impeachment proceedings against the President. Senator Madrigal said that it is up to Senator Ejercito Estrada to convince the Members of the House to do so.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Pangilinan, there being no objection, the Chair referred the privilege speech of Senator Madrigal and the interpellations thereon to the Committee on Cultural Communities.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 5:36 p.m.

RESUMPTION OF SESSION

At 5:38 p.m., the session was resumed with Senate President Drilon.

SECOND ADDITIONAL REFERENCE OF BUSINESS

The Secretary of the Senate read the following matters and the Chair made the corresponding referrals.

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BILLS ON FIRST READING

Senate Bill No. 1829, entitled

**AN ACT INSTITUTING REFORMS IN
LAND ADMINISTRATION**

Introduced by Senator Lacson

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

Senate Bill No. 1830, entitled

**AN ACT AMENDING REPUBLIC
ACT NUMBER NINETY-ONE
HUNDRED AND EIGHTY-TWO
(RA No. 9182), OTHERWISE
KNOWN AS THE SPECIAL
PURPOSE VEHICLE ACT OF 2002**

Introduced by Senator Angara

**To the Committees on Ways and Means; and
Banks, Financial Institutions and Currencies**

Senate Bill No. 1831, entitled

**AN ACT DECLARING THE
CONFERMENT OF A MASTERAL
DEGREE AS EQUIVALENT TO
PROFESSIONAL ELIGIBILITY IN
THE CIVIL SERVICE**

Introduced by Senator Lacson

**To the Committees on Civil Service and
Government Reorganization; and Education,
Arts and Culture**

Senate Bill No. 1832, entitled

**AN ACT DECLARING THE
CONFERMENT OF A DOCTORATE
DEGREE AS EQUIVALENT TO
ENTRY LEVEL CAREER
EXECUTIVE SERVICE OFFICER
ELIGIBILITY IN THE CIVIL
SERVICE**

Introduced by Senator Lacson

**To the Committees on Civil Service and
Government Reorganization; and Education,
Arts and Culture**

COMMITTEE REPORT

Committee Report No. 2, prepared and submitted jointly by the Committees on Education, Arts and Culture; Ways and Means; and Finance on Senate Bill No. 1833 with Senators Serge Osmeña, Villar Jr., Angara, Drilon, Recto, Pangilinan, Jinggoy Ejercito Estrada, and Gordon as authors thereof, entitled

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

recommending its approval in substitution of Senate Bill Nos. 221, 566, 1066, 1106, 1334, 1399, 1739 and 1827

Sponsors: Senators Flavier and Pangilinan

To the Calendar for Ordinary Business

SPECIAL ORDER

Upon motion of Senator Flavier, there being no objection, the Body approved the transfer of Committee Report No. 2 on Senate Bill No. 1833 to the Calendar for Special Orders.

**COMMITTEE REPORT NO. 2
ON SENATE BILL NO. 1833**

Upon motion of Senator Flavier, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1833 (Committee Report No. 2), entitled

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

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, with the permission of the Body, upon motion of Senator Flavier, only the title of the bill was read without prejudice to the insertion of its full text into the Record of the Senate.

SUSPENSION OF SESSION

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

It was 5:41 p.m.

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RESUMPTION OF SESSION

At 5:42 p.m., the session was resumed.

Thereupon, the Chair recognized Senator Pangilinan for the sponsorship.

SPONSORSHIP SPEECH OF SENATOR PANGILINAN

In sponsoring Senate Bill No. 1833, Senator Pangilinan delivered the following speech.

I rise today to sponsor Senate Bill No. 1833 under Committee Report No. 2, entitled "AN ACT TO STRENGTHEN THE UNIVERSITY OF THE PHILIPPINES AS THE NATIONAL UNIVERSITY".

Today, I am proud to speak up once again on behalf of our country's premier institution of higher learning, the very institution where you and I, and many of our distinguished colleagues in this Chamber, gained the needed knowledge and the wisdom that helped propel us to succeed in our respective endeavors. That institution is none other than the University of the Philippines, the country's oldest and largest and best public university established almost a century ago under a charter that the University itself is now seeking to revise.

I am lending my voice to that clamor for change, mindful that in this new century where the greatest form of wealth is knowledge, UP needs every advantage it can get to compete successfully with the region's best.

We live in a region and in a time marked by dynamic and often revolutionary change. All around Asia, societies and economies are being radically transformed by explosions of knowledge. These explosions are happening in universities, in Chinese, Japanese, Korean, Indian, Thai and Singaporean universities, leaders not only in teaching which all universities do, but also in cutting-edge research which only a few universities can do.

The University of the Philippines should belong to this top rank of what are called "national universities"—top level institutions such as the University of Tokyo, the University of Malaya, Chulalongkorn University, the National University of Singapore, the University of Indonesia, Seoul National University and Peking University.

A national university should be comparable to the best in the region, if not in the rest of the world. Within the country, it serves as a model for other universities and as a source of knowledge and of first-rate faculty and researchers. A national university helps achieve national objectives. It serves not just a province or a region but the entire nation, undertaking missions and offering programs that no one else will because no one else can.

Indeed, in the Philippine case, UP is at the forefront in terms of the number and quality of its academic offerings, its geographical reach, its research capabilities, its graduate programs, and its influence on national policies, business, and culture. It is, in every sense of the word, our national university.

If we acknowledge that UP deserves the honor of formal recognition as our national university, placing UP in a category of its own, apart from the other state universities and colleges, then it deserves our full support.

Explicit recognition as the Philippines' national university will draw attention to UP's unique status. The recognition of being the country's premier university should help it gain the incentives its faculty and non-teaching employees deserve, such as raising their salaries to decent and competitive levels, among others.

These are among the objectives of the revised UP Charter that we have sought to pass on UP's behalf during the previous Congress.

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Some of our colleagues will recall that we did our best in that Congress to provide the University of the Philippines with the new and improved Charter it needs to move forward as a modern 21st century national university. You were also a proud cosponsor of that measure, along with many of our distinguished colleagues in this Chamber, both UP and non-UP alumni alike.

But in the end, we sadly and simply ran out of time to address all of our colleagues' concerns. Today, we meet to consider the same measure and the same basic arguments for the revision of the UP Charter. I pray that with ample deliberation, but with UP's and the nation's best interest at heart, we can extend to UP our full and expeditious support this time around.

It is important that we now resolve to take concerted action to help UP. There is very little time to lose. Our economy, as the President herself has acknowledged, is facing a looming fiscal crisis and conditions are not getting any better for the 4,500 faculty members and the 9,500 non-teaching staff of the UP. If UP does not get the breaks it needs soon, it can only slide on to a slow but sure death by stagnation, not only economically but intellectually, as it becomes increasingly incapable of retaining its best teachers and researchers. How else will UP keep its faculty from leaving the university for better teaching opportunities when UP faculty salaries pale in comparison with the salaries of the faculty of Ateneo and La Salle? While UP salaries are competitive at the instructor level, the minimum salaries of the Full Professors of Ateneo and La Salle are much higher than the maximum salary of a UP Full Professor. A UP Full Professor receives something like P30,000 a month while his counterpart in De La Salle University would be receiving something like P94,000 a month, or three times as much.

The death of UP might as well be the death of our own intellectual future as a

nation. While UP is certainly not the only excellent university in this country, its continuing neglect and degradation will affect other top-rank Philippine universities as well, because they send their best professors for advanced degrees and training in the UP.

The proposed revisions to the UP Charter should strengthen the university's fiscal position by allowing it to exercise its initiative and enterprise so it can help itself. Other revisions will enhance the university's governance, improving accountability and promoting more democratic representation in the Board of Regents.

Let me just focus on a couple of issues that seem to have caused the greatest concerns during our deliberations on the Charter bill during the previous Congress. These have to do with the so-called privatization and commercialization of the university.

The proposed Charter bill affirms the power of the Board of Regents to enter into contracts, joint ventures and other business arrangements that will redound to the financial benefit of the university. Those who have disagreed with this provision have denounced these measures as forms of privatization and commercialization, as a virtual sell-out of the university to private interests.

But they have neglected to define their terms with the precision and rigor one would expect of a graduate or a student of the University of the Philippines. I fail to see how making beneficial use of the University's considerable resources for the University's own sake in order to promote and achieve its mandate can be construed as "commercialization."

The commercialization of the University's assets, especially when lying idle, is vastly different from the commercialization of education, which to my mind and to the minds of those who

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are pushing for this measure, involves selling diplomas and downgrading academic standards to make more money. UP has not engaged, and I am assured, will never engage in these latter questionable practices.

UP holds title to over 25,000 hectares of land, some of which is prime property that it can develop and earn for its requirements and its needs. This includes a 4,500 square meter lot in Forbes Park, donated to it by Citibank and another in UP Mindanao, about 10 hectares, now already occupied by informal settlers. At present, UP is paying real property taxes on these properties but is unable to use them beneficially. Instead of keeping these properties idle, UP is contemplating long-term leases as allowed under the law and agreements with private partners to set up Science and Technology Parks. This would be infinitely better than spending millions to defend the same property from fraudulent but persistent claims of professional squatters and land grabbers.

All around the world today, from Harvard University to Peking University, to the University of Nairobi, major universities are meeting the challenge of smaller budgets head-on by tapping their own best resources – their brains, their initiative and of course, their physical assets — through aggressive income-generation programs. UP needs to find other sources of revenues because the cost of educating a student per year is increasing faster than UP can raise its funds. UP spends approximately P45,000 per student annually. And how big is the UP student population? As of 2003, UP had 55,301 students. That would amount to spending almost P2.5 billion each year for educating its students.

Instead of weakening UP's hand and spirit by insisting that it rely solely on government subsidies for its needs, as those disagreeable to the Charter bill would have it, we should help UP become the

enterprising, competitive, modern university it wants to be and must become.

Therefore, I am appealing to our colleagues to lend their support to this timely, indeed, overdue measure, so that, years from now when our own children and grandchildren pass through the portals of our national university, we can say with pride and satisfaction that we contributed to its progress, and not to its stagnation and death.

COSPONSOR

Senator Pangilinan manifested that Senator Villar is a cosponsor of Senate Bill No. 1833.

COSPONSORSHIP SPEECH OF SENATOR VILLAR

With the unanimous consent of the Body, upon motion of Senator Pangilinan, the cosponsorship speech of Senator Villar was deemed read into the Record of the Senate.

Following is the full text of the speech:

Being an alumnus of the University of the Philippines, I share the privilege and honor of cosponsoring the bill that would modernize, update and revise almost a century-aged institution for the country's bright minds.

I share the same sentiment that there is a need to pay special attention to the improvement of my beloved alma mater. The recent ranking of the UP among Asian universities shows that UP has been slipping down the list. During the early years, the UP had shown to be a consistent premiere university in Asia. Through the fast-changing times and factors which may be attributed to its old-aged charter, UP undeniably has failed to maintain its reputation for excellence in Asia.

Thus, in line with the interest of the state to constantly improve the standards of high education in the Philippines, it is

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highly appropriate to strengthen the University of the Philippines as a national university. There is a need to elevate the university to a world-class stature, in the same status as the University of Tokyo, the University of Malaya, the Chulalong University, the National University of Singapore, the University of Indonesia, the Seoul National University, and the Beijing University through the infusion of massive and material resources.

There is no question as to the availability of bright minds in our country. The question lies in the existence of an institution that can meet the needs of these bright minds. Yesterday, UP was number one in Asia. Today, UP lags behind the universities, which used to be far seconds and thirds. Let us restore the once unique and distinctive leadership that the UP showed in the Asian higher education. Let us make UP shine once more as the premiere university in Asia.

The key to achieving this objective is by providing UP with greater flexibility and fiscal autonomy. Flexibility and autonomy means allowing the university to chart its own direction. Thus, it is provided a leeway to find meaningful ways to subsidize its operations and programs. As the needs of the university incessantly increase over the fast-changing times, it must be given the flexibility to generate additional funds. UP must be given opportunity to be more self-reliant, and able to produce and derive funds from its own financial undertakings, in order for it to sustain its programs and activities.

In most developed countries, the best universities are financed by the state because the cost of maintaining a tertiary education institution of quality standard is high. In our case as a developing country, we can allocate only a limited budget for education annually. Thus, the University of the Philippines, in order to augment its financial requirements must be resourceful and creative to generate additional funds

in order to maintain its reputation for excellence, and remain competitive with leading universities in the world.

As a community of scholars dedicated to the search for truth and knowledge, I envision the University of the Philippines to:

First, set standards and initiate innovations in teaching research and faculty development in the various academic disciplines; maintain excellence in such disciplines and professions;

Second, serve as a graduate university providing advanced studies and specialization for scholars, scientists, writers, artists and professionals;

Third, serve as a research university in various fields of its expertise and specialization by conducting basic and applied research;

Fourth, lead as a public service university by providing various forms of community, public and volunteer service, and scholarly and technical assistance to the government, private sector and civil society;

Fifth, provide opportunities for training and learning in progressive leadership and citizenship; and

Finally, serve as a regional and global university in cooperation with international scientific unions and with universities and professional associations in the Asia-Pacific region around the world.

Through these goals, I hope that we could restore the shining glory of UP.

Ginoong pangulo,

"Malayong lupain man ang ating marating,

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Di rin magbabago ang ating damdamin

Mabuhay ang pag-asa ng bayan!"

I hope that through the lyrics of the UP *Naming Mahal*, the loving thoughts for our alma mater will continue to resound in our minds forever.

INTERPELLATION OF SENATOR GORDON

At the outset, Senator Gordon said that he did not have an extended interpellation as both he and Senator Pangilinan came from the College of Law of the University of the Philippines. However, he noticed that while the bill highlighted academic excellence and other initiatives of a leading educational institution, it did not state any thrusts concerning sports. Believing in the Latin proverb *mens sana in corpore sano*, he expressed the view that sports promotes not only a sound mind and healthy body but also a sense of community and identification with the University. He recalled telling UP officials during a conference in Subic that the University might be too individualistic and that little is being done to generate teamwork, pride and community which universities in other countries inculcate through sports. Relative to this, he asked whether Senator Pangilinan agreed with the principle of encouraging the participation of the studentry in sports activities and supporting its teams so that alumni can raise money for UP projects. He added that the practice is being followed by alumni in other universities,

Senator Pangilinan agreed, noting that alumni support for the teams of different universities was evident in the last University Athletic Association of the Philippines (UAAP) games. However, he observed that alumni support for the UP Maroons paled in comparison with alumni supporting for the De La Salle Green Archers or the Ateneo Blue Eagles. Senator Gordon agreed to the observation. He added that it helps to be identified with a university that also builds character through sports and is not individualistic or fraternity-oriented. Relative thereto, he wondered whether the UP could graduate from its fraternity system into a bigger whole of identification with the institution not only through

academic achievements but also through discipline and competition derived from active participation in sports activities. This way, he noted that the loyalty to the school is formulated intensely such that an alumnus would support the team wholeheartedly. Senator Pangilinan agreed that the alumni could be a rich source of donations for the University's programs and professorial chairs.

Adverting to Section 19, Article XIV of the Constitution which stresses the promotion of physical education and sports programs, Senator Gordon observed that sports foundations have been put up in colleges and universities to support the efforts of these institutions. He expressed disappointment at not hearing sports or athletics emphasized in the UP Charter and asked whether Senator Pangilinan would agree to putting in the idea of sports into the charter as an amendment. Senator Pangilinan replied that he would accept such an amendment at the proper time.

On a related matter, Senator Gordon said that two things excited him about the bill. The first, he noted, was that the bill would give the University autonomy. He observed that UP would be unable to pursue academic excellence without financial capability. Although there are land grants in the university, he suggested that the powers of the UP Board be extended to allow it to create special zones in the university similar to the Philippine Economic Zone Authority (PEZA) that can bring in businesses such as information technology-based enterprises which can train students and give them jobs at the same time. He cited as an example, the Java competency center and Ayala, which are already based in the University.

Asked whether he was familiar with SUN Micro Systems Corporation, Senator Pangilinan replied in the affirmative. He agreed with Senator Gordon that the University should have a UPN similar to the Stanford University Network or SUNet.

Senator Gordon expressed optimism that providing the University of the Philippines powers similar to the PEZA would help bring in Microsoft and the SUNet that would immediately interconnect the graduates of the university. He believed that the proposal is worth considering, particularly the matter of setting up businesses

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like animation for architectural or fine arts graduates, and other businesses in the techno-park or call centers for students from the provinces. He said that it would be nice if these students would be allowed to work in the PEZA industries of the University and at the same time get their education right inside the campus.

Senator Pangilinan informed the Body that President Macapagal Arroyo had issued an executive order declaring a portion of the University of the Philippines in Diliman, in the C. P. Garcia area, as a science and technology park where the Sun Micro-Systems Admitel and Mirran Foundation are already in place.

Senator Gordon propounded an idea similar to a medical city where a certain portion of the UP property would be set aside for medical technologists involved in medical research. He stated that the College of Fisheries in UP-Iloilo could get fishing companies to invest and be a research partner of the University purposely to have a productive fisheries; and the same can be done in the area of veterinary medicine in Los Baños in terms of creating new products or new genetic strings if that is not anathema to some of the UP alumni and faculty.

Senator Pangilinan explained that the UP Charter bill has several provisions that strengthen the fiscal autonomy of the estate of UP. He welcomed the vision and ideas of Senator Gordon to venture into these types of arrangements creating partnerships with the private sector provided that the University's primary mandate of providing quality education on the tertiary level is not compromised.

Senator Gordon expressed confidence that the people running the University of the Philippines would not lose focus on their primary pursuits. Nonetheless, he said, his suggestion was simply for the government to try and get the University and its studentry animated and active, and create economic development in the rural areas and towns where the University has lands.

Moreover, Senator Gordon proposed the creation of a book city within the University where publishing firms or printing companies could come in with PEZA privileges so that books could be

sold cheaper within the campus; or for that matter, programs that would even allow computers to be sold at student prices. He noted that there has been much talk about the University of the Philippines going down in the ranking in Asia. He believed that if the government would only unshackle the University from the strenuous bureaucratic mindset the Philippines could create indeed a premier university in this part of the world that could compete with the best of the world. Senator Pangilinan agreed.

RESERVATION TO INTERPELLATE

At this juncture, Senator Flavier stated that Senators Osmeña, Roxas and Cayetano had made reservation to interpellate on the bill in the next day's session.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1833

Upon motion of Senator Flavier, there being no objection, the Body suspended consideration of Senate Bill No. 1833.

SUSPENSION OF SESSION

Upon motion of Senator Flavier, the session was suspended.

It was 6:12 p.m.

RESUMPTION OF SESSION

At 6:15 p.m., the session was resumed.

CHANGE OF REFERRALS

Upon motion of Senator Pangilinan, there being no objection, the Body approved the change of referrals of the following resolutions:

1. Proposed Senate Resolution No. 113 -- from the Committee on Justice and Human Rights to the Committee on Public Order and Illegal Drugs as the primary committee and to the Committee on Justice and Human Rights as the secondary committee; and

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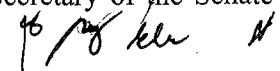
2. Proposed Senate Resolution No. 115 --
from the Committee on Agrarian Reform
to the Committee on Cultural
Communities.

It was 6:16 p.m.

I hereby certify to the correctness of the
foregoing.

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 the
following day.


OSCAR G. YABES
Secretary of the Senate


Approved on October 27, 2004