

**REPUBLIC OF THE PHILIPPINES**

**S e n a t e**

**Pasay City**

# **Journal**

**SESSION NO. 30**

Tuesday, November 2, 2004

**THIRTEENTH CONGRESS  
FIRST REGULAR SESSION**

**SESSION NO. 30**

Tuesday, November 2, 2004

**CALL TO ORDER**

At 3:38 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

**PRAYER**

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

Loving God of Justice, Truth and Love. You said that if two or three are gathered in Your Name, You are present in that gathering.

We are assembled and gathered here today, in behalf of the whole Filipino people, whose hopes and dreams rely heavily on the shoulders of the elected members of this institution.

We beg You to remind always the senators of this Republic, that whenever we gather as a legislative body, You are with us, watching all the things that we are doing for Your beloved people.

*Nawa ang Iyong kagandahang-loob at biyaya ang patuloy na dumaloy sa aming puso at isipan, upang ang lahat ng aming gawin, pag-usapan at pagkasunduan ay maging ayon sa Iyong kalooban lalo't higit para sa ikabubuti hindi lamang ng iilan kundi ng sambayanang Pilipinong matagal nang umaasa na makaahon sa kahirapan sa tulong at suporta ng gobyernong matagal nang dapat tumutugon sa kanilang mga pangangailangan.*

Make this Senate the beacon of truth and justice, the salt that would bring life to many, and the heart of the government that would beat for the whole Filipino race.

As we face the different issues concerning truth, justice and transparency in this government, the welfare of every Filipino, and the future of this country, may our free will and power to vote for or against every bill that is read go beyond the realms of our self-interest, political motivations and personal gains.

May each and every honorable Member of this Senate be independent in his or her vote, not allowing anyone to interfere with what his or her conscience dictates; to be strong and courageous enough to stand against the influence of other officials or powerful individuals who maliciously intend to use this honorable legislative body for their personal benefits; to become heroes who are able to risk their lives and security just to be able to stand for what is moral and upright.

Make our lives a sign of Your love to many Filipinos who, in the recent years, have lost their faith in the government that is supposed to be alleviating them from the burdens of poverty, lack of education, lack of good housing and sufficient basic needs.

*Sa Iyong mga kamay pagpapala at kagandahang-loob, inihahabilin ko ang aming pagpapasiya at pagsusumikap na ibangon muli ang kapakanan at dangal ng sambayanang Pilipino, hindi lamang ng iilan kundi lalo't higit ng mga dukha na umaasa na magkaroon ng mas magandang kinabukasan at kahihinatnan sa buhay.*

*Hinihiling namin ito sa pamamagitan ng aming Panginoong Hesukristo, ang daan, katotohanan at buhay.*

Amen.

**ROLL CALL**

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

Arroyo, J. P.	Gordon, R. J.
Biazon, R. G.	Lapid, M. L. M.
Cayetano, C. P. S.	Lim, A. S.
Defensor Santiago, M.	Magsaysay Jr., R. B.
Drilon, F. M.	Osmeña III, S. R.
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.

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

Senator Recto arrived after the roll call.

Senators Angara, Lacson, Madrigal and Villar were on official mission.

**PARLIAMENTARY INQUIRY  
OF SENATOR PIMENTEL**

Senator Pimentel noted that the House of Representatives adjourned its session last week to be resumed on Monday, November 8, while the Senate adjourned its session last week and resumed this day, November 2. He inquired about the rule concerning the adjournment of sessions of the two Houses.

Senator Pangilinan replied that under the Constitution, each House may adjourn its session provided it does not exceed three days, otherwise, he said, it would require the concurrence of the other House.

**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. 29 and considered it approved.

**REFERENCE OF BUSINESS**

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

**MESSAGE FROM THE  
HOUSE OF REPRESENTATIVES**

Letter from the Secretary General of the House of Representatives, informing the Senate that on October 28, 2004, the House of Representatives passed House Bill No. 3174, entitled

AN ACT INCREASING THE SPECIFIC TAX RATES IMPOSED ON ALCOHOL AND TOBACCO PRODUCTS AMENDING FOR THE PURPOSE SECTIONS 141, 142, 143, 144 AND 145 OF THE NATIONAL INTERNAL REVENUE CODE OF 1997, AS AMENDED,

in which it requested the concurrence of the Senate.

**To the Committee on Ways and Means**

**RESOLUTIONS**

Proposed Senate Resolution No. 121, entitled

RESOLUTION URGING THE COMMITTEE ON NATIONAL DEFENSE AND SECURITY TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, INTO THE ALLEGED ANOMALOUS PROCUREMENT OF THE ARMED FORCES OF THE PHILIPPINES (AFP) OF 30-ROUND PLASTIC MAGAZINES AND VINTAGE AMMUNITION FOR THE 105 MM. HOWITZER THAT ARE DEFECTIVE AND UNRELIABLE WHICH PREJUDICE AND ENDANGER THE LIVES OF THE ENLISTED PERSONNEL OF THE ARMED FORCES

Introduced by Senator Ramon Bong Revilla Jr.

**To the Committees on National Defense and Security; and Accountability of Public Officers and Investigations**

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Proposed Senate Resolution No. 122, entitled

RESOLUTION URGING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, INTO THE PROLIFERATION OF FAKE DRUGS IN THE COUNTRY IN ORDER TO COME UP WITH CORRECTIVE LEGISLATION IN RESPONSE TO THE SAID PROBLEM

Introduced by Senator Ramon Bong Revilla Jr.

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

#### COMMUNICATIONS

Letter from OIC Lamberto R. Barbin, Records Office, Office of the President of the Philippines, transmitting to the Senate for its information and guidance, a certified copy of Executive Order No. 360 dated September 22, 2004 entitled "AMENDING EXECUTIVE ORDER NO. 282, SERIES OF 2004, WHICH DIRECTED THE ESTABLISHMENT OF AN ASSET DISPOSITION PROGRAM FOR THE EXISTING ILOILO AIRPORT."

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

Letter from 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 C. De Venecia Jr. of the House of Representatives, certifying to the necessity of the immediate enactment of House Bill No. 3174, entitled

AN ACT INCREASING THE SPECIFIC TAX RATES IMPOSED ON ALCOHOL AND TOBACCO PRODUCTS AMENDING FOR THE PURPOSE SECTIONS 141, 142, 143, 144 AND 145 OF THE NATIONAL

INTERNAL REVENUE CODE OF 1997, AS AMENDED,

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

To the Committee on Rules

#### SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

*It was 3:47 p.m.*

#### RESUMPTION OF SESSION

At 3:47 p.m., the session was resumed.

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

*(Continuation)*

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

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

Senator Flavier stated that the parliamentary status was the period of interpellations.

Thereupon, the Chair recognized Senator Pangilinan, sponsor of the measure, and Senator Magsaysay for his interpellation.

#### INTERPELLATION OF SENATOR MAGSAYSAY

Adverting to page 4, line 4 of the bill, Senator Magsaysay noted that two of three members of the Board of Regents should be U.P. alumni. He inquired if it has become a tradition for the Philippine President to appoint U.P. alumni as members to the Board. In reply, Senator Pangilinan explained that the U.P. charter does not provide specific criteria for selecting a member of the Board. While conceding that the President

*Handwritten initials/signature*

traditionally appoints U. P. alumni to the Board, he stated there had been instances when non-alumni were appointed as members of the Board. He clarified that the bill aims to do away with the practice of giving the President the power to appoint members of the Board, hence, Section 4(i) of the bill gives the Board of Regents the power to appoint the members of the Board and thereby insulate the process from partisan politics.

Noting that a majority of the members of the Board come from the U.P. alumni association, Senator Magsaysay stated that the Board members would also possibly choose appointees among the alumni. Senator Pangilinan explained that the president of the U.P. Alumni Association sits as an *ex-officio* member of the Board representing the alumni as an organization in addition to the two other members of the Board who should also be U.P. alumni.

Asked whether he would be amenable to removing the provision of having U.P. alumni as members of the Board, Senator Pangilinan replied that he would be willing to accommodate the proposal, subject to how it would be phrased.

Senator Magsaysay reasoned that the alumni of other schools should be allowed to sit as members of the Board to make the U.P. more cosmopolitan. He opined that it is only right that the Board be composed of the best and the brightest. Further, he believed that even the Board that would make recommendations to the U.P. president would have this in mind. Senator Pangilinan expressed no objection to the proposal.

Asked whether the U.P. is a corporate entity, Senator Pangilinan replied in the affirmative.

As to whether the Board or the U.P. management has the power to sell, donate or exchange land, Senator Pangilinan clarified that the bill does not grant the Board more powers than it already has at present. He said that the Board's power to utilize the assets of U.P. is constricted by terms and conditions. For instance, he informed the Body that the 500-hectare property of U.P. Diliman in Quezon City was practically a donation when it was sold to the University for only P1.00 during the Quirino presidency. He pointed out that the

Board needs the written authorization of the Philippine President before it can dispose of the property.

Upon further query, Senator Pangilinan clarified that there are restrictions on the Board's power to dispose of the property in U.P. Diliman, an asset that is the subject of a specific deed of sale. He explained that there are several classifications of properties of the U.P. System, as he cited land grants and private donations to the University that are covered by certain deeds which set restrictions on how these can be disposed of. For example, he pointed out that land given as a private donation can only be used for academic purposes.

Asked about the inventory of the land assets of the U.P. System, Senator Pangilinan replied that these consist of about 24,000 hectares which include forestry, agricultural and residential lands.

Upon further query, Senator Pangilinan replied that the U.P. Los Baños owns about 6,000 hectares including half of Mt. Makiling.

But Senator Magsaysay noted that the U.P. Los Baños is having problems relative to land titles. Senator Pangilinan denied that there is a problem with regard to the titling of the Mt. Makiling properties. However, he acknowledged that there have been problems in other areas because of informal settlers, as well as in the titles to the land grant located in the boundary of Quezon and Laguna.

Asked what is meant by the term "ends" as used on line 2, page 13 of the bill, Senator Pangilinan replied that the "ends" of the University are spelled out in Section 3, "Purpose of the University." He added that the same section could be referred to should any question as to the ends of the University or the utilization of its assets arise.

With regard to student subsidy, Senator Pangilinan said that the average student receives a 70% subsidy. He added that under the Socialized Tuition Financial Assistance Program (STFAP) or *Iskolar ng Bayan Program*, students would have to pay based on their ability to pay, but those who are truly needy and deserving are given 100% subsidy plus allowances.

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Asked if there is a policy regarding professors being assigned to certain government agencies who have the privilege to go back to their old positions in the University, Senator Pangilinan stated that as part of its public service component, it has been the policy of the University to provide extension services to other institutions and entities as the need arises. Furthermore, he said, University professors are seconded to other institutions for a minimum term of two years to a maximum of six years.

On the concern of Senator Magsaysay about the movement of young faculty members when tenured faculty members provide services outside of the University, Senator Pangilinan said that the University should balance the mandate to provide extension services with the welfare of the younger faculty members who may be affected by the tenure of the professors.

On the issue on housing of faculty members, Senator Pangilinan stated that the policy of the University is to provide the retired professor a grace period of two years to find another place of dwelling. He added that actively tenured professors would be deprived of housing benefits when the retired professors keep their housing units.

Senator Magsaysay suggested that benefits for long tenured professors, particularly housing, should be taken into account. He said that since U.P. has 24,000 hectares, it could set aside a thousand hectares in Los Baños or 200 hectares in Davao for housing. He added that it is hard for a retired professor of 30 years to look for another place to live. Moreover, he opined that this is an issue relevant to social justice and it is a social safety net.

#### **INTERPELLATION OF SENATOR SANTIAGO**

Senator Defensor Santiago stated that she signed Committee Report No. 2 as a member of the Committee on Finance, adding that she would vote in favor of the bill in its final form.

Noting that the Philippines is ranked No. 11 as the most corrupt country in the world, Senator Defensor Santiago asked if U.P. should be closed if

it is indeed the source of leaders of the country. Senator Pangilinan replied that while U.P. has produced pillars of the community, it has also produced activists, some of whom have actively opposed the government.

Senator Defensor Santiago stated that although most of the leaders of the country came from U.P., leadership had been execrable for the past decade. She said that if the only justification why the national treasury should maintain U.P. is that it produces leaders, then U.P. should be closed. She added that if the U.P. graduates have been good leaders, the economy would not be a mess and there would be political stability.

Agreeing with Senator Defensor Santiago that there is a problem of leadership in the country, Senator Pangilinan said that the Philippines needed committed and uncompromising leaders. He stated that it was unfair to solely blame U.P.

On the issue of categorizing U.P. with other institutions, Senator Pangilinan clarified that it was only to put emphasis on the disparity of the salary scale being enjoyed by professors and instructors in private institutions. He stated that professors in private educational institutions have three times the salary of a full professor of U.P. He said that the comparison was meant to amplify the need to address the low pay of U.P. faculty members.

Senator Defensor Santiago asked what safeguards have been put in place to prevent the minority, the U.P. graduates, from dominating the common norms, conventions, standards and values of society. She stated that according to a principle of education, in any class, there is a tiny minority of students with extraordinary intelligence who serve as leaders of intellectual activities in the classroom and graduate with honors, a greater majority of students who are expected to pass if their professor discharges his or her duty properly, and a tiny minority of students who cannot graduate at all because they are clueless about the subject they are taking. She decried that there are "terror professors" who have habitually flunked their students, terrified them into silence and killed their souls and values. She asked why U.P., despite of all her

protestations when she was still a member of the U.P. faculty, continues to cuddle these "terror professors." In reply, Senator Pangilinan stated that to address this problem, U.P. faculty members are evaluated by their students on the basis of which the administration is able to gauge the performance of the former.

Senator Defensor Santiago noted that in the past, U.P. was the only state university, but to date, there has been a proliferation of state universities, 110 at present. She pointed out that the Philippine Normal University is also lobbying to become the national university for teacher training.

Asked what would prevent the other state universities from seeking to achieve the status of a national university, Senator Pangilinan replied that the Congress would have to face the issue in the event a state university asks to be converted into a national university. He pointed out that the thrust in tertiary education in the last 25 years in the Asian region is to have one or two national universities with foreign resources. He observed that in the case of the Philippines, the policy has been to allocate meager resources to several institutions of higher learning instead of one or two. He underscored that for all intents and purposes, U.P. is the national university in terms of resources, budgetary allocation, size, location, programs, student population and student demography.

Senator Defensor Santiago suggested that one way of solving the problem is to enumerate in the law strict criteria for a national university that no other state universities, except U.P., could possibly meet. She stated that she would propose an amendment to that effect at the proper time.

Referring to Section 3, Purpose of the University, Senator Defensor Santiago asserted that U.P. graduates are supposed to lead an intellectual revolution every time there is a watershed in the country's history. She enumerated the problems of the education sector, namely, the deteriorating performance of students and the error-ridden and outdated textbooks. She doubted, however, how U.P. could discharge its function when according to the records, there were only 233 graduates

from the U.P. College of Education in academic year 2003-2004. Further, she noted that those enrolled in the graduate program did so to strengthen their credentials so they could get employment overseas. Since the U.P. College of Education is not producing enough teachers, she asked who would teach. Senator Pangilinan stated that the U.P. is still a leader in the area of education as he revealed that the College is training basic and secondary education teachers from other schools.

Senator Defensor Santiago asked whether the graduates of the various U.P. colleges could be required to render some kind of service to the nation on a compulsory basis, for instance, requiring nursing or dentistry graduates to work in areas where they are needed. Senator Pangilinan stated that he had no objection to the suggestion, stressing that U.P. students are subsidized by the State.

Senator Defensor Santiago observed that under its charter, U.P. has academic freedom and the University Council has the power to determine the criteria for admission. She asserted that if these two provisions are put together, the result is that U.P. has unlimited power to admit or not to admit any applicant. Senator Pangilinan replied that while U.P. exercises the right to academic freedom, it is a right that cannot be abused as provided for in civil laws.

Senator Defensor Santiago posited that from the standpoint of analysis, drawing the line between the proper use and abuse of that right constitutes the key for determining whether or not U.P. should have academic freedom to the extent provided for in the two provisions. She argued that clearly, a senator could not dictate to a U.P. admission committee of a particular college to admit his child. However, she queried how a senator could have aggravated for an unknown reason the members of an admission committee. She recalled that her son, a consistent dean's lister in Ateneo de Manila University, took the U.P. admission test without anyone's intervention and passed it handily; however, during the interview, a handful of faculty members subjected him to insulting questions that he bravely and gallantly answered and yet, he was denied admission. She asked if this is the kind of academic freedom that U.P. exercises for if it were so, she would vote against the bill. She

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warned that she would also file a motion to identify and investigate professors in Metro Manila universities who have abused the right to academic freedom in such manner.

Senator Defensor Santiago stated that she graduated twice with honors from U.P. which, in fact, recommended her for a doctorate program abroad. She asked what kind of system U.P. has that treated a sensitive young man in a manner that destroyed his self-confidence, his future and the lives of many people around him. She disclosed that she knew for a fact that the children of other senators have been subjected to the same ruthless and unconscionable treatment. She asked if the committee members had any inkling of what went through in the mind of a young, idealistic person, trained in the Christian faith, and trained by his mother to say what he meant and to mean what he said. Senator Defensor Santiago then warned that she would filibuster on the bill and would not allow its passage during her term in the Senate if her question remains unanswered. She disclosed that it was a split vote that denied admission to her son. She wondered how these people were able to project themselves into such high positions of inconceivable sovereignty in an educational institution.

Senator Defensor Santiago said that she would ask permission to name the senators whose children were treated with bias because their parents were public figures. She said that the rejection of her son might have been caused by her vote in the Senate against opening the second envelope during the impeachment trial in the Senate of former President Estrada, and the members of the interview panel, who may have been younger than her and have less legal experience, in their arrogance probably thought that they knew better than her and that she should be punished through her son for her vote on what she conceived to be support for the principle of the rule of law.

She maintained that it is not humanly possible for anybody to judge the intellectual capability of a person in a fifteen-minute interview, and that the presumption should be in the applicant's favor if he graduated with honors or with high grades, the very same principle that she never bent in her ten years of

teaching in U.P., notwithstanding the fact that she was pressured to do otherwise by very powerful and rich people.

Furthermore, Senator Defensor Santiago wondered how an applicant who passed all other requirements could have been rejected on the basis of his replies to insulting questions about his parents. Noting that U.P. just stood by and did not say anything in the face of a moral question and the consequent death of her son, she believed that U.P. consented to such kind of immoral arrangement because, from reality and the Civil Code, silence means consent.

Senator Defensor Santiago said that even though she was indebted to the institution in a way, she was disappointed how U.P. had become. She disclosed the disappointment shared by other parents whose bright children got the same treatment.

She expressed deep resentment over what happened to her, a U.P. alumna, who, as a legislator, is now being asked to give more money to the University. She said that anybody who would like to dictate on the politics of U.P. should first run for public office as she had done. She asked why they did not invite her to a debate instead of venting their prejudices and biases on her son. She recalled that when she and her husband politely asked the criteria where her son failed, they only got a slip of paper that said, "We are sorry, but we never review our decisions." She exhorted the other senators to speak up if this had happened to their children so that it could be brought in the open.

Moreover, Senator Defensor Santiago said that instead of academic freedom, the things that were evident in the U. P. College of Law were academic abuse, dictatorship, fascism, militarism—all that the communists and leftists abhorred in President Marcos.

Senator Defensor Santiago moved to indefinitely suspend discussions on the bill until the U.P. leadership has a clear-cut document that explains what happened to her son and to the sons of all senators, congressmen and affluent persons in the country who were treated in the same manner. She said that she purposely limited the

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number of her children because of the international nature of her activities and consequently, she was able to use all the knowledge, information and wisdom that she acquired as a mother in bringing them up, not simply letting them grow up but developing their moral character. And yet, she lamented, they were treated inhumanely.

She also noted how some people seek or await with anticipation the opinion of U.P. professors on matters that affect international politics, as if the Philippines were a world power, when, in fact, the world does not listen. But when faced with a concrete moral issue, she said that they kept silent as a grave.

#### **SUSPENSION OF SESSION**

Upon motion of Senator Pangilinan, the session was suspended.

*It was 4:49 p.m.*

#### **RESUMPTION OF SESSION**

At 4:54 p.m., the session was resumed.

Upon resumption, Senator Defensor Santiago said that in order not to unduly delay the passage of the bill, she would draft provisions to make sure that the power to admit or to reject in any college of the University would not be abused and would not be controlled by a particular intractable segment of the faculty. She then made reservation to finish her interpellations the next day.

#### **RESERVATIONS TO INTERPELLATE**

Senator Flavie manifested that Senators Pimentel, Biazon, Recto, Arroyo and Lapid would interpellate on the bill at a later date.

The Chair requested the Members to try to finish the interpellations on the bill the next day, after which, the Body could tackle the revenue measures.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1833**

Upon motion of Senator Flavie, there being no objection, the Body suspended consideration of the bill.

#### **SUSPENSION OF SESSION**

Upon motion of Senator Flavie, the session was suspended.

*It was 4:57 p.m.*

#### **RESUMPTION OF SESSION**


At 5:01 p.m., the session was resumed.

#### **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.

*It was 5:02 p.m.*

I hereby certify to the correctness of the foregoing.

  
OSCAR G. YABES  
Secretary of the Senate  
*OS YABES*

Approved on November 3, 2004