

REPUBLIC OF THE PHILIPPINES

S e n a t e

Pasay City

Journal

SESSION NO. 62

Tuesday, February 22, 2005

**THIRTEENTH CONGRESS
FIRST REGULAR SESSION**

SESSION NO. 62
Tuesday, February 22, 2005

CALL TO ORDER

At 3:52 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

PRAYER

Sen. Ramon B. Magsaysay Jr. led the prayer, to wit:

Lord, speak to me that I may speak in living echoes of Thy tone.

Walk by me that I may walk the narrow road, empty and forlorn.

Show me Thy example that I may exemplify Thy ways, uncommon but supreme.

Give me Thy hand to hold that I may hoist the banner of Thy Name.

As I speak and as I walk, I ask Thee, let me walk my walk.

Every moment as I work, let discipline prod me to the heights to take the extra mile.

Wrap me with Thy love that I may love others unconditionally, to turn the other cheek when someone strikes me unjustly, setting the example even when nobody sees me.

Dear God, Thou have made life simply beautiful, but I have complicated it.

As I turn to Thee in prayer, I beseech Thee, let me go back to the basics of faith, to love the unlovable, to forgive the unforgivable, to serve my enemies.

We love Thee, Lord.

Amen.

ROLL CALL

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

Angara, E. J.	Gordon, R. J.
Arroyo, J. P.	Lacson, P.M.
Biazon, R. G.	Lapid, M. L. M.
Drilon, F. M.	Lim, A. S.
Ejercito Estrada, J.	Magsaysay Jr., R. B.
Ejercito Estrada, L. L. P.	Pangilinan, F. N.
Enrile, J. P.	Pimentel Jr., A. Q.
Flavier, J. M.	Villar Jr., M. B.

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

Senators Revilla and Roxas arrived after the roll call.

Senators Cayetano was on official mission abroad.

Senator Defensor Santiago was absent on account of illness.

Senators Madrigal, Osmeña and Recto were absent.

**ACKNOWLEDGMENT
OF THE PRESENCE OF GUESTS**

Senator Pangilinan acknowledged the presence of Hon. Fernando "Nando" Gonzales, Governor of the Province of Albay; and students from Colegio de San Juan de Letran and University of Rizal System.

**DEFERMENT OF APPROVAL OF
THE JOURNAL OF SESSION NO. 57**

At the instance of the Chair, upon motion of Senator Pangilinan, there being no objection, the Body deferred the consideration and approval of the Journal of Session No. 57 until Monday, February 28, 2005.

**APPROVAL OF THE JOURNAL
AS CORRECTED**

Upon motion of Senator Pangilinan, there being no objection, the Body dispensed with the reading of the Journal of Session No. 61 and considered it approved subject to the correction made by Senator Arroyo on page 634, left column, first paragraph, under the caption REMARKS OF SENATOR ARROYO, to put a period after the word "practice," to delete the words "and is" and in lieu thereof, to insert the words HOWEVER, THAT IS NOT.

REFERENCE OF BUSINESS

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

BILLS ON FIRST READING

Senate Bill No. 1922, entitled

AN ACT AMENDING ARTICLE 264 OF BATAS PAMBANSA BLG. 881, OTHERWISE KNOWN AS THE OMNIBUS ELECTION CODE OF THE PHILIPPINES, AS AMENDED, AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 1923, entitled

AN ACT AMENDING SECTIONS 251 AND 252 OF BATAS PAMBANSA BLG. 881, OTHERWISE KNOWN AS THE OMNIBUS ELECTION CODE OF THE PHILIPPINES, AS AMENDED, AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 1924, entitled

AN ACT TO ENHANCE THE PHILIPPINE INDUSTRIAL AND LABOR DISPUTE SETTLEMENT SYSTEM AND FOR THAT PURPOSE, AMENDING CERTAIN PROVISIONS OF PRESIDENTIAL DECREE NO. 442, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES

Introduced by Senator Flavier

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

RESOLUTION

Proposed Senate Resolution No. 190, entitled

RESOLUTION DIRECTING THE COMMITTEE ON EDUCATION, ARTS AND CULTURE TO CONDUCT AN INQUIRY ON THE STATUS OF THE IMPLEMENTATION AND EFFECTIVENESS OF THE FAIR AND EQUITABLE ACCESS TO EDUCATION ACT (R.A. NO. 7880)

Introduced by Senator Mar Roxas

To the Committee on Education, Arts and Culture

COMMITTEE REPORT

Committee Report No. 11, prepared and submitted by the Committee on Foreign Relations on Proposed Senate Resolution No. 191, entitled

RESOLUTION EXPRESSING THE SENSE OF THE SENATE THAT BURMA SHOULD NOT ASSUME THE CHAIRMANSHIP OF THE ASEAN IN 2006 UNLESS THERE HAS BEEN COMPLIANCE WITH THE PRINCIPLES OF HUMAN RIGHTS LAW, PARTICULARLY THOSE WHICH NECESSITATE THE FREEDOM FROM HOUSE ARREST OF AUNG SAN SUU KYI

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AND PARTICIPATION OF HER POLITICAL PARTY IN THE POLITICAL PROCESS IN BURMA,

recommending its approval without amendment.

Sponsor: Senator Defensor Santiago, Miriam

**COMMITTEE REPORT NO. 7
ON SENATE BILL NO. 1862
(Continuation)**

Upon motion of Senator Pangilinan, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1862 (Committee Report No. 7), entitled

AN ACT PRESCRIBING A FIXED TERM OF OFFICE FOR THE CHIEF OF STAFF AND THE MAJOR SERVICE COMMANDERS OF THE ARMED FORCES OF THE PHILIPPINES (AFP) AND FOR OTHER PURPOSES.

Senator Pangilinan stated that the parliamentary status was the period of individual amendments.

Thereupon, the Chair recognized Senator Biazon, Sponsor of the measure.

**RECONSIDERATION OF THE
TERMINATION OF THE PERIOD
OF COMMITTEE AMENDMENTS**

Upon motion of Senator Pangilinan, there being no objection, the Body reconsidered the termination of the period of committee amendments.

PROPOSED COMMITTEE AMENDMENT

On page 1, after line 9, Senator Biazon proposed to insert a new paragraph to read as follows:

WHEN THE OFFICERS SO APPOINTED UNDER THIS SECTION REACH THE COMPULSORY RETIREMENT AGE BEFORE THE END OF THEIR TERMS, THEY SHALL BE ALLOWED TO COMPLETE THEIR TERMS BUT SHALL BE DEEMED COMPULSORILY RETIRED UPON COMPLETION OF THE SAME.

To the observation of the Chair that the same provision is found on lines 21 and 22 of page 1 and line 1 of page 2, Senator Biazon stated that said lines would be deleted.

Senator Enrile cautioned that the Body might be enacting a law that would violate Article XVI, Section 5 (5) of the Constitution which provides that, "Laws on retirement of military officers shall not allow extension of their service." He reasoned that the proposed amendment would, in effect, sanction the extension of the tenure of a retirable officer who is occupying the position.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:03 p.m.

RESUMPTION OF SESSION

At 4:26 p.m., the session was resumed.

**TERMINATION OF THE PERIOD
OF COMMITTEE AMENDMENTS**

Upon motion of Senator Pangilinan, there being no objection, the Body closed the period of committee amendments.

**SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 1862**

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

ADDITIONAL REFERENCE OF BUSINESS

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

RESOLUTIONS

Proposed Senate Resolution No. 192, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEES ON PUBLIC SERVICES, ON TRADE AND COMMERCE, AND ON PUBLIC

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ORDER, TO JOINTLY CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE NECESSITY OF AFFORDING CONSUMER PROTECTION TO CELLULAR MOBILE TELEPHONE SERVICE (CMTS) SUBSCRIBERS AGAINST ALLEGED UNFAIR TRADE PRACTICES AND OF ADOPTING MEASURES TO PROMOTE THEIR SAFETY AND SECURITY AGAINST CRIMINAL ELEMENTS, AND FOR OTHER PURPOSES

Introduced by Senator Magsaysay Jr.

To the Committees on Public Services; and Trade and Commerce

Proposed Senate Resolution No. 193, entitled

RESOLUTION EXPRESSING THE SENSE OF THE SENATE TO URGE HER EXCELLENCY PRESIDENT GLORIA MACAPAGAL ARROYO TO CONVENE THE NATIONAL SECURITY COUNCIL AND ADDRESS THE HOSTILITIES IMMEDIATELY TAKING INTO CONSIDERATION THE PEOPLE OF MINDANAO CAUGHT IN THE MIDST OF TENSION AND VIOLENCE

Introduced by Senator Magsaysay Jr.

To the Committee on Rules

Proposed Senate Resolution No. 194, entitled

RESOLUTION EXPRESSING THE SENSE OF THE SENATE THAT THE PHILIPPINES SHOULD GIVE A NEW IMPETUS TO ITS ECONOMIC RELATIONS WITH THE EUROPEAN UNION AND ITS MEMBER STATES, IN PARTICULAR IN THE POLITICAL AND ECONOMIC AREAS, AND TO STUDY FOR THAT PURPOSE THE POSSIBILITY OF FORMALIZING IN AN APPROPRIATE FORM THE RELATIONS BETWEEN THE

EUROPEAN UNION AND THE PHILIPPINES

Introduced by Senators Defensor Santiago, Miriam, Villar Jr., Biazon, Pimentel Jr., Arroyo, Gordon, Manuel "Lito" Lapid, Recto, Ramon "Bong" Revilla Jr., Magsaysay Jr., Angara, Enrile, Jinggoy Ejercito Estrada, Lacson, Lim, M.A. Madrigal, Flavier and Pangilinan

To the Committee on Rules

SPECIAL ORDER

Upon motion of Senator Pangilinan, there being no objection, the Body transferred Committee Report No. 11 on Proposed Senate Resolution No. 191 (chairmanship of Burma of the ASEAN in 2006) to the Calendar for Special Orders.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:29 p.m.

RESUMPTION OF SESSION

At 4:30 p.m., the session was resumed.

REMARK OF SENATOR PANGILINAN


Senator Pangilinan recalled that nineteen years ago, on February 22, then Defense Minister Enrile broke away from the Marcos regime.

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 4:31 p.m.

I hereby certify to the correctness of the foregoing.


OSCAR S. YABES
Secretary of the Senate

Approved on February 23, 2005