

REPUBLIC OF THE PHILIPPINES

S e n a t e

Pasay City

Journal

SESSION NO. 73

Monday, April 11, 2005

**THIRTEENTH CONGRESS
FIRST REGULAR SESSION**

SESSION NO. 73
Monday, April 11, 2005

CALL TO ORDER

At 3:49 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

PRAYER

Sen. Compañera Pia S. Cayetano requested the Body to spend a moment in silent prayer and reflection in memory of Pope John Paul II, a man respected, loved by people of all religions and beliefs.

Thereafter, she offered the following prayer:

*The earth is the Lord's and everything in it,
the world, and all who live in it;
for He founded it upon the seas
and established it upon the waters.*

*Who may ascend the hill of the Lord?
Who may stand in His holy place?*

*He who has clean hands and a pure heart,
Who does not lift up his soul to an idol
or swear by what is false.*

*He will receive blessings from the Lord
and vindication from God his Savior.*

Psalm 24: 1-5

Dear Lord, as You have made us stewards of the earth, teach us how to care for our environment, to use our resources sparingly and to allocate them wisely so that all Your people may enjoy the beauty and bounty of Your creations.

We give thanks for all Your blessings.

Amen.

NATIONAL ANTHEM

The Napolcom Chorale led the singing of the national anthem and thereafter rendered the song entitled "*Isang Dalangin.*"

ROLL CALL

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

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

With 20 senators present, the Chair declared the presence of a quorum.

Senators Enrile and Recto arrived after the roll call.

Senator Lapid was on official mission abroad.

**APPROVAL OF THE JOURNAL
OF SESSION NO. 72**

Upon motion of Senator Pangilinan, there being no objection, the Body dispensed with the reading of the Journal of Session No. 72 (March 16, 17 and 18, 2005) 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 dated April 1, 2005, informing the Senate that on even date the House of

Representatives adopted House Concurrent Resolution No. 15, entitled

CONCURRENT RESOLUTION PROVIDING FOR THE ADJOURNMENT OF THE SECOND SPECIAL SESSION OF THE THIRTEENTH CONGRESS OF THE PHILIPPINES NOT LATER THAN TWELVE O'CLOCK, MIDNIGHT TODAY, FRIDAY, 01 APRIL 2005,

in which it requested the concurrence of the Senate.

To the Archives

BILLS ON FIRST READING

Senate Bill No. 1972, entitled

AN ACT DECLARING MAY 7 OF EVERY YEAR AS "HEALTH WORKER'S DAY"

Introduced by Senator Angara

To the Committee on Health and Demography

Senate Bill No. 1973, entitled

AN ACT AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 8293 ALSO KNOWN AS THE "INTELLECTUAL PROPERTY CODE OF THE PHILIPPINES" AND FOR OTHER PURPOSES

Introduced by Senator Angara

To the Committee on Trade and Commerce

Senate Bill No. 1974, entitled

AN ACT ESTABLISHING A CIVIL SERVICE CODE OF THE PHILIPPINES AND FOR OTHER PURPOSES

Introduced by Senator Angara

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

RESOLUTIONS

Proposed Senate Resolution No. 222, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON HEALTH AND DEMOGRAPHY TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE IMPLEMENTATION OF REPUBLIC ACT NO. 8976, OTHERWISE KNOWN AS THE PHILIPPINE FOOD FORTIFICATION ACT OF 2000

Introduced by Senator Compañera Pia S. Cayetano

To the Committee on Health and Demography

Proposed Senate Resolution No. 223, entitled

RESOLUTION DIRECTING THE COMMITTEE ON HEALTH AND DEMOGRAPHY TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE IMPLEMENTATION OF EXECUTIVE ORDER NO. 51, OTHERWISE KNOWN AS THE PHILIPPINE CODE OF MARKETING OF BREASTMILK SUBSTITUTES AND REPUBLIC ACT NO. 7600, OTHERWISE KNOWN AS THE ROOMING-IN AND BREASTFEEDING ACT OF 1992

Introduced by Senator Compañera Pia S. Cayetano

To the Committee on Health and Demography

COMMUNICATION

Letter from Executive Secretary Eduardo C. Ermita of the Office of the President of the Philippines dated 31 March 2005, transmitting to the Senate the letter of even date of Her Excellency, President Gloria Macapagal Arroyo, certifying to the necessity of the immediate enactment of House Bill No. 4069, entitled

AN ACT AMENDING CERTAIN PROVISIONS OF PRESIDENTIAL DECREE NO. 1464, OTHERWISE

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KNOWN AS THE TARIFF AND
CUSTOMS CODE OF THE
PHILIPPINES, AS AMENDED, AND
FOR OTHER PURPOSES,

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

To the Committee on Rules

COAUTHOR

Upon her request, Senator Cayetano was made
coauthor of Senate Bill No. 1972.

REPORT OF SENATOR CAYETANO

Senator Cayetano delivered the following report
on the outcome of the 10th Meeting of Parliament-
arians in Manila on April 3-8, 2005:

It was a great privilege to be part of
the Philippine delegation to the 112th Inter-
Parliamentary Union held here in Manila
from April 3-8, 2005, more so to be elected
President of the 10th Meeting of Women
Parliamentarians. I likewise congratulate the
Senate President, Senator Franklin M.
Drilon, for being elected as the President of
the 112th IPU Assembly and for doing a
very good job.

I am pleased to report that one of the
most outstanding achievements of the
Assembly was the fact that nearly all the
discussions held showed consummate
interest on gender issues. In fact, the
general debate focused on the political,
economic and social situation in the world
with the overall theme of "the impact of
domestic and international policies on the
situation of women." Most of the speakers
during the general debate, both men and
women, addressed the subject of the impact
of international policies on women's rights
in a serious and constructive manner.
During the general debate, Sen. Miriam
Defensor Santiago, as head of the Philippine
delegation, delivered a speech recommend-
ing, among others, that the enacted legis-
lative measures should be complemented by
public information campaigns, legal literacy
programs, specially for marginalized groups

of women, capacity-building programs for
those enforcing the laws, and provision of
adequate resources to effectively implement
them, in addition to establishing effective
monitoring mechanisms.

The IPU has always been active in
promoting the participation of women in
parliaments and providing the forum where
women's voices will be heard. In fact, the
Rules of the Assembly penalizes member-
parliaments which do not send women
delegates to IPU meetings and assemblies.
Thus, the IPU has impelled its members to
seriously consider the importance of female
representation and initiating reforms that
would promote genuine partnership between
men and women in the pursuit of democratic
principles.

It is my pleasure to report that the
Manila Assembly, registering the attendance
of more than 160 women parliamentarians,
broke the record in absolute terms for the
participation of women in an IPU Assembly.

As President of the 10th Meeting of
Women Parliamentarians, which coincidentally
celebrated its 20th Anniversary, I chaired
over the meeting on April 3 with the theme,
"The role of parliaments in advocating and
enforcing observance of human rights in the
strategies for the prevention, management
and treatment of the HIV/AIDS pandemic."
The reports during the meeting were
consolidated into proposed amendments
which were submitted to the Third Standing
Committee on Democracy and Human
Rights, where Representative Clavel
Martinez of Cebu City was a co-rapporteur.

As of 2004, UNAIDS and WHO
estimate that 40 million people worldwide
are living with HIV/AIDS, approximately
50% are women and children. In the
Philippines, UNAIDS estimates that as of
2003, there are around 8,900 Filipino adults
who are infected with HIV/AIDS. Given the
fact that HIV/AIDS is a communicable
disease and may be easily spread and
transferred by sexual contact and blood
transfusion, I believe it is something that
should be looked into and addressed; and this

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I intend to do as Chair of the Committee on Health.

A special segment – a dialogue between men and women on domestic violence – was also included in the agenda of the Meeting. The session was introduced by two panelists: a senator from Spain and our very own Atty. Rowena Guanzon, a lawyer and advocate for women and children's rights in the Philippines. The dialogue was meant to complement the panel discussion on "Violence against Women and Children in Armed Conflict," which I also presided last April 6. Both discussions were very enlightening and inspiring. During the panel discussion, we had speakers from the parliaments of Sweden, Rwanda and Sri Lanka and experts from Liberia, Amnesty International and UNICEF. The speakers discussed the impact that violence has on women and children – including the health and psychosocial impact and the detrimental impact on social development.

Sen. Rodolfo Biazon participated in the panel discussion. He shared his experiences in his several years of service in the military where he encountered the problem of child soldiers in our own country. He recounted the sad story of children carrying guns taller than them.

Likewise, former Senator Santanina Rasul, previously a Chairperson of the Committee on Women, also participated in the panel discussion.

On the issue of violence against women and children, the parliamentarians were united in concluding that modern warfare brutalizes women and children in unprecedented ways. Whether as soldiers, forced laborers, sex slaves or as direct victims of the use of guns and other armaments, women and children suffer the most severe consequences of the wars that they themselves do not instigate.

One of the recommendations that came out of the panel discussion was the need for awareness and acknowledgment of the problem of violence against women and

children in areas of armed conflict and the need for legislation and government action to address this situation. In connection with this, I am filing a resolution to inquire, in aid of legislation, on the condition of women and children in some of the areas of armed conflict in the Philippines.

Part of the results of the panel discussion was the recommendation that legislators review these laws to see whether there is a need for further legislation to complement international instruments. I have also circulated copies of the report of the 10th Meeting of Women Parliamentarians on the panel discussion on violence against women and children in armed conflict situations, which contains recommendations on how we, as legislators, can help address the problem.

During the meeting of the Coordinating Committee of Women Parliamentarians, of which I am an ex-officio member for two years, I lobbied for the discussion of women issues under the Second Standing Committee on Migration and Development. I believe that the impact of migration is very relevant in our country, given the increasing number of our countrymen leaving to look for greener pastures abroad. The departure of these migrants, many of whom are women, will indeed have a great impact on their families especially the children, who will be left behind without a father or a mother, or in worse cases, without both. We must seriously examine and weigh the consequences of the situation, particularly the economic gains as against the social cost. We also have to consider the change in the living conditions/lifestyle of the migrant workers in the country where they will be migrating. Over the years, newspaper reports have shown Filipina OFWs being abused abroad thus emphasizing the need to safeguard them from ill-treatment by their foreign employers. As leaders of our country, we must exert all efforts to come up with legislation and put up a support system to address this situation.

With the support of majority of the members of the Coordinating Committee,

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it was agreed that the Committee would discuss the item on Migration and Development on the agenda of the 113th IPU Assembly, with a view to submitting amendments to the draft resolution to the relevant Standing Committee.

The IPU likewise gave me the opportunity to meet with delegates from different parts of the world. I met briefly with delegates from New Zealand, Australia, Brazil and Switzerland, who offered to provide information on their experiences in managing and sustaining their forests and other natural resources.

On the aspect of health, I had the chance to converse with the delegates from Canada and discuss issues concerning the plight of women who do not receive maternal health care and the issue of reproductive health, in general. The delegates of Monaco and Australia expressed interest in improving the economic and political ties between our countries.

During the panel discussion on violence against women and children, the delegate from Korea brought up the issue of the comfort women, who were victims of sexual abuse committed by the Japanese during the Second World War. I was able to talk to said delegate and mentioned the similar problem of our own comfort women.

I also had lunch with the women parliamentarians from the ASEAN countries + 3. It has been a tradition running for six years for the women parliamentarians from this geopolitical group to meet during the IPU Assembly. Over lunch, we had the opportunity to discuss the similarities in our culture, as well as issues common to our countries, like discrimination, and tried to find solutions to these matters. I was also able to bring up the problem of our comfort women with one of the Japanese women parliamentarians.

Another achievement of women in the IPU is the printing of a global map which shows the percentage of women in politics. The target representation of women in

parliaments is 30%. So far, only 14 countries have met the target. In our own country, women comprise 15.3% in the House of Representatives and 17.3% in the Senate, while 25% of women are holding cabinet positions. This data shows that we still fall short of the target. Fresh from my experience in the IPU, I had a renewed desire to encourage young women to join the government and go into public service.

I would like to take this opportunity to thank all the people behind the preparations and hosting of the 112th IPU Assembly here in Manila, most especially Director General Carmen Arceño and her deputies, Director Romeo Ortiz, Director Antonio De Guzman Jr. and all the staff who rendered their services. I did not hear anything from the delegates that I met and talked with but praises for the Philippines and the Filipinos, and gratitude for the warm hospitality and wonderful treatment that they received during their stay in our country.

I would also like to acknowledge the efforts of the Department of Tourism and Secretary Ace Durano for uplifting the image of the Philippines. The tour packages that were offered to the delegates showcased the world-class scenic places in our country and thus encouraged some delegates to come earlier than schedule and even to come back after the IPU.

Once again, let me congratulate the organizers of the 112th IPU Assembly, headed by Senate President Franklin M. Drilon.

Though I continue to be a member of the Coordinating Committee of Women Parliamentarians of the IPU for the next two years, my primary role is here at home.

I call on my colleagues to support IPU's initiatives and my efforts to make this country a place of equal opportunity for women, where women are represented in policy decision-making bodies, where women and children have access to adequate health care, where women can receive information on maternal health issues affecting them, where women and

children need not fear for their safety and where children can enjoy their childhood, receive a good education and grow up to be productive citizens.

This is the country I envision.

INTERPELLATION OF SENATOR DEFENSOR SANTIAGO

At the outset, Senator Defensor Santiago expressed pride in the performance of Senator Cayetano as the elected president of the Women Parliamentarians during the last IPU General Assembly.

Adverting to the 30% benchmark as the international standard for women's participation in politics, Senator Defensor Santiago noted that the Philippines has not yet met the international standard. Citing the U.S. doctrine of "affirmative action," she asked whether the Body should not take affirmative action by amending the Constitution at the proper time so as to provide that at least 30% of the members of both Houses shall be women.

Senator Cayetano considered such recommendation as well taken. She underscored the need for representation of women in all sectors of society, especially in all policy-making bodies. But such concern might not be addressed, she said, without a constitutional mandate or enabling legislation.

Senator Defensor Santiago pointed out that there is a serious need to address the discrimination against women in politics. To her apprehension that instituting "affirmative action" in favor of women might open the door for other groups like the gays to insist on a similar right for themselves, Senator Cayetano replied that all human rights advocates would always follow the lead of any other group that seeks to ensure their members' rights under the laws. But the matter could be dealt with as it comes, she said.

Adverting to her debate paper on the impact of domestic and international legislations on women, Senator Defensor Santiago recalled arguing on the need for every member-country of the IPU to pass laws that would give special rights to women in agriculture and in fishing particularly in the light of the Oxfam report that women victims outnumbered the men, three to one in the tsunami-devastated

areas. Considering that the Philippines is an agricultural and fishing country, she asked what kind of law would be most helpful to women in the fisheries and agriculture sectors.

Senator Cayetano believed that any law that would help a woman cope with the economic demands on the family would be welcome since only family ties keep the women from leaving the country to seek greener pastures. She expressed hope that society would contribute in making the role of motherhood and household management easier for a woman by providing day care centers to ease the burden of mothers in caring for their children as well as using all available resources of the community to help women manage households so they can help uplift their families and assist in the economic development of their communities.

Replying to further queries, Senator Cayetano said that the next assemblies of the Women Parliamentarians Committee of the IPU would be in Geneva and Kenya. She affirmed that she would attend the assemblies and take an active role in the coordinating committee, especially since women delegates from the Philippines have historically contributed to the IPU.

On tapping the resources of the U.P. Women Study Center, Senator Cayetano disclosed that she has always made use of the facilities and the resources of centers and other organizations which are involved in women issues.

Asked about the effect of the foreign debt crisis on women and children, Senator Cayetano opined that so much time had been spent on addressing the debt issue which should have been spent instead in social reforms like improving health care for children and providing them education. Allocating much needed resources to debt servicing is depriving women and children of the basic services they need, she remarked.

Further, Senator Cayetano agreed that the IMF, the World Bank and other international lending institutions went on an aggressive campaign in the 1980s to get the Third World countries like the Philippines to borrow more. She affirmed that developed countries deliberately spread their technology and wealth to developing countries which resulted in tremendous debts for these developing countries and left them in a very poor bargaining

position when it comes to government issues. She noted that a conspiracy seems to exist between governments and big corporations to maximize what they can get out of small countries, to the latter's detriment.

To the observation that indebted countries like the Philippines have already paid the capital of their foreign debts twice over, Senator Cayetano said that she would not be surprised if that were the case. She believed that the countries that put the Philippines in debt should help it.

On Senator Cayetano's information that the Philippines is on the list of countries that put up trade barriers against poor American farmers, Senator Defensor Santiago disclosed that agriculture in the U.S. and Europe is heavily subsidized, so there is a need to protect the Filipino farmers from cheaper but lower standard products. But she pointed out that the Americans and the British had the gall to claim that this protectionist policy adversely affects their poor. She stressed that, in fact, the 2005 budget has decreased allocations for basic social services for women and children to favor debt payment.

On the recent statement of an official of the American Embassy that the conflict in Mindanao has reached Afghanistan-like proportions, Senator Cayetano said that looking at history, such pronouncement is paving the way for the U.S. to have a bigger say in the country. But she believed that the Senate Committee on Foreign Relations would be in the best position to put the diplomat in his place.

Senator Defensor Santiago remarked that women and children do not get the basic services that they deserve because money is used to pay for the interest on foreign debt. She proposed that the country demand debt relief, considering that the principal has been paid twice over. She questioned how the country would be able to impress on the U.S. that the Philippines is serious about foreign debt unless the U.S. is excluded from the IPU. The U.S., she said, has not even signed the Convention on the Elimination of Discrimination Against Women (CEDAW), yet the IPU welcomes American delegation to its assemblies on women.

Senator Cayetano informed the Body that she immediately discussed with other women parliamentarians the role of the United States in the IPU and most of them expressed disappointment and disgust

over the situation. She added that U.N. Assistant Secretary General Orr shared the same sentiment.

Finally, Senator Defensor Santiago reiterated her commendation of Senator Cayetano. She expressed hope that other senators, when given the opportunity, could achieve as much as the latter did.

REMARKS OF SENATOR ROXAS

Senator Roxas congratulated Senator Cayetano as well as those who were responsible for the successful hosting of the IPU, particularly the Senate President, the other members and the Secretariat. The minimal untoward news during the holding of the IPU, he said, is certainly a credit to the country and the organizers.

INTERPELLATION OF SENATOR BIAZON

At the outset, Senator Biazon said that he was conferred the title "Honorary Woman" by Angeles City by virtue of his authorship of two laws on the protection of women and children against illegal trafficking and against violence. He informed the Body that he had been invited to international fora to speak on women concerns, particularly on reproductive health and family planning.

Asked on her views on the reproductive health and family planning as health, human rights and economic issues, Senator Cayetano replied that she envisions a country where women are well informed on maternal health issues as it is the right of every woman to know how her body works and whether one pregnancy after another endangers her health; and women have access to adequate health care to ensure that their children are born in the most healthy environment possible. She believed that while the women's personal choices or decisions about reproductive health should be based on religious and moral grounds, it should not prevent the government from making information available to them. It is an economic issue, she said, in the sense that it affects the ability of women to work and provide adequately for their families.

In this regard, Senator Cayetano informed the Body that as Chair of the Committee on Health and Demography, she intended to conduct a hearing on the issue where any group can express its views, the intent being to come up with legislation regardless of personal and religious beliefs.

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PARLIAMENTARY INQUIRY OF SENATOR ENRILE

Senator Enrile disclosed that during the Easter recess of Congress, Senator Ejercito Estrada (L) was detained by U.S. immigration authorities for over an hour for unknown reasons. He asked what the Senate intends to do to alleviate the official and personal embarrassment suffered by a member at the hands of a supposed ally of the Philippines.

Based on the principle of reciprocity, he asked whether the members of the U.S. Senate, when they come to the Philippines, would be subjected to the same kind of treatment that Senator Ejercito Estrada (L.) received from U.S. immigration officials. He explained that he did not raise the issue to provoke any animosity or ill-will against the U.S. but simply to indicate his displeasure as a senator.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:38 p.m.

RESUMPTION OF SESSION

At 4:39 p.m., the session was resumed.

REFERRAL OF REPORT TO COMMITTEE

Upon motion of Senator Pangilinan, there being no objection, the Body referred the report of Senator Cayetano and the interpellations thereon to the Committee Women and Family Relations.

SUGGESTION OF SENATOR PANGILINAN

Responding to the issue raised by Senator Enrile, Senator Pangilinan suggested that the Senate officially ask the Department of Foreign Affairs to inquire and make the necessary representations with the U.S. Embassy.

Senator Enrile lamented that the Senate is quick in commending people or in making paeans to foreigners whenever they come to the Philippines. He asked if the Senate could express its disgust over the incident through a resolution, at the very least.

Senator Pangilinan explained that he made the suggestion to communicate with the DFA to get more information on the incident and if such information would merit the filing of a resolution, he would be more than willing to support it.

REMARKS OF SENATOR EJERCITO ESTRADA (L)

At this juncture, Senator Ejercito Estrada (L) narrated that upon arrival at the San Francisco airport on March 20, 2005, she was approached by a Homeland Security personnel by the name of Robert Hung who said that he would assist her. In response, she said that she offered to give her passport and those of her companions to Mr. Hung but was told it was against immigration laws.

Senator Ejercito Estrada (L) said that she was led to a far and isolated side of the immigration booth where her fingerprints and those of her companions were taken in front of a camera. When they were done and about to exit, she said that Mr. Hung led her to a secondary cubicle, at which time a certain Mr. Pangan told her that he would allow her companions to go out but he would talk to her.

Senator Ejercito Estrada (L) recounted that Mr. Pangan explained that she was being held because her fingerprints were mismatched but thereafter, she was asked several questions. She stated that she remained composed but Mr. Pangan appeared to be agitated.

She recalled that when Mr. Pangan asked whether former President Estrada would be convicted, she replied that the prosecutors have presented several witnesses but until now she has not seen anything that can pin the former president down. After clearing the passports of her companions, she said that she was made to look at the computer monitor which read "Luisa Ejercito, cleared"

Senator Ejercito Estrada (L) stated that when she asked Mr. Pangan where he came from, he told her that he is a "Kapampangan" and at that moment, she felt that she was being politically harassed; after one hour and 15 minutes, she and her companions were allowed to leave and were met by an official of the Philippine consulate who asked why they were delayed. She stated that after

narrating the incident, she was given the assurance that the official would help her and write a letter to Ambassador Albert del Rosario in Washington, D.C.

INQUIRIES OF SENATOR ENRILE

Asked by Senator Enrile if the Philippine diplomatic mission in the U.S. did anything to indicate the displeasure of the government over the mistreatment of a Filipino senator, Senator Ejercito Estrada (L) replied in the negative.

Asked if the Department of Foreign Affairs ever thought of lodging a protest about the incident, Senator Ejercito Estrada (L) stated that the DFA claimed that the public apology of U.S. Ambassador Francis Ricciardone was enough.

Senator Enrile believed that given its actuation, the DFA is a shameless department because it does not know how to assert the honor of the country. He deplored that it readily accepted the apology without putting on record the displeasure of the government. He apologized for disturbing the serenity of the proceedings as he reiterated his displeasure over the incident.

MANIFESTATION OF SENATOR PANGILINAN

Senator Pangilinan manifested that he and Senator Pimentel have agreed to craft a resolution expressing the sentiments of the Senate on the incident involving Senator Ejercito Estrada (L) at the U.S. immigration office.

The Chair took note of the manifestation.

QUESTION OF PRIVILEGE OF SENATOR PIMENTEL

Rising to a question of personal privilege, Senator Pimentel made the following statement:

On page 4 of the *Philippine Star* today, Monday, April 11, there is a headline "Mindanao could be the next Afghanistan -- U.S. diplomat." And the U.S. diplomat mentioned here is the U.S. Chargé d' Affaires Joseph Mussomeli who has made a very undiplomatic statement that, and I am quoting from the news item, "The threat is more long-term; that Mindanao is such a lawless -- certain

portions of Mindanao -- are so lawless, so porous the borders that you run the risk of it becoming like an Afghanistan situation." Mr. Mussomeli said this in an interview with SBS-TV of Australia.

He also went on to say, "What we do find is that it seems that the links are stronger, that Mindanao is almost, forgive the religious pun, the new 'Mecca' of terrorism."

I wonder what gives a chargé of the United States here the right to characterize Mindanao, the area where I come from, as a place where terrorism is now the byword of the people there. When he uses the phrase the "mecca of terrorism," that means it is the center of terrorism in this part of the world.

I am sorry to say that I think that Mr. Mussomeli does not know what he is talking about. I am sorry to say that I think Mr. Mussomeli exceeds the boundaries of his duty as a chargé of the U.S. Embassy. And he trespasses on the hospitality of the people of this country when he makes these unwarranted assertions.

Comparing Mindanao to Afghanistan is so farfetched as to be absolutely without any basis. Afghanistan, before it was bombed to the middle ages by the U.S. forces, was lorded by the Taliban and the Taliban were, of course, excessively fundamentalist in their desire to turn the tide of time back to the middle ages that they even tried to erase all vestiges of development in their country and harassed people of their own kind, killed many of them. But that is not the situation in Mindanao. Of course, there is a band of ruthless people there called the Abu Sayyaf but the Abu Sayyaf does not have control over Mindanao and they are present only in some areas like in some towns in Sulu and probably also in Basilan. But their presence is not so widespread as to justify the characterization of Mr. Mussomeli that Mindanao is the "mecca of terrorism."

Therefore, I would like to suggest that the statements made by Senator Miriam

Defensor Santiago earlier when she interpellated Senator Pia Cayetano on this issue should be taken with much seriousness by this Body so that it becomes a matter for the investigation of the proper committee. Like the sentiments expressed by Senator Enrile and Senator Loi Estrada, we cannot allow these things to pass unnoticed by the Senate. It is on this basis that I am calling on the Committee on Foreign Relations and probably the Committee on National Defense and Security to look into the issues that I am trying to raise in this Chamber so that at the very least we issue a statement condemning the penchant of some foreign dignitaries here, especially the U.S. Embassy for that matter, to put our country down through characterizations that have no basis in fact.

INTERPELLATION OF SENATOR BIAZON

Asked by Senator Biazon whether he had read the newspaper report wherein Mr. Mussomeli was quoted as saying that the Philippine government is not doing enough to fight international terrorism and not giving enough priority to the problem of Mindanao, Senator Pimentel replied in the affirmative, adding that he found the statement very insulting to the dignity of the Filipino people. Further, he noted that Mr. Mussomeli was judging the actuations of the Philippine government in a negative way while he is in the country.

While acknowledging that the American fixation on the so-called global fight against terrorism was a result of its having been a serious victim of terrorism, Senator Biazon pointed out, however, that the statement is not only unfair but it is also an interference in the country's domestic affairs. Senator Pimentel opined that while Mr. Mussomeli might have some degree of concern for the Philippines, he was insensitive to the feelings of the Filipino people. He found it unimaginable that a diplomat, while serving in the Philippines, lectured the government on its failure to address a local problem as such actuation violates all the tenets of diplomacy and the niceties of foreign relations.

On whether the incident justifies a formal request to the U.S. government to justify Mr. Mussomeli's statement, Senator Pimentel said the matter could be addressed in the committee hearing as the government needs to know the U.S. government's

intention relative to the problem in Mindanao. He believed that there is much more to the statements of Mr. Mussomeli that should be investigated even as he wondered whether the U.S. was trying to send a message that there would be a war in Mindanao like the war that the U.S. has been waging in Afghanistan.

INTERPELLATION OF SENATOR ENRILE

Asked by Senator Enrile whether Mr. Mussomeli made the statement to lay the stage for an intensified presence of American soldiers in Mindanao, Senator Pimentel agreed as he expressed concern that the statement would allow the entry of more American troops who, under the guise of rooting out terrorists, could wage war in Mindanao.

Senator Enrile opined that the statement could be part of a well-conceived strategy to cause some degree of apprehension or disorder in Mindanao to make the Philippines more dependent on American firepower and thereby call upon the United States to deploy more troops and armaments in the south to the point where it would be difficult for the government to dislodge U.S. troops from the area considering the very weak domestic security umbrella of the Republic.

Senator Pimentel agreed as he believed that the statement is actually an invitation to escalate tensions in Mindanao. He noted that American troops have remained in Iraq and Afghanistan even after national elections were held. He underscored the importance of preventing the same thing from happening to the Philippines lest the country become a neo-colony of the United States.

Citing the history of American interventions in Panama, Nicaragua and the Dominican Republic, Senator Enrile queried if the U.S. plans to bring about its continuing military and political presence in Mindanao, Senator Pimentel pointed out that no other country in Southeast Asia is more hospitable to the Americans than the Philippines. Since there is no excuse for U.S. troops deployment in Luzon or Visayas, he believed that the Americans could use the excuse of the presence of terrorists in Mindanao to field more troops so that their presence becomes more or less permanent and contingent upon the eradication of terrorism. As terrorists could multiply, he stated that the situation would only worsen and there would be an endless war.

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Noting that the United States' original defense line that used to stretch from the Aleutians to Japan, Taiwan, the Philippines down to Australia has now a gap after the Philippines terminated the RP-U.S. bases agreement, Senator Enrile pointed out that the U.S. no longer has the firepower to guard the South China Sea. Further, he wondered whether the U.S. conceived the problem of emerging terrorism centered in Indonesia and extending to Thailand, Malaysia and the Philippines as a long-gestating strategy to have an enclave in Mindanao that shall enable it to dominate the Straits of Malacca and Sunda as well as the South China Sea.

Senator Pimentel recalled that in one of his readings, he had learned that the tectonic plates off Sumatra had been dislodged by the recent earthquakes so that there is no safe passage for ships through that part of the ocean, hence, ships would now be diverted to the Philippine Sea. As such, he stated that it is possible that part of America's long-range plan is to ensure the safe passage of their vessels carrying oil from Southeast Asia to the developed world by diverting them to the Philippine Sea that is guarded by its troops stationed in Mindanao.

Senator Enrile noted that insofar as Islamic intransigence is concerned, the U.S. still needs an *intermediate* base to support its Diego Garcia naval facility in the Indian Ocean. He added that it would be a great economic burden for the U.S. to provide resources to support the gap, which happens to be the Philippines. He stated that unlike Subic, Guam and Hawaii and the Marshall Islands are too far away, hence, the American aircraft carriers have to refuel somewhere. He posited that it would mean a lot of savings for America to get a foothold on Mindanao.

Senator Pimentel agreed, pointing out that prior to the removal of the U.S. bases in the Philippines, the U.S. was already building up an airfield facility in General Santos City which can accommodate the heaviest aircraft of the U.S. He added that General Santos City has one of the deepest seaports in the country that can accommodate aircraft carriers.

In closing, Senator Pimentel opined that, perhaps, one of the things the government can do is to request the Americans to act as honest brokers for peace in Mindanao.

REFERRAL OF SPEECH TO COMMITTEES

Upon motion of Senator Pangilinan, there being no objection, the Chair referred the speech of Senator Pimentel and the interpellations thereon to the Committees on Foreign Relations, and National Defense and Security.

COMMITTEE REPORT NO. 16 ON SENATE BILL NO. 1950

(Continuation)

Upon motion of Senator Pangilinan, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1950 (Committee Report No. 16), entitled

AN ACT AMENDING SECTIONS 27, 28, 34, 106, 108, 109, 110, 111, 112, 113, 114, 116, 117, 118, 119, 125, 148, 236, 237, AND 288 OF THE NATIONAL INTERNAL REVENUE CODE OF 1997, AS AMENDED, AND FOR OTHER PURPOSES.

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

At this juncture, upon the suggestion of Senator Osmeña and after conferring with Senator Pimentel and the other members, Senator Pangilinan announced that the session would be suspended to allow the Body to go into caucus at the Senators' Lounge to discuss how it would proceed with the measure.

Relative thereto, the Chair stated that the Body would use the version of Senate Bill No. 1950 as of April 1, 2005, as the working draft.

SUSPENSION OF SESSION

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

It was 5:13 p.m.

RESUMPTION OF SESSION

At 7:57 p.m., the session was resumed.

Upon resumption, Senator Pangilinan informed the Body that during the three-hour caucus on

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Senate Bill No. 1950, the senators went on a line-by-line discussion of the proposed individual amendments and agreed that contentious provisions would be put to a vote.

**SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 1950**

Pursuant to the agreement at the caucus, upon motion of Senator Pangilinan, there being no objection, the Body suspended consideration of the bill.

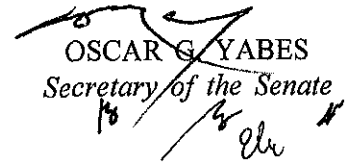
ADJOURNMENT OF SESSION

Upon motion of Senator Pangilinan, there being

no objection, the Chair declared the session adjourned until 2:30 in the afternoon of the following day.

It was 7:59 p.m.

I hereby certify to the correctness of the foregoing.


OSCAR G. YABES
Secretary of the Senate

Approved on April 12, 2005