

REPUBLIC OF THE PHILIPPINES Senate Pasay City

Journal

SESSION NO. 77

Wednesday, April 20, 2005

THIRTEENTH CONGRESS FIRST REGULAR SESSION

SESSION No. 77 Wednesday, April 20, 2005

CALL TO ORDER

At 3:42 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

PRAYER

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

Almighty God and Father, Yahweh, Allah, Buddha, even as people know You by many names, all of the faithful abide by one eternal commandment that has been spoken throughout the ages, written in holy books, and made the living guideposts of saints: "Love one another as God has loved you."

Everyday, we are witnesses to Your love as we live in a world of creation and renewal. In each of Your creatures, You have bestowed the breath of life; and to humans, the supreme gift of free will. And in return You ask us only one thing—to love one another as You have loved us.

Just as we have been created in love may we live in love for our brethren. We ask for grace so that we may continue to experience love in our families and friends.

We know that it is easy to love with understanding, patience, sympathy, charity, friendship.

In the hope of understanding this mystery of love, please grant us the wisdom to understand that love, like Your Name, comes in as many forms as there are ways of caring.

But more than that, we ask guidance so that we may learn to love even in difficult times, to love despite the presence of indifference, poverty, prejudice and injustice. And to love with an endurance that defies all boundaries of time.

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:

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

With 14 senators present, the Chair declared the presence of a quorum.

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

Senators Flavier and Lacson were on official mission abroad.

Senators Angara and Revilla were absent, the latter on account of illness.

RECONSIDERATION OF THE APPROVAL OF THE JOURNAL OF SESSION NO. 74

Upon motion of Senator Pangilinan, there being no objection, the Body reconsidered the approval of the Journal of Session No. 74.

APPROVAL OF THE JOURNAL AS CORRECTED

Thereafter, upon motion of Senator Pangilinan, there being no objection, the Body approved the Journal of Session No. 74, subject to the correction made by Senator Arroyo on page 31, right column, second paragraph under the caption "REMARKS OF SENATOR ARROYO," to replace the word "Meralco" with MIRANT.

PARLIAMENTARY INQUIRY OF SENATOR ARROYO

Asked by Senator Arroyo whether a military uniform is allowed as a proper attire of a Member

during sessions of the Senate, a purely civilian legislative body, Senator Pangilinan replied that the attire could be allowed so long as it is not offensive or distractive. However, he stated that the proper attire is either a formal barong or suit.

Senator Gordon explained that earlier, he was awarded the Legion of Honor Degree of *Maginoo* by the Philippine Coast Guard Auxiliary for his participation in a rescue effort very recently and since he had a full day, he was not able to change his uniform to a formal attire for the session. He believed that once in a while, the Senate could allow a Senator to wear the uniform of a volunteer.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 3:50 p.m.

RESUMPTION OF SESSION

At 4:03 p.m., the session was resumed.

APPROVAL OF THE JOURNALS OF SESSION NOS. 75 AND 76

Upon motion of Senator Pangilinan, there being no objection, the Body dispensed with the reading of the Journals of Session Nos. 75 and 76 and considered them approved.

REFERENCE OF BUSINESS

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

BILL ON FIRST READING

Senate Bill No. 1979, entitled

ANACT ESTABLISHING THE WORKER'S COMPENSATION PROGRAM, THE WORK CONTIN-GENCY INSURANCE FUND, THE PHILIPPINE WORKERS' COMPENSATION **AUTHORITY** AND DEFINING THEIR POWERS AND FUNCTIONS, AMENDING FOR THIS PURPOSE ARTICLES 166 TO 288-A OF TITLE 2 BOOK IV OF

PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS "THE LABOR CODE OF THE PHILIPPINES", AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Jinggoy Ejercito Estrada

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

RESOLUTION

Proposed Senate Resolution No. 235, entitled

RESOLUTION URGING THE SENATE COMMITTEE ON BANKS, FINANCIAL INSTITUTIONS AND CURRENCIES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE FINANCIAL VIABILITY OF ALL PRE-NEED COMPANIES

Introduced by Senator Mar Roxas

To the Committee on Banks, Financial Institutions and Currencies

REMARKS OF SENATOR OSMEÑA

Adverting to Policy No. 2005-001 issued by the Office of the Senate President last April 18 on the adoption of the four-day workweek, Senator Osmeña informed the Body that he wrote a letter to Senate President Drilon objecting to certain points in the guidelines that he would like to make of record.

Senator Osmeña argued that the four-day workweek scheme would not make sense for the Senators who are always behind in their work. He explained that the removal of Friday as a workday would cause a lot of problems because many of the Senators come in on Friday to catch up on their work and it is also a loss of an extra day for committee hearings at that time of the year when the Body tries to pass as many bills as possible before the long break in June and July.

On the matter of overtime pay, Senator Osmeña underscored that it would be unfair to give the staff overtime credits instead of the standard overtime

pay since they have been working late at night, especially during the deliberations on the VAT bill. He requested that the matter be reconsidered as he stated that he would be willing to sit down in caucus with the other Senators to come to an agreement on how best to fulfill their responsibilities to their constituents and enable their staff to do technical work without artificially cutting short the period for work.

REMARKS OF SENATOR PIMENTEL

Senator Pimentel stressed that every Senator has his own staff who perform work at the direction of the Senator. Necessarily, he stated, this does not mean that the staff are expected to render twelve hours of service daily under the four-day workweek scheme. He pointed out that the staff adjust to the Senator's working style and there would not be any cause for complaints as long as they perform the assigned work.

Senator Osmeña agreed as he pointed out that his office has a staggered work schedule because some of his staff have to come in early to attend to the constituents or stay late, even after sessions, to provide him needed information. In essence, he said, the type of work the Senators do requires flexi-time and not the rigid 8-hour-work schedule.

REMARKS OF THE CHAIR

At this point, the Chair invited the attention of Senator Osmeña to item no. 10 in the Policy that states, "The work schedule of the Senate Proper employees shall be at the discretion of the respective senators."

Senator Pimentel noted that since the staff are there to help the Senators perform their duties, the Senators know how best the staff can respond to their tasks.

As regards item no. 6 which states, "Building facilities available on Saturdays/Sundays shall be available on Fridays," the Chair clarified that when there are scheduled hearings, the necessary facilities would be made available to Senators as long as they inform the Secretariat.

Senator Osmeña observed that it is out of the ordinary for a Senator to tell the Secretariat that he would be working on a Friday and therefore, the lights need to be turned on. The Chair stated that

it was referring to the committee hearings where notices are required.

Asked by Senator Osmeña if the committee staff would be present in committee hearings scheduled on Fridays and if they would be paid for overtime services, the Chair replied in the affirmative as it reiterated that the staff would be paid overtime if they were required to work on Friday. It gave assurance that each Senator would be a given a copy of its reply to the points raised by Senator Osmeña.

Asked by Senator Osmeña who made the particular rule that "no overtime services shall be allowed," the Chair explained that the Department of Budget and Management issued this rule in 2004. It reiterated that the Senate Proper staff would be paid overtime services and the Secretariat has been directed accordingly.

Asked by Senator Pimentel if the Policy is only for the duration of the summer, the Chair explained that the initial timetable is eight weeks, after which the matter would be reviewed.

Senator Osmeña stated that his basic objection is that the DBM should concern itself with the Executive branch, not the Legislative Branch which is a very small part of the government as far as budget or personnel is concerned. He pointed out that legislators require flexibility in terms of time because of the nature of their work. He suggested that the Senate, through Senate President Drilon, request the DBM not to include the legislature in the four-day workweek scheme as it would wreak havoc on the work of the legislators who are trying to accomplish the same amount of work in the same amount of time, that is, at least five days.

Senator Osmeña stressed that legislation is different from the ordinary administrative work in the Executive department as the legislators are self-starters — some may want to work longer than others — and the four-day workweek would impede them.

INQUIRIES OF SENATOR BIAZON

Asked by Senator Biazon if the policy on the four-day workweek is followed by the House of Representatives, the Chair replied, that the House has been observing the schedule for over a year.

On whether it would affect the bicameral conference meetings, the Chair replied in the negative as it pointed out that the moment notices of a committee hearing on a Friday are sent, the needed facilities would be made available.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:15 p.m.

RESUMPTION OF SESSION

At 4:15 p.m., the session was resumed.

COMMITTEE REPORT NO. 12 ON PROPOSED SENATE RESOLUTION NO. 195

(Continuation)

Upon motion of Senator Pangilinan, there being no objection, the Body resumed consideration, on Second Reading, of Proposed Senate Resolution No. 195 (Committee Report No. 12), entitled

RESOLUTION CONCURRING IN THE RATIFICATION OF THE FRAMEWORK CONVENTION ON TOBACCO CONTROL.

Senator Pangilinan stated that the period of interpellations as well as the period of amendments on the measure had been closed.

APPROVAL OF PROPOSED SENATE RESOLUTION NO. 195 ON SECOND READING

Submitted to a vote, there being no objection, Proposed Senate Resolution No. 195 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF PROPOSED SENATE RESOLUTION NO. 195

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

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:17 p.m.

RESUMPTION OF SESSION

At 4:22 p.m., the session was resumed.

PRIVILEGE SPEECH OF SENATOR PIMENTEL

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

JUETENG IS BEATABLE OR WHY HARD WORK, NOT GAMBLING, IS THE KEY TO ERADICATING POVERTY

Tomorrow, the Krusadang Bayan Laban sa Jueteng will be handing out awards to five city mayors, 10 governors, 101 municipal mayors under the leadership of Archbishop Oscar V. Cruz who is the National Coordinator of that Krusadang Bayan Laban sa Jueteng.

Politically loaded issue

Jueteng is a politically loaded issue and the Archbishop could have easily done a Pontius Pilate, wash his hands off the issue, and pass the buck to the political authorities.

The Archbishop did not do that. He took the issue by the horns. He sees *jueteng* as an evil thing and is, thus, within the legitimate concern of our moral leaders. He sees it as a vicious stratagem that deprives the poor—men, women and children—of their meager incomes that should otherwise go to their meals and other essential needs. But more deeply, he sees it as a venal activity which robs the poor even of the dignity that is theirs because they are human beings.

By tolerating, promoting and protecting jueteng, covetous and powerful people in government make suckers of the poor by deceiving them into believing that they can upgrade their condition in life by betting on jueteng. But it is not going to happen because jueteng can never be the ladder to success in life for anyone. By its very nature, jueteng is stacked against the poor and experience has shown that only the jueteng lords and their protectors get rich from it.

Sad commentary

How sad that some big national and local leaders of the country – political, police and military – do not see the evils of jueteng.

How sad that many of our countrymen and women see it as a neutral activity that is neither bad nor good but is just a "diversion," a *libangan* in Tagalog or *kalingawan* in Visayan.

Fortunate

Happily, there is an Archbishop Cruz who thinks otherwise. Indeed, we are fortunate that we have an Archbishop Cruz who in our country is sending the same message of Pope John Paul II to the world. The late Pope preached the Gospel of Life, of Love for the Poor and of the Evils of War, regardless of what the powerful leaders of the affluent countries said. The Archbishop preaches the Gospel of Life, Love for the Poor, the Evils of *Jueteng*, regardless of what the power brokers in our country say.

Eradicable

And so I would like to take this occasion to give honor to Archbishop Cruz and to the local government awardees of the Crusade Against *Jueteng* because they have shown that *jueteng* can be beaten.

As the mayor of Cagayan de Oro from 1980 to 1984, I saw firsthand the evils of *jueteng* which is in Mindanao and the Visayas called *masiao*. I saw people grow lazy in that instead of working to head off poverty, they placed their hopes for a better life on *masiao*. I saw *masiao* operators and their police protectors get rich at the expense of the poor. And I saw *masiao* addiction reduce people into mental retardates who could not see how they were being manipulated by the *masiao* operators and their protectors.

Denouncing masiao

I was the opposition mayor of Cagayan de Oro when the country was in the grip of

martial rule. The police was not under my supervision or control. There was not much that I could do but denounce the harm that masiao inflicted on the lives of people. And if an official saying "No" means anything, let me put on record that I said "no" to fellow mayors who suggested that I should allow masiao into my city and get a cut of the ante to the tune of, at least, P10,000 a week or P40,000 a month. Since I was receiving P5,000 a month as mayor, like the apple that was offered to Eve by the serpent in Eden, it was a most tempting proposition. But I told them that there was no way that I would ever do that.

Now, let me explain why during the martial law years it was difficult for mayors or governors, who were against *jueteng*, to run after it, and why the situation now is more conducive for mayors or governors to fight against it.

Police under Martial Law

During martial rule, the police was under the control of the central government. The maintenance of law and order was primarily in the hands of the police. The mayors and the governors were bystanders in the process of enforcing the law in their localities. Hence, the corruption process—to get the authorities to look the other way—usually begins with bribing the police to allow *jueteng* or *masiao* to operate in their backyard. And if the local police had the strong backing of their superiors, they could and did ignore the mayors and the governors.

Despite my hostile attitude towards masiao then, it continued to be quite popular among the poor of the city. And I, their opposition father-figure, who had no control over the police and whom Marcos jailed or threw out of the office now and then, was reduced to issuing verbal reminders that masiao would not solve the problem of poverty but would, in fact, only exacerbate it.

Actual violence, too

Years later, when I was no longer mayor, the regional commander, believe it

or not, a general of the police, was ambushed in a major highway within the city. I think he was wounded and some of his security men, if I recall correctly, were killed. The police said that the general was ambushed by NPA regulars for ideological, not masiao-related reasons. People believed otherwise.

The masiao-spawned violence took other lives as well. Some men were shot in a barangay in the city; other victims who survived were brought to the city hospital. And the gentleman will not believe this. At the hospital, just like in the movies, they were finished off by gunmen who wore bonnets to hide their identities.

To my recollection, the incident was not even seriously investigated and it died with the burial of the victims. The spiral of violence was commonly believed to have been triggered by some individuals — in the masiao chain of operations — double-crossing their partners in crime by denying them their share of the take. For some time, masiao died down in the city, but not for long. It has since resurfaced and I understand that it is now proliferating in many other places as never before.

Protection shifts

Today, with martial law gone, the power to protect *jueteng* in the provinces, cities and municipalities, has shifted to corrupt local authorities from the corrupt police. The reason is that mayors and governors now have a sort of a veto power over whoever is appointed chief of police or provincial director under a law that I authored in my first term as a senator in 1987.

Now, the mayors and the governors can influence the conduct of the police officers assigned to take the top police posts in their local government units. The mayors and the governors have ample power to direct the police to stamp out *jueteng* in their respective towns, cities or provinces. If their anti-*jueteng* policies are not followed by the police, they could demand the replacement of the erring police officers or file the

requisite administrative or even criminal charges against the offenders.

No legalization

That said, let me add — and this is a rather controversial point — that *jueteng* should be eliminated, not legalized. Legalizing *jueteng* is tantamount to raising a white flag of surrender to an evil thing because, as the fallacious argument goes, it cannot be stopped anyway. With that twisted logic, should we not legalize prostitution, abortion and drug dealing, among other pernicious activities, because they cannot be stopped?

Once *jueteng* is legalized, we can be sure that the list of legalized illegal gambling games will grow longer just as the list of crimes that are now penalized with death has lengthened with the revival of the death penalty. There are, for instance, calls for imposing the death penality on those who mug or rob tourists or who degrade the environment.

But going back to *jueteng*, of course, it can be stopped and the local government awardees, who are receiving their awards tomorrow from Archbishop Cruz, have shown how to do it. The beauty of their example is that they have proven that despite difficulties, it can be eradicated with perseverance, pure motives and indomitable courage. And it is replicable by other equally dedicated public servants all over the country.

Success needs vigilance

While success has crowned the efforts of some mayors and governors to wipe out *jueteng* in our country, I am afraid that the moment they relax their guard or when they are no longer in office, like the Phoenix, *jueteng* will rise again even in the places where they are now on the run.

I suggest that there is an earlier and more permanent way to extinguish this moral, social and economic plague called *jueteng*. The solution, however, depends upon a no-nonsense execution of the laws

against it by the President and its full implementation by a graft-free national police leadership. Unfortunately, under the circumstances, we can only hope that it will take place sooner than later.

In the long run, though, I have no doubt that the Crusade Against *Jueteng* will succeed for two reasons: (1) because it is inherently good; and (2) because good people are pushing for it. It will succeed because good prevails over evil, if not now, then, ultimately.

Jobs

As I wind up this talk, let me reiterate the view that people improve their lives by hard work, not by gambling. They attain material success by the sweat of their brows, not by betting at the gaming table.

It is here where the government should come in and create the climate for business — not merely foreign but domestic — to thrive and provide work for our people. Government cannot provide work for our people. Otherwise, it will run out of money just paying for the salaries of the bureaucracy. And so in a democratic setting, it is only business that can provide work for people in a systematic manner.

But for business to thrive, the rules of the game must be fair, just and proper. There must be no cronies who are favored over strangers. There must be no corrupt deals that sap the vitality of the nation. There must be proper enforcement and observance of law and order. These are the basic premises of a bill, "The Magna Carta for Business," that I filed precisely to make sure that responsible business practices and responsible govern-ment polices converge to create jobs for our people.

Without jobs, people gamble with their lives, either here in *jueteng* or abroad, in perilous situations.

There is hope

My dear friends, we have a long way to go in terms of modernizing our country and developing our people. But for as long as we have individuals like Archbishop Cruz and the dedicated local government officials whom he is awarding tomorrow, there is hope for this country.

I feel that the nation owes a debt of gratitude to Archbishop Cruz and to the dedicated public servants who have taken up his challenge to wipe out *jueteng* in their localities. In the name, then, of our people who believe in decency, hard work and morality, allow me to express that gratitude to Archbishop Cruz and to the good local government officials whom he is honoring.

Congratulations to all of them. Thank you and God bless.

INTERPELLATION OF SENATOR EJERCITO ESTRADA (J)

At the outset, Senator Ejercito Estrada (J) recalled that both he and his father, former President Joseph Estrada, had been accused of receiving *jueteng* money by a self-confessed *jueteng* lord when, in fact, then Senator Estrada denounced *jueteng* in his maiden privilege speech.

Asked about the scope of *jueteng* activities at present, Senator Pimentel replied that *jueteng* is now endemic in many provinces in Luzon and in the form of *masiao* in the Visayas and Mindanao. He said that he does not have the exact number of the provinces affected but many have complained about the proliferation of *jueteng*.

Compared to the Estrada Administration, on whether *jueteng* has proliferated under the Arroyo Administration, Senator Pimentel replied that such was the impression he got and that, in fact, even Archbishop Cruz himself had said that *jueteng* is more widespread today than before.

Senator Pimentel noted that policemen sometimes arrest small people who are probably bettors or runners of *jueteng* but he has yet to hear that a big *jueteng* lord, like the operator in the hometown of the President, has been apprehended.

Asked about *jueteng* in Ilocos Sur, Senator Pimentel stated that it was his understanding during the impeachment trial of then President Estrada that *jueteng* had already been stopped in said province;

and that Chavit Singson had supposedly relinquished the operation of the games to a member of his family with whom he was not exactly on good terms. He added, however, that he was not sure of the veracity of the information.

Senator Ejercito Estrada (J) recalled that then President Estrada wanted to totally eradicate *jueteng* and had even asked Pagcor to formulate another game of chance, the "Bingo-Two-Ball."

Upon further query, Senator Pimentel believed that jueteng can be eradicated as Mayor Hagedorn of Puerto Princesa had proven. He said that jueteng is supposed to have been wiped out in 101 municipalities whose mayors would be awarded by Archbishop Cruz on Friday. He acknowledged, though, that the eradication of jueteng takes a lot of courage and dedication on the part of the officials concerned because of the huge amount of money involved. He recalled that in 1980 when he was mayor of Cagayan de Oro City, some mayors allowed jueteng in their respective cities because supposedly they could get at least P10,000 a week. Even if he was against jueteng, he confessed that he was not able to eradicate it during his incumbency because it was difficult for some people to say "no" to that huge amount of money; besides, the police were not under his control.

Senator Ejercito Estrada (J) queried whether *jueteng* would thrive in any municipality or province without the knowledge of the mayor or the governor. Senator Pimentel believed that most, if not all, *jueteng* operations are undertaken with the acquiescence of the mayor or governor and the participation of a corrupt police force.

Asked whether the governor of Ilocos Sur is an awardee, Senator Pimentel replied in the negative.

Senator Ejercito Estrada (J) noted that the *jueteng* problem has festered for so many years but law enforcers seem helpless in resolving it as he wondered if it is due to the lucrative offer made to officials. Senator Pimentel suspected that it could be the case, otherwise, the mayor would have directed the police chief to run after the *jueteng* lord. He stated that under the present law, if the police do not obey or follow the instructions of the mayor or governor, the latter can request that the police be replaced, fired or charged for violation.

As to his position on the legalization of *jueteng*, Senator Pimentel expressed the view that legalizing it is like surrendering to an evil thing, as if nothing can be done about it when, in fact, something can be done about it. Nevertheless, he said he respects other people's view on *jueteng*.

Senator Ejercito Estrada (J) believed that the government can find ways and means to legalize *jueteng* to earn revenues for the government. But Senator Pimentel argued that most of the people who are betting on *jueteng* belong to classes C and D who are enticed to bet for a better life.

Asked what would happen to the *kabos* or *kubradors* who would be deprived of a living if *jueteng* was eradicated, Senator Pimentel replied that the government should create an environment for businesses which can provide work for people.

On whether the administration is so inept that it needed the help of the Church and NGOs to solve the problem of *jueteng*, Senator Pimentel replied that the administration is like a rudderless ship and he does not see the direction where it is supposed to be headed. He also criticized the President who, in a CNN interview, divulged that the late Pope John Paul II supposedly had told her that it was all right to depose President Estrada.

On whether President Macapagal Arroyo is indebted to the *jueteng* lords who supported her during EDSA II, Senator Pimentel stated that it is a distinct possibility as he pointed out that Pampanga is under the control of *jueteng* lords.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Pangilinan, there being no objection, the Chair referred the speech of Senator Pimentel and the interpellation thereon to the Committee on Public Order and Illegal Drugs.

RECONSIDERATION OF THE APPROVAL OF THE JOURNAL OF SESSION NO. 75

Upon motion of Senator Pangilinan, there being no objection, the Body reconsidered the approval of the Journal of Session No. 75. pl

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. 75 and considered it approved, subject to the correction by Senator Osmeña on page 77, right column, last paragraph, third line, to change the words "of empty" to "THAN TO."

ADJOURNMENT OF SESSION

Upon motion of Senator Pangilinan, there being no objection, the Chair declared the session

adjourned until three o'clock in the afternoon of Monday, April 25, 2005.

It was 4:54 p.m.

I hereby certify to the correctness of the foregoing.

OSCAR G YABES
Secretary of the Senate

Approved on April 25, 2005