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SESSION NO. 79

Tuesday, April 26, 2005

**THIRTEENTH CONGRESS
FIRST REGULAR SESSION**

SESSION NO. 79
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CALL TO ORDER

At 3:29 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

PRAYER

Sen. Juan M. Flaviera read "A Prayer for Peace," a paraphrase of a prayer written during a seminar on liturgy and music organized by the World Council of Churches in October 2002 in Faverges, France, to wit:

Our Lord God, oftentimes
The image of Your Son is not visible:
- in the pages of our newspapers
- in the faces of our leaders
- in the deployment of our weapons
- in the violence of our actions.

Christ,
Take our words,
Our world
Our weapons
Our work
And transform them into Your image.

So we may see Your face
In truth where news is reported
In justice where power is abused
In peace where war is a continuing threat
In reconciliation where deeds foster hatred.
Open our eyes, Lord!

Amen.

DEFERMENT OF THE ROLL CALL

Upon motion of Senator Pangilinan, there being no objection, the Body deferred the roll call to a later hour.

**DEFERMENT OF APPROVAL
OF THE JOURNAL**

Upon motion of Senator Pangilinan, the Body deferred the consideration and approval of the Journal of Session No. 78 to a later hour.

**QUESTION OF PRIVILEGE
OF SENATOR PIMENTEL**

Rising to a question of personal and collective privilege, Senator Pimentel questioned the issuance of CSC Memorandum Circular No. 8.

The full text of his speech follows:

**THE CIVIL SERVICE COMMISSION HAS NO
BUSINESS PRYING INTO OUR PRIVATE LIVES**

Without any adequate warning, the Civil Service Commission issued on February 16, 2005, Memorandum Circular No. 8, series of 2005.

The Circular is addressed to "All Heads of Constitutional Bodies, Departments, Bureaus and Agencies of the National Government; Local Government Units; Government-Owned or Controlled Corporations; and State Universities and Colleges."

Its subject matter is to update "the Personal Data Sheet Using the Revised CS Form 212."

The Circular was signed by Commission Chair Karina Constantino-David; Commissioners J. Waldemar V. Valmores and Cesar D. Buenaflor; and Rebecca A. Fernandez.

Mr. Buenaflor has not been confirmed as of now, I am told, by the Commission on Appointments. Ms. Fernandez is not a member of the Commission.

Why they signed the Memorandum Circular is beyond me.

The copy that I have, which is here with me today, is certified as a true copy by Mariano T. Bautista, Board Secretary V of the Commission Secretariat and Liaison Office.

I tried to do a fast read of the powers of the Civil Service Commission as defined in Article IX of the Constitution. *AB*

Pertinent powers

The Commission's only pertinent power, I think, that has something to do with the issue I am trying to discuss are the following sections of Article IX (B) of the Constitution:

Section 2. (1) The civil service embraces all branches, subdivisions, instrumentalities, and agencies of the government, including government-owned or controlled corporations with original charters.

Section 3. The Civil Service Commission, as the central personnel agency of the government, shall establish a career service and adopt measures to promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service. It shall strengthen the merit and rewards system, integrate all human resources development programs for all levels and ranks, and institutionalize a management climate conducive to public accountability.

Section 2(1) is relevant to our discussion because it places "branches, subdivisions, instrumentalities, and agencies of the government, including government-owned or controlled corporations with original charters" under the jurisdiction of the Commission.

At risk

That means tens of thousands of individuals are put at risk by this Circular.

And Section 3 is also relevant because it empowers the Commission to "adopt measures to promote (the) morale, efficiency, integrity, responsiveness, xxx and courtesy in the civil service" and to "institutionalize a management climate conducive to public accountability."

For our purposes, let us just focus on the Commission's powers under Section 3 as mentioned earlier because this may be the only direct basis for the issue that I raise against the memorandum circular that I am placing on the table for discussion before this Body.

The Commission probably adopted the memorandum circular pursuant to its power "to adopt measures to promote the morale, efficiency, integrity, responsiveness xxx and courtesy in the civil service" and to "institutionalize a management climate conducive to public accountability."

Questions

If so, I question how the morale, integrity, responsiveness, courtesy in the civil service and a management culture conducive to public accountability are promoted and institutionalized by amending the personal data sheet of all government officials and employees under the jurisdiction of the Commission.

Parents' names

Specifically, I question how the names of my parents, their surnames and middle names, and the full names of all my children and their dates of birth will promote my morale, integrity or responsiveness in serving my constituents. It is possible that putting the names of my children in my personal data sheet may help deter corruption, but that is a long shot. Besides, the data, I understand, are already required under the Statement of Assets and Liabilities that we are supposed to submit.

Schools attended

Additionally, I question the propriety of my being asked to state the full names of the schools I attended, the courses I have taken in college, the masteral or doctoral courses I have taken and the years, believe it or not, inclusive dates, according to the Memorandum Circular, I have graduated for every level of schooling that I have undergone in my life.

Moreover, I question why I have to state the scholarship or academic honors I have received in each level and the civil service eligibilities that I have earned with the corresponding rating, date and place of examination or enforcement.

Jobs held

Furthermore, I question the need for me to "indicate all positions" — and I am quoting

from the memorandum circular – “held both in the public and private employment starting from (my) current work.” For heaven’s sake, why do I have to jot down the inclusive dates – months, days and years – of those employments? And the salaries, my gosh! Not only in figures but also the step increments. I am also supposed to “indicate ‘yes’ under the government service if position held is in the public or government employment or ‘no’ if held the same in the private employment”; instructions that are not only irritating but nonsensical.

Volunteer work

Besides, I am also supposed to indicate the full name and address of the organization where I was involved as a voluntary worker and again, the offensive requirement, to indicate the inclusive dates – months, days and years – of that voluntary work. And this takes the cake, the number of hours of voluntary work rendered and the position I had in the performance of my voluntary work and the nature of that voluntary work.

Seminars

More than that, I am also required to indicate the full titles of seminars, conferences, workshops and short courses I have attended during my employment. It does not say whether employment in government or in the private sector. Plus, again, the crazy requirement to put the inclusive dates – months, days and years – of these seminars, conferences, workshops and short courses and the number of hours I spent to attend those programs. I am also required to state the full name of the institution or agency that conducted or sponsored the program but I am not allowed to use abbreviations like CSC, but I am obliged to spell out the agency as the Civil Service Commission.

Skills

What is more, I am required to write down my special skills and hobbies and in full all the non-academic distinctions, recognitions and awards received and my membership in professional associations or organizations again in full.

Weight?

I do not know what is the relevance of my weight to my duties as a legislator but believe it or not, I am supposed to write down too how much I weigh. I do not know if they also require me to state how tall I am by order of the Circular. Also my telephone number, land line and cell phone.

Middle names

Neither do I understand why I have to give the middle name of my wife, her occupation, her employer or business address and her telephone number. Or my father’s middle name or my mother’s middle name. And whether or not I have been charged formally. We know very well that charging a person does not constitute a crime in this country and you have no obligation under any law to state how many times you have been charged in your life. Unless, they are asking for the number of times you have been legally convicted by the courts. Whatever that means – “Have you ever been charged formally?” – I do not really know. Or whether or not I have been convicted of violating any ordinance. If a person employed in the government has been arrested, for example, for jaywalking, he must put that down in his personal data service. That can militate against him or be taken against him. Or whether or not I have been separated from my employment with the private sector. Or whether or not I have been a candidate in any national or local election except the barangay election. Now, why except the barangay election? I would like to find out what is wrong with running for the barangay.

Privacy invaded

If there is any attempt by a government agency to invade my privacy and the privacy of tens of thousands of government officials and employees, this is it.

This CSC Memorandum Circular No. 08, Series of 2005, invades the privacy of all government personnel and is in all likelihood the precursor of the National ID system that

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the government wants to implement to fight terrorism. I have yet to hear of any country that won the fight against terrorism by issuing IDs.

Big Brother mentality

I question the memorandum circular not only on my behalf but also on behalf of the tens of thousands of government officials and employees, both national and local, and those employed in government-owned and controlled corporations and state universities and colleges whose rights are being trampled upon by this offending memorandum.

I call upon the Senate to cause an investigation into this monstrous ego trip of the members of the Civil Service Commission, and to stop this nonsense. *Otherwise, we will start sliding on the slipper slope of the Orwellian scenario of the government becoming the Big Brother of everyone, spying on our daily lives and treating the citizens of the country as automatons whose duty is but to obey what the government bureaucrats say.*

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.	Lapid, M. L. M.
Biazon, R. G.	Madrigal, M. A.
Cayetano, C. P. S.	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.	Roxas, M.
Flavier, J. M.	Villa Jr., M. B.
Gordon, R. J.	

With 19 senators present, the Chair declared the presence of a quorum.

Senators Lim, Recto and Revilla, arrived after the roll call.

Senator Defensor Santiago was absent on account of illness.

APPROVAL OF THE JOURNAL OF SESSION NO. 78

Upon motion of Senator Pangilinan, there being no objection, the Body dispensed with the reading of the Journal of Session No. 78 and considered it approved.

REFERENCE OF BUSINESS

The Secretary of the Senate read the following matter which the Chair referred to the Committees on Foreign Relations; and Justice and Human Rights:

BILL ON FIRST READING

Senate Bill No. 1980, entitled

AN ACT AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT 8239, OTHERWISE KNOWN AS THE "PHILIPPINE PASSPORT ACT OF 1996" AND FOR OTHER PURPOSES

Introduced by Senator Angara

INTERPELLATION ON THE SPEECH OF SENATOR PIMENTEL

At this juncture, the Body proceeded to the interpellations on the speech of Senate Pimentel.

INTERPELLATION OF SENATOR EJERCITO ESTRADA (J)

Asked by Senator Ejercito Estrada (J) if the validity of the memorandum circular would be affected by the fact that Mr. Cesar Buenaflor has not been confirmed by the Committee on Appropriations and Mrs. Rebecca Fernandez is not a member of the Civil Service Commission, Senator Pimentel opined that technically, Mr. Buenaflor could hide behind the power of the President to appoint *ad interim* when Congress is not in session. However, the CSC being a constitutional body, he said that the persons appointed should not take office until confirmed by the CA.

Senator Pimentel pointed out that a member of a constitutional body should exercise his/her duty independently and not subject himself/herself to pressure by anyone. He stated that since

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Mr. Buenaflor's appointment is still pending before the CA, he is vulnerable to political pressure. He said that Mr. Buenaflor should not exercise the functions of the office until he is fully confirmed, adding that Ms. Fernandez was probably awaiting her appointment to the CSC.

As regards the confirmation of Mr. Buenaflor, Senator Pimentel stated that the assigned committee has not scheduled the matter for discussion.

As to the rationale of the CSC Memorandum Circular No. 8, Senator Pimentel stated that the CSC can adopt measures to rationalize the scope of its functions which is well within the general framework of its duties but not when it comes to matters that have nothing to do with an employee's capacity to discharge his work.

Senator Ejercito Estrada (J) questioned the need to institutionalize a new data system since the CSC already has a database of all the civil servants. Senator Pimentel speculated that it could be a preliminary step in capturing the data to be inputted in the national ID system.

Asked if he agrees with the proposal for a national ID system, Senator Pimentel replied in the affirmative but he clarified that the national ID system should be used to facilitate legal transactions and not to fight terrorism. He emphasized that the implementation of the national ID system cannot be done through a simple executive order and that it must go through legislation. He disclosed that while an executive order implementing a national ID system had been signed, it has not been released probably because the Executive department is afraid that this usurpation of the function of the Congress could be successfully challenged in court. He agreed to the contention that it would be illegal for the President to sign the executive order.

Asked whether the CSC went beyond its mandate and infringed on the individual's right to privacy when it issued the memorandum, Senator Pimentel replied in the affirmative, adding that it was an invasion of the people's right to privacy.

REFERRAL OF SPEECH

Upon motion of Senator Pangilinan, there being no objection, the Body referred Senator Pimentel's speech and the interpellation thereon to the Commit-

tee on Civil Service and Government Reorganization.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended to enable the Members to greet Senator Jamby Madrigal on the occasion of her birthday.

It was 3:54 p.m.

RESUMPTION OF SESSION

At 3:55 p.m., the session was resumed.

PRIVILEGE SPEECH OF SENATOR GORDON

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

JUSTICE FOR THE FALLEN

It is good to see that we are all still here today because at the rate lives are being taken in this country, it seems that survival is just a matter of luck.

Two days ago, on April 24, Leticia Ramos, an officer in the strategic planning and policy section of the Department of Foreign Affairs, went out of her house at 5:30 a.m. to sweep their front yard. Three men pounced on her, tied and gagged her and proceeded inside the house where they strangled her sister, somebody I am sure most of us know, Department of Foreign Affairs Assistant Secretary Alicia Ramos, right in her own bedroom.

Alicia Ramos topped the Foreign Service Officer examination not too very long ago. Alicia Ramos was the Ambassador to Singapore at the time of the Contemplacion case.

The following day, on April 25, a doctor at the prime of his life, Dr. Nicolo Echiverri, a relative of Mayor Enrico Echiverri of Caloocan City and the son-in-law of Arsenio Abalos, brother of Commission on Elections Chair Benjamin Abalos, was shot dead by armed men while driving his car in Mandaluyong City. The killers reportedly walked away after peppering his car with

bullets, making sure that he would not survive, before forcibly taking a tricycle away to flee from the scene of the crime. Police recovered 15 shells of .45-caliber pistols at the site.

On September 11, 2004, Alisa Macawaris, a 26-year-old young lady, was on her way to work at 5:30 in the afternoon when she was attacked by two holduppers in Quezon City who tried to grab her bag. The young lady fought back so the two malefactors shot her. She was taken to East Avenue Medical Center where she bravely but unsuccessfully fought for her life. Witnesses say that the two men who shot her quickly escaped in a white Kolby taxi after the incident.

On March 13, 2004, Father William Tadeña, a priest of the Iglesia Filipina Independiente (IFI) and a human rights defender, was shot dead by two unidentified armed men who were riding a motorcycle at the IFI church in Brgy. Guevarra, La Paz, Tarlac. He was in a jeep with his three companions at the time of the incident. Two of them, Carlos Barsolaso and Charlie Gabriel, were wounded during the shooting. Father Tadeña was a vocal supporter of the striking workers in Hacienda Luisita.

This is really a part of a recurring pattern of killings that go back all the way to the last four decades, especially in the '60s.

My own father, James Gordon, Mayor of Olongapo was assassinated after three attempts on his life; Speaker Laurel was shot at while having lunch in a restaurant and Judge Valdez was killed while receiving holy communion in Tacurong, Sultan Kudarat.

I rise for the third time on the same mission, not just to deliver a wake-up call but to call our attention once again to the season that has gone on too long. The killings have to stop. We must take a bite out of crime.

As the incidents that I have recounted will show, murderers in this country have no respect for anything, not age, not gender, not status, and not even for men of the

cloth. It is proudly enshrined in Section 5 of Article II of the Constitution, Declaration of Principles and State Policies, and I quote:

“Sec. 5. The maintenance of peace and order, the protection of life, liberty and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.”

Our people are getting murdered on their way to work, in church, in their cars, and in their own bedrooms. Lives are taken in this country everyday, and we read about these murders on the front pages of the newspapers everyday. Our people are attacked in their own homes, in their own communities, while taking lunch, and their murders remain unsolved.

When I delivered my maiden privilege speech on August 9, 2004, I spoke against the indiscriminate murders of journalists and judges and called for an investigation into the efforts of our national police to catch these murderers. More importantly, I called for an examination of the capability of the Philippine National Police and the National Bureau of Investigation in terms of training and equipment to effectively carry out their duty to protect the citizenry. The Committee on Public Order and Illegal Drugs chaired by Senator Villar conducted hearings where the PNP reported their efforts. Several days later, the front pages of the papers announced that the murderers had been captured. The wife of Judge Rosales, Nena Rosales, is with us here today in the back. She is with her son, Victor, a student of the Ateneo de Manila, third year college, and I found out when I spoke to her last night that only the driver of the getaway vehicle had been caught, the shooter and the mastermind have remained at large.

In fact, I got a text message from May Magsino Lubis of the *Philippine Daily Inquirer*, a reporter covering the story, and I quote: “When I was doing follow-up report after the capture of Judge Rosales’ supposed gunman, the Chief of Tanauan PNP Superintendent Renato Angara told me never to go back to Tanauan *kasi baka may mangyari sa iyo dito.*”

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This is entirely unacceptable, totally and entirely unacceptable. Do we not live in a republic? Do we not live in a democracy? Do we not have a government?

Even before we talk about the thousand and one exposés that we freely deliver here on this floor, should we not demand that our government fulfill the most fundamental of tasks of any government -- the maintenance of peace and law and order?

No one is safe.

We talk about how passing the value-added tax bill would improve our standing in the eyes of the global financial community. But what would the effect be if, once and for all, we can truly bring criminals to justice?

Elected officials

Zamboanga Mayor Cesar Climaco was murdered by a lone gunman on Nov. 14, 1984, with a single .45 caliber shot to the back of the head; case unsolved, mastermind unknown.

In the middle of his term in Congress, Representative Espinosa was killed. His brother Tito Espinosa took the vacant seat in the 1992 elections. On February 28, 1995, a few weeks before the start of the campaign period, Congressman Tito himself was killed on his way to a celebration of the passage of an electoral reform bill; case unsolved, mastermind unknown.

Antique Governor Evelio Javier, a contemporary of mine in Ateneo, was gunned down on February 11, 1986, right at the height of EDSA; case unsolved, mastermind unknown.

Vice-Mayor Jovy Magsino of Naujan, Oriental Mindoro and her companion, Lema Furto, were also gunned down by motorcycle-riding men on February 13, 2004; case unsolved, mastermind unknown.

Mayor Francisco Montero of Tarangan, Samar was shot and killed by two motorcycle-riding men in Catbalogan City on April 3, 2004, as he was coming out of a hardware store; case unsolved, mastermind

unknown. Montero was elected vice mayor of Tarangan, but he was later appointed as mayor after the incumbent mayor, Aniето Olase, was gunned down on February 28 inside a cockpit; case unsolved, mastermind unknown.

Former three-time Mayor Conrado Rodrigo of San Nicolas, Pangasinan was shot dead by three motorcycle-riding men on May 27, 2004 as he walked home from a meeting; case unsolved, mastermind unknown.

On March 3, 2005, a young councilor from Tarlac, Abelardo Ladera, was gunned down; case unsolved, mastermind unknown.

And on April 13, 2005, former Congressman Henry Lanot was shot dead while having lunch at the Jade Palace Restaurant in Pasig; case unsolved, mastermind unknown.

Judges and lawyers

Our judges and lawyers have also been targeted by lawless elements in an attempt to undermine our judicial system.

Judge Milnar Lammawin of the Kalinga Regional Trial Court was shot at point-blank range by two gunmen riding a pick-up while he was buying bread from a bakeshop in Tabuk at about 6 p.m., August 9, 2004; case unsolved, mastermind unknown. This was right after this Representation delivered the privilege speech.

Judge Voltaire Rosales of the Regional Trial Court of Tanauan, Batangas was ambushed and gunned down 30 meters from the Hall of Justice in Tanauan on June 10, 2004; case unsolved, mastermind unknown.

Judge Paterno G. Tiamson, Executive Judge of RTC in Binangonan, Rizal, was stabbed to death on February 21, 2004; case unsolved, mastermind unknown.

Judge Pinera A. Biden of the Municipal Circuit Court of Kabugao, Apayao was also shot and killed on May 17, 2003; case unsolved, mastermind unknown.

Judge Oscar Gaby M. Uson of the Tayug Regional Trial Court of Pangasinan

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on September 27, 2002; case unsolved, mastermind unknown.

Judge Eugenio R. Valles, Presiding Judge of RTC Branch 3, Nabunturan, Compostela Valley, was shot to death on April 24, 2002; case unsolved, mastermind unknown.

Judge Ariston L. Rubio, Presiding Judge of RTC Branch 17, Batac, Ilocos Norte, was shot to death on October 31, 2001; case unsolved, mastermind unknown.

Judge Hassan T. Ibnohajil, Presiding Judge of RTC Branch 45, San Jose, Occidental Mindoro, was killed on February 5, 2001; case unsolved, mastermind unknown.

Judge Celso F. Flores Sr. of the Borongan Regional Trial Court of Eastern Samar was also felled by gunshots on November 1, 1999; case unsolved, mastermind unknown.

Public Attorney's Office (PAO) lawyer, Atty. Teresita Vidamo, was killed on February 9, 2005, as she was about to board her car in front of her home in Las Piñas City. She was felled by multiple gunshot wounds; case unsolved, mastermind unknown.

Atty. Ruel Dalguntas and his nephew Garry Hopileña were ambushed by motorcycle-riding gunmen at Panacan Bridge in Davao City at around 10 a.m. on February 5 while on their way to the downtown area. Dalguntas died while undergoing treatment at the San Pedro Hospital while Hopileña, who was driving the vehicle, died on the spot; case unsolved, mastermind unknown.

Atty. Felidito Dacut, a human rights lawyer and *Bayan Muna* coordinator, also succumbed to a single fatal gunshot on his upper body on March 14 of this year fired by two still unidentified perpetrators aboard a motorcycle. At the time of his death, Atty. Dacut was a *pro-bono/pro-people* human rights lawyer handling various human rights, agrarian and labor cases. The case is still open as investigation is underway; another case unsolved, mastermind unknown.

Civil society workers

Members of civil society have also been targeted by these murderers.

Ben Concepcion, the Secretary General of the peasant group *Aguman da reng Maglalatang Capampangan* and coordinator of the *Anakpawis* political party was assassinated in Angeles City on March 17 of this year. The gunmen stormed Concepcion's house and drilled four bullets into his body; case unsolved, mastermind unknown.

Marcing Beltran, a retired Army sergeant, who joined and later became the provincial vice chairman of the party-list group *Anakpawis*, was also assassinated on 8 December 2004. He was shot dead by unidentified armed men in front of his house, four days before he was to testify before a congressional investigation into the strike dispersal that resulted in the death of seven and injury to hundreds of others; case unsolved, mastermind unknown.

Edwin Bargamento, auditor of the Philippine National Federation of Sugar Workers, was attacked by motorcycle-riding gunmen on his way home in the town of Manapla on Negros Island. Mr Bargamento, 46, had just taken part in a street protest by the union in support for its bid for wage increases for sugar mill and plantation workers; case unsolved, mastermind unknown.

Media practitioners

Our media practitioners have suffered the brunt of these assassinations. So many of our journalists have been assassinated that The International Federation of Journalists described the Philippines as the most deadly place in the world for journalists, second to Iraq, after 13 were murdered in 2004. To date, 86 have been killed since 1986.

The most recent incidents involved Romy Sanchez, a radio broadcaster and Bayan Ilocos Secretary General who was assassinated on March 9 of this year; case unsolved, mastermind unknown.

Another lady journalist, Marlene Garcia Esperat, was killed on March 23, 2005, in front of her children in her home in Tacurong of the southern Philippine Island of Mindanao; case unsolved, mastermind unknown. So far four people have been arrested in connection with the murder but as yet no one has been charged as being the mastermind. And as

usual, the NBI and the PNP are haggling on who has the real suspects.

Gene Boyd Lumawag, photo editor for *MindaNews*, was shot dead on a street in downtown Jolo on 12 November 2004. He was returning to his hotel room after taking photos of the sunset at the nearby Marina pier. The gunman fired one bullet killing Lumawag, 26, before leaving the scene. The report of one eyewitness led investigators to file a complaint on 17 November against two suspects, brothers Omar and Iting Sailani. *MindaNews* colleagues say Lumawag may have been in Jolo working on a corruption story with a journalist from Mindanao who was not present at Lumawag's attack and was safely refuged in a church shortly thereafter. No motive has been established behind the killing of Lumawag although the Sailani brothers are reportedly on the most wanted list of Abu Sayyaf. Since the task force filed the complaint, no formal charges have been brought against Lumawag's suspected killers.

Elected politicians represent the will of the people to choose their leaders. Journalists represent the freedom of our people to speak the truth. Judges represent our belief in the rule of law and the dispensation of swift justice. Government officials represent the hope of our people in a better society. Religious leaders represent our belief that within all of us exists the spark of the divine. Students represent the hope of their parents and future generations. And activists and opposition leaders represent the freedom to embrace different opinions from the powers that be. All these symbolize the fundamental values of our nation. Yet, if even the leaders of our country, the symbols of our democracy, are freely shot and killed, what nation do we truly have?

I speak the names of the fallen so that their names may be recorded and remembered within the halls of the Senate; that they may be remembered as people with families, doing their jobs, serving their country, instead of statistics to be resigned to the dustbin of history.

They are not faceless people, their families left behind grieving. They are not

statistics. They are people, like you and I, with families, friends, memories, loves, passions, faith and hopes. In their deaths, we as a people died as well.

Our nation must be filled with rage at these murders but instead we suffer from a systemic case of national neurasthenia, a neurosis that is identified with extreme lassitude and the inability to do anything but the most trivial things. It is about time for us to reflect on the implications of our apathy and helplessness in the face of these wanton murders on our character as a nation, and its consequences for our people, especially our children.

First, our citizens have become inured to crime. To be newsworthy, the crime must happen to a prominent figure. Yet, every single day, there are crimes committed against ordinary citizens that never quite make it to the news, front page, television or radio because the commission of a crime is no longer newsworthy. Everyday, cellular phones are stolen, bags and jewelry snatched, women are raped and ordinary people are murdered, and these crimes are treated as ordinary events that are a given in everyday life.

Second, unsolved crimes will foster a culture of vigilantism that gives rise to vendettas and killer squads, who take the law into their own hands because they believe that the law cannot bring them justice. We, as a people, came together in a social contract, giving up to the government our natural right to defend ourselves, in the expectation that government will protect us. That social contract is in tatters. And we have none to blame but ourselves if our people increasingly take justice into their own hands, if we remain impassive and try to divert attention to other things so as not to face reality.

There was the case of Sonny Parsons in Marikina. His home was attacked by robbers twice, and on their second attack, because the police were unable to catch the first batch of robbers who invaded his home, he took his gun and came after the second batch of robbers, and had a shoot-out with

them in the streets. The other day, his neighbors were attacked and Sonny Parsons went to the rescue, took out his gun and had a shoot-out with the robbers of his neighbors. We cannot simply ban the gun. It is so dangerous nowadays. If people feel that the law cannot protect them, they will pack a weapon and use it to protect themselves. What about going to the root of the problem? What about catching these criminals? What about running after the masterminds instead of the little fish?

Third, unsolved crimes make us cower in fear, and make the criminals invincible. Though our law enforcement agencies continuously try to apprehend these criminals, there is little public knowledge of their efforts, and even of their successes. As such, there is no public retribution against these criminals. Our people are bombarded every day with news of murders of local officials, judges, lawyers, media practitioners, civil society workers, policemen and ordinary citizens, but they have no information about what is being done to put a stop to it. When Ninoy Aquino was shot at the tarmac of the Manila International Airport, his death inspired a revolution. But almost two decades after his death, despite the fact that his wife became president, his brother and sister became senators, the crime remains unsolved. The assassins got away with killing Ninoy Aquino; no wonder they kill Juan and Juana de la Cruz everyday.

The last and worst consequence is that these wanton crimes are shaping a mindset in a generation of Filipinos where murder is a normal, everyday occurrence. Our children see murder in the news everyday, depicted as just another event with about as much significance as a press conference.

Urie Bronfenbrenner, one of the foremost theorists on human development, proposed the Ecological System Theory to explain the development of children which focuses primarily on the social contexts in which children live and the people who influence their development. Bronfenbrenner's Ecological Theory consists of five environmental systems that range from close interpersonal interactions to broad-based

influences of culture. Bronfenbrenner calls the five systems the microsystem, mesosystem, exosystem, macrosystem, and chronosystem. The most encompassing of these systems is the chronosystem, which consists of the socio-historical conditions of a child's development. If we take a long, hard look at the socio-historical conditions to which our children are exposed today, what they see are crimes everyday, crimes that go unpunished. If we are to raise a generation of law-abiding citizens, we must create an environment where it is absolutely clear that there is no room for lawlessness in our society. Otherwise, we will produce a generation of Filipinos who believe that the law is negotiable or, worse, negligible. And even worse, that he can get away with murder, literally and figuratively.

Taking a bite out of crime

It is easy enough to blame law enforcement agencies for their inability to catch lawbreakers, but the real responsibility to keep our nation and our communities safe lies with all of us. Taking a bite out of crime will require every Filipino to wake up from the slumber of helplessness and reclaim his or her community from criminals. Our national apathy has empowered criminals and made sitting ducks of us all. Mind you, this is just on criminals, not even on corruption in government.

If we are to reclaim our nation from lawlessness, if we are to bring back respect for the law, our government must show political will, our law enforcers must exhibit dogged determination, and our people must become involved in combating the lawless elements in our country.

Paraphrasing a German cleric in World War II, "When Hitler took the Christians, I didn't complain, when Hitler took the Jews, I didn't complain, when Hitler knocked on my door, I could no longer complain."

Stopping crime must begin with the citizens. Communities must organize neighborhood watches to enable every citizen to become a part of the conscious fight against crime. Let us make our people responsible

for their own communities. As a democracy, when cases go to court, judges need evidence and witnesses to convict these criminals. If we are to put these criminals away, let us find in ourselves the courage to stand up and testify when we witness a crime because we could be the next victims, and the Senate must make the laws to make this happen.

Let the Senate call a summit against crime to indicate that it is a priority concern for us, and formulate policies that can be applied throughout the country by harnessing the expertise of people within and outside of our country, and their experience in the battle against crime.

Let us institutionalize tried and tested measures; the color-coding of public vehicles like jeeps, buses and taxis for easier monitoring to ensure that our public transportation system is safe for our people and will not be used in the commission of crimes, like carnapped taxis that are used to hold up passengers or tricycles that are used as getaway vehicles, as in the case I have already stated. We implemented this successfully in my city. Criminals no longer use tricycles and jeepneys because they can be traced easily simply by looking at the color and the body number.

Let us implement the National ID Card System to facilitate the identification and apprehension of lawless elements.

Let us take our law-enforcement agencies to task and demand results. Leticia Ramos was able to get away from her home to report the attack to the precinct that was only two blocks away, but by the time the police arrived, it was too late. Crimes happen everyday within meters of police precincts. There are no deadlines for solving crimes. Let us reexamine the performance of our law-enforcement agencies and our systems for fighting crime and fix whatever is wrong with it, instead of merely resigning ourselves to the fact that it does not work, or that the policemen have neither gasoline nor radios to form an effective dragnet against crimes that have just been committed in an area.

Finally, let us aim to provide a speedy administration of justice to assure our people

that the law is able to protect them and to show criminals that the law will quickly subdue them. We have had a speedy trial law for seven years that on paper is supposed to have had a continuous trial system built up for fifteen. Yet the lawyers among us know fully well that in reality we can examine a witness today, and opposing counsel will only conduct his cross-examination in a month or two, or even three. Examining one witness alone will take at least six months. How much more if the case is complicated, and numerous pieces of evidence are involved? Our courts are barely able to make a dent in their backlog – in 2003, at the start of the year, there were 816,684 cases in inventory. At year's end, there were 811,274 cases left, hardly a dent.

And yet, if we truly wanted justice, if we truly demanded justice, trials can be quick, and the sword of justice can fall swiftly. We do not even have to look at the case of O. J. Simpson whose trial was continuous and publicized or, for that matter, even Michael Jackson. All we have to do is to look at recent events.

The Senate was host to the IPU. During the last IPU Assembly here in Manila, a Belgian delegate, Mr. George Brion, was held up by a tricycle driver named Victorio Mallari. Mr. Brion rode the tricycle to visit Baclaran Church. Upon receiving word about this crime, which could have tarnished the reputation of the country among the IPU delegates, had it gone unsolved, this Representation, along with Senate President Drilon, immediately acted to ensure that the perpetrator was caught. We called up Mayor Trinidad of Pasay and told him that he must mobilize his people to arrest the criminals. Through the efforts of the Pasay Police, Mallari was caught on April 6, within 24 hours of the crime, which was committed on April 5. A case was filed against him the following day, and he was convicted by April 8 in the courtroom of Judge Pedro B. Corales of Pasay, just three days after his crime. In fact, Mr. Brion was able to testify and identify Mr. Mallari as the man who held him up. I strongly believe that the knowledge that his attacker was put to

justice even before he left the country has made a strong positive impression on this Belgian delegate, as well as his co-delegates, about the efficiency of our justice system to counter-act whatever apprehensions he had after his negative experience.

The Supreme Court can order immediate trial for crimes against tourists and we can see that it has been effective. Why can we not implement this and why can we not get that sense of urgency on all the local executives of this country to do what Mayor Peewee Trinidad did to his policemen and his people to apprehend and, at the same time, talk to the prosecutors to speedily address the crime case.

Today, I call for justice for the fallen. Let us not allow the deaths of our fallen countrymen—legislators, judges, civil society workers, media practitioners and ordinary citizens—to be for naught. Let us foster and nurture a deep and sustained sense of outrage against those who spit on the face of the law. Let us honor our befallen countrymen by taking active steps to apprehend the perpetrators of these crimes, if not prevent the crimes altogether. I have already made this appeal once before this august house, but the continued spate of killings reflects the need to reiterate that appeal.

We have Nena Rosales here today, the widow of that judge who was killed, along with his family. The family is grievously hurt but it is even more hurt when journalists are warned by our own policemen to stay away from the case and not even go to Tanauan. In effect, the journalists are being told: "Stay away or you will suffer the fate of 86 journalists as well."

At this time, there is a witness at the DOJ being interviewed and they are trying to coax him to remain steadfast and continue to testify. He is already cowering in fear.

So, are we going to stand by simply as we do here? I see the audience listening. I see many of our colleagues listening, but are we going to take action against this spate of killings that has been occurring decade after decade and it seems in this country we have become totally inured to death and we are

teaching the next generation of Filipinos to feel helpless and that they are always victimized and brutalized by the criminals and the powerful.

I was reading the editorial in the *Philippine Inquirer* this morning, and it talked about Don Quixote. On the surface, one might call Don Quixote crazy indeed, in fact, his name has been used as an adjective to mean lofty and impractical. To a nation inured to crime, the idea of putting a stop to it might seem "quixotic," but think long and hard, just how sane is it to simply resign ourselves to the idea that crime is inevitable? What kind of nation have we become that we already find the idea of protecting our people from criminals "quixotic"?

This is the Senate, the forum in which we create laws to establish order in our nation; to provide for the needs of our people—jobs, schools for our children, hospitals for their health; to uphold their right to life, liberty and property. We argue about taxes, we rage against corruption, we debate passionately on the merits of the dates for elections. Let us not be silent about murder because as we can see, silence can be deadly for our people.

We may be a poor country but the worse kind of poverty is the poverty of the spirit that has become pervasive. It is time for us to act. It is time to go after these criminals as a nation.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:29 p.m.

RESUMPTION OF SESSION

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

INTERPELLATION OF SENATOR VILLAR

At the onset, Senator Villar congratulated Senator Gordon for delivering a very important speech on unsolved killings which have left the impression that the police are helpless or simply incompetent in addressing the problem.

Asked how the Senate could help address the unsolved murders, specifically that of Judge Rosales, Senator Gordon replied that the government must be able to show the citizenry that it is capable of solving the killings. He stated that with respect to the Rosales killing, the authorities know the mastermind; and the case could be transferred to Manila to ease the threat to witnesses and Ms. Magsino. He expressed hope that when a committee hearing is conducted on the matter, the Department of Justice and all the other concerned sectors could find a solution.

Moreover, Senator Gordon suggested that the Senate initiate an anti-crime national summit with the participation of the Secretary of Justice, the PNP Director-General and heads of other law-enforcement agencies who could work together to find the best approach or strategies to address the killings and determine how best to prosecute these cases.

Asked why the Philippines has the highest incidence of crimes against journalists in the world, Senator Gordon replied that there has been a spate of killings because the perpetrators know they can get away with murder. This situation, he said, has discouraged the citizenry from helping the authorities. He disagreed that banning private individuals from owning or carrying guns is the solution to the problem as he maintained that citizens should be allowed to keep licensed firearms in their homes.

Citing the recent killing of Ambassador Ramos in her house in Makati which is just two blocks away from a police station, Senator Gordon suggested the adoption of a color coding and body numbering scheme for all tricycles and jeepneys as well as requiring their drivers and owners to have their names and photographs recorded. He recalled that as mayor of Olongapo, he implemented such a scheme and for a very long time, not a single crime was committed in the city involving the use of public vehicles.

Senator Gordon said that if a similar bill is filed and favorably reported out by the Committee on Public Order and Illegal Drugs, it is possible to enact a law that takes a bite out of criminality and puts up a stiffer and narrower corridor for the commission of crimes.

Asked by Senator Villar if a revamp of the PNP would address the problem, Senator Gordon replied that when his father was assassinated, the whole Olongapo police department was revamped; notwithstanding, crimes went on. He emphasized that there should be accountability on the part of the precinct commander so that in case a crime happens in his area, he should be able to identify the suspects and their modus operandi; he could send out his operatives to gather information at the site of the crime and identify possible witnesses. He argued that if the precinct commander is not able to solve the crime, it should be a mark on his record and his promotion should be held in abeyance until he solves the crime. Unless these are done, he cautioned, people would just shrug their shoulders and say that the crime is just another report, another addition to statistics; and the police would raise the same old excuses not to take action on the case.

On whether he would advocate the transfer of control over the police to the mayors, Senator Gordon replied that he has been pushing for it for a long time. He recounted that in the 1971 Constitutional Convention, he opposed the proposal for a national police force given the fact that one corrupt unit taints the whole organization even if there are others who work with integrity. He advocated the return of control over the police to the mayors as the latter are responsible to their constituents. However, he acknowledged that at the same time, a national police force should be maintained to ensure that training and communications, among others, are standardized. He suggested that local government units fund the local police, and in case they are incapable of doing it, to look into the possibility of entering into contracts with bigger cities to modernize their police facilities and equipment. He asserted that this should have been done 20 years ago so that the system could have been improved over time. He observed that at present, the PNP Chief has to go all the way to Cotabato, for instance, to look into the Esperat case.

Senator Villar underscored that serious problems require radical solutions. He argued that the mere reorganization of the PNP or the hiring of additional policemen would not significantly improve peace and order. What is needed, he stated, is the radical solution of transferring the control over the police to the mayors. He stated that although the proposal would face opposition, especially in the House of Representatives, it should be given another try as

the fight against criminality should not be deemed helpless.

In closing, Senator Villar expressed hope for a speedy resolution of the unsolved cases to give justice to the victims.

INTERPELLATION OF SENATOR EJERCITO ESTRADA (J)

At the outset, Senator Ejercito Estrada (J) brought to the Body's attention the case of Agustin Chan, provincial auditor of Ilocos Sur, who was ambushed three years ago in broad daylight.* Mr. Chan, he disclosed, was about to expose the anomalies of the governor.

Senator Gordon stated that some are made victims for the simple reason that they made certain cases against very powerful people and the killers do not care where their targets are, pointing out that Representative Floro Crisologo was gunned down while attending mass. He stressed that when a person is killed because he/she was about to make an exposé, the government must take immediate action and leave no stones unturned. He noted that when a mayor gets involved in a case, and the police investigate efficiently, the case could be resolved within 24 hours. Senator Ejercito Estrada (J) believed that the Chan case would remain unresolved as the victim was at odds with the governor.

On the assassination of his father, Senator Gordon recounted that he sought the help of then Senators Diokno and Pelaez who advised him not to give up, the same advice he imparted to Victor Rosales, the son of Judge Rosales. However, he revealed his frustration over another senator who claimed that Mayor Gordon was responsible for his own death. He said that it is a "national neurasthenia" when people feel helpless and think that nothing can be done. He assured the Rosales family that there would always be someone in the Senate willing to speak up and raise the issue time and again, and elevate it to the Committee on Public Order and Safety or Committee on Justice if needed. The Senate, he emphasized, is an institution, a forum for the people, that could chase after public officials who are indifferent or forgetful of their duties.

On whether the Chan family could call on him, Senator Gordon replied that the Chan family can approach any senator, like Senator Ejercito

Estrada (J), who would be more than willing to help. He pointed out that a killing is a killing, and the important thing is to arrest the perpetrators regardless of who they are.

Asked what the PNP or the NBI has to say about its inadequacy in solving cases, Senator Gordon said that it has nothing to say except "case unsolved, mastermind unknown." He argued that what is needed is to prod these agencies to solve the cases, find the masterminds and give justice to the victims no matter what the cost. He underscored that it is important for senators to take up certain causes, otherwise, the people would not have anyone to help them air their concerns.

On whether there is no hope left for the country's police force as well as investigation agencies, Senator Gordon revealed that when he was pursuing the case of his father's assassination in 1975, although the NBI advised him to forget the case, one of its agents helped him track down Narciso Cruz, a witness to the killing. He stated that he took up law precisely because after two assassination attempts on his father's life and after their house was burned down, they could not avail of justice. He asserted that the important lesson is never give up. What he is simply trying to do, he said, is to awaken those accountable to the call for justice.

Senator Ejercito Estrada (J) lamented that he was unable to finish law and did not have the chance to defend himself or his father before the courts of justice.

Asked if he thinks that the PNP and the NBI would move faster this time and come up with results, Senator Gordon recalled that after his earlier speech, the police arrested the driver involved in the Rosales killing but the triggerman remains at large. He admitted that the case is far from being over. He expressed the belief that the present Chief of Police is a good choice and should be extended all the help and support he needed. He asserted that the Senate could prevail upon these agencies to move faster without unnecessarily using its power over the purse and the power to investigate.

With regard to the statement of Senator Ejercito Estrada (J) that he was unable to finish law, Senator Gordon revealed that he had to quit his studies for sometime in order to run for the Constitutional Convention but went back to finish it.

*As corrected by Senator Ejercito Estrada (J) on May 3, 2005

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He pointed out that nothing prohibits anyone from pursuing a career in law.

Upon query of Senator Arroyo, Senator Gordon confirmed that he passed the bar examination in his first attempt.

INTERPELLATION OF SENATOR OSMEÑA

Initially, Senator Osmeña stated that the topic is interesting because it opens up the opportunity for individuals to look into themselves. For instance, he noted that violent crimes stem out of a need for money to address basic needs such as food, medicine, shelter, social acceptance or comfort. He surmised that Judge Rosales was likely assassinated for having convicted someone engaged in illegal activities. On the other hand, he said, others commit crime for want of money which goes down to the pervasive corruption in today's society. Moreover, he believed that criminals such as the murderers of Judge Rosales were able to get away with such heinous acts because they were aware that there is no certainty of punishment. Senator Gordon agreed.

However, Senator Osmeña noted that there are places like Davao City and Manila during the time of then Mayor Fred Lim where the crime rate went down because of the certainty of punishment. He posited that corruption is the root of criminal activities as he cited the case of reporter Jose Luis Villanueva who was killed by three hold-up men belonging to a notorious criminal syndicate protected by certain police officials; and that of journalist Marlene Esperat, who was killed following her exposé of corruption in the Department of Agriculture. Aside from uncertainty of punishment and corruption, he contended that crimes occur not because Filipinos have wrong values but because they have wrong priorities of values, such that Filipinos today value self first, before God and country. He cited the extended family, *kumpadre* system, and the value of *utang ng loob* which are deemed more important than the law, so Filipinos protect themselves and their families first, and then favor relatives, friends and *compadres*.

Relative thereto, Senator Osmeña lamented that Filipinos have no sense of community which explains why a squatter who could keep his own home spotless would dump garbage outside his immediate surroundings, or why a rich matron would not think

twice about throwing an empty food wrapper outside her car window. He added that this lack of sense of community shows in the lack of discipline of many motorists.

On a related matter, Senator Osmeña observed that most Filipinos are hesitant to act on injustices committed against them for fear of going up against powerful or influential people and losing in the end. He recalled suggesting to people victimized by some pre-need firms to go to court since they have the means to hire a lawyer but they are hesitant to test the system. He believed that Filipinos should first look into themselves and their values before structural changes could happen. Only when people could rise in indignation when someone has been wronged would Filipinos develop a better society, start eliminating corruption, reform the judiciary and ensure a certainty of punishment for criminals, he said.

Senator Gordon agreed to the observations. He recalled that as mayor of Olongapo, he advocated *not just a change of men but a change in men* because he believed that changing leaders will only be in vain unless people change themselves first. Moreover, he believed that accountability is a major factor towards change so his office bombarded the Olongapo community with slogans to foster a sense of pride and a sense of common cause among the residents. What happened during the people power revolution, he pointed out, was that Filipinos had a vision of a better future. He recalled former Senator Diokno who stressed the importance of people sharing a common cause and exercising civic responsibility together.

Moreover, Senator Gordon expressed the view that the current transactional society is the reason behind the failure of leadership in government. He stated that the *kumpadre* system dating back to the Spanish regime created factional society and that Jose Rizal became a hero because he was a transformational leader.

Asked where transformation could begin, Senator Gordon replied that it could happen in one's own family and community. He informed the Body that his own wife lines up when getting a visa at the U.S. Embassy and his family line up for tickets at moviehouses like other people. He felt that he had been successful in creating a sense of community in Olongapo where people volunteered for a common cause.

Relative thereto, Senator Osmeña posited that the Philippines has a dualist society as far as values are concerned but people tend to follow the rules when they are treated equally, when they see that no one is exempt from the law. But he noted that the Spanish culture inherited by Filipinos led to the development of a vertical rather than a horizontal society. During his visit to the U.S. to lobby for the sugar quota, he recalled having a conversation with sugar lobbyist Harry Cop who informed him that despite comprising only 2% of the entire U.S. population, farmers are a powerful lobby group because they strongly identify with and support a sector in trouble. In the Philippines, he said, lobby groups have no clout because of a "to each his own" mentality. He conceded that this problem could not be solved immediately but the Body could take initiatives towards some kind of reexamination in order to bring about the type of society that the future generation deserves.

Expressing appreciation for Senator Osmeña's insights on the subject, Senator Gordon said that encouraging a sense of community among Filipinos had been one of his advocacies as tourism secretary. He recalled that the Light and Sound Show created by the Department of Tourism in Intramuros meant to deliver the message that the Spanish colonization of the Philippines fractured the country and brought about the concept of prioritizing individual interest over that of the country. He invited the Senators to the unveiling of the Lapu-Lapu monument which would be dubbed as the "Statue of Liberty" of the Philippines as Lapu-Lapu was the first Asian to defeat a colonial master.

Senator Gordon opined that the Filipinos' failure to appreciate the nation's past before the Spanish colonization or to write *finis* on major cases prevents the country from effecting positive change.

To the observation that corruption should first be whittled down in order for this to be realized, Senator Gordon disagreed as he pointed out that the United States at one time was among the corrupt nations in the world, yet in the midst of conception, it built a railroad and brought forth such institutions as the Stanford University and the Stanford Medical Center. He stressed the need for the Body to realize that the real value of leadership is to uplift the level of behavior of the people.

Senator Osmeña commented that it took the IPU Conference hosted by the Senate to rehabilitate

and upgrade the Cultural Center of the Philippines. He lamented that beyond philanthropy, people do not realize and see beauty outside their households or circle of friends. He pointed out the need to uphold civic-related activities in schools as a means to develop student's character. Senator Gordon agreed, adding that getting involved in community activities such as boy and girl scouts and Red Cross activities would help the youth discover a world and time beyond their own.

Senator Osmeña mentioned that the school program adopted by DepEd Secretary Abad encourages parents to visit their children's schools once a week or twice a month to see what the school and the schoolchildren need. He believed that it is important to inculcate in the children that they should have a sense of responsibility as citizens. Senator Gordon shared the same view, adding that this process would also enhance the child's self-worth and show him/her how to be of help to other people. He proposed that a copy of the discussion on these issues be sent to schools so the children could pick up the value for themselves.

Senator Osmeña expressed hope that people would begin to think how changes could be made to make this world a better place.

INTERPELLATION OF SENATOR PANGILINAN

Preliminarily, Senator Pangilinan congratulated Senator Gordon for bringing up issues on the seeming breakdown of law and order and the absence of justice in the country.

Senator Pangilinan recalled that before becoming a senator, he worked for Channel 2 as a legal correspondent for almost nine years and the particular crusade that he focused on was how to hasten the justice system in the country. He said that as legal counsel for the station, he featured almost 300 cases before different courts throughout the country and the government's apparent inability to render justice swiftly was a question he had been asked repeatedly for the past decade. He surmised that corruption, illegal logging, murder, and other rampant crimes happen because of the government's inability to punish enough. He stated that the people's concept of right and wrong is warped such that for them, getting caught and punished is more due to luck than to the need for

justice and fairness. He believed that the justice system would not improve unless the people's mindset changed. Adverting to the IPU experience where the government was able to arrest and convict in a span of one week an assailant of a delegate from Belgium, he opined that the swiftness in resolving that particular case was encouraging.

Senator Gordon disclosed that following the incident, he called up Mayor Trinidad of Pasay City to inform him of an administrative order by the Supreme Court allowing continuous hearing of cases against tourists, provided there is evidence. He stressed the need for knowledge and information, a good police force, and courageous officials like Mayor Trinidad to push for the resolution of a case. It needs pride of country, he asserted, to show the world that people who attacked a tourist would be punished because they did wrong. He proposed that the three branches of government hold a summit to discuss, among other things, the speedy trial of cases and arming the police force not only with guns but also with skills, knowledge, drive and resourcefulness to solve cases.

On the observation that 10 or 20 more "Brion" cases in the next six months would have an impact on the people's view of the Philippine justice system, Senator Gordon commented that it could actually create a revolution of attitude particularly among the policemen and the community.

Senator Pangilinan agreed that the sense of helplessness in the country's justice system may be resolved by the proposed summit in which key cases would be identified and, thereafter, tried swiftly in courts. This way, he said, the government can show the public that the justice system is functioning and that with the support of the people, the PNP and the bureaucracy, the government's inability to punish criminals could be addressed.

Senator Gordon believed that such a condition would require consistency on the part of the country's leaders who must stress constantly that peace and order in the community is important. He expressed concern that if this responsibility is delegated to one agency or the PNP chief, this valuable lesson might be forgotten in time.

On the information that the conviction rate of the Ombudsman increased from 6% three years ago to 20% at present, Senator Gordon declined to go into statistics because, to him, a lot of cases in the

Ombudsman are frivolous. He disclosed that he himself was a victim of such harassment. He believed that the government would be sending a wrong signal if the real cases that need to be tried are dismissed. He observed that even in Muntinlupa, some prisoners are more favored than the others which show the lopsided sense of justice in the Philippines.

Senator Pangilinan noted that the stakeholders and the people who are supposed to respect the rule of law are rendered almost in a state of helplessness and paralysis. Senator Gordon replied that, precisely, he delivered his speech as he does not want to be part of that hopelessness. He admitted that it might have been tedious to some of his colleagues to hear the long list of unsolved cases. But he felt that it was important for him to read out the list in order to assure the victims' families that the injustice done them has not been forgotten by the Body.

As regards the criminal justice system, Senator Pangilinan cited the additional P150 million allocation in the 2005 budget for the Office of the Ombudsman. He believed that this major resource allocation for an anti-crime entity is unprecedented which, if effectively implemented, would result in swifter convictions. Part of the allocation, he disclosed, would be used to implement an education and information program on crime prevention, among other things.

Moreover, Senator Pangilinan mentioned that the pay of prosecutors and judges was doubled during the 12th Congress, as a result of which, the number of applications to vacant positions in the judiciary has risen to unprecedented levels. For instance, he informed the Body that the Judicial and Bar Council received 56 applications for two vacancies in the Caloocan Regional Trial Court and 80 applications for two vacancies in the Sandiganbayan, where before, the JBC had to persuade disinterested lawyers that their names be used in order to complete the list of three names per vacancy as required by the Constitution.

Senator Pangilinan believed that the filling of vacancies in the positions of prosecutors and judges would address the backlog of cases. He expressed hope that the present 40% rate of vacancy in the first level courts and about 10% in the second level courts would be considerably lowered in the near future, so that cases could be disposed of more

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quickly. When that happened, he stressed, there would be more respect for the rule of law as quicker convictions would deter people from committing heinous crimes. He offered to meet with Senator Gordon on the proposed summit.

Finally, Senator Pangilinan urged families of victims not to lose interest in their cases even if it would take years to get a conviction. Not giving up, he underscored, would eventually bring about the needed change in the justice system. Senator Gordon shared Senator Pangilinan's hopes, stressing that criminals must know that the full force of the law would be used against them.

REFERRAL OF SPEECH TO COMMITTEE

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

ADDITIONAL 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. 1981, entitled

AN ACT TO PROMOTE MARITIME SAFETY, ENHANCE MARITIME SECURITY, AND SAFEGUARD AND PROTECT THE MARINE ENVIRONMENT BY STRENGTHENING THE PHILIPPINE COAST GUARD

Introduced by Senator Gordon

To the Committees on National Defense and Security; Civil Service and Government Reorganization; and Finance

Senate Bill No. 1982, entitled

AN ACT GRANTING ADDITIONAL BENEFITS AND PRIVILEGES TO DISABLED PERSONS AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7277, OTHERWISE KNOWN AS THE "MAGNA CARTA FOR

"DISABLED PERSONS" AND FOR OTHER PURPOSES

Introduced by Senator Angara

To the Committees on Social Justice, Welfare and Rural Development; and Ways and Means

RESOLUTIONS

Proposed Senate Resolution No. 238, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON GAMES, AMUSEMENT AND SPORTS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED INVOLVEMENT IN JUETENG OPERATIONS OF THREE RELATIVES OF A TOP GOVERNMENT OFFICIAL AND THE CONTINUING PROLIFERATION OF THIS ILLEGAL NUMBERS GAME IN THE COUNTRY

Introduced by Senator Drilon

To the Committee on Games, Amusement and Sports

Proposed Senate Resolution No. 239, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON JUSTICE AND HUMAN RIGHTS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION ON THE REPORTED KILLINGS OF OFFICERS AND MEMBERS OF ACTIVIST PARTY-LIST ORGANIZATIONS AND OF MILITANT PEOPLE'S AND HUMAN RIGHTS ORGANIZATIONS

Introduced by Senator Defensor Santiago, Miriam

To the Committee on Justice and Human Rights

Proposed Senate Resolution No. 240, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON LABOR, ¹¹

EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT TO CONDUCT AN INQUIRY IN AID OF LEGISLATION ON THE WORKING CONDITIONS OF FILIPINO CAREGIVERS IN OTHER COUNTRIES TO ENSURE THAT THEY ARE NOT SUBJECTED TO HARSH AND EXPLOITATIVE CONDITIONS AND THAT THEY ARE GIVEN COMMENSURATE COMPENSATION FOR THEIR LABOR

Introduced by Senator Defensor Santiago, Miriam

To the Committee on Labor, Employment and Human Resources Development

ANNOUNCEMENT OF THE CHAIR

The Chair advised the Members to proceed to the Session Hall of the House of Representatives before four o'clock in the afternoon of the following


day for the Joint Session of Congress to hear the address of His Excellency President Hu Jintao of the People's Republic of China.

ADJOURNMENT OF SESSION

Upon motion of Senator Pangilinan, there being no objection, the Chair declared the session adjourned until 4:30 in the afternoon of the following day for the Joint Session of Congress, after which, the session of the Senate shall be considered adjourned until three o'clock in the afternoon of Monday, May 2, 2005.

It was 6:02 p.m.

I hereby certify to the correctness of the foregoing.


OSCAR G. YABES
Secretary of the Senate
Yo *llr* *W*

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