



REPUBLIC OF THE PHILIPPINES

S e n a t e

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Journal

SESSION NO. 85

Monday, May 16, 2005

**THIRTEENTH CONGRESS
FIRST REGULAR SESSION**

SESSION NO. 85
Monday, May 16, 2005

CALL TO ORDER

At 3:48 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

PRAYER

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

AN OFFERING OF THE SELF
*(A prayer culled from Pope John Paul's
inspirational messages)*

O Lord,

May our spirits be inundated with Your light and Your enabling power as we seek to accomplish Your purposes amongst Your people.

May we not prize human relationships based on self-interest and personal gain, leaving no room for the poor and the weak.

May we welcome and love every person, even the least gifted, regardless of their qualities and defects.

The greater the people's hardships are, the more may they be the object of our practical love and concern.

May we possess such kind of love which bears witness in our accepting responsibility for the sick, the marginalized, the poor and exploited.

This way, allow us to become apostles of Your enduring hope and builders of broken dreams.

Through Your transforming grace, in Jesus' Name we pray as a nation.

Amen.

NATIONAL ANTHEM

The Mapua Institute of Technology Chorale led the singing of the national anthem and, thereafter, rendered the song entitled *Isang Lahi*.

ROLL CALL

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

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|----------------------------|---------------------|
| Cayetano, C. P. S. | Gordon, R. J. |
| Defensor Santiago, M. | Lacson, P. M. |
| Drilon, F. M. | Lapid, M. L. M. |
| Ejercito Estrada, J. | Lim, A. S. |
| Ejercito Estrada, L. L. P. | Magsaysay, R. B. |
| Enrile, J. P. | Pimentel Jr., A. Q. |
| Flavier, J. M. | Revilla Jr., R. B. |

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

Senator Osmeña arrived after the roll call.

Senators Angara, Arroyo, Biazon, Pangilinan, Recto and Villar were on official mission abroad.

Senators Madrigal and Roxas were absent on account of illness.

**APPROVAL OF THE JOURNALS
OF SESSION NOS. 83 AND 84**

Upon motion of Senator Cayetano, there being no objection, the Body dispensed with the reading of the Journals of Session Nos. 83 and 84 and considered them, approved.

REFERENCE OF BUSINESS

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

**MESSAGE OF THE PRESIDENT
OF THE PHILIPPINES**

Letter of Her Excellency, President Gloria Macapagal Arroyo dated May 9, 2005, certifying to the necessity of the immediate enactment of Senate Bill No. 1830, entitled *✱*

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AN ACT AMENDING REPUBLIC ACT NUMBERED NINETY-ONE HUNDRED AND EIGHTY-TWO (R.A. 9182), OTHERWISE KNOWN AS THE SPECIAL PURPOSE VEHICLE ACT OF 2002,

to address the public emergency consisting of the need for the financial sector to maximize the benefits of the Special Purpose Vehicle Act and to eliminate existing barriers in the acquisition of non-performing assets by extending the deadlines for the establishment of a Special Purpose Vehicle (SPV) and for the availment of tax exemptions and privileges in the sale and transfer of Non-Performing Assets (NPAs).

To the Committee on Rules

BILL ON FIRST READING

Senate Bill No. 1999, entitled

AN ACT PROVIDING FOR THE NO-BIDDING SALE OF GOVERNMENT OWNED PROPERTIES TO ITS OCCUPANTS FOR SOCIALIZED HOUSING, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7279 OTHERWISE KNOWN AS THE URBAN DEVELOPMENT AND HOUSING ACT OF 1992, AND FOR OTHER PURPOSES

Introduced by Senator Biazon

**To the Committee on Urban Planning
Housing and Resettlement**

RESOLUTIONS

Proposed Senate Resolution No. 256, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEES TO INVESTIGATE, IN AID OF LEGISLATION, THE SERIES OF DEATHS OF POLITICAL ACTIVISTS AND GOVERNMENT OFFICIALS IN THE COUNTRY, FOR THE PURPOSE OF FORMULATING POLICY MEASURES TO SOLVE AND END THESE KILLINGS AND

TO MAINTAIN PEACE AND ORDER IN THE COUNTRY

Introduced by Senator Ramon "Bong" Revilla Jr.

To the Committee on Justice and Human Rights

Proposed Senate Resolution No. 257, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO INVESTIGATE, IN AID OF LEGISLATION, THE SERIES OF DEATHS OF JOURNALISTS IN THE COUNTRY, FOR THE PURPOSE OF FORMULATING POLICY MEASURES TO SOLVE AND END THESE KILLINGS AND TO RESTORE PEACE AND ORDER IN THE COUNTRY

Introduced by Senator "Bong" Revilla Jr.

**To the Committees on Public Order and
Illegal Drugs; and Public Information and Mass
Media**

Proposed Senate Resolution No. 258, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON PUBLIC INFORMATION AND MASS MEDIA TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE STATUS OF THE IMPLEMENTATION OF INCENTIVES AND REWARD SYSTEM FOR MOVIE PRODUCERS UNDER REPUBLIC ACT NO. 9167

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committee on Public Information
and Mass Media**

ADDITIONAL REFERENCE OF BUSINESS

**MESSAGES FROM THE
HOUSE OF REPRESENTATIVES**

Letter from the Secretary General of the House of Representatives dated May 11, 2005, informing the Senate that on May 10, 2005, the House of

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Representatives approved the following House bills in which it requested the concurrence of the Senate:

House Bill No. 2454, entitled

AN ACT GRANTING PHILIPPINE
CITIZENSHIP TO MR. JOSE R.
RODRIGUEZ

**To the Committee on Justice and Human
Rights**

and House Bill No. 2826, entitled

AN ACT DECLARING JUNE 20 OF
EVERY YEAR A SPECIAL NON-
WORKING HOLIDAY IN THE CITY
OF DAGUPAN

To the Committee on Local Government

**QUESTION OF PRIVILEGE
OF SENATOR PIMENTEL**

Rising to a question of personal privilege, Senator Pimentel spoke on the difficulties he had encountered in trying to get a public hearing on the privilege speech he delivered on April 20 and on Senate Resolution No. 236.

The full text of the speech follows:

**THE PROBE ON JUETENG CALLS
FOR PROBERS WITH CLEAN HANDS**

For backgrounders, let me state the following facts:

1. On April 20, I delivered a privilege speech, "*Jueteng* is Beatable or Why Hard Work, not Gambling, is the Key to Eradicating Poverty." The speech and the interpellations thereon were referred to the Committee on Public Order and Illegal Drugs.
2. On April 21, I filed a resolution "directing the Senate Committee on Games, Amusement and Sports to conduct an investigation, in aid of legislation, into the implementation of the anti-*jueteng* law amidst the rampant operations of *jueteng* and other forms of illegal gambling.

3. On April 25, the Senate adopted the resolution as Senate Resolution No. 236 bearing the same title and referred it to the Games, Amusement and Sports Committee.

Intervention needed

My April 20 privilege speech and April 21 Senate Resolution No. 236 refer essentially to the same subject matter: *jueteng* and the illegal numbers game. But even as they have one and the same subject matter, they were referred to two different committees.

The intervention of this Chamber is, therefore, needed to rectify the confusion that arises from the said referrals. Since the *jueteng* issue is not only sensitive but also deadly (threats had been aired against some of our known witnesses), it is important that even before the inquiry starts, the people, our witnesses, our resource persons and us, the Members of this Chamber, know with utmost transparency how the inquiry will play out.

Unless the matter is threshed out early enough, questions that beg for urgent answers would arise. For instance, which committee should first calendar the hearing? Which committee should have first crack at calling the witnesses? And what procedure to be followed should be agreed upon at the first instance.

From the records, it appears that the Committee that first received a referral on the *jueteng* issue that I had raised was the Committee on Public Order and Illegal Drugs. The Senate referred my April 20 privilege speech on *jueteng* to it on the very day that I delivered that speech (For easy reference, I am annexing that speech in full as *Annex A*, of this statement).

Another referral

Five days later, that is, on April 25, the Senate referred the resolution that I authored which had by now become Senate Resolution No. 236 to the Games, Amusement and Sports Committee.

In terms of time, then, it appears that the Committee on Public Order and Illegal Drugs has precedence over the Committee on Games, Amusement and Sports over the issue of *jueteng* that I had brought for the consideration of the Senate. In this regard, let me state for the record that I do not have the slightest hesitation to allow the Committee on Public Order and Illegal Drugs to conduct the hearings on the issues raised in the privilege speech that was referred to it.

Please know that in an attempt to forestall a formal disputation over the issue as to which committee should take the lead role over the *jueteng* inquiry in aid of legislation that I am seeking, I intimated in some media interviews that perhaps, the Chair of the Committee on Games, Amusement and Sports should consider inhibiting himself. But after 10 days of verbalizing through the mass media my concerns as diplomatically as I could over his perceived inability to handle the *jueteng* probe with impartiality and finesse and getting no clear responses from him, I decided to put my observations in writing.

First Letter

On May 5, I wrote a letter to the Chair of the Committee (For easy reference again, *Annex B* of this statement contains that letter in full).

In the letter, I mentioned to the Chair that if the published reports in the press were true that he would not inhibit himself from chairing the hearings of his Committee to which the *jueteng* resolution that I filed on April 21, 2005, was subsequently referred, then he would unnecessarily be putting himself in a bad situation. From there, there would be no way, I thought, that he could come out of the hearings unscathed.

The reason I said that is that the Chair comes from Pampanga where *jueteng* is more pervasive than the e-coli virus inhabiting the cesspools of the rich and the famous in Makati. By not inhibiting himself, he was inviting formal motions to move him to do so.

Messy

I also indicated in the letter that the motions were bound to become messy especially because his son, the governor, was also proposed as a witness to the hearings that he would be conducting as chair of the Committee. That said, I suggested that that should be more than enough reason for him to recuse himself.

Since I had been informally told that the Chair was waiting for a list of persons to be invited to the Senate hearings before he could act formally on the resolution and I did not want to be perceived as the cause for the delay of the inquiry, I submitted the names of 24 witnesses.

In addition, I said in the letter that there will be other witnesses whose names were not in the list but whose testimony would be of critical importance to our search for truth in the *jueteng* probe.

Flow

I also suggested a plan to ensure the smooth flow of the investigation. I said that "Since we have 24 witnesses (as of now), I suggest that your Committee summon them serially as enumerated in the letter. The reason why I do not suggest that we invite them all together is that I know from a fairly long experience in congressional investigations that if we do so, the members of the Committee would wind up barely scratching the surface of the problem of *jueteng* instead of digging more deeply into the substantial issues of why it is proliferating, the identities of the *jueteng* lords and their protectors and their respective takers from the game." The mass media, I added, would love the spectacle of so many *jueteng* witnesses and, in their minds, suspects present in one investigating room at the same time. It would be good for photo-op purposes "but not for the purpose for which the resolution at issue was referred to the Committee of the Chair."

Procedurally, I suggested in the letter that "we hear six witnesses at every hearing." For obvious reasons, no inference of their guilt or innocence may be drawn

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simply because they are proposed to be summoned to the hearings.”

Nicknames/aliases

I also adverted to the fact that some of the names in my letter to the Chair were “nicknames or aliases. Their exact addresses are not indicated.” “I assume,” I told the Chair, “that your Committee staff has enough discretion to gather the missing data and forward them to the process servers so that the latter cannot say that they cannot serve the summonses to the persons named because the list does not contain their exact full names or addresses.”

In fine, I recommended in the letter that:

At **HEARING NO. 1**, the following should be invited and heard:

1. Mr. Romeo Lajara of Baguio City;
2. Mayor Jess Viceo of Bulacan;
3. Bong Pineda of Pampanga;
4. Gov. Luis Chavit Singson of Ilocos Sur;
5. Archbishop Oscar Cruz of Pangasinan; and
6. Tony Santos of Marikina/Metro-Manila.

At **HEARING NO. 2**:

1. Gov. Jose V. Yap Jr. of Tarlac;
2. Gov. Jesus O. Typoco Jr. of Camarines Norte;
3. Art Katigbak of Cavite;
4. Ngongo of Pampanga;
5. Bishop Ramon B. Villena D.D. of Bayombong Nueva Vizcaya; and
6. PNP S/Supt. Rowland Albano.

At **HEARING NO. 3**:

1. Gov. Vicente P. Magsaysay of Zambales;
2. Gov. Armando C. Sanchez of Batangas;
3. Vice Gov. Mariano Cristino N. Joson IV of Nueva Ecija;
4. Mario Garcia of Pampanga;
5. Col. Rodolfo Mendoza; and
6. Boy Tangkad.

At **HEARING NO. 4**:

1. Gov. Luis Raymund F. Villafuerte Jr. of Camarines Sur;
2. Bureau of Customs Commissioner Bert Lina;

3. Charing Magbuhos of Quezon; •
4. PNP Police Director General Arturo Lumibao;
5. Gov. Mark T. Lapid, Pampanga; and
6. PNP S/Supt. Pat Hernandez

I told the Chair in the letter that he need not be reminded that if “they do not come in answer to your invitation, the Committee may, then, subpoena them to be present and testify at the subsequent hearing.”

Continuous hearings

I also requested the Chair that to expedite matters, “the hearings be held continuously from Monday up to Saturday of the week the Committee chooses until the hearings are terminated.”

Finally, I asked that if the Chair or our colleagues in the Committee do not wish to have the vice chair of the Committee replace him in the event he would inhibit himself, that we hold a preliminary session perhaps on the first day of the Committee hearing to determine who should replace him in the event that he does recuse himself from chairing the Committee as proposed.

Four days of waiting

After four days of waiting vainly for a formal reply from him, I sent the Chair a second letter on May 9 (For easy reference, see *Annex C*, letter in full). I was getting apprehensive that the Chair did not fully comprehend the import of the suggestions that I had made in my letter to him dated May 5. I thought he was probably hesitant to get the Committee to act on my suggestions, among other things, because some of the witnesses that I had named in my first letter to him only had aliases or that their addresses were not quite specific. Thus, you will note that in the second letter, the names of some witnesses who were only identified by nicknames or aliases were now named more clearly and their addresses were made more specific.

Two days after I sent my second letter to him, I was flabbergasted to read in, at least, one tabloid, *Abante*, in its issue of May 7, that the Chair had so callously

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ignored the demands of *delicadeza* in the search for truth in the proposed *jueteng* probe. The tabloid quoted him as having already cleared Bong Pineda from any connection with *jueteng* "because he was his friend!"

To quote the May 7 issue of the *Abante*, its banner-headline screamed:

"Matalik ko siyang kaibigan!
PINEDA NILINIS AGAD NI LAPID"

Before we take up the pertinent portions of the second letter, may I cite the lead paragraph of the two-page *Abante* story that said: "*Hindi pa man nagsisimula ang imbestigasyon ng Senado sa umusok na namang operasyon ng illegal gambling na jueteng at ang malaking 'payola' nito sa ilang matataas na opisyal ng gobyerno, mistulang nilinis na ni Sen. Lito Lapid, chairman ng Senate committee on games, amusement and sports, ang pangalan ng suspected Central Luzon gambling lord na si Rodolfo 'Bong' Pineda.*"

The next paragraph stated that "*Kasabay nito ay walang pangimi ring inamin ng senador na didinig sa jueteng payola na totoong matalik niyang kaibigan si Pineda bukod pa sa pagiging kababayan niya sa Pampanga.*"

The *Abante* news item that literally disrobed the Chair of the Committee was the collaborative effort of Boyet Jadulco, Bernard Taguinod, Rose Miranda, Irish Ann Cruz and Nerlie Ledesma. Up to this moment, I am not aware that the Chair had corrected the news story.

Now, in the second letter that I sent him, I suggested to the Chair, that:

To help the Staff of your Committee locate the lesser-known personalities mentioned in my letter to you dated May 5, 2005, who should be invited to the *jueteng* probe that your committee is conducting, I am submitting to you the following data:

1. ROMY LAJARA
Agoo, La Union
(note: now operating outside of Baguio);

2. RODOLFO (Bong) Q. PINEDA
Lubao, Pampanga;
3. MELCHOR (Ngongo) CALAUAG
St. Dominic Subdivision
City of San Fernando, Pampanga;
4. ROSARIO (Charing) MAGBUHOS
San Pablo City;
5. GENER (Boy Tangkad) DAVID
(at the back of Mario's Restaurant
along Tomas Morato, QC); and
6. S/Supt PAT HERNANDEZ
Chief Operations Division
CIDG Headquarters
Camp Crame, Quezon City

In addition to the six names mentioned, I also proposed that the Committee may invite:

7. The Vice Mayor of Tiwi, Albay;
8. Mr. X c/o Archbishop Oscar Cruz;
and
9. Mr. Y c/o my office

I urged him to invite the last three personalities to give their testimonies after the previously named witnesses are through with theirs.

In fairness, I make it of record that on May 11, our office received a two-page letter from the Chair of the Committee responding to my May 5 letter to him. It is about six days later.

Shorn of other matters, the Chair said that he would not inhibit himself from chairing the Committee hearings precisely because he comes "from Pampanga where *jueteng* is believed to be pervasive." He added that "As a Kapampangan," he owes it to his constituents "to have an active and major participation in the resolution of this issue."

Clean hands needed

Respectfully, I disagree because I am not seeking his inhibition because he is a Kapampangan but because by his actuations and by his words – he has provided the proof that he will not be able to give the investigation free rein for the truth to come out. That is the reason. Not because Senator Lapid is a *Kapampangan*, therefore,

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I want him out. No, sir. For one thing, he has cleared Bong Pineda, who everyone in Pampanga and in Central Luzon, including the Archbishop of Lingayen, says is involved in the operation of *jueteng*. For another, his son, the governor, is one of the persons suggested for invitation to the probe. I understand that in the media interview, he said that he will not inhibit himself as regards the other witnesses. He will only inhibit himself when Mark Lapid comes to testify. I think Senator Lapid will bear me out that this is what he said.

The unfortunate thing about that is that the Chair does not seem to realize that in the formulation of the report of the Committee, he will have to have an active role in the preparation of that report, and if he presides over the hearings of the Committee as far as the other witnesses are concerned but merely inhibits himself as regards the appearance of his son, then I am not too sure that the country or the Senate can benefit from an honest-to-goodness rendition of the evidence that had been gathered at the hearing.

How – under the circumstances – the Chair will handle the investigation with clean hands really escapes me.

Not demonizing

In any event, as one can readily see, there is no intention to demonize, demean or belittle the Chair in the requests thus far made for him to inhibit himself. Our interest is simply to make sure that the truth will come out of this inquiry as professionally as possible – no matter who gets hurt.

I am aware that there is a Rule that members of a committee can use to oust a committee or a chair from conducting a hearing over a matter that has been referred to it.

Reasonable compromise

That said, as much as possible, I do not wish to have to resort to it because it would leave a bad taste in the mouths of all concerned. As much as possible, I would rather that a compromise is reached by the

intervention of this Body to settle the matter. I will go along with any compromise that is reasonable and is so crafted as to ensure that the truth will come out of the proposed inquiry. I would like the identities of the *jueteng* lords revealed and their protectors in the officialdom unmasked. I would like to know the amounts of bribe money that pass from the *jueteng* lords to their bribees. I want the overall havoc that *jueteng* brings to the nation and our people assessed. And I want to find out just what we can do about it as legislators.

I am sorry to say that I do not think that the expected output or, at least, a substantial part of it, would be achieved unless the Chair inhibits himself or unless the Committee on Public Order and Illegal Drugs is made the lead committee of the *jueteng* probe.

To bring about that compromise, may I suggest the following:

1. That the intention of the Chair of the Committee on Games, Amusement and Sports, to conduct a hearing on May 18, 2005, be held in abeyance while this Body is looking into a way out of the problem that I have raised;
2. That the lead committee insofar as my privilege speech of April 20 and resolution on *jueteng* of April 21 should be the Committee on Public Order and Illegal Drugs;
3. That the two committees may jointly conduct the hearings with the Committee on Public Order and Illegal Drugs as the lead committee and the Committee on Games, Amusement and Sports as the secondary committee; and although it is a long shot,
4. That as a final probability, considering the gravity of the problem of *jueteng* that leads to massive corruption of officials on the take which also in turn results in electoral frauds of pandemic proportions that make a mockery of our democratic order, the Senate should consider coordinating with the House so that a joint investigation is conducted

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over the menace posed by *jueteng* to the country as a whole and to the officialdom in particular.

I submit that there may be other options that I have not explored. I leave it to the collective wisdom of my colleagues to suggest what these might be.

Before I end this talk, may I put on record that the following should also be called to testify in the *jueteng* inquiry:

1. Governor Grace Padaca of Isabela; and
2. Governor Ningning Lazaro of Laguna.

ANNEXES A, B, AND C

Annex A – April 20, 2005, Privilege Speech of Senator Pimentel: JUETENG IS BEATABLE OR WHY HARD WORK, NOT GAMBLING, IS THE KEY TO ERADICATING POVERTY

The day after 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 body.

Politically loaded issue

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

The Archbishop did not do that. He took the issue by the horn. 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 or 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 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

Happily, too, Archbishop Cruz and the local government awardees of the Crusade against *Jueteng*, have shown that it can be beaten.

As the mayor of Cagayan de Oro City from 1980-84, I saw first hand the evils of *masiao* which is the Mindanao and the Visayas version of *jueteng*.

I saw people grow lazy in that instead of working to head off poverty, they place their hopes for a better life on *masiao*. I saw the *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 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's 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 there was no way I would ever do that.

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Handwritten mark

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 began with bribing the police to allow *jueteng/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 office now and then, was reduced to issuing verbal reminders that *masiao* won't 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 dead in a barangay in the city. Other victims survived and were brought to the city hospital. 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 sometime, *masiao* died down in the city. But not for long. It has since resurfaced and I understand that it is now proliferating there and 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 police 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 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 penalty 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 officials, who are receiving their awards 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 their efforts to wipe out *jueteng* in their respective local jurisdictions, I am afraid that the moment that they relax their guard or when they are no longer in office, like the Phoenix, *jueteng* will rise again

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even in the places where they are now on the run.

I suggest that there is an earlier and a 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. 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 government policies converge to create jobs for our people.

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

There's hope

My dear friends, we still 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 dedicated local government officials, there is hope for this country.

Annex B, Letter to Sen. Lapid, May 5, 2005:

May 5, 2005

SENATOR LITO LAPID

Chairman

Committee on Games, Amusement and Sports
Senate, Pasay City

Dear Mr. Chairman:

I understand from published reports in the press that you have decided not to inhibit yourself from chairing the hearings of your Committee on the *jueteng* resolution that I filed on April 21, 2005 which was subsequently referred to the Committee by the Senate.

As a colleague in the Senate, I feel that you are unnecessarily putting yourself in a bad situation where there is no way you can come out of the hearings unscathed.

The reason I say this is that you come from Pampanga where *jueteng* is more pervasive than the e-coli virus inhabiting the cesspools of the rich and the famous in Makati. By not inhibiting yourself, you invite formal motions to move you to do so which are bound to become messy especially because your son, the governor, is also proposed as a witness to the hearings that you will be conducting as chair of the Committee. That should be more than enough reason for you to inhibit yourself.

In any event, since you are apparently waiting for a list of persons to be invited to the Senate hearings, I submit for your consideration 24 names.

There will be other witnesses whose names are not in the list but whose testimony would be of critical importance to our search for truth in the *jueteng* probe.

Since we have 24 witnesses (as of now), I suggest that your Committee summon them serially as enumerated below. The reason why I do not suggest that we invite them all together is that I know from a fairly long experience in congressional investigations that if we do so, the members of the Committee would wind up barely scratching the surface of the problem of *jueteng* instead of digging more deeply into the substantial issues of *why* it is proliferating, the identities of the *jueteng* lords and their protectors and their respective takes from the game. The mass media, of course, will love it. It will be good for photo-op purposes but not for the purposes for which the resolution at issue was referred to your Committee.

ALC

MS

Hence, I suggest that procedurally, we hear six witnesses at every hearing. Please note that the names are furnished only for purposes of getting the hearings started. For obvious reasons, no inference of their guilt or innocence may be drawn simply because they are proposed to be summoned to the hearings.

Some of the names here are nicknames or aliases. Their exact addresses are not indicated. I assume that your Committee staff has enough discretion to gather the missing data and forward them to the process servers so that the latter cannot say that they cannot serve the summonses to the persons named because the list does not contain their exact full names or addresses.

Immediately following below are the suggested number of hearings to be conducted and the names of the witnesses to be summoned thereto:

HEARING NO. 1:

1. Mr. Romeo Lajara of Baguio City;
2. Mayor Jess Viceo of Bulacan;
3. Bong Pineda of Pampanga;
4. Gov. Luis Chavit Singson of Ilocos Sur;
5. Archbishop Oscar Cruz of Pangasinan; and
6. Tony Santos of Marikina/Metro-Manila.

HEARING NO. 2:

1. Gov. Jose V. Yap Jr. of Tarlac;
2. Gov. Jesus O. Typoco Jr. of Camarines Norte;
3. Art Katigbak of Cavite;
4. Ngongo of Pampanga;
5. Bishop Ramon B. Villena D.D. of Bayombong Nueva Vizcaya; and
6. PNP S/Supt. Rowland Albano.

HEARING NO. 3:

1. Gov. Vicente P. Magsaysay of Zambales;
2. Gov. Armando C. Sanchez of Batangas;
3. Vice Gov. Mariano Cristino N. Joson IV of Nueva Ecija;
4. Mario Garcia of Pampanga;
5. Col. Rodolfo Mendoza; and
6. Boy Tangkad.

HEARING NO. 4:

1. Gov. Luis Raymund F. Villafuerte Jr. of Camarines Sur;
2. Bureau of Customs Commissioner Bert Lina;
3. Charing Magbuhos of Quezon;
4. PNP Police Director General Arturo Lumibao;
5. Gov. Mark T. Lapid, Pampanga; and
6. PNP S/Supt. Pat Hernandez

I need not remind you that if they do not come in answer to your invitation, the Committee

may, then, subpoena them to be present and testify at the subsequent hearing.

To expedite matters, I suggest that the hearings be held continuously from Monday up to Saturday of the week the Committee chooses until terminated.

Now, if you or our colleagues in the Committee do not wish to have the vice chair of the Committee to replace you in the event you inhibit yourself, I suggest that we hold a preliminary hearing perhaps on the day the Committee calls the first set of witnesses to determine who should replace you in the event that you do recuse yourself from chairing the Committee hearings on jueteng.

I am furnishing all the members of the Committee with a copy of this communication for their information and guidance.

Fraternally yours,

AQUILINO Q. PIMENTEL JR.

Copies (as indicated):

1. Sen. Joker P. Arroyo
2. Sen. Rodolfo G. Biazon
3. Sen. Jinggoy Ejercito Estrada
4. Sen. Panfilo M. Lacson
5. Sen. Alfredo S. Lim
6. Sen. Sergio R. Osmeña III
7. Sen. Ramon Revilla Jr.
8. Sen. Manuel A. Roxas

Annex C, Letter to Senator Lapid, May 9, 2005:

SENATOR LITO LAPID

Chairman

Committee on Games, Amusement and Sports
Senate, Pasay City

Dear Mr. Chairman:

To help the Staff of your Committee locate the lesser-known personalities mentioned in my letter to you dated May 5, 2005, who should be invited to the jueteng probe that your committee is conducting, I am submitting to you the following:

1. ROMY LAJARA
Agoo, La Union
(note: now operating outside
of Baguio);
2. RODOLFO (Bong) Q. PINEDA
Lubao, Pampanga;
3. MELCHOR (Ngongo) CALAUAG
St. Dominic Subdivision
City of San Fernando, Pampanga;

MS

4. ROSARIO (Charing) MAGBUHOS
San Pablo City;
5. GENER (Boy Tangkad) DAVID
(at the back of Mario's Restaurant
along Tomas Morato, QC); and
6. S/Supt PAT HERNANDEZ
Chief Operations Division
CIDG Headquarters
Camp Crame, Quezon City

You may also invite:

7. The Vice Mayor of Tiwi, Albay;
8. Mr. X c/o Archbishop Oscar Cruz; and
9. Mr. Y c/o my office

I suggest that you invite the last three personalities to give their testimonies after the previously named witnesses are through with theirs.

Thank you.

Very truly yours,

AQUILINO Q. PIMENTEL JR.

Copy furnished:

1. Sen. Joker P. Arroyo
2. Sen. Rodolfo G. Biazon
3. Sen. Jinggoy Ejercito Estrada
4. Sen. Panfilo M. Lacson
5. Sen. Alfredo S. Lim
6. Sen. Sergio R. Osmeña III
7. Sen. Ramon Revilla Jr.
8. Sen. Manuel A. Roxas
10. Archbishop Oscar Cruz

INTERPELLATION OF SENATOR LAPID

Asked by Senator Lapid who among the senators could investigate the matter with clean hands, Senator Pimentel stated that Senator Lapid should not chair the hearing of the Committee on Games, Amusement and Sports on *jueteng* and should, in fact, inhibit himself so that the Committee could begin the investigation.

Senator Lapid wondered why the resolution covered only Central Luzon and not Visayas and Mindanao where *masiao* is rampant and that according to Senator Pimentel himself, when he was city mayor of Cagayan de Oro, he was even offered a P5,000-a-month bribe. Senator Pimentel clarified that mayors received a monthly salary of only P5,000 during the Marcos regime, as he recounted that it was the other mayors who chided him for not accepting the bribe of P40,000 a month to allow *masiao* in his city.

As regards the *Abante* news report, "Pineda Nilinis Agad ni Lapid," Senator Lapid clarified that he does not need to clear the name of Mr. Pineda who has not been proven in hearing after hearing to be a gambling lord. He said that he could not accuse a person of a wrongdoing based on hearsay. He wondered why Mr. Pineda was being singled out.

Further, Senator Lapid observed that Senator Pimentel already listed 24 names. He underscored that being a transparent person, it would be hypocritical of him to say that he does not know Mr. Bong Pineda because when he was governor, Mr. Pineda's wife was mayor of Lubao and later member of the provincial board. But contrary to what Senator Pimentel stated in his speech, Senator Lapid clarified that he and Mr. Pineda are not very close friends. Senator Pimentel pointed out that the information that the two were good friends did not come from him but from *Abante*. He observed that the news report came out in May 7 but Senator Lapid has not released any statement to correct it.

Senator Lapid explained that the reports were all baseless rumors. He noted that Pampanga has always been mentioned whenever the issue of illegal gambling crops up. He stressed that in the 12 years that he served in Pampanga, three years as vice-governor and nine years as governor, not once was his name dragged into the issue of *jueteng*. Numerous congressional investigations were done in the past and his name never surfaced, he said. He admitted that there are *jueteng* and illegal gambling operations in Pampanga but that he had directed the PNP Provincial Director to put a stop to them.

Senator Pimentel clarified that he wanted Senator Lapid to inhibit himself from the investigation because it would be awkward if Governor Lapid is called to testify in a hearing conducted by his own father.

Senator Lapid stated that he would inhibit himself from the investigation on the day his son is called to the witness stand. He said there are other members who could conduct the investigation to find out the truth. He asserted that the people proven to be involved in the illegal gambling operation should be penalized, and that the investigation should be fair and impartial. He expressed appreciation to Senator Pimentel for calling for an investigation that should cover not only *jueteng* and but also *masiao*.

In connection therewith, Senator Lapid urged Senator Pimentel to also submit names of persons from the Visayas and Mindanao where *masiao* is rampant. He said that if Senator Pimentel was able to come up with names of people from Central Luzon, then he could come up with names of people involved in *masiao* in Mindanao.

Senator Pimentel disclosed that the information that was brought to his attention involved people from Luzon. There is no reason why the Committee could not expand the investigation to cover the Visayas and Mindanao as well, he said. He stressed that the investigation should be done pursuant to the law and backed by evidence and not solely by speculations.

Senator Lapid asked about the purpose of Senator Pimentel's call for a public hearing as he cited the bill of Senator Ejercito Estrada (L) seeking to legalize *jueteng* and the bill of Senator Defensor Santiago seeking to increase the penalties on illegal gambling. He asked which of the two proposals – to legalize *jueteng* or to increase the penalties for illegal gambling – the Committee should adopt. Senator Pimentel explained that he would leave the decision to an impartial Committee handled by a fair and objective Chair. He expressed hope that Senator Lapid would not be offended by his suggestion. Senator Lapid replied that none was taken.

For his part, Senator Lapid expressed hope that he would be given a chance to perform the duty reposed on him by the Filipino people. He declared that he would never influence the committee members who, he believed, are men of principle.

Senator Pimentel explained that possible problems could arise in summoning witnesses as well as scheduling their appearances. He asserted that *this should be done very carefully and with sensitivity*. He revealed that at the moment, the lives of six possible witnesses are already endangered and they are being transferred from one house to another for fear of what the *jueteng* lords might do to them. He maintained that his suggestion was not for Senator Lapid to inhibit himself at all but to make the Committee on Public Order and Illegal Drugs the lead committee and the Committee on Games, Amusement and Sports as the secondary committee. He pointed out that it was the compromise that he was trying to achieve.

SUSPENSION OF SESSION

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

It was 4:40 p.m.

RESUMPTION

At 4:46 p.m., the session was resumed.

INTERPELLATION OF SENATOR ENRILE

At the outset, Senator Enrile asked to be clarified on the identity of Mr. Y in the speech of Senator Pimentel and if he could be subpoenaed. Senator Pimentel suggested that the subpoena for Mr. Y be sent to his office and he would personally relay the message to Mr. Y whose life is in danger. He said that Mr. Y is an elected public servant who is based in Luzon and, to his understanding, is knowledgeable about *jueteng*.

On the Senate investigations on *jueteng* in the latter part of 2000, Senator Enrile recalled that Ilocos Sur Governor Chavit Singson was a witness in one of the hearings and the committee was able to identify the gambling lords who were supposedly bribing public officials. He pointed out that at that time, laws were already in place to penalize persons involved in this kind of gambling. He noted that President Estrada has been on trial supposedly for receiving *jueteng* money even though there is no clear evidence to prove this allegation.

Senator Pimentel explained that the Senate investigation on *jueteng* that occurred in 2000 was inconclusive as it was overtaken by the resolution of the Bigger House to impeach President Estrada. As regards the purpose of the resolution, he clarified that it seeks to investigate the reasons behind the proliferation of *jueteng* and come up with proposed legislation given the fact that Senator Ejercito Estrada (L) had already filed a bill on the same issue. Moreover, he stated that his April 20 privilege speech aimed to unmask the *jueteng* lords and demand accountability from the Philippine National Police on the reason behind the continued proliferation of the illegal numbers game. He emphasized that there are a number of reasons to continue the investigation.

On whether there would be a proposed legislation to either increase the penalty for *jueteng* *JK*

operations or decriminalize *jueteng*, Senator Pimentel said that he wanted the investigation to be conducted and he did not want to second-guess the recommendations of the Committee. For his part, Senator Enrile said that he wanted to be certain that the objective of the investigation is clarified and that the investigation would bear fruit given the public perception that past investigations on the same matter had been useless.

INTERPELLATION OF SENATOR LACSON

At the outset, Senator Lacson stated that he would attend the hearing on *jueteng* with clean hands as he pointed out that he has never dirtied his hands with *jueteng* money even when he was still a law enforcer. However, he disclosed that as PNP provincial director, he received offers of P1.2 million and as PNP Chief, at least P5 million, to look the other way and not conduct operations against illegal gambling, all of which he declined. Further, he bared that he has three witnesses that he identified only as Mr. B, Mr. R and Ms. N who have agreed to be resource persons for the hearing.

To the observation that Senator Lapid should be given the opportunity to conduct the hearing as chair of the Committee on Games, Amusement and Sports and, thus, prove himself as a fair and objective chair, Senator Pimentel replied that in an attempt at a compromise, he had suggested that a hearing be jointly held by the committee chaired by Senator Lapid, and the Committee on Public Order and Illegal Drugs as the lead committee.

Stating that he did not want to preempt the Rules Committee, Senator Lacson suggested that Senator Lapid preside over the initial hearing, during which time, it could be ascertained whether the latter has biases for or against certain interests and individuals. Senator Pimentel, however, said that the problem is that the suggestion presumes that Senator Lapid has not yet proven himself to be identified with a known *jueteng* lord in his own home province. He stated that he could go along with the suggestion if the *Abante* had not come up with its banner story and if Governor Lapid would not be invited to the hearing. He did not accede to the suggestion.

In relation to the investigation, Senator Pimentel asked Senator Lacson for the names of the witnesses to be summoned to the hearing. Senator Lacson said

that his witnesses would be properly identified at the hearing but in the meantime, they could only be identified as Mr. B., Mr. R. and Ms. N. He explained that the three were direct participants in the bribe attempt and as such, would be better witnesses than he. Moreover, he pointed out that law enforcers cannot apprehend persons who merely conveyed the bribe offers.

On the same matter, Senator Pimentel clarified that he had not received any *jueteng* bribe but that he had only been chided by fellow mayors for turning down the offer because of the huge amount of money involved.

INTERPELLATION OF SENATOR GORDON

Senator Gordon asked on the number of times Congress has conducted investigations on the *jueteng* issue even as he wondered whether Senator Pimentel's question of *para delicto* is still relevant since people have now become jaded by the issue. Senator Pimentel replied that he was aware of only one investigation that the Senate conducted in 2000.

On the matter of public cynicism over the outcome of such investigations, Senator Pimentel stressed the importance of having witnesses who, to the minds of the public, are not tainted or remotely connected with *jueteng* activities.

Senator Gordon informed the Body that Jose Rizal himself was able to build a number of clinics after winning in a numbers game during his incarceration in Dapitan. This, he said, shows that although logic dictates that people should not play games of chance, they still do. He noted that this illegal activity has become so rampant that the bribes offered to law enforcers increase in proportion to their position in the PNP. Moreover, he pointed out that the illegal numbers game thrives due to insufficient government resources. He said that some local government officials are given *jueteng* money as gratuity to look the other way and that the money, in turn, is used to provide needed facilities and services to their constituents. He recalled that the first time he was exposed to *jueteng* was in the 1950s in the U.S. Naval Reservation of Olongapo where restaurant waiters also doubled as *kubradores*.

Senator Gordon opined that it is high time *jueteng* was eradicated or decriminalized because it has

indeed created a pernicious impact on society and painted an impervious scenario where everybody appears to be on the take if not actually on the take.

Asked whether Congress is headed towards having those responsible for *jueteng* arrested and also trying to decide whether *jueteng* should be imposed higher penalties or altogether decriminalized, Senator Pimentel replied that there have been a number of resolutions referred to the various committees on the matter of *jueteng* and the Body only needs to await the decisions of the concerned committees. He reiterated that the government should not give up in its effort to eradicate an evil, or at least, prevent its proliferation by making accountable the government officials involved in it. Senator Gordon noted that it is permeating even the media.

Senator Gordon observed that drugs are more pernicious and are, in fact, more devastating to the people. Relative to the problem of illegal drugs, he pointed out there are phantom figures but no specific names similar to that of "Bong Pineda." He expressed concern that should Congress finally act on the problem of *jueteng*, by decriminalizing or eradicating it, those who have been benefiting from *jueteng* might involve themselves in illegal drugs which apparently is a silent issue.

Senator Pimentel clarified that the government's effort to run after *jueteng* operators does not mean that it should slow down in its drive against illegal drugs. He believed that it should, in fact, urge law enforcers to be more strict and vigilant about drugs whose effect is more pernicious.

Senator Gordon noted that apparently, the government and the Church are more focused on *jueteng* when, in fact, the problem of illegal drugs, the root cause of many crimes, needs more concrete and immediate action. While Congress should go after *jueteng*, he believed that it should have the right focus by creating more venues for investigations on the killings that happen again and again. He stated that the Body should have an order of

priorities because drugs, of more recent vintage, have more pernicious effect on the social fabric whereas, *jueteng*, although corruptive, has been around for so long.

Senator Pimentel replied that precisely, the 24 senators who represent the people nationwide can voice their individual positions on the many issues that confront society. He agreed that the killings of journalists and public officials are a problem that should be addressed immediately.

INQUIRY OF THE CHAIR

At this point, the Chair inquired why, of all people in the CIDG, Senior Superintendent Pat Hernandez was proposed to be subpoenaed. Senator Pimentel replied that Superintendent Hernandez reportedly has many things to say about *jueteng*. He stated that those in the list have some personal knowledge about the *jueteng* operations in their own localities.

REFERRAL OF SPEECH TO COMMITTEE


Upon motion of Senator Cayetano, there being no objection, the Chair referred the speech of Senator Pimentel and the interpellations thereon to the Committee on Rules.

ADJOURNMENT OF SESSION

Upon motion of Senator Cayetano, there being no objection, the Chair declared the session adjourned until three o'clock in the afternoon of the following day.

It was 5:19 p.m.

I hereby certify to the correctness of the foregoing.


OSCAR G. YABES
Secretary of the Senate
ks

Approved on May 17, 2005