

REPUBLIC OF THE PHILIPPINES

S e n a t e

Pasay City

Journal

SESSION NO. 89

Tuesday, May 24, 2005

**THIRTEENTH CONGRESS
FIRST REGULAR SESSION**

SESSION NO. 89
Tuesday, May 24, 2005

CALL TO ORDER

At 3:44 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

PRAYER

Sen. Juan M. Flavier read the following prayer prepared by Senator Recto:

As we humbly come before the Lord and seek His face,

May we serve You first and honor You most.

As the President signed into law the Value-Added Tax Law, we pray,

May the people to impose the law, gain greater independence, exercising utmost responsibility for our precious resources.

Grant us, O, Lord, justice in our courts, bequest wisdom in our government, bestow upon our national leaders the strength and endow upon them the integrity to serve the people with all their might and heart.

Lord, we pray, that these men and women will be granted good judgment, guidance and strength to fulfill their important roles.

Amidst crises and call for national sobriety, we call on Your Name,

Give us the power and courage to face up to this challenge.

These we pray in Your Holy Name, Amen.

ROLL CALL

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

Angara, E. J.	Flavier, J. M.
Arroyo, J. P.	Lacson, P. M.
Cayetano, C. P. S.	Lapid, M. L. M.
Defensor Santiago, M.	Madrigal, M. A.
Drilon, F. M.	Magsaysay Jr., R. B.
Ejercito Estrada, J.	Pangilinan, F. N.
Ejercito Estrada, L. L. P.	Pimentel Jr., A. Q.
Enrile, J. P.	Villar Jr., M. B.

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

Senators Gordon, Lim, Osmeña and Roxas arrived after the roll call.

Senator Biazon was on official mission abroad.

Senator Revilla was on official mission.

Senator Recto was absent.

APPROVAL OF THE JOURNAL

Upon motion of Senator Pangilinan, there being no objection, the Body dispensed with the reading of the Journal of Session No. 88 and considered it approved.

REFERENCE OF BUSINESS

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

**MESSAGES FROM THE HOUSE
OF REPRESENTATIVES**

Letters from the Secretary General of the House of Representatives, dated May 11, 2005, informing the Senate that on May 10, 2005, the House of Representatives passed the following House bills in which it requested the concurrence of the Senate:

House Bill No. 3927, entitled

AN ACT CONVERTING THE CITY
ROAD CONNECTING BARANGAYS
STA. FELOMINA, BONBONON,
DIGKILAN AND ROGONGON IN
THE CITY OF ILIGAN TO THE
MUNICIPALITY OF TALAKAG, ✓

PROVINCE OF BUKIDNON INTO A
NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3928, entitled

AN ACT CONVERTING THE CITY
ROAD CONNECTING THE CITY OF
ILIGAN AND THE MUNICIPALITY
OF TAGOLOAN, PROVINCE OF
LANAO DEL NORTE INTO A
NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3929, entitled

AN ACT CONVERTING THE PROVIN-
CIAL ROAD WHICH TRAVERSES
BARANGAYS FATIMA,
CATARUNGAN, TIPOLO, UNION,
SINANDIGAN AND BIABAS IN THE
MUNICIPALITY OF UBAY, AND
LEADS TO THE MUNICIPALITY OF
MABINI, PROVINCE OF BOHOL
INTO A NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3930, entitled

AN ACT CONVERTING THE TARLAC
CITY - SAN JOSE VIA BURGOS
ROAD, PROVINCE OF TARLAC
INTO A NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3931, entitled

AN ACT CONVERTING THE STA.
IGNACIA-GUIMBA ROAD WHICH
TRAVERSES THE MUNICIPALITIES
OF STA. IGNACIA, GERONA AND
PURA, PROVINCE OF TARLAC
INTO A NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3932, entitled

AN ACT CONVERTING THE
CONCEPCION-CAPAS ROAD
IN THE MUNICIPALITIES OF
CONCEPCION AND CAPAS,
PROVINCE OF TARLAC INTO A
NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3933, entitled

AN ACT CONVERTING THE PURA-
VICTORIA ROAD IN THE
MUNICIPALITIES OF PURA AND
VICTORIA, PROVINCE OF TARLAC
INTO A NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3934, entitled

AN ACT CONVERTING THE LA PAZ-
CONCEPCION ROAD IN THE
MUNICIPALITIES OF LA PAZ AND
CONCEPCION, PROVINCE OF
TARLAC INTO A NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3935, entitled

AN ACT CONVERTING THE RAMOS-
PURA ROAD IN THE MUNICIPAL-
ITIES OF RAMOS AND PURA,
PROVINCE OF TARLAC INTO A
NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3936, entitled

AN ACT CONVERTING THE VICTORIA-
LA PAZ ROAD IN THE MUNICIPAL-
ITIES OF VICTORIA AND LA PAZ,
PROVINCE OF TARLAC INTO A
NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3937, entitled

AN ACT CONVERTING THE MONCADA-
ANAO ROAD IN THE MUNICIPAL-
ITIES OF MONCADA AND ANAO,
PROVINCE OF TARLAC INTO A
NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3938, entitled

AN ACT CONVERTING THE ANAO-
RAMOS ROAD IN THE MUNICIPAL-
ITIES OF ANAO AND RAMOS,
PROVINCE OF TARLAC INTO A
NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3939, entitled

AN ACT CONVERTING THE
MALACAMPA-MAYANTOC ROAD
IN THE MUNICIPALITIES OF
CAMILING AND MAYANTOC,
PROVINCE OF TARLAC INTO A
NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3940, entitled

AN ACT CONVERTING THE MAYANTOC-
SAN CLEMENTE ROAD IN THE
MUNICIPALITIES OF MAYANTOC
AND SAN CLEMENTE, PROVINCE
OF TARLAC INTO A NATIONAL
ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3941, entitled

AN ACT CONVERTING THE CAPAS-
SAN JOSE ROAD IN THE
MUNICIPALITIES OF CAPAS AND
SAN JOSE, PROVINCE OF TARLAC
INTO A NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3942, entitled

AN ACT CONVERTING THE
TARLAC CITY-NUEVA ECIJA
VIA VICTORIA ROAD, PROVINCE
OF TARLAC INTO A NATIONAL
ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3943, entitled

AN ACT CONVERTING THE
PANIQUI-RAMOS ROAD IN THE
MUNICIPALITIES OF PANIQUI
AND RAMOS, PROVINCE OF
TARLAC INTO A NATIONAL
ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3944, entitled

AN ACT CONVERTING THE SAN JOSE-
MAYANTOC ROAD, PROVINCE OF
TARLAC INTO A NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3945, entitled

AN ACT CONVERTING THE LUMBA -
BAYABAO PROVINCIAL ROAD IN
THE MUNICIPALITY OF LUMBA -
BAYABAO, PROVINCE OF LANA
DEL SUR INTO A NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3946, entitled

AN ACT CONVERTING THE PIAGAPO
PROVINCIAL ROAD IN THE
MUNICIPALITY OF PIAGAPO,
PROVINCE OF LANA DEL SUR
INTO A NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

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House Bill No. 3947, entitled

AN ACT CONVERTING CERTAIN
ROADS IN NORTHWESTERN
LEYTE INTO NATIONAL ROADS

**To the Committees on Public Works; and
Finance**

House Bill No. 3951, entitled

AN ACT CONVERTING THE
MAPALAD-FORT MAGSAYSAY
PROVINCIAL ROAD CONNECTING
THE MUNICIPALITY OF STA.
ROSA AND PALAYAN CITY,
PROVINCE OF NUEVA ECIJA INTO
A NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3952, entitled

AN ACT CONVERTING THE GENERAL
NATIVIDAD-CABANATUAN CITY
PROVINCIAL ROAD, PROVINCE OF
NUEVA ECIJA INTO A NATIONAL
ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3953, entitled

AN ACT CONVERTING THE BULAG -
RAOIS - RUGSUANAN - JUNCTION
NAGSANGALAN - CABAROAN
DAYA - BONGTOLAN -
NAGUILIAN - JUNCTION VIGAN
CITY - CAOAYAN - JUNCTION
QUIRINO - PANDAN - JUNCTION
SALINDEG - SALINDEG - PONG-OL
JUNCTION - MINDORO - BARRACA
- PARATONG - BULALA - VIGAN
AIRPORT PROVINCIAL ROAD
LINKING THE MUNICIPALITIES OF
BANTAY, CAOAYAN AND VIGAN
CITY, PROVINCE OF ILOCOS SUR
INTO A NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3954, entitled

AN ACT CONVERTING THE PROV-
INCIAL ROAD WHICH STARTS AT
POBLACION SAN JUAN ALONG
THE MANILA NORTH ROAD -
CABANGLUTAN - CAMINDOROAN
- JUNCTION SOLOT-SOLOT -
SURNGIT - DARDARAT -
BOUNDARY SALOMAGUE PORT
ARTERIAL ROAD LINKING THE
MUNICIPALITIES OF SAN JUAN
AND CABUGAO, PROVINCE OF
ILOCOS SUR INTO A NATIONAL
ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3955, entitled

AN ACT CONVERTING THE URDAS -
PUERTO BEACH ROAD -
NAGLAOA-AN - CABARITAN -
STO. DOMINGO BEACH ROAD -
STA. CRUZ - PANAY - PANAY
NORTE ARTERIAL ROAD -
CABAROAN - SPANISH ARCH -
MANILA NORTH ROAD -
MAGSINGAL PROVINCIAL ROAD
LINKING THE MUNICIPALITIES OF
SAN VICENTE, STO. DOMINGO
AND MAGSINGAL, PROVINCE OF
ILOCOS SUR INTO A NATIONAL
ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3956, entitled

AN ACT CONVERTING THE TAMURONG
- NAGTUPACAN - SAN SEBASTIAN
- NANERMAN - CALAY-AB -
SIVED - AL'ANGAN - PURO -
MANZANTE - PAGSANAAN SUR -
PAGSANAAN NORTE - MIRAMAR
- SAN ISIDRO - SAOANG -
CABANGLUTAN - CAMINDOROAN
- SOLOT-SOLOT - DARDARAT -
SALOMAGUE PROVINCIAL ROAD
LINKING THE MUNICIPALITIES OF
STA. CATALINA, SAN VICENTE,

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STO. DOMINGO, MAGSINGAL, SAN JUAN AND CABUGAO, PROVINCE OF ILOCOS SUR INTO A NATIONAL ROAD

To the Committees on Public Works; and Finance

House Bill No. 3957, entitled

AN ACT CONVERTING THE PUG-OS – TEPPENG – PARATONG – SABANGAN – KATIPUNAN – CABANGTALAN – DADALAQUITEN – BOUNDARY BADOĆ BEACH PROVINCIAL ROAD IN THE MUNICIPALITY OF SINAIT, PROVINCE OF ILOCOS SUR INTO A NATIONAL ROAD

To the Committees on Public Works; and Finance

House Bill No. 3958, entitled

AN ACT CONVERTING THE BAROTAC VIEJO – GENERAL LUNA – LEMERY BARANGAY ROAD IN THE MUNICIPALITY OF BAROTAC VIEJO, PROVINCE OF ILOILO INTO A NATIONAL ROAD

To the Committees on Public Works; and Finance

House Bill No. 3959, entitled

AN ACT CONVERTING THE CABAGOCHAN – TAPIAN – BINONAN – TANAQ – ALINSOLONG – BANBAN – EMBARCADERO BARANGAY ROAD IN THE MUNICIPALITY OF BATAD, PROVINCE OF ILOILO INTO A NATIONAL ROAD

To the Committees on Public Works; and Finance

House Bill No. 3960, entitled

AN ACT CONVERTING THE BATAD – DA-AN BANWA – ESTANCIA ROAD TRAVERSING THE MUNICIPALITIES

OF BATAD AND ESTANCIA, PROVINCE OF ILOILO INTO A NATIONAL ROAD

To the Committees on Public Works; and Finance

House Bill No. 3961, entitled

AN ACT CONVERTING THE PINAOD – AKLE PROVINCIAL ROAD IN THE MUNICIPALITY OF SAN ILDEFONSO, PROVINCE OF BULACAN INTO A NATIONAL ROAD

To the Committees on Public Works; and Finance

House Bill No. 3962, entitled

AN ACT CONVERTING THE PRES. CARLOS P. GARCIA PROVINCIAL ROAD IN THE MUNICIPALITY OF PRES. CARLOS P. GARCIA, PROVINCE OF BOHOL INTO A NATIONAL ROAD

To the Committees on Public Works; and Finance

House Bill No. 3963, entitled

AN ACT CONVERTING THE JCT (LIR) – MAHAYAG (SAN MIGUEL) – DANAQ – SAGBAYAN PROVINCIAL ROAD TRAVERSING THE MUNICIPALITIES OF SAN MIGUEL, DANAQ AND SAGBAYAN, PROVINCE OF BOHOL INTO A NATIONAL ROAD

To the Committees on Public Works; and Finance

House Bill No. 3964, entitled

AN ACT CONVERTING THE PUNTIAN – KITOBO – KALAPATON – KABALANTIAN – KISAWA – ARAKAN ROAD WHICH TRAVERSES THE MUNICIPALITIES OF QUEZON, KITAOTAO AND KIBAWA IN THE PROVINCE OF BUKIDNON, AND THE MUNICIPALITY OF ARAKAN

IN THE PROVINCE OF NORTH
COTABATO INTO A NATIONAL
SECONDARY ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3965, entitled

AN ACT CONVERTING THE LAGAWÉ
- HINGYON PROVINCIAL ROAD
TRAVERSING BARANGAYS
POBLACION AND BURNAY IN
THE MUNICIPALITY OF LAGAWÉ,
AND BARANGAYS UMALBONG,
MOMPOLIA, BITU AND PIWONG
IN THE MUNICIPALITY OF
HINGYON, PROVINCE OF IFUGAO
INTO A NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3966, entitled

AN ACT CONVERTING THE UBAO -
TAANG PROVINCIAL ROAD
TRAVERSING BARANGAYS UBAO,
CHALALO, MONGAYANG, BOTAC,
AWAYAN, DAMAG, JACMAL AND
TAANG IN THE MUNICIPALITY OF
AGUINALDO, PROVINCE OF
IFUGAO INTO A NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3967, entitled

AN ACT CONVERTING THE NASUGBU
- TERNATE ROAD TRAVERSING
THE MUNICIPALITIES OF NASUGBU,
PROVINCE OF BATANGAS AND
TERNATE, PROVINCE OF CAVITE
INTO A NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3968, entitled

AN ACT CONVERTING THE LAGUNDI
- BATUAN PROVINCIAL ROAD,

PROVINCE OF MASBATE INTO A
NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3989, entitled

AN ACT CONVERTING THE KORO-
NADAL - TAMPAKAN - COLUMBIO
PROVINCIAL ROAD LINKING THE
PROVINCES OF SOUTH COTABATO
AND SULTAN KUDARAT INTO A
NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3990, entitled

AN ACT CONVERTING THE NEW
POBLACION - TACAY PROVINCIAL
ROAD, PROVINCE OF GUIMARAS
INTO A NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3991, entitled

AN ACT CONVERTING THE PIÑA -
SUCLARAN PROVINCIAL ROAD,
PROVINCE OF GUIMARAS INTO A
NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3992, entitled

AN ACT CONVERTING THE DOLORES
- TANDO - LUCMAYAN - SAN
ROQUE - LA PAZ PROVINCIAL
ROAD, PROVINCE OF GUIMARAS
INTO A NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3993, entitled

AN ACT CONVERTING THE PIÑA - M.
CHAVEZ PROVINCIAL ROAD,

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PROVINCE OF GUIMARAS INTO A
NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3994, entitled

AN ACT CONVERTING THE
MAGAMAY – PANDARAONAN –
DOLORES (GUISI) PROVINCIAL
ROAD, PROVINCE OF GUIMARAS
INTO A NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3995, entitled

AN ACT CONVERTING BRGY. GABAN
– BRGY. EAST VALENCIA PROV-
INCIAL ROAD, PROVINCE OF
GUIMARAS INTO A NATIONAL
ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 3996, entitled

AN ACT CONVERTING THE DON
FERNANDO LOPEZ AVENUE
(CONCORDIA – SAN ANTONIO
PROVINCIAL ROAD), PROVINCE
OF GUIMARAS INTO A NATIONAL
ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 4008, entitled

AN ACT CONVERTING THE SAN
MIGUEL – MILLAN – LININGUAN
– BUBOG – SEBASTE PROVINCIAL
ROAD, PROVINCE OF GUIMARAS
INTO A NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 4009, entitled

AN ACT CONVERTING THE PROV-
INCIAL ROAD FERNANDO V.

PAJARILLO AVENUE CONNECT-
ING THE MUNICIPALITIES OF
VINZONS AND LABO, PROVINCE
OF CAMARINES NORTE INTO A
NATIONAL SECONDARY ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 4010, entitled

AN ACT CONVERTING THE JAGNA –
LONOY ROAD TRAVERSING BARA-
NGAYS TEJERO, CAMBUGASON
AND CABUNGAAN IN THE
MUNICIPALITY OF JAGNA,
PROVINCE OF BOHOL INTO A
NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

House Bill No. 4011, entitled

AN ACT CONVERTING THE JCT. (LIR)
BILAR – JCT. (TER) DIMIAO
PROVINCIAL ROAD IN THE
MUNICIPALITIES OF BILAR AND
DIMIAO, PROVINCE OF BOHOL
INTO A NATIONAL ROAD

**To the Committees on Public Works; and
Finance**

Letter from Speaker Jose De Venecia Jr. of the
House of Representatives, dated 19 April 2005,
informing the Senate that Representatives
Salceda, Lopez, Locsin Jr., Duavit, Roman,
Serapio and Dilangalen are the members of the
House Panel in the Congressional Oversight
Committee created pursuant to Section 50 of
R.A. No. 9267 (Securitization Act).

To the Committee on Rules

ADDITIONAL REFERENCE OF BUSINESS

BILLS ON FIRST READING

Senate Bill No. 2021, entitled

AN ACT INSTITUTING INDEPENDENT
HEALTH AND ENVIRONMENTAL

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ASSESSMENT FOR ALL MINING PROJECTS, AMENDING FOR THE PURPOSE THE PHILIPPINE MINING ACT OF 1995

Introduced by Senator Compañera Pia S. Cayetano

To the Committees on Environment and Natural Resources; and Health and Demography

Senate Bill No. 2022, entitled

AN ACT GRANTING MANDATORY GOOD CONDUCT ALLOWANCE TO PRISONERS WHO PARTICIPATE IN LITERACY, SKILLS AND VALUES DEVELOPMENT PROGRAMS IN PENAL INSTITUTIONS

Introduced by Senator Pimentel Jr.

To the Committee on Justice and Human Rights

Senate Bill No. 2023, entitled

AN ACT STRENGTHENING THE PHILIPPINE ENERGY PLAN FOR THE EXPLORATION, DEVELOPMENT, AND UTILIZATION OF NEW AND RENEWABLE ENERGY SYSTEMS USING INDIGENOUS RESOURCES AND FOR OTHER PURPOSES

Introduced by Senator Angara

To the Committees on Energy; Ways and Means; and Finance

RESOLUTIONS

Proposed Senate Resolution No. 264, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON YOUTH, WOMEN AND FAMILY RELATIONS AND THE SENATE COMMITTEE ON NATIONAL DEFENSE AND SECURITY TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION,

ON THE RECRUITMENT BY INSURGENCY/REBEL GROUPS OF CHILDREN AS COMBATANTS IN ARMED CONFLICTS

Introduced by Senator Defensor Santiago, Miriam

To the Committees on Youth, Women and Family Relations; and National Defense and Security

Proposed Senate Resolution No. 265, entitled

RESOLUTION EXPRESSING THE SENSE OF THE SENATE THAT THERE IS A NEED TO REMOVE THE PRESENT BAR EXAMINATION AS A PRE-REQUISITE FOR ENTRY INTO THE PRACTICE OF A LAW, AND, AS A REPLACEMENT, TO ESTABLISH A NATIONAL LAW SCHOOL APTITUDE TEST (NLSAT) AND A ONE-YEAR LEGAL INTERNSHIP PROGRAM

Introduced by Senator Defensor Santiago, Miriam

To the Committees on Education, Arts and Culture; and Justice and Human Rights

COMMUNICATION

Letter from Secretary Patricia A. Sto. Tomas of the Department of Labor and Employment, furnishing the Senate the text of Recommendation No. 195, concerning Human Resources Development Recommendation, 2004, adopted in June 2004 during the 92nd Session of the International Labor Conference (ILC).

To the Committee on Labor, Employment and Human Resources Development

SECOND ADDITIONAL REFERENCE OF BUSINESS

COMMITTEE REPORT

Committee Report No. 26, submitted by the Committee on Justice and Human Rights on Senate Bill No. 1952, introduced by Senators

AS
MS

Enrile, M. A. Madrigal and Ramon "Bong" Revilla Jr., entitled

**AN ACT GRANTING PHILIPPINE
CITIZENSHIP TO MAHMOUD A.M.
ASFOUR,**

recommending its approval without amendment,
taking into consideration House Bill No. 2659.

Sponsors: Senators Arroyo, Enrile, M.A. Madrigal
and Ramon "Bong" Revilla Jr.

To the Calendar for Ordinary Business

**ACKNOWLEDGMENT OF THE
PRESENCE OF GUESTS**

At this juncture, Senator Pangilinan
acknowledged the presence of the Young Muslim
Congressional Interns from Mindanao.

MANIFESTATION OF SENATOR PIMENTEL

Senator Pimentel manifested that the Minority
were replacing Senator Enrile as their representative
in the Commission on Appointments and nominating
Senator Madrigal to take his place.

INQUIRY OF SENATOR ANGARA

Noting that Senator Enrile was not inside the
session hall, Senator Angara asked how the Minority
reached the decision.

Senator Pimentel disclosed that in their caucus
yesterday, the Minority reached a consensus to
effect the change because apparently, Senator Enrile
has announced that he did not consider himself a
member of the Minority anymore. He noted that
recent incidents in the Commission on Appointments
have shown that Senator Enrile was not speaking in
behalf of the Minority. He clarified that he did not
want to go into details without the presence of
Senator Enrile who deserves a chance to respond to
the allegation.

SUSPENSION OF SESSION

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

It was 4:02 p.m.

RESUMPTION OF SESSION

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

REMARKS OF SENATOR ENRILE

Senator Enrile asserted that his membership in
the Commission on Appointments was not based on
the Minority grouping in the Senate but on party
affiliation. He recalled that in the 2004 elections, he
and four other KNP candidates and three Puwersa
ng Masang Pilipino candidates were elected
senators. As regards the proportional represent-
ation of political parties in the CA, he mentioned
Senator Osmeña who does not represent any party,
thus, he constitutes only .50 of a percent, whereas,
three senators from the PMP constitute .75 giving
them two seats in the Commission on Appointments.
He stated that those in the PMP have more rights
to be members of the CA than the two other
senators who do not belong to any particular party.
While he believed that the membership in the CA is
based on party affiliation, he said that he would
nonetheless submit to the decision of the Body.

REMARKS OF SENATOR OSMEÑA

Senator Osmeña agreed with Senator Enrile
that under the Constitution, membership in the CA is
based on party affiliation as affirmed by the
Supreme Court in the Tañada case. However,
he noted that in practice, the Senate does not
nominate or elect members to the Commission on
Appointments on the basis of party affiliation but
on a Minority-Majority pro-rata representation.
For instance, he said that the Minority have no
objection to the membership in the CA of either
Senator Angara, a lone member of the LDP, or
Senator Lacson, an independent, who were chosen
by the Minority to represent them. Moreover, he
noted that half of the members of the Majority
were independents when the CA was constituted.
Therefore, he argued that since the majority of the
members of the Minority decided in the caucus to
change their representation in the CA, they acted
well within their rights and in keeping with the
Senate tradition and practices. He urged the Body
to decide how best to settle the issue.

Senator Angara noted that at the start of the
Eighth Congress, the Members decided that the
allocation of seats in the CA would be based on the
ratio of Majority and Minority members. However,

he expressed concern that a faction within the Minority could oust one of their members without consulting the others. Such an act, he stressed, is irregular and not the best way to achieve harmony. Moreover, he said that he was surprised that Senator Pimentel brought out during the plenary session an issue that is internal to the Minority. He then asked Senator Pimentel to convene another meeting of the Minority so that the issue could be threshed out.

At this point, Senator Enrile read Article VI, Section 18 of the Constitution, to wit: "There shall be a Commission on Appointments consisting of the President of the Senate, as *ex officio* Chairman, twelve Senators and twelve Members of the House of Representatives, elected by each House on the basis of proportional representation from the political parties and parties or organizations registered under the party-list system represented therein." He argued that the constitution of the Commission on Appointments is *functus officio* and only his party could replace him in the CA.

Senator Osmeña pointed out that the Body had heard arguments raising on the one hand, the constitutional basis and on the other, the Senate practices and precedents whichever best suit the purpose of certain members of the Minority. However, he wondered why Senator Angara complained about the Minority's action when he had not attended a Minority caucus since his meeting with President Gloria Macapagal Arroyo last year. He noted that only Senators Angara and Enrile were not present in the Minority caucus in which time, six out of seven Members, with one abstaining, decided to change the representation of the Minority in the CA, a decision that Senator Pimentel implemented during the day's session.

Senator Angara pointed out that Senator Osmeña himself did not belong to any party. He believed that it is only fair that all Members should be given notice when such a major move is going to be made by either the Majority or the Minority. While conceding that the Tañada decision states that a coalition can also be represented in the CA, he agreed that the matter is one that should be threshed out in a caucus of the Minority. He cautioned that the "sneak attack" would do no good.

For his part, Senator Enrile stated that he does not care about his membership in the Commission

on Appointments or in any Senate committee except that he represents a party that should inform him whether he was being ousted. For as long as he belongs to the party, he said that he must continue to be its representative in the CA, a position that had been confirmed by the Senate acting under the mandate of the Constitution. He stressed that only the Senate, through a majority vote, can withdraw his appointment as a member of the CA.

Senator Osmeña clarified that he has been a member of the PDP-Laban even before the impeachment trial of President Joseph Estrada. He pointed out that the LDP has only one member in the Senate who, following the ruling of the Supreme Court, is not entitled to any seat in the CA. While he was not against holding another Minority caucus, he stressed that no one could argue both sides of the coin.

Senator Pimentel stated that all members of the Minority in the CA were elected upon the nomination of the Minority. He recalled that before any Minority senator was nominated for membership in the CA, the Majority Leader asked him for the nominees of the Minority. He believed that the decisions of the Minority, based on consensus, could also bind members of the CA. He denied that there was a "sneak attack" since the matter has been in the air for several days. However, he noted that the Minority felt it was not necessary to notify Senator Enrile about the matter since he had ostracized himself from the Minority by his words and actuations and did not recognize the authority of the Minority Leader. He posited that in Senator Angara's case, the necessity of informing him of the Minority's decision was precluded because of the circumstances cited by Senator Osmeña. Besides, he pointed out that there had been no formal notice.

Reacting thereto, Senator Enrile affirmed that he did not recognize the authority of Senator Pimentel because he did not belong to the PDP-Laban whose rules do not bind him. He stated that his right and claim to being a member of the CA does not spring from the nomination by the Minority Leader or from anyone that does not belong to his party but by virtue of his membership in the Pwersa ng Masang Pilipino and by his election by the Body.

REMARKS OF SENATOR EJERCITO ESTRADA (J)

For his part, Senator Ejercito Estrada (J) clarified that Senator Enrile has not been removed from the Puwersa ng Masang Pilipino. Stressing that there should be unity for the sake of the nation, he appealed to his colleagues in the Minority to settle the issue amongst themselves rather than air their problems.

Senator Pimentel argued that Senator (J) Ejercito Estrada's appeal does not hold water since he was present in the caucus but left at some point.

Senator Ejercito Estrada (J) explained that he left the first Minority caucus at the office of Senator Pimentel before the consensus was reached but was absent in the second caucus that took place in the office of Senator Ejercito Estrada (L). Further, he said that he was never informed of the results of the second caucus.

Senator Pimentel pointed out that in the second caucus, Senator Ejercito Estrada (J) only missed the discussion on how the Minority's decision would be implemented which was to allow the Minority Leader to bring out the matter during the plenary session.

Senator Osmeña explained that the Minority in the CA - composed of five members from the Senate and one from the House of Representatives - elected Senator Enrile as Minority Leader. He said that Senator Enrile should not have accepted the position of Minority Leader if he believed that he was only representing his party. He said that he felt embarrassed when he was constantly contradicted by his own Minority Leader on the floor and in the committee hearings since they were supposed to be on the same side. Further, he pointed out that by not voting to allow Senator Madrigal to present her witnesses against Secretary Michael Defensor of the Department of Environment and Natural Resources, Senator Enrile helped railroad the approval of the secretary's nomination on the committee level. He believed that Senator Enrile was out of line when he called Senator Madrigal "arrogant" as the matter should have been discussed by the Minority internally. In view thereof, he opined that the Minority felt that Senator Enrile no longer wanted to be identified with them.

MOTION OF SENATOR ENRILE

Stating that he was elected to the Commission on Appointments by the Senate, Senator Enrile moved that the Senate itself dispose of his case.

SUSPENSION OF SESSION

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

It was 4:25 p.m.

RESUMPTION OF SESSION

At 5:07 p.m., the session was resumed.

MANIFESTATION OF SENATOR MADRIGAL

Senator Madrigal stated that according to the Comelec records, she, Senators Lim and Enrile were members of the KNP, hence, by party affiliation, they constitute 13% of the Minority. Since the KNP has been dissolved as a party, she manifested her desire to be affiliated with the PDP-Laban to allow her greater latitude in her decision.

INQUIRY OF SENATOR EJERCITO ESTRADA (J)

Senator Ejercito Estrada (J) asked whether Senator Madrigal would remain a member of the Puwersa ng Masang Pilipino. Senator Madrigal replied in the negative. She explained that the views that guide her in her public service are no longer in harmony with those of the PMP. She stated that she would have wanted to personally consult former President Estrada, the titular head of the PMP, for this purpose, unfortunately, she was unable to see him that day and that he would learn of her decision as she announced it on the floor. She clarified that her decision was based on principle.

MANIFESTATION OF SENATOR LIM

Senator Lim stated that he has been a member of KKK-Laban which stands for *Laban Para sa Katarungan, Kapayapaan at Kaunlaran* since 2001.

ANNOUNCEMENT OF SENATOR PANGILINAN

After conferring with Senator Pimentel and as suggested by Senators Angara and Ejercito

Estrada (J), Senator Pangilinan stated that the matter would be referred back to the Minority for proper action.

REMARKS OF SENATOR OSMEÑA

Senator Osmeña noted that the tradition in all democratic gatherings like the legislature has been that the Minority and the Majority are asked to nominate their members to the various committees or commissions. However, he said, the formality of electing these members is done by the entire body, otherwise, there would be a spectacle of the Majority picking all the seats in every committee by sheer force of numbers. That is the reason there is a proportional representation, he added. He said that the Minority Leader has submitted a decision based on a consensus reached by an overwhelming majority of the members of the Minority that there should be changes in their representation in the Commission on Appointments. Normally, he said, it is ministerial upon the Body to approve the said changes that should, in fact, be effected by the Body today.

MOTION OF SENATOR ROXAS

Senator Roxas expressed the view that the issue should be decided by the Minority. He then moved that the Body suspend action on the issue to enable the Minority to decide on it.

Senator Osmeña stated that the Minority had already made a decision. He believed it was improper for the Majority to tell the Minority to go back into caucus and decide all over again. In fact, he pointed out that there was not a single dissenting vote when the Minority decided the issue in caucus yesterday. He reiterated that the Body should act on the manifestation that had been properly presented by Senator Pimentel.

REMARKS OF SENATOR ANGARA

Senator Angara recalled that the whole discussion was started by a manifestation of the Minority Leader that does not require action on the part of the Body. But after all those exchanges, he said, Senator Enrile stood up and said that he wanted the Body to decide the issue. He said that the Minority had discussed the matter during the recess and came to the conclusion that they would thresh it out among themselves.

Senator Angara explained that the CA is a unique body wherein representation is based on party affiliation and a decision of a coalition, as well as on jurisprudence. He pointed out that when the representative of the party or the coalition nominates its member thereto, the Body has no choice but to accept it; but in this case, the issue is the withdrawal of a member. As to who has the right to withdraw — the party to which that member belongs or the coalition under which the member was elected to the Senate — is the question that should be threshed out by the Minority. Nevertheless, he believed that it is immaterial because the determining factor is the party affiliation of the member as of the date he was elected. In view of the attendant issues that only involve the Minority, he believed there is no need to put the burden on the rest of the Senate since it might establish a very dangerous precedent wherein an evil-minded Majority could simply pick and single out a noisy Minority member in the CA and get him booted out. Since Senator Enrile had agreed to withdraw his motion, he said that there is nothing to debate on.

In reaction, Senator Osmeña cited the case of *Guingona vs. Gonzales* which, he believed, is the constitutional way of determining representation in the CA but which the Senate does not follow. He said that, in fact, he was a victim of the Senate practice in 1998. He emphasized that the Senate has elected to follow the tradition of allowing the Minority to decide who would represent them in the CA, a tradition that has allowed members without parties to sit in the CA. He maintained that the Majority has no right to tell the Minority what, when and how to decide the issue. He reiterated that one cannot argue both sides to justify membership in the CA.

Senator Angara noted that Senator Osmeña misunderstood the decision of the Supreme Court which states that while the party has the right to nominate, a coalition may also nominate. That is the reason Senator Arroyo is able to sit in the CA even though he has no party, he said.

REMARKS OF SENATOR ENRILE

Senator Enrile observed that the Senate is not yet ready to resolve the issue. He believed that his membership in the CA is not at the behest of any group but at the behest of his party. Being a lawyer himself, he said, he would stand by the Constitution.

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and jurisprudence, and he invoked them in this particular instance. He said he would withdraw his motion at this time but would raise it again at the proper time. He believed that the only body that can oust him from the CA is the same body that invested him with the power, duty and right to sit there.

Senator Osmeña suggested that if the Body would approach the issue the constitutional way, then the membership of the entire Commission on Appointments should be reformulated. He inquired why the group of Senators Ejercito Estrada (L), Ejercito Estrada (J), Enrile and Angara should have three seats when they are entitled to only two.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 5:25 p.m.

RESUMPTION OF SESSION

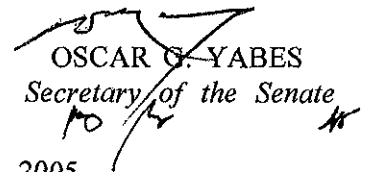
At 5:26 p.m., the session was resumed.

ADJOURNMENT OF SESSION

Upon motion of Senator Pangilinan, there being no objection, the Chair declared the session adjourned until three o'clock in the afternoon of Wednesday, May 25, 2005.

It was 5:26 p.m.

I hereby certify to the correctness of the foregoing.


OSCAR G. YABES
Secretary of the Senate

Approved on May 25, 2005