

REPUBLIC OF THE PHILIPPINES

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SESSION NO. 28

Wednesday, October 5, 2005

**THIRTEENTH CONGRESS
SECOND REGULAR SESSION**

SESSION NO. 28
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CALL TO ORDER

At 3:58 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

PRAYER

Sen. Miriam Defensor Santiago read the prayer of St. Ignatius, to wit:

Father, make us more like Jesus. Help us to bear difficulty, pain, disappointment, and sorrows, knowing that in Your perfect working and design, You can use such bitter experiences to mold our characters and make us more like our Lord. We look with hope to the day when we will be completely like Christ, because we will see Him as He is.

I am God's Wheat. May I be ground by the teeth of the wild beasts until I become the fine wheat bread that is Christ's. My passions are crucified, there is no more heat in my flesh. A stream flows murmuring inside me; deep down in me it says: Come to the Father.

Amen.

ROLL CALL

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

Arroyo, J. P.	Lacson, P. M.
Cayetano, C. P. S.	Lapid, M. L. M.
Defensor Santiago, M.	Magsaysay Jr., R. B.
Drilon, F. M.	Osmeña III, S. R.
Ejercito Estrada, J.	Pangilinan, F. N.
Ejercito Estrada, L. L. P.	Recto, R. G.
Enrile, J. P.	Revilla Jr., R. B.
Flavier, J. M.	Roxas, M.

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

Senators Biazon, Gordon, Lim, Madrigal and Pimentel arrived after the roll call.

Senators Angara and Villar were on official mission, the latter abroad.

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. 27 and considered it approved, subject to the corrections on page 303, right column, first paragraph, fourth line, to change the word "Than" to THAT, and on the same page and column, second paragraph, last line, to change the article "a" to AN.

REFERENCE OF BUSINESS

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

RESOLUTION

Proposed Senate Resolution No. 347, entitled

RESOLUTION DIRECTING THE
COMMITTEE ON YOUTH, WOMEN
AND FAMILY RELATIONS TO
CONDUCT AN INQUIRY, IN AID
OF LEGISLATION, ON THE IMPACT
OF THE OPERATION OF THE
NAVOTAS CONTROLLED DISPOSAL
FACILITY TO THE WELL-BEING OF
WOMEN AND CHILDREN RESIDING
IN THE AFFECTED AND NEIGH-
BORING AREAS

Introduced by Senator M.A. Madrigal

To the Committees on Environment and
Natural Resources; and Youth, Women and
Family Relations

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COMMUNICATION

Letter from Director Lamberto R. Barbin of the Malacañang Records Office, Office of the President of the Philippines, transmitting to the Senate for its information and guidance, a certified copy of Memorandum Order No. 190, dated September 23, 2005, entitled: "AUTHORIZING THE SECRETARY OF BUDGET AND MANAGEMENT TO APPROVE RATIONALIZATION PLANS SUBMITTED BY THE DEPARTMENTS AND AGENCIES OF THE EXECUTIVE BRANCH PURSUANT TO EXECUTIVE ORDER NO. 366, S-2004.

To the Committee on Civil Service and Government Reorganization

COMMITTEE REPORTS

Committee Report No. 32, submitted by the Committee on Public Services, on House Concurrent Resolution No. 20, introduced by Representatives Escudero and Zubiri, entitled

CONCURRENT RESOLUTION APPROVING THE TRANSFER/SALE OF ALL THE SHARES OF STOCK OF MERIDIAN TELEKOMS, INC. TO SMART COMMUNICATIONS, INC.,

recommending its adoption without amendment.

Sponsor: Senator Arroyo

To the Calendar for Ordinary Business

Committee Report No. 33, submitted by the Committee on Public Services, on House Bill No. 3524, introduced by Representatives De Guzman and Zubiri, entitled

AN ACT AMENDING REPUBLIC ACT NO. 8996, ENTITLED AN ACT GRANTING THE END TIME MISSION BROADCASTING SERVICE, INC. A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN FOR RELIGIOUS, EDUCATIONAL AND NON-COMMERCIAL PURPOSES RADIO

AND TELEVISION BROADCASTING STATIONS ANYWHERE IN LUZON,

recommending its approval with amendments.

Sponsor: Senator Arroyo

To the Calendar for Ordinary Business

SPECIAL ORDER

Upon motion of Senator Cayetano, there being no objection, the Body approved the transfer of Committee Report No. 31 on Senate Bill No. 1402 to the Calendar for Special Orders.

**COMMITTEE REPORT NO. 31
ON SENATE BILL NO. 1402**

Upon motion of Senator Cayetano, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1402 (Committee Report No. 31), entitled

AN ACT ESTABLISHING A COMPREHENSIVE JUVENILE JUSTICE SYSTEM AND DELINQUENCY PREVENTION PROGRAM, CREATING THE OFFICE OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION UNDER THE DEPARTMENT OF JUSTICE, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, with the permission of the Body, upon motion of Senator Cayetano, only the title of the bill was read without prejudice to the insertion of its full text into the Record of the Senate.

The Chair recognized Senator Arroyo for the sponsorship.

**SPONSORSHIP REMARKS
OF SENATOR ARROYO**

In sponsoring Senate Bill No. 1402, Senator Arroyo stated that consideration of the bill has long been overdue. He said that although the bill was taken up in the Twelfth Congress, it was overtaken by the adjournment for some unknown reasons.

Senator Arroyo explained that the bill consists of two aspects: the social aspect which would be defended by Senator Madrigal as Chairperson of the Committee on Youth, Women and Family Relations; and the judicial aspect which would be explained by Senator Pangilinan, specifically its implementation and administration. He said that with the present system, nine-year olds are treated as if they were 12 years old. He wondered how such treatment has lasted so long.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Pangilinan acknowledged the presence of Mr. Nicholas Alipui, UNICEF Representative to the Philippines; Mr. Dale Rutstein, Communications Officer of UNICEF; Prof. Albert Muyot, UNICEF Project Officer and Professor at the UP College of Law; Lina Laigo, Executive Director of the Council for the Welfare of Children; and Justice Portia Hormachuelos of the Court of Appeals; as well as members of organizations belonging to the juvenile network of more than 60 organizations that were supporting the bill, among them, Pangarap Foundation, Virlanie Foundation, Philippine Network of Urban Street Ministry, Inc. and the Child Hope Asia Philippines.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:08 p.m.

RESUMPTION OF SESSION

At 4:09 p.m., the session was resumed.

At this point, with the permission of the Body, excerpts from the internationally acclaimed documentary film entitled *Bunso* was shown.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:30 p.m.

RESUMPTION OF SESSION

At 4:31 p.m., the session was resumed.

SPONSORSHIP SPEECH OF SENATOR PANGILINAN

In sponsoring Senate Bill No. 1402, Senator Pangilinan delivered the following speech:

The film you have just seen is a shortened version of the internationally acclaimed Filipino documentary "*Bunso*." The film has won the country several awards and gained for the Filipino filmmaker recognition for his exceptional talent. While we rejoice and wallow in pride for the acknowledgement of a film of great merit, after watching the film, this Representation feels a certain melancholy about the horrible disposition of the children who are incarcerated and confined in substandard stockades. *Bunso* gave us a glimpse of the deplorable conditions that affect tens of thousands of Filipino children and youth confined in jails throughout the country.

Every Filipino child is a treasured possession. Parents painstakingly take care of their children so that they are properly guided and do not lose their moral moorings. However, the scenario of family disintegration has resulted in the steady rise in juvenile delinquency. Juvenile delinquency has become a major concern not only of families, but even of schools, of government and of society as a whole.

Yes, children, young people have to be made to account for the crimes that they commit. Day by day, we are staggered with the increase in the number of children in conflict with the law, from those involved in truancy, to gang activity, and yes, even murder. This Representation says YES, children in conflict with the law have to be held accountable for their acts. They must know that it is wrong to steal; that it is wrong to poke a knife at someone else's throat; and it is wrong to do drugs. Children in conflict with the law must then be taught the difference between what is right and what is wrong. If we are to teach them the difference of right and wrong, we must also make sure that we institute steps to pave the way for their development, rehabilitation and improvement. Punishing children in conflict with the law by throwing them in jail together with hardened adult criminals is inconceivable. The film is an actual footage of the condition experienced by our children when they are put in jail for the crimes they committed. It was taken in one of the jails in Cebu City. The children in the film come from the poorest of the poor, the most vulnerable and miserable elements of our nation. These children – many without functional families – are thrown into prison and left there

to rot. It is time we took them out of their misery. It is time we, in this Chamber, addressed squarely their sorry, horrible plight.

I have been to these jails and the sad fact is children are sharing space with hardened adult criminals. It is prevalent in our nation. In these jails, before me, children have assembled, they who are languishing on death row. My heart bleeds for our children. If this is how we punish our children in conflict with the law, this is definitely severe. This is the height of cruelty to our children and the idea makes this Representation sick to his stomach. I therefore urge our colleagues to view the film in its entirety, so they would better understand the unceasing grief that we wail.

For how long will we tolerate a system that abandons children – who could be reformed with a small amount of care and attention – how long will we allow them to rot in jail? As *Bunso* himself said in the film: “Who’s fault will it be that we turned into hardened criminals?” This cannot be the Filipino way! This surely is not the humane and civilized way!

In recent months, *CNN*, the *Los Angeles Times*, the *Houston Chronicle* and many other international news organizations released a news story on the state of the children in Philippine jails. This scandalous story about our country rocked the world afresh and sent ripples of scorn. How many more stories similar to those in “*Bunso*” must be shown before we respond? This Representation earnestly seeks the support of this Chamber for the immediate passage of Senate Bill No. 1402 under Committee Report No. 31 – a measure we hope will provide that giant step toward reforming the judicial system on children in conflict with the law.

Let us talk about figures of children arrested and are now behind bars. The PNP, BJMP, provincial and sub-provincial jails, Bureau of Corrections and DSWD provided the latest *available* data, and as of mid-September, there are approximately 3,524 children confined in the various jails and detention facilities throughout the country. I say *available* statistics because the data is fragmented, not collected in a coordinated manner, hence does not give us an accurate overall picture.

However, the number of juvenile cases handled by the Public Attorney’s Office provides a different assessment. In 2002, the PAO office handled some 13,300 youth offense cases. In 2004, the number rose sharply to 17,345. By the mid-point of 2005, 10,134 youth

offender cases had been handled. The significant rise in numbers is disturbing, and if the current trend continues, the total number of juvenile cases will pass 20,000 this year. We are talking of tens of thousands of children – arrested, detained, tried and jailed each year. For an adult, to be thrown into prison is a nightmare. For a child, it is a nightmare that may go on forever as he or she may carry the trauma for the rest of his or her life.

Official records show that around 60% to 70% of the delinquent acts committed by juveniles are minor, victimless offenses; sniffing of rugby is an example of a victimless offense. Records indicate that the common offenses are vagrancy, sniffing of glue and petty thievery. The breakdown of the family structure and poverty are two of the major causes why children commit these offenses. We saw the children in “*Bunso*”; they stole on a day when their parents failed to provide breakfast, lunch and dinner. They stole because they were famished and could no longer suppress their hunger. Just the other day, we learned about a 14-year old boy from Quezon Province who was arrested for stealing P100 worth of food. He waited over six months for a trial and later on was assisted by a humble church-based NGO.

Whenever a child commits an offense, he should be responsible for his misbehavior. We agree on that premise. What we do not agree on is for a juvenile to be sent to jail where he has to live with hardened adult criminals for a petty offense. The cause of children being in conflict with the law has been directed at the disintegration of the family which has resulted in lack of direction and moral character. It is the home and the environment which mold the behavior of a child. Therefore, whenever a minor commits an act of wrongdoing, it should be considered as an indication that his environment failed to provide him the attention and guidance he needs to become a productive and effective member of society. The juvenile justice system we are proposing is one that will avoid the harsh treatment imposed on delinquent behavior. Special legal procedures should be in place to protect and guide the minor instead of subjecting him to the full force of criminal law as we do adults.

We believe that there are innovative ways in dealing with and reforming children in conflict with the law. Senate Bill No. 1402 makes detention an exception rather than the rule as it is today for children in conflict with the law. Where detention is necessary as a last resort, the measure seeks to provide separate detention

facilities for youth offenders. This is a matter of simple human decency. We can no longer sit by in comfort and allow thousands of children to be housed for months and even years with hardened criminals. The conditions we have seen in the film are simply abysmal. In the current judicial set-up, detention again is the rule rather than the exception. The aim of Senate Bill No. 1402 is to reverse this and have detention as the exception and diversion as the rule. Allow us to explain later the term "diversion." By providing separate detention facilities for children in conflict with the law, we will foster a more conducive climate for their rehabilitation. According to UNICEF, 80% of children arrested for a first offense will most likely never commit another crime. Being arrested for a petty crime is traumatic enough, what more being stockaded amidst hardened adult criminals?

The creation of a proper juvenile justice system is one of the highest human rights priorities of the moment. Article 40 of the Convention on the Rights of the Child, the most widely ratified human rights law in existence — more than 150 states have signed it — states that children in conflict with the law must be "treated in a manner consistent with the child's sense of dignity and worth" and that "the State shall adopt measures dealing with such children without resorting to judicial proceedings."

Therefore, we propose to raise the minimum age of criminal responsibility from the current age of nine to twelve years of age. There is wide consensus that a child at the age of nine or ten is developmentally unprepared to be rehabilitated through incarceration. By throwing a nine-year old child in jail, for months and even years, for a petty crime, we are manufacturing a hardened criminal where one probably did not even exist. By raising the age to twelve through passage of Senate Bill No. 1402, we will come into compliance with standards our region adheres to. In Malaysia, it is ten years old, in Singapore, it is seven years old, in Thailand, it is 12 years old.

The intent of Senate Bill No. 1402 is to be able to develop community-based alternatives to criminal prosecution of the majority of children in conflict with the law. This is the best and most affordable way.

The vast majority of children who are arrested for committing an offense the first time do not go on to commit further crimes. We need to ensure that these children are not dealt with in a way that confirms them to a life of crime. Jail or detention is *not* the answer for these children.

The children of *Bunso* all share a similar mix of problems: broken families, abuse, violence, school drop-out, drug addiction and life in the streets. In almost all cases, it is a failure of the adults in the child's life that has landed that child in a situation where crime was the only option.

We are emphasizing the minor crimes here, not the serious violent offences. It is the victimless crimes that ordinarily should not result in detention. Jail is not the answer.

However, what is happening now is that children in conflict with the law are treated no differently from adult criminals. They are placed in jail, often in appalling, overcrowded conditions, with hardened criminals. These children are exposed to the worst kinds of violence and deviant behavior. They can be raped, brutalized and initiated into the fraternity of crime.

Because we believe that jail is not the answer to juvenile delinquency, one of the relatively new legal concepts we have introduced in this bill is "restorative justice." Restorative justice is a process which seeks to repair the harm caused by a crime through maximum involvement of the victim, reconciliation of the offender and the community. It aims to obtain reparation for the victim, reconciliation between the offender, the offended and the community, and reassurance to the offender that he can be reintegrated into the community. Here are just a few examples:

- ♦ In Thailand and Singapore, restorative justice is applied through family group conferences with youth offenders and expanded probation sentencing.
- ♦ In Japan, traditional apology and forgiveness as forms of reconciliation are being adapted to address youth crime.
- ♦ In Hong Kong, courts are using Community Service Orders to provide alternative sentences for children in conflict with the law.
- ♦ In Minnesota, New York and other U.S. states, victim offender meetings, family group counseling and community service sentencing are sharply reducing youth crime.

Restorative justice is a framework for dealing with crime that is gathering followers around the world. It is an essential pillar of a more enlightened juvenile justice system because it

allows for diversion of children in conflict with the law away from the justice system altogether. The key to its success is committed local community involvement.

Community-based diversion is another important pillar of this act. Diversion is the practice of dealing with children in conflict with the law without going to court, under certain conditions. Diversion would apply when the penalty for the crime committed is less than six years, in victimless crimes and in certain other cases.

At the level of the *Punong Barangay*, community diversion includes appropriate socio-cultural and psychological responses and proper services for the child.

Diversion responses for the child in conflict with the law may include the following: restitution of property, reparation of the damage caused, counseling, attendance in classes, participation in community programs, participation in courses and vocational training programs.

Here are two stories that explain exactly what we mean by community diversion of CICL: Fifteen-year-old Javier had been working as a domestic laborer to supplement his family's meager income. He was assigned to mind a small store and over time Javier stole P2,000 worth of food and milk to help feed his family. He was caught and instead of being thrown in jail, a barangay diversion program went to work. Community leaders brought together Javier, his family and the victim and they worked out a plan to repay the boy's debt to his employer. In the process, the store owner saw this was the first time Javier had strayed and he agreed to forgive the P2,000 debt as long as he attended school under the supervision of a community NGO.

The second story is about sixteen-year-old Rowina, who was far from home living with a distant relative under very little supervision. One day, she stole some of her friend's valuables. She was caught and barangay leaders mediated an agreement between Rowina and her friend's family. She signed an agreement to go back to live with her family and she is now at home under supervision of a social worker.

Since 2002, the FREELAVA organization in Cebu, working in just 12 barangays, has managed to divert 1,000 cases just like Javier and Rowina from detention and criminal proceedings. During this time, the Cebu City detention center for minors has seen its population decline from an average of 160 to around 60. This program

has relied mainly on available resources and can be replicated in thousands of barangays throughout the country.

Dealing with the problem of children in conflict with the law is much more complicated than just turning loose all the children currently in jail. For this reason, the bill calls for the creation of the Office of Juvenile Justice and Delinquency Prevention under the Department of Justice. The office will oversee this act and coordinate national implementation of juvenile justice and delinquency prevention program. It will also educate the public and community leaders in restorative justice and community diversion of certain children in conflict with the law.

Another important feature of the bill is the legal provision relating to detention of children pending trial. Wherever possible, children in conflict with the law should be released on recognizance, hopefully with adult supervision. Since detention should be used only as a measure of last resort, we propose that the children in conflict with the law be under close adult supervision, intensive care or placement with a family, or educational setting or home instead. Diversion must begin before court judgment, as all too often poor children from broken homes languish in jail for months or years before their cases are heard. The Bureau of Jail Management and Penology 2005 statistics recently showed that 96% of children currently in municipal jails are awaiting trial.

Finally, for too long we have been trying to tackle this problem piecemeal. That is why we need a comprehensive juvenile justice system now. Such a system will organize and train communities to develop homegrown, locally managed justice measures. This will allow police and prosecutors more humane alternatives in disposing of simple cases. In the end, we not only reduce the burden on our criminal justice system but we also allow thousands of unfortunate children to have a chance at rehabilitation.

Let us keep our children from the jails, for a jail is not a place for a child.

PARLIAMENTARY INQUIRY OF SENATOR ARROYO

Senator Arroyo informed the Body that Senator Madrigal would sponsor the social aspect of the bill next week, and he asked whether the Body could proceed with the period of interpellations on

Senator Pangilinan's sponsorship speech on the remedial aspect.

The Chair stated that if Senator Pangilinan would be willing, the Members could interpellate him.

However, Senator Cayetano informed the Body that some Members would like to deliver their sponsorship speeches in the day's session.

INSERTION OF COSPONSORSHIP SPEECHES INTO THE RECORD

Thereafter, upon motion of Senator Cayetano, there being no objection, the cosponsorship speeches of Senator Villar and Senate President Drilon were considered read into the record.

COSPONSORSHIP SPEECH OF SENATOR VILLAR

The following is the full text of the cosponsorship speech of Senator Villar on Senate Bill No. 1402:

BATA RIN SILA

"Ang kabataan ang pag-asa ng bayan," ito ang sinabi ni Gat. Jose Rizal.

Ngunit anong pag-asa ang hinaharap ng ating mahal na bayan kung libu-libong kabataan ang hinahayaan nating lumaki sa piling ng mga magnanakaw, mamamatay-tao at iba pang kriminal?

Anong kinabukasan ang ating haharapin kung libu-libong kabataan ang pinagkaitan natin ng kalayaan at hinahayang matulog sa malamig at basang sahig ng seldang hindi angkop para sa kanila? Di binibigyan ng sapat na pagkain; hindi pinag-aaral; at hinahayang lumaki ng walang tamang pag-gabay.

Tungkulin natin na kalingain ang bawat bata, bigyan ng sapat na pagkain, bubong na masisilungan, edukasyon, oras para maglaro at maglibang. Ngunit, dahil na rin sa kahirapan ng buhay, maraming kabataan ang napagkaitan ng mga karapatang ito. Maraming kabataan ang napipilitang mamalimos at magnakaw upang matugunan ang tawag ng kumakalam na sikmura.

Kasalanan ng lipunan na may mga kabataang kinakailangang maghanap ng sarili nilang ikabubuhay. Kasalanan ng lipunan na may mga kabataang hindi nag-aaral sa mga paaralan at pakalat-kalat sa lansangan. Kasalanan din ng lipunan na may mga kabataang nagnanakaw, namamalimos at nalululong sa masamang bisyo.

Subalit, mas malaking kasalanan ng lipunan na maging bulag, bingi at walang pakialam; na gamiting dahilan ang kawalan ng pondo at pasilidad upang hayaang manatili ang mga kabataan sa selda.

Ngayon na ang panahon para baguhin ang sistema. Huwag na nating ipiit ang mga pag-asa ng ating bayan. Ituwid natin ang kanilang landas sa tamang pamamaraan. Hindi parusa ang kailangan nila kundi pagmamahal, pang-unawa at gabay.

Inaamin ko na hindi tuwirang masususuluyun ng Senate Bill No. 1402 ang ugat ng problema ngunit isa itong hakbang, at bawat adhikain ay nakakamit kung mangangahas tayong kunin ang unang hakbang.

COSPONSORSHIP SPEECH OF SENATE PRESIDENT DRILON

Following is the cosponsorship speech of Senate President Drilon:

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

It is our moral duty to ensure that the child welfare and juvenile justice systems provide vulnerable children with the protection and services they need to live happy, healthy and productive lives.

Today, I share the privilege and honor in sponsoring Senate Bill No. 1402, under Committee Report No. 31, which proposes to establish a comprehensive juvenile system.

This measure, which we are set to deliberate on and hopefully approve later, is very close to my heart as I first proposed this ten years ago. I was then a new member of this august Chamber and fresh from my stint as Justice Secretary.

At the Justice Department, I understood the urgency and necessity of enacting fair and humane policies that deal with children and young offenders in the country. However, it is heartbreaking to note that the present system is doing more harm than good to child offenders. Instead of providing for their rehabilitation to turn them into responsible and productive citizens and enable them to make substantial contributions to society, the system encourages them to become hardened criminals. Sadly, the system creates the environment for their further moral deterioration.

AS

MS

Our Constitution mandates not only the recognition of the youth's vital role in nation-building but also the promotion and protection of their physical, moral, spiritual, intellectual and social well-being.

We find no exception from such dictates of the Constitution with respect to children who find themselves in conflict with the law.

It is vital for us, policymakers, to analyze and review factors that contribute to the transformation of the youth offender either into an accomplished member of society or an adult who finds himself further in conflict with the law.

We must resist the temptation to simplify delinquency because more often, youth offenders arrive in the juvenile justice system through paths marked by physical, sexual, mental, emotional and drug abuse. And we have to understand that children are heavily dependent upon the government's goodwill.

The present system has many flaws that we must immediately rectify. One glaring flaw is placing the children in penal facilities along with adult lawbreakers. Most of these youth offenders are convicted only of petty crimes like theft, but are detained in cells and facilities with adults where they are vulnerable to adult criminal influence. Their exposure to hardened criminals will have deleterious effect on them.

Moreover, it is unfortunate that the system which is supposed to impress on the youth offenders the importance of upholding the law only makes them more resentful to the rule of law and the people who represent the system. At various stages of the judicial process, a substantial number of youth offenders have experienced neglect and insensitivity of law enforcement personnel, prosecutors and even judges. This can be attributed to inadequate training in handling cases of children in conflict with the law.

More alarming and revolting are cases of youth offenders being abused physically, sexually and verbally by law enforcers while being investigated and detained. Instead of protecting them, these law enforcers violated their rights and deliberately overlooked their welfare.

Through this measure, we shall make it a policy to treat these youth offenders not as hard-core offenders but as misguided children. As such, their varied and complex needs require specialized treatment.

Allow me to highlight some of the proposed measures that will promote the correction and rehabilitation of youth offenders and provide them with opportunities for reformation.

First, we propose to amend the present law which grants absolute exemption from criminal liability of children nine years and below by increasing the exemption to include children up to the age of 12. Considerations must be made as to whether a child can live up to the moral and psychological components of criminal responsibility; that is, whether a child, by virtue of her or his individual discernment and understanding, can be held responsible for essentially anti-social behaviour.

Pending investigation or trial, the child offender may, upon recommendation of the Department of Social Welfare and Development, release a youth offender on recognizance to the custody of his parents or other suitable person who shall be responsible for his appearance whenever required.

Should the youth offender be found to have committed the acts charged against him, sentence shall be suspended and the court shall instead impose measures to ensure the rehabilitation of the minor.

If shown to the satisfaction of the court that the youth offender whose sentence has been suspended has shown good conduct and capability to be a useful and responsible member of the community, it shall dismiss the case and order the final discharge of the youth offender.

All records of the case against a youth offender shall be considered as privileged and confidential.

By instituting these reforms on the administration of juvenile justice, we envisage a judicial system that ensures the reformation of young offenders.

The judicial system, as well as the law enforcement and judicial officers, must not exact punishment but must, principally, provide for the rehabilitation of youth offenders, so as to transform them into responsible and productive members of society.

We must develop and implement effective and coordinated prevention and intervention programs to improve the juvenile justice system so that it promotes public safety, holds offenders accountable and provides treatment and rehabilitative services tailored to the needs of juveniles and their families. *W*

JS

The great English novelist, Charles Dickens, wrote and I quote: "In the little world in which children have their existence, whosoever brings them up, there is nothing so finely perceived and so finely felt as injustice."

It is indeed a grave injustice if we deny the youth offenders the opportunity to reform, live meaningful lives, and make substantive contributions that will benefit humanity and create a better society.

Hence, I seek your support in the passage of Senate Bill No. 1402.

COSPONSOR

Senator Cayetano manifested her desire to be a cosponsor of Senate Bill No. 1402.

COSPONSORSHIP SPEECH OF SENATOR EJERCITO ESTRADA (L)

In cosponsoring Senate Bill No. 1402, Senator Ejercito Estrada (L) delivered the following speech:

Allow me at the outset to congratulate the appropriate joint Senate committees as well as their respective chairmen for sponsoring this significant measure.

I feel strongly that we have for the past century failed to effectively tap the potentials of the youth, which incidentally are abundant and promising, because of our misguided approach in dealing with their various concerns. Indeed, while the youth are a potential gold mine for our future, embedded in them as well is the potential for harm and danger, and the commission of crime and anguish, and the victimization of themselves and others while in the course of their growing up.

Of course, there are various factors that would likely explain this phenomenon. Yet, clear is the fact that we have failed to truly put them in the right direction so that they may, contrary to what is happening, become part and parcel of nation-building.

There are so many things that we, as legislators, can possibly do if only to address these pressing concerns. Of these, the establishment of a comprehensive juvenile justice system indubitably is an excellent starting point. In our collective pursuit of molding secure, confident, responsible and productive Filipino youth, it is significant that those already on the

brink of hopelessness and destruction can be redirected to the mainstream by providing them an environment conducive to rectification and improvement.

Our current justice system relative to youth offenders sadly is clearly outmoded and simply not working, if not entirely ineffective. While several appropriate laws have been set in place, such as Presidential Decree No. 603, the Child and Youth Welfare Code, they do not really make distinctions between youth and adult offenders facing charges before the courts. This is unfortunate because child and youth offenders are uniquely different in so many ways.

This, it goes without saying, has deep deleterious effects on them. The continued lumping together of adult and youth offenders in the same jail, which incidentally is a subject matter of a resolution I recently filed, puts these youth in hazardous and oppressive conditions so that their probability of getting reformed becomes aggressively nil.

That is why if child and youth offenders were to be rehabilitated efficiently that they may subsequently become productive, there would have to be a new legal mechanism to take note of their uniqueness, address the same effectively and provide procedures on how to approach their concerns properly.

And this is what the pending measure hopes to achieve. If only for the interest of the millions of Filipino children, I am happy to be a cosponsor of this bill and certainly encourage my colleagues to fully support it so that at the end of the day, no child or youth offender will be made to suffer again at the hand of a clearly oppressive justice system that takes away many of their rights and tramples upon their dignity and welfare.

RESERVATIONS TO INTERPELLATE

Senator Cayetano stated that Senators Defensor Santiago, Revilla and Pimentel have made reservations to interpellate on the measure in the next session.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1402

Upon motion of Senator Cayetano, there being no objection the Body suspended consideration of the bill.

SUSPENSION OF SESSION

Upon motion of Senator Cayetano, the session was suspended.

It was 4:56 p.m.

RESUMPTION OF SESSION

At 5:00 p.m., the session was resumed.

COAUTHOR

Senator Pangilinan manifested that Senator Gordon is coauthor of Senate Bill No. 1402.

SPECIAL ORDER

Upon motion of Senator Pangilinan, there being no objection, the Body approved the transfer of Committee Report No. 32 on House Concurrent Resolution No. 20 to the Calendar for Special Orders.

COMMITTEE REPORT NO. 32 ON HOUSE CONCURRENT RESOLUTION NO. 20

Upon motion of Senator Pangilinan, there being no objection, the Body considered, on Second Reading, House Concurrent Resolution No. 20 (Committee Report 32), entitled

CONCURRENT RESOLUTION APPROVING THE TRANSFER/SALE OF ALL THE SHARES OF STOCK OF MERIDIAN TELEKOMS, INC. TO SMART COMMUNICATIONS, INC.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, with the permission of the Body, upon motion of Senator Pangilinan, only the title of the resolution was read without prejudice to the insertion of its full text into the Record of the Senate.

The Chair recognized Senator Arroyo for the sponsorship.

SPONSORSHIP REMARKS OF SENATOR ARROYO

Senator Arroyo stated that House Concurrent Resolution No. 20 was sponsored in the House of Representatives by House Minority Leader Francis

Escudero and he was presenting this for the Body's consideration lest it be said that the Senate does not act on a bill filed by a minority congressman. Like other franchise bills, he explained that the measure contains the Pimentel amendment that a company with a congressional franchise must secure permission from Congress for the sale of its shares of stock. He said that the House has approved the sale of shares of stock of Meridian Telekoms, Inc. to Smart Communications, Inc. and the concurrence of the Senate thereto is being sought.

INTERPELLATION OF SENATOR PIMENTEL

Asked by Senator Pimentel whether this was the first time that a measure of such nature is being taken up by the Body, Senator Arroyo said that he has not encountered any measure of this nature. He recalled that it was Senator Pimentel who introduced the provision in franchise bills.

Senator Pimentel expressed hope that this method could be applied to all measures which involve similar transactions. Senator Arroyo emphasized that a company, which has a congressional franchise, could not transfer its shares of stock without the concurrence of both Houses.

MANIFESTATION OF SENATOR OSMEÑA

Senator Osmeña made reservation to interpellate on the resolution at a later date.

SUSPENSION OF CONSIDERATION OF HOUSE CONCURRENT RESOLUTION NO. 20

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

SPECIAL ORDER

Upon motion of Senator Pangilinan, there being no objection, the Body approved the transfer of Committee Report No. 33 on House Bill No. 3524 to the Calendar for Special Orders.

COMMITTEE REPORT NO. 33 ON HOUSE BILL NO. 3524

Upon motion of Senator Pangilinan, there being no objection, the Body considered, on Second Reading, House Bill No. 3524 (Committee Report 33), entitled

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AN ACT AMENDING REPUBLIC ACT NO. 8996, ENTITLED "AN ACT GRANTING THE END TIME MISSION BROADCASTING SERVICE, INC. A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN FOR RELIGIOUS, EDUCATIONAL AND NON-COMMERCIAL PURPOSES RADIO AND TELEVISION BROADCASTING STATIONS ANYWHERE IN LUZON."

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, with the permission of the Body, upon motion of Senator Pangilinan, only the title of the bill was read without prejudice to the insertion of its full text into the Record of the Senate.

The Chair recognized Senator Arroyo for the sponsorship.

SPONSORSHIP REMARKS OF SENATOR ARROYO

Senator Arroyo stated that House Bill No. 3524 seeks to amend the existing franchise of the End Time Mission Broadcasting Service, Inc., the media arm of the Pentecostal Missionary Church of Christ, by converting it from a non-profit establishment to a commercial establishment because it could no longer continue funding its operations without some income.

Senator Arroyo urged the Body to approve the measure to help the Pentecostal Missionary Church of Christ expand its operations in Metro Manila; Laoag City, Ilocos Norte; Dagupan City, Pangasinan; Municipality of Ilagan, Isabela; Legazpi City; Naga City; Bacolod City; Davao; and in other places. The Pentecostal Missionary Church of Christ, he said, has about 350 churches nationwide, and it has done much in the field of education and many of its members have been helping other people.

SUSPENSION OF SESSION

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

It was 5:10 p.m.

RESUMPTION OF SESSION

At 5:11 p.m., the session was resumed.

INTERPELLATION OF SENATOR OSMEÑA

Asked by Senator Osmeña how many radio franchises have been granted to religious nonprofit groups by past Congresses, Senator Arroyo said that he would provide the necessary information at a later time.

Senator Osmeña asked how many measures, which sought the conversion of a company from a nonprofit organization to a profit organization, have been approved in the past. He expressed concern that the process might be a backdoor which somebody could use to easily obtain a franchise for a nonprofit organization from Congress only to convert it later on to a profit-radio station.

Senator Arroyo believed that the Pentecostal Missionary Church of Christ would not use this for some illicit purpose as the only reason that it presented during the hearings was that it could not afford to maintain the broadcast station without accepting any advertisement. Nevertheless, he acknowledged that the Senate should be very careful in granting franchises to companies.

As regards Section 2, on Dispersal of Ownership, Senator Arroyo stated that it is a standard provision in a commercial franchise measure that is being introduced as an amendment in the bill.

Senator Osmeña said that amendment to a bill should be in capitalized letters. He requested that the bill be revised to properly reflect the amendment.

Senator Arroyo stated that the bill was prepared by the House. Senator Osmeña then requested that he be furnished with the original copy of the franchise.

Asked on the background of End Time Mission Broadcasting Service, Inc., Senator Arroyo replied that it is the media arm of the Pentecostal Missionary Church of Christ (4th Watch) that is engaged in spreading the word of God through radio and television.

On whether the organization has a television station, Senator Arroyo replied in the negative, saying that it only blocks time.

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SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 3524

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

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 5:19 p.m.

RESUMPTION OF SESSION

At 5:21 p.m., the session was resumed.

PROPOSED SENATE RESOLUTION NO. 344

Upon motion of Senator Pangilinan, there being no objection, the Body considered Proposed Senate Resolution No. 344, entitled

A RESOLUTION COMMENDING 2005
BINIBINING PILIPINAS-MISS
INTERNATIONAL PRECIOUS LARA
QUIGAMAN FOR WINNING THE
2005 MISS INTERNATIONAL
BEAUTY TITLE AND FOR
BRINGING HONOR AND PRESTIGE
TO OUR COUNTRY,

taking into consideration Proposed Senate Resolution No. 345.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Pangilinan, only the title of the resolution was read without prejudice to the insertion of its text into the *Record of the Senate*.

SUSPENSION OF SESSION

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

It was 5:22 p.m.

RESUMPTION OF SESSION

At 5:23 p.m., the session was resumed.

Upon resumption, the Chair recognized Senator Roxas for the sponsorship.

SPONSORSHIP REMARKS OF SENATOR ROXAS

In his sponsorship of Proposed Senate Resolution No. 344, Senator Roxas noted that the country has been inundated with so much bad news and has been distracted mostly by political events lately. He said that the crowning of a Filipina, Ms. Precious Lara Quigaman, as the 2005 Miss International was an event that united the Filipinos.

He said the proposed resolution acknowledges Ms. Quigaman's victory in the beauty contest as she joins the roster of other Filipinas who have impressed the world with their beauty, grace, intelligence and who are the epitome of what Filipinas are.

INTERPELLATION OF SENATOR ARROYO

Replying to Senator Arroyo's inquiries, Senator Roxas acknowledged that as an admirer from afar of Ms. Quigaman, his filing of the resolution was all that he could do and that he was hoping to personally deliver the resolution to the honoree.

Thereupon, Senator Arroyo joined Senator Roxas in his call for the adoption of the resolution.

INTERPELLATION OF SENATOR OSMEÑA

Replying to Senator Osmeña's suggestion of holding at least one hearing to enable the Members to admire at close range Ms. Quigaman, Senator Roxas proposed that instead, the Members could jointly present the resolution to Ms. Quigaman.

INTERPELLATION OF SENATOR PIMENTEL

Asked by Senator Pimentel if President Macapagal Arroyo claimed any hand in the victory of Ms. Quigaman, Senator Roxas replied that the President, along with the 85 million other Filipinos, was in prayerful hope that Ms. Quigaman would be victorious in the said competition.

TERMINATION OF THE PERIOD OF INTERPELLATIONS

There being no other interpellation, upon motion of Senator Pangilinan, there being no objection, the Body closed the period of interpellations.

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**TERMINATION OF THE PERIOD
OF AMENDMENTS**

There being no committee or individual amendment, upon motion of Senator Pangilinan, there being no objection, the Body closed the period of amendments.

**ADOPTION OF PROPOSED
SENATE RESOLUTION NO. 344**

Upon motion of Senator Pangilinan, there being no objection, Proposed Senate Resolution No. 344 was adopted by the Body.


ADJOURNMENT OF SESSION

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

adjourned until three o'clock in the afternoon of Monday, October 10, 2005.

It was 5:30 p.m.

I hereby certify to the correctness of the foregoing.


OSCAR G. YABES
Secretary of the Senate
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Approved on October 10, 2005