



**REPUBLIC OF THE PHILIPPINES**

**S e n a t e**

**Pasay City**

# **Journal**

**SESSION NO. 33**

Monday, November 7, 2005

**THIRTEENTH CONGRESS  
SECOND REGULAR SESSION**

**SESSION NO. 33**  
Monday, November 7, 2005

**CALL TO ORDER**

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

**PRAYER**

Senate President Pro Tempore Juan M. Flavier led the prayer, to wit:

O God, we are one with You. You have made us one with You.

You have taught us that if we are open to one another, You dwell in us.

Help us to preserve this openness and to fight for it with all our hearts.

Help us to realize that there can be no understanding where there is mutual rejection.

O God, in accepting one another wholeheartedly, fully, completely, we accept You; and we thank You, and we adore You, and we love You with our being, because our being is in Your being, our spirit is rooted in Your Spirit.

Fill us then with love and let us be bound together with love as we go our diverse ways, united in this one Spirit which makes You present to the world and which makes You witness to the ultimate reality that is love.

Love has overcome. Love is victorious.  
Amen.

**NATIONAL ANTHEM**

The NAPOLCOM Chorale led the singing of the national anthem and thereafter rendered the song entitled, "Heal Our Land."

**ROLL CALL**

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

Angara, E. J.	Lacson, P. M.
Arroyo, J. P.	Lim, A. S.
Defensor Santiago, M.	Madrigal, M.A.
Drilon, F. M.	Pangilinan, F. N.
Ejercito Estrada, J.	Pimentel Jr., A. Q.
Ejercito Estrada, L. L. P.	Recto, R. G.
Enrile, J. P.	Revilla Jr., R. B.
Flavier, J. M.	

With 15 senators present, the Chair declared the presence of a quorum.

Senators Biazon, Magsaysay, Osmeña, Roxas and Villar arrived after the roll call.

Senator Gordon, who was on official mission, also arrived after the roll call.

Senator Lapid was on official mission abroad.

Senator Cayetano 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. 32 and considered it approved.

**REFERENCE OF BUSINESS**

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

**BILLS ON FIRST READING**

Senate Bill No. 2151, entitled

AN ACT AMENDING THE CIVIL CODE,  
ALSO KNOWN AS REPUBLIC ACT  
NO. 386, SECTIONS 778 AND 779  
ON SUCCESSION

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10

Introduced by Senator Miriam Defensor  
Santiago

**To the Committees on Constitutional  
Amendments, Revision of Codes and Laws;  
and Youth, Women and Family Relations**

Senate Bill No. 2152, entitled

AN ACT PROTECTING THE WAGES  
AND TIPS OF CERTAIN  
EMPLOYEES

Introduced by Senator Miriam Defensor  
Santiago

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

Senate Bill No. 2153, entitled

AN ACT TO REGULATE OFFICE-  
BASED INVASIVE PROCEDURES

Introduced by Senator Miriam Defensor  
Santiago

**To the Committees on Health and  
Demography; and Finance**

### COMMUNICATIONS

Letter from Chairman Guillermo N. Carague of the Commission on Audit, furnishing the Senate with the Report on Salaries and Allowances Received by Principal Officers and Members of Governing Boards of Government-Owned and/or Controlled Corporations and their Subsidiaries and Secretaries, Undersecretaries and Assistant Secretaries of National Government Agencies for the calendar year 2004.

**To the Committees on Finance; and Civil  
Service and Government Reorganization**

Letter from Mayor Noel L. Villanueva of the Municipality of Concepcion, Tarlac, forwarding to the Senate a copy of Sangguniang Bayan Resolution No. 80-05, entitled: RESOLUTION ADOPTING THE POSITION PAPER OF THE MUNICIPAL GOVERNMENT OF CONCEPCION CONTAINING THE MAJOR

CONCERNS AND SENTIMENTS OF ITS CONSTITUENTS IN THE IMPLEMENTATION OF THE SUBIC-CLARK-TARLAC EXPRESSWAY PROJECT PACKAGE II (SCTEP).

**To the Committee on Public Works**

### COMMITTEE REPORT

Committee Report No. 37, submitted by the Committees on Trade and Commerce; and Economic Affairs on

Proposed Senate Resolution No. 67, introduced by Senator Luisa "Loi" P. Ejercito Estrada, entitled: RESOLUTION DIRECTING THE SENATE COMMITTEE ON AGRICULTURE AND FOOD TO INVESTIGATE, IN AID OF LEGISLATION, THE ALLEGED UNREGULATED INFLUX OF IMPORTED VEGETABLES INTO THE PHILIPPINES;

Proposed Senate Resolution No. 68, introduced by Senator Mar Roxas, entitled: RESOLUTION DIRECTING THE COMMITTEES ON TRADE AND COMMERCE, AND ECONOMIC AFFAIRS TO CONDUCT A JOINT INVESTIGATION, IN AID OF LEGISLATION, ON THE PROBLEM OF UNABATED SMUGGLING OF GOODS INTO THE COUNTRY TO THE DETRIMENT OF LOCAL PRODUCERS, MANUFACTURERS, RETAILERS AND CONSUMERS AND THE PHILIPPINE ECONOMY IN GENERAL, WITH THE GOAL OF RECOMMENDING MEASURES TO END THE PROBLEM OF SMUGGLING IN THE COUNTRY;

Proposed Senate Resolution No. 97, introduced by Senators Mar Roxas, Magsaysay Jr., Gordon, Lim and Enrile, entitled: RESOLUTION URGING THE OFFICE OF THE PRESIDENT TO RECONSTITUTE THE OFFICE OF THE ANTI-SMUGGLING TASK FORCE (NASTF), ANTI-SMUGGLING INTELLIGENCE AND INFORMATION

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CENTER (ASSIIC), AS WELL AS THE CABINET OVERSIGHT COMMITTEE ON ANTI-SMUGGLING (COCAS), IN LIGHT OF THE UNABATED ILLEGAL ENTRY OF VARIOUS COMMERCIAL GOODS INTO THE COUNTRY, WHICH HAS ADVERSELY AFFECTED BOTH THE BUSINESS AND PUBLIC SECTOR, IN EFFECT FURTHER DAMAGING THE NATIONAL ECONOMY;

and Proposed Senate Resolution No. 119, introduced by Senator Pimentel Jr., entitled: RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO INVESTIGATE, IN AID OF LEGISLATION, THE ALLEGED BIGTIME ONION AND VEGETABLE SMUGGLING SYNDICATES IN THE COUNTRY,

recommending the approval of its findings, recommendations on the issue of smuggling, and the consideration by the appropriate committee of the attached Senate Bill No. 2154, entitled: AN ACT AMENDING CERTAIN PROVISIONS OF PRESIDENTIAL DECREE NO. 1464, OTHERWISE KNOWN AS THE TARIFF AND CUSTOMS CODE OF THE PHILIPPINES, AS AMENDED, AND FOR OTHER PURPOSES

Sponsors: Senator Mar Roxas and the members of the Committees on Trade and Commerce; and Economic Affairs

**To the Calendar for Ordinary Business**

#### **ADDITIONAL REFERENCE OF BUSINESS**

##### **BILL ON FIRST READING**

Senate Bill No. 2154, entitled

AN ACT AMENDING CERTAIN PROVISIONS OF PRESIDENTIAL DECREE NO. 1464, OTHERWISE KNOWN AS THE TARIFF AND CUSTOMS CODE OF THE

PHILIPPINES, AS AMENDED, AND FOR OTHER PURPOSES

Introduced by the Members of the Committees on Trade and Commerce, and Economic Affairs per Committee Report No. 37

**To the Committee on Ways and Means**

#### **SECOND ADDITIONAL REFERENCE OF BUSINESS**

##### **RESOLUTION**

Proposed Senate Resolution No. 363, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON LABOR, EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT AND OTHER APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE MURDER OF HACIENDA LUISITA LABOR LEADER RICARDO RAMOS

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committees on Labor, Employment and Human Resources Development; and National Defense and Security**

#### **PARLIAMENTARY INQUIRY OF SENATOR PIMENTEL**

Senator Pimentel stated that the most important obligation that the Body must do before the end of the year is to pass the national budget. Apparently, he said, there is an attempt on the part of the members of the House of Representatives to delay the transmittal of the General Appropriations Bill (GAB). He stressed that based on past experience, the Senate is given at least a month and a half to discuss and pass the GAB. That being the case, he asked whether it is possible to convert the Senate into a Committee of the Whole to tackle the various budgetary proposals that are already being discussed by the committees. To use time more productively, he proposed that the Committee of the Whole start

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the session at three o'clock in the afternoon to discuss the budgetary proposals, without prejudice to giving way to some other more pressing matters that are of vital concern to the nation. He believed that by doing so, the Body would eliminate duplicating the work of the various Senate committees and the senators could directly introduce amendments. He explained that when the Body is done with its work and the national budget is transmitted from the House, the senators would already have a basis for comparing which proposals are acceptable and which needed to be threshed out.

#### REMARKS OF SENATOR ANGARA

Senator Angara agreed to the suggestion of Senator Pimentel, as he pointed out that in the two years preceeding last year, Congress failed to pass a budget, an act which is not only damaging to many departments and agencies because it disrupts their planning and financial scheduling, but also deprives the Congress of the power over the purse.

Senator Angara stated that in his 15 years as senator, with the exception of those two years, Congress had always passed the budget. He wondered why to date, the committees in charge of hearing the budget submissions of the different departments have not been scheduling hearings except the Committee on Ways and Means. He reminded the Body of its duty to scrutinize and pass the budget more seriously than it did in 2004. Agreeing with Senator Pimentel on the urgency of the task, he said that he would hate to see a reenacted budget owing to lack of action on the part of the Senate. He underscored that failure to enact the budget is destructive of the budgetary process and financial planning.

The Chair recalled that in every budget year, when the House is able to transmit to the Senate the GAB on or about November 15, the Senate is able to debate on it and pass it before the Christmas break, but when the bill is transmitted to the Senate in December, the Body runs out of time, hence, the old budget is reenacted. The Chair stated that it has been publicly urging the House of Representatives to transmit the budget to the Senate on or before mid-November to allow the latter to study the proposals. But the Chair acknowledged that since the Senate has no control over the deliberations of the House, it would have to wait for the House to pass the budget.

Noting that the Senate is, in a way, held hostage to the schedule of the House, Senator Angara believed that there are ways of convincing the House that it must transmit the GAB not later than the end of November. He observed that in the past, even though the Senate received the budget at the end of November, with only one week for deliberation, it still managed to pass the budget before the Christmas break because the finance committee chairman had already scheduled hearings ahead of time. He expressed apprehension that the Body has not been paying serious attention to this single most important document of the nation. He believed that the Senate leadership and the LEDAC would be able to urge the House leadership to give the Senate enough time to go over the budget.

#### REMARKS OF SENATOR ARROYO

At this point, Senator Arroyo said that while the House takes the initiative when it comes to appropriations and revenue measures, there is nothing that prevents the Senate from taking up the budget even before the House has completed its hearings or enacted the budget. He suggested that the Body start committee hearings on the budget so that by the time the House transmitted the measure to the Senate, the Body shall already have a picture of the general appropriations. This way, he pointed out, the Body shall have done its job, especially if it finishes the hearings ahead of the House. He stressed that no constitutional prohibition prevents the Senate from conducting simultaneous hearings on the budget with the House, which historically adopts the measure submitted by Malacañang.

#### REMARKS OF THE CHAIR

The Chair shared Senator Angara's view that, indeed, in the past, the Body held committee hearings on the budget almost simultaneously with the House of Representatives. However, as a constitutional issue, the Chair stated that the Body could not prepare a committee report nor start plenary debate until the House shall have transmitted to the Senate a duly passed General Appropriations Bill. Moreover, It agreed with Senator Arroyo that there is no prohibition on the committees to start hearings on the budget.

Senator Arroyo expressed the view that the Body could prepare an interim committee report, subject to a final report, which would go a long way in easing the problem.

**REMARKS OF SENATOR PIMENTEL**

Senator Pimentel pointed out that indeed the Body could hold committee hearings almost simultaneously with the House as had been done in the past. But he clarified that his suggestion was to convert the Body into a Committee of the Whole which would hear the annual budget during regular session hours. He believed that this arrangement would expedite matters.

The Chair stated that the matter should be referred to the chair of the Committee on Finance which has primary jurisdiction over the budget.

Senator Arroyo noted that practically everyone is a member of the Committee on Finance and has particular assignments. But he deferred to the Chair's suggestion that the opinion of Senator Villar, who was not around, be sought.

Senator Pangilinan informed the Body that Senator Villar was on his way to the session hall. Additionally, he suggested that the matter be discussed in an all-senators caucus later in the afternoon.

Senator Lacson stated that the Rules might need to be suspended should the Body decide to hold committee hearings during session hours.

The Chair stated that the matter would be considered in the caucus.

**APPROVAL OF HOUSE BILL NO. 3524 ON THIRD READING**

Upon motion of Senator Pangilinan, there being no objection, the Body considered, on Third Reading, House Bill No. 3524, printed copies of which were distributed to the senators on November 2, 2005

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Pangilinan, there being no objection, Secretary Yabes read only the title of the bill, to wit:

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."

Secretary Yabes called the roll for nominal voting.

**RESULT OF THE VOTING**

The result of the voting was as follows:

*In favor*

Angara	Lacson
Arroyo	Lim
Defensor Santiago	Madrigal
Drilon	Pangilinan
Ejercito Estrada (J)	Pimentel
Ejercito Estrada (L)	Recto
Enrile	Revilla
Flavier	

*Against*

None

*Abstention*

None

With 15 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 3524, as amended, approved on Third Reading.

**SUSPENSION OF SESSION**

Upon motion of Senator Pangilinan, the session was suspended.

*It was 4:00 p.m.*

**RESUMPTION OF SESSION**

At 4:41 p.m., the session was resumed.

**REMARKS OF SENATOR VILLAR**

Senator Villar informed the Body that the national budget has not yet reached the Senate as

the House was still deliberating on it. He reminded the Body that it could not formally start the deliberations on the budget until it has been passed by the House, printed and then transmitted to the Senate.

Traditionally, he observed, the work is divided among the vice chairmen of the finance committee and in practice, the committee that has jurisdiction over certain departments or offices handles their budgets; and the finance committee chair takes over the rest. He added that in practice, the informal hearings on the budget start even before the same is transmitted to the Senate.

Senator Villar pointed out, however, that the present situation might need a different approach, particularly in view of the proposal to convene the Senate as a Committee of the Whole. He stated that he would brief Senate President Drilon and the vice chairmen on the mechanics and possible repercussions of the proposal, adding that he was nonetheless open to other options. He said that he would abide by the decision of the Body.

At this juncture, Senator Pangilinan stated that Senate President Drilon, Senators Flavie, Villar and he shall meet tomorrow to discuss matters related to the budget.

#### SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

*It was 4:46 p.m.*

#### RESUMPTION OF SESSION

At 4:49 p.m., the session was resumed.

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

*(Continuation)*

Upon motion of Senator Flavie, there being no objection, the Body resumed consideration, on Second Reading, of 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.

Senator Flavie stated that the parliamentary status was the period of committee amendments.

Thereupon, the Chair recognized Pangilinan, Sponsor of the measure.

#### COMMITTEE AMENDMENTS

As proposed by Senator Pangilinan, there being no objection, the following committee amendments were approved by the Body, one after the other:

1. On page 1, line 6, change the year "2003" to 2005;
2. On the same page, line 7, between the words "involving" and "children," insert the phrase CHILD AT RISK AND,;
3. On the same page, line 9, after the title *Declaration of State Policy*, insert the clause THE FOLLOWING STATE POLICIES SHALL BE OBSERVED AT ALL TIMES,;
4. Thereafter, on the same page and line, denominate the policy on lines 9 to 13 as subsection (A) in paragraph form;
5. On the same page, between lines 13 and 14, insert a new subsection to read as follows:

(B) THE STATE SHALL PROTECT THE BEST INTERESTS OF THE CHILD THROUGH MEASURES THAT WILL ENSURE THE OBSERVANCE OF INTERNATIONAL STANDARDS OF CHILD PROTECTION, ESPECIALLY THOSE OF WHICH THE PHILIPPINES IS A SIGNATORY. PROCEEDINGS BEFORE ANY AUTHORITY SHALL BE CONDUCTED IN THE BEST INTEREST OF THE CHILD AND IN A MANNER WHICH ALLOWS THE CHILD TO PARTICIPATE AND TO EXPRESS HIMSELF/HERSELF FREELY. THE PARTICIPATION OF THE CHILDREN IN THE PROGRAM AND POLICY FORMULATION AND

IMPLEMENTATION RELATED TO JUVENILE JUSTICE AND INTERVENTION PROGRAMS SHALL BE ENSURED BY THE CONCERNED GOVERNMENT AGENCY;

6. On the same page, line 14, insert "(C)" before the phrase "The State likewise recognizes...";
7. On page 2, line 1, insert "(D)" before the word "Pursuant", and on line 2, after the words "accused of," insert the word ADJUDGED;
8. On the same page, line 14, insert "(E)" before the phrase "The administration of juvenile justice...";
9. On page 2, delete lines 18 to 22;
10. On page 3, line 8, change the word "children" to A CHILD, and change the word "are" to IS;
11. On page 3, amend line 12 as follows:
 

(A) BEING ABUSED BY ANY PERSON THROUGH SEXUAL, PHYSICAL, PSYCHOLOGICAL, MENTAL, ECONOMIC OR ANY OTHER MEANS AND THE PARENTS OR GUARDIAN REFUSE, ARE UNWILLING, OR UNABLE TO PROVIDE PROTECTION FOR THE CHILD;
12. On page 3, between lines 12 and 13, insert a new subparagraph to read as follows:
 

(B) BEING EXPLOITED INCLUDING SEXUALLY OR ECONOMICALLY;
13. Thereafter, insert another subparagraph to read as follows:
 

(C) BEING ABANDONED OR NEGLECTED, AND AFTER A DILIGENT SEARCH AND INQUIRY, THE PARENT OR GUARDIAN CANNOT BE FOUND;
14. On the same page, line 13, denominate subparagraph "(b)" as subparagraph "(d)" and rephrase it as follows:
 

(D) COMING FROM A DYSFUNCTIONAL OR BROKEN FAMILY, OR WITHOUT A PARENT OR GUARDIAN;
15. On the same page, reletter subparagraph "(c) to "(e)"; "(d) to "(f)"; "(e) to "(g)"; and "(f) to "(h)";

16. On the same page, line 22, and wherever found in the bill, capitalize the first letters of the words "child," "conflict," and "law";
17. On page 4, line 14, capitalize the first letter of the following words: "section," "rule," "revised," "rules," "criminal," and "procedure";
18. On the same page, line 15, capitalize the first letter of the word "section", change the abbreviation "sec." to "Section", and change "rule" to "Rule";
19. On the same page, between lines 18 and 19, insert a new term to read follows:

(10) JUVENILE INTERVENTION PROGRAM – REFERS TO JUVENILE DELINQUENCY PREVENTION PROGRAMS AND OTHER APPROPRIATE PROGRAMS FOR CHILDREN AT RISK AND CHILDREN IN CONFLICT WITH THE LAW."

20. Thereafter, renumber the succeeding subparagraphs accordingly;
21. On the same page, line 20, delete the word "being" and insert the phrase THE TIME THE CHILD IS, and change the word "including" to TO so that lines 19 to 20 will now read as follows:
 

(11) JUVENILE JUSTICE SYSTEM – SHALL MEAN PROCEEDINGS STARTING FROM THE TIME THE CHILD IS TAKEN INTO CUSTODY, TO DIVERSION PROCEEDINGS;
22. On the same page, line 25, delete the phrase "felonies punishable under";
23. On page 5, line 1, change the word "by" to OF;
24. On page 5, line 3, change the number "(13)" to (14), and replace the words "include those" with REFER TO DOCUMENTS AND PIECES OF EVIDENCE;
25. On the same page, line 4, put a comma (,) after the words "National Bureau of Investigation", and delete the word "and";
26. On the same page, between lines 6 and 7, insert a new term to read as follows:

(15) RESTORATIVE JUSTICE – SHALL REFER TO A FRAMEWORK OF RESOLVING CONFLICTS

16



WITH MAXIMUM INVOLVEMENT OF THE VICTIM FOR OBTAINING REPARATION, RECONCILIATION OF THE OFFENDER, THE OFFENDED PARTY AND THE COMMUNITY AND AN ASSURANCE TO THE OFFENDER THAT HE/SHE CAN BE REINTEGRATED INTO THE SOCIETY. THIS FRAMEWORK PROMOTES ACCOUNTABILITY AND RESPONSIBILITY, COMPETENCY DEVELOPMENT AND COMMUNITY SAFETY. IT ALSO ENHANCES PUBLIC SAFETY BY ACTIVATING THE OFFENDER, THE VICTIM AND THE COMMUNITY IN PREVENTION STRATEGIES.; and

27. On the same page, line 7, change the number "(14)" to (16).

**SUSPENSION OF THE PERIOD OF COMMITTEE AMENDMENTS**

Upon motion of Senator Pangilinan, there being no objection, the period of committee amendments was suspended until the next day's session as he still has other committee amendments to introduce.

**SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1402**

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 5:02 p.m.*

**RESUMPTION OF SESSION**

At 5:40 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 the following day.

*It was 5:40 p.m.*

I hereby certify to the correctness of the foregoing.

OSCAR G. YABES  
Secretary of the Senate  
*OS* *AV*

Approved on November 8, 2005