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SESSION NO. 19

Tuesday, September 11, 2007

**FOURTEENTH CONGRESS
FIRST REGULAR SESSION**

SESSION NO. 19
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CALL TO ORDER

At 4:03 p.m., the Senate President, Hon. Manny Villar, called the session to order.

PRAYER

Sen. Ramon "Bong" B. Revilla Jr. led the prayer, to wit:

PEACE PRAYER

As we remember 9/11, we pray,
oh God –

For harmony amongst nations, races and religions;

For peace, especially for our brothers caught in the strife in Mindanao;

For contentment, as opposed to the disgruntled few;

For blessing, for those who are impoverished in mind, body and spirit;

For enlightenment, for those still in darkness;

For understanding amidst confusion;

For unity amidst diversity;

For strength, lest we be weakened;

For valor, lest we give in to fear.

Lord, again we implore Your divine guidance as our nation faces trials ahead, especially in the days to come,

And may we use whatever capabilities we have for endeavors that would benefit all, if not most, of our countrymen.

Guide us so that we may fully respect one another, regardless of faith, gender, status or beliefs, so that peace and prosperity can truly be with us.

Amen.

ROLL CALL

Upon direction of the Chair, the Secretary of the Senate, Emma Lirio-Reyes, called the roll, to which the following senators responded:

Angara, E. J.	Honasan, G. B.
Aquino III, B. S. C.	Lacson, P. M.
Arroyo, J. P.	Lapid, M. L. M.
Biazon, R. G.	Legarda, L.
Cayetano, A. P. C. S.	Madrugal, M. A.
Cayetano, C. P. S.	Pangilinan, F. N.
Defensor Santiago, M.	Pimentel Jr., A. Q.
Ejercito Estrada, J.	Revilla Jr., R. B.
Enrile, J. P.	Villar, M.
Escudero, F. J. G.	Zubiri, J. M. F.

With 20 senators present, the Chair declared the presence of a quorum.

Senator Gordon was on official mission abroad.

Senator Roxas was absent on account of illness.

Senator Trillanes was unable to attend the session.

**ACKNOWLEDGMENT
OF THE PRESENCE OF GUESTS**

At this juncture, Senator Pangilinan acknowledged the presence in the gallery of faculty and students from Batangas State University.

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. 18 and considered it approved. *AS* *pb*

DEFERMENT OF THE REFERENCE OF BUSINESS

Upon motion of Senator Pangilinan, there being no objection, the Body deferred consideration of the Reference of Business to a later hour.

MOTION OF SENATOR PANGILINAN

Senator Pangilinan informed the Body that Senators Defensor Santiago, Ejercito Estrada and Lacson have requested that they be allowed to take the floor on a matter of personal and collective privilege.

Upon motion of Senator Pangilinan, there being no objection, the Body reserved interpellations on all the three speeches after their delivery.

PRIVILEGE SPEECH OF SENATOR DEFENSOR SANTIAGO

Availing herself of the privilege hour, Senator Defensor Santiago delivered the following speech:

This is a brief nine-page speech, but, in fact, I am only acting as a curtain raiser for Sen. Jinggoy Ejercito Estrada whose speech after mine will be imminently more important because it will deal with what the nation is waiting for with bated breath tomorrow—the verdict on the case not only against his father, the ex-President, but also against himself.

For that reason, since I am only merely going to deliver a minor treatise on a law of criminal evidence, I will request, with the consent of my colleagues in the Senate, to be exempted from interpellation so that Senator Ejercito Estrada may take the full advantage of the remaining time and may have more leisure to attend to inquiries thereafter.

The title of this paper is "*Witness Retraction is Weightless in the Rules of Evidence.*"

Kapag pinalitan ng testigo ang sinabi niya, wala nang timbang ang mga pinagsasabi niya. Katulad din sa mag-asawa, minsan ka lang magsinungaling sa asawa mo, wala nang timbang ang lahat ng iyong mga paliwanag. Puwede mong tapatan iyan ng alahas, kotse o kaya ay bagong damit, pero it will cost him.

Some rules on evidence

Evidence is the means, sanctioned by the Rules of Court, of ascertaining in all hearings the truth respecting a matter of fact.

When we watch a courtroom, we ask ourselves: *Paano kaya malalaman ng hukom kung sino ang nagsasabi ng totoo? Ito ay hindi ayon sa kursunada niya, kundi dahil itinuro sa kanya sa college of law ang tinatawag na Rules on Evidence. Kaya kung hindi ka nag-aral ng batas, lalo na ng Rules of Evidence, ang pinakamabuti niyan ay mag-aral ka muna. Kung hindi, makikipag-suntukan ka na lamang dahil hindi kayo magkakaintindihan kung saan kayo pareho nanggagaling.*

In the present Senate hearing on alleged illegal wiretapping by the military, there are certain rules of evidence with which we have to be familiar to avoid prolonged technical arguments during the public hearing. Some of these pertinent rules are:

- ♦ **Disqualification by means of privileged communication.** The husband or wife cannot be examined without the consent of the other or on any communication received in confidence by one from the other. In the Senate hearings, there is no confidential communication involved between the spouses. Hence, I have requested the committee to invite Arlene Doble to testify.
- ♦ **Burden of proof.** Burden of proof is the duty of a party to present evidence on the facts in issue, necessary to establish his claim by the amount of evidence required by law. Doble claims that he was part of an illegal wiretapping operation within the ISAFP. He bears the burden of proof.
- ♦ **Leading questions.** A question which suggests to the witness the answer which the senator desires is a leading question. For example, a leading question is: *Hindi ba nangopya ka noong test?* *Kasi gusto mong aminin niya iyon.* That is a leading question. It is allowed on cross-examination and on examination of a hostile witness.
- ♦ **Impeachment of witness.** *Akala ninyo Presidente lamang ang puwedeng i-impeach? Mayroon ding impeachment ng witness. Ibig sabihin, patunayan mo sa mga kasamahan mong abogado sa korte na hindi puwedeng pagkatiwalaan itong testigo. Iyon ang ibig sabihin ng impeachment of witness.* A witness may be impeached by a senator by contradictory evidence, by evidence that his general reputation for truth, honesty or integrity is bad, or by evidence that he has made at other times statements inconsistent with his present testimony. ~~AK~~

Credibility of witness

The Rules on Evidence does not contain particular provisions on credibility, or on the retraction of a witness.

Paano mo malalaman kung puwede mong pagkatiwalaan ang isang testigo? Sa korte, nakaupo rito ang hukom. Tatawagin ang testigo at tatayo siya sa tabi ng hukom at susumpa na magsasabi siya ng totoo. Pagkatapos ay magsasalaysay siya ayon sa pagtatanong ng kaniyang abogado. Paano mo malalaman na ang sinasabi niya ay totoo o hindi? Mayroong mga rules diyan na napagaralan natin sa college of law. Pero sa courtroom, ang pinakamahalagang rule diyan ay titigan nating mabuti ang mukha ng tao. Dahil ginawa tayo na mga nilalalang na kung ano ang nangyayari sa ating kaluluwa ay nalalaman sa pamamagitan ng ating mukha. Ngunit ang iba ay magaling umarte, mahirap malaman ang iniisip o dinaramdam nila. Mayroong mga techniques iyan sa ating Rules on Evidence. That is why in trial court, it is said that, "The demeanor of the witness is the most important indication of whether he is telling the truth." And that is why a trial court finding on the credibility of the witness is always upheld by the Supreme Court dahil ang hukom sa trial court ang nakakita sa pagmumukha ng tao. Marami iyan, halimbawa: una, dapat ay maligo muna ang testigo bago siya tumestigo; pangalawa, mag-ahit siya o kaya ay paputulan niya ang kanyang buhok; pangatlo, kung hindi man bago ang damit niya, palabhan at ipaplantsa. Magpagupit siya ng kuko niya para naman magmukha siyang disentang tao. Tapos itigil niya ang mga unnecessary facial expressions, tulad ng pagtaas ng kilay, pagbuka ng bibig. Mga palatandaan iyan ng mga taong nagkukunwari. So, judges are trained to study the face or the demeanor of the witness. But that is not provided in the Rules on Evidence. Instead, what we have in our law books are case law, meaning the aggregate of reported cases which form a body of jurisprudence, in distinction to statutes or other sources of law. Hindi lamang kami sa Kongreso ang gumagawa ng batas. Ang mismong judicial branch at mga hukuman ay gumagawa rin ng batas. Ang aming ginagawa ay tinatawag nating batas, pero ang ginagawa ng ating korte sa pamamagitan ng kanilang hatol ay batas din katulad din ng sa amin. Ang sa amin ay tinatawag sa Ingles na statutes or legislation, ang kanila ay tinatawag na case law.

There is a plenitude of case law on credibility. Perhaps, the classic statement is as

follows: "For evidence to be believed, it must not only proceed from the mouth of a credible witness but must be credible in itself, such as the common experience and observation of mankind can approve as probable under the circumstances." [*People v Goriega*, 326 SCRA 675 (2000)]

Retraction has no evidentiary weight

Under the Rules of Evidence, a retraction, sometimes called a recantation, takes place when a witness has previously given an extrajudicial statement or court testimony, but later repudiates what he said, by issuing a contradictory written statement or a contradictory testimony. *Eto, may testigo. Una, mayroon siyang istorya; pangalawa, sabi niya "nagkamali pala ako, at iba na ang istorya ko ngayon." Alin ang paniniwalaan natin? Ang sabi ng Korte Suprema, "Wala, dahil sinungaling 'yang taong iyan "*

As a general rule, retraction has little weight as evidence. This rule has been stated in very strong language in specific cases decided by the Philippine Supreme Court, arranged in reverse chronological order. *Bakit nire-reverse ko ang chronological order? Sa halip na mag-umpisa ako sa pinakaunang kaso, nag-umpisa ako sa pinakahuli. Ito ay dahil sa batas, ang pinakahuling kaso ang siyang masusunod, hindi ang pinakauna. Kaya hangga't maaari, hanapin mo ang kaso na kapapairal lang ng Korte Suprema. Huwag kang magtiwala doon sa mga lumang kaso dahil baka napalitan na iyan.* That is why I will recite to you in reverse chronological order the verbatim quotations from our Supreme Court, as follows:

- ◆ The Court has held in a number of cases that a recantation of a testimony is exceedingly unreliable. *People v Montañez*, 2004. [425 SCRA 675 (2004)]
- ◆ Recantations are frowned upon by the courts. *People v Ceniza*, 2003. [411 SCRA 374 (2003)]
- ◆ As a rule, the Supreme Court has often regarded a recantation with disfavor. *People v Datu*, 2003. [397 SCRA 375 (2003)]
- ◆ If such testimony was sufficient, clear, consistent, and credible to establish the crime beyond reasonable doubt, a conviction may be based on it, notwithstanding its subsequent retraction. *People v Deauna*, 2002. [386 SCRA 136 (2002)]
- ◆ Mere retraction by a prosecution witness does not necessarily vitiate the original testimony. *People v Mendoza*, 1999. [301 SCRA 66 (1999)]

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- ◆ At most, the retraction is an afterthought which should not be given probative value. *Alonte v Savellano, Jr.*, 1998. [287 SCRA 245 (1998)]
- ◆ A recantation does not necessarily cancel an earlier declaration. Like any other testimony, it is subject to the test of credibility based on the relevant circumstances and specially the demeanor of the witness on the stand. *People v. Delabajan*, 1997. [280 SCRA 696 (1997)]
- ◆ An affidavit of recantation made by a witness after the conviction of the accused is unreliable and deserves scant consideration. *Molina v People*, 1996. [259 SCRA 138 (1996)]
- ◆ A retraction does not necessarily negate an earlier declaration. *People v Davatos*, 1994. [229 SCRA 647 (1994)]
- ◆ Retractions are exceedingly unreliable. The Court has looked with disfavor upon retractions of testimony made before the court. *People v Cruda*, 1992. [212 SCRA 125 (1992)]
- ◆ The Supreme Court looks with disfavor upon Busa's alleged retraction. It is too late in the day for his recantation without portraying himself as a liar. *People v Loste*, 1992. [210 SCRA 614 (1992)]
- ◆ The general rule is that courts look with disfavor upon retractions of testimonies previously given in court. *Reano v Court of Appeals*, 1988. [165 SCRA 525 (1988)]
- ◆ Recanted testimony is exceedingly unreliable. *People v Pasilan*, 1965. [14 SCRA 694 (1965)]

Hanggang 1965 lamang ito pero marami pa bago mag-1965.

Reasons for distrust of retractions

1. Before accepting a retraction made by a witness, one must examine the circumstances surrounding the retraction and possible motives of the witness in reversing his testimony. *People v Ceniza*, 2003. [411 SCRA 304 (2003)]

2. To automatically uphold recantations in any form would allow unscrupulous witnesses to trifle with the legal process and make a mockery of established judicial proceedings, to the detriment of the entire justice system. *People v Deauna*, 2002. [386 SCRA 136 (2002)]

Kung papayagan natin ang testigo na sa simula ay seryosong seryoso sa mga sinasabi sa atin, at sa ibang araw ay seryoso pa rin pero iba na ang istoryang ginawa niya, parang niloloko niya ang importansya o solemnidad

ng ating ginagawa. Parang ginagawa niyang katatawanan ang ating procedures, lalo na sa ating judicial system. In fact, in actual trial court, if a witness is very obviously lying under oath, and the judge is about to reach the end of his patience, the judge will call for a recess and ask for the lawyer of that witness to counsel the witness to stop telling brazen lies because that is an insult to the judge and the rest of the judicial system. Ngayon, pagkatapos ng recess at sige pa rin siya sa pagsisinungaling niya, puwede siyang i-cite for direct contempt by the judge. Wala ng hearing iyan, uataas lang ng judge ang gavel and say, "You are in contempt. Take him to the city jail until he is willing to tell the truth." Ganoon katindi ang epekto ng pagsisinungaling sa ilalim ng pagsusumpa.

Sa Amerika ay napakahalaga ang pagsumpa na sasabihin mo ang totoo, at takot na takot sila na mahuli silang nagsisinungaling. Pero sa Pilipinas, parang sakit na natin iyan. Pasumpa-sumpa tayo, pagkatapos parang wala lamang sa atin ang ating sinumpaang. Mayroon ngang nagsumpa sa akin na namatay na ang kanyang kapatid; pinahanap ko sa pulis, buhay na buhay pala doon sa Novaliches. Ang hilig nating sumumpa pero binalewala natin. Tingnan ninyo sa TV o pelikula sa Amerika o Europa, iba ang attitude nila.

3. Any recantation must be tested in a public trial with sufficient opportunity given to the party adversely affected by it to cross-examine the recanting witness. To accept the new evidence uncritically would be to make a solemn trial a mockery, and place the investigation at the mercy of unscrupulous witnesses. *People v Ballabare*, 1996. [264 SCRA 350 (1996)]

4. The unreliable character of the affidavit of recantation executed by a complaining witness is also shown by the incredulity of the fact that after going through the burdensome process of reporting to the law enforcers, etc., the said complaining witness would later on declare that all the foregoing is actually a farce and the truth is now what he says it to be in his affidavit of recantation. *Molina v People*, 1996. [259 SCRA 138 (1996)]

5. It would be a dangerous rule for courts to reject testimonies solemnly taken before courts of justice, simply because the witnesses who had given them later changed their minds for one reason or another. This would make solemn trials a mockery, and place the investigation of the truth at the mercy of unscrupulous witnesses. *People v Joya*, 1993. [227 SCRA 9 (1993)]

6. Affidavits of recantation can easily be secured from poor and ignorant witnesses, usually through intimidation or for monetary consideration. *People v Liwag*, 1993. [225 SCRA 46 (1993)]

Paulit-ulit ito, sabi ng korte natin. Hindi dapat maniwala ang hukom sa testigo na nagbaliktad sa kanyang testimonya dahil sa ating bansa ay napakaraming mahihirap. Bayaran mo lamang sila, kaagad nang magsisi-nungaling sila sa korte at mga ignorante pa. Kaya kung ano man ang panakot o ano man ang pera na ialok mo ay madali nilang tanggapin. Hindi naman tayo developed world, developing country pa lamang tayo. At sa aking karanasan bilang hukom ng sampung taon, ganito ang natutunan ko: mas ignorante ang tao, mas malakas ang loob niya na magsi-nungaling. Bale-wala sa kanya kasi hindi niya naintindihan ang consequences ng kanyang krimen. Kaya kung may taong tuluy-tuloy ang istorya at bale-wala lamang sa kanya at akala mo totoo ang sinasabi pero, hindi, ang pina-pakita at pinatutunayan niya na siya'y ignorante kaya malakas ang loob niya.

Even in crimes, I challenge everyone to take more notice. The more heinous the crime, the more ignorant or illiterate or possibly, even insane, the accused was.

7. There is always the probability that the retraction will in turn be self-repudiated, and there would never be an end to criminal litigation. *Gomez v Intermediate Appellate Court*, 1985. [135 SCRA 621 (1985)]

Sa ngayon, makinig tayo sa pangalawang version ni Doble. Kung sa susunod na linggo ay may third version naman siya, pagkatapos ng isang buwan ay mayroon pa siyang fourth version, papaano na natin malalaman ngayon kung ano ang pipiliin natin doon sa mga versions niya?

8. A testimony in court is made under conditions calculated to discourage and forestall falsehood. It is given under oath and the penalty is perjury. The witness' story is told in the presence of an impartial judge in the course of solemn trial in an open court.

The witness is subject to cross-examination. The proceedings are held under the protection of the court intended to remove all likelihood that undue or unfair influence will be exercised to induce the witness to testify falsely. Finally, with the watchful eye of a trained judge, his manner, general bearing, and demeanor, and

even intonation of his voice often unconsciously disclose the degree of credit to which he is entitled as a witness. *People v. Ulita*, 1060. [108 Phil. 730 (1960)]

Exception when retraction acceptable

1. The test to decide which testimony to believe is one of comparison, coupled with the application of the general Rules on Evidence, *Molina v. People*, 1996. [259 SCRA 138 (1996)]

2. The rare exception is when there is no evidence sustaining the judgment of conviction, other than the testimony of witness or witnesses who are shown to have made contradictory statements as to material facts under which circumstances the court may be led to a different conclusion, so that a new trial or a reversal of the judgment may be called for. *Tan Ang Bun v. Court of Appeals*, 1990. [182 SCRA 238 (1995)]

3. Only when there exist special circumstances in the case which, when coupled with the retraction, raises doubts as to the truth of the testimony or statement given, can a retraction be considered and upheld. *Gomez v. Court of Appeals*, 1985. [135 SCRA 621 (1985)]

American cases on retraction

Both Philippine and American cases are markedly similar in their disregard of any probative value for a retraction. It will suffice to quote from two U.S. cases. The first quotation is from 2005 *Ferrel* case. I have deliberately omitted citations of prior cases, thus:

Courts properly view recanting affidavits and testimony with great suspicion ... Sworn recantations upset "society's interest in the finality of convictions," and are "very often unreliable and given to suspect motives."

While all recantations are viewed with some degree of skepticism, unsworn recantations deserve increased suspicion. A sworn affidavit at least carries with it certain inherent indicia of reliability. "Our legal system treats with great seriousness a statement that has been sworn to before a notary public...." It follows, therefore, that an unsworn, out-of-court recantation must be viewed with a markedly heightened mistrust.

Undoubtedly, it is precisely this unreliability inherent in an unsworn recantation that has led other courts to

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conclude that recantations not made under oath or in court do not constitute adequate bases to support post-conviction relief.

Certainly, the most compelling panacea for the questionable reliability of any witness statement is cross-examination. Cross-examination has been described as the greatest legal engine even invented for the discovery of truth. [*Ferrel v. A.T. Wall, Warden of the Adult Correctional Institutions*, Supreme Court No. 2005-54-Appeal, 27 December 2005]

The second quotation is from the 1984 *Dobbert case*:

Recantation testimony is properly viewed with great suspicion. It upsets society's interest in the finality of conviction, it is often unreliable and given for suspect motives, and most often serves merely to impeach cumulative evidence rather than to undermine confidence in the accuracy of the conviction. For these reasons, a witness recantation of trial testimony typically will justify a new trial, only where the reviewing judge after analyzing the recantation is satisfied that it is true and it will "render probable a different verdict." [*Dobbert v. Wainwright*, 468 U.S. 1231 (1984)]

So in the end, I appeal to my colleagues and to my audience in the gallery, that when we listen to the recantation of testimony by the witness Doble, we have to bear in mind that the Supreme Court in the antique past of our country up to the present has always been consistent in ruling that a recantation testimony, that is to say a witness who changes his story completely not just simple or minor details but the entire substance of the story, is just plain lying. And that is what the American courts say also.

But I shall give Mr. Doble the benefit of the doubt when I cross-examine him at the proper opportunity.

Earlier, I said that with the consent of our colleagues, I would like to immediately yield the Floor to Sen. Jinggoy Ejercito Estrada because his speech is far more important than mine. So those who might have wished to interpellate, I hope they will forgive me for this procedure but it necessitated because of the time that will elapse between now and tomorrow, when he

and his father will have to face the verdict of the Sandiganbayan.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Pangilinan acknowledged the presence of the *Liga ng mga Barangay Kagawad* of the Municipality of Socorro, Oriental Mindoro led by Board Member Burns Dolor and Vice Mayor Marven Ombao, and Vice Mayor Dexter Dominguez of the Municipality of Abucay, Bataan.

QUESTION OF PRIVILEGE OF SENATOR EJERCITO ESTRADA

On a matter of personal and collective privilege, Senator Ejercito Estrada delivered the following speech:

TOWARDS A CREDIBLE AND IMPARTIAL VERDICT BY THE SANDIGANBAYAN

With your kind indulgence, I rise today on a matter of personal and collective privilege to call for calm and sobriety as the Sandiganbayan renders its verdict on the plunder case against President Joseph Ejercito Estrada, this Representation and Atty. Edward Serapio.

Tomorrow, as have been reported, the special court of the Sandiganbayan created to try our case, is expected to release its decision after six long and agonizing years of trial.

Over the past couple of days, there have been frenzied and frantic preparations for this occasion in anticipation of widespread people protests in the event perhaps of an unacceptable verdict.

And this is justified in many colorful but incredible ways. It was even insinuated at one point that there is a threat on President Estrada's life or that communist elements will disrupt the proceedings.

At President Estrada's detention place in Tanay, security has been tightened with visitors and well-wishers being denied entry. Even the visits of relatives and close friends have been closely monitored and restricted.

Maraming script at scenario ang pinalalabas pero ang puno't dulo nito ay ang takot ni Ginang Arroyo sa magiging reaksiyon ng mamamayan.

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Baka raw magkagulo samantalang ang gulo naman ay laging nag-uumpisa sa Malacañang dahil ayaw nilang magpaliwanag sa mga anomalya at iskandalo na kinasasangkutan nito.

The paranoid government of Mrs. Gloria Macapagal Arroyo has deployed thousands of police and even military contingents to secure strategic locations, including the vicinities of the Sandiganbayan and the President's residence in Greenhills, San. Juan.

Ang nakapagtataka, ang lahat ng lakad at pakikipag-usap ni Ginang Arroyo ay kanselado mula sa araw na ito hanggang bukas. Bakit? May multo bang darating na siya mismo ang may gawa?

This is all but reminiscent of the blatant overkill that marked our arrest over six years ago. And it is another reflection of the structure of the garrison state which Mrs. Arroyo has been imposing and inflicting on our society since she grabbed power in 2001.

It is a grim message to all critics and those who disagree with this regime that it will not allow and tolerate opposition from even legitimate dissent and law-abiding citizens.

Maximum tolerance, it seems, has been a policy abandoned many years ago.

This unnecessary deployment of so many troops is a disturbing reminder that this Administration will go to great lengths of brutal and ruthless suppression of the rights of peaceful assembly and the repression of other rights to retain power.

And it has gone to great lengths to grab power, to cheat and steal the elections, and now, refusing to be accountable and explain itself to our people for its actions.

This humble Representation had been detained for about three years until my release on bail, along with Atty. Edward Serapio because the magistrates of the Sandiganbayan deemed it perhaps that evidence against us is weak.

Si Pangulong Estrada ay nananatiling nakakulong ngayon sa loob ng mahigit na anim na taon.

Ang tingin ng mas nakararami nating mga kababayan at ito ang kutob ng inyong lingkod, tanging si Pangulong Estrada lamang ang target ng lahat ng mga pangyayaring ito, sapagkat nais lamang ng pamahalaan na gamitin bilang kasangkapan ang Sandiganbayan upang mapangatuwiran ang walang

dahilang pagkakaalis ni Pangulong Erap sa pagkapangulo ng bansang Pilipinas.

Nagtiis po siya ng maraming taon at sa halip na tumakas o tanggapin ang alok noon ng pamahalaan ni Mrs. Arroyo na magbitiw lamang bilang Pangulo ng Republika ng Pilipinas at siya ay hahayaang kusang umalis ng bansa ng walang kasong isasampa laban sa kanya.

But instead, President Estrada has opted to remain in the country under the pain of detention, isolated from his loved ones and the society of his friends, to face the charges against him and present evidence in his defense.

He willingly appeared before the Sandiganbayan for several sessions to testify in his behalf and submitted himself confidently to cross-examination by the prosecution.

In all of these, one thing is clear and evident: President Estrada and this humble Representation, along with Attorney Serapio, submitted ourselves to the jurisdiction of the courts with full faith in our justice system.

President Estrada complied and observed the rule of law from the time impeachment charges were filed against him up to the failed and aborted impeachment trial in this very hall.

He did not influence, pressure or intimidate anyone to avoid the charges. He did not resort to cover-ups, whitewash or any acts that may diminish the integrity of the process or the proceedings.

Ngunit ano po ang ginawa noon ni Ginang Arroyo? Noong nagkakaroon ng impeachment proceedings sa House of Representatives, ano po ang ginawa niya? Nagtatawag siya sa lahat ng mga congressmen para huwag lang siyang ma-impeach sa House of Representatives. Ngunit si Pangulong Erap, noong nagkaroon ng impeachment proceedings sa House of Representatives noong 2000, ni isang congressman wala ho siyang tinawagan. And that can be attested to by Senator Arroyo.

Noong panahon ni Gloria, binibigyan ng Malacañang ng mga SARO iyong mga congressmen huwag lang bumoto para ma-impeach sa House of Representatives. Ganyan kagarapal itong kasalukuyang gobyerno.

This is in stark contrast to the present regime where witnesses are bullied into withholding truthful testimonies or are prevented from testifying.

Tomorrow, we submit ourselves to the decision of the Sandiganbayan, hopeful that

the majesty of the law will prevail, that the case will be decided on the basis of merits, on the basis of evidence, on the basis of jurisprudence, and not on any other peripheral considerations.

We believe that much of the evidence against us were based on the polluted testimonies and allegations of who has been called by an American judge as a demonstrably corrupt governor who has no credibility in the eyes of our people. And this was demonstrated in the recent elections where he failed miserably to even rank in the top 20 of senatorial candidates.

President Estrada wishes to clear his name and to retire gradually to private life. He seeks to dedicate himself to alleviating the conditions of the poor which he has been doing even while in detention.

But he also seeks, as with many righteous and law-abiding citizens, to pursue the fight against corruption and injustice, and more importantly, to bring out the truth, not only with his case, but to the so many and mounting scandals committed by this Administration.

These are aspirations and responsibilities which we now must bear and assume.

We are elated, however, that a recent survey indicated that majority of our people believe that President Estrada is not guilty.

Sa madaling salita, ang sambayanan ang nagsasabi na sa kaniyang pananaw, walang kasalanan si Pangulong Estrada. Anyway, our people have already overwhelmingly acquitted him based on the surveys.

I take this opportunity to express the hope that the *Sandiganbayan* will render a credible decision based on the merits and that it will do so with noble impartiality and unqualified independence.

We hope that it will render a judgment that will restore the faith of our people in our justice system which has been unfortunately gradually being eroded under this regime of Mrs. Arroyo.

SUSPENSION OF THE INTERPELLATIONS ON SENATOR EJERCITO ESTRADA'S SPEECH

As earlier manifested, upon motion of Senator Pangilinan, there being no objection, interpellations on the speech of Senator Ejercito Estrada were suspended.

SUSPENSION OF SESSION

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

It was 4:46 p.m.

RESUMPTION OF SESSION

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

PRIVILEGE SPEECH OF SENATOR LACSON

Likewise, availing himself of the privilege hour, Senator Lacson delivered the following speech:

LEGACY OF CORRUPTION

I rise as a Filipino who has been paying by way of onerous tax impositions and deprivation of proper services, the burden of huge public debt.

I rise on behalf of two generations that will come after us who will be saddled with paying the debts this Administration has contracted and obligated.

In the Special Joint Investment Coordinating Committee and Technical Board Meeting of the President's Cabinet held on March 26, 2007, the Department of Transportation and Communications took up with the economic team, particularly Finance Secretary Margarito Teves and then NEDA Director-General Romulo Neri, along with his support staff, the so-called National Broadband Network (NBN) Project.

Conceptualized in view of the Cyber-Corridor Initiative enunciated by President Gloria Macapagal Arroyo during her State of the Nation Address on July 2006, the NBN is supposed to serve as a comprehensive solution to fast-track the national information and communications technology infrastructure or ICT.

Indeed, on November 21, 2006, while presiding on over a NEDA board meeting which she chairs, President Arroyo laid down the following conditions for a government broadband network:

1. It should be established along a build-operate-transfer or such similar undertaking using private funding;

2. There should be no government subsidies;

3. There should be no "take or pay" conditionalities and instead "pay for use" facility;

4. And, it should result in a substantial production of government telecommunications expenses.

Very good! However, in the ICC meeting with the DOTC and Telecommunications Office (Telof) proponents on March 26, 2007, what was presented as the NBN project completely changed the broad terms of reference set by President Arroyo on November 21, 2006.

What Assistant Secretaries Lorenzo G. Formoso III and Elmer Soneja presented for ICC consideration was an NBN project that would cost the Republic of the Philippines an estimated P19.4 billion, of which P19 billion would be sourced through foreign loans and P380 million from the DOTC/Telof budgets. It would involve the utilization of Voice-Over Internet Protocol, or VOIP-based single infrastructure network.

To justify such a huge project cost, the DOTC/Telof officials cited savings from the retirement of old government communications network, savings on communications expenses due to VOIP use, savings on internet connections, and a centralized internet data center. On top of that, there would be savings because of internet connections to be used by the public school system.

No financial analysis was submitted since the said project will not generate revenues, but supposedly result in government savings on telecommunications expenses, estimated at a total of P3.7 billion annually. But the DOTC/Telof officials clarified that the government would be able to save only 50% of its fixed-line telephone expenses and 80% of its telefax expenses. The NBN will not save on cellphone usage.

Then NEDA Secretary Romulo Neri pointedly wondered how savings could be generated on the retirement of the obsolete analog system carried by Telof. Asec Formoso replied that they would no longer have to buy expensive spare parts. This was just the only honest statement made by Asec. Formoso.

Secretary Neri wondered how huge savings could be generated from present internet usage, when, in truth and in fact, very few government offices have internet connections. He also asked how the DOTC/Telof quantified the savings in education, and would these not overlap with the previously approved Department of Education's Cyber-Education Project (CEP), the infrastructure cost of which was another P26 billion.

Undersecretary Paul Valderrama asked an even more basic question: "Why must govern-

ment have its own interconnectivity infrastructure when there are private sector players in the industry?" Using contorted reasoning, the answer was in effect — because of the President's vision of a Cyber Corridor her Cabinet must simply operationalize.

Two eminent members of the academe, Professors Raul Fabella and Emmanuel de Dios of the UP School of Economics, had already debunked the economic sanity of this project and I shall no longer perorate on this. Far be it for this layman in economics to add or detract from their well-written and well-researched paper already made public.

Suffice it to say that we have a broadband backbone in PLDT, another in TELECPHIL, both well-run by the private sector. Even the National Power Corporation has one.

But because there was a Cyber Corridor grand vision, we had to have a National Broadband Network, and a separate Cyber-Education Project, the total cost of which would conservatively add up to some P40 billion, and more when we count the maintenance and operating costs of these new government-owned facilities through the years.

Both Secretary Teves and Secretary Neri asked about the very obvious overlaps between the two cyber-corridor projects, one for DOTC and another for DepEd.

Again, the reason advanced by the technical men of DOTC was that: 1) the Chinese government wanted the NBN and the Cyber-Education Projects treated separately; and 2) Secretary Jesli Lapus of DepEd had indicated that he wanted the CEP network solely dedicated to his department.

Kanya-kanyang ahensya; kanya-kanyang bilyun-bilyong proyekto; kanya-kanyang middleman. Kanya-kanya rin bang kurakot?

May fixer sa NBN; may middleman din sa Cyber-Ed ngunit ito at hindi puwedeng pag-samahin dahil sinadyang pinag-iba ang disenyo at tekno-lohiya. Ergo, magkahiwalay ang komisyon.

Sa NBN, ang fixer ay isang ubod ng makapangyarihang opisyal tuwing tatlong taon, tuwing may halalalan.

Sa Cyber-Ed, iba naman ang taga-ayos, pero saka na natin talakayin ito.

I have here the minutes of that ICC-Cabinet Committee and Technical Board Meeting of 26 March 2007. *AS*

Despite the clear objections and apprehensions of the erudite gentlemen in *finance and economic planning*, the DOTC proceeded post-haste with their NBN project.

On the same day, 26 March, the DOTC, through Asec Soneja, proceeded to eliminate other proponents of the NBN. It told Amsterdam Holdings, Inc. (AHI) that its proposal was incomplete. On 3 April, AHI took exception to Soneja's finding and requested proper reevaluation. On 10 April, Soneja rejected AHI's position.

On 20 April 2007, Ambassador Kristie Kenney of the United States of America wrote Secretary Romulo Neri, expressing her government's interest in the NBN, and asking the national government "to avoid undue haste and take time to carefully review (other) proposals", which would include the proposal of Arescom, Inc., an American company which had likewise been eliminated by DOTC.

On that same day, 20 April 2007, the same Romulo Neri, who three weeks earlier questioned in so many respects the DOTC-proposed NBN project, signed a letter addressed to China's Minister Bo Xilai of Commerce, and Li Ruogu, chairman and president of the Export-Import Bank of China, nominating the NBN Project.

Something very strange must have happened between 26 March and 20 April. Did the DOTC adequately explain away Secretary Neri's cogent and reasonable apprehensions?

Or did the fixer, who once boasted to his ZTE friends that he would be "the most powerful official of the Philippines" come the elections of 2007, get to convince Secretary Neri? How, if so?

Almost everybody in government has a high regard for Secretary Neri's probity and integrity. Before media, he would neither confirm nor deny that he was offered a kickback of P200 million by the Comelec Chairman, who had taken an inordinate interest in pushing the NBN project, with his friends at Zhong Zhing Telecommunications Equipment (ZTE) bagging the project. But before close friends, Secretary Neri confided the truth. That is one truth we in the Senate and our counterparts in the House should hear.

What or who could have pressured the otherwise upright Mr. Neri to suddenly sign approval of the NBN project he and his staff vehemently objected to earlier? The man who boasted to be the "most powerful" come election time, or someone who truly is most powerful all of the time?

I personally think it was heroic of Secretary Neri to reject P200 million in bribe money reportedly offered by someone who wanted "one last hurrah" before he leaves government early next year.

But I also think it was idiotic of him to have signed the approval of the NBN contract on 20 April 2007, or a day before the President witnessed the signing ceremony of the NBN Supply Contract with DOTC and ZTE executives in Hainan, China.

I wish I could find a word, an adjective if you will, to describe Mr. Neri.

I have here a copy of the "Contract for the Supply of Equipment and Services for the National Broadband Project" between the Government of the Republic of the Philippines through the Department of Transportation and Communications, and ZTE Corporation, signed in Hainan Province in China.

The 39-page contract was signed on 21 April 2007, by Leandro R. Mendoza, DOTC Secretary for and in behalf of the Republic of the Philippines, and Yu Yong, vice-president of ZTE Corporation.

Signing as witnesses were Lorenzo G. Formoso III and Chairman Hou Weigui of ZTE.

Present and beaming while the contract was being signed for and in behalf of the Republic was Her Excellency, President Gloria Macapagal Arroyo, who had gone to Boao in Hainan Province officially to attend an economic forum.

So proud was Malacañang of this particular contract that in a press release of the Presidential News Desk that same day, April 21, 2007, the trip was thus described, and I quote: "As she—referring to Mrs. Arroyo—came and went like a 'thief in the night' bringing with her an avalanche of Chinese investments...."

This copy was reported to have been stolen that very same night in a hotel room in Hainan, as alleged by the signing witness, Asec. Formoso, two months after, only on 20 June 2007, before a forum on the subject of the NBN organized by the Ateneo Professional Schools.

Lost, stolen, my foot!

Yet, two weeks thereafter, during a Cabinet meeting in Legazpi City on 3 July, President Arroyo ordered then up and about Justice Secretary Raul Gonzalez to review the NBN-ZTE transaction and come up with a recommendation before the opening of this 14th Congress on July 23.

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On 26 July, the DOJ issued Opinion No. 46, Series of 2007, upholding the validity of a contract that was lost and stolen. Miracles do happen in the DOJ, where they review contracts that do not exist, and pass approval of the same.

Even the Presidential Legal Counsel Sergio Apostol declared before the press that there is no NBN-ZTE project, because there is no contract.

Yet, DOTC Secretary Leandro Mendoza insisted that there is a contract, while his Assistant Secretary, the project's whiz kid, kept saying all along that the contract, having been stolen in a hotel room, would be reconstituted.

From my sources at the DOTC, here in my hand is the so-called "reconstituted" contract. Except for intercalating pagination on every sheet, it is word-for-word similar to the "lost" original signed contract.

Mysteriously, the "reconstituted" contract is signed exactly on the same manner and the same space by its two principal signatories, Mendoza and Yu, as well as by the witnesses Formoso and Hou. And each page has been initialed by the contract reviewer on exactly the same spot in every page.

Who did Formoso think he could fool about his cloak-and-dagger yarn of a theft in the hotel room of a DTI trade attaché in Hainan?

I would say, they were purposely hidden because as soon as the President and Secretary Mendoza came back to this country, the stink that is the NBN-ZTE mega-deal began to smell all over, thanks to the enterprising stories of Mr. Jarius Bondoc of the *Philippine Star*, and later, the paper of the UP professors.

And what does the contract state?

"To design, supply, install, test, commission and deliver the Network", the Republic is obligated to pay US\$ 329,481,290 broken down as follows:

Equipment	US\$ 194,051,628
Engineering services	118,605,650
Managerial services	14,875,507
Training services	<u>1,948,505</u>
Total	US\$ 329,481,290

The NBN-ZTE deal is to be financed by the Export-Import Bank of China, and paid by the Republic through its Shenzhen Branch.

Upon release of the loan, the Republic would immediately pay 15% of the contract price for the equipment as advance payment.

For each provisional acceptance of equipment, and upon receipt of the commercial invoices, we pay 35% of the contract price.

Roughly similar terms of payment are involved in the engineering services which, together with the equipment purchase, constitute the bulk of the contract.

Evident in the scope of work is the realization that the DOTC has tasked ZTE with the preparation of all the detailed engineering studies, plans, specifications and designs for the broadband project.

ZTE is supposed to complete supply and installation, testing and commissioning within 36 months from the effective date of the contract.

Ah! Legacy...36 months. That would be after 2010, when a new government shall have presumably taken over, the project is turned over. Whether it works as well as it should, given that the contractor themselves will plan, design, test and implement, that is the problem of the next government. That is the problem of the generation that will pay for the huge loans contracted for the project.

After all, the "commissioners" shall have received their commissions well in advance, and would be laughing all the way to some foreign banks.

As usual, there could be "change orders" which, of course, will mean a change in costs. After all, the whole project has yet to be designed by the contractor, and the technology involved could change as quickly as each equipment is delivered, and each service is rendered.

For all intents and purposes, the signatory to this contract has declared that he has the full power and authority to obligate the Republic. The presence of no less than the President lends more than just symbolic imprimatur to it.

The effectivity of the contract shall be subject to the fulfillment of certain conditions precedent, namely:

1. The issuance of a Forward Obligational Authority (FOA) by the Department of Budget and Management.
2. Conclusion of the Loan Agreement between Eximbank China and our Department of Finance. Secretary Teves tells us that this requires concurrence on our part of the Monetary Board.
3. Legal Opinion of the Department of Justice. This has been done by a DOJ that

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certified on a "stolen" and therefore un-presented and un-read contract. In fact, the DOJ admitted on 26 July 2007, that it was never given a copy of the contract or relevant agreements, and its review was made on the basis of the DOTC's and CICT's representations.

The broadband backbone, as well as the cyber-education project, on top of a so-called French Protocol and a Pregonet contract of the DOST, among several others in varying stages of completion or in the pipeline, constitute a long list of IT projects entered into by this government.

Altogether, their combined value will reach more than a trillion pesos. They constitute a major part of what the present administration proudly claims will be its "legacy" to the nation.

A legacy too costly, not because they are intrinsically good or necessary, or can pass the tests of cost-benefit or public-service effectiveness. But because what is under the table is larger than the table itself.

And they will be paid, by the toil and sacrifices of generations yet to come, while those who profited handsomely, indeed, exceedingly well, in overpricing and kickbacks, shall have more than several generations of their descendants could ever spend.

We are somewhat mollified by the statement from Australia that this government will, after conferring with President Hu Jintao of China, review the NBN-ZTE mega-deal. We hope this is not another play of mirrors, where after the furor has quieted somewhat, the sinister work resumes towards approving a somewhat modified deal.

We are thankful that we now have a Supreme Court that has acted with integrity and independence to temporarily enjoin the DOTC from implementing this project.

We ask the members of the President's Cabinet whose consciences are rightly bothered and who yet appreciate the meaning of *karma*, to now be possessed by the courage of their convictions, and tell the truth, the whole truth, no matter how sordid, and no matter who gets hurt.

If all these are what constitute "legacy", then the Filipino people would rather have none.

SUSPENSION OF SESSION

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

It was 5:15 p.m.

RESUMPTION OF SESSION

At 5:17 p.m., the session was resumed.

SUSPENSION OF THE INTERPELLATIONS ON SENATOR LACSON'S SPEECH

Upon motion of Senator Pangilinan, there being no objection, interpellations on the speech of Senator Lacson were suspended.

INTERPELLATIONS ON SENATOR EJERCITO ESTRADA'S SPEECH

Upon motion of Senator Pangilinan, there being no objection, the Body proceeded to the interpellations on the speech of Senator Ejercito Estrada.

Thereupon, the Chair recognized Senator Ejercito Estrada, and Senator Pimentel for his interpellation.

INTERPELLATION OF SENATOR PIMENTEL

At the outset, Senator Pimentel commended Senator Ejercito Estrada for having underscored the fact that both he and former President Estrada are determined to respect the rule of law and are not out to subvert the nation. He also praised Senator Ejercito Estrada for appealing to the followers of former President Estrada to keep calm and to allow the courts of law to take effect, which is a good stand considering that he is among those whose fate would be determined in court the next day.

Relative thereto, asked on the number of charges filed against former President Estrada, Mr. Serapio and himself, Senator Ejercito Estrada said that he had been charged with plunder with regard to the *jueteng* case; on the other hand, aside from plunder, former President Estrada had also been charged with perjury and illegal use of alias.

Senator Pimentel recalled the time he had been asked by President Estrada's defense panel to testify on the contents of Envelope No. 2 which majority of the members of the Senate had voted against opening. He narrated that it was on February 14, 2001, that he, as Senate President, purposely sought and convinced the senators to allow the opening of Envelope No. 2 because he believed it would not look good for the Senate to be perceived as having covered up some vital evidence that had very grave relevance as to the guilt or innocence of President Estrada in connection with the impeachment trial. *As*

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Further, Senator Pimentel said he was surprised that some of the senators in that Congress who had vehemently pushed for the opening of Envelope No. 2 changed their stand after he insisted that the envelope be opened, but with the majority agreeing to the opening, it was found out that the contents of Envelope No. 2 did not mention anything about President Estrada but instead, it only identified Mr. Jaime Dichavez as the owner of the bank account as well as detailed deposits and withdrawals until zero balance. He added that he was also surprised upon finding out that the prosecution did not even advert to Envelope No. 2 which was a vital component of the charges. He surmised that this was because the prosecution already knew that the envelope did not contain anything which could connect President Estrada to the crime of plunder.

Senator Ejercito Estrada agreed as he stressed that the envelope indicated that the Jose Velarde account belonged to Jaime Dichavez.

Senator Pimentel believed that the action amounted to a suppression of evidence since the vital document was purposely omitted by the prosecution. He said that if the same incident had happened in the United States, the matter could have caused a lot of discussion and might have even led to the argument for a mistrial.

Senator Ejercito Estrada recalled that the second envelope triggered the walkout of the members of the prosecution during the impeachment trial. Senator Pimentel affirmed, saying that, in fact, it was an emotional situation that led to EDSA II people power demonstration.

Senator Pimentel opined that it might be a case where President Estrada could conceivably be acquitted in the plunder case although there might be some effort to get him convicted for a lesser offense because somehow, there has to be conviction; otherwise, President Estrada's ouster would be questionable and that Mrs. Arroyo wrongfully assumed the presidency in 2001. Senator Ejercito Estrada agreed.

Senator Pimentel noted that President Estrada has always been saying that he does not want Mrs. Arroyo to extend pardon to him because, to him, pardon would imply acceptance of guilt. Senator Pimentel said that he understood President Estrada for saying so because under conventional wisdom, pardon in this country would necessitate

acceptance by the person being pardoned. However, he opined that talks about pardon does not need to be accepted. He believed that President Estrada's refusal to be pardoned because he has to accept the pardon could probably be misplaced; he does not want it because he is not guilty.

Senator Ejercito Estrada agreed, adding that the family would not accept pardon coming from an illegitimate president, even for a lesser offense. Regarding his inclusion in the charge, Senator Ejercito Estrada expressed confidence that he would be acquitted since the Sandiganbayan already granted him bail four years ago because the evidence against him is weak. He lamented the fact that despite the fact that the prosecution panel has presented 76 witnesses against his father, and not a single one of them did implicate his father to any anomaly, still the Sandiganbayan did not grant him bail.

On the issue of the tobacco excise tax and *jueteng* money, Senator Pimentel recalled the testimony of former Gov. Chavit Singson who said that, along with Atong Ang, stopping his vehicle from a distance, he unloaded a huge box full of money and had Atong Ang deliver to President Estrada in the latter's house at Greenhills. He said that he could not imagine how one could have carried by himself the box of money weighing several kilos to President Estrada's residence.

Senator Pimentel expressed hope that the people would be patient with what is going to happen in the next day in the Sandiganbayan as President Estrada, who had undergone so much privation and sacrifice in six years and five months, is ready to avail of all the remedies he has under the law.

INTERPELLATIONS ON THE PRIVILEGE SPEECH OF SENATOR LACSON

Upon motion of Senator Pangilinan, there being no objection, the Body proceeded to the interpellations on the speech of Senator Lacson.

INTERPELLATION OF SENATOR LEGARDA

Senator Legarda asked if there is need to interconnect all branches of the government into the broadband system to provide better services to the people and whether government should venture into such project with a foreign corporation when there are existing broadband infrastructure networks

provided by Filipino corporations like PLDT which would require improving existing infrastructure rather than procuring new equipment and services like that one of the ZTE Corporation.

Senator Lacson replied that while it is necessary for all government agencies to interconnect by way of a broadband network, it is unnecessary and even stupidity to even enter into a contract with a foreign country at that because there are available networks in the country like PLDT or TELECPHIL that can provide the same service. He observed that it is always expensive for government to engage in business enterprise.

Asked on the difference between a broadband network owned by a private Filipino corporation and a broadband infrastructure network provided by ZTE, Senator Lacson replied that they are practically the same, hence, it is not necessary at all for government to enter into a contract with the Chinese government for that purpose. Obviously, he said, the reason is the big commission involved.

Senator Legarda noted that the DOTC had justified the NBN deal allegedly to cut down government spending in telecommunications from the present P4 billion per year to P3.6 billion.

Senator Lacson pointed out that the government is currently using an analog system which is obsolete and practically a useless investment.

Asked if Cyber-Education would have a budget next year, Senator Lacson replied that at least the NBN project would have a budget because a supply contract is already binding between ZTE and the Philippine government. However, he said that he was not sure about the Cyber-Education because it is part of Phase II and it has no supply contract yet.

On whether a feasibility study had been done by the government before it entered into a contract with ZTE, Senator Lacson disclosed that during the presentation made by the DOTC and Telof officials before NEDA and the Department of Finance, no less than Secretaries Teves and Neri contested the proposal because it was impractical and very expensive, but Assistant Secretaries Formoso and Soneja were determined to push for the implementation of the project which cost P19 billion at that time.

Asked for the real amount of the deal signed with ZTE and whether it was a Memorandum of Agreement or an actual contract that was signed, Senator Lacson clarified that a contract worth US\$329,481,290 was signed for the NBN while the Cyber Education would cost US\$460 million.

Senator Lacson pointed out that during yesterday's hearing, Secretary Andaya disclosed that a Forward Obligation Authority Certificate had already been issued for the Cyber-Ed and not for NBN. He wondered why the DBM gave Cyber-Ed an FOA when it is NBN that has a supply contract. He opined that once a supply contract is entered into by the government, it is ministerial that the FOA and the loan agreement should follow.

Senator Lacson stated that with no less than President Arroyo as witness to the signing ceremony, the President would be placing herself in an embarrassing position if the loan agreement would be approved by the Monetary Board and the FOA would not be guaranteed by the DBM.

Senator Legarda recalled that Secretary Favila was quoted as saying that there was not contract and that what was signed was a MOA. Senator Lacson clarified that he had in his possession a copy of the allegedly lost contract: "Contract for the Supply of Equipment and Services for the National Broadband Network Project."

Senator Legarda hoped that the Cabinet members mentioned in Senator Lacson's privilege speech would be summoned to clarify the matter.

Senator Lacson stated that in the event that Secretary Neri appears before the hearing and decides to finally tell the truth behind the issue, it would be his defining moment.

On whether there was competitive bidding held before awarding the contract, Senator Lacson stated that the contract violated the following laws:

1. The Omnibus Election Code because it was signed within the 45-day campaign period. Under Comelec Resolution No. 7785 or the implementing resolution of Section 261-w of the Omnibus Election;
2. Republic Act No. 9194 or the Government Procurement Act because no bidding was conducted. Asec. Formoso rejected the offers of both AHI and Arescom a US firm; and

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3. Article XII, Section 21 of the Philippine Constitution which provides that:

Section 21. Foreign loans may only be incurred in accordance with law and the regulation of the monetary authority. Information on foreign loans obtained or guaranteed by the Government shall be made available to the public.

INTERPELLATION OF SENATOR AQUINO

Asked if there has been any undertaking anywhere around the world that is similar to the design of the ZTE contract, Senator Lacson replied that he has heard of the French Protocol and the Prginet of the DOST. He believed that the French Protocol is on its Phase II of its implementation.

Senator Aquino observed that close to 50% or US\$118 million of the US\$329 million project would go to engineering works. He stated that based on industry practice, those engaged in the sale and design of computer systems would bear the "engineering works" or the cost of the hardware instead of the client especially if it is with regard to the design with guarantees on its performance and subsequent troubleshooting. He said that the expertise that ZTE claims should have finished its research and development on the design at no cost to the Philippine government. He described the 50% of the total package for engineering works as exorbitant. Thereafter, he asked if the government was subsidizing the research and development work of ZTE.

Senator Lacson stated that the contract is not only onerous but dangerous to the communication line as well because it could very well be intruded by ZTE or a foreign government.

On whether the design of the system would also include the hiring of consultants to verify the work of ZTE so that, in effect, there would be an additional cost to the US\$329 million, Senator Lacson stated that there is a change order provision in the contract. He also noted the absence of a fixed amount for the project because there are technology advancements which the ZTC can ask for as an additional expense.

Comparing the ZTE contract with the North Rail Project, Senator Aquino stated that since both

did not contain any specifications, the Chinese had control over the entities that would undertake the project — its design was approved by them and all other responsibilities and duties in their favor.

Adverting to the statement of Secretary Mendoza that there are savings arising from obsolete equipment, Senator Aquino pointed out that clients of telecom services do not pay for the improvement of services and infrastructure that providers put up because capital investment and equipment are necessary for upgrading. He said that once a computer is bought, it starts to become obsolete.

Senator Lacson said that the analogue system being used in the country is actually obsolete.

Asked if the government conducted a study on the cost benefit ratio between having its own network as opposed to subscribing to the existing private sector, Senator Lacson replied that riding on the existing network of the private sector would be more economical because it is free from maintenance cost. He said that the government can rent or subscribe with DSL at a minimal cost of P999 a month.

Senator Aquino observed that where the private sector is already engaged in providing service, government should not interfere. He said that government is not prone to achieving efficiency if it is to compete with the private sector.

PARLIAMENTARY INQUIRY OF SENATOR LEGARDA

Upon query of Senator Legarda, Senator Pangilinan stated that the resolution of Senator Pimentel on the ZTE was primarily referred to the Blue Ribbon Committee.

Senator Legarda stated that the resolution should also be referred to the Committee on Economic Affairs.

The Chair informed the Body that Senator Lacson's Proposed Senate Resolution No. 129, also on the National Broadband Network, was primarily referred to the Blue Ribbon Committee and secondarily to the Committee on National Defense and Security.

Senator Pimentel stated that as author of the resolution on the ZTE investigation, he recommended

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that the resolution be primarily referred to the Blue Ribbon Committee and to the Committee on Trade and Commerce as its secondary committee.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 6:05 p.m.

RESUMPTION OF SESSION

At 6:13 p.m., the session was resumed.

REFERRAL OF SPEECH

Upon motion of Senator Pangilinan, there being no objection, the Chair referred the privilege speech of Senator Lacson and the interpellations thereon primarily to the Committee on Accountability of Public Officers and Investigations; and secondarily to the Committees on Trade and Commerce, and National Defense and Security.

REFERENCE OF BUSINESS

The Deputy Secretary for Legislation read the following matters and the Chair made the corresponding referrals:

BILLS ON FIRST READING

Senate Bill No. 1301, entitled

AN ACT TO ESTABLISH MINIMUM STANDARDS REGARDING THE QUALITY OF WIRELESS TELEPHONE SERVICE AND TO MONITOR COMPLAINTS REGARDING SUCH SERVICE

Introduced by Senator Miriam Defensor Santiago

To the Committees on Public Services; and Trade and Commerce

Senate Bill No. 1302, entitled

AN ACT ALLOWING MARRIED OR LEGALLY SEPARATED WOMEN TO USE THEIR MAIDEN NAME

AND SURNAME, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 386, ALSO KNOWN AS THE CIVIL CODE, ARTICLES 370 AND 372, AND EXECUTIVE ORDER 209 SERIES OF 1987, ALSO KNOWN AS THE FAMILY CODE, ARTICLE 63

Introduced by Senator Miriam Defensor Santiago

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

Senate Bill No. 1303, entitled

AN ACT PROMOTING THE DEVELOPMENT, UTILIZATION AND COMMERCIALIZATION OF RENEWABLE ENERGY RESOURCES AND FOR OTHER PURPOSES

Introduced by Senator Juan Miguel F. Zubiri

To the Committees on Energy; Public Services; and Ways and Means

Senate Bill No. 1304, entitled

AN ACT INSTITUTING REFORMS IN LAND ADMINISTRATION

Introduced by Senator Francis "Chiz" G. Escudero

To the Committees on Environment and Natural Resources; Civil Service and Government Reorganization; and Finance

Senate Bill No. 1305, entitled

AN ACT TO IMPROVE THE ADMINISTRATION OF JUSTICE BY DECRIMINALIZING AND PROVIDING FOR THE IMPOSITION OF ALTERNATIVE PENALTIES SHORT OF DEPRIVATION OF LIBERTY FOR CERTAIN OFFENSES

Introduced by Senator Francis "Chiz" G. Escudero

To the Committees on Justice and Human Rights; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 1306, entitled

AN ACT PENALIZING THE COMMISSION OF ACTS OF TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING TREATMENT OR PUNISHMENTS, PRESCRIBING PENALTIES THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Francis "Chiz" G. Escudero

To the Committee on Justice and Human Rights

Senate Bill No. 1307, entitled

AN ACT DEFINING AND PENALIZING ENFORCED OR INVOLUNTARY DISAPPEARANCE AND FOR OTHER PURPOSES

Introduced by Senator Francis "Chiz" G. Escudero

To the Committees on Justice and Human Rights; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 1308, entitled

AN ACT PROVIDING FOR A MORE RESPONSIVE CIVIL REGISTRATION SYSTEM

Introduced by Senator Francis "Chiz" G. Escudero

To the Committees on Constitutional Amendments, Revision of Codes and Laws; and Justice and Human Rights

Senate Bill No. 1309, entitled

AN ACT AMENDING REPUBLIC ACT NO. 3019, OTHERWISE KNOWN AS THE ANTI-GRAFT AND CORRUPT PRACTICES ACT, SECTION 13, ON

ITS NON-APPLICATION TO IMPEACHABLE PUBLIC OFFICERS

Introduced by Senator Miriam Defensor Santiago

To the Committee on Justice and Human Rights

Senate Bill No. 1310, entitled

AN ACT TO ESTABLISH A JOB TRAINING PROGRAM FOR MATURE OR OLDER WORKERS

Introduced by Senator Miriam Defensor Santiago

To the Committees on Labor, Employment and Human Resources; and Social Justice, Welfare and Rural Development

Senate Bill No. 1311, entitled

AN ACT ESTABLISHING LEGAL STANDARDS AND PROCEDURES FOR PRODUCT LIABILITY LITIGATION AND FOR OTHER PURPOSES

Introduced by Senator Miriam Defensor Santiago

To the Committees on Justice and Human Rights; and Trade and Commerce

Senate Bill No. 1312, entitled

AN ACT DEFINING THE CRIME OF ECONOMIC ESPIONAGE AND PROVIDING PENALTIES THEREFOR

Introduced by Senator Miriam Defensor Santiago

To the Committees on Trade and Commerce; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 1313, entitled

AN ACT PRESCRIBING SCHOOL BUS SAFETY STANDARDS AND FOR OTHER PURPOSES ^{AS}

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Introduced by Senator Miriam Defensor
Santiago

To the Committee on Public Services

Senate Bill No. 1314, entitled

AN ACT TO PROVIDE FOR
ELEMENTARY, SECONDARY, AND
TERTIARY SCHOOL LIBRARY
MEDIA RESOURCES, TECHNO-
LOGY ENHANCEMENT, TRAINING,
AND IMPROVEMENT

Introduced by Senator Miriam Defensor
Santiago

**To the Committees on Education, Arts and
Culture; and Finance**

Senate Bill No. 1315, entitled

AN ACT AMENDING ARTICLE 202,
PARAGRAPH 5 OF THE PENAL
CODE, DEGENDERIZING PROSTITU-
TION AND PROVIDING PENALTIES
FOR PERSONS WHO ENGAGE
THEIR SERVICES

Introduced by Senator Miriam Defensor
Santiago

**To the Committee on Constitutional
Amendments, Revision of Codes and Laws**

Senate Bill No. 1316, entitled

AN ACT PROVIDING FOR THE CIVIL
LIABILITY OF DRUG DEALERS IN
FAVOR OF PERSONS INJURED BY
ILLEGAL DRUGS

Introduced by Senator Miriam Defensor
Santiago

**To the Committee on Public Order and
Illegal Drugs**

Senate Bill No. 1317, entitled

AN ACT MANDATING CONCURRENCE
TO INTERNATIONAL AGREEMENTS
AND EXECUTIVE AGREEMENTS

Introduced by Senator Miriam Defensor
Santiago

To the Committee on Foreign Relations

Senate Bill No. 1318, entitled

AN ACT MANDATING THE ESTABLISH-
MENT OF A PROGRAM OF EDUCA-
TION DESIGNED TO HELP ALL
MEMBERS OF THE COMMUNITY
OF AN EDUCATIONAL INSTITUTION
AVOID INVOLVEMENT WITH
ILLEGAL DRUGS

Introduced by Senator Miriam Defensor
Santiago

**To the Committees on Education, Arts and
Culture; and Public Order and Illegal Drugs**

Senate Bill No. 1319, entitled

AN ACT ESTABLISHING THE COM-
MISSION ON THE ADVANCEMENT
OF WOMEN IN SCIENCE, ENGINEER-
ING, AND TECHNOLOGY DEVELOP-
MENT

Introduced by Senator Miriam Defensor
Santiago

**To the Committees on Youth, Women and
Family Relations; Science and Technology; and
Finance**

Senate Bill No. 1320, entitled

AN ACT AMENDING THE PENAL
CODE, ARTICLE 259 ON ABORTION

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. 1321, entitled

AN ACT AMENDING THE FAMILY
CODE OF THE PHILIPPINES,
ARTICLE 36 ON THE DEFINITION
OF PSYCHOLOGICAL INCAPACITY ^{AS}

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Introduced by Senator Miriam Defensor
Santiago

**To the Committee on Youth, Women and
Family Relations**

Senate Bill No. 1322, entitled

AN ACT TO PROTECT INDIVIDUALS
FROM HAVING THEIR MONEY
INVOLUNTARILY COLLECTED
AND USED FOR POLITICAL
ACTIVITIES BY A CORPORATION,
ORGANIZATION OR GROUP

Introduced by Senator Miriam Defensor
Santiago

**To the Committee on Constitutional
Amendments, Revision of Codes and Laws**

Senate Bill No. 1323, entitled

AN ACT TO ESTABLISH A PRIVACY
PROTECTION COMMISSION

Introduced by Senator Miriam Defensor
Santiago

**To the Committees on Justice and Human
Rights; Civil Service and Government Reorganiz-
ation; and Finance**

Senate Bill No. 1324, entitled

AN ACT PENALIZING PARENTS
OR GUARDIANS WHO FAIL
TO SECURE THEIR FIREARMS
FROM BEING ACCESSED BY
CHILDREN

Introduced by Senator Miriam Defensor
Santiago

**To the Committees on Public Order and
Illegal Drugs; and Youth, Women and Family
Relations**

Senate Bill No. 1325, entitled

AN ACT REGULATING PAWNSHOP
ESTABLISHMENTS AND OPERA-
TIONS

Introduced by Senator Miriam Defensor
Santiago

**To the Committee on Banks, Financial
Institutions and Currencies**

Senate Bill No. 1326, entitled

AN ACT TO ESTABLISH CRIMINAL
LIABILITY FOR UNLAWFUL
DISCRIMINATION BASED ON
DISPARATE TREATMENT

Introduced by Senator Miriam Defensor
Santiago

**To the Committee on Labor, Employment
and Human Resources Development**

Senate Bill No. 1327, entitled

AN ACT TO COMBAT THE CRIME OF
INTERNATIONAL TRAFFICKING
AND TO PROTECT THE RIGHTS
OF VICTIMS

Introduced by Senator Miriam Defensor
Santiago

**To the Committees on Justice and Human
Rights; Youth, Women and Family Relations;
and Finance**

Senate Bill No. 1328, entitled

AN ACT IMPROVING AND STRENG-
THENING THE RECRUITMENT
AND TRAINING OF FILIPINO
TEACHERS

Introduced by Senator Miriam Defensor
Santiago

**To the Committees on Education, Arts and
Culture; and Finance**

Senate Bill No. 1329, entitled

AN ACT TO PROTECT EMPLOYEES
OF TRAVELING SALES CREWS

Introduced by Senator Miriam Defensor
Santiago

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To the Committee on Labor, Employment and Human Resources Development

Senate Bill No. 1330, entitled

AN ACT REQUIRING THE USE OF PHILIPPINE MADE MATERIALS IN CONTRACTS FOR PUBLIC WORKS AND PROVIDING FOR THE BLACKLISTING OF CONTRACTORS VIOLATING SUCH REQUIREMENT

Introduced by Senator Miriam Defensor Santiago

To the Committee on Public Works

Senate Bill No. 1331, entitled

AN ACT ESTABLISHING A COMPREHENSIVE TRAINING PROGRAM FOR TEACHERS OF CHILDREN WITH HANDICAP

Introduced by Senator Miriam Defensor Santiago

To the Committees on Education, Arts and Culture; and Finance

Senate Bill No. 1332, entitled

AN ACT CURBING THE PRACTICE OF IMPOSING UNFUNDED MANDATES ON LOCAL GOVERNMENT UNITS

Introduced by Senator Miriam Defensor Santiago

To the Committee on Local Government

Senate Bill No. 1333, entitled

AN ACT TO PROVIDE FOR HEALTH AND WORK SAFETY STANDARDS FOR PROFESSIONAL BOXERS

Introduced by Senator Miriam Defensor Santiago

To the Committee on Games, Amusement and Sports

Senate Bill No. 1334, entitled

AN ACT REQUIRING A REPORT REGARDING THE EFFECTS OF ENVIRONMENTAL FACTORS ON WOMEN'S HEALTH

Introduced by Senator Miriam Defensor Santiago

To the Committees on Health and Demography; and Youth, Women and Family Relations

Senate Bill No. 1335, entitled

AN ACT PROVIDING FOR TESTING FOR THE USE, WITHOUT LAWFUL AUTHORIZATION, OF ALCOHOL OR CONTROLLED SUBSTANCES BY THE OPERATORS OF COMMERCIAL MOTOR VEHICLES

Introduced by Senator Miriam Defensor Santiago

To the Committees on Justice and Human Rights; and Public Services

Senate Bill No. 1336, entitled

AN ACT TO REQUIRE THE SECRETARIES OF HEALTH AND LABOR TO ISSUE REGULATIONS TO ELIMINATE OR MINIMIZE THE SIGNIFICANT RISK OF NEEDLE-STICK INJURY TO HEALTH CARE WORKERS

Introduced by Senator Miriam Defensor Santiago

To the Committees on Health and Demography; and Finance

Senate Bill No. 1337, entitled

AN ACT PENALIZING THE COMMISSION OF ACTS OF TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING TREATMENT OR PUNISHMENTS, AND PROVIDING FOR A REHABILITATION PROGRAM FOR VICTIMS

AS

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Introduced by Senator Miriam Defensor
Santiago

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

Senate Bill No. 1338, entitled

AN ACT REQUIRING INSTITUTIONS
OF HIGHER EDUCATION TO
DISCLOSE PARTICIPATION AND
PROGRAM SUPPORT EXPENDI-
TURES IN COLLEGE ATHLETIC
PROGRAMS

Introduced by Senator Miriam Defensor
Santiago

**To the Committee on Education, Arts and
Culture**

Senate Bill No. 1339, entitled

AN ACT AMENDING SECTION 4 OF
PRESIDENTIAL DECREE NO. 968,
OTHERWISE KNOWN AS THE
PROBATION LAW OF 1976, AS
AMENDED, ON THE GRANT OF
PROBATION

Introduced by Senator Miriam Defensor
Santiago

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

Senate Bill No. 1340, entitled

AN ACT PROHIBITING PUBLIC
OFFICERS FROM CLAIMING CREDIT
THROUGH SIGNAGE ANNOUNCING
A PUBLIC WORKS PROJECT

Introduced by Senator Miriam Defensor
Santiago

**To the Committees on Civil Service and
Government Reorganization; and Public Works**

Senate Bill No. 1341, entitled

AN ACT PRESCRIBING LABELING
REQUIREMENTS FOR FOODS

WHICH CONTAIN SATURATED
FAT AND CHOLESTEROL

Introduced by Senator Miriam Defensor
Santiago

**To the Committees on Trade and Commerce;
and Health and Demography**

Senate Bill No. 1342, entitled

AN ACT REQUIRING COVERAGE FOR
THE TREATMENT OF INFERTILITY
IN ANY GROUP HEALTH PLAN
OR HEALTH INSURANCE

Introduced by Senator Miriam Defensor
Santiago

**To the Committee on Health and Demo-
graphy**

Senate Bill No. 1343, entitled

AN ACT AMENDING ARTICLE 337 OF
THE PENAL CODE, ELIMINATING
GENDER BIAS IN QUALIFIED
SEDUCTION AND INCREASING
THE IMPOSABLE PENALTY

Introduced by Senator Miriam Defensor
Santiago

**To the Committees on Constitutional
Amendments, Revision of Codes and Laws;
and Social Justice, Welfare and Rural Develop-
ment**

Senate Bill No. 1344, entitled

AN ACT TO ENSURE THAT OLDER OR
DISABLED PERSONS ARE PRO-
TECTED FROM INSTITUTIONAL,
COMMUNITY, AND DOMESTIC
VIOLENCE AND SEXUAL ASSAULT
AND TO IMPROVE OUTREACH
EFFORTS AND OTHER SERVICES
AVAILABLE TO OLDER OR
DISABLED PERSONS VICTIMIZED
BY SUCH VIOLENCE

Introduced by Senator Miriam Defensor
Santiago

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To the Committees on Social Justice, Welfare and Rural Development; Justice and Human Rights; and Finance

Senate Bill No. 1345, entitled

AN ACT PROVIDING FOR THE EVALUATION OF PUBLIC AND PRIVATE PROGRAMS IN ORDER TO REDUCE THE RATE OF TEEN-AGE PREGNANCY

Introduced by Senator Miriam Defensor Santiago

To the Committees on Health and Demography; Youth, Women and Family Relations; and Finance

Senate Bill No. 1346, entitled

AN ACT TO PROVIDE COMPUTER INNOVATIVE ASSISTANCE PROGRAMS TO ELEMENTARY AND SECONDARY TEACHERS

Introduced by Senator Miriam Defensor Santiago

To the Committees on Education, Arts and Culture; and Finance

Senate Bill No. 1347, entitled

AN ACT AMENDING REPUBLIC ACT NO. 7160, ALSO KNOWN AS THE LOCAL GOVERNMENT CODE, ON THE LEVEL OF THE POSITION OF SECRETARY TO THE SANGGUNIAN

Introduced by Senator Miriam Defensor Santiago

To the Committee on Local Government

Senate Bill No. 1348, entitled

AN ACT MAKING THE MALVERSATION OF RECLAIMED LANDS A CRIME, AMENDING FOR THIS PURPOSE ARTICLE 217 OF ACT NO. 3815, OTHERWISE KNOWN AS THE PENAL CODE

Introduced by Senator Miriam Defensor Santiago

To the Committees on Justice and Human Rights; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 1349, entitled

AN ACT TO BAN EXPERIMENTS ON THE CLONING OF HUMAN BEINGS

Introduced by Senator Miriam Defensor Santiago

To the Committees on Science and Technology; and Health and Demography

Senate Bill No. 1350, entitled

AN ACT AMENDING REPUBLIC ACT NO. 386, ALSO KNOWN AS THE CIVIL CODE, ARTICLE 867

Introduced by Senator Miriam Defensor Santiago

To the Committee on Youth, Women and Family Relations

Senate Bill No. 1351, entitled

AN ACT LIMITING THE EXPOSURE OF CHILDREN TO VIOLENT PROGRAMMING ON TELEVISION AND CABLE SYSTEMS

Introduced by Senator Miriam Defensor Santiago

To the Committee on Public Information and Mass Media

Senate Bill No. 1352, entitled

AN ACT TO PROVIDE FOR AN INTERIM CENSUS OF FILIPINOS RESIDING ABROAD AND TO REQUIRE THAT SUCH INDIVIDUALS BE INCLUDED IN REGULAR CENSUSES

Introduced by Senator Miriam Defensor Santiago

To the Committees on Health and Demography; and Finance

Senate Bill No. 1353, entitled

AN ACT CRIMINALIZING INCESTUOUS SEXUAL RELATIONS

Introduced by Senator Miriam Defensor Santiago

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

Senate Bill No. 1354, entitled

AN ACT AMENDING REPUBLIC ACT NO. 6506, ALSO KNOWN AS "AN ACT CREATING THE BOARD OF EXAMINERS FOR CRIMINOLOGISTS IN THE PHILIPPINES," SECTION 23 AND 24 ON CRIMINOLOGY AND CRIMINOLOGISTS

Introduced by Senator Miriam Defensor Santiago

To the Committees on Public Order and Illegal Drugs; and Civil Service and Government Reorganization

Senate Bill No. 1355, entitled

AN ACT ESTABLISHING A TASK FORCE TO RECOMMEND A UNIFORM STRATEGY TO PROTECT WOMEN AGAINST VIOLENT CRIME

Introduced by Senator Miriam Defensor Santiago

To the Committees on Youth, Women and Family Relations; and Finance

Senate Bill No. 1356, entitled

AN ACT PROVIDING PRIVATE SECTOR EMPLOYEES COMPENSATORY TIME OFF, BIWEEKLY WORK SCHEDULES AND FLEXIBLE CREDIT HOURS

Introduced by Senator Miriam Defensor Santiago

To the Committee on Labor, Employment and Human Resources Development

Senate Bill No. 1357, entitled

AN ACT PROHIBITING COURT ORDERS, WRITS AND INJUNCTIONS WHICH PREVENT MEDIA REPORTS AND COMMENTARIES ON, OR PUBLICATION OF, PROCEEDINGS *SUB JUDICE*, EXCEPT UNDER CERTAIN CIRCUMSTANCES

Introduced by Senator Miriam Defensor Santiago

To the Committees on Justice and Human Rights; and Public Information and Mass Media

Senate Bill No. 1358, entitled

AN ACT ORDAINING INSTITUTIONAL RESPONSIBILITY IN GIVING TESTIMONY IN CRIMINAL CASES AND PROVIDING PENALTIES FOR VIOLATIONS

Introduced by Senator Miriam Defensor Santiago

To the Committee on Justice and Human Rights

Senate Bill No. 1359, entitled

AN ACT AMENDING ARTICLES 333 AND 344, AND REPEALING ARTICLE 334, OF THE PENAL CODE, ELIMINATING GENDER BIAS IN ADULTERY AND CON-CUBINAGE

Introduced by Senator Miriam Defensor Santiago

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

Senate Bill No. 1360, entitled

AN ACT AUTHORIZING THE DEPARTMENT OF JUSTICE TO ANALYZE AND DISSEMINATE INFORMATION REGARDING THE ADMISSIBILITY AND QUALITY OF TESTIMONY OF WITNESSES WITH EXPERTISE RELATING TO BATTERED WOMEN, AND TO DEVELOP AND DISSEMINATE TRAINING MATERIALS TO FACILITATE THE APPROPRIATE USE OF SUCH EXPERTS TO PROVIDE TESTIMONY IN CRIMINAL TRIALS OF BATTERED WOMEN, PARTICULARLY IN CASES INVOLVING INDIGENT WOMEN

Introduced by Senator Miriam Defensor Santiago

To the Committees on Youth, Women and Family Relations; Justice and Human Rights; and Finance

Senate Bill No. 1361, entitled

AN ACT FURTHER AMENDING SECTIONS 108 AND 109 OF THE NATIONAL INTERNAL REVENUE CODE OF 1997, AND FOR OTHER PURPOSES

Introduced by Senator Enrile

To the Committees on Ways and Means; and Energy

Senate Bill No. 1362, entitled

AN ACT CHANGING THE CRIME OF CONCUBINAGE INTO MARITAL INFIDELITY, AMENDING ARTICLE 333 AND ARTICLE 334 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE, FOR THIS PURPOSE

Introduced by Senator Gordon

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

Senate Bill No. 1363, entitled

AN ACT CHANGING THE CRIME OF ADULTERY INTO MARITAL INFIDELITY, AMENDING ARTICLE 333 AND 334 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE, FOR THIS PURPOSE

Introduced by Senator Gordon

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

Senate Bill No. 1364, entitled

AN ACT TO INSTITUTE A MECHANISM THAT WILL PROMOTE SUSTAINABLE AND QUALITY NURSING EDUCATION IN THE COUNTRY AND FOR OTHER PURPOSES

Introduced by Senator Manuel "Lito" M. Lapid

To the Committees on Health and Demography; Education, Arts and Culture; and Finance

Senate Bill No. 1365, entitled

AN ACT PROVIDING FOR A COMPREHENSIVE PROGRAM ON FIRE-FIGHTING, ESTABLISHING THE NATIONAL FIRE SCIENCE ACADEMY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Manuel "Lito" M. Lapid

To the Committees on Public Order and Illegal Drugs; Education, Arts and Culture; and Finance

Senate Bill No. 1366, entitled

AN ACT AMENDING ARTICLES 163, 164 AND 165 OF THE REVISED PENAL CODE AND FOR OTHER PURPOSES

Introduced by Senator Manuel "Lito" M. Lapid

To the Committees on Banks, Financial Institutions and Currencies; and Justice and Human Rights

Senate Bill No. 1367, entitled

AN ACT PROVIDING FOR TWO (2) ADDITIONAL SEATS FOR SMALL FARMERS' REPRESENTATIVES IN THE NATIONAL IRRIGATION ADMINISTRATION (NIA) BOARD BY AMENDING REPUBLIC ACT NUMBERED THIRTY-SIX HUNDRED AND ONE, AS AMENDED, ENTITLED "AN ACT CREATING THE NATIONAL IRRIGATION ADMINISTRATION," AND FOR OTHER PURPOSES

Introduced by Senator Manuel "Lito" M. Lapid

To the Committee on Agriculture and Food

Senate Bill No. 1368, entitled

AN ACT TO PROHIBIT SMOKING IN PRIVATE CONVEYANCES WHERE THERE ARE MINORS, SENIOR CITIZENS AND PREGNANT WOMEN, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9211, OTHERWISE KNOWN AS "TOBACCO REGULATION ACT OF 2003," PENALIZING VIOLATIONS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Compañera Pia S. Cayetano

To the Committees on Health and Demography

Senate Bill No. 1369, entitled

AN ACT TO EFFECTIVELY CONTROL AND REGULATE NUMBERS AND/OR LETTERS GAMES

Introduced by Senator Gordon

To the Committees on Games, Amusement and Sports; Constitutional Amendments, Revision of Codes and Laws; and Finance

Senate Bill No. 1370, entitled

AN ACT GRANTING AN ANNUAL PRODUCTIVITY INCENTIVE TO ALL WORKERS IN THE PRIVATE SECTOR, ESTABLISHING MECHANISMS FOR ITS IMPLEMENTATION, AND FOR OTHER PURPOSES

Introduced by Senator Benigno S. Aquino III

To the Committee on Labor, Employment and Human Resources Development

Senate Bill No. 1371, entitled

AN ACT PROHIBITING THE MISAPPROPRIATION OF PERSONAL INFORMATION IN DATABASE AND COLLECTIONS OF INFORMATION, PROVIDING A MECHANISM FOR PROTECTION AGAINST IDENTITY THEFT, AND FOR OTHER PURPOSES

Introduced by Senator Loren Legarda

To the Committees on Justice and Human Rights; and Science and Technology

Senate Bill No. 1372, entitled

AN ACT FOR THE EARLY DETECTION, DIAGNOSIS AND INTERVENTION FOR CONGENITAL HEARING LOSS AMONG CHILDREN IN THE PHILIPPINES AND FOR OTHER PURPOSES

Introduced by Senator Loren Legarda

To the Committees on Health and Demography; and Finance

Senate Bill No. 1373, entitled

AN ACT REQUIRING ALL HOSPITALS, CLINICS, HEALTH CENTERS AND OTHER SIMILAR ESTABLISHMENTS RENDERING MATERNITY ~~AS~~

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SERVICES TO ESTABLISH LITERACY PROGRAMS FOR ALL EXPECTANT PARENTS AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Loren Legarda

To the Committees on Health and Demography; and Finance

Senate Bill No. 1374, entitled

AN ACT GRANTING FISCAL INCENTIVES TO MEDIA ENTITIES DEVOTING AIR TIME AND SPACE TO EDUCATIONAL PROGRAMS FOR CHILDREN, AND TO ADVERTISERS OR SPONSORS SUPPORTING SUCH PROGRAMS, AND FOR OTHER PURPOSES

Introduced by Senator Loren Legarda

To the Committees on Public Information and Mass Media; Education, Arts and Culture; and Ways and Means

Senate Bill No. 1375, entitled

AN ACT TO PUNISH TRANSMISSION OF INDECENT MATERIALS BY COMPUTER TO MINORS

Introduced by Senator Loren Legarda

To the Committees on Public Information and Mass Media; and Justice and Human Rights

Senate Bill No. 1376, entitled

AN ACT PROVIDING FOR THE PROMOTION OF ORGANIC AGRICULTURE IN THE PHILIPPINES, AND APPROPRIATING FUNDS THEREOF

Introduced by Senator Loren Legarda

To the Committees on Agriculture and Food; Science and Technology; and Finance

Senate Bill No. 1377, entitled

AN ACT PROVIDING PROTECTION AGAINST COMPUTER FRAUD AND ABUSES AND OTHER CYBER-

RELATED FRAUDULENT ACTIVITIES, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Loren Legarda

To the Committees on Science and Technology; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 1378, entitled

AN ACT ESTABLISHING A PHILIPPINE MARITIME INDUSTRY LAW

Introduced by Senator Loren Legarda

To the Committees on Constitutional Amendments, Revision of Codes and Laws; Public Services; Ways and Means; and Finance

Senate Bill No. 1379, entitled

AN ACT TO REQUIRE EMPLOYERS TO PROVIDE DAYCARE FACILITIES FOR THEIR EMPLOYEES' CHILDREN AGED FIVE (5) YEARS OLD AND BELOW, AMENDING FOR THE PURPOSE ARTICLE 157 OF THE LABOR CODE

Introduced by Senator Loren Legarda

To the Committee on Labor, Employment and Human Resources Development

Senate Bill No. 1380, entitled

AN ACT TO FURTHER PROMOTE ENTREPRENEURSHIP AND THE DEVELOPMENT OF SMALL AND MEDIUM ENTERPRISES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 6977, AS AMENDED, OTHERWISE KNOWN AS THE MAGNA CARTA FOR SMALL ENTERPRISES

Introduced by Senator Loren Legarda

To the Committees on Economic Affairs; Banks, Financial Institutions and Currencies; and Finance

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Senate Bill No. 1381, entitled

AN ACT DECLARING A NATIONAL POLICY FOR TOURISM AS THE PRIMARY ENGINE OF INVESTMENT, EMPLOYMENT, GROWTH AND NATIONAL DEVELOPMENT, REORGANIZING THE DEPARTMENT OF TOURISM AND ITS ATTACHED AGENCIES TO EFFECTIVELY AND EFFICIENTLY IMPLEMENT THAT POLICY, PROVIDING NECESSARY INCENTIVES FOR INVESTMENT AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Loren Legarda

To the Committees on Tourism; Civil Service and Government Reorganization; Ways and Means; and Finance

Senate Bill No. 1382, entitled

AN ACT PROVIDING FOR A CHAMBER OF COMMERCE AND INDUSTRY SYSTEM, PROMOTING ORDER, EFFICIENCY, AND EFFECTIVE DELIVERY OF SERVICE BETWEEN AND AMONG CHAMBERS OF COMMERCE AND INDUSTRY, AND FOR OTHER PURPOSES

Introduced by Senator Loren Legarda

To the Committees on Trade and Commerce; and Economic Affairs

Senate Bill No. 1383, entitled

AN ACT CREATING THE STATE UNIVERSITY SYSTEM OF ANTIQUE, AND FOR OTHER PURPOSES

Introduced by Senator Loren Legarda

To the Committee on Rules

Senate Bill No. 1384, entitled

AN ACT DECRIMINALIZING CERTAIN ACTS OF VAGRANCY AMENDING FOR THE PURPOSE ARTICLE TWO HUNDRED TWO OF ACT NO. 3815

AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE

Introduced by Senator Loren Legarda

To the Committee on Justice and Human Rights

Senate Bill No. 1385, entitled

AN ACT ESTABLISHING A NATIONAL STRATEGIC MISSING CHILDREN RECOVERY PROGRAM, AND FOR OTHER PURPOSES

Introduced by Senator Loren Legarda

To the Committees on Justice and Human Rights; Public Order and Illegal Drugs; and Finance

Senate Bill No. 1386, entitled

AN ACT EXPANDING THE COVERAGE OF RAPE CRISIS CENTERS, AMENDING FOR THE PURPOSE REPUBLIC ACT 8505

Introduced by Senator Loren Legarda

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

Senate Bill No. 1387, entitled

AN ACT AMENDING REPUBLIC ACT NO. 7743, OTHERWISE KNOWN AS "AN ACT PROVIDING FOR THE ESTABLISHMENT OF CONGRESSIONAL, CITY AND MUNICIPAL LIBRARIES AND BARANGAY READING CENTERS THROUGHOUT THE PHILIPPINES," AND FOR OTHER PURPOSES

Introduced by Senator Loren Legarda

To the Committees on Education, Arts and Culture; Local Government; and Finance

Senate Bill No. 1388, entitled

AN ACT CREATING A NATIONAL SEAFARERS COMMISSION, PRES-

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CRIBING ITS POWERS AND FUNCTIONS AND APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Loren Legarda

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

Senate Bill No. 1389, entitled

AN ACT ACCELERATING THE DEVELOPMENT OF A NATIONAL RAILWAY SYSTEM, CREATING FOR THE PURPOSE THE NATIONAL RAILWAY AUTHORITY, PRESCRIBING ITS POWERS, FUNCTIONS AND DUTIES AND FOR OTHER PURPOSES

Introduced by Senator Loren Legarda

To the Committees on Government Corporations and Public Enterprises; and Public Services

Senate Bill No. 1390, entitled

AN ACT CREATING A PHILIPPINE INVENTORS COMMISSION, DEFINING ITS POWERS, FUNCTIONS AND DUTIES, AND FOR OTHER PURPOSES THAT WILL ENCOURAGE THE GENERATION, DEVELOPMENT, MANUFACTURE, PROMOTION AND MARKET OF THE PHILIPPINE INVENTIONS

Introduced by Senator Loren Legarda

To the Committees on Science and Technology; Ways and Means; and Finance

Senate Bill No. 1391, entitled

AN ACT DECLARING MOUNT ISAROG NATURAL PARK IN THE PROVINCE OF CAMARINES SUR A SPECIAL ECOLOGICAL TOURISM ZONE, AND FOR OTHER PURPOSES

Introduced by Senator Loren Legarda

To the Committees on Environment and Natural Resources; Tourism; and Finance

Senate Bill No. 1392, entitled

AN ACT PROVIDING FOR THE MANNER AND DATE OF ELECTION OF SECTORAL REPRESENTATIVES TO THE LOCALS SANGGUNIAN

Introduced by Senator Loren Legarda

To the Committees on Constitutional Amendments, Revision of Codes and Laws; and Finance

Senate Bill No. 1393, entitled

AN ACT DEFINING A LIVING WAGE FOR EMPLOYEES IN THE PUBLIC AND PRIVATE SECTORS, ESTABLISHING THE MECHANISM AND PROPER STANDARDS THEREFOR, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Loren Legarda

To the Committees on Labor, Employment and Human Resources Development; Civil Service and Government Reorganization; and Ways and Means

Senate Bill No. 1394, entitled

AN ACT MANDATING THE REPRESENTATION OF THE ELDERLY IN EVERY SANGGUNIAN AND LOCAL SPECIAL BODIES IN ALL LOCAL GOVERNMENT UNITS

Introduced by Senator Loren Legarda

To the Committees on Local Government; and Social Justice, Welfare and Rural Development

Senate Bill No. 1395, entitled

AN ACT INSTITUTIONALIZING THE ENVIRONMENTAL AND NATURAL RESOURCES ACCOUNTING SYSTEM, DESIGNATING THE AGENCIES RESPONSIBLE FOR ITS IMPLEMENTATION, PROVIDING INSTITUTIONAL ARRANGEMENTS AMONG RESPONSIBLE AGENCIES AND APPRO-

PRIATING FUNDS THEREOF AND
FOR OTHER PURPOSES

Introduced by Senator Loren Legarda

**To the Committees on Environment and
Natural Resources; Economic Affairs; and Finance**

Senate Bill No. 1396, entitled

AN ACT REORGANIZING THE
NATIONAL FOOD AUTHORITY
INTO THE NATIONAL FOOD
CORPORATION, REDEFINING ITS
POWERS, AND CREATING THE
FOOD DEVELOPMENT AND
REGULATORY ADMINISTRATION,
APPROPRIATING FUNDS THEREFOR
AND FOR OTHER PURPOSES

Introduced by Senator Loren Legarda

**To the Committees on Government Corp-
orations and Public Enterprises; Agriculture
and Food; and Finance**

Senate Bill No. 1397, entitled

AN ACT PROVIDING FOR THE
MODERNIZATION OF THE PHILIP-
PINE ATMOSPHERIC, GEOPHYSICAL
AND ASTRONOMICAL SERVICES
ADMINISTRATION, PROVIDING
FUNDS THEREFOR AND FOR
OTHER PURPOSES

Introduced by Senator Loren Legarda

**To the Committees on Science and Tech-
nology; and Finance**

Senate Bill No. 1398, entitled

AN ACT PROTECTING THE RIGHTS
AND PROMOTING THE WELFARE
OF JOURNALISTS WHILE IN THE
EXERCISE OF THEIR PROFESSION,
AND FOR OTHER PURPOSES

Introduced by Senator Loren Legarda

**To the Committees on Public Information and
Mass Media; Labor, Employment and Human
Resources Development; and Ways and Means**

Senate Bill No. 1399, entitled

AN ACT CREATING THE PHILIPPINE
SPORTS AUTHORITY TO OVERSEE
THE OVER-ALL DEVELOPMENT,
PROMOTION AND REGULATION
OF SPORTS IN THE PHILIPPINES,
DEFINING ITS STRUCTURE, POWERS,
RESPONSIBILITIES AND FUNCTIONS,
APPROPRIATING FUNDS THEREFOR,
AND FOR OTHER PURPOSES

Introduced by Senator Loren Legarda

**To the Committees on Games, Amusement
and Sports; Ways and Means; and Finance**

Senate Bill No. 1400, entitled

AN ACT GRANTING ADDITIONAL
RETIREMENT BENEFITS TO MEM-
BERS OF THE JUDICIARY, AMEND-
ING FOR THE PURPOSE REPUBLIC
ACT NO. 910, AS AMENDED, AND
FOR OTHER PURPOSES

Introduced by Senator Pangilinan

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

MANIFESTATION OF SENATOR PANGILINAN


Considering the numerous items tackled on the
agenda, Senator Pangilinan said that the all-senators'
caucus scheduled for the day would be moved tomorrow.

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 6:35 p.m.

I hereby certify to the correctness of the
foregoing.


EMMA LIRIO REYES
Secretary of the Senate *ALC*

Approved on September 17, 2007