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Tuesday, November 13, 2007

**FOURTEENTH CONGRESS
FIRST REGULAR SESSION**

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Tuesday, November 13, 2007

CALL TO ORDER

At 3:12 p.m., the Senate President, Hon. Manny Villar, called the session to order.

PRAYER

Sen. Gregorio B. Honasan led the prayer, to wit:

We gather today in the presence of God
who knows our needs, hears our cries,
feels our pain, and heals our wounds.

We live in a world where the questions we face
Often crop up faster than the answers we can find.
May we develop the sensitivity and wisdom
to know where the questions are coming from.

As Martin Luther King Jr. said:
Cowardice asks the question – is it safe?
Expediency asks the question – is it politic?
Vanity asks the question – is it popular?
But conscience asks the question – is it right?

Grant us the courage and the wisdom
to make decisions that is neither safe,
nor politic, nor popular but are made
because they are right and true.

May we find guidance in the words
of Daniel Webster who said:

This is a Senate of equals, of men of
individual honor and personal character,
and of absolute independence.

We know no masters, we acknowledge no
dictators. This is a hall for mutual
consultation and discussion; not an arena
for the exhibition of champions.

Grant us then the humility to realize that
we are nothing more than servants of Your
people. Teach us the value of doing service
in anonymity and chasten us when we boast
of our deeds. May we celebrate when the
work is done, the vision fulfilled

and the people will say, “With God’s help,
we did it together.”

All these we ask in Your Name.

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.	Legarda, L.
Cayetano, A. P. C. S.	Pimentel Jr, A. Q.
Cayetano, C. P. S.	Revilla Jr., R. B.
Defensor Santiago, M.	Roxas, M.
Ejercito Estrada, J.	Villar, M.
Enrile, J. P.	Zubiri, J. M. F.
Gordon, R. J.	

With 17 senators present, the Chair declared the presence of a quorum.

Senators Escudero, Lapid and Madrigal arrived after the roll call.

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

Senator Biazon was absent.

Senator Trillanes was unable to attend the session.

APPROVAL OF THE JOURNAL

Upon motion of Senator Cayetano (A), there being no objection, the Body dispensed with the reading of the Journal of Session No. 33 and considered it approved. *me*

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PRIVILEGE SPEECH OF SENATOR ARROYO

Availing himself of the privilege hour, Senator Arroyo spoke on Proposed Senate Resolution No. 203 urging the President to hold in abeyance the government's forthcoming bidding of the Philippine National Oil Company (PNOC) - Energy Development Corporation (EDC), on November 21, 2007.

Senator Arroyo explained that the EDC, which is owned by the government through the PNOC, was established during martial law to "explore and harness indigenous sources of energy." He recalled that while President Ramos authorized the privatization of 60% of EDC in 1994, the plan did not take off and neither was it pursued by former President Estrada. But he revealed that although the Joint Congressional Power Commission (JCPC) opposed the proposed divestiture of the EDC and limited its approval only to the divestment of its geothermal plants, the EDC was able to get the Privatization Council's approval for the estimated P30 billion sale which is double the amount involved in the ZTE-NBN controversy.

He expressed concern that if the sale pushes through, the government would be in a situation similar to Petron Corporation when it sold 60% of its holdings because it would only have 40% equity over the EDC, losing control over the corporation which posted a net profit of P5.4 billion for the first three quarters of 2007 or a projected net income of P7.2 billion for the year which is about 20% of the estimated P35 billion sale price. Moreover, he pointed out that the sale would also nullify the EDC's original mandate of exploring and harnessing indigenous sources of energy.

Senator Arroyo stressed that the President could not sell profitable government assets, in this case the EDC, because it conflicts with the long-established policy of the state to continuously search for indigenous sources of energy, a program funded not through the national budget but by the corporation. He urged the government's fiscal managers to cure the government's incorrigible habit of selling profitable companies rather than trying to dispose of those that lose money. He pointed out that the government would be selling the EDC along with other good assets such as Transco, to bridge the budget deficit caused by low tax collections contrary to claims by the Department of Finance that its revenue agencies are doing well. He wondered how the government

could harness indigenous energy if it would sell the EDC which is funding the exploration of the same.

In closing, Senator Arroyo said that as the policymaking branch of the government, Congress must have the last say on the matter and that it is in this light that he filed Proposed Resolution No. 203 which, if adopted, would urge the President of the Philippines to hold in abeyance the forthcoming bidding of the PNOC-EDC on November 21, 2007, to enable the Senate to closely consider the implication of the sale to the government's energy program in relation to its fiscal position.

INTERPELLATION OF SENATOR ROXAS

Asked by Senator Roxas whether the sale of government assets is entirely in the hands of the Executive department, Senator Arroyo replied that when it comes to corporations which do not involve policy implications, the sale is in the hands of the Executive department unless the Legislature intervenes. He cited as an example the sale of sequestered assets such as the ill-gotten wealth which is covered by legislation. He maintained that the President could not sell assets that have policy implications because it can collide with a policy matter.

On whether such a collision is between the policy enunciated in the law creating the Department of Energy, which gives it supervision over entities like the EDC, and the commercial transaction of the sale itself, Senator Arroyo replied in the affirmative. He maintained that the EDC could not be disposed of because the government would not have a means to fund its search for indigenous sources of energy since there is no allocation in the budget for such a program. He said he could not imagine how the EDC, which has attained the status of being the world's No. 1 in steam technology, could be sold as if it were just another company.

Senator Arroyo explained that he was prompted to file the resolution on the issue which had earlier been raised by Senator Angara.

Senator Roxas wondered how the Executive department could resolve the collision between the policy and the commercial transaction as he pointed out that such corporations are not stand-alone commercial entities and were, in fact, created to pursue specific mandates which would be orphaned

and subject to vagaries of annual appropriation processes if they were sold. He also asked whether the Senate's only recourse is through the expression of its view or if there is some regulation that states that such transactions should pass other processes.

Senator Arroyo replied that he was not aware of such other processes. However, he welcomed any amendment to the resolution that would satisfy the position of the Senate to hold in abeyance the sale of the PNOC-EDC.

Senator Roxas believed that the proposed bidding needs to be stopped before its November 21, 2007 schedule to save the Senate from the moral hazard of rescinding or reverting a process that the government has started.

Senator Arroyo said that the proposed resolution would give the President the signal that the sale of EDC, without the participation of the Senate on the question of policy, is out of line.

Asked whether the fate of government-owned and -controlled corporations is within the purview of the Executive department, Senator Arroyo replied that he did not study the other corporations. But he cited the Assets Privatization Trust that was created solely to take care of the assets ruled as crony ill-gotten wealth. He maintained that Congress must have a say on policy implications because it has the primary responsibility of defining policies.

Senator Roxas pointed out that since there is no law that clearly governs the disposition of assets of this sort, the Members should craft the appropriate legislation to clearly set the parameters for such transactions.

Senator Arroyo stated that the issue at hand was discovered only during the hearing on the budget of the Department of Finance when the secretary of finance divulged the plan to sell certain assets to bridge the budgetary deficits, which is very alarming because the people were made to believe that everything is fine.

Asked if the Senate can go to the Supreme Court to resolve the problem should the resolution be ignored as the sale of the EDC would mean that government is giving up control over an entity whose mandate is the exploration, development and exploitation of indigenous energy sources of which geothermal and hydro have been usefully exploited

to date, Senator Arroyo said that he did not know, but he underscored that it is important to inform the President that her advisers have done her wrong and that the Senate is alarmed at the prospect of selling an asset which is projected to make P7.2 billion for this year.

Senator Roxas stated that the matter of whether the company is making money or not is not important to him, pointing out that making money is not necessarily congruent or consistent with harnessing and exploring indigenous sources per se.

INTERPELLATION OF SENATOR ANGARA

Asked by Senator Angara whether he agrees that energy is one of the most strategic assets of a country especially against a background of crude oil hitting \$100 per barrel, Senator Arroyo replied in the affirmative. He said that 17% of the country's power supply geothermal and steam comes from the EDC.

Senator Angara stated that he was not against the privatization of state assets such as the National Power Corporation and the National Food Authority which are a huge drain on the treasury, but he would like to make an exception of strategic assets that may impact on national security. He expressed the need to identify the buyer, whether it is a commercial entity or controlled wholly or partially by a foreign government, and the need to set some criteria to govern the whole bidding process.

Asked if Transco, which is the company tasked to distribute all the electricity throughout the country, is also up for bidding, Senator Arroyo replied in the affirmative. But he explained that the case of Transco is different because its job is to generate energy and it uses a vehicle to distribute it to the consumers, and that the reason why it cannot be sold is the question of franchise. He noted that Transco is also a strategic state asset which makes about P10 billion to 12 billion. He opined that government must retain control of Transco because traffic must always be controlled by government, and the generating plants and distributors would be nothing without Transco, although there is a pending bill to solve the questions of Transco.

Senator Angara believed that Transco is even more strategic than the EDC because it is the nervous system of the energy infrastructure. He informed the Body that six months ago, China National

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Offshore Oil Corporation tried to buy a subsidiary of Chevron in California, and the whole industry was in uproar and Congress even passed a resolution forbidding it. He stated that when Dubai Ports World, a United Arab Emirates firm, tried to lease and contract six ports in the United States, including New York and St. Louis, the whole Congress was up in arms and the deal was called off.

Senator Angara said that in other countries, they have a Foreign Investment Review Board that gets into action and analyzes the implication for their own security. Unfortunately, he stated that the Philippines does not have an investment review board and the President is the only one calling the shots in the sale of assets. He said that this is one gray area that could be addressed by legislation. At the rate it is going, he stated that the sale of "family heirlooms" is very alarming: PLDT has been privatized and the government got P25 billion, Magat and Pantabangan dams have also been privatized and, possibly, Maria Cristina Falls, the biggest hydro indigenous source of energy. He also cited the government's plan to sell its Meralco shares at P30 billion, and its San Miguel shares at P60 billion. While these figures are dazzling, he believed that government should not substitute privatization proceeds for its tax collection effort.

Senator Arroyo noted that the real intention of selling the assets was to reduce the country's debts; but it was not happening because the proceeds that go to the National Treasury are being used for a general purpose.

Senator Angara surmised that the funds would disappear in a bottomless pit. He said that he injected the issue of foreign ownership because China, Japan, Korea and Singapore have huge foreign reserves and are all looking for investment opportunities. He said that this is the reason the government must look into the composition of ownership of the potential buyer.

Senator Angara expressed apprehension that the Philippines would be more beholden to China if a Filipino with a Chinese partner succeeds in buying Transco, because the latter would be able to control the transmission of energy throughout the country. Providing Malaysia with an additional chip in the energy game, he warned, would make the Philippines more beholden to the former with the conflict over Sabah still ongoing. Considering the slowness of the peace negotiation in Mindanao with Malaysia as the go-between, he believed that the fate of Mindanao should not hang on the say-so of Malaysia.

Citing the task of the Joint Congressional Power Commission, Senator Arroyo said that the JCPC had already disapproved the sale of the EDC but it still went through by going to the Privatization Council. Senator Angara believed that the situation calls for legislative intervention to fill the gap resulting from the creation of the Privatization Council.

Senator Arroyo recalled that when the life of the Assets Privatization Trust (APT) was about to expire, an executive order created the Privatization Council to inherit the functions of the APT, hence, it cannot have more powers than the APT that did not have the power to sell strategic assets.

Senator Angara affirmed that the APT was created with a clear mandate to dispose of assets either repossessed by government financial institutions or sequestered by the PCGG. He added that the successor agency, the Privatization Council, cannot do more than what its predecessor was mandated to do. That is why, he said, the Executive could always resort to another device to go around the legality every time Congress objects to anything that it wants to do. He clarified that he does not want to subscribe to a resolution that would prohibit all privatization efforts because he is not against privatization in principle. He asserted that an independent body should be created to review the sale of strategic assets and the implication thereof on national security.

As regards pricing, Senator Angara estimated that if the expected proceeds of the sale is P35 billion, it is less than 10% of price to earnings of P7.2 billion; hence, at 10% or at 10 times earnings, which is a low ratio, it should be P72 billion. He believed it is another reason why the matter should be deferred until Congress is able to look into it and file the necessary measure recommending the creation of a review board for strategic assets to ascertain whether their sale would have security implications.

Asked how the bidders and their international partners would be told that the EDC bidding and the Transco bidding are off, Senator Arroyo replied that they should be told straight that the sale of the assets is not purely a commercial transaction.

Senator Angara noted that as a result of the efforts of the China National Offshore Oil Corporation to purchase Unocal, a well-known U.S. oil company, and the United Arab Emirates company to buy the American ports, the U.S. Congress enacted the Financial Investment and National Security Act.

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Senator Arroyo advised a little caution in this effort as it might discourage foreign investors. Senator Angara stressed the need to be specific in dealing with strategic assets.

INTERPELLATION OF SENATOR GORDON

Senator Gordon wondered why the government is going to sell 60% of the assets when it had already been sold and, in fact, owned by 158 Funds. Senator Arroyo clarified that nothing has been sold yet but the idea is to sell 60% of equity.

Senator Gordon expressed support for the resolution. He observed that the government seems to be losing the crown jewels just to save the administration from incurring more deficits.

Asked for the general objective of the sale, Senator Arroyo replied that according to the transcript of the DOF budget hearing, government is selling assets to close the budget deficit.

Senator Gordon stated that the DOF is mandated to raise revenues but in Subic, revenues amounting to P9 billion worth of cigarette taxes alone have not been collected for the period 2000 to 2003. He said that passing a resolution to stop the government from selling its assets is not enough when its income-generating agency is not doing what it is supposed to do.

Senator Arroyo agreed, noting that the DOF is supposed to collect revenues and not to sell government assets. He opined that the problem is the lack of continuity of policies because the secretary of finance sits only two to three years, so each secretary tries to do what is good for his term. He recalled that a lot of borrowings were made during Secretary Camacho's watch because anyway the paying period fell in the hands of the next secretary.

Senator Gordon wondered whether an under-secretary could continue the work of a departing secretary. Senator Arroyo observed that the under-secretaries of the past were career officials but at present, they remain in their posts while the secretary comes and goes. He maintained that a department can continue its operation even without a secretary because of career undersecretaries. He lamented that there is a vicious cycle of creating new under-secretaries and assistant secretaries every time the administration changes.

Senator Arroyo opined that the resolution could be a means to craft a legislation correcting the system not entirely but starting with the assets of the government.

Asked on the veracity of a report that the remaining 40% PNOC-EDC shares are to be sold and that by arrangement, they will control 60% of the votes in the board, Senator Arroyo stated that he was not aware of the transaction, adding that the JCPC already denied the application for sale.

Senator Gordon informed the Body that in the *Malaya* Stock Market Report, PNOC Exploration Corporation A, which was sold for P4.00 a share, is selling at P7.80 and, obviously, somebody made a profit. Senator Arroyo stated that it is how the ball bounces in government. Senator Gordon countered that it should not be accepted. He expressed concern that Transco would be the next one to be sold.

In conclusion, Senator Gordon reiterated his full support for the resolution, stating that he would support any move to investigate the sale of government assets like the PNOC-EDC and the Transco.

At this juncture, the Senate President Villar relinquished the Chair to Senate President Pro Tempore Ejercito Estrada.

REQUEST OF SENATOR ZUBIRI

Senator Zubiri sought leave to deliver his privilege speech, stating that he only gave way to Senator Arroyo.

Senator Arroyo affirmed the statement of Senator Zubiri, stating that he did not expect the discussion to take long except that the Body has to act on the resolution with dispatch.

Senator Legarda stated that while she would like to hear the speech of Senator Zubiri, she would rather pose some questions on the resolution.

Senator Zubiri suggested that as it has been done in the past, the interpellation on Senator Arroyo's speech be continued the following day. He said that he had requested the presence of the members of the National Kidney Transplant Institute and promised them that they could go back to the hospital at the earliest possible time.

Senator Arroyo agreed to the suggestion. *AS*

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MANIFESTATION OF SENATOR MADRIGAL

Senator Madrigal stated that the senators have agreed to the suggestion with the assurance that the interpellations on the speech of Senator Arroyo would be the first item in the next day's session. She believed that the matter raised by Senator Arroyo is extremely important and is of national interest.

Senator Cayetano (A) assured Senator Madrigal that the speech of Senator Arroyo would be taken up the following day. He stated that Senators Legarda, Pimentel and Madrigal have made reservations to interpellate on the speech.

SUSPENSION OF THE INTERPELLATIONS ON SENATOR ARROYO'S SPEECH

Upon motion of Senator Cayetano (A), there being no objection, the interpellations on the speech of Senator Arroyo were suspended until the next day's session.

PRIVILEGE SPEECH OF SENATOR ZUBIRI

Also availing himself of the privilege hour, Senator Zubiri delivered the following speech:

LET US FACE THE TABOO: SALE OF BODY PARTS

I rise on a matter of personal and collective privilege.

Last November 6, 2007, the world's leading news channel, CNN, briefly featured some men who sold their kidneys. The feature tackled the thriving trade of human organs amidst the poverty in the country. It was the Philippines' three minutes of fame before the eyes of the world. For me, it was a day of infamy. I am ashamed to see the biting reality. With the indulgence of our colleagues, let me play the CNN feature. It will only take a little more than three minutes.

At this juncture, the CNN video report was played.

CNN's erroneous reportage

At the onset, let me point out that CNN international correspondent Mr. Hugh Riminton made an erroneous slant on the human organ trade in the country. He made it appear that the

Philippines is toward the direction of not only legalizing commercial kidney donation but also making human kidneys an official Philippine export.

Mr. Riminton's assertion is far from the truth. His resource person, Dr. Reynaldo Lesaca, the head of the Human Organ Preservation Effort (HOPE), a special unit under the umbrella of NKTII which is dedicated to the legal procurement of donor organs for transplantation, has stated that CNN "edited" their interview with him and came out with a special report that was totally different from what he talked about. Dr. Lesaca also said in his letter to the CNN, demanding an apology and rectification, that, and I quote: "it not only put me in a bad light but placed our country's Transplant Program in jeopardy as far as the world is concern."

By painting an incomplete and misleading picture, the CNN resorted to tabloid-type of journalism which is inappropriate and unexpected from a leading international news agency. We support Dr. Lesaca and HOPE's demand that CNN issue an apology for the wrong report and correct it.

I cannot fathom why HOPE would support the legalization of commercial human organ donation. Mr. Riminton should be declared *persona non grata* for his malicious and damaging story and for putting the country in a bad light before the international community.

However, I must admit that there is some truth to Mr. Riminton's reportage. The truth is – human organ trade, particularly kidneys, is thriving in the country, specifically in the urban poor communities.

I suspect that the kidney donors he interviewed are from *Isla Puting Bato* or popularly known as *Isla Baseco*. *Isla Puting Bato* in South Harbor, Port Area, Manila has around 45,000 inhabitants in 52 hectares of land. According to its barangay chairman, there are approximately 3,000 residents from *Isla Puting Bato* who have donated one of their kidneys – for a cause or for a cost. With such great number of kidney donors in just one urban poor community, the inhabitants even call their barangay *Isla Walang Bato*, though more aptly it should be *Isla Isang Bato*.

Why human organ trade is thriving?

In the field of science, the transplantation of organs, tissues, and bones are marvels of human achievement that happen everyday. But I hold that the **selling of body parts** is immoral and unethical and must remain so in our books. ~~no~~

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That is why when CNN featured last week Filipinos who sold their kidneys, I chose to confront this taboo. Body mutilation in exchange for money is taboo, but let me also point out that the poverty that drives our brothers to sell body parts makes it a tragedy.

The fact is that there is a thriving market. We may stubbornly refuse to admit it but that will not make the "trade in body parts" go away.

I do not intend to gloss over the fact that poverty sends the poor to try all sorts of quick fixes like running to the willing arms of organ traders. When they parted with their kidneys, they knew everybody else gained by their decision. In their own words, "the recipient patient gets a new lease in life, the hospital gets paid, the doctor gets his fees and members of the transplant team get their salaries. And why not them who made it all happen?"

I believe the donors who sold their kidneys would have thought more than ten times if they knew the risks they took. These poor donors have high risk of contracting life-threatening diseases and consequently have shorter life span if they have not been properly evaluated with pre-surgery and post-surgery medical examinations. Those in manual jobs will be out of work for a while. Lacking informed choice except their perception that "they need the money more than they need a kidney," the poor donors have become willing victims twice over.

After "paying off the donor," the trader abandons them to face post-surgery risks alone without medical attention. We cannot expect the trader to be the one to inform "donors" of the risks. That would eat up their opportunities to make a killing from the poor.

The organ transplant sector is rife with stories of traders earning millions of pesos after paying off "donors." We have not heard of any being caught and punished, also, of conniving surgeons or clinics who knowingly transplant organs that have been sold.

Also of great concern is that our doctors, nurses and health professionals, nay, even the caregivers who are all admired for their skills and loving attention to patients worldwide, would be seen as butchers and vultures.

What are the government agencies doing?

It seems to me that there are big syndicates behind this illegal human organ trade – syndicates that prey on our poor and helpless citizens and exploit their ignorance and vulnerability;

syndicates which have a growing clientele that includes foreigners and rich Filipinos.

But where are our government agencies in the picture? I could hardly see them or feel their presence. What is the National Bureau of Investigation doing to unmask the people behind these syndicates? Is it another case of the whole world knowing that this illegal trade exists but they do not?

Where is the Department of Health in this situation? I believe that the DOH people know that this illegal trade is thriving and yet they are not aggressive and proactive in confronting the issue. Have they reported or called the attention of our law enforcement agencies in eradicating this illegal trade? What happened to the Organ Donation Program (ODP) embodied in its Administrative Order 124?

Increasing demand for organs

The demand for organs is pushed by many factors. One is the improving survival rate: for living related donor transplants, it is 90-95%; for cadaver donor transplants, 80-85%. Likewise, opting for an organ transplant has grown due to the rising cost of dialysis treatments at around P50,000 to P90,000 a month.

An organ recipient also undergoes a lifelong treatment with immunosuppressive drugs but he can live life as if his/her kidney never failed. He can be productive. On the other hand, the dialysis patient has to undergo two to three painful sessions a week with each session lasting around four hours. He could hardly devote time to being productive.

The gap between the growing need for organ transplants and the available organ from well-informed donors has created a "desperate search" for organs to be "harvested" or what we call the lucrative illegal trade of body parts worldwide.

This sparked more debates on morality and ethics as body parts in exchange for money placed patients from rich countries holding the better end of the deal. They gain priority in organ allocation from donors and allowed "organ vendors" to prey on the poor who "have low bargaining power," so to speak.

Ethicists believe that any system that allows the sale of body parts "would be prone to fraud" as "donors" may manipulate their medical history "to get some money."

Journals and magazines, like the *Medical Observer* articles, lump us with Iran, Pakistan and

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Afghanistan where "kidney and other body parts are for sale." An Indian kidney goes for \$1,000, Moldovan or Romanian kidney for \$2,700, Turkish kidney for \$10,000, and Peruvian at \$30,000. Testimonial reports put the kidneys from Filipino donors at P135,000 to P300,000 a piece.

The cost of transplantation is another reason foreign patients come to the country. At \$50,000 or around P2.2 million in the Philippines, it comes cheap at half the cost in their country. Our hospitals also charge Filipinos (called pay patients) less than they charge foreigners at around P1 million to P1.5 million.

Foreigners flocked here to escape their restrictive laws. For example, the U.S. and United Kingdom both prohibit living non-related donor transplantation, which we unfortunately allow. Also, of great importance to organ recipients is the shorter waiting time here at around six months only.

Legal and ethical framework

We are not alone in threshing out the conflicts surrounding the need to regulate organ transplantation. A global institution, the World Medical Association, acknowledges the tension arising from the "desire to procure organs for medical treatments, on the one hand, and the preservation of choice and personal liberty, on the other." They have outlined strict obligations for physicians. They are adamant that transplant surgeons shall "refrain from transplanting organs that they know or suspect have not been procured in a legal and ethical manner."

It says: "Financial incentives for providing or obtaining organs for transplantation can be coercive and should be prohibited. A financial incentive compromises the voluntariness of the choice and the altruistic basis for the organ donation. Furthermore, access to needed medical treatment based on ability to pay is inconsistent with the principles of justice."

The World Medical Association pushes for justice in the access to organs. Its general criteria for allocation among the waiting lists of recipients include the following: "severity of medical need, length of time on the waiting list, and medical probability of success measured by such factors as type of disease, other complications, and histocompatibility."

It is firm in its pronouncement that "Payment for organs for donation and transplantation must be prohibited." It also prohibits "advertisement of organs in exchange for money." It says "physicians who are asked to transplant an

organ obtained through a commercial transaction should refuse to do so."

Though we already enacted Republic Act No. 7170 or the Organ Donation Act of 1991, the law covers only cadaver donors (CAD) and the concept of brain death. The latest issuance covering organ transplants is the Department of Health Administrative Order No. 124 s. 2002 or the National Policy on Kidney Transplantation from Living Non-Related Donors. In it are clear prohibitions on the sale and transplant of kidneys. Thus:

IV. GENERAL POLICY STATEMENTS:

1. Living non-related donations are permitted only under Section III 2-a of this Order. Sale and purchase of kidney organs by kidney vendors is prohibited.

All health and health-related facilities and professionals shall not allow the trade of kidney vendors. Violators shall be penalized through cancellation of licenses and other sanctions. (Refer to Section VII)

Violators are punished under Section VII, thus:

"Violations done in relation to this Order shall be dealt with according to existing licensing and accreditation rules and regulations of the DOH and the PhilHealth. Erring health professionals shall also be dealt with according to the rules and regulations of the Professional Regulations Commission and other sanctions as may be agreed among medical and specialty societies and organizations in nephrology and organ transplantation."

Despite the clean-cut system for donation and transplantation, it is the middle men who dictate the "terms of the trade," holding the health of both donors and recipients in their bloodied hands.

We can argue to death the morality and ethics of organ transplantations, but the fact remains that the rich and the poor are in threat of death or loss of productive life if organs are not made available under a legal, medically accepted and ethical framework.

Section 4 of Republic Act No. 9208 or the Anti-Trafficking in Persons Act of 2003, makes it

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unlawful for any person, natural or juridical, "to recruit, hire, adopt, transport or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person".

Violators face "the penalty of imprisonment of twenty (20) years and a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000)."

Of the latest is the Conference of the Parties to the United Nations Convention against Transnational Organized Crimes in 2005 which has decided to "assess the trends and address emerging forms of criminality." "Trafficking in body parts," in their very own words, is one of them. Their concern was based on a fear that transplant between races may have the potential of inflicting negative side effects, and on reports of human trafficking specially unexplained or suspicious deaths of trafficked persons, including our OFWs.

Call to action

Despite the growing number of Filipinos who need kidneys and other organs, we have not tackled in full the need for a national donor registry. It is the first step in coming clean if indeed the government, by turning a blind eye, allows the illegal trade or even promotes it, as insinuated in the media. Advanced countries have mandated bodies responsible for organ donation and transplant "to collect and maintain a list of citizens who have chosen to either donate or not to donate their organs" based on "informed choice." This has great importance as "conditions at the bedside of dying patients are not ideal for the process of free and informed decisionmaking."

We must also look into this human organ trade more thoroughly and find out the extent of this illegal trade so that we will be guided in formulating the necessary legislation that would address the issue. Republic Act No. 9208 and Administrative Order 124, series of 2002, are not sufficient in dealing with the commercial human organ donation from living-non-related donors.

Though we were in the league of Asian pioneers 40 years ago, we have fallen back and had allowed an illegal market to flourish. The fact that men in *Isla Baseco*, chose to "sell" their kidneys, or, that they were not enrolled in the legal transplant program (of private and government hospitals) does not mean government is not responsible for their welfare anymore.

In other words, other entities are advancing the fight against illegal trade of body parts. And we are being left behind. I believe that we should not let things as they are.

Fortunately, Sen. Jinggoy Ejercito Estrada filed Senate Bill No. 460 or the Human Organ and Tissue Procurement and Transplant Act of 2007, which prohibits *for-profit marketing of human organs and tissues*. We can start the discussion from there in laying down the state policies on this issue.

Let us be bold. Let us tackle the taboo. Let us not run from it before the whole nation becomes an *Isla Isang Bato*.

INQUIRY OF THE CHAIR

At this juncture, the Chair asked on the difference between the kidney of a Filipino and the kidney of an Indian. Senator Zubiri surmised that the difficulty of buying kidneys in other countries jacks up the price for the organ.

INTERPELLATION OF SENATOR ANGARA

At the onset, Senator Angara congratulated Senator Zubiri for bringing out into the open the problem of the illegal kidney trade in the Philippines. However, he believed that the CNN should not be blamed for exposing it; instead, they should be grateful that an international media entity focused on it so that Congress could enact remedial legislation.

Senator Zubiri agreed, but he pointed out that certain items in the CNN report should be clarified, specifically the assertion that Philippine officials would change the law to make it easier for people around the world to get human organs from the Philippines. He emphasized that there is no measure in either House of Congress advocating it. In addition, he asserted that the slant of the report that Filipinos were making healthy human kidneys an official Philippine export had placed the country in a very bad light.

Senator Angara said that the Filipino should not blink at the problem because indeed there is an active trade going on which must be addressed administratively and legislatively. He pointed out that without pre-screening and post-operation care, the donor's life is at risk and besides, selling one's organ is reprehensible. In addition, he said that the sale of kidneys has become a thriving trade because there is a long

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waiting line of patients awaiting transplants and the cost of dialysis is overwhelming.

Asked why the kidney of a Filipino is much more expensive than the kidney of an Indian, Senator Zubiri expressed the view that it must be because the Philippines has a population of only 90 million compared to that of India which has about one billion people.

However, Senator Angara stated that genetics studies showed that Africans, Indians, Filipinos or Latin Americans have the same genes, thus, it would not matter whether a kidney came from an Indian or a Filipino. He surmised that Filipino kidneys are preferred over the others because they are safer and healthier. Senator Zubiri said that foreigners prefer kidneys from Filipinos who, in general, have a clean-living lifestyle. He clarified, however, that he was not discouraging the practice of seeking an organ donor to help a loved one; he is against the illegal trade of syndicates that go to towns and villages offering P150,000 to every willing donor.

INTERPELLATION OF SENATOR GORDON

Senator Gordon congratulated Senator Zubiri for his reaction to the CNN report. He manifested that after a more extensive research on the subject matter, he would be delivering a privilege speech and filing a more comprehensive bill.

Asked on the actual policy of the government on organ donations, Senator Zubiri replied that Administrative Order No. 124, which was issued on June 2, 2002, covers living organ donors which comprise 90% of the total kidney transplants in the Philippines, while Republic Act No. 7170 (Organ Donation Act of 1991) covers organ donation from cadavers.

Asked if anybody can donate his or her organ, Senator Zubiri replied that anybody can voluntarily donate an organ for free. But Senator Gordon pointed out that the buying and selling of human organs like kidneys are very rampant.

On whether anybody has been prosecuted for illegal organ trade in the country, Senator Zubiri replied that the NKTI has conducted investigations and cases had been filed under the anti-trafficking of human and body parts law.

As to which government agency is primarily responsible for going after the illegal organ trade, Senator Zubiri replied that it is the DOH.

On whether the DOH has data on the number of people who have been arrested, charged, and imprisoned for illegal organ trade, Senator Zubiri replied that the DOH might have the data but unfortunately none of its resource persons were present. He expressed hope that Senator Gordon would assist him in urging the DOH to take the necessary action on the problem.

Senator Gordon said that while the CNN had actually done the country a disservice with its report, there is really no serious effort on the part of the government to go after people or groups engaged in the illegal organ trade. He stated that the DOH should be taken to task for its negligence. Senator Zubiri agreed.

In this regard, Senator Gordon disclosed that the NBI is investigating the alleged involvement of doctors and other medical personnel of prominent hospitals in the illegal organ trade after members of a syndicate were arrested for duping several people from Batangas, Quezon and neighboring provinces into selling their organs and subsequently charged for violation of the Anti-Trafficking of Persons Act of 2003.

Asked if the DOH and the NKTI gave their support to the investigation, Senator Zubiri replied that the DOH would soon come out with a revised guidelines on the organ trade or donation of living non-related donors. He stated that while there is a policy on organ donation, it is not strictly being implemented or enforced.

Asked if he would recommend the adoption of the "presumed consent donor" policy similar to that of Brazil, Senator Zubiri stated that the suggestion could be included in Senate Bill No. 460, authored by Senator Ejercito Estrada.

Senator Gordon stated that in Iran, it is made to look like kidneys are voluntarily given but they are actually sold for profit.

Senator Gordon cited a study conducted by Javaad Zargooshi from the Department of Urology at Kermanshah University of Medical Sciences in Iran, pointing out that after interviewing 300 kidney

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vendors six to 132 months after the transplant operation, the findings are as follows:

- ◆ Some 65% of interviewed donors reported that the sale of their kidney has led to negative effects on their employment;
- ◆ 38% representing largely uninsured manual laborers had lost their jobs as they were unable to continue working at the same job after the transplant;
- ◆ Many donors were frightened to go back to work for fear of injuring their remaining kidney;
- ◆ 90% of the vendors complained of impaired physical ability and ill-health which includes palpitations, chest pains, backache, nervousness and fatigue; and
- ◆ 70% of the donors suffered from post-operative depression.

Asked if depression is normal after an operation, Senator Zubiri replied in the negative, saying that according to Dr. Ona of the National Kidney Transplant Institute, the risk of having the stated complaint is very minimal.

Senator Zubiri agreed to the observation that self-worth is lessened because the person has gone down to the level of selling his own kidney, as opposed to a situation wherein the donor is a member of the family or a relative. Senator Gordon stated that in the CNN report, the individuals who sold their kidneys expressed the belief that they were punished by God for selling a part of their body, as he mentioned that 70% of the donors reported feeling worthless after the operation; 85% said that given a chance to go back in time, they would not have donated their kidneys and would advise others against it; a large number said they were socially ostracized. He stressed that there should be a policy putting a stop to the sale of kidneys.

Senator Gordon stated that there should be safety nets for individuals who will donate their kidneys, assuring them of money for medication or at least medical insurance. Senator Zubiri agreed as he adverted to the advice of medical experts that there must be a thorough evaluation including a pre-screening and post-surgery procedures, rehabilitation and counseling after donations. Senator Gordon pointed out that when one sells his kidney, it creates

problems especially when one is financially hard-up as he would always be insecure about his physical condition.

Citing the Philippine National Red Cross where all members are presumed to be blood donors in the hope of doubling the blood supply of the country, Senator Gordon suggested that a law be made providing for the donation of one's kidney to someone in need of it. He stressed that together with the law, a policy should be adopted to strictly match possible donors to those in need. He emphasized that the problem should be immediately addressed.

At this point, Senator Zubiri expressed appreciation to Senator Gordon for helping the committee in an attempt to stop the illegal trade of organs. Relative thereto, Senator Gordon expressed fear on the possibility of a "bidding war" for kidneys, meaning that those financially capable might be able to "buy out" those who cannot afford to offer much. He stressed that the DOH, together with other agencies like the NBI, should educate the public with regard to organ donation.

Senator Gordon stated that it behooves the DOH to act with the highest degree of professionalism and to look out for the people by teaching them the advantages and disadvantages of organ donations. Senator Zubiri stressed that the DOH must be compelled to do something about the matter and he suggested that in the forthcoming budget deliberations on the DOH budget, the agency should be asked what it has done about the sale of body parts in the light of the CNN report and if it intends to adopt a national policy on the matter.

As regards R.A. No. 9208, Senator Gordon noted that while the law took effect in 2003, the DOH has yet to issue the implementing rules and regulations (IRR), adding that there is no policy on the sale of kidneys.

Asked about the number of kidney transplants that had been undertaken in the Philippines, Senator Zubiri replied that according to Dr. Enrique Ona, the official report pegs it between 3,000 and 4,000; however, he noted that in Baseco alone, 3,000 people have sold their kidneys.

Senator Gordon suggested that the Bureau of Hospital Services of the DOH be asked to report on the number of kidney transplants and who performed

them. He doubted the veracity of the statements of Dr. Lesaca in the CNN report.

On the same matter, Senator Zubiri bared that CNN conducted a two-hour interview and used only 30 seconds that was placed between sections that the CNN wanted to emphasize and, certainly, the report placed the Philippines in a bad light. He said that the report made Dr. Lesaca look like a legislator because it claimed that the doctor is drafting a law that would be implemented very soon.

INTERPELLATION OF SENATOR LEGARDA

Initially, Senator Legarda thanked Senator Zubiri for bringing to the Senate's attention an issue that has generated conversations in various fora as it painted the Philippines as the "kidney capital of the world" and for citing the error in the report. She stated that having been a journalist for 25 years before venturing into public service, she knows that international reports, although deemed to be more accurate than local reports, can be erroneous at times. If the statements of Dr. Lesaca had been taken out of context, she said, they must be corrected not only for the sake of the Philippine medical profession but also for the country's image abroad.

Asked whether there is a law that regulates the sale of body organs, Senator Zubiri stated that under R.A. No. 9208, "it is unlawful for any person, natural or juridical, to recruit, hire, adopt, transport, or abduct a person by means of threat or use of force, fraud, deceit, violence, coercion or intimidation for the purpose of removal or sale of organs of said person."

At this juncture, Senate President Pro Tempore Ejercito Estrada relinquished the Chair to Senator Pangilinan.

Asked if the voluntary sale of a person of his kidney is against said law, Senator Zubiri explained that if there is consent on the part of the donor, there is no violation of the law or A.O. No. 124; however, if the donor had no idea who the recipient was since he only met a middleman, then it is illegal.

On whether there is a need to craft legislation to curb the practice of illegal organ donation and to protect the innocent but willing donors as opposed to those willing to do so for commercial gain, Senator Zubiri replied in the affirmative.

Upon further query, Senator Zubiri said that there is no law that regulates the practice of organ donation apart from the administrative order of the DOH which is the agency in charge of such regulation. He explained that Republic Act No. 7170 only covers voluntary organ donations from cadavers.

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 5:32 p.m.

RESUMPTION OF SESSION

At 5:32 p.m., the session was resumed with Senate President Pro Tempore Ejercito Estrada presiding.

Senator Zubiri explained that there must be consent by the family of the deceased donor before actual donation could take place.

Upon further query, Senator Zubiri said that there is a need to regulate organ donations from living donors through a national policy on the organ donation program lest the Philippines be accused by the international community as being a one-stop shop for organ trade and export. He recalled that Senator Legarda had filed a bill on organ donation in the 11th Congress which, unfortunately was not passed.

Asked how many kidneys are donated by the Philippines annually, Senator Zubiri replied that while the NKTi alone conducts about 500 to 600 transplants a year, the DOH does not have a firm registry of such donations.

On whether there is a listing of kidney transplants in the NKTi so as to monitor those donated by relatives and friends as well as those made through commercial transactions, Senator Zubiri replied in the affirmative.

To the comment that it is not possible to prosecute commercial transactions of such donations in the absence of a law, Senator Zubiri agreed. However, he noted that it would be difficult for the DOH to accurately monitor illegal transactions made by medical practitioners in the provinces who connive with such traders.

Asked if the NKTI knew of doctors who are suspected of engaging in such commercial transactions but whose licenses have not been revoked, Senator Zubiri explained that while the NKTI is conducting an investigation on the matter, in cooperation with the National Bureau of Investigation, the agencies are merely skimming the tip of the iceberg and that the figures could be higher considering the huge profits made by those involved in this illicit trade.

In closing, Senator Legarda underscored the need to protect the poor who have no better choice but to give up parts of their body to survive. She believed that as senators who wield power and influence and have the capacity to legislate, they should prioritize the crafting of legislation to protect the poor from unscrupulous traders and brokers, including medical practitioners.

For his part, Senator Zubiri expressed hope that the Senate would not only come up with legislation to address the situation but also with a policy for the Executive department. He said that government has a lot of money from its proposed sales of assets which could be used to help the poor. Senator Legarda agreed, saying that this would prevent another unfortunate tragedy as that which befell an 11-year-old girl who took her life because of poverty.

INTERPELLATION OF SENATOR MADRIGAL

Senator Madrigal wondered whether the CNN's seemingly erroneous perception of the kidney trade in the Philippines is a result of its own research conducted not only through interviews with NKTI officials but also with people engaged in the trade. She also asked whether Dr. Lesaca had actually been quoted by CNN as passing legislation to legalize the trade of body parts.

Citing a transcript of the CNN report, Senator Zubiri said that Dr. Lesaca had been quoted as saying that he was drafting a new law, to be effective next year, that would "make healthy, human kidneys an official Philippine export." He said that the statement was erroneous considering that the Constitution does not give medical doctors the power to enact laws. He further noted that the slant gave the impression that legislators are coming up with laws that would allow the sale of people's organs.

He added that the report is as bad as the controversial racial slur that was made against medical practitioners in the Philippines in an episode of the U.S. show *Desperate Housewives*.

On whether Dr. Lesaca's remark might have been misconstrued by the reporter, Senator Zubiri explained that based on the CNN transcripts and his own talk with Dr. Lesaca, there are only two portions of the transcript of the two-hour discussion which are actually being questioned. He said that he wanted to clear the name of Dr. Lesaca who simply explained to the reporter the plans of both the DOH and the NKTI of putting ethical standards and policies in place to prevent syndicates from profiting from such trade, but the reporter had the sound-bytes of his replies edited in the news reports. He added that he delivered the speech primarily to clear the Philippines' reputation and, secondly, to clarify that legislators are not drafting a law to make healthy, human organs a Philippine export.

Senator Zubiri also said he was appalled at the report which stated that "With the rich world aging but with many young poor Filipinos, the confronting question is this: Are children being raised for little more purpose here as incubators of organs marked for sale?" This, he said, is an insinuation that Filipino children are being bred merely for the development or sale of human organs.

Asked on the program mentioned by Dr. Lesaca concerning the prevailing black market for kidneys, Senator Zubiri explained that Dr. Lesaca was describing the Philippine Organ Donation and Transplantation Program which is actually an administrative order which defines the DOH policy on the transfer, donation and transplantation of organs.

On the concern that the program could be misconstrued as one that would be put in place to legalize the black market trade, Senator Zubiri replied that Dr. Lesaca had a copy of the DOH administrative order.

Senator Zubiri stated that under Section 3(2a) of the order, living non-related donations are permitted and the sale and purchase of kidney organs by kidney vendors is prohibited; and health and health-related facilities shall not allow the trade of kidney vendors and violators shall be penalized through the cancellation of licenses. He pointed out that the organ donation program shall be created under the

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DOH to develop policy guidelines for a rational and equitable program of kidney organ sharing and exchange, and a national ethics committee shall also be put in place to serve as a body to exercise objectivity and fairness to both donor and recipient in the resolution of issues.

Senator Zubiri stated that if the reporter had completely read in his report the policy statements of the program, it would show that the Philippines is against the sale or purchase of kidney organs and that the country has an ethics committee to determine where the organs came from.

Senator Madrigal believed that it is more of a rhetorical question rather than a judgment when Mr. Riminton asked whether Filipino children are being raised as "incubators of organs marked for sale" because any foreign correspondent who would talk to the people involved in the organ trade would really be appalled by the lack of monitoring and enforcement of laws in the country. She narrated how her dying cousin in the U.S. was able to get a kidney from a black marketer in the Philippines.

Asked which Committee should conduct full investigation on the matter, Senator Zubiri replied that it could be the Committee on Public Order and Illegal Drugs which has jurisdiction on matters involving the PNP and the NBI.

Senator Madrigal argued that the Committee on Health would not be the proper committee because while this may be a health issue for the organ recipients, it is not for the donors. She stressed that proper legislation must be crafted to fine the regulatory agencies which have been remiss in their duties or to disbar doctors who encourage the organ trade. She said the issue at hand is very delicate, as she believed that poverty is what prompts people to sell their body parts.

REFERRAL OF SPEECH TO COMMITTEE

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

REFERENCE OF BUSINESS

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

MESSAGE OF THE PRESIDENT OF THE PHILIPPINES

Letter of Her Excellency, President Gloria Macapagal Arroyo, dated 8 November 2007, certifying to the necessity of the immediate enactment of Senate Bill No. 1648, entitled

AN ACT EXTENDING THE UTILIZATION PERIOD OF THE AGRICULTURAL COMPETITIVENESS ENHANCEMENT FUND, AMENDING FOR THIS PURPOSE SECTION 8 OF REPUBLIC ACT NO. 8178, ENTITLED "AN ACT REPLACING QUANTITATIVE IMPORT RESTRICTIONS ON AGRICULTURAL PRODUCTS, EXCEPT RICE, WITH TARIFFS, CREATING THE AGRICULTURAL COMPETITIVENESS ENHANCEMENT FUND" AND FOR OTHER PURPOSES,

to address the urgent need of strengthening the intent of Republic Act No. 8178 by extending the utilization period of the Agricultural Competitiveness Enhancement Fund (ACEF) from the mandated nine years to the proposed fifteen years to help provide farmers, fishers folk and other agricultural workers access to other sources of funds for their enhancement activities.

To the Committee on Rules

BILLS ON FIRST READING

Senate Bill No. 1830, entitled

AN ACT TO PROMOTE THE DEVELOPMENT OF THE PHILIPPINE MUSIC INDUSTRY AND FOR OTHER PURPOSES

Introduced by Senator Manny Villar

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

Senate Bill No. 1831, entitled

AN ACT TO INTEGRATE A COMPUTER EDUCATION PROGRAM INTO THE EDUCATIONAL SYSTEM AND FOR OTHER PURPOSES *AF* *JB*

Introduced by Senator Manny Villar

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

Senate Bill No. 1832, entitled

AN ACT GRANTING TAX INCENTIVES TO BROADCAST AND PRINT MEDIA DEVOTING AIR TIME AND SPACE TO EDUCATION AS WELL AS TO SPONSORS SUPPORTING SUCH PROGRAMS AND FOR OTHER PURPOSES

Introduced by Senator Manny Villar

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

Senate Bill No. 1833, entitled

AN ACT TO DEVELOP AND PROMOTE MEDICAL TOURISM, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Manny Villar

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

Senate Bill No. 1834, entitled

AN ACT AMENDING SECTIONS 19 AND 39 OF REPUBLIC ACT NUMBERED SEVEN THOUSAND THREE HUNDRED AND FIVE (R.A. 7305) OTHERWISE KNOWN AS THE MAGNA CARTA OF PUBLIC HEALTH WORKERS AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

To the Committee on Health and Demography

RESOLUTIONS

Proposed Senate Resolution No. 195, entitled

RESOLUTION COMMENDING THE UNIVERSITY OF THE EAST

CHORALE FOR DISPLAYING THE COUNTRY'S HIGHEST PRIDE AND UNIQUE ARTISTRY IN WINNING THE BUSAN INTERNATIONAL CHORAL COMPETITION

Introduced by Senator Manny Villar

To the Committee on Rules

Proposed Senate Resolution No. 196, entitled

RESOLUTION COMMENDING THE UNIVERSITY OF THE EAST CHORAL (UEC) FOR WINNING THE GRAND PRIZE IN THE BUSAN INTERNATIONAL CHORAL COMPETITION HELD IN BUSAN, SOUTH KOREA

Introduced by Senator Ramon "Bong" Revilla Jr.

To the Committee on Rules

ADDITIONAL REFERENCE OF BUSINESS

BILLS ON FIRST READING

Senate Bill No. 1835, entitled

AN ACT CREATING THE PHILIPPINE BAMBOO AND RATTAN CENTER (PBRC) TO CONSERVE, PROPAGATE AND PROMOTE BAMBOO AND RATTAN SPECIES

Introduced by Senator Manny Villar

To the Committees on Environment and Natural Resources; Local Government; and Finance

Senate Bill No. 1836, entitled

AN ACT ADDRESSING THE SYSTEM OF PROSTITUTION, IMPOSING PENALTIES ON ITS PERPETRATORS, PROVIDING PROTECTIVE MEASURES AND SUPPORT SERVICES FOR ITS VICTIMS, AMENDING FOR THE PURPOSE ARTICLES 202 AND 341 OF THE PENAL CODE

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Introduced by Senator Miriam Defensor
Santiago

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

Senate Bill No. 1837, entitled

AN ACT TO PROHIBIT THE USE,
ISSUANCE, MANUFACTURE AND
SALE OF FALSE ACADEMIC
CREDENTIALS

Introduced by Senator Miriam Defensor
Santiago

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

Senate Bill No. 1838, entitled

AN ACT REQUIRING RESTAURANTS
AND OTHER FOOD-SERVICE
ESTABLISHMENTS TO CLEARLY
DISPLAY CALORIE COUNT LIST-
ING OF THE FOOD ITEMS THEY
SERVE

Introduced by Senator Miriam Defensor
Santiago

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

Senate Bill No. 1839, entitled

AN ACT TO REDUCE HEALTH CARE
COSTS BY REQUIRING TERTIARY
AND SPECIALIZED HOSPITALS TO
SHARE CERTAIN SERVICES AND
EQUIPMENT

Introduced by Senator Miriam Defensor
Santiago

**To the Committees on Health and Demo-
graphy; Ways and Means; and Finance**

Senate Bill No. 1840, entitled

AN ACT TO PROMOTE COMPETITION
AND GREATER EFFICIENCY OF
AIRLINES BY ENSURING THAT THE

RIGHTS OF AIRLINE PASSENGERS
ARE FULLY PROTECTED

Introduced by Senator Miriam Defensor
Santiago

To the Committee on Public Services

Senate Bill No. 1841, entitled

AN ACT ESTABLISHING ETHICAL
STANDARDS FOR PROSECU-
TORS

Introduced by Senator Miriam Defensor
Santiago

**To the Committees on Justice and Human
Rights; and Finance**

Senate Bill No. 1842, entitled

AN ACT AMENDING PRESIDENTIAL
DECREE NO. 442, AS AMENDED,
ALSO KNOWN AS THE LABOR
CODE OF THE PHILIPPINES,
ARTICLE 110, ON THE CLASSIFIC-
ATION, CONCURRENCE AND
PREFERENCE OF WORKERS'
UNPAID WAGES IN CASE OF THEIR
EMPLOYERS' BANKRUPTCY

Introduced by Senator Miriam Defensor
Santiago

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

Senate Bill No. 1843, entitled

AN ACT PROHIBITING DISCRIMIN-
ATION ON THE BASIS OF SEXUAL
ORIENTATION AND PROVIDING
PENALTIES THEREFOR

Introduced by Senator Miriam Defensor
Santiago

**To the Committees on Labor, Employ-
ment and Human Resources Development;
and Civil Service and Government Reorganiz-
ation**

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RESOLUTIONS

Proposed Senate Resolution No. 197, entitled

RESOLUTION DIRECTING THE COMMITTEES ON ECONOMIC AFFAIRS; ENERGY AND OTHER APPROPRIATE COMMITTEES TO INQUIRE AND LOOK INTO THE LOOMING SCENARIOS OF THE INCREASING PRICE OF CRUDE OIL THAT IS RAPIDLY HITTING AN ALL TIME HIGH RECORD OF ONE HUNDRED DOLLARS (\$100) PER BARREL IN THE WORLD MARKET WITH THE END IN VIEW OF COMING UP WITH CONTINGENCY MEASURES SUCH AS ENERGY EFFICIENCY AND FUEL CONSERVATION AGENDA TO ELUDE THE IMMINENT BLEAK EFFECTS OF SUCH UPHEAVAL ON THE COUNTRY'S ECONOMIC POSITION THAT CAN ADVERSELY AFFECT THE NATIONAL SECURITY SITUATION AS WELL

Introduced by Senator Gregorio B. Honasan II

To the Committees on Trade and Commerce; and Energy

Proposed Senate Resolution No. 198, entitled

RESOLUTION CONGRATULATING AND COMMENDING THE UNIVERSITY OF THE EAST CHORALE (UEC) AND THE HIMIG SINGERS OF DAVAO CITY FOR BRINGING HOME INTERNATIONAL TROPHIES AND AWARDS FROM TWO INTERNATIONAL CHORAL SINGING COMPETITIONS THIS NOVEMBER 2007, THUS CEMENTING THE REPUTATION OF THE PHILIPPINES AS A NATION OF WORLD CLASS SINGERS

Introduced by Senator Manuel "Lito" M. Lapid

To the Committee on Rules

SECOND ADDITIONAL REFERENCE OF BUSINESS**MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

Letter from Atty. Artemio A. Adasa Jr., Officer-in-Charge, Office of the Secretary General of the House of Representatives, informing the Senate that on November 12, 2007, the House of Representatives passed House Bill No. 2454, entitled

AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY ONE TO DECEMBER THIRTY-ONE, TWO THOUSAND EIGHT, AND FOR OTHER PURPOSES,

in which it requested the concurrence of the Senate.

To the Committee on Finance

THIRD ADDITIONAL REFERENCE OF BUSINESS**BILLS ON FIRST READING**

Senate Bill No. 1844, entitled

AN ACT TO PROTECT CONSUMERS AND SERVICE PROVIDERS FROM THE MISUSE OF COMPUTER FACILITIES BY OTHERS SENDING UNSOLICITED COMMERCIAL ELECTRONIC MAIL

Introduced by Senator Miriam Defensor Santiago

To the Committees on Science and Technology; and Trade and Commerce

Senate Bill No. 1845, entitled

AN ACT TO PROVIDE FOR VARIOUS INVESTMENTS IN TECHNOLOGY EDUCATION

Introduced by Senator Miriam Defensor Santiago

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

Senate Bill No. 1846, entitled

AN ACT PROTECTING PRIVATE PROPERTY RIGHTS BY REQUIRING GOVERNMENT AGENCIES TO PREPARE PRIVATE PROPERTY TAKING IMPACT ANALYSIS

Introduced by Senator Miriam Defensor Santiago

To the Committee on Justice and Human Rights

Senate Bill No. 1847, entitled

AN ACT PROMOTING AND ENHANCING PUBLIC SAFETY THROUGH THE USE OF UNIVERSAL EMERGENCY ASSISTANCE NUMBER

Introduced by Senator Miriam Defensor Santiago

To the Committees on Public Order and Illegal Drugs; and Local Government

Senate Bill No. 1848, entitled

AN ACT PROVIDING A COMPREHENSIVE PROGRAM OF SUPPORT FOR VICTIMS OF TORTURE

Introduced by Senator Miriam Defensor Santiago

To the Committees on Justice and Human Rights; and Finance

Senate Bill No. 1849, entitled

AN ACT REFORMING THE ADMINISTRATIVE TITLING PROCESS BY AMENDING CERTAIN PROVISIONS OF COMMONWEALTH ACT NO. 141, OTHERWISE KNOWN AS THE PUBLIC LAND ACT, AND OTHER RELATED LAWS

Introduced by Senator Miriam Defensor Santiago

To the Committees on Constitutional Amendments, Revision of Codes and Laws; and Environment and Natural Resources

Senate Bill No. 1850, entitled

AN ACT ESTABLISHING COMPREHENSIVE RENTAL CONTROL ON COMMERCIAL BUILDINGS AND SPACES, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

Introduced by Senator Miriam Defensor Santiago

To the Committee on Urban Planning, Housing and Resettlement

Senate Bill No. 1851, entitled

AN ACT REQUIRING CONGRESSIONAL APPROVAL IN THE RECLASSIFICATION AND DISPOSITION OF REAL PROPERTIES OF THE NATIONAL GOVERNMENT

Introduced by Senator Miriam Defensor Santiago

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

Senate Bill No. 1852, entitled

AN ACT PROVIDING HEARING-IMPAIRED AND SPEECH-IMPAIRED PERSONS ACCESS TO TELECOMMUNICATION SYSTEMS

Introduced by Senator Miriam Defensor Santiago

To the Committees on Public Services; and Social Justice, Welfare and Rural Development

Senate Bill No. 1853, entitled

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

Introduced by Senator Miriam Defensor Santiago

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

Senate Bill No. 1854, entitled

AN ACT TO PROVIDE FOR CHILD-PROOF HANDGUNS

Introduced by Senator Miriam Defensor Santiago

To the Committees on Public Order and Illegal Drugs; and Trade and Commerce

Senate Bill No. 1855, entitled

AN ACT PROVIDING FOR THE ESTABLISHMENT, TESTING AND EVALUATION OF STRATEGIC PLANNING AND PERFORMANCE MEASUREMENT IN THE GOVERNMENT

Introduced by Senator Miriam Defensor Santiago

To the Committee on Civil Service and Government Reorganization

Senate Bill No. 1856, entitled

AN ACT PROVIDING FOR UNIFORM STANDARDS OF LIABILITY FOR HARM ARISING OUT OF GENERAL AVIATION ACCIDENTS

Introduced by Senator Miriam Defensor Santiago

To the Committee on Public Services

Senate Bill No. 1857, entitled

AN ACT AMENDING REPUBLIC ACT NO. 6657, ALSO KNOWN AS THE COMPREHENSIVE AGRARIAN REFORM LAW, BROADENING THE DEFINITION OF AGRICULTURAL LAND BY INCLUDING THOSE LANDS WHICH WERE PREVIOUSLY DEVOTED TO AGRICULTURAL ACTIVITIES BUT WHICH WERE

LEFT IDLE BY THEIR OWNERS AND LANDS WHICH ARE IRRIGATED AND POTENTIALLY IRRIGABLE

Introduced by Senator Miriam Defensor Santiago

To the Committee on Agrarian Reform

Senate Bill No. 1858, entitled

AN ACT ESTABLISHING A NATIONAL POLICY OF BASIC CONSUMER FAIR TREATMENT FOR AIRLINE PASSENGERS

Introduced by Senator Miriam Defensor Santiago

To the Committee on Public Services

Senate Bill No. 1859, entitled

AN ACT ESTABLISHING QUALITY STANDARDS FOR MINERAL AND CARBONATED WATER

Introduced by Senator Miriam Defensor Santiago

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

Senate Bill No. 1860, entitled

AN ACT TO ENSURE IMPROVED ACCOUNTABILITY OF ANIMAL EXPERIMENTATION PROGRAMS

Introduced by Senator Miriam Defensor Santiago

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

Senate Bill No. 1861, entitled

AN ACT DEFINING AND PENALIZING CRIMES AGAINST INTERNATIONAL HUMANITARIAN LAW AND OTHER SERIOUS INTERNATIONAL CRIMES, ADOPTING CORRESPONDING PRINCIPLES

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OF CRIMINAL RESPONSIBILITY,
APPLYING UNIVERSAL JURIS-
DICTION AND DESIGNATING
SPECIAL COURTS

Introduced by Senator Miriam Defensor
Santiago

**To the Committees on Justice and Human
Rights; and Foreign Relations**

Senate Bill No. 1862, entitled

AN ACT AMENDING PRESIDENTIAL
DECREE NO. 1829, OTHERWISE
KNOWN AS PENALIZING OBSTRUC-
TION OF APPREHENSION AND
PROSECUTION OF CRIMINAL
OFFENDERS

Introduced by Senator Ramon "Bong"
Revilla Jr.

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

Senate Bill No. 1863, entitled

AN ACT MANDATING ALL MOTOR-
CYCLE RIDERS TO WEAR
STANDARD QUALITY HELMET
WHILE DRIVING, AND PROVIDING
PENALTIES THEREFOR

Introduced by Senator Ramon "Bong"
Revilla Jr.

**To the Committees on Public Services; and
Trade and Commerce**

Senate Bill No. 1864, entitled

AN ACT GRANTING MATERNITY
LEAVE BENEFITS TO UNMARRIED
PREGNANT WOMEN WHO ARE IN
GOVERNMENT SERVICE

Introduced by Senator Ramon "Bong"
Revilla Jr.

**To the Committee on Civil Service and
Government Reorganization**

RESOLUTIONS

Proposed Senate Resolution No. 199, entitled

RESOLUTION DIRECTING THE
COMMITTEE ON CULTURAL
COMMUNITIES TO CONDUCT AN
INQUIRY, IN AID OF LEGISLATION,
ON THE PLANNED RESUMPTION
OF THE LAIBAN DAM PROJECT IN
THE SIERRA MADRE MOUNTAIN
RANGE THAT WAS SCUTTLED
DURING THE MARCOS ERA AND
WHICH WILL DISPLACE THOUSANDS
OF INDIGENOUS PEOPLES AND
IRRETRIEVABLY DESTROY THEIR
ANCESTRAL LANDS AND CULTURAL
HERITAGE, AFFECTING THEIR
VERY SURVIVAL AS A PEOPLE

Introduced by Senator M.A. Madrigal

To the Committee on Cultural Communities

Proposed Senate Resolution No. 200, entitled

RESOLUTION URGING THE APPRO-
PRIATE SENATE COMMITTEES TO
CONDUCT AN INQUIRY, IN AID
OF LEGISLATION, INTO THE
EXPLOSION THAT CLAIMED THE
LIVES OF 11 VICTIMS AND CAUSED
DAMAGE AND DESTRUCTION TO
PROPERTY IN GLORIETTA 2 IN
AYALA CENTER, WITH THE END
IN VIEW OF RECOMMENDING
IMMEDIATE REMEDIAL MEASURES
TO SAFEGUARD PUBLIC SAFETY
MORE EFFECTIVELY

Introduced by Senator Enrile

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

Proposed Senate Resolution No. 201, entitled

RESOLUTION URGING HER EXCEL-
LENCY PRESIDENT GLORIA
MACAPAGAL AROYO TO ADOPT
THE ALBAY DECLARATION ON
CLIMATE CHANGE ADAPTATION
AS A FRAMEWORK FOR THE
MAINSTREAMING OF GLOBAL

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WARMING CONCERNS INTO THE NATIONAL AND LOCAL PLANNING, ACCOUNTING AND BUDGETING SYSTEMS AND TO SUPPORT LOCAL GOVERNMENT, PRIVATE AND CIVIL SOCIETY INITIATIVES FOR CLIMATE CHANGE ADAPTATION

Introduced by Senator Loren Legarda

To the Committees on Environment and Natural Resources; and Local Government

Proposed Senate Resolution No. 202, entitled

RESOLUTION EXPRESSING THE SENSE OF THE SENATE IN COMMENDING AND CONGRATULATING "RADYO PATROL BALITA" FOR WINNING THE PRESTIGIOUS AND HIGHLY COMPETITIVE BEST NEWS PROGRAM FOR RADIO IN THE RECENTLY CONCLUDED ASIA-PACIFIC BROADCASTING UNION (ABU) PRIZES HELD ON NOVEMBER 3, 2007 IN TEHRAN, IRAN

Introduced by Senator Manny Villar

To the Committee on Rules

Proposed Senate Resolution No. 203, entitled

RESOLUTION URGING THE PRESIDENT OF THE PHILIPPINES THAT IT WOULD BE TO THE INTEREST OF THE COUNTRY TO HOLD IN ABEYANCE THE FORTHCOMING BIDDING OF THE PHILIPPINE NATIONAL OIL COMPANY (PNOC) – ENERGY DEVELOPMENT CORPORATION (EDC) ON NOVEMBER 21, 2007 TO ENABLE THE SENATE TO CONSIDER CLOSELY THE IMPLICATION OF THE SALE TO THE GOVERNMENT'S ENERGY PROGRAM IN RELATION TO ITS FISCAL POSITION

Introduced by Senator Arroyo

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

ADDITIONAL REFERRAL

Upon motion of Senator Zubiri, with Senator Pangilinan concurring, there being no objection, the Chair also referred the privilege speech of Senator Zubiri on the seizure of Philippine corals and seashells at the Argentine Port of Buenos Aires to the Committee on Accountability of Public Officers and Investigations as the secondary committee.

CONSIDERATION OF PROPOSED SENATE RESOLUTION NO. 195

Upon motion of Senator Pangilinan, there being no objection, the Body considered Proposed Senate Resolution No. 195, entitled

RESOLUTION COMMENDING THE UNIVERSITY OF THE EAST CHORALE FOR DISPLAYING THE COUNTRY'S HIGHEST PRIDE AND UNIQUE ARTISTRY IN WINNING THE BUSAN INTERNATIONAL CHORAL COMPETITION,

taking into consideration Proposed Senate Resolution Nos. 196 and 198.

With the permission of the Body, only the title of the resolution was read without prejudice to the insertion of its full text into the Record of the Senate.

ADOPTION OF PROPOSED SENATE RESOLUTION NO. 195

Upon motion of Senator Pangilinan, there being no objection, Proposed Senate Resolution No. 195, taking into consideration Proposed Senate Resolution Nos. 196 and 198, was adopted by the Body.

CONSIDERATION OF PROPOSED SENATE RESOLUTION NO. 202

Upon motion of Senator Pangilinan, there being no objection, the Body considered Proposed Senate Resolution No. 202, entitled

RESOLUTION EXPRESSING THE SENSE OF THE SENATE IN COMMENDING AND CONGRATULATING "RADYO PATROL BALITA" FOR WINNING THE PRESTIGIOUS AND HIGHLY COMPETITIVE BEST NEWS

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PROGRAM FOR RADIO IN THE RECENTLY CONCLUDED ASIA-PACIFIC BROADCASTING UNION (ABU) PRIZES HELD ON NOVEMBER 3, 2007 IN TEHRAN, IRAN.

With the permission of the Body, only the title of the resolution was read without prejudice to the insertion of its full text into the Record of the Senate.

**ADOPTION OF PROPOSED
SENATE RESOLUTION NO. 202**

Upon motion of Senator Pangilinan, there being no objection, Proposed Senate Resolution No. 202 was adopted by the Body.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 6:15 p.m.

RESUMPTION OF SESSION

At 6:15 p.m., the session was resumed.

ARCHIVAL OF MEASURES

Upon motion of Senator Pangilinan, there being no objection, the Chair sent to the archives the following measures: Proposed Senate Resolution No. 135, Senate Bill No. 1660 (Committee Report No. 9), and House Bill No. 2417 (Committee Report No. 11).

ADJOURNMENT OF SESSION

Upon motion of Senator Pangilinan, there being no objection, the President Pro Tempore declared the session adjourned until three o'clock in the afternoon of the following day.

It was 6:16 p.m.

I hereby certify to the correctness of the foregoing.


EMMA LIRIO-REYES
Secretary of the Senate

Approved on November 14, 2007