



REPUBLIC OF THE PHILIPPINES

S e n a t e

Pasay City

Journal

SESSION NO. 38

Wednesday, November 21, 2007

**FOURTEENTH CONGRESS
FIRST REGULAR SESSION**

SESSION NO. 38
Wednesday, November 21, 2007

CALL TO ORDER

At 3:15 p.m., the Senate President, Hon. Manny Villar, called the session to order.

PRAYER

Sen. Ma. Ana Consuelo A. S. Madrigal read the passage written by Kahlil Gibran, to wit:

You pray in your distress and in your need; would that you might pray also in the fullness of your joy and in your days of abundance.

I cannot teach you how to pray in words. God listens not to your words save when He Himself utters them through your lips.

And I cannot teach you the prayer of the seas and the forests and the mountains.

But you who are born of the mountains and the forests and the seas can find their prayer in your heart,

And if you but listen in the stillness of the night you shall hear them saying in silence,

“Our God, who art our winged self, it is thy will in us that willeth.

It is thy desire in us that desireth.

It is thy urge in us that would turn our nights, which are thine, into days which are thine also.

We cannot ask thee for aught, for thou knowest our needs before they are born in us:

Thou art our need; and in giving us more of thyself thou givest us all.”

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.	Madrigal, M. A.
Cayetano, C. P. S.	Pangilinan, F. N.
Ejercito Estrada, J.	Pimentel Jr., A. Q.
Enrile, J. P.	Revilla Jr., R. B.
Escudero, F. J. G.	Villar, M.

With 18 senators present, the Chair declared the presence of a quorum.

Senators Defensor Santiago, Gordon and Roxas were on official mission abroad.

Senator Zubiri arrived after the roll call.

Senator Trillanes was unable to attend the session.

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. 37 and considered it approved.

REFERENCE OF BUSINESS

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

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**MESSAGES FROM
THE HOUSE OF REPRESENTATIVES**

Letters from Speaker Jose De Venecia Jr. of the House of Representatives, dated November 7, 2007, informing the Senate of the designation of the members of the House panel to the following Oversight Committees:

For the **Oversight Committee on Official Development Assistance Act of 1996**, pursuant to Section 8(b) of Republic Act No. 8182 (Official Development Assistance Act of 1996), namely:

Representatives Exequiel B. Javier, Alfonso V. Umali Jr., Munir M. Arbison, Florencio L. Vargas, Jeci A. Lopus, Darlene R. Antonino-Custodio and Teodoro A. Casiño;

For the **Oversight Committee on Internal Revenue Code of 1997**, pursuant to Section 290 of Republic Act No. 8424 (Internal Revenue Code of 1997), namely:

Representatives Exequiel B. Javier, Mark O. Cojuangco, Arrel R. Olaño, Joseph A. Santiago and Neptali M. Gonzales II;

For the **Congressional Oversight Committee on Agriculture and Fisheries Modernization Act**, pursuant to Section 114 of Republic Act No. 8435 (Agriculture and Fisheries Modernization Act), namely:

Representatives Abraham Kahlil B. Mitra, Manuel E. Zamora, Nur G. Jaafar, Erwin L. Chiongbian, Leonila V. Chavez, Rodolfo W. Antonino and Salvador H. Escudero III;

For the **Congressional Oversight Committee on Anti-Money Laundering Act of 2001**, pursuant to Section 19 of Republic Act No. 9160 (Anti-Money Laundering Act as amended by Republic Act No. 9194), namely:

Representatives Jaime C. Lopez, Jose Carlos V. Lacson, Teodoro L. Locsin Jr., Rodolfo G. Plaza, Antonio M. Diaz,

Florencio Gabriel G. Noel and Ma. Laarni L. Cayetano;

For the **Congressional Oversight Committee on Labor and Employment**, pursuant to Committee Report No. 31, converting the Congressional Commission on Labor into a Congressional Oversight Committee on Labor and Employment, namely:

Representatives Magtanggol T. Gunigundo, Edcel C. Lagman, Janette L. Garin, Juan Edgardo M. Angara and Crispin Beltran;

As **Delegates to the First Global Parliamentary Meeting on HIV/AIDS**, namely:

Representatives Nerissa Corazon Soon-Ruiz, Arthur Y. Pingoy Jr., Paul Ruiz Daza, Edcel C. Lagman, Reynaldo S. Uy, Faysah R.P.M. Dumarpa, Janette L. Garin, Maria Isabelle G. Climaco, Maria Zenaida B. Angping and Ma. Theresa B. Bonoan-David.

To the Committee on Rules

BILLS ON FIRST READING

Senate Bill No. 1884, entitled

**AN ACT PROMOTING COMPULSORY
EDUCATION FOR CHILDREN OF
COMPULSORY SCHOOL AGE**

Introduced by Senator Manny Villar

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

Senate Bill No. 1885, entitled

**AN ACT DEFINING THE CRIME OF
IDENTITY THEFT, PROVIDING
PENALTIES THEREFOR AND FOR
OTHER PURPOSES**

Introduced by Senator Manny Villar

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

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Senate Bill No. 1886, entitled

AN ACT PROMOTING THE ADMINISTRATION OF JUSTICE FOR WOMEN, CHILDREN AND OTHER OPPRESSED SECTOR, ESTABLISHING FOR THE PURPOSE AN OMNIBUS FRAMEWORK TO ADDRESS THE PROBLEM OF PROSTITUTION, SUPPORT SERVICES FOR ITS VICTIMS, HIGHER PENALTIES FOR PERPETRATORS AND PROMOTERS AND FOR OTHER PURPOSES

Introduced by Senator Manny Villar

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

RESOLUTION

Proposed Senate Resolution No. 216, entitled

RESOLUTION URGING THE SENATE COMMITTEE ON ENERGY TO CONDUCT AN IMMEDIATE INQUIRY, IN AID OF LEGISLATION, ON THE LAX IMPLEMENTATION OF REPUBLIC ACT 8479, THE DOWNSTREAM OIL DEREGULATION ACT OF 1998, AND THE REPORTED CARTEL OIL OPERATION EXISTING IN THE INDUSTRY WITH THE END-IN-VIEW OF CHARTING REMEDIAL POLICIES AND MEASURES TO LESSEN THE IMPACT OF CONTINUOUSLY HIGH OIL PRICES ON THE DOMESTIC ECONOMY AND THE PEOPLE'S LIVELIHOOD

Introduced by Senator Manny Villar

To the Committees on Trade and Commerce; and Energy

ADDITIONAL REFERENCE OF BUSINESS

MESSAGE OF THE PRESIDENT OF THE PHILIPPINES

Letter of Her Excellency, President Gloria Macapagal Arroyo, dated 8 November 2007,

submitting to the Senate for its ratification and concurrence the **Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management**, which was adopted by a Diplomatic Conference in Vienna on 5 September 1997, and signed by the Philippines on 10 March 1998.

To the Committee on Foreign Relations

BILLS ON FIRST READING

Senate Bill No. 1887, entitled

AN ACT EXEMPTING SAVINGS DEPOSITS AMOUNTING TO ONE HUNDRED THOUSAND PESOS OR LESS FROM WITHHOLDING TAX, AMENDING SECTION 21 (c) (1) OF THE NATIONAL INTERNAL REVENUE CODE, THEREBY, AND FOR OTHER PURPOSES

Introduced by Senator Antonio "Sonny" F. Trillanes IV

To the Committees on Ways and Means; and Social Justice, Welfare and Rural Development

Senate Bill No. 1888, entitled

AN ACT CONSOLIDATING THE LAWS GRANTING REWARDS TO INFORMERS OF VIOLATIONS OF INTERNAL REVENUE AND CUSTOMS LAWS, REPEALING FOR THIS PURPOSE SECTION 282 OF THE NATIONAL INTERNAL REVENUE CODE OF 1997, SECTION 3513 OF THE TARIFF AND CUSTOMS CODE OF THE PHILIPPINES AND FOR OTHER PURPOSES

Introduced by Senator Antonio "Sonny" F. Trillanes IV

To the Committee on Ways and Means

Senate Bill No. 1889, entitled

AN ACT PROVIDING FOR A COMPREHENSIVE STUDY-NOW- ^{AS}

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PAY-LATER PLAN AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Antonio "Sonny" F. Trillanes IV

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

Senate Bill No. 1890, entitled

AN ACT ESTABLISHING THE FRAMEWORK PROGRAM FOR CLIMATE CHANGE, CREATING THE CLIMATE CHANGE COMMISSION, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Loren Legarda

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

Senate Bill No. 1891, entitled

AN ACT PROVIDING FOR THE MAGNA CARTA FOR WOMEN

Introduced by Senator Lacson

To the Committee on Youth, Women and Family Relations

Senate Bill No. 1892, entitled

AN ACT PROVIDING FOR AN ADDITIONAL SEPARATION BENEFITS TO MEMBERS OF THE GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS) WHO OPT TO RESIGN OR RETIRE BEFORE THE MATURITY OF THEIR INSURANCE POLICY THROUGH REFUND OF INSURANCE PREMIUMS PAID INCLUSIVE OF GOVERNMENT SHARE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8291, OTHERWISE KNOWN AS THE "GSIS ACT OF 1997" AND FOR OTHER PURPOSES

Introduced by Senator Manny Villar

To the Committees on Government Corporations and Public Enterprises; and Civil Service and Government Reorganization

Senate Bill No. 1893, entitled

AN ACT PROVIDING FREE IMMUNIZATION AGAINST INFLUENZA VIRUS AND PNEUMOCOCCAL DISEASE FOR SENIOR CITIZENS OR THE ELDERLY, AMENDING FOR THE PURPOSE SECTION 4 OF R.A. NO. 7432, AS AMENDED, OTHERWISE KNOWN AS AN ACT TO MAXIMIZE THE CONTRIBUTION OF SENIOR CITIZENS TO NATION BUILDING, GRANT BENEFITS AND SPECIAL PRIVILEGES AND FOR OTHER PURPOSES

Introduced by Senator Manny Villar

To the Committees on Social Justice, Welfare and Rural Development; Health and Demography; and Finance

Senate Bill No. 1894, entitled

AN ACT STRENGTHENING THE MANDATE OF THE PHILIPPINE TEXTILE RESEARCH INSTITUTE (PTRI) FOR THE PROMOTION AND DEVELOPMENT OF THE TEXTILE INDUSTRY, AMENDING FOR THE PURPOSE SECTION 24 OF EXECUTIVE ORDER NO. 128 DATED JANUARY 30, 1987, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Manny Villar

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

COMMITTEE REPORT

Committee Report No. 20, submitted jointly by the Committees on Justice and Human Rights; and Finance, on Senate Bill No. 1532, introduced by Senator Pimentel Jr., entitled

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AN ACT PROVIDING COMPENSATION TO VICTIMS OF HUMAN RIGHTS VIOLATIONS DURING THE MARCOS REGIME, DOCUMENTATION OF SAID VIOLATIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES,

recommending its approval without amendment.

Sponsors: Senators Francis "Chiz" Escudero and Pimentel Jr.

To the Calendar for Ordinary Business

SECOND ADDITIONAL REFERENCE OF BUSINESS

RESOLUTIONS

Proposed Senate Resolution No. 217, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON ENERGY, IN AID OF LEGISLATION, TO LOOK INTO THE IMPACT OF THE SIGNIFICANT INCREASES OF OIL PRICES VIS-A-VIS THE IMPLEMENTATION OF REPUBLIC ACT NO. 8479 WITH THE END IN VIEW OF REVIEWING THE SUFFICIENCY AND EFFECTIVITY OF SAID LAW AND ENACTING LEGISLATIVE MEASURES, IF THERE BE A NEED, TO ADDRESS THE SAME

Introduced by Senator Francis "Chiz" G. Escudero

To the Committees on Trade and Commerce; and Energy

Proposed Senate Resolution No. 218, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON ECONOMIC AFFAIRS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE DEFERMENT BY THE WORLD BANK OF A \$232-MILLION SOFT LOAN TO THE

PHILIPPINES ON ALLEGATIONS OF CORRUPTION

Introduced by Senator Loren Legarda

To the Committees on Economic Affairs; Public Works; and Finance

Proposed Senate Resolution No. 219, entitled

RESOLUTION DIRECTING THE COMMITTEE ON PUBLIC WORKS AND OTHER APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED DEFERMENT OF THE \$232M WORLD BANK LOAN TO THE PHILIPPINES

Introduced by Senator Ramon "Bong" Revilla Jr.

To the Committees on Economic Affairs; Public Works; and Finance

Proposed Senate Resolution No. 220, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE CIRCUMSTANCES LEADING TO THE WORLD BANK'S DEFERMENT OF THE US\$232-MILLION LOAN TO THE PHILIPPINES DUE TO ALLEGED BIDDING IRREGULARITIES AND CORRUPTION, AS WELL AS THE GOVERNMENT'S RESPONSE TO THE SAME

Introduced by Senator MAR Roxas

To the Committees on Economic Affairs; Public Works; and Finance

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, there being no objection, the Body suspended the session to allow the senators to meet in a caucus to discuss, among others, the timetable and schedule for the budget debates.

It was 3:28 p.m. *AS*

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RESUMPTION OF SESSION

At 4:30 p.m., the session was resumed with Senate President Pro Tempore Ejercito Estrada presiding.

MANIFESTATION OF SENATOR PANGILINAN

Senator Pangilinan stated that during the caucus, it was agreed that the Body would tackle the General Appropriations Bill from November 26 to December 4, beginning with its sponsorship on Monday, November 26. He said that there would be morning and afternoon sessions starting Tuesday, November 27, and that the interpellations on the *budgets of the different government agencies* should be finished by December 4, and the bicameral conference, the succeeding week, in time for the approval of the conference committee report before the Christmas break.

COMMITTEE REPORT NO. 18 ON SENATE BILL NO. 1882

(Continuation)

Upon motion of Senator Pangilinan, there being no objection, the Body resumed consideration, on *Second Reading, of Senate Bill No. 1882* (Committee Report No. 18), entitled

AN ACT ESTABLISHING A PROVIDENT PERSONAL SAVINGS PLAN, KNOWN AS THE PERSONAL EQUITY AND RETIREMENT ACCOUNT (PERA).

Senator Pangilinan stated that the parliamentary status was the period of interpellations.

MANIFESTATION OF SENATOR MADRIGAL

Senator Madrigal stated that after having gone through the transcripts of the hearing on October 2, 2007, and compared the committee reports of the 13th and 14th Congresses, she found out that there were no substantial changes on the measure, either in style or in substance. In view thereof, she withdrew her reservation to interpellate on the PERA bill.

TERMINATION OF THE PERIOD OF INTERPELLATIONS

There being no other reservation for interpellation, upon motion of Senator Pangilinan, there being no objection, the Body closed the period of interpellations and proceeded to the period of amendments.

TERMINATION OF THE PERIOD OF AMENDMENTS

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

MANIFESTATION OF SENATOR PANGILINAN

Senator Pangilinan stated that the measure, which was approved on Third Reading during the previous Congress, falls under the list of priority measures that the senators have agreed to act upon.

APPROVAL OF SENATE BILL NO. 1882 ON SECOND READING

Submitted to a vote, there being no objection, Senate Bill No. 1882 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1882

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

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:35 p.m.

RESUMPTION OF SESSION

At 4:35 p.m., the session was resumed.

SPECIAL ORDER

Upon motion of Senator Pangilinan, there being no objection, the Body approved the transfer of Committee Report No. 20 on Senate Bill No. 1532

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from the Calendar for Ordinary Business to the Calendar for Special Orders.

**COMMITTEE REPORT NO. 20
ON SENATE BILL NO. 1532**

Upon motion of Senator Pangilinan, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1532 (Committee Report No. 20), entitled

**AN ACT PROVIDING COMPENSATION
TO VICTIMS OF HUMAN RIGHTS
VIOLATIONS DURING THE
MARCOS REGIME, DOCUMENTA-
TION OF SAID VIOLATIONS,
APPROPRIATING FUNDS THEREFOR,
AND FOR OTHER PURPOSES.**

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

The Chair recognized Senator Pimentel for sponsorship.

**MANIFESTATION
OF SENATOR PANGILINAN**

Senator Pangilinan stated that this measure, which was approved on Third Reading and reached the bicameral conference committee level during the previous Congress, also falls under the list of priority measures that the senators have agreed to act upon.

**SPONSORSHIP REMARKS
OF SENATOR PIMENTEL**

Senator Pimentel stated that Senate Bill No. 1532 seeks to alleviate the sufferings of the human rights violations victims during the martial law period by providing funds to be taken from the Marcos ill-gotten wealth that was remitted by the Swiss government as demanded by the Philippine government.

Senator Pimentel stated that the bill defines a "human rights violation victim" as one whose rights were violated by persons acting in an official capacity and/or by agents of the state. He explained that in order to qualify for compensation, the human

rights violation must have occurred any time between September 21, 1972, when martial law was declared, and February 25, 1986, when Mr. Marcos was removed from power. However, he said that victims who suffered violations of their human rights within one month after February 25, 1986 would still be entitled to compensation under the Act, provided that they could establish that –

1. The violation was committed by agents of the state and/or persons acting in an official capacity loyal to the Marcos regime;
2. The violation was committed for purposes of preserving, maintaining, supporting or promoting the said regime; or
3. The violation was committed to conceal abuses during the Marcos regime and/or the effects of martial law.

Senator Pimentel stated this Act would provide government with the basis for the allocation of certain funds for human rights violations victims. He said that all the members of the Committee signed the report with the exception of Senator Enrile who inhibited himself from the hearings because he was part of the machinery during the Marcos era.

Senator Pimentel explained that the amount of P10 billion, which would be set aside to fund the purposes of this Act, shall be put in trust in a separate account in the Bureau of Treasury for the human rights violations victims.

In closing, Senator Pimentel expressed hope that the bill would be approved before the victims die from frustration and old age.

MANIFESTATION OF SENATOR PANGILINAN

Expressing full support for the bill, Senator Pangilinan stated that he was, in fact, the principal sponsor of the measure in the Twelfth Congress as chairman of the Committee on Justice and Human Rights. He said that the bill would serve as a closure of sorts in terms of public accountability.

MANIFESTATION OF SENATOR PIMENTEL

Senator Pimentel expressed gratitude to Senator Escudero, chairman of the Committee on Justice and Human Rights, who had requested him to sponsor the measure.

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**TERMINATION OF THE PERIOD
OF INTERPELLATIONS**

There being no reservation for interpellation, upon motion of Senator Pangilinan, there being no objection, the Body closed the period of interpellations and proceeded to the period of amendments.

**TERMINATION OF THE PERIOD
OF AMENDMENTS**

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

**APPROVAL OF SENATE BILL NO. 1532
ON SECOND READING**

Submitted to a vote, there being no objection, Senate Bill No. 1532 was approved on Second Reading.

**SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 1532**

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

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:44 p.m.

RESUMPTION OF SESSION


At 4:44 p.m., the session was resumed.

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 Monday, November 26, 2007.

It was 4:45 p.m.

I hereby certify to the correctness of the foregoing.


EMMA LIRIO REYES
Secretary of the Senate

M. P. O. 450

Approved on November 26, 2007