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**THIRTEENTH CONGRESS
THIRD REGULAR SESSION**

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CALL TO ORDER

At 3:29 p.m., the Senate President, Hon. Manny Villar, called the session to order.

PRAYER

The Body observed a minute of silent prayer.

DEFERMENT OF ROLL CALL

Upon motion of Senator Pangilinan, there being no objection, the Body deferred the roll call to a later hour.

DEFERMENT OF THE APPROVAL OF THE JOURNALS

Upon motion of Senator Pangilinan, there being no objection, the Body deferred the consideration and approval of the Journals of Session Nos. 45 (November 27 to 30, 2006), 46 (December 4, 2006), and 47 (December 5, 2006).

DEFERMENT OF THE REFERENCE OF BUSINESS

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

PRIVILEGE SPEECH OF SENATOR EJERCITO ESTRADA (J)

Availing himself of the privilege hour, Senator Ejercito Estrada (J) delivered the following speech:

Today, we should be rejoicing and celebrating with the people of the municipality of Navotas, but sadly, we are not.

If my calculation is correct, today should have marked the birth of a new city, the city of

Navotas. By now, the measure converting the municipality of Navotas into a city should have already been approved into law. But unfortunately, this is not the case.

This Representation is referring to House Bill No. 5500, which proposes the creation of the city of Navotas.

After introducing several significant amendments, the Senate concurred with this bill which originated from the House of Representatives. The Senate version of House Bill No. 5500 is contained in Committee Report No. 105 submitted by our Committee on Local Government, chaired by Sen. Alfredo Lim. This bill was approved by this Body on Third Reading on October 12 of this year.

On November 8 and 13, 2006, the bicameral conference committee convened to discuss the disagreeing provisions of House Bill No. 5500 and its Senate version.

Last November 14, the bicameral conference committee report on House Bill No. 5500 was filed in the Senate. On the same day, it was read into the record by Sen. Fred Lim, who chaired the Senate panel in the bicameral conference committee.

At the House of Representatives, however, the said report surprisingly faced strong opposition from Congressman Federico Sandoval II, who is the incumbent representative of the legislative district of Malabon-Navotas. At his instance, the bicameral conference committee report was referred to the House Committee on Rules on November 27, 2006.

Up to now, the measure is still pending with the House Committee on Rules. And by all indications, the bill will remain with the House Committee on Rules until the Thirteenth Congress ends.

The details of how exactly the bicameral conference committee report was eventually referred to the House Committee on Rules, or how the issue will be finally resolved by the House of Representatives, is not our concern. *JK*

JK

I am invoking my personal and collective privilege, not to criticize the entire Lower House, but to speak out on behalf of the people of Navotas, in condemning and denouncing, in the strongest possible terms, the blocking and delaying tactics being employed by Congressman Ricky Sandoval against the swift enactment of this very important legislative measure.

Sa madaling salita po, garapalan na at walang pakundangang hinaharang at ginigipit ni Congressman Ricky Sandoval ang pagiging lungsod ng bayan ng Navotas sa hindi malamang dahilan. Hindi po natin maaaring basta na lamang palampasin ang ganitong uri ng pagmamalabis sapagkat ang kapakanan ng mga mamamayan ng Navotas ang nakataya dito.

Sa aking pagtayo ngayong hapon, nais ko po lamang bigyan ng tinig ang mga mamamayan ng Navotas na ngayon ay tahimik na nagtitimpi kahit na matagal na nilang mini-mithi ang pagiging syudad ng kanilang bayan.

Hindi ko po nais na punahin ang Mababang Kapulungan sapagkat sila ay may hiwalay na pamamaraan sa pagsasabatas ng nasabing panukala na dapat nating igalang. Subalit, hindi naman po tayo maaaring magsawalang kibo na lamang sa ganitong uri ng kalabisan ng isang mambabatas.

Ironically, Congressman Sandoval is the principal author of House Bill No. 5500. After all, he is the incumbent representative of the present legislative district of Malabon-Navotas. He is expected to push for the immediate passage of this particular bill.

But why is Congressman Sandoval, the primary author of this measure, now blocking the cityhood of Navotas? *Bakit niya ngayon hinahadlangan ang panukalang batas na siya mismo ang may akda?*

The answer lies in Section 58 of the proposed law, which was amended by the Senate, and concurred in by the House contingent during the bicameral conference committee meeting held on November 13, 2006.

Section 58 of House Bill No. 5500, as approved by the Senate panel and the House of Representatives panel in the Bicameral Conference, states:

Legislative district. – The City of Navotas shall have its own legislative district with the first representative to be elected in the next national elections after the effectivity of this Act (meaning

House Bill No. 5500). Until such time, the City of Navotas shall continue to be represented by the incumbent representative in the House of Representatives.

For emphasis, may I repeat that this is the Senate version of Section 58, which has been adopted and approved by both the panels of the Senate and the House of Representatives during the bicameral conference committee meeting.

This Representation, together with our panel chairman, Sen. Alfredo Lim, and Senators Juan Flavio and Ramon Magsaysay Jr., was present when this version was adopted and approved last November 13.

On the part of the House of Representatives, their acting panel chairman, Congressman Del de Guzman, together with Congressmen Benjamin Abalos Jr. and Luis Asistio, was present during the deliberations, and they unanimously adopted and approved the Senate version of Section 58.

Sen. Serge Osmeña III and Congressmen Emilio Macias II and Francis Escudero later affixed their signatures on the conference committee report.

For his part, Congressman Sandoval was present during the November 8 meeting, but for unknown reasons, he was absent during the November 13 meeting, despite being duly notified. Be that as it may, he has made known his position on Section 58 to both the Senate and the House contingents.

Why is Section 58 so important to Congressman Sandoval? *Ano ba ang meron sa Section 58 ng panukalang batas at ito ngayon ay hinaharang ni Congressman Sandoval? Ano ba ang dahilan kung bakit niya gustong pahirapan ang mga mamamayan ng Navotas sa kabila na batid niya na itong pagiging siyudad ng kanilang bayan ay matagal na po nilang hinihintay?*

My dear colleagues, for your information, this is the version of Section 58 that Congressman Sandoval wants to be inserted in the proposed law:

Legislative district. – The city of Navotas shall have its own legislative district with the first representative to be elected within two months following the next congressional elections after the effectivity of this Act (meaning House Bill No. 5500). Until such time, the city of Navotas shall continue to be represented by the incumbent representative in the House of Representatives. *AK*

Anyone who read this proposed insertion of Congressman Sandoval would naturally ask the reason or justification for holding a separate special election two months after the regular elections.

Everyone will logically ask him: Why not hold the election for the new legislative district of Navotas simultaneously with the next regular elections?

Is it not his suggestion more costly for the government? My answer is yes. It is very, very costly for our government.

Is this arrangement not unfair to the candidates who will be campaigning in the Malabon-Navotas District in the regular elections, and then just after two months, the new legislative district of Navotas will be taken away from the winner, as the special election is held?

Kahit sino po ang makabasa ng gustong igiit ni Congressman Sandoval ay magugulat at magtataka. Bakit pa hiwalay ang halalan para sa bagong distrito ng Navotas? Bakit hindi pa isabay sa susunod na halalang pang-Kongreso? At bakit dalawang buwan lamang ang pagitan ng regular na halalan at ng hiwalay na halalan para sa bagong distrito?

Naturally, the entire bicameral conference committee rejected his proposed insertion. There is absolutely no valid justification or plausible explanation for such an electoral arrangement being proposed by Congressman Sandoval.

During the first bicameral conference committee meeting, which was held on November 8, 2006, Congressman Sandoval was present. But he gave no official explanation or justification for his proposed insertion. Instead, he asked for an executive session so that his justification and reasons will not appear on record.

The reason of Congressman Sandoval, however, is quite obvious, even if the same is not on record and cloaked by the executive session privilege.

I cannot elaborate because I was present during the executive session, and I cannot publicly disclose matters discussed during executive sessions.

However, it is of public knowledge that he is on his third and last term as a congressman. This is his third consecutive term, and according to the Constitution, he is expressly prohibited from running for a fourth consecutive term.

No executive session can hide the fact that he can no longer run for reelection as congressman

for the legislative district of Malabon-Navotas in the next regular election. But, perhaps, in a subsequent special election, such as the one being proposed in the insertion he wanted in Section 58, he could be permitted to run again, this time, in the newly created legislative district of the city of Navotas.

This appears to be a gambit. He is hoping to become congressman again within two months after the end of his third and final term. Clearly, this is an insidious, if not an immoral, attempt on his part to circumvent the constitutional prohibition.

What I am voicing here are the suspicions and speculations of people who are not present during the executive session. I am just ventilating them out. *Basang-basa nila ang galaw ni Congressman Sandoval. Maliwanag pa sa sikat ng araw.*

Ako po ay nananawagan kay Congressman Federico Sandoval II na isulong na sa lalong madaling panahon ang batas na gagawing lungsod ang bayan ng Navotas sapagkat ito ang ninanasa ng mga taga-Navotas.

If he refuses to do so, then I challenge him to present and submit, and place on record, his written justification and explanations for his proposed insertion in Section 58 of House Bill No. 5500.

Congressman Sandoval, we demand that you thoroughly explain to your constituents why you want a separate special election for the new legislative district of Navotas, to be held within two months after the regular congressional elections.

Why do you want to conceal your real intention for your proposed version of Section 58? Why hide them behind an executive session? The people of Navotas, your constituents, deserve to know.

Why are you now hindering the passage of the law on the cityhood of Navotas? Is it because the bicameral conference committee has rejected your proposed insertion?

Bakit ikaw na ngayon ang mismong humaharang sa batas na mismong ikaw ang nagpanukala? Hindi ba katakataka ang iyong ikinikilos? Hindi ba dapat ay magpaliwanag ka sa iyong mga nasasakupan sa Navotas?

Gusto mo bang maging congressman muli kahit alam mo na nasa ikatlo at huling termino ka na? Nais mo bang tumakbo bilang

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congressman ng bagong distrito ng Navotas, kung kaya't gusto mo ng hiwalay na halalan dalawang buwan makalipas ang regular na halalang pang-Kongreso?

Congressman Sandoval, kung sakaling makarating sa iyong pandinig ang aking mga pananalita, hindi ka ba natatakot na isumpa ka ng ating mga kasamahan sa Navotas sa dahilang kitang-kita nila na ang iyong mga kilos at galaw ay para lamang sa iyong sakim at pansariling kapakanan sa pulitika?

Sana naman ay huwag mo nang idamay ang walang kinalamang mga mamamayan ng Navotas na patuloy na naghihirap sapagkat ipinagkakait mo ang kanilang minimithing kaunlaran sa pamamagitan ng pagiging syudad ng kanilang bayan.

Congressman Sandoval, I know that, in the end, your decisions and actions will be guided by what is good for the greater majority of our people, most especially for the people of Navotas. Alam ko na may puso, isip at konsensiya ka pa rin.

Hindi maipagkakaila na ikaw, Congressman Ricky Sandoval, ang pangunahing may-akda at nagtulak ng batas na nagtatatag ng isang bagong lungsod, ang lungsod ng Navotas. Ito ay mauukit sa kasaysayan ng ating bayan, at maging sa isip at puso ng mga mamamayan ng Navotas.

Congressman Sandoval, this is your lasting legacy to the people of Navotas. Do not waste this once-in-a-lifetime opportunity. Show the Filipino people that you can rise above your petty and selfish ambitions.

My fellow senators, the law on the cityhood of Navotas is one of our collective legacies to its citizens. Let us not deny them their aspirations.

Let us, therefore, convey the sense of the Senate to the House of Representatives that it is imperative for us to finally pass this measure into law and fulfill the dreams of the people of Navotas.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Pangilinan, there being no objection, the Chair referred the privilege speech of Senator Ejercito Estrada (J) to the Committee on Local Government.

ROLL CALL

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

Arroyo, J. P.	Lacson, P. M.
Cayetano, C. P. S.	Lapid, M. L. M.
Defensor Santiago, M.	Lim, A. S.
Ejercito Estrada, J.	Pangilinan, F. N.
Ejercito, Estrada L. L. P.	Pimentel Jr., A. Q.
Enrile, J. P.	Recto, R. G.
Flavier, J. M.	Revilla Jr., R. B.
Gordon, R. J.	Villar, M.

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

Senators Angara, Biazon, Drilon, Osmeña and Roxas arrived after the roll call.

Senators Madrigal and Magsaysay were on official mission.

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. 46 and considered it approved.

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 4 December 2006, certifying to the necessity of the immediate enactment of Senate Bill No. 2263, entitled

AN ACT TO MAKE THE LAWS ON PATENTS, TRADENAMES AND TRADEMARKS MORE RESPONSIVE TO THE HEALTH CARE NEEDS OF THE FILIPINO PEOPLE BY CLARIFYING NON-PATENTABLE INVENTIONS, ALLOWING THE IMPORTATION AND EARLY DEVELOPMENT OF

PATENTED MEDICINES AND MODIFYING GOVERNMENT USE PROVISIONS FOR DRUGS OR MEDICINES, TO LOWER PRICES AND INCREASE ACCESS TO AND SUPPLY OF QUALITY DRUGS OR MEDICINES, AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 8293, OTHERWISE KNOWN AS THE INTELLECTUAL PROPERTY CODE OF THE PHILIPPINES,

to address public emergency arising from the urgent need to amend certain provisions of the Intellectual Property Code of the Philippines in order to protect public health by creating an environment that will lower the prices of, as well as ensure open and adequate access to, drugs and medicines particularly by the poor and underprivileged who can hardly afford to purchase patented drugs and medicines because of exorbitant and prohibitive prices.

To the Committee on Rules

COMMUNICATIONS

Letter from Executive Secretary Eduardo R. Ermita of the Office of the President of the Philippines, dated 29 November 2006, transmitting to the Senate the letter of Her Excellency, President Gloria Macapagal-Arroyo, addressed to Speaker Jose C. De Venecia Jr. of the House of Representatives, certifying to the necessity of the immediate enactment of House Bill No. 5897, entitled

AN ACT GRANTING THROUGH A SOCIAL INTEGRATION PROGRAM LEGAL RESIDENCE STATUS TO CERTAIN ALIENS IN THE PHILIPPINES UNDER CERTAIN CONDITIONS,

pursuant to the provisions of Article VI, Section 26(2) of the 1987 Constitution.

To the Committee on Rules

Letter from Senior Deputy Executive Secretary and Acting Head, PLLO, Joaquin C. Lagonera of the Office of the President of the Philippines, transmitting to the Senate the following Republic Acts which were approved and signed into laws

by Her Excellency, President Gloria Macapagal-Arroyo, on 30 November 2006:

Republic Act No. 9362, entitled

AN ACT GRANTING PHILIPPINE CITIZENSHIP TO MICHAEL G. J. GLEISSNER,

and Republic Act No. 9363, entitled

AN ACT GRANTING FILIPINO CITIZENSHIP TO MR. CHARLES WILLIAM MOSSER, WITH ALL THE RIGHTS, PRIVILEGES AND PREROGATIVES APPURTENT THERETO.

To the Archives

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Pangilinan acknowledged the presence of Justin Daniel Junio, the five-year old boy who swam the six-kilometer Mactan Channel in record time, accompanied by his parents, relatives and coaches.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended to allow the senators to greet the visitors.

It was 3:53 p.m.

RESUMPTION OF SESSION

At 3:57 p.m., the session was resumed.

PRIVILEGE SPEECH OF SENATOR GORDON

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

BREAKING THE VICIOUS CYCLE

I rise before you today on a matter of personal and collective privilege to ask this Senate to come together and break the vicious cycle of poverty and disaster that continues to inflict pain and suffering on the very people we have promised to serve and represent. *AS*

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In December 2004, typhoons *Unding*, *Violeta*, *Winnie* and *Yoyong* brought 17 days of rain that devastated Northern and Central Luzon. Two years later, history repeated itself when typhoons *Milenyo*, *Paeng*, *Queenie* and *Reming* ravaged the Bicol Region and Southern Luzon in a span of three months.

According to the statistics of the National Disaster Coordinating Council, the storm affected 11 provinces, 112 cities and municipalities, and 1,390 barangays. The series of storms left 79,126 totally damaged houses and 167,045 partially damaged houses.

Damage to infrastructure has been estimated by the Office of Civil Defense at more than P357 million and damage to crops and livestock at more than P251 million. I believe these are understated figures because the damage alone in our geothermal, as well as in our water and power facilities in the area, would probably total about P1 billion, having been there, having seen it there, close at hand. Bridges have collapsed, power lines, water lines, everything is in shambles out there in Albay, in Legazpi and in many places in the area.

Bondoc Peninsula in Quezon and the Bicol Region are still without power due to the tripping of the 230 KV Gumaca-Labo and Tayabas-Naga Line. Marinduque, Oriental Mindoro and Occidental Mindoro are also without electricity. More importantly, it affected 214,658 families, injured 599 people, and took the lives of over 500 people and 789 missing to date.

Let us bear in mind that every statistics represents a real person. They are not faceless. They are with families, they suffer from grief and loss. They are in bad need or in dire need of food, clothes and medicine because the storms have stolen their homes. They need to rebuild their homes and their communities in order to have the chance to continue with their interrupted lives. And I urge the Senate to act, as an institution or in our personal capacities, to address these people's needs.

Our people are suffering from Critical Incidence Stress Syndrome which is an adverse psychological and/or physiological reaction to a stressful incident. People who are unprepared for the physical and mental strain of a disaster or a national calamity are particularly susceptible. It is prudent to consider, at this juncture, the wise words of Benjamin Franklin who said, "By failing to prepare, we are preparing to fail."

When I visited Bicol last Saturday, I got a chance, at close range, to speak to a man who

was digging up his home and trying to retrieve his tricycle or his pedicab which was buried by the landslide. I saw an old woman whose home was totally destroyed, hanging on to whatever was left of her possessions. She asked me for roofing, *kung puwede* tarpaulin. She asked me for food and water and, above all, she said she had lost everything that she had. She was out there in the elements without any mosquito net. And she was not alone. This is just in Barangay Binictihan in Legazpi.

The magnitude of destruction is so great. If this trend of typhoons continues in the future, I am not sure if our current response after every storm is sustainable.

Hence, I have unceasingly spread the gospel of disaster preparedness, and every time that I visit devastated areas to facilitate rescue operations and distribute relief goods, it pains me to see that this gospel has not been heard. The lives lost, the wailing of those that they have left behind, the extinguished hope in the eyes of those who have lost their homes – this is the price of our refusal to heed the gospel of disaster preparedness, and the price is extremely high.

Given the location of our country and its archipelagic nature, it is a given that natural calamities will push their way through our country year-after-year. In fact, we are hit by 20 storms a year, on the average. They are unwelcome guests but we have no choice but to prepare for their arrival.

Para lamang malaman ninyo kung papaano ang hirap ng mga tao doon, when I went to Guinobatan the other day, there were people who were lined up in the streets – dead people, covered and unidentified. Of the 500 plus people who have died, about 30% of them remain unidentified. I predicted that at that time, we were going to have 400 dead. I immediately changed my prediction to about 700. Today, there are about 589 people dead and over 729 missing, or thereabouts, and still growing. In spite of that, the damage goes on in this country.

We have all the scientific knowledge that we need to predict these disasters. PAG-ASA has the capability to issue typhoon warnings three days in advance or even one week in advance. Phivolcs has already accomplished the geo-hazard mapping of vulnerable areas in the Philippines, particularly in these areas, in Mayon and Pinatubo. In fact, Director Raymundo Punongbayan and four other scientists of the

Phivolcs and DOST, along with four officers of the *Philippine Air Force*, died in the course of conducting an aerial survey precisely for this purpose while they were doing so for the Red Cross.

This information must be shared with the local government units which, in turn, must relay this knowledge with the local communities or barangays. The first line of defense that our people have are the local government units. Cities and municipalities must strengthen their disaster-preparedness programs. To achieve this, LGUs should be trained to anticipate the path of the calamity and act promptly and decisively to evacuate the areas that will be affected.

To predict a disaster is not difficult, to plan for it is not even difficult at all. Certainly, to prepare and to practice how to cope with these disasters can be done by all local government units so that when they cope, they will be able to cope rather well and maybe in the process mitigate the damage in loss of lives and loss of properties, so that, in the end, they could relive and rehabilitate, and even resurrect their communities.

Local communities must develop disaster-preparedness programs and make it a point to disseminate the programs to all its members so that every person in the community is well informed about it and what to do in case of disasters. Most importantly, our people must be taught that it is possible for them to be spared from the devastation if only they would listen and prepare for the inevitable.

Disaster preparedness can be taught in our schools as we teach them earthquake preparedness. For example, in Mayon, if people had listened, they would not have died.

When I took Ambassador Kenney last month to Sorsogon and Legazpi to give relief goods to those people, I pointed to the Ambassador all these people along the path of the volcano. We could see the black lava or the black mud within the path which was crystal clear from the air and it was going to run smack into homes, homes that did not belong in that area, homes of people who have died.

When I went back last Saturday, I saw the same black path, only this time it was quite marshy and quite really fatal because I saw villages literally buried, completely lost, with just the rooftops showing in some places. Most of the villages were totally buried so much so that

the dead cannot be identified because those who could identify them were also buried in the mud and have not yet been recovered.

Yesterday, the Philippine National Red Cross launched a program called Project 143. We decided to coincide it with the International Volunteers Day. The basic premise behind the program is to help communities help themselves through the organization of barangay disaster response teams. We want local people on the ground to be the eyes, the ears, the legs, the hands, the blood, as well as the voices of people who could communicate these situations in their area immediately so that we could immediately respond to these disasters, or for that matter, help them prevent disasters from happening in their area. The project will train 43 volunteers per barangay who will be educated in specific Red Cross services. Of the 43 volunteers, the project will train nine in health and welfare, another nine will make up the Barangay Disaster Action Team, which has been funded by the Netherlands Red Cross, and 25 will become blood donors and advocates of voluntary blood donation. However, each one of them will be helping one another when there is a disaster to be able to assist their brethren in the community and give us the information as quickly as they can so that we could react.

Aside from the specialized training, the new recruits will also receive disaster management training to equip them with adequate knowledge on emergency response and preparedness, as well as data-gathering, assessment and reporting. Hence, Project 143 is expected not only to boost the number of volunteers but also to help improve the quality of PNRC's humanitarian work.

For example, while in Pinatubo, we learned to put people up on top of the volcano, on top of the mountain, so that when it rains and while it is dry in the lowlands they could immediately radio the situation from the highlands to the lowlands so that in case the lahars are immobilized, people downstream can be evacuated immediately. We tried to do this in Mayon but people did not listen. Perhaps, the "little boy who cried wolf syndrome" worked too well in Mayon because we took them down when there was threatened eruption in Mount Mayon just about a couple of months ago. About 45,000 people were in evacuation centers waiting for nothing to happen, and when they came back, they became a little hard-headed and that hard-headedness, compounded by apathy and lack of foresight and the need to survive, caused them their lives up in the foothills of Mount Mayon. *ms*

We have to break this cycle of disaster and poverty by being smarter, by being sure we can plan our community smarter. The problem here in our country is we do not plan our communities. It is every man for himself and that is why people in poverty become more poor as this disaster comes about.

President Macapagal Arroyo declared a state of national emergency or rather calamity. I talked to her last Sunday because I was told that there was even a meeting to assess the scenario.

If today we are getting a lot of support from international communities, it is because the President had timely declared a national calamity, something that we did not do in the case of Sorsogon the last time they had a typhoon called *Milenyo*. If we had done that, perhaps we could have gotten more assistance and perhaps there would have been more homes for those who have lost their homes. I am not squeamish about asking for assistance when we needed because the Red Cross has provided assistance for the tsunami. We provided US\$80,000 to the tsunami victims about four years ago and we provided US\$25,000 even to the United States Red Cross in Katrina.

The declaration allowed the government to speed up the release of funds needed to bolster search-and-rescue efforts and to help several provinces to recover from the typhoon. Though this move is all and well, it confuses me. If we had P1 billion for this purpose, why do we have to wait for disaster to strike before releasing it?

It is true that we can rebuild homes and communities with these funds. I strongly propose that we help in rehabilitating communities by way of making sure that we do not have to wait for disasters to happen, by making sure that we already have pre-positioned housing materials so that people do not have to wait in evacuation centers while they lose their dignity waiting for the ration, and hope and being stressed out. If we can think ahead of the curve, then I think we would be able to ameliorate their condition. Amelioration should be provided for those who lost their houses. We should give them back their homes. As we do in the Red Cross, we provide them with hammers, saws, posts, nipa huts so that they could help build their lives, so that they could start immediately feeling that they are alive again, that they are confident. We also provide them with two weeks supply of food so that they do not have to worry in lining up for food. We should give them back their homes because a person's home is the seat of his stability.

However, if we had P1 billion to give for disaster rehabilitation, why could we not release these funds for disaster-preparedness programs? The government has money for disaster mitigation but we politicians choose to build projects that only last long enough for people to remember them during elections like overpasses and waiting sheds.

During the 112th InterParliamentary Union Assembly held here in Manila, at the invitation of this august Chamber on April 8, 2005, this Representation helped craft a resolution which was adopted unanimously by the Assembly entitled "Natural Disasters: The Role of Parliaments in Prevention, Rehabilitation, Reconstruction and the Protection of Vulnerable Groups."

The pertinent provisions of this Resolution reads:

13. Calls upon Member Parliaments to urge their governments to draw up or strengthen existing legislative policies relating to the creation, training and support of local field disaster response teams in all areas, and particularly disaster-prone areas, to predict, prepare for, plan for and prevent natural and man-made disasters, to cope with and mitigate the effects of the resulting damage, and to relieve, rehabilitate and resurrect areas affected by disasters, employing *inter alia* the following methods:

- (a) Capacity-building through the establishment of early warning systems and hazard mapping, and by determining escape routes, setting up evacuation centres and preparing disaster prevention measures;
- (b) The establishment of quick and efficient disaster reporting mechanisms, providing information on *inter alia* the extent of the damage, the number of affected families, and the number of dead, missing and injured people, prioritizing the needs to be met, coping with and minimising the damage, and distributing relief supplies such as food, non-food items, emergency shelter materials and provisions for rehabilitation, including financial aid, housing and loans;
- (c) Creating emergency medium- and long-term rehabilitation plans, giving

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particular consideration to women, children, the elderly and other members of society who are most vulnerable in every aspect of a disaster;

14. Calls upon Member Parliaments to create strategically located regional disaster training, logistics and reaction centres, *inter alia* to train local field disaster response teams, to share international technical know-how, expertise, technology, and other information relating to disaster prevention, training and management, to pre-position emergency equipment for quick delivery and use by international response teams that respond immediately in affected areas using information previously gathered on disaster-prone areas, and to coordinate, mobilize and liaise with local field disaster response teams in the affected areas; and further urges collaboration between these regional disaster training, logistics and reaction centres and international humanitarian organisations such as those of the United Nations, its affiliates and agencies, and the International Red Cross and Red Crescent Movement, without prejudice to bilateral support and aid provided by individual countries or international organisations to afflicted nations;"

To implement this Resolution in the country, Senator Angara and this Representation initially filed Resolution No. 253, entitled

RESOLUTION CALLING FOR THE CREATION OF A CULTURE OF DISASTER PREPAREDNESS IN THE PHILIPPINES THROUGH THE UTILIZATION OF SCIENTIFIC TOOLS AND THE DISSEMINATION OF DISASTER REACTION MANUALS,

where we recommended the printing and dissemination of a disaster awareness, preparation and preparedness manual for distribution to the public and private sector throughout the country, to be spearheaded by the Philippine National Red Cross, the National Disaster Coordinating Council, and the Phivolcs.

This Representation then filed Senate Bill No. 2040, entitled "An Act to Establish Disaster Preparedness and Mitigation Measures" on June 8, 2005. This bill intends to provide the measures for the government to

carry out its responsibilities to alleviate the suffering of its people, which result from such disasters, and promote their general welfare through comprehensive plans and practicable programs for preparation against disasters, including hazard reduction, avoidance, and mitigation. It also aims to instill a culture of disaster preparedness among our people through the utilization of disaster preparedness and mitigation measures, the establishment of a warning system, and the provision for emergency operations during disasters.

In light of the devastation wreaked by this last set of typhoons, I strongly urge this Senate to please act on these proposed legislations so that our people may be equipped to handle the endless parade of natural and man-made calamities that come unwelcome to our shores. I am confident that now that Senator Biazon and I cooperate together in the Bicameral Conference Committee on the veterans bill, we will have time to be able to act on Senate Bill No. 2040 to mitigate and to prevent disasters. With climate change upon us, because of the human activities that have irreparably damaged our environment, we can expect more natural disasters to strike globally with growing intensity.

I just attended the Asia-Pacific Conference of the Red Cross and I am not trying to be a Cassandra, since damage may occur precisely because climate change has affected our forests, has affected our lakes because all over the world today, malaria, dengue and even tuberculosis are back in business.

The recent outbreak of dengue in this country is indicative of the fact that one degree warming will mean drying of a place, which means more breeding grounds for malaria and dengue especially in this archipelagic country of ours.

One must remember that in case we have a disaster, like that of SARS or Avian flu, if that becomes pandemic, our country will stand still. Nobody could probably get out and transact business, banks will be closed because employees would be sick and would not be able to transact business, because they are afraid of being contaminated. We would not be able to ride buses or jeepneys because we would be afraid of contamination. And we should be afraid because we may not have supplies of needed medicine to cope with these disasters. And that is why it is so important that we think ahead of the curve to make sure that we are prepared, if and when they will come. And I am told that they will come, that the earth is due again for a

pandemic such as those that happened in the earlier years, in the early 1900s when we had the great flu epidemic right after World War I.

As if natural disasters have shown growing intensity, another storm appears to be brewing and will be coming to our area of responsibility. Hopefully, it will not happen again but we must prepare for that next storm that is now brewing outside the boundaries of the Philippines. The same growing intensity, with which a new storm is brewing in this country, is bound to bring legal and moral disasters to our already battered nation is now upon us.

As if the natural disasters that have buffeted our country are not enough, it has become quite apparent that our colleagues in the House of Representatives are hell-bent on devastating the very core of our nation's democracy by ramming through our Constitution with the Cha-Cha express.

The rules of the House of Representatives used to clearly state that any proposed amendment to the Constitution must undergo the same process as bills. It was amended last night. In fact, House Concurrent Resolution No. 26, stated that:

Whereas, for practical and realistic reasons, the House approved overwhelmingly Concurrent Resolution No. 16 in the 12th Congress calling Congress to convene jointly to propose amendments to, or revision of, the 1987 Constitution,

and sought the concurrence of the Senate in convening a Constituent Assembly to propose amendments to the Constitution. Last night, however, as an homage to *Florante at Laura's* love story, the House decided to act in line with the immortal words, "*Hahamakin ang lahat, masunod ka lamang,*" and voted to amend their OWN RULES, to enable them to convene themselves as a constituent assembly and in their sorry state of fairness, successfully cast aside the Senate in the process of amending the Constitution. I understand that they are going to try to do that this afternoon.

Precisely as Senator Pangilinan said earlier, "It is a man-made disaster," which I have already referred to earlier.



We have no quarrel with the House amending the Rules but let me remind this Body that when we took up the matter of resolution that

was sent here by the House asking us to have a Constituent Assembly a year-and-a-half ago, we already reminded the House of their own Rules, apart from reminding them about the provision of the Constitution that this Congress is a bicameral body. We also reminded them that pursuant to that, they also have Section 105 which provides that any proposal to amend the Constitution must follow the procedure for enactment of bills.

Last night to the wee hours this morning, we saw the spectacle of a House-divided, of a choo-choo train that ran amuck on the Minority trying to squelch the Minority's voices in that community.

That move, although not illegal, is clearly in bad faith because their intention really is not to amend their Rules but to try to amend the Constitution by way of a one-House express. The fact that they had earlier sought the concurrence of the Senate a year-and-a-half ago proves that they are estopped from later claiming that the Senate is dispensable to the process of amending the Constitution. I am afraid the principle of estoppel applies to them principally because they knew, in good faith, that there is a protocol for amending the Constitution and, in fact, they showed their hand by following that principle, by sending that resolution to the Upper House and asking the Senate to act on their resolution. We did act on that resolution; in fact, we called on retired justices of the Supreme Court and professors in the College of Law of the University of the Philippines, as well as other members of the academe, and members of the Constitutional Commission, and all of them were in unison in their observation that the House of Representatives cannot do so alone, they must do it with the Senate and they must vote separately.

Now, as we all know, estoppel is a legal principle that prevents a party from taking a different position from what it did at an earlier time if another party would be harmed by the change. The law refuses to allow a person to deny facts when another person has relied and acted in accordance with the facts on the basis of the first person's behavior. The prior actions of the House of Representatives is certainly estoppel and estops them from the stunt that they pulled off last night.

As I said, the need for the Senate and the House of Representatives to convene and vote separately in amending or revising the Constitution has been clearly established already.  

And this follows a pattern for those who are trying to amend the Constitution. In effect, they are doing legislative or constitutional stretch work. For example, they are trying to stretch people's initiative. And I am glad that has been set aside already. Of course, I do not have to mention the other attempts on constitutional stretching in Executive Order No. 464, or for that matter the many other issues, such as the power of the Senate to conduct legislative inquiries.

But nonetheless, here is where it cuts the cake. It provides a very poor example to our young people on how we try to subvert the law to foster the needs of the already powerful. The attempt to amend the Constitution has started in a very bad way and I think they will be held to pay for it.

As pointed out by Justice Vicente Mendoza and Dean Salvador Carlota of the UP College of Law, it was their unanimous opinion that the spirit of Article XVII, Section 1 which states:

"Any amendment to, or revision of, this Constitution may be proposed by:

- 1) The Congress, upon a vote of three-fourths of all its Members; or
- 2) A constitutional convention."

is that the Senate and the House of Representatives must vote separately because of the bicameral nature of Congress as provided for in Article VI of the Constitution.

Now, Justice Vicente Mendoza stated that a contextual consideration of Article XVII clearly states that if Congress sits as a constituent assembly, any voting to amend or revise the Constitution clearly requires separate voting. This opinion was supported by Dean Salvador Carlota who stated, "The more compelling and persuasive interpretation of the phrase 'upon a vote of three-fourths of all its members' is that this required vote should be obtained by both Houses, voting separately." This is already a clear statement that the House cannot amend the Constitution without the concurrence of the Senate as a separate body.

Clearly, the Constitution contains or has inferences or express reference to the word "Congress" 112 times in our Constitution. And in all those 112 occasions, with the exemption of this particular provision on the lifting of martial law by Congress or the revocation of *habeas corpus* or the lifting thereof by Congress, the only time when Congress will vote jointly and meet jointly, it is clear that Congress acts in

accordance with its nature of being a bicameral body of two Houses voting separately.

The Senate warned the proponents of people's initiative that the Constitution cannot be revised in this manner, yet they pushed forth, and we were proven right. The House of Representatives is doing the exact same thing now, and we will not hesitate to block it, as we did with Executive Order No. 464 and the people's initiative. And I have faith, that again, we will emerge victorious. The Senate will do its duty even if the House of Representatives will not.

The Members of the Senate were elected at large by our people, hence, we must protect the interests of the nation from a House of Representatives that is rationalizing their position at the expense of our people's rights.

It is our duty to educate the Filipino people who are groping in the dark, for an uneducated people are easily hoodwinked by unscrupulous politicians who are acting in behalf of their own interests with cold disregard for the welfare of the constituency that they swore to represent. Our people's lack of education about their rights was the same foundation upon which martial law stood. Let us protect our people from so casually surrendering their rights simply because they do not know any better.

As a bulwark of democracy, the Philippine Senate must exhibit strength and fortitude in the face of a barrage of blows that seek to bludgeon our people into submission. I call upon this Senate to lead our people in defense of democracy.

I call upon the Senate to protect our people, not only from natural disasters but from man-made disasters in our country.

INTERPELLATION OF SENATOR PIMENTEL

Senator Pimentel shared Senator Gordon's sentiment that the Senate must take concrete action against the action of the House of Representatives. He believed that the initiative should not be left to the House of Representatives as it is now embroiled in an attempt to justify its preconceived notion on how the Constitution should be amended.

Senator Pimentel suggested that each senator contribute at least P1 million from his Priority Development Assistance Fund (PDAF) and for that purpose, authorize Senate President Villar to negotiate with the Office of the President for the release of

the monies as assistance for disaster victims. Senator Gordon welcomed the proposal as he noted that the Senate, guided by a humanitarian spirit, has tried to uplift human dignity by giving immediate assistance to those in need. For instance, he informed the Body that the Red Cross has already received part of the P10 million donation made by Senator Drilon through his PDAF as assistance to Sorsogon province.

REMARK OF THE CHAIR

The Chair stated that the matter would be taken up in the caucus after Senator Biazon's interpellation.

INTERPELLATION OF SENATOR BIAZON

Senator Biazon stated that the PAGASA has raised the possibility of another typhoon hitting the country this month and the Philippine Volcanology and Seismology (Phivolcs) has warned of the possible simultaneous eruptions of Mayon, Taal and Pinatubo volcanos. Senator Gordon pointed out that another low pressure area has been detected south of the Philippines but he was not aware of such a forecast on volcanic eruptions. He recalled having noticed intermittent eruptions of Mt. Mayon and Mt. Bulusan and he expressed hope that an incident similar to the Mt. Pinatubo eruption would not happen again.

On the comment that the destruction wrought by such an event would be unthinkable particularly since the Philippines sits on the Pacific "ring of fire," Senator Gordon agreed as he noted that in his work with the Red Cross, he had witnessed the worsening effects of natural calamities in provinces like Quezon which had been hard hit by four typhoons in the last three months, and Bicol, which had suffered from the eruption of Mt. Mayon. He pointed out that as a result, the victims are on their knees, particularly since the calamity funds of local government units have practically been wiped out. He said that the photos taken during his visit to disaster areas evoked memories of how calamities have affected so many people who have lost their families, homes and livelihood. Thus, he stressed the importance of helping people prepare for disasters.

Senator Biazon asked whether President Macapagal Arroyo could handle the concurrent post of Defense Secretary in view of her other pressing concerns such as the upcoming ASEAN summit. Senator Gordon replied that while he believed that it

would be better for the President to appoint another person for the post, she has had her share of natural calamities such as the Mt. Pinatubo eruption that wrought great damage to her home province of Pampanga and, in those instances, she handled them pretty well. However, he expressed hope that even though institutional information might have dissipated with the resignation of Secretary Cruz and other officials of the DND, the agency would still address the people's concerns.

On whether he would support the filing of a resolution urging the President to fill the vacant positions in the DND, Senator Gordon believed that it is a responsible move that shows the Senate can react to such situations, particularly since it also has power over the purse.

Upon further queries, Senator Gordon explained that one way to convene a constituent assembly would be for the House of Representatives to file an independent resolution on the proposed constitutional amendment which would be fine-tuned and approved by a committee, approved in plenary and transmitted to the Senate where a similar process would be undertaken. Once approved, he said that the resolution, which does not have to be signed by the President, would be presented to the people through a plebiscite. He stated that an alternative would be for both Houses, as represented by the House Speaker and the Senate President, to call for the convening of a constituent assembly, after which, the members would determine the rules to be followed. He explained that while the representatives of both Houses would meet jointly to craft the rules to govern the proceedings in the constituent assembly, an agreement thereon would be done by each House voting separately.

On whether the President could call Congress to a special session for purposes of effecting amendments to the Constitution, Senator Gordon stated that while the President could call a special session to take up vital measures that need approval, it is still up to both Houses to approve them during the special session. He explained that the process is similar to how both Houses file resolutions prior to the opening of the regular session of Congress.

Asked if the House of Representatives alone could call the entire Congress, including the Senate, to convene as a constituent assembly, Senator Gordon replied that the senators had already expressed their

sentiment on the matter in a resolution. Incidentally, he stated that the bicameral conference committee report on the disagreeing provisions of Senate Bill No. 2231 (election automation) and its counterpart House bill was ready for signing.

SUSPENSION OF SESSION

Upon motion of Senator Gordon, the session was suspended.

It was 4:49 p.m.

RESUMPTION OF SESSION

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

REFERRAL OF SPEECH TO COMMITTEES

Upon motion of Senator Pangilinan, there being no objection, the Chair referred the privilege speech of Senator Gordon and the interpellations thereon to the Committee on National Defense and Security with respect to the damage wrought by typhoon "Reming," and to the Committee on Constitutional Amendments, Revision of Codes and Laws with respect to the House's initiative for a constituent assembly.

CONFERENCE COMMITTEE REPORT

Upon motion of Senator Pangilinan, there being no objection, the Body considered the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1862, entitled

AN ACT PRESCRIBING A FIXED
TERM OF OFFICE FOR THE CHIEF
OF STAFF OF THE ARMED FORCES
OF THE PHILIPPINES (AFP) AND
FOR OTHER PURPOSES,

and House Bill No. 219, entitled

AN ACT PRESCRIBING A FIXED TERM
OF THE CHIEF OF STAFF AND
MAJOR SERVICE COMMANDERS
OF THE ARMED FORCES OF THE
PHILIPPINES AND FOR OTHER
PURPOSES.

The Chair recognized Senator Biazon to sponsor the report.

SPONSORSHIP SPEECH OF SENATOR BIAZON

In sponsoring the report, Senator Biazon read the following Joint Explanation:

The Conference Committee on the disagreeing provisions of Senate Bill No. 1862 and House Bill No. 219, after having met and fully discussed the subject in a conference, hereby report to their respective Houses, the following:

1. Section 1 (*Declaration of Policy*) of the House version was adopted as Section 1 of the reconciled version but with modification that the punctuation mark period (.) was deleted and in lieu thereof, was placed the words "in order" and then added the phrase "to promote the stability of the institution of the AFP" as contained in Section 1 of the Senate version;
2. Section 2 (*Terms of Office*) of the House and Senate versions was split into Section 2-A and Section 2-B in the reconciled version with the former covering the "Term of Office of the Chief of Staff" and the latter containing the "Term of Office of the Major Service Commanders";

It was agreed that the provisions of Section 2 (*Term of Office*) of the Senate version were made as Section 2-A (*Term of Office of the Chief of Staff*) of the reconciled versions with the modification that:

- i. in the first paragraph of Section 2, the punctuation mark period (.) was inserted after the word "years";
- ii. in the same paragraph of Section 2, the word "which" was deleted and, in lieu thereof, the words "The term" were inserted;
- iii. in the same paragraph of Section 2, the words "his/her first" were also deleted between the words "of" and "appointment" and, in lieu thereof, the article "the" was inserted; and
- iv. in the same paragraph of Section 2, that a colon was inserted after deleting the period (.) after the word "Appointments" to include the proviso which reads "PROVIDED, THAT NO OFFICER SHALL BE APPOINTED CHIEF OF STAFF IF SAID OFFICER HAS LESS THAN ONE (1) YEAR REMAINING IN THE ACTIVE SERVICE.";

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- v. the fourth paragraph of the same section was made the second paragraph of the reconciled version but with modification to read as follows:

SEC. 2-A. *Term of Office of the Chief of Staff.* – xxx No extension of term shall be allowed except in case of war or national emergencies as Congress may declare. xxx”;

- vi. the second paragraph of the same section was made the third paragraph of the reconciled version but with modifications that: the words “his/her” in the first sentence were deleted between the words “of” and “three-year” and, in lieu thereof, the word “the” was inserted;
- vii. in the same paragraph and section, the words “his/her” were also deleted between the words “of” and “term” and, in lieu thereof, the word “the” was inserted in the proviso of the same sentences.;
- viii. the third paragraph of the same section was made the fourth paragraph of the reconciled version with modification that the singular form “Chief of Staff” in the sentence was changed to plural form “Chiefs of Staff,” and the comma (,) was also deleted between the acronym “(AFP)” and the word “appointed”;
- ix. the fifth and last paragraph of the same section was made the last paragraph of the reconciled version but with deletion of the entire proviso portion that reads: “*Provided*, That no officer shall be appointed as Chief of Staff if said officer has less than one (1) year of service remaining in the active service.”
3. The conferees agreed that Section 2-B (*Term of Office of the Major Service Commanders*) should provide that an officer has at least two years remaining in the active service to qualify for appointment as Major Service Commander, the minimum term is two years but is not prejudicial to the appointment as Chief of Staff of the AFP;

As agreed upon, Section 2-B of the reconciled version provides as follows:

“SEC. 2-B. *Term of Office of the Major Service Commanders* – The Major Service Commanders shall each have a minimum term of office of two (2) years. The term shall commence on the date of appointment by the

President, regardless of the date of confirmation by the President, regardless of the date of confirmation by the Commission on Appointments: *Provided*, That the minimum term of a Major Service Commander shall not be prejudicial to appointment to the position of Chief of Staff: *Provided, further*, That no officer shall be appointed as Major Service Commander if that officer has less than two (2) years remaining in the active service.

The minimum term provided herein shall apply to the Major Service Commanders appointed by the President after the effectivity of this Act.”;

4. Section 3 (*Rules and Regulations*) of the House version was adopted as Section 3 of the reconciled version with modification that the word “Department” was changed with the word “Secretary” to read as follows:

“SECTION 3. *Rules and Regulations* – The Secretary of the National Defense shall formulate the rules and regulations necessary to implement the provisions of this Act.”;

5. Section 3 (*Repealing Clause*) of the Senate version was made Section 4 of the reconciled version;
6. Section 4 of the Senate version and Section 5 of the House version was made Section 5 (*Effectivity*) of the reconciled version; and
7. The title of the reconciled version shall read as follows:

AN ACT PRESCRIBING A FIXED TERM FOR THE CHIEF OF STAFF AND A MINIMUM TERM FOR MAJOR SERVICE COMMANDERS OF THE ARMED FORCES OF THE PHILIPPINES AND FOR OTHER PURPOSES.

In case of conflict between the statements/amendments stated in this Joint Explanation and that of the provisions of the consolidated bill in the accompanying Conference Committee Report, the provisions of the latter shall prevail.

APPROVAL OF THE CONFERENCE COMMITTEE REPORT

Submitted to a vote, there being no objection, the conference committee report on the disagreeing provisions of Senate Bill No. 1862 and House Bill No. 219 was approved by the Body. *JS*

**CONFERENCE COMMITTEE
ON HOUSE BILL NO. 5794**

Upon nomination by Senator Pangilinan, there being no objection, the Chair designated the following: Senator Drilon as chairman, and Senators Arroyo, Recto, Flavio and Biazon, on the part of the Majority; and Senators Angara, Ejercito Estrada (J), Lacson and Madrigal, on the part of the Minority, as members of the Senate panel in the bicameral conference committee on the disagreeing votes of House Bill No. 5794.

ANNOUNCEMENT OF SENATOR PANGILINAN

At this juncture, Senator Pangilinan announced that the session would be suspended to allow the senators to hold a caucus to discuss the developments in the House of Representatives relative to the convening of a constituent assembly to amend the Constitution.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 5:01 p.m.

RESUMPTION OF SESSION

At 6:56 p.m., the session was resumed.

ADDITIONAL REFERENCE OF BUSINESS

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

**MESSAGES FROM THE
HOUSE OF REPRESENTATIVES**

Letter from the Secretary General of the House of Representatives, informing the Senate that on 4 December 2006, the House of Representatives agreed to a conference and designated Representatives Villafuerte, Macarambon Jr., Sandoval II and Marañon III, on the part of the Majority, and Representatives Virador and Antonino-Custodio, on the part of the Minority, as its conferees to the Bicameral Conference Committee on the disagreeing provisions of House Bill No. 4067, entitled

AN ACT DEFINING HANDLINE FISHING AND PROVIDING REGULATIONS FOR UTILIZATION OF HANDLINE FISHING BOATS,

and Senate Bill No. 2522, entitled

AN ACT DEFINING HANDLINE FISHING, PROVIDING EFFECTIVE REGULATIONS THEREFOR AND FOR OTHER PURPOSES.

To the Committee on Rules

Letter from the Secretary General of the House of Representatives, informing the Senate that on 4 December 2006, the House of Representatives concurred with the Senate amendments on House Bill No. 4430, entitled

AN ACT GRANTING THE MUSLIM MINDANAO RADIO AND TELEVISION NETWORK CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS IN THE PROVINCE OF LANA DEL SUR.

To the Archives

Letter from the Secretary General of the House of Representatives, informing the Senate that on 4 December 2006, the House of Representatives passed the following House bills in which it requested the concurrence of the Senate:

House Bill No. 5565, entitled

AN ACT TO PROHIBIT APPOINTED PUBLIC OFFICIALS AND EMPLOYEES, INCLUDING THOSE OFFICIALS OF GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS (GOCCs) AND THEIR SUBSIDIARIES, FROM ENTERING, PLAYING AND PATRONIZING CASINOS AND OTHER SIMILAR ESTABLISHMENTS, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES

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

House Bill No. 5580, entitled

AN ACT INSTITUTIONALIZING THE OPEN HIGH SCHOOL SYSTEM IN THE PHILIPPINES, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

House Bill No. 5807, entitled

AN ACT PROHIBITING THE USE OF THE WORDS "MUSLIM" AND "CHRISTIAN" IN MASS MEDIA TO DESCRIBE ANY PERSON SUSPECTED OF OR CONVICTED FOR HAVING COMMITTED CRIMINAL OR UNLAWFUL ACTS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

To the Committee on Public Information and Mass Media

House Bill No. 5811, entitled

AN ACT PROMOTING ENTREPRENEURSHIP AND SUPPORTING THE DEVELOPMENT OF MICRO, SMALL AND MEDIUM ENTERPRISES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 6977, OTHERWISE KNOWN AS THE "MAGNA CARTA FOR SMALL ENTERPRISES," AS AMENDED

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

BILLS ON FIRST READING

Senate Bill No. 2555, entitled

AN ACT PROVIDING FOR A MAGNA CARTA FOR THE WORKERS IN THE INFORMAL SECTOR, ESTABLISHING A MECHANISM FOR ITS IMPLEMENTATION AND FOR OTHER PURPOSES

Introduced by Senator Serge Osmeña

To the Committees on Labor, Employment and Human Resources Development; Local Government; Ways and Means; and Finance

Senate Bill No. 2556, entitled

AN ACT REQUIRING EMPLOYERS TO INFORM THEIR EMPLOYEES OF THEIR RIGHTS, BENEFITS AND PRIVILEGES UNDER EXISTING LAWS, AND COMPANY POLICIES OR EMPLOYMENT CONTRACTS

Introduced by Senator Ramon "Bong" Revilla Jr.

To the Committee on Labor, Employment and Human Resources Development

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 6:59 p.m.

RESUMPTION OF SESSION

At 7:04 p.m., the session was resumed.

For the record, Senator Pangilinan stated that in the caucus, the senators discussed the institutional response of the Senate to the ongoing debates in the House of Representatives on charter change and, in due time, the Senate would proceed with the plans laid down.

**COMMITTEE REPORT NO. 128
ON HOUSE BILL NO. 5513**

(Continuation)

Upon motion of Senator Pangilinan, there being no objection, the Body resumed consideration, on Second Reading, of House Bill No. 5513 (Committee Report No. 128), entitled

AN ACT GRANTING THE ITRANS-MISSION INC. A FRANCHISE TO CONSTRUCT, INSTALL, ESTAB- ~~ISH~~

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LISH, OPERATE AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS IN THE PHILIPPINES.

Senator Pangilinan stated that the parliamentary status was the period of individual amendments.

Thereupon, the Chair recognized Senator Arroyo, Sponsor of the measure, and Senator Osmeña for his amendments.

OSMEÑA AMENDMENT

As proposed by Senator Osmeña and accepted by the Sponsor, there being no objection, the Body approved the following amendments, one after the other:

1. On page 1, lines 3 and 4, after the word "grantee," delete the phrase "its successors or assigns,";
2. On page 5, line 17, Section 13, delete the title "*Sale, Lease, Usufruct, Etc.,*" and in lieu thereof, insert the title *NON-TRANSFERABILITY OF FRANCHISE*;
3. On the same page, line 26, after the word "Act" and the period (.), insert the sentence ANY TRANSFER OF FRANCHISE IN VIOLATION OF THIS SECTION SHALL RENDER THE FRANCHISE *IPSO FACTO* REVOKED;
4. On page 6, delete Section 14 on lines 1 to 12; and
5. Renumber the succeeding sections accordingly.

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

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

APPROVAL OF HOUSE BILL NO. 5513 ON SECOND READING

Submitted to a vote, there being no objection, House Bill No 5513 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 5513

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

COMMITTEE REPORT NO. 155 ON HOUSE BILL NO. 3293

(Continuation)

Upon motion of Senator Pangilinan, there being no objection, the Body resumed consideration, on Second Reading, of House Bill No. 3293 (Committee Report No 155), entitled

AN ACT GRANTING THE UNIVERSIDAD DE ZAMBOANGA A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN RADIO BROADCASTING STATIONS IN IPIL, ZAMBOANGA SIBUGAY.

Senator Pangilinan stated that the parliamentary status was the period of individual amendments.

Thereupon, the Chair recognized Senator Arroyo, Sponsor of the measure, and Senator Osmeña for his interpellation.

OSMEÑA AMENDMENT

As proposed by Senator Osmeña and accepted by the Sponsor, there being no objection, the Body approved the following amendments, one after the other:

1. On page 1, line 5, after the word "grantee," delete the phrase "its successors or assigns,";
2. On page 2, line 14, after the word "thereof" and the period (.), insert the sentence IN NO WAY SHALL THE OPERATORS OF THE GRANTEE NOR THE RADIATED POWER OF ITS STATIONS OR FACILITIES EXCEED THAT REQUIRED TO COVER THE AREA WHERE IT IS ALLOWED TO OPERATE;
3. On page 6, line 3, delete the title "*Sale, Lease, Transfer, Usufruct, Etc.,*" and in lieu thereof, insert the title *NON-TRANSFERABILITY OF FRANCHISE*.;
4. On the same page, line 12, after the word "Act" and the period (.), insert the sentence ANY TRANSFER OF FRANCHISE IN

VIOLATION OF THIS SECTION SHALL RENDER THE FRANCHISE *IPSO FACTO* REVOKED.;

5. On the same page, delete Section 13 on lines 13 to 21; and
6. Renumber the succeeding sections accordingly.

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

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

APPROVAL OF HOUSE BILL NO. 3293 ON SECOND READING

Submitted to a vote, there being no objection, House Bill No. 3293 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 3293

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

COMMITTEE REPORT NO. 158 ON HOUSE BILL NO. 5512

(Continuation)

Upon motion of Senator Pangilinan, there being no objection, the Body resumed consideration, on Second Reading, of House Bill No. 5512 (Committee Report No. 158), entitled

AN ACT FURTHER AMENDING THE FRANCHISE OF LA UNION ELECTRIC COMPANY, INC. UNDER REPUBLIC ACT NO. 1225, AS AMENDED, TO CONSTRUCT, OPERATE AND MAINTAIN A DISTRIBUTION SYSTEM FOR THE CONVEYANCE OF ELECTRIC POWER TO THE END-USERS IN THE CITY OF SAN FERNANDO AND THE MUNICIPALITIES OF BAUANG AND SAN JUAN, PROVINCE OF LA UNION, AND RENEWING/EXTENDING THE TERM OF THE FRANCHISE TO ANOTHER TWENTY-

FIVE (25) YEARS FROM THE DATE OF APPROVAL OF THIS ACT.

Senator Pangilinan stated that the parliamentary status was the period of individual amendments.

Thereupon, the Chair recognized Senator Arroyo, Sponsor of the measure, and Senator Osmeña for his interpellations.

OSMEÑA AMENDMENT

As proposed by Senator Osmeña and accepted by the Sponsor, there being no objection, the Body approved the following amendments, one after the other:

1. On page 2, lines 3 and 4, and wherever found in the bill, after the word "GRANTEE," delete the phrase "ITS SUCCESSORS OR ASSIGNS";
2. On page 10, line 7, delete the title *SALE, LEASE, TRANSFER, USUFRUCT, ETC.*, and in lieu thereof, insert the title *NON-TRANSFERABILITY OF FRANCHISE.*; and
3. On the same page, line 21, after the word "ACT" and the period (.), insert the sentence, ANY TRANSFER OF FRANCHISE IN VIOLATION OF THIS SECTION SHALL RENDER THE FRANCHISE *IPSO FACTO* REVOKED.

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

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

APPROVAL OF HOUSE BILL NO. 5512 ON SECOND READING

Submitted to a vote, there being no objection, House Bill No. 5512 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 5512

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

**COMMITTEE REPORT NO. 159
ON HOUSE BILL NO. 5401**

(Continuation)

Upon motion of Senator Pangilinan, there being no objection, the Body resumed consideration, on Second Reading, of House Bill No. 5401 (Committee Report No. 159), entitled

AN ACT FURTHER AMENDING THE FRANCHISE OF ANGELES ELECTRIC CORPORATION GRANTED UNDER REPUBLIC ACT NO. 2341, AS AMENDED, TO CONSTRUCT, OPERATE AND MAINTAIN A DISTRIBUTION SYSTEM FOR THE CONVEYANCE OF ELECTRIC POWER TO THE END-USER IN THE CITY OF ANGELES, PROVINCE OF PAMPANGA AND RENEWING/ EXTENDING THE TERM OF THE FRANCHISE TO ANOTHER TWENTY-FIVE (25) YEARS FROM THE DATE OF APPROVAL OF THIS ACT.

Senator Pangilinan stated that the parliamentary status was the period of individual amendments.

Thereupon, the Chair recognized Senator Arroyo, Sponsor of the measure, and Senator Osmeña for his amendments.

OSMEÑA AMENDMENTS

As proposed by Senator Osmeña and accepted by the Sponsor, there being no objection, the Body approved the following amendments, one after the other:

1. On page 2, lines 3 and 4, and wherever found in the bill, after the word "GRANTEE," delete the phrase "ITS SUCCESSORS OR ASSIGNS."
2. On page 7, line 29, delete the title *SALE, LEASE, TRANSFER, USUFRUCT, ETC.*, and lieu thereof, insert the title *NON-TRANSFERABILITY OF FRANCHISE.*; and
3. On page 8, line 13, after the word "Act" and the period (.), insert the sentence ANY TRANSFER OF FRANCHISE IN VIOLATION OF THIS SECTION SHALL RENDER THE FRANCHISE *IPSO FACTO* REVOKED; and

**TERMINATION OF THE PERIOD
OF INDIVIDUAL AMENDMENTS**

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

**APPROVAL OF HOUSE BILL NO. 5401
ON SECOND READING**

Submitted to a vote, there being no objection, House Bill No. 5401 was approved on Second Reading.

**SUSPENSION OF CONSIDERATION
OF HOUSE BILL NO. 5401**

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 7:17 p.m.

RESUMPTION OF SESSION

At 7:18 p.m., the session was resumed.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the Chair declared the session suspended until ten o'clock in the morning of the following day.

It was 7:18 p.m.

RESUMPTION OF SESSION

At 11:27 a.m., Thursday, December 7, 2006, the session was resumed with Senate President Pro Tempore Flavio presiding.

**CONFERENCE COMMITTEE REPORT
ON SENATE BILL NO. 2231
AND HOUSE BILL NO. 5352**

At the instance of the Chair, there being no objection, the Body considered the Conference

Committee Report on the disagreeing provisions of Senate Bill No. 2231, entitled

AN ACT AMENDING REPUBLIC ACT NO. 8436, ENTITLED "AN ACT AUTHORIZING THE COMMISSION ON ELECTIONS TO USE AN AUTOMATED ELECTION SYSTEM IN THE MAY 11, 1998 NATIONAL OR LOCAL ELECTIONS AND IN SUBSEQUENT NATIONAL AND LOCAL ELECTORAL EXERCISES," PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES,

and House Bill No. 5352, entitled

AN ACT AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 8436, ENTITLED "AN ACT AUTHORIZING THE COMMISSION ON ELECTIONS TO USE AN AUTOMATED ELECTION SYSTEM IN THE MAY 11, 1998 NATIONAL OR LOCAL ELECTIONS AND IN SUBSEQUENT NATIONAL AND LOCAL ELECTORAL EXERCISES," PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES.

The Chair recognized Senator Gordon for the sponsorship of the report.

SPONSORSHIP SPEECH OF SENATOR GORDON

Senator Gordon presented to the Body the text of the Conference Committee Report as follows:

EXPLANATION OF THE CONFERENCE COMMITTEE ON THE DISAGREEING PROVISIONS OF SENATE BILL NO. 2231 AND HOUSE BILL NO. 5352

The Conference Committee on the disagreeing provisions of Senate Bill No. 2231 and House Bill No. 5352, after having met and fully discussed the subject matter in a conference, hereby report to their respective Houses the following, that:

1. The conferees agreed to use the Senate version as the working draft of the bicameral meeting;

2. Section 1 of the Senate version was adopted as Section 1 of the reconciled version with the following modifications:

- a. on the first paragraph, the word "elections" was substituted in lieu of "electoral exercises" and the word "intelligent" was deleted and in lieu thereof the word "INFORMED" was inserted between the words "and" and "elections"; and
- b. on the second paragraph, the word "latest" was deleted and in lieu thereof the word "MOST SUITABLE" was inserted between the words "the" and "technological"; and the word "technological" was replaced with the word "technology"; the phrase "and electronic device" was deleted, as well as the phrase "ensure the secrecy and sanctity of ballot".

3. Section 2 of the reconciled version was a combination of the Senate and House versions:

- a. The definition of terms "counting center" and "source code" were adopted from the Senate version;
- b. In the definition of the "automated election system", between the words "demonstrated" and "voting" the word "for" was changed into "in the", the word "electoral" was inserted in between the words "other" and "processes", and the phrase "in the conduct of electoral exercises" was deleted;
- c. In the definition of "electronic transmission", the phrases "means of" and "using telecommunications technology" were deleted;
- d. In the definition of official ballot, the word "paper" was inserted in between the words "the" and "ballot", and the words "in paper form" were deleted; the word "pre" was also deleted;
- e. The definition of "statement of votes" was adopted from the House version with deletion of the word "machine-generated";
- f. The definition of terms "Direct Recording Electronic System", "Paper-based Election System, and "Station" were adopted from the House version;
- g. The definition for the term "Election Return" was adopted from the House version with the modification that the phrase "IN AREAS WHERE AES IS UTILIZED" was inserted at the end of the sentence; *HS*

HS

- h. "the definition for the term "City/municipal/district/provincial certificate of canvass" was adopted from the House version with the deletion of the phrase "each of the above-listed" and replaced with the phrase "with the aforementioned";
- i. In the definition of the term "counting center", the phrase "polling places or voting centers may also be designated as counting centers" was added;
- j. The term "differently abled" was changed into "disabled voters", and the phrase "who has a physical disability which impairs his" was deleted and replaced with the word "impaired";

4. Section 3 of the Senate version was modified and was adopted as Section 3 of the reconciled version to read as follows:

"SEC. 3. Section 3 of Republic Act No. 8436 is hereby amended to read as follows:

"Section 3. *BOARD OF ELECTION INSPECTORS.* - WHERE AES SHALL BE ADOPTED, AT LEAST ONE MEMBER OF THE BOARD OF ELECTION INSPECTORS SHALL BE AN INFORMATION TECHNOLOGY-CAPABLE PERSON, WHO IS TRAINED OR CERTIFIED BY THE DOST TO USE THE AES. SUCH CERTIFICATION SHALL BE ISSUED BY THE DOST, FREE OF CHARGE.";

5. Section 4 of the Senate version was adopted as Section 4 of the reconciled version;

6. Section 5 of the Senate version was adopted as Section 5 of the reconciled version with the following modifications:

- a. the phrase "For the purpose of the implementation of the AES" was deleted and in lieu thereof the phrase "TO IMPLEMENT THE AES" was inserted; and
- b. the phrase "to be used" was deleted and in lieu thereof the word "ADOPTED" was inserted;

7. Section 6 of the Senate version and Section 3 of the House version were merged and was adopted as Section 6 of the reconciled version to read as follows:

"SEC. 6. Section 6 of Republic Act No. 8436 is hereby amended to read as follows:

"SEC. [6] 5. *Authority to Use an Automated Election System.* - To carry out the above-stated policy, the Commission on Elections, herein referred to as the Commission, is hereby

authorized to use an automated election system OR SYSTEMS IN THE SAME ELECTION IN DIFFERENT PROVINCES, WHETHER PAPER-BASED OR A DIRECT RECORDING ELECTRONIC ELECTION SYSTEM AS IT MAY DEEM APPROPRIATE AND PRACTICAL for the process of voting, counting of votes and canvassing/consolidation AND TRANSMITTAL of results of ELECTORAL EXERCISES; *PROVIDED*, THAT FOR THE REGULAR national and local elections, WHICH SHALL BE HELD IMMEDIATELY AFTER THE EFFECTIVITY OF THIS ACT, THE AES SHALL BE USED IN AT LEAST TWO (2) HIGHLY URBANIZED CITIES AND TWO (2) PROVINCES EACH IN LUZON, VISAYAS AND MINDANAO, TO BE CHOSEN BY THE COMMISSION: *PROVIDED, FURTHER*, THAT LOCAL GOVERNMENT UNITS WHOSE OFFICIALS HAVE BEEN THE SUBJECT OF ADMINISTRATIVE CHARGES WITHIN SIXTEEN (16) MONTHS PRIOR TO THE MAY 14, 2007 ELECTIONS SHALL NOT BE CHOSEN: *PROVIDED FINALLY*, THAT NO AREA SHALL BE CHOSEN WITHOUT THE CONSENT OF THE SANGGUNIANG OF THE LOCAL GOVERNMENT UNIT CONCERNED. THE TERM LOCAL GOVERNMENT UNIT AS USED IN THIS PROVISION SHALL REFER TO A HIGHLY URBANIZED CITY OR PROVINCE. IN SUCCEEDING REGULAR NATIONAL OR LOCAL ELECTIONS, THE AES SHALL BE IMPLEMENTED NATIONWIDE.";

8. Section 7 of the Senate version and Section 4 of the House version were merged and was adopted as Section 7 of the reconciled version to read as follows:

"SEC. 7. Section 7 of Republic Act No. 8436 is hereby amended to read as follows:

"Section [7] 6. *MINIMUM SYSTEM CAPABILITIES* - "THE AUTOMATED ELECTION SYSTEM MUST AT LEAST HAVE THE FOLLOWING FUNCTIONAL CAPABILITIES:

- (A) ADEQUATE SECURITY AGAINST UNAUTHORIZED ACCESS;
- (B) ACCURACY IN RECORDING AND READING OF VOTES AS WELL AS IN THE TABULATION, CONSOLIDATION/CANVASSING, ELECTRONIC TRANSMISSION, AND STORAGE OF RESULTS;
- (C) ERROR RECOVERY IN CASE OF NON-CATASTROPHIC FAILURE OF DEVICE;
- (D) SYSTEM INTEGRITY WHICH ENSURES PHYSICAL STABILITY AND FUNCTION.

ING OF THE VOTE RECORDING AND COUNTING PROCESS;

- (E) PROVISION FOR VOTER VERIFIED PAPER AUDIT TRAIL;
- (F) SYSTEM AUDITABILITY WHICH PROVIDES SUPPORTING DOCUMENTATION FOR VERIFYING THE CORRECTNESS OF REPORTED ELECTION RESULTS;
- (G) AN ELECTION MANAGEMENT SYSTEM FOR PREPARING BALLOTS AND PROGRAMS FOR USE IN THE CASTING AND COUNTING OF VOTES AND TO CONSOLIDATE, REPORT AND DISPLAY ELECTION RESULTS IN THE SHORTEST TIME POSSIBLE;
- (H) ACCESSIBILITY TO ILLITERATES AND DISABLED VOTERS;
- (I) VOTE TABULATING PROGRAM FOR ELECTION, REFERENDUM OR PLEBISCITE;
- (J) ACCURATE BALLOT COUNTERS;
- (K) DATA RETENTION PROVISION;
- (L) PROVIDE FOR THE SAFEKEEPING, STORING AND ARCHIVING OF PHYSICAL OR PAPER RESOURCE USED IN THE ELECTION PROCESS;
- (M) UTILIZE OR GENERATE OFFICIAL BALLOTS AS HEREIN DEFINED;
- (N) PROVIDE THE VOTER A SYSTEM OF VERIFICATION TO FIND OUT WHETHER OR NOT THE MACHINE HAS REGISTERED HIS CHOICE; AND
- (O) CONFIGURE ACCESS CONTROL FOR SENSITIVE SYSTEM DATA AND FUNCTIONS.

"In the procurement of this system, the Commission shall DEVELOP AND adopt an EVALUATION system TO ASCERTAIN THAT THE ABOVE MINIMUM SYSTEM CAPABILITIES ARE MET. THIS EVALUATION SYSTEM SHALL BE DEVELOPED WITH THE ASSISTANCE OF AN ADVISORY COUNCIL.";

9. Section 8 of the Senate version was adopted as Section 8 of the reconciled version;

10. Section 9 of the Senate version and Section 4 of the House version were merged and adopted as Section 9 of the reconciled version with the following modifications:

- a. on the provision for the Advisory Council, the Chairman of the Commission on Information and Communications Technology

(CICT) was made the chairman of the advisory council in lieu of the Department of Science and Technology;

- b. the eleventh paragraph was taken from the House version with the deletion of the phrase "constitute an election offense and shall be penalized in accordance with Batas Pambansa Blg. 881" and in lieu thereof the phrase "DISQUALIFY SAID MEMBERS FROM THE ADVISORY COUNCIL AND SHALL BE PUNISHABLE AS PROVIDED IN THIS ACT AND SHALL BE PENALIZED IN ACCORDANCE WITH THE ANTI-GRAFT AND CORRUPT PRACTICES ACT AND OTHER RELATED LAWS" was inserted;
- c. on the last paragraph, the phrase "Department of Science and Technology (DOST) was deleted and in lieu thereof the phrase "COMMISSION ON INFORMATION AND COMMUNICATIONS TECHNOLOGY (CICT)" was inserted;
- d. on the provision for the functions of the advisory council, the sentence ""MEMBERS OF THE ADVISORY COUNCIL REPRESENTING THE ICT PROFESSIONAL ORGANIZATIONS ARE HEREBY EXCLUDED FROM PARTICIPATING IN ANY MANNER IN THE BIDS AND AWARDS COMMITTEE" was added to enumeration number 2;
- e. on the same provision, the sentence "MEMBERS OF THE ADVISORY COUNCIL REPRESENTING THE ICT PROFESSIONAL ORGANIZATIONS ARE HEREBY EXCLUDED FROM PARTICIPATING IN ANY MANNER IN THE STEERING COMMITTEE" was inserted after the first sentence of enumeration number 3;
- f. on the same provision, the last paragraph was taken from letter "D" of the House version;
- g. on the provision for the Technical Evaluation Committee, the phrase "the Senate, the House of Representatives" was deleted from the first paragraph; and the Department of Science and Technology was made the chairman of the committee;
- h. on the same provision, the paragraph "FOR PURPOSES OF THE 2007 ELECTIONS, THE CERTIFICATION SHALL BE DONE NOT LATER THAN EIGHT (8) WEEKS PRIOR TO THE DATE OF THE ELECTIONS" was inserted after enumeration number "6";
- i. on the same provision, eighth paragraph, the phrase "not later" was deleted and in lieu

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thereof the phrase "NO LESS" was inserted between the words "Committee" and "than";

11. Section 10 of the Senate version was modified and was adopted as Section 10 of the reconciled versions to read as follows:

"**SEC. 10.** Section 8 of Republic Act No. 8436 is hereby amended to read as follows:

"Section [8] 11. *Procurement of Equipment and Materials.* — TO ACHIEVE THE PURPOSE OF THIS ACT, the Commission IS AUTHORIZED TO procure, IN ACCORDANCE WITH EXISTING LAWS, BY PURCHASE, LEASE, RENT OR OTHER FORMS OF ACQUISITION, SUPPLIES, EQUIPMENT, MATERIALS, SOFTWARE, FACILITIES AND OTHER SERVICES, from local or foreign sources free from taxes and import duties, subject to accounting and auditing rules and regulations. WITH RESPECT TO THE MAY 10, 2010 ELECTIONS AND SUCCEEDING ELECTORAL EXERCISES, THE SYSTEM PROCURED MUST HAVE DEMONSTRATED CAPABILITY AND BEEN SUCCESSFULLY USED IN A PRIOR ELECTORAL EXERCISE HERE OR ABROAD. PARTICIPATION IN THE 2007 PILOT EXERCISE SHALL NOT BE CONCLUSIVE OF THE SYSTEM'S FITNESS.

"IN DETERMINING THE AMOUNT OF ANY BID FROM A TECHNOLOGY, SOFTWARE OR EQUIPMENT SUPPLIER, THE COST TO THE GOVERNMENT OF ITS DEPLOYMENT AND IMPLEMENTATION SHALL BE ADDED TO THE BID PRICE AS INTEGRAL THERETO. THE VALUE OF ANY ALTERNATIVE USE TO WHICH SUCH TECHNOLOGY, SOFTWARE OR EQUIPMENT CAN BE PUT FOR PUBLIC USE SHALL NOT BE DEDUCTED FROM THE ORIGINAL FACE VALUE OF THE SAID BID.";

12. Section 11 of the Senate version was adopted as Section 11 of the reconciled version;

13. Section 12 of the Senate version and was adopted as Section 12 of the reconciled version with the following modifications:

- a. on the fourth paragraph, the phrase "or the authorized representative" was deleted;
- b. on the same paragraph, between the words "keep" and "minutes", the article "a" was deleted; and

14. Section 13 of the Senate version and Section 8 of the House version were merged and was adopted as Section 13 of the reconciled version with the following modifications:

- a. on the second paragraph, after the word "Provided", the word "further" was deleted; and
- b. on the third paragraph, the phrase "AND MUST VACATE THE SAME AT THE START OF THE DAY" was inserted between the words "office" and "of";

15. Section 14 of the Senate version was deleted;

16. Section 15 of the Senate version was adopted as Section 14 of the reconciled version;

17. Section 16 of the Senate version was amended and was adopted as Section 15 of the reconciled version to read as follows:

"**SEC. 15.** Section 14 of Republic Act No.8436 is hereby amended to read as follows:

"Section [14] 13. *Procedure in voting* — THE COMMISSION SHALL PRESCRIBE THE MANNER AND PROCEDURE OF VOTING, WHICH CAN BE EASILY UNDERSTOOD AND FOLLOWED BY THE VOTERS, TAKING INTO CONSIDERATION, AMONG OTHER THINGS, THE SECRECY OF THE VOTING."

18. Section 17 of the Senate version was amended and was adopted as Section 16 of the reconciled version to read as follows:

"**SEC. 16.** Section 15 of Republic Act No.8436 is hereby amended to read as follows:

"Section [15] 14. *Closing of polls.* - THE COMMISSION SHALL PRESCRIBE THE TIME, MANNER AND PROCEDURE OF CLOSING THE POLLS AND THE STEPS FOR THE CORRECT REPORTING OF VOTES CAST AND THE PROPER CONDUCT OF COUNTING FOR AREAS COVERED BY THE AES.";

19. Section 18 of the Senate version was adopted as Section 17 of the reconciled version with the deletion of the phrase "free of charge" found on the first paragraph;

20. Section 19 of the Senate version was adopted as Section 18 of the reconciled version with the deletion of the word and figure "seven (7)" and in lieu thereof the word and figure "THIRTY (30)" was inserted;

21. Section 20 of the Senate version and Section 14 of the House version were merged and was adopted as Section 19 of the reconciled version with the following modifications:

- a. on the first paragraph, the phrase "constitute an election offense punishable under ~~the~~

Section 264 of the Omnibus Election Code” was deleted and in lieu thereof the phrase “BE PUNISHABLE AS PROVIDED IN THIS ACT” was inserted; and

- b. the distribution of the copies of the election returns, both for the election of president, vice-president, senators, party-list system, local officials and members of the House of Representatives was increased from seven (7) copies to thirty (30) copies;
- c. a new paragraph was inserted after the enumeration, to read as follows:

“IMMEDIATELY AFTER THE EIGHTH COPY IS PRINTED, THE POLL CLERK SHALL ANNOUNCE THE POSTING OF SAID COPY ON A WALL WITHIN THE PREMISES OF THE POLLING PLACE OR COUNTING CENTER, WHICH MUST BE SUFFICIENTLY LIGHTED AND ACCESSIBLE TO THE PUBLIC. ANY PERSON MAY VIEW OR CAPTURE AN IMAGE OF THE ELECTION RETURN BY MEANS OF ANY DATA CAPTURING DEVICE SUCH AS, BUT NOT LIMITED TO, CAMERAS AT ANY TIME OF THE DAY FOR FORTY-EIGHT (48) HOURS FOLLOWING ITS POSTING. AFTER SUCH PERIOD, THE CHAIRMAN OF THE BOARD OF ELECTION INSPECTORS SHALL DETACH THE ELECTION RETURN FROM THE WALL AND KEEP THE SAME IN HIS CUSTODY TO BE PRODUCED AS MAY BE REQUESTED BY ANY VOTER FOR IMAGE OR DATA CAPTURING OR FOR ANY LAWFUL PURPOSE AS MAY BE ORDERED BY COMPETENT AUTHORITY.”;

- d. the deletion of the phrase “three (3) hours” and in lieu thereof the phrase “ONE (1) HOUR” was inserted,

22. Section 21 of the Senate version was adopted as Section 20 of the reconciled version with the deletion of the phrase “three (3) hours” and in lieu thereof the phrase “ONE (1) HOUR” was inserted;

23. Section 22 of the Senate version was adopted as Section 21 of the reconciled version with the following modifications:

- a. the distribution of the copies of the certificate of canvass for president, vice-president and senators, parties, organizations or coalitions participating under the party-list system was increased from four (4) copies to thirty (30) copies;
- b. a new paragraph was inserted to become the last part of the said section to read as follows:

“IMMEDIATELY AFTER THE SIXTH COPY AND ITS SUPPORTING STATEMENT OF VOTES ARE PRINTED, THE CHAIRMAN OF THE BOARD OF CANVASSERS SHALL ANNOUNCE THE POSTING OF SAID PRINTS ON A WALL WITHIN THE PREMISES OF THE CANVASSING CENTER, WHICH MUST BE SUFFICIENTLY LIGHTED AND ACCESSIBLE TO THE PUBLIC. ANY PERSON MAY VIEW OR CAPTURE AN IMAGE OF THE CERTIFICATE OF CANVASS OR THE SUPPORTING STATEMENT OF VOTES BY MEANS OF ANY DATA CAPTURING DEVICE SUCH AS, BUT NOT LIMITED TO, CAMERAS AT ANY TIME OF THE DAY FOR FORTY-EIGHT (48) HOURS FOLLOWING THE POSTING. AFTER SUCH PERIOD, THE CHAIRMAN OF THE BOARD OF CANVASSERS SHALL DETACH THE ELECTION RETURN FROM THE WALL AND KEEP THE SAME IN HIS CUSTODY TO BE PRODUCED AS MAY BE REQUESTED BY ANY VOTER FOR IMAGE OR DATA CAPTURING OR FOR ANY LAWFUL PURPOSE AS MAY BE ORDERED BY COMPETENT AUTHORITY.”;

24. Section 23 of the Senate version was adopted as Section 22 of the reconciled version;



25. Section 24 of the Senate version was adopted as Section 23 of the reconciled version;

26. A new section was inserted after Section 23 and was adopted as Section 24 of the reconciled version to read as follows:

“SEC. 24. A new Section 28 is hereby provided to read as follows:

“SEC. 28. *RANDOM MANUAL AUDIT.* - WHERE THE AES IS USED, THERE SHALL BE A RANDOM MANUAL AUDIT IN ONE (1) PRECINCT PER CONGRESSIONAL DISTRICT RANDOMLY CHOSEN BY THE COMMISSION IN EACH PROVINCE AND CITY. ANY DIFFERENCE BETWEEN THE AUTOMATED AND MANUAL COUNT WILL RESULT IN THE DETERMINATION OF ROOT CAUSE AND INITIATE A MANUAL COUNT FOR THOSE PRECINCTS AFFECTED BY THE COMPUTER OR PROCEDURAL ERROR.”;

27. Section 25 of the Senate version was modified and was adopted as Section 25 of the reconciled version to read as follows:

“SEC. 25. A new Section 29 is hereby provided to read as follows:  

"SEC. 29. AUTHENTICATION OF ELECTRONICALLY TRANSMITTED ELECTION RESULTS. – "THE MANNER OF DETERMINING THE AUTHENTICITY AND DUE EXECUTION OF THE CERTIFICATES SHALL CONFORM WITH THE PROVISIONS OF REPUBLIC ACT NO. 7166 AS MAY BE SUPPLEMENTED OR MODIFIED BY THE PROVISIONS OF THIS ACT, WHERE APPLICABLE, BY APPROPRIATE AUTHENTICATION AND CERTIFICATION PROCEDURES FOR ELECTRONIC DATA, ELECTRONIC DOCUMENTS AND ELECTRONIC SIGNATURES AS PROVIDED IN REPUBLIC ACT NO. 8792 AS WELL AS THE RULES PROMULGATED BY THE SUPREME COURT PURSUANT THERETO.";

28. Section 26 of the Senate version was adopted as Section 26 of the reconciled version;

29. Section 27 of the Senate version was modified and was adopted as Section 27 of the reconciled bill to read as follows:

"SEC. 27. Section 27 of Republic Act No. 8436 is hereby amended to read as follows:

"SEC. [27] 26. JOINT CONGRESSIONAL Oversight Committee. – An Oversight Committee is hereby created composed of SEVEN (7) MEMBERS each from the Senate and the House of Representatives, FOUR (4) OF WHOM SHALL COME FROM THE MAJORITY AND THREE (3) FROM THE MINORITY, to monitor and evaluate the implementation of this Act. A WRITTEN report to the Senate and the House of Representatives shall be submitted BY THE ADVISORY COUNCIL within SIX (6) MONTHS from the date of election. THE OVERSIGHT COMMITTEE SHALL CONDUCT A MANDATORY REVIEW OF THIS ACT EVERY TWELVE (12) MONTHS FROM THE DATE OF THE LAST REGULAR NATIONAL OR LOCAL ELECTIONS."

"THE OVERSIGHT COMMITTEE SHALL CONDUCT A COMPREHENSIVE ASSESSMENT AND EVALUATION OF THE PERFORMANCE OF THE DIFFERENT AES TECHNOLOGIES IMPLEMENTED AND SHALL MAKE APPROPRIATE RECOMMENDATIONS TO CONGRESS, IN SESSION ASSEMBLED, SPECIFICALLY INCLUDING THE FOLLOWING:

"1. AN ASSESSMENT AND COMPARISON OF EACH OF THE AES TECHNOLOGIES UTILIZED, INCLUDING THEIR STRENGTHS, WEAKNESSES, APPLICABILITY OR INAPPLICABILITY IN SPECIFIC AREAS AND SITUATIONS;

"2. AN EVALUATION OF THEIR ACCURACY THROUGH A COMPARISON OF A RANDOM SAMPLE OF THE AES ELECTION RESULTS WITH A MANUAL TABULATION, AND THE CONDUCT OF SIMILAR TESTS;

"3. AS TO THE SCOPE OF AES IMPLEMENTATION IN THE SUBSEQUENT ELECTIONS, PROVIDE FOR RECOMMENDATIONS AS TO WHETHER ANY OF THE FOLLOWING SHOULD BE ADOPTED:

"A. FURTHER TEST APPLICATION OF THE AES OR A PARTICULAR AES TECHNOLOGY USED IN THE 2007 ELECTIONS, WHETHER IN THE SAME OR OTHER AREAS;

"B. AN INCREASE OR ENLARGEMENT OF AREAS FOR IMPLEMENTATION OF THE AES OR AN AES TECHNOLOGY AND NOT A FULL IMPLEMENTATION; OR

"C. FULL IMPLEMENTATION OF THE AES.

"4. AS TO THE KIND OF AES TECHNOLOGY, PROVIDE FOR PROPOSALS AS TO WHETHER:

"A. A PARTICULAR AES TECHNOLOGY SHOULD NO LONGER BE UTILIZED FOR BEING OBSOLETE, INAPPLICABLE, INACCURATE OR WITH A DEFECT WHICH CANNOT BE REMEDIED;

"B. AN ENHANCEMENT OR IMPROVEMENT IS NEEDED TO AN AES TECHNOLOGY WHICH WAS USED IN THE 2007 ELECTIONS TO MAKE IT MORE FUNCTIONAL, APPROPRIATE AND ACCURATE;

"C. A PARTICULAR AES TECHNOLOGY IS ALREADY APPROPRIATE AND SHOULD BE UTILIZED FULLY FOR SUBSEQUENT ELECTIONS; OR

"D. THE TESTING OR ADOPTION OF NEW TECHNOLOGIES WHICH MAY HAVE EMERGED AFTER THE 2007 ELECTIONS IS NEEDED.";

30. Section 28 of the Senate version was adopted as Section 28 of the reconciled version with the following modifications:

a. the sub-title "Election offenses" was deleted and in lieu thereof the sub-title "PROHIBITED ACTS AND PENALTIES" was inserted;

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b. the phrase "THE FOLLOWING SHALL BE PENALIZED AS PROVIDED IN THIS ACT," was inserted at the beginning of the first paragraph;

c. the following were inserted after the enumeration letter "c":

"(D) REFUSAL OF THE CITIZENS' ARM TO PRESENT FOR PERUSAL ITS COPY OF ELECTION RETURN TO THE BOARD OF CANVASSERS;

"(E) PRESENTATION BY THE CITIZENS' ARM OF TAMPERED OR SPURIOUS ELECTION RETURNS;

"(F) REFUSAL OR FAILURE TO PROVIDE THE DOMINANT MAJORITY AND DOMINANT MINORITY PARTIES OR THE CITIZENS' ARM THEIR COPY OF ELECTION RETURNS; AND

"(G) THE FAILURE TO POST THE VOTERS' LIST WITHIN THE SPECIFIED TIME, DURATION AND IN THE DESIGNATED LOCATION SHALL CONSTITUTE AN ELECTION OFFENSE ON THE PART THE ELECTION OFFICER CONCERNED."

"ANY PERSON CONVICTED FOR VIOLATION OF THIS ACT, EXCEPT THOSE CONVICTED OF THE CRIME OF ELECTORAL SABOTAGE, SHALL BE PENALIZED WITH IMPRISONMENT OF EIGHT (8) YEARS AND ONE (1) DAY TO TWELVE (12) YEARS WITHOUT POSSIBILITY OF PAROLE, AND PERPETUAL DISQUALIFICATION TO HOLD PUBLIC OFFICE AND DEPRIVATION OF THE RIGHT OF SUFFRAGE. MOREOVER, THE OFFENDER SHALL BE PERPETUALLY DISQUALIFIED TO HOLD ANY NON-ELECTIVE PUBLIC OFFICE.";

31. Section 29 of the Senate version was adopted as Section 29 of the reconciled version, with the modification that the first sentence was deleted.

32. Section 30 of the Senate version was adopted as Section 30 of the reconciled version;

33. Sections 31, 33 and 34 of the Senate version were deleted;

34. Section 35 of the Senate version was adopted as Section 35 of the reconciled version;

35. Section 36 of the Senate version was adopted as Section 36 of the reconciled version with the following modifications:

a. The fourth paragraph was modified as follows:

"IMMEDIATELY UPON THE ACCOMPLISHMENT OF THE ELECTION RETURN FOR NATIONAL POSITIONS, THE POLL CLERK SHALL ANNOUNCE THE POSTING OF THE SECOND COPY OF THE ELECTION RETURN ON A WALL WITH SUFFICIENT LIGHTING WITHIN THE PREMISES OF THE POLLING PLACE OR COUNTING CENTER. HE SHALL THEN PROCEED TO DO THE SAME IN THE PRESENCE OF THE OTHER MEMBERS OF THE BOARD, THE WATCHERS AND THOSE PRESENT IN THE POLLING PLACE OR COUNTING CENTER. WITHOUT DELAY AND, WHEN FEASIBLE, HE SHALL SECURE AN IMAGE OF THE ELECTION RETURN USING A SECURED DATA CAPTURING DEVICE AND IMMEDIATELY THEREAFTER, WHILE IN THE PREMISES OF THE POLLING PLACE OR COUNTING CENTER, DIRECTLY PRINT THIRTY (30) COPIES OF THE ELECTION RETURN. ONCE THE PRINTS HAVE BEEN PRODUCED, THE POLL CLERK SHALL CALL THE OTHER MEMBERS OF THE BOARD TO AUTHENTICATE EACH PRINT COPY BY CLOSELY COMPARING THE SAME WITH THE ELECTION RETURN POSTED ON THE WALL IN THE PRESENCE OF THE WATCHERS AND WITHIN VIEW OF THE PUBLIC. IF THE BOARD FINDS EACH PRINT A FAITHFUL REPRODUCTION OF THE ELECTION RETURN, ALL MEMBERS THEREOF SHALL ANNOTATE AND SIGN A CERTIFICATION TO THAT EFFECT ON THE BOTTOM FRONT OF THE PRINT. "

b. the fifth and ninth paragraphs were deleted;

c. a new paragraph was inserted between the eleventh and twelfth paragraphs to read as follows:

"THE CITIZEN'S ARM IS MANDATED TO PRESENT FOR PERUSAL ITS COPY OF THE ELECTION RETURN TO THE BOARD OF ELECTION CANVASSERS UPON THE REQUEST OF ANY INTERESTED CANDIDATE.";

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36. Section 37 of the Senate was adopted as Section 37 of the reconciled version with the deletion of the thirty-second paragraph following modification:

- a. The following paragraph was modified to read as follows:

“THE COPY OF THE ELECTION RETURN POSTED ON THE WALL SHALL BE OPENED TO PUBLIC VIEWING AT ANY TIME OF THE DAY FOR FORTY-EIGHT (48) HOURS FOLLOWING ITS POSTING. ANY PERSON MAY VIEW OR CAPTURE AN IMAGE OF THE ELECTION RETURN BY MEANS OF ANY DATA CAPTURING DEVICE SUCH AS, BUT NOT LIMITED TO, CAMERAS AT ANY TIME OF THE DAY FOR FORTY-EIGHT (48) HOURS FOLLOWING ITS POSTING. AFTER THE PRESCRIBED PERIOD FOR POSTING, THE CHAIRMAN OF THE BOARD OF ELECTION INSPECTORS SHALL COLLECT THE POSTED ELECTION RETURNS AND KEEP THE SAME IN HIS CUSTODY TO BE PRODUCED FOR IMAGE OR DATA CAPTURING AS MAY BE REQUESTED BY ANY VOTER OR FOR ANY LAWFUL PURPOSE AS MAY BE ORDERED BY COMPETENT AUTHORITY.”

- b. The deletion of the paragraph which states:

“THE DIGITAL FILE OF THE ELECTION RETURN SHALL BE TRANSMITTED TO THE RECIPIENTS OF THE CERTIFIED PHOTOGRAPH COPIES OF THE ELECTION RETURN AND OTHER PERSONS OR GROUPS AS THE COMELEC MAY DETERMINE.”

37. Section 38 of the Senate version was adopted as Section 38 of the reconciled version;

38. Section 39 of the Senate version was adopted as Section 39 of the reconciled version;

39. Section 40 of the Senate version was adopted as Section 40 of the reconciled version;

40. Section 41 of the Senate version was adopted as Section 41 of the reconciled version, with the modification that the word “print” was substituted in lieu of “photograph”; and phrase “certificates of canvass” was added after the words “election returns” in the first paragraph;

41. Section 42 of the Senate version was adopted as Section 42 of the reconciled version;

42. Section 43 of the Senate version was adopted as Section 43 of the reconciled version with the following modifications:

- a. on the eighth paragraph, the sentences “Without delay, he shall take photographs of the certificate of canvass and supporting statement of votes using a digital camera with a minimum resolution capability of five (5) megapixels and thereafter connect said camera to a digital photo printer set-up beside the certificate of canvass on the wall. He shall then print thirty (30) photograph copies of the certificate and supporting statement of votes.” was deleted and in lieu thereof the sentence “WITHOUT DELAY AND WHEN FEASIBLE, HE SHALL CAPTURE IMAGES OF THE CERTIFICATE OF CANVASS AND SUPPORTING STATEMENT OF VOTES USING A SECURED DATA CAPTURING DEVICE AND THEREAFTER, WHILE IN THE PREMISES OF THE CANVASSING CENTER, IMMEDIATELY PRINT THE DATA SO CAPTURED IN THIRTY (30) COPIES.”;

- b. the ninth paragraph was deleted;

- c. the tenth paragraph was modified to read as follows:

“THE CHAIRMAN OF THE BOARD SHALL TRANSMIT THE DIGITAL FILES OF THE CERTIFICATE OF CANVASS AND ITS SUPPORTING STATEMENT OF VOTES USING A SECURED TRANSMISSION DEVICE WITH AUTHENTICATION FEATURES TO THE SECURED TABULATION SYSTEM OF THE COMMISSION AND TO THE SYSTEMS OF THE OTHER DESIGNATED RECIPIENTS AS HEREIN PROVIDED.”;

- d. an eleventh paragraph was added to read as follows:

“ANY PROVISION OF LAW TO THE CONTRARY NOTWITHSTANDING, ANY OF THE RECIPIENTS OF THE PRINT OR DIGITAL COPIES OF THE CERTIFICATE OF CANVASS AND THE SUPPORTING STATEMENTS OF VOTES MAY CONDUCT AN UNOFFICIAL CONSOLIDATION OF VOTES AND MAY ANNOUNCE THE RESULT THEREOF TO THE PUBLIC”;

- e. In the same section, in letters (d), (e) and (f) of the enumeration of election offenses, the word “canvassers” was substituted for “election inspectors”;

43. Section 44 of the Senate version was adopted as Section 44 of the reconciled version with the deletion of the twenty-third and twenty-fourth paragraphs;

44. Section 45 of the Senate version was adopted as Section 45 of the Senate version;

45. Section 46 of the Senate version was adopted as Section 46 of the reconciled version;

46. Section 47 of the Senate version was adopted as Section 47 of the reconciled version;

47. Section 48 of the Senate version was deleted.

48. Sections 32 and 49 of the Senate version were merged and was adopted as Section 48 of the reconciled version to read as follows:

“SEC. 48. Appropriations. — To carry out the provisions of this Act, the amount necessary for the automated system shall be charged against the Two billion six hundred million pesos modernization fund in the current year’s appropriations of the Commission. Further, the amount necessary to carry out the manual system, at a maximum of three billion pesos (P3,000,000.00), shall be charged against the current year’s appropriation of the Commission.

Thereafter, such sums as may be necessary for the continuous implementation of this Act shall be included in the annual General Appropriations Act.

“If the said funds shall not be fully utilized, the same shall continue to be appropriated for the electoral modernization as set forth in this Act and shall not revert to the General Fund.”;

49. The Separability and Effectivity Clauses of the Senate and House versions are identical and were adopted as Sections 49 and 51 of the reconciled version, respectively;

50. Section 51 of the Senate version was adopted as Section 50 of the reconciled version;

51. The following omnibus amendments were made in the entire reconciled version;

- a. the word “COMELEC” to become “COMMISSION”;
- b. the phrase “passage of this Act” to become “EFFECTIVITY OF THIS ACT”;
- c. the phrase “photograph copy” or “photograph copies” to become “PRINTED COPY” or “PRINTED COPIES”;

d. the word “print” or “printed” to become “PRODUCE” or “PRODUCED”; and

e. the phrase “data capture device” to become “DATA CAPTURING DEVICE”.

52. The title of the Senate and House versions are identical and were amended to read as follows:

“AN ACT AMENDING REPUBLIC ACT NO. 8436, ENTITLED “AN ACT AUTHORIZING THE COMMISSION ON ELECTIONS TO USE AN AUTOMATED ELECTION SYSTEM IN THE MAY 11, 1998 NATIONAL OR LOCAL ELECTIONS AND IN SUBSEQUENT NATIONAL AND LOCAL ELECTORAL EXERCISES, TO ENCOURAGE TRANSPARENCY, CREDIBILITY, FAIRNESS AND ACCURACY OF ELECTIONS, AMENDING FOR THE PURPOSE BATAS PAMBANSA BLG. 881, AS AMENDED, R.A. NO. 7166 AND OTHER RELATED ELECTION LAWS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES”

In case of a conflict between the statements/amendments stated in this Explanation and that of the provisions of the consolidated bill in the accompanying Conference Committee Report, the provisions of the latter shall prevail.

APPROVAL OF THE CONFERENCE COMMITTEE REPORT

Upon motion of Senator Gordon, there being no objection, the Conference Committee Report on the disagreeing provisions of Senate Bill No. 2231 and House Bill No. 5352 was approved by the Body.

SUSPENSION OF SESSION

Upon motion of Senator Gordon, the session was suspended.

It was 11:30 a.m.

RESUMPTION OF SESSION

At 11:31 a.m., the session was resumed. *HP*

REQUEST OF SENATOR GORDON


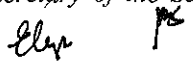

Senator Gordon requested that the Joint Explanation of the Conference Committee Report be inserted into the record.

ADJOURNMENT OF SESSION

Upon motion of Senator Gordon, there being no objection, Senate President Pro Tempore Flavier declared the session adjourned until three o'clock in the afternoon of Monday, December 11, 2006.

It was 11:31 a.m.

I hereby certify to the correctness of the foregoing.


OSCAR G. YABES
Secretary of the Senate
 

Approved on December 11, 2006