



REPUBLIC OF THE PHILIPPINES

S e n a t e

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Journal

SESSION NO. 40

Wednesday, December 5, 2007

**FOURTEENTH CONGRESS
FIRST REGULAR SESSION**

SESSION NO. 40
Wednesday, December 5, 2007

CALL TO ORDER

At 3:30 p.m., the Senate President, Hon. Manny Villar, called the session to order.

PRAYER

Sen. Aquilino Q. Pimentel Jr. led the prayer, to wit:

O Lord, Your Senate is about to finish the national budget for the running of the affairs of government.

Please guide Your senators to remember that even as we are addressing the concerns of the rich and the powerful, we should never forget the needs of the poor.

This we ask in Jesus' Name,
Amen.

ROLL CALL

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

Aquino III, B. S. C	Lacson, P. M.
Arroyo, J. P.	Lapid, M. L. M.
Biazon, R. G.	Madrigal, M. A.
Cayetano, C. P. S.	Pangilinan, F. N.
Ejercito Estrada, J.	Pimentel Jr., A. Q.
Enrile, J. P.	Revilla Jr., R. B.
Gordon, R. J.	Villar, M.
Honasan, G. B.	

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

Senators Escudero, Legarda and Roxas arrived after the roll call.

Senator Angara, Defensor Santiago and Zubiri were on official mission abroad.

Senator Cayetano (A) was absent.

Senator Trillanes was unable to attend the session.

DEFERMENT OF THE APPROVAL OF THE JOURNAL

Upon motion of Senator Pangilinan, there being no objection, the Body deferred the approval of the Journal of Session No. 39 (November 26 to 29, 2007 to December 3 and 4, 2007).

REFERENCE OF BUSINESS

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

BILLS ON FIRST READING

Senate Bill No. 1925, entitled

AN ACT DEFINING OFFENSES UNDER THE NATIONAL HEALTH INSURANCE PROGRAM (NHIP) AND PROVIDING PENALTIES THEREFOR, AMENDING FOR THIS PURPOSE REPUBLIC ACT 7875, OTHERWISE KNOWN AS THE NATIONAL HEALTH INSURANCE ACT OF 1995, AS AMENDED, AND FOR OTHER PURPOSES

Introduced by Senator Gordon

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

AG

PO

Senate Bill No. 1926, entitled

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

Introduced by Senator Manny Villar

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

Senate Bill No. 1927, entitled

AN ACT TO PREVENT WANTON AND INDISCRIMINATE ROAD DIGGINGS AND ROAD REPAIRS BY REQUIRING THE PUTTING UP OF CONSPICUOUS SIGNAGE OR LARGE BILLBOARDS ON THE SITES OF SUCH ROAD WORKS, ANNOUNCING THE COMMENCEMENT AND COMPLETION DATES THEREOF, IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES

Introduced by Senator Manny Villar

To the Committee on Public Works

Senate Bill No. 1928, entitled

AN ACT INSTITUTIONALIZING CORPORATE SOCIAL RESPONSIBILITY, PROVIDING INCENTIVES THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Manny Villar

To the Committees on Trade and Commerce; and Ways and Means

Senate Bill No. 1929, entitled

AN ACT GRANTING THE VICTIM OF DOMESTIC VIOLENCE THE RIGHT TO CHOOSE THE PERSON TO BE PRESENT DURING ANY INVESTIGATION OR MEETING IN RELATION

TION THERETO, AMENDING FOR THE PURPOSE PERTINENT PROVISIONS OF REPUBLIC ACT NO. 9262, OTHERWISE KNOWN AS THE "ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT OF 2004" AND FOR OTHER PURPOSES

Introduced by Senator Manny Villar

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

Senate Bill No. 1930, entitled

AN ACT PROHIBITING THE PUBLICATION OF LEWD PHOTOGRAPHS AND SEX STORIES AND ARTICLES IN TABLOID AND BROADSHEET NEWSPAPERS, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Manny Villar

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

Senate Bill No. 1931, entitled

AN ACT REFORMING THE ADMINISTRATIVE TITLING PROCESS BY AMENDING CERTAIN PROVISIONS OF COMMONWEALTH ACT NO. 141 OTHERWISE KNOWN AS "THE PUBLIC LAND ACT," AS AMENDED

Introduced by Senator Gregorio B. Honasan II

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

Senate Bill No. 1932, entitled

AN ACT CREATING THE CIVIL AVIATION AUTHORITY OF THE PHILIPPINES, AUTHORIZING THE APPROPRIATION OF FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Angara *AK*

MB

**To the Committees on Public Services;
Ways and Means; and Finance**

Senate Bill No. 1933, entitled

AN ACT PROVIDING FOR THE
MODERNIZATION OF THE HEALTH
CARE DELIVERY SYSTEM, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Manny Villar

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

Senate Bill No. 1934, entitled

AN ACT PROMOTING THE REVIVAL
OF THE KOMIKS INDUSTRY,
PROVIDING TAX INCENTIVES
THEREFOR, AND FOR OTHER
PURPOSES

Introduced by Senator Manny Villar

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

Senate Bill No. 1935, entitled

AN ACT DEVELOPING GLOBALLY
COMPETITIVE SCIENCE AND
MATHEMATICS TEACHERS

Introduced by Senator Manny Villar

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

Senate Bill No. 1936, entitled

AN ACT PROVIDING FOR A TOTAL
BAN ON ANTI-PERSONNEL LAND-
MINES, FOR OTHER PROHIBITIONS
OR RESTRICTIONS ON THE USE
OF LANDMINES, BOOBY-TRAPS
AND OTHER DEVICES, FOR
CREATION OF A PHILIPPINE
COORDINATING COMMITTEE ON
LANDMINES AND FOR RELATED
PURPOSES

Introduced by Senator Manny Villar

**To the Committees on National Defense
and Security; and Finance**

RESOLUTIONS

Proposed Senate Resolution No. 227, entitled

RESOLUTION URGING THE SENATE
COMMITTEES ON PUBLIC ORDER
AND ILLEGAL DRUGS; NATIONAL
DEFENSE AND SECURITY; ECONOMIC
AFFAIRS AND OTHER APPROPRIATE
COMMITTEE/S TO CONDUCT AN
IMMEDIATE INQUIRY AND
ASSESSMENT, IN AID OF
LEGISLATION, ON THE NOVEMBER
29, 2007 TAKEOVER OF THE
PENINSULA MANILA HOTEL,
TAKING INTO CONSIDERATION
THE MASS ARREST OF
CITIZENS INCLUDING MEDIA
MEN, THE CURFEW DECLARED,
THE PERCEIVED INEFFECTIVENESS
OF GOVERNMENT INTELLIGENCE
GATHERING AND THE ECONOMICS
OF THE ISSUE AND ITS
IMPLICATION ON HUMAN RIGHTS
WITH THE END-IN-VIEW OF
FORMULATING REMEDIAL
MEASURES AND TO PROVIDE
THE CITIZENS THE SO-CALLED
"TEACHING FUNCTION" OF THE
OCCURRENCE

Introduced by Senator Manny Villar

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

Proposed Senate Resolution No. 228, entitled

RESOLUTION EXPRESSING THE
SENSE OF THE SENATE THAT IT
IS AN UNPARLIAMENTARY ACT
FOR A SENATOR TO LEAD AN
ATTEMPTED COUP D'ETAT
AGAINST THE GOVERNMENT,
AND CALLING FOR HIS PROPER
PUNISHMENT

Introduced by Senator Miriam Defensor
Santiago

To the Committee on Ethics and Privileges *AS*

PS

Proposed Senate Resolution No. 229, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE CIRCUMSTANCES LEADING TO THE ARREST AND "PROCESSING" OF JOURNALISTS AND MEDIA PERSONALITIES AFTER THE MANILA PENINSULA STANDOFF ON 29 NOVEMBER 2007

Introduced by Senators MAR Roxas and Benigno S. Aquino III

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

Proposed Senate Resolution No. 230, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON PUBLIC INFORMATION AND MASS MEDIA TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ARREST OF JOURNALISTS DURING THE SIEGE OF RENEGADE SOLDIERS AT THE MANILA PENINSULA HOTEL, WITH THE END IN VIEW OF RECOMMENDING REMEDIAL MEASURES TO PROTECT THE RIGHTS OF MEDIA PRACTITIONERS IN THE PERFORMANCE OF THEIR PROFESSION

Introduced by Senator Loren Legarda

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

Proposed Senate Resolution No. 231, entitled

RESOLUTION CONDEMNING THE WARRANTLESS ARRESTS OF MEMBERS OF THE MEDIA CARRIED OUT BY THE GOVERNMENT DURING THE MANILA PENINSULA STAND OFF LAST 29 NOVEMBER 2007

Introduced by Senator Pangilinan

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

Proposed Senate Resolution No. 232, entitled

RESOLUTION CONGRATULATING AND COMMENDING FILIPINO BOXERS NONITO DONAIRE JR., REY "BOOM BOOM" BAUTISTA AND AJ BANAL FOR BEATING THEIR FOES IN SEPARATE BOUTS, DEFENDING THEIR PROFESSIONAL BOXING STATURE AS INTERNATIONAL BOXING CHAMPIONS

Introduced by Senator Manuel "Lito" M. Lapid

To the Committee on Rules

Proposed Senate Resolution No. 233, entitled

RESOLUTION EXPRESSING THE SENSE OF THE SENATE THAT THE CURFEW IMPOSED FROM 12 MIDNIGHT UNTIL 5 IN THE MORNING OF NOVEMBER 30, 2007 IS WITHOUT LEGAL AND CONSTITUTIONAL BASIS AND THAT THE APPROPRIATE COMMITTEE IS BEING DIRECTED TO CONDUCT AN INVESTIGATION IN AID OF LEGISLATION TO PROVIDE REMEDIAL LEGISLATION TO PREVENT THE REPEAT OF THIS VIOLATION OF THE CONSTITUTION

Introduced by Senators Pangilinan, Manny Villar, Jinggoy Ejercito Estrada, Pimentel Jr., Benigno S. Aquino III, Biazon, Alan Peter "Compañero" S. Cayetano, Francis "Chiz" G. Escudero, Gordon, Gregorio B. Honasan II, Lacson and Loren Legarda

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

MANIFESTATION OF SENATOR PANGILINAN

Senator Pangilinan manifested that Proposed Senate Resolution No. 233 was also introduced by Senators Roxas and Madrigal.

COMMUNICATIONS

Letter from Executive Secretary Eduardo R. Ermita of the Office of the President of the Philippines, dated 27 November 2007, transmitting to the

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Senate the letters 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 the following:

House Bill No. 2976, entitled

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

and House Bill No. 3156, entitled

AN ACT CREATING THE CIVIL AVIATION AUTHORITY OF THE PHILIPPINES, AUTHORIZING THE APPROPRIATION OF FUNDS THEREFOR, AND FOR OTHER PURPOSES,

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

To the Committee Rules

ADDITIONAL REFERENCE OF BUSINESS

BILLS ON FIRST READING

Senate Bill No. 1937, entitled

AN ACT CREATING THE OFFICE OF TANODBATA AND PROVIDING FUNDS THEREFOR

Introduced by Senator Manny Villar

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

Senate Bill No. 1938, entitled

AN ACT ACCORDING OFFICIAL STATUS AND LEGAL RECOGNITION TO TRIBAL PEACE PACT HOLDERS IN THE PROVINCE OF KALINGA

AND OTHER AREAS WITH SIMILAR PRACTICE AS PERSONS IN AUTHORITY IN THEIR OWN TRIBAL JURISDICTIONS, AMENDING FOR THE PURPOSE ARTICLE 152 OF ACT NO. 3815 AND FOR OTHER PURPOSES

Introduced by Senator Manny Villar

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

Senate Bill No. 1939, entitled

AN ACT CREATING THE PHILIPPINE ENVIRONMENTAL PROTECTION AUTHORITY, DEFINING ITS POWERS AND FUNCTIONS AND FOR OTHER PURPOSES

Introduced by Senator Manny Villar

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

Senate Bill No. 1940, entitled

AN ACT AMENDING REPUBLIC ACT NO. 8479, OTHERWISE KNOWN AS THE DOWNSTREAM OIL INDUSTRY DEREGULATION ACT OF 1998

Introduced by Senator Miriam Defensor Santiago

To the Committees on Energy; and Finance

RESOLUTION

Proposed Senate Resolution No. 234, entitled

RESOLUTION COMMENDING THE 2007 GAWAD GENY LOPEZ, JR. *BAYANING PILIPINO* AWARDEES, A STERLING INSIGNIA OF COMMITTED OUTSTANDING SELFLESS FILIPINOS IN THE SERVICE OF THEIR *KABABAYANS*"

Introduced by Senator Manny Villar

To the Committee on Rules

AS *mb*

MANIFESTATION OF SENATOR BIAZON

Senator Biazon called on the Body to review the security measures being undertaken by the Senate Sergeant-at-Arms in the wake of the tragic bombing at the House of Representatives.

Senator Biazon said that the adoption of stricter security measures in the Senate, particularly in the two approaches to the Senate premises, had delayed him many times in coming to the Senate, stretching to as long as 30 minutes. He noted that while Rule VI, Section 8, paragraph (c) of the *Rules of the Senate* limits the duties and responsibilities of the Sergeant-at-Arms only to areas within the Senate building, the new security measures had become much broader in scope, and has even included the deployment of K-9 units within the building by members of the Philippine National Police. He asked for a clear delineation between the responsibilities of the Sergeant-at-Arms and the PNP security who are detailed outside the building because the security measures currently in place have affected the work of the Members.

Senator Biazon noted that the Sergeant-at-Arms in the Bigger House is not only responsible for what happens within its offices but even for those that occur in the immediate vicinity of the building. He suggested that a review be made on the duties and powers of the Sergeant-at-Arms, specifically those mandated by the *Rules of the Senate*, underscoring the need for having a clear delineation of responsibility between the Office of the Sergeant-at-Arms and any agency providing security for the Senate, particularly as to the areas being handled by each one.

Senator Biazon also stressed the importance of having security cameras monitoring the area. He noted that the material from the security cameras at the Bigger House could have helped in the bombing incident investigation were it not for the fact that the video coverage of the cameras lasted for only eight hours.

REPLY OF THE SENATE PRESIDENT

The Senate President assured Senator Biazon that the security of the Senate is being reviewed but in the meantime, interim measures, including the setting up of a checkpoint, are being implemented. He added that the Sergeant-at-Arms has already made recommendations on how to address delays that have resulted from these stricter security

measures. He conceded that while such inspections cannot be lifted, some physical changes would be made to solve the problem. He also acknowledged the other issues that have also arisen as a result of tightened security in the Senate, but he requested that these should not be discussed in public.

The Senate President stated that the matter shall be referred to the Committee on Rules, as he disclosed that he has already compared notes with the House Speaker on how to bolster the security of both institutions and the possibility of using a system similar to what is being implemented at the Capitol Hills, where it has its own police force. He added that he would apprise Senators Honasan and Trillanes who might be interested in helping improve the security of the Senate.

As a former soldier, Senator Biazon stated that the value of command responsibility should be taken into consideration, especially in pinpointing responsibilities between the Senate Sergeant-at-Arms and the commander of the Philippine National Police to avoid confusion.

REFERRAL OF SENATOR BIAZON'S MANIFESTATION

Upon motion of Senator Pangilinan, there being no objection, the Chair referred Senator Biazon's manifestation primarily to the Office of the Senate President, and secondarily to the Committee on Rules.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 3:52 p.m.


RESUMPTION OF SESSION

At 3:53 p.m., the session was resumed.

At this juncture, Senator Pangilinan announced that the Body would be passing two bills on Third Reading.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 3:53 p.m. 



RESUMPTION OF SESSION

At 3:53 p.m., the session was resumed.

APPROVAL OF SENATE BILL NO. 1882 ON THIRD READING

Upon motion of Senator Pangilinan, there being no objection, the Body considered, on Third Reading, Senate Bill No. 1882, printed copies of which were distributed to the senators on November 22, 2007.

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

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

Secretary Reyes called the roll for nominal voting.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor

Aquino	Lacson
Arroyo	Lapid
Biazon	Madrigal
Cayetano (A)	Pangilinan
Ejercito Estrada	Pimentel
Escudero	Revilla
Enrile	Villar
Honasan	

Against

None

Abstention

None

With 15 senators voting in favor, none against, and no abstention, the Chair declared Senate Bill No. 1882 approved on Third Reading.

APPROVAL OF SENATE BILL NO. 1532 ON THIRD READING

Upon motion of Senator Pangilinan, there being no objection, the Body considered, on Third Reading,

Senate Bill No. 1532, printed copies of which were distributed to the senators on November 22, 2007.

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

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

Secretary Reyes called the roll for nominal voting.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor

Aquino	Lacson
Arroyo	Lapid
Biazon	Madrigal
Cayetano (A)	Pangilinan
Ejercito Estrada	Pimentel
Escudero	Revilla
Honasan	Villar

Against

None

Abstention

Enrile

With 14 senators voting in favor, none against, and one abstaining, the Chair declared Senate Bill No. 1532 approved on Third Reading.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 3:56 p.m.

RESUMPTION OF SESSION

At 3:58 p.m., the session was resumed. *AK*
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**ANNOUNCEMENT
OF SENATOR PANGILINAN**

Senator Pangilinan announced that the session would be suspended momentarily to enable the Members to meet in a caucus to discuss some administrative matters.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 3:59 p.m.

RESUMPTION OF SESSION

At 5:13 p.m., the session was resumed.

CHANGE OF REFERRAL

Upon motion of Senator Pangilinan, there being no objection, the Body approved the change of referral of Senate Bill No. 1886 primarily to the Committee on Justice and Human Rights; and secondarily to the Committees on Youth, Women and Family Relations, and Finance. He noted that originally, said bill was referred primarily to the Committee on Youth, Women and Family Relations; and secondarily to the Committees on Justice and Human Rights, and Finance.

**REFERRAL OF SPEECH
TO COMMITTEE**

Upon motion of Senator Pangilinan, there being no objection, the Body referred the privilege speech of Senator Gordon delivered on December 3, 2007, to the Committee on Justice and Human Rights and to the Committee on Public Order and Illegal Drugs.

NEXT SESSION'S AGENDA

Senator Pangilinan announced that in the next session on Monday, December 10, 2007, the Body would take up the following matters in relation to House Bill No. 2454 (GAB): *turno en contra*; Period of Amendments; Approval on Second Reading; Approval on Third Reading; and constitution of the Senate panel to the Bicameral Conference Committee.

**MANIFESTATION
OF SENATOR PANGILINAN**



Senator Pangilinan conveyed Senator Enrile's request to the senators to submit their proposed amendments to the GAB until midnight tonight so that they could be incorporated and reconciled.

ADJOURNMENT OF SESSION

Upon motion of Senator Pangilinan, there being no objection, the Senate President Pro Tempore declared the session adjourned until three o'clock in the afternoon of Monday, December 10, 2007.

It was 5:16 p.m.

I hereby certify to the correctness of the foregoing.


EMMA LIRIO REYES
Secretary of the Senate 

Approved on December 10, 2007