



REPUBLIC OF THE PHILIPPINES

S e n a t e

Pasay City

Journal

SESSION NO. 47

Monday, January 28, 2008

**FOURTEENTH CONGRESS
FIRST REGULAR SESSION**

SESSION NO. 47
Monday, January 28, 2008

CALL TO ORDER

At 3:55 p.m., the Senate President, Hon. Manny Villar, called the session to order.

PRAYER

The Body observed a minute of silent prayer.

NATIONAL ANTHEM

The Kilyawan Boys Choir of Quezon City led the singing of the national anthem and thereafter rendered the song entitled, "*Ako ay Pilipino.*"

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

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

Senators Angara and Defensor Santiago were on official mission abroad.

Senator Trillanes was unable to attend the session.

**ACKNOWLEDGMENT
OF THE PRESENCE OF GUESTS**

At this juncture, Senator Pangilinan acknowledged the presence in the gallery of delegations composed of AB Sociology students from Mount Carmel College headed by Mr. Rolly B. Franquia and Mrs. Elsa D. Nortega, and BS Human Ecology students from the University of the Philippines-Los Baños headed by Dr. Emily Visco.

The Senate President welcomed the guests to the Senate.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended to allow the Members to greet Senator Legarda on the occasion of her birthday.

It was 4:01 p.m.

RESUMPTION OF SESSION

At 4:02 p.m., the session was resumed.

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 (December 19, 2007) and considered it approved.

REFERENCE OF BUSINESS

The Secretary of the Senate 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

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18 December 2007, the House of Representatives designated Representatives Lagbas, Alvarez, Lagman, Sy-Alvarado, Cua, Emano, Olaño, Salimbangon, Cari, Rodriguez and Casiño as its conferees to the Bicameral Conference Committee on the disagreeing provisions of House Bill No. 1754 and Senate Bill No. 1646, both entitled

AN ACT TO PROMOTE ENTREPRENEURSHIP BY STRENGTHENING DEVELOPMENT AND ASSISTANCE PROGRAMS TO MICRO, SMALL AND MEDIUM SCALE ENTERPRISES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 6977, AS AMENDED, OTHERWISE KNOWN AS THE "MAGNA CARTA FOR SMALL ENTERPRISES" AND FOR OTHER PURPOSES.

To the Committee on Rules

Letter from the Secretary General of the House of Representatives, informing the Senate that on 18 December 2007, the House of Representatives designated Representatives Villar, Remulla (J.C.), Zialcita, Teodoro, Angara, Zamora and Escudero III as its conferees to the Bicameral Conference Committee, should the Senate approve its counterpart version of House Bill No. 2845, entitled

AN ACT TO STRENGTHEN THE UNIVERSITY OF THE PHILIPPINES AS THE NATIONAL STATE UNIVERSITY.

To the Committee on Rules

Letters from the Secretary General of the House of Representatives, informing the Senate that on 18 December 2007, the House of Representatives passed the following House bills in which it requested the concurrence of the Senate:

House Bill No. 375, entitled

AN ACT TO SPUR THE PLANTING OF A BILLION TREES AND FOR OTHER PURPOSES

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

House Bill No. 1754, entitled

AN ACT TO PROMOTE ENTREPRENEURSHIP BY STRENGTHENING DEVELOPMENT AND ASSISTANCE PROGRAMS TO MICRO, SMALL AND MEDIUM SCALE ENTERPRISES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 6977, AS AMENDED, OTHERWISE KNOWN AS THE "MAGNA CARTA FOR SMALL ENTERPRISES" AND FOR OTHER PURPOSES

To the Committee on Rules

House Bill No. 2844, entitled

AN ACT PROVIDING FOR CHEAPER MEDICINES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8293 OR THE INTELLECTUAL PROPERTY CODE, REPUBLIC ACT NO. 6675 OR THE GENERICS ACT AND REPUBLIC ACT NO. 5921 OR THE PHARMACY LAW, AND FOR OTHER PURPOSES

To the Committee on Rules

House Bill No. 3195, entitled

AN ACT PROVIDING FOR THE DIRECT REMITTANCE TO THE HOST LOCAL GOVERNMENT UNIT OF ITS FORTY PERCENT (40%) SHARE OF THE GROSS COLLECTION DERIVED BY THE NATIONAL GOVERNMENT FROM NATIONAL WEALTH TAXES, AMENDING FOR THE PURPOSE SECTION 293 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

To the Committees on Local Government; and Ways and Means

House Bill No. 3206, entitled

AN ACT AMENDING SECTION 1 OF REPUBLIC ACT NO. 6769, ENTITLED AN ACT CREATING THE MUNICIPALITY OF SAN JOSE IN THE

PROVINCE OF [SURIGAO DEL NORTE] DINAGAT ISLANDS

To the Committee on Local Government

House Bill No. 3223, entitled

AN ACT CREATING A BARANGAY TO BE KNOWN AS BARANGAY MANGMANGA IN THE MUNICIPALITY OF SAN EMILIO, PROVINCE OF ILOCOS SUR

To the Committees on Local Government; and Finance

House Bill No. 3224, entitled

AN ACT PROVIDING FOR THE REAPPORTIONMENT OF THE LONE LEGISLATIVE DISTRICT OF THE PROVINCE OF AGUSAN DEL SUR

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

House Bill No. 3242, entitled

AN ACT PROVIDING FOR STRICT REGULATION AND STIFFER PENALTIES FOR THE ILLEGAL/UNLAWFUL IMPORTATION, MANUFACTURE, ACQUISITION, SALE, DISPOSITION OR POSSESSION OF EXPLOSIVES AND CHEMICALS OR ACCESSORIES USED IN THE MANUFACTURE OF EXPLOSIVES, REPEALING EXECUTIVE ORDER NO. 522 AND AMENDING CERTAIN PROVISIONS OF PRESIDENTIAL DECREE NO. 1866, AS AMENDED, AND FOR OTHER PURPOSES

To the Committee on Public Order and Illegal Drugs

and House Bill No. 3292, entitled

AN ACT INCREASING THE PENALTIES FOR ELECTION OFFENSES ATTENDED BY VIOLENCE, COERCION, INTIMIDATION, FORCE OR

THREATS AND FOR OTHER ELECTION OFFENSES

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

Letter from the Secretary General of the House of Representatives, informing the Senate that on 19 December 2007, the House of Representatives agreed to a conference and designated Representatives Alvarez, Cua, Duavit, Locsin Jr., Biron, MD, Lagman, Garin, Pichay and Defensor Sr., on the part of the Majority, and Representatives Zamora and Hontiveros-Baraquel, on the part of the Minority, as its conferees to the Bicameral Conference Committee on the disagreeing provisions of House Bill No. 2844, entitled

AN ACT PROVIDING FOR CHEAPER MEDICINES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8293 OR THE INTELLECTUAL PROPERTY CODE, REPUBLIC ACT NO. 6675 OR THE GENERICS ACT AND REPUBLIC ACT NO. 5921 OR THE PHARMACY LAW, AND FOR OTHER PURPOSES,

and Senate Bill No. 1658, entitled

AN ACT TO PROVIDE FOR QUALITY AFFORDABLE MEDICINES

To the Committee on Rules

Letter from the Secretary General of the House of Representatives, informing the Senate that on 19 December 2007, the House of Representatives passed House Bill No. 3274, entitled

AN ACT AMENDING REPUBLIC ACT NO. 9280, OTHERWISE KNOWN AS THE "CUSTOMS BROKERS ACT OF 2004," AND FOR OTHER PURPOSES,

in which it requested the concurrence of the Senate.

To the Committees on Civil Service and Government Reorganization; and Trade and Commerce

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BILLS ON FIRST READING

Senate Bill No. 1990, entitled

AN ACT STRENGTHENING THE COMPREHENSIVE AGRARIAN REFORM PROGRAM (CARP), AMENDING FOR THE PURPOSE SECTIONS 7 AND 37 AND FURTHER AMENDING SECTION 63, AND REPEALING SECTIONS 29, 30, 31, 32, 33 AND 34 OF REPUBLIC ACT NO. 6657, OTHERWISE KNOWN AS "THE COMPREHENSIVE AGRARIAN REFORM LAW OF 1988," AS AMENDED, AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Gregorio B. Honasan II

To the Committees on Agrarian Reform; Justice and Human Rights; and Finance

Senate Bill No. 1991, entitled

AN ACT AUTHORIZING GOVERNMENT HOSPITALS UNDER THE DEPARTMENT OF HEALTH (DOH) TO RETAIN AND UTILIZE ALL THEIR INCOME AND INTEREST DERIVED FROM DEPOSITS, FOR MAINTENANCE AND OTHER OPERATING EXPENSES, CAPITAL OUTLAYS AND FOR OTHER PURPOSES

Introduced by Senator Antonio "Sonny" F. Trillanes IV

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

Senate Bill No. 1992, entitled

AN ACT PROVIDING THAT ALL CITIZENS OF THE PHILIPPINES SHALL AUTOMATICALLY BE ENROLLED IN THE NATIONAL HEALTH INSURANCE PROGRAM AMENDING FOR THE PURPOSE THE NATIONAL HEALTH INSURANCE ACT OF 1995

Introduced by Senator Antonio "Sonny" F. Trillanes IV

To the Committees on Health and Demography; and Finance

Senate Bill No. 1993, entitled

AN ACT ESTABLISHING THE LOCAL MANAGEMENT INFORMATION SYSTEM

Introduced by Senator Antonio "Sonny" F. Trillanes IV

To the Committees on Local Government; and Finance

Senate Bill No. 1994, entitled

AN ACT TO PROTECT, CONSERVE, PROMOTE AND POPULARIZE THE NATION'S HISTORICAL AND CULTURAL HERITAGE AND RESOURCES, AS WELL AS ARTISTIC CREATIONS BY EXACTING A PERFORMANCE FEE FROM FOREIGN PERFORMERS AND ALLOCATING THE PROCEEDS THEREOF TO THE NATIONAL COMMISSION ON CULTURE AND ARTS, AND FOR OTHER PURPOSES

Introduced by Senator Antonio "Sonny" F. Trillanes IV

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

Senate Bill No. 1995, entitled

AN ACT INCREASING THE PENALTY IMPOSED AGAINST POLLUTERS OF NAVIGABLE WATERS BY AMENDING SECTION 7 OF PRESIDENTIAL DECREE NO. 979 PROVIDING FOR THE REVISION OF PRESIDENTIAL DECREE NO. 600 GOVERNING MARINE POLLUTION

Introduced by Senator Antonio "Sonny" F. Trillanes IV

To the Committee on Environment and Natural Resources



Senate Bill No. 1996, entitled

AN ACT IMPOSING STIFFER PENALTIES ON PHARMACIES AND DRUG STORES WHICH REFUSE TO HONOR SENIOR CITIZEN CARD ISSUED BY THE GOVERNMENT

Introduced by Senator Antonio "Sonny" F. Trillanes IV

To the Committees on Social Justice, Welfare and Rural Development; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 1997, entitled

AN ACT REGULATING THE INSTALLATION AND MAINTENANCE OF CHECKPOINTS

Introduced by Senator Antonio "Sonny" F. Trillanes IV

To the Committees on Public Order and Illegal Drugs; and National Defense and Security

Senate Bill No. 1998, entitled

AN ACT PROVIDING FOR THE DEMOCRATIZATION OF PUBLIC SCHOOL EDUCATION

Introduced by Senator Antonio "Sonny" F. Trillanes IV

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

Senate Bill No. 1999, entitled

AN ACT AMENDING REPUBLIC ACT NO. 6981 OTHERWISE KNOWN AS THE "WITNESS PROTECTION, SECURITY AND BENEFIT ACT" AND FOR OTHER PURPOSES

Introduced by Senator Antonio "Sonny" F. Trillanes IV

To the Committee on Justice and Human Rights

Senate Bill No. 2000, entitled

AN ACT PROVIDING FOR THE MODERNIZATION OF FIRE PROTECTION AND FOR OTHER PURPOSES

Introduced by Senator Antonio "Sonny" F. Trillanes IV

To the Committees on Public Order and Illegal Drugs; and Finance

Senate Bill No. 2001, entitled

AN ACT PROHIBITING DISCRIMINATION AGAINST PERSONS ON ACCOUNT OF ETHNIC ORIGIN AND/OR RELIGIOUS BELIEF

Introduced by Senator Antonio "Sonny" F. Trillanes IV

To the Committees on Cultural Communities; and Social Justice, Welfare and Rural Development

Senate Bill No. 2002, entitled

AN ACT TO ACCELERATE THE DEVELOPMENT OF ALL BARANGAYS BY PROVIDING FUNDS FOR MICRO ENTERPRISES AND FOR OTHER PURPOSES

Introduced by Senator Antonio "Sonny" F. Trillanes IV

To the Committee on Rules

Senate Bill No. 2003, entitled

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

Introduced by Senator Gordon

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

RESOLUTIONS

Proposed Senate Resolution No. 261, entitled

RESOLUTION HONORING AND REMEMBERING ADRIAN E. CRISTOBAL SR. FOR HIS CONTRIBUTIONS TO PHILIPPINE JOURNALISM AND THE LITERARY ARTS

Introduced by Senator MAR Roxas

To the Committee on Rules

Proposed Senate Resolution No. 262, entitled

RESOLUTION DIRECTING THE SENATE BLUE RIBBON COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE ALLEGED OVERPRICING OF THE DECORATIVE LAMP POSTS USED IN THE ASEAN SUMMIT IN CEBU CITY AND THE CONSTRUCTION OF THE CEBU INTERNATIONAL CONVENTION CENTER (CICC), WITH THE END IN VIEW OF PROVIDING REMEDIAL LEGISLATIONS THAT WILL FURTHER STRENGTHEN THE PERTINENT PROVISIONS OF REPUBLIC ACT NO. 9184 AND REPUBLIC ACT NO. 3019

Introduced by Senator Lacson

To the Committees on Accountability of Public Officers and Investigations; and Constitutional Amendments, Revision of Codes and Laws

Proposed Senate Resolution No. 263, entitled

RESOLUTION DIRECTING THE COMMITTEES ON AGRARIAN REFORM; AND LOCAL GOVERNMENT TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE ISSUES AND PROBLEMS WHICH PRE-EMPT AND UNDERMINE THE EFFECTIVE IMPLEMENTATION OF THE COMPREHENSIVE AGRARIAN REFORM PROGRAM (CARP) UNDER REPUBLIC ACT NO. 6657,

CITING, AS AN EXAMPLE, THE CASE OF SUMILAO FARMER-BENEFICIARIES AND THE MUNICIPALITY OF SUMILAO, BUKIDNON AND ITS PEOPLE, WITH THE END IN VIEW OF PROPOSING AN AMENDATORY LAW WHICH SHALL FURTHER STRENGTHEN AND ENSURE THE COMMON GOOD, GENERAL WELFARE AND PROTECTION OF THE FARMER-BENEFICIARIES' AND OTHER CONCERNED PARTIES' INTERESTS

Introduced by Senator Gregorio B. Honasan II

To the Committees on Agrarian Reform; and Social Justice, Welfare and Rural Development

Proposed Senate Resolution No. 264, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON PROPOSALS TO CUSHION THE ADVERSE ECONOMIC IMPACTS OF SKYROCKETING OIL PRICES

Introduced by Senator Miriam Defensor Santiago

To the Committees on Trade and Commerce; and Energy

Proposed Senate Resolution No. 265, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE IRREGULARITIES IN VEHICLE REGISTRATION IN TOLEDO CITY, CEBU

Introduced by Senator Miriam Defensor Santiago

To the Committees on Public Services; and Ways and Means

Proposed Senate Resolution No. 266, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT

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AN INQUIRY, IN AID OF LEGISLATION, ON THE REGULATION OF THE MANUFACTURE, SALE, POSSESSION, USE, AND DISPOSAL OF FIRECRACKERS, FIREWORKS, AND OTHER PYROTECHNIC DEVICES USED PRIMARILY FOR AESTHETIC AND ENTERTAINMENT PURPOSES

Introduced by Senator Miriam Defensor Santiago

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

Proposed Senate Resolution No. 267, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE DISMAL SITUATION OF ARMM'S EDUCATION SECTOR

Introduced by Senator Miriam Defensor Santiago

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

Proposed Senate Resolution No. 268, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ALLEGED CONTINUED ILLEGAL DEPLOYMENT OF OVERSEAS FILIPINO WORKERS TO IRAQ, LEBANON, AFGHANISTAN, AND NIGERIA DESPITE A COMPLETE BAN IMPOSED BY THE GOVERNMENT

Introduced by Senator Miriam Defensor Santiago

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

Proposed Senate Resolution No. 269, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT

AN INQUIRY, IN AID OF LEGISLATION, ON THE ALLEGED LACK OF PROFESSIONALISM OF THE BUREAU OF FIRE PROTECTION FIREFIGHTERS IN RESPONDING TO THE FIRE THAT GUTTED A MALL IN BACLARAN

Introduced by Senator Miriam Defensor Santiago

To the Committee on Public Order and Illegal Drugs

Proposed Senate Resolution No. 270, entitled

RESOLUTION HONORING THE LIFE AND ACHIEVEMENTS OF MOHTARMA BENAZIR BHUTTO, AND CONDEMNING HER ASSASSINATION

Introduced by Senator Miriam Defensor Santiago

To the Committee on Rules

Proposed Senate Resolution No. 271, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE IMPACT AND IMPLICATIONS OF THE UNITED STATES FEDERAL AVIATION ADMINISTRATION'S ADVISORY REGARDING UNSAFE PHILIPPINE AIRPORTS AND CIVIL AVIATION ON TOURISM AND INVESTMENTS IN ORDER TO DETERMINE WHO IS RESPONSIBLE THEREFOR, AS WELL AS TO ENSURE THAT CORRECTIVE MEASURES ARE PUT IN PLACE TO IMPROVE THE STATE OF OUR NATIONAL AND DOMESTIC AIRPORTS AND CIVIL AVIATION, AND FOR OTHER PURPOSES

Introduced by Senator MAR Roxas

To the Committees on Public Services; and Tourism

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Proposed Senate Resolution No. 272, entitled

RESOLUTION DIRECTING THE COMMITTEES ON PUBLIC SERVICES; AND TRADE AND COMMERCE TO INQUIRE, LOOK INTO AND INVESTIGATE, IN AID OF LEGISLATION, THE DOWNGRADING OF THE PHILIPPINE RATING FROM CATEGORY 1 TO CATEGORY 2 IN THE LATEST FLIGHT STANDARD SERVICE-INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO) BY THE UNITED STATES FEDERAL AVIATION ADMINISTRATION (FAA), IMPLYING THE INSUFFICIENCY AND NON-COMPLIANCE OF THE GOVERNMENT PARTICULARLY THE AIR TRANSPORTATION OFFICE (ATO) TO ENFORCE PROPER AVIATION SAFETY MEASURES AND STANDARDS SET BY ICAO, WITH THE END IN VIEW OF DETERMINING IF THERE IS LAXITY ON THE PART OF THE ATO TO IMPLEMENT SUCH STANDARDS AS WELL AS THE ADVERSE EFFECTS OF THE RECENT DOWNGRADE TO THE TRADE AND COMMERCE AND OVERALL OUTLOOK OF THE COUNTRY AS A WHOLE

Introduced by Senator Gregorio B. Honasan II

To the Committees on Public Services; and Tourism

Proposed Senate Resolution No. 273, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON TOURISM TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, TO IDENTIFY THE ADVERSE CONSEQUENCES ON OUR TOURISM INDUSTRY OF THE DOWNGRADE EFFECTED BY THE FEDERAL AVIATION ADMINISTRATION IN GIVING THE COUNTRY A CATEGORY 2 RATING PERTAINING TO ITS NON-COMPLIANCE WITH THE STANDARDS OF THE INTERNATIONAL CIVIL AVIATION

ORGANIZATION AND TO INSTALL MEASURES TO ADDRESS THE SAME

Introduced by Senator Gordon

To the Committees on Public Services; and Tourism

COMMUNICATIONS

Letters from Executive Secretary Eduardo R. Ermita of the Office of the President of the Philippines, dated 17 December 2007, transmitting to the 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 bills, pursuant to the provisions of Article VI, Section 26 (2) of the 1987 Constitution:

House Bill No. 1754, entitled

AN ACT TO PROMOTE ENTREPRENEURSHIP BY STRENGTHENING DEVELOPMENT AND ASSISTANCE PROGRAMS TO MICRO, SMALL AND MEDIUM SCALE ENTERPRISES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 6977, AS AMENDED, OTHERWISE KNOWN AS THE "MAGNA CARTA FOR SMALL ENTERPRISES" AND FOR OTHER PURPOSES;

House Bill No. 3274, entitled

AN ACT AMENDING REPUBLIC ACT NO. 9280, OTHERWISE KNOWN AS THE "CUSTOMS BROKERS ACT OF 2004," AND FOR OTHER PURPOSES;

and House Bill No. 3242, entitled

AN ACT PROVIDING FOR STRICT REGULATION AND STIFFER PENALTIES FOR THE ILLEGAL/ UNLAWFUL IMPORTATION, MANUFACTURE, ACQUISITION, SALE, DISPOSITION OR POSSESSION OF EXPLOSIVES AND CHEMICALS OR ACCESSORIES USED IN THE MANUFACTURE OF EXPLOSIVES, REPEALING EXECUTIVE ORDER *JK*

NO. 522 AND AMENDING CERTAIN PROVISIONS OF PRESIDENTIAL DECREE NO. 1866, AS AMENDED, AND FOR OTHER PURPOSES.

To the Committee on Rules

COMMITTEE REPORTS

Committee Report No. 31, prepared and submitted jointly by the Committees on Constitutional Amendments, Revision of Codes and Laws; and Youth, Women and Family Relations, on Senate Bill No. 1988, with Senators Gordon, Manny Villar, Miriam Defensor Santiago, M.A. Madrigal and the Members of the Committees as authors thereof, entitled

AN ACT REPEALING THE CRIME OF PREMATURE MARRIAGES IN ARTICLE 351 OF THE REVISED PENAL CODE,

recommending its approval in substitution of Senate Bill Nos. 290, 1035, and 1745.

Sponsors: Senators Gordon and M.A. Madrigal

To the Calendar for Ordinary Business

Committee Report No. 32, prepared and submitted jointly by the Committees on Constitutional Amendments, Revision of Codes and Laws; and Youth, Women and Family Relations, on Senate Bill No. 1989, with Senators Pangilinan, Gordon, M.A. Madrigal and the Members of the Committees as authors thereof, entitled

AN ACT EXTENDING THE PRESCRIPTIVE PERIOD FOR RECTIFICATION OF SIMULATED BIRTHS AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8552, OTHERWISE KNOWN AS THE DOMESTIC ADOPTION ACT OF 1998,

recommending its approval in substitution of Senate Bill No. 1245.

Sponsors: Senators Gordon and M.A. Madrigal

To the Calendar for Ordinary Business

ADDITIONAL REFERENCE OF BUSINESS

BILLS ON FIRST READING

Senate Bill No. 2004, entitled

AN ACT PROMULGATING THE UNIFORM STANDARDS FOR BICYCLE HELMETS AND PROMOTING ITS USE, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Antonio "Sonny" F. Trillanes IV

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

Senate Bill No. 2007, entitled

AN ACT RECOGNIZING NATIONAL SCENIC BYWAYS IN THE PHILIPPINES THEREBY CREATING A NATIONAL SCENIC BYWAYS PROGRAM, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Antonio "Sonny" F. Trillanes IV

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

RESOLUTIONS

Proposed Senate Resolution No. 274, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE SPEED AND QUALITY OF THE RESPONSE OF THE GOVERNMENT IN ADDRESSING THE CAUSES OF THE ALLEGED DECLINE OF DEMOCRACY IN THE COUNTRY AS REPORTED BY THE RESULTS OF THE FREEDOM IN THE WORLD 2008 SURVEY

Introduced by Senator Miriam Defensor Santiago

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To the Committee on Justice and Human Rights

Proposed Senate Resolution No. 275, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE OIL SPILL IN THE RICEFIELDS AND WATERWAYS OF BARANGAY LIDONG, STO. DOMINGO, ALBAY

Introduced by Senator Miriam Defensor Santiago

To The Committee on Environment and Natural Resources

Proposed Senate Resolution No. 276, entitled

RESOLUTION EXPRESSING THE SENSE OF THE SENATE TO HONOR THE UNIVERSITY OF THE PHILIPPINES IN ITS CENTENNIAL YEAR AS THE NATION'S PREMIER UNIVERSITY, AND TO CALL FOR HIGHER BUDGETARY APPROPRIATIONS AND THE IMMEDIATE PASSAGE OF THE UP CHARTER BILL TO AID THE UNIVERSITY IN MEETING THE CHALLENGES OF THE NEXT 100 YEARS

Introduced by Senator Miriam Defensor Santiago

To the Committee on Rules

Proposed Senate Resolution No. 277, entitled

RESOLUTION DIRECTING THE COMMITTEE ON PUBLIC SERVICES TO INQUIRE INTO THE EFFECTS OF THE U.S. FEDERAL AVIATION ADMINISTRATION'S ADVISORY DOWNGRADING THE PHILIPPINES' AVIATION SAFETY OVERSIGHT CATEGORY, WITH THE END IN VIEW OF INTRODUCING REMEDIAL MEASURES TO ENABLE OUR CIVIL AVIATION SYSTEM TO COMPLY WITH INTERNATIONAL STANDARDS

AND AVERT ANY FURTHER NEGATIVE REPERCUSSIONS ON THE NATIONAL ECONOMY

Introduced by Senator Loren Legarda

To the Committees on Public Services; and Tourism

Proposed Senate Resolution No. 278, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE ALLEGED ADVERSE EFFECTS OF THE OIL EXPLORATION AND DRILLING IN THE TANON STRAIT THAT MAY RESULT IN THE LOSSES OF SOURCES OF LIVELIHOOD OF FISHERFOLK AS WELL AS THE IMMINENT COLLAPSE OF ECO-TOURISM IN THE SAID AREA WITH THE END IN VIEW OF DEVISING MEASURES TO COUNTER THE SAID LOSSES

Introduced by Senator Loren Legarda

To the Committee on Environment and Natural Resources

Proposed Senate Resolution No. 279, entitled

RESOLUTION COMMENDING THE SUPREME COURT OF THE PHILIPPINES FOR DESIGNATING ONE HUNDRED SEVENTEEN TRIAL COURTS AS ENVIRONMENTAL COURTS TO HEAR CASES INVOLVING VIOLATIONS OF LAWS PROTECTING THE COUNTRY'S NATURAL RESOURCES

Introduced by Senator Loren Legarda

To the Committee on Rules

COMMUNICATIONS

Letters from Assistant Governor and General Counsel Juan de Zuñiga Jr. of the *Bangko Sentral ng Pilipinas*, dated December 18, 2007, January 4 and 8, 2008, respectively, furnishing

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the Senate a copy of the following, in compliance with Section 15 (a) of Republic Act No. 7653 (The New Central Bank Act):

BSP Circular Nos. 588, S-2007, dated December 11, 2007; 589, S-2007, dated December 18, 2007; 590 and 591, S-2007, both dated December 27, 2007; and 592, S-2007, dated December 28, 2007.

To the Committee on Banks, Financial Institutions and Currencies

COMMITTEE REPORTS

Committee Report No. 33, prepared and submitted by the Committee on Local Government, on Senate Bill No. 2005, with Senators Jinggoy Ejercito Estrada and Benigno S. Aquino III as authors thereof, entitled

AN ACT AMENDING SECTION 311 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991,

recommending its approval in substitution of Senate Bill No. 364.

Sponsors: Senators Benigno S. Aquino III and Jinggoy Ejercito Estrada

To the Calendar for Ordinary Business

Committee Report No. 34, prepared and submitted by the Committee on Local Government, on Senate Bill No. 2006, with Senators Jinggoy Ejercito Estrada and Benigno S. Aquino III as authors thereof, entitled

AN ACT AMENDING SECTIONS 352 AND 513 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991,

recommending its approval in substitution of Senate Bill No. 500.

Sponsors: Senators Benigno S. Aquino III and Jinggoy Ejercito Estrada

To the Calendar for Ordinary Business

**ACKNOWLEDGMENT
OF THE PRESENCE OF GUESTS**

At this juncture, Senator Pangilinan acknowledged the presence of Board Member Dave Almarinez of Laguna, and the Filipino members of the Intergovernmental Panel on Climate Change — Drs. Rodel Lasco, Juan Pulhin and Rosa Perez. He informed the Body that the Intergovernmental Panel on Climate Change is a co-winner of the Nobel Peace Prize together with former Vice President Al Gore.

Likewise, Senator Legarda acknowledged the presence of nongovernmental organizations, namely: COCAP headed by Ms. Ester Perez de Tagle; the Convergence Group headed by Ms. Ester Pacheco; the Earthsavers Movement headed by Mr. Roger Birosel; Greenpeace Asia headed by Mr. Beau Baconguis; Manila Observatory headed by Atty. Guia Ibay, and members Corita Fiel, Socorro Lamoglia, Juan Bautista, and John P. Lamoglia; members of the EMB; and Atty. Tony Oposa, United Nations Awardee for Environment.

Senate President Villar welcomed the guests to the Senate.

**PRIVILEGE SPEECH
OF SENATOR LEGARDA**

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

**AN AGENDA FOR CLIMATE
CHANGE ADAPTATION**

I rise to bring to the attention of this august Chamber a crisis of global proportion, one that the International Federation of Red Cross and Red Crescent Societies (IFRC) warns as the greatest threat to humanity today — global warming.

The Secretary General of the International Federation, Markku Niskala, said last week, "In recent years, we have seen a dramatic increase in the number of weather-related disasters. But beyond this, climate change is also having a very real and very worrisome impact on water supplies, on food production, even on health crisis."

The global view on global warming has undergone its own evolution in half a century since a few brave souls contended — amid public

scorn and ridicule -- that human activity may be burning too much fossil fuel and igniting forest fires that unleashed lethal greenhouse gases into the atmosphere.

The stages of development can be generally broken down into four phases:

First, it was considered a hoax.

The second stage moved scientists, climatologists and public leaders to give it a faint recognition. It was discussed, but only grudgingly and marginally.

The third stage pushed global warming into the mainstream of scientific studies and research. Finally, it has sunk into the global consciousness.

Then came the day of reckoning.

In a landmark event on January 2, 2007, the fourth stage came in the form of a public statement released by the Intergovernmental Panel on Climate Change which undertook a three-year study on global warming and climate change.

The United Nations Environment Program (UNEP) and the World Meteorological Organization created the panel, which members included hundreds of scientists, climatologists and researchers around the globe. They were unpaid. They did the work for Mother Earth. They were considered as among the world's best and brightest, three of whom are present here today, in their line of work.

The report said climate change was "unequivocal." The report also raised realistic but dire scenarios on what will be the planet's future if nothing is done to reverse this.

"February 2, 2007 will be remembered as a date when uncertainty was removed as to whether humans had anything to do with climate change on this planet. The evidence is on the table," said Achim Steiner, the Executive Director of the UNEP, who briefed journalists and the public on the report.

Seas, according to the report, will continue to rise. Temperatures will continue to climb. The weather patterns will be shifting and erratic, tipping to the extreme, not the mainstream.

While seas rose by about six to nine inches in the entire 20th century, the report forecasts a sea rise of seven to 23 inches by 2100. Sea level rise is particularly lethal to small islands. It will exacerbate inundation, storm surge and erosion that threaten roads, bridges, dams, homes, entire

settlements, and the facilities that support the livelihood of island communities.

Global temperature is likely to warm 3.5 to 8 degrees Fahrenheit if carbon dioxide concentrations in the atmosphere reach twice the levels of 1750, which was before the Industrial Revolution.

There is more than a 1-in-a-10 chance of much greater warming, a risk factor too high to be ignored.

In many parts of the globe, these findings are real-life, real-time apocalypse. What do I mean?

Drought in Sudan has triggered war in Darfur, the first recorded war in history that was rooted in rainfall decline. Blood freely spilled into the parched, cracked earth of Darfur.

Last year, Tokyo had its longest snow-less winter. China had the warmest year in 30 years. A total of 13,500 square kilometers of ice shelves in the Antarctica disintegrated.

The Thames Barrier, the underutilized flood defense system of London, was forced to defend London from floodwaters at an unheard-of utilization rate of six times last year due to increased rainfall.

The Antarctica is melting at an alarming pace. Water from this melt is enough to bury coastal towns along its rampaging path.

At home, all the dire warnings about global warming are no longer empty words. Climate change is now a *serious public issue, trumping* the massively-funded but inherently abhorrent initiative that also carries the word "change" -- Charter Change.

Floods and droughts, heat waves and super typhoons regularly strike us with their attendant savagery. All of these kill people, wreak havoc on property, upset our production and planting schedules, and gnaw on the economic foundation of the nation.

We no longer have a climatic pattern, the comfort of a rainy and dry season splitting half of every year. Now, it is all about weather in extremes.

The quantified economic impact of intensifying tropical cyclones on property has been placed at a yearly average of P4.5 billion from 1975 to 2002. This figure comes from a study conducted by Dr. Leoncio Amadore titled "*Crisis or Opportunity: Climate Change Impacts and the Philippines.*"

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The impact of extreme weather patterns on forestry, biodiversity, coastal and marine resources, water, energy and health has yet to be given peso and mathematical valuations. But the toll is definitely high.

If developing countries are more vulnerable to climate change, the Philippines, due to its place in the geological order, has the misfortune of facing the highest degree of risks, a country deemed most vulnerable to change by experts.

It is located within the Pacific typhoon belt. It is highly susceptible to ground movements such as landslides and mudslides.

Remember in December of 2003, more than 200 people died from landslides and flooding.

In 2004, there were 412 deaths recorded after typhoon *Winnie* lashed at the eastern seaboard of Southern Luzon. A total of 177 people were reported missing and presumed dead.

In February of 2006, more than 2,000 people, mostly kids attending class, were buried by mudflow in St. Bernard, Southern Leyte. For three days, rain pounded the town, triggering mudflows that created a pocket of Armageddon.

In September 2006, super typhoon *Milenyo* jolted a totally unprepared Metro Manila and nearby provinces, killing at least 18 people and cutting a vast map of destruction.

The rise in sea levels will strike hard on the Philippines, with 70% of its towns and cities, including the most economically-vibrant classified as coastal areas.

Food production, perhaps the most important economic activity of the country, is also directly threatened. Long dry spells and savage floods are the equivalent of food shortage. And a high level of food insecurity.

The Philippines, which has a wondrous biodiversity and holds an unenviable pool of genetic stock, is now witness to climate change chipping away at its rich biological resources.

Super typhoons, droughts and natural disasters stemming from climate change may have obliterated from our ecosystem by now flora for cancer cure, or a genetic stock that can reverse the progression of Type 2 diabetes.

Where we are can be summed up in a few words. We are facing a climate-triggered apocalypse.

IPCC Chairman Rajendra Pachauri warns policymakers that, "It is the poorest of the poor

in the world, and this includes poor people even in prosperous societies, who are going to be the worst hit."

The national resolve should be to reverse this through a combination of personal initiatives, policy reforms, corporate responsibility, ground-breaking work from the LGUs.

What should be the components of this national resolve? What is to be done?

Putting in place a National Framework Program on Climate Change is an imperative policy reform. This, in fact, is the gist of Senate Bill No. 1890, which I filed and is awaiting Senate action.

It is a measure of three main objectives:

1. Establishing a national strategy to inform and assist vulnerable communities in climate adaptation;
2. Establishing mechanisms to reduce greenhouse gas emissions to attain the much-needed shift to a low-carbon economy;
3. Supporting the international initiatives to address climate change, primarily the Kyoto Protocol.

The bill seeks a dramatic increase in the country's future capacity to use renewable energy.

It establishes a money pool called Climate Adaptation Fund to bankroll projects that will hasten the shift to a low-carbon economy.

It seeks to pilot a cap-and-trade project with polluting industrial sectors as trailblazers in the experiment.

It seeks to provide incentives to and promote investments in projects that involve clean energy, carbon sequestration, reforestation and other projects that fall under the general category of climate change mitigation.

Convinced of the wisdom of the strategy "Think Global, Act Local," the bill proposes the creation of a state agency, the Commission on Climate Change, to oversee the national and local efforts to move communities into adapting to the scourge.

Many of our people are just becoming aware of the connection between the worsening disasters and climate change. Very few are prepared for stronger storms, floods and landslides, not realizing the future threat. The first order must be a massive IEC campaign. *ps*

I envision the use of multi-media for this – print, radio, TV, movies, the internet – to inform and to inspire our people to face this challenge. For there is much work to be done.

The ground-level work includes the identification of communities that are at risk so that proper protection work can be scientifically assessed and implemented.

The conduct of a local risk and vulnerability analysis is also mandatory under the bill so that appropriate mitigation and adaptation measures can be selected and institutionalized.

I am now asking my colleagues to give the measure priority attention. At the local level, some frontier actions are taking place, and the sheer brilliance and comprehensiveness of these actions are truly impressive.

The Albay Declaration has an action agenda that will soon join the choice jargon of the *warriors against global warming*. Governor Joey Salceda, the young, dynamic and innovative governor of Albay, calls this “climate proofing.” This will be led by the Centre for Initiatives and Research in Climate Adaptation (CIRCA) which will harness the resources of academe, national and local government agencies, NGOs and civil society. Cavite City, with the Philippine Network on Climate Change, has studied its vulnerability to erratic weather patterns which will be factored into the Comprehensive Land Use Plan (CLUP).

In Mindoro, upland farmers are engaged in simple monitoring and early warning system for imminent flooding in downstream communities. The Manila Observatory is assisting the farmers of Mindoro.

We must take into account the poor situation of our countrymen in promoting climate measures. These are grassroots works that are just as impressive despite their simplicity and routine character.

Mangroves can help protect our coastlines from storm surges and tsunamis, while bamboos deter soil erosion.

In fact, I met last Friday with the Pampanga Chamber of Commerce and those who are initiating the propagation of bamboo in Pampanga and Central Luzon. Bamboo is said to be the biggest sequester of carbons; 60 tons of carbon can be sequestered in one hectare of bamboo plantation alone. And bamboo, in fact, is indigenous to the Philippines, and it easily grows anywhere.

We can start to plant and build natural barriers one barangay after another at little cost. As regards mangrove rehabilitation, I just came from Misamis Occidental where no less than the Governor is planting in these mangrove areas in the various cities and municipalities in the province. There is also an initiative of the Province of Pampanga where Pampanga Bay will be the recipient of a grant for mangrove rehabilitation. So, there is initiative going on in the local level.

Recycling approaches promote resource reuse and controls depletion of resources. Sequestration of methane from landfills for generation of electricity is a good mitigation measure that is also eligible for benefits under the Clean Development Mechanism (CDM) of the Kyoto Protocol. In fact, we have a law, the Solid Waste Management Law, which this Representation sponsored seven years ago, in 2001. Do we have to wait for another Payatas to happen for us to implement this law in the barangay level? Do we have to wait for tragedy like what happened in Real and Infanta, Quezon; in Dingalan, Aurora; in Guinsaugon in Southern Leyte before we are shut out of apathy and complacency to give primordial attention to climate change? The tons of sequestered carbon emissions certified by the UN Framework Convention on Climate Change may be traded globally.

Renewable energy facilities for “green energy” can bring technology transfer and similar incentives from the Convention. Although we need not commit to greenhouse gas (GHG) emission reduction, we can make sure that forthcoming power-generating facilities shall use wind, solar, hydro, geothermal, tidal resources or biofuels, of which the committee chairman of the House then, now a senator, is a co-advocate and co-eco warrior. It is my fervent wish that the Renewable Energy Bill will be enacted before my next birthday.

The Philippine Energy Plan must reflect our strong commitment to the development and wide use of indigenous renewable sources of energy. Let us favor mass transport systems and reforestation activities nationwide. Let us promote the use of renewable energy and promote the use of inventions, like the carousel which will be launched in Puerto Princesa City on February 14, Valentine’s Day, where Mayor Hagedorn, Atty. Oposa, myself, and the three United Nation awardees for the environment, will not only plant mangroves but will launch nationwide the use of carousel which does not

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use gasoline or fuel, but can be used by every municipality and every city. Hopefully, with the help of the Department of Science and Technology, and with the genius of Atty. Oposa, this can be used in every city and municipality of this country. All these must be included in our Medium-Term Philippine Development Plan as well.

In fact, it is also my suggestion that we create an oversight commission on climate change. We have many oversight committees and many commissions on various sectors. It is important that we should put our money where our mouth is, and actually attach the issue on climate change by putting into action all the rhetoric and creating a Senate committee on climate change.

We are not lacking talent. With your indulgence, may we take this opportunity to extend our congratulations as a body to the Nobel Peace Prize laureates from the Philippines who were members of the IPCC: Dr. Rex Victor Cruz of the College of Forestry and Natural Resources (CFNR) of UP Los Baños; Dr. Rodel Lasco, Philippine Programme Coordinator of the World Agroforestry Center; Dr. Juan Pulhin, also from the UPLB; and fourth, a lady scientist, Dr. Rosa Perez, Chief of PAGASA flood forecasting at the Department of Science and Technology.

They were four from the Philippines among the hundreds of brilliant scientists who shared the Nobel Peace Prize with Vice President Al Gore. It is my pride and honor to bring them to this Chamber. In fact, we had crafted a resolution commending the efforts of these four brilliant Filipino scientists who shared the Nobel Peace Prize with Vice President Al Gore.

We continue to rejoice in the worldwide recognition of your contributions to the IPCC and look to you for advice in this time of crisis.

Planet Earth is no longer the planet of placidity fussed over by poets, tempestuous on occasion, but more often a calm and gentle provider of life and sustenance.

Greenhouse gases, innocuous but lethal fumes that can usher in damnation of biblical proportion, have upset the Earth's physical balance, threatening human and all of physical life on it with extinction. With total resolve, let us all clean up our act and help clean our planet.

INTERPELLATION OF SENATOR ZUBIRI

Preliminarily, Senator Zubiri expressed full support for the pro-environment advocacies of Senator Legarda that she started in the 1990s. Senator Legarda recalled that even as a child she had been made aware of the need for urban planning and a healthy ecology because she was born in flood-prone Malabon.

Senator Zubiri believed that everyone is completely aware of the consequences of global warming as these have been repeatedly explained on television and addressed by many United Nations conferences. But he emphasized that what is really needed is to mitigate greenhouse gases on a grander scale, not just avoiding the burning of garbage or promoting the use of organic farming by bringing down the carbon monoxide and carbon dioxide contents of the environment. Senator Legarda agreed, as she pointed out that the greenhouse effect is one of the most fundamental and biggest causes of climate change.

Noting that people use interchangeably the phenomena of ozone layer depletion and greenhouse effect, Senator Legarda explained that greenhouse emissions accumulate in the atmosphere and just like an umbrella, they block the heat from escaping the earth's surface thereby causing glaciers to melt and sea levels to rise. She lamented that it was not the Philippines but Micronesia that benefited from the services of a Filipino lawyer when he represented the Micronesian government in a recent meeting of the Montreal Protocol. She said that she would make sure that the Philippine government would use him now that his ability has been discovered.

Senator Legarda agreed that aside from measures to mitigate the greenhouse effect, it is also important to implement the Clean Air Act and the Solid Waste Management Act. She revealed that the Province of Pampanga sinks one centimeter a year, while Dagupan sinks when the sea level rises. She expressed fear that 60% of the country would be adversely affected by the onset of climate change. She lauded local initiatives such as the Albay Declaration on Climate Change that adopted mechanisms to mitigate the effects of greenhouse gas emissions.

Senator Zubiri stated that indeed super typhoons are a result of the warming of oceans.

Handwritten initials and a flourish.

Senator Legarda recalled that immediately upon learning of the massive landslides in Guinsaigon in the town of St. Bernard in Southern Leyte, she visited the place with some friends, brought some goods for the victims and saw for herself the mind-boggling wrath of nature where a mountain buried an entire village, killing hundreds of schoolchildren, and destroying property and livelihood.

Likewise, she recalled how the whole hill in Cherry Hills Subdivision in Antipolo crumbled on several houses and killed several residents, and the incident in the Payatas dumpsite in Quezon City where a whole mountain of garbage fell on hundreds of families, killing many people. These tragedies, she believed, prompted Congress to enact the Solid Waste Management Act.

Senator Zubiri said that all countries have to come up with better efforts to mitigate the effects of greenhouse gases and concentrate on one of its major culprits which is industrialization.

Senator Legarda agreed, adding that other sources of pollution, like vehicles, should also be included in the proposed measure on renewable energy sources. She opined that the country should not only shift from one source of energy to another; the people must also learn to reduce energy consumption.

Senator Zubiri disclosed that he has been pushing for the Executive department to come up with ways and means to bring down electrical consumption like banning the use of incandescent bulbs and mandating instead the use of fluorescent bulbs in all government offices, including the LGUs.

Senator Legarda stated that enacting a law for this purpose alone would take a very long time and that it would be better for the senators to request that the leagues of provinces, cities and municipalities implement the project.

Senator Zubiri said that he could work with Senator Legarda in coming up with an executive order and at the same time work with the ULAP for all the LGUs.

To the observation that massive forest denudation is a big contributor to global warming, Senator Legarda replied in the affirmative. She bemoaned the fact that there are already a lot of environmental laws like the Clean Air Act and the Solid Waste

Management Law to cover those concerns but these have remained unfunded and unimplemented. She clarified, however, that she was not pinning the blame on the Executive department but merely pointing out that regardless of political affiliations, it was about time that these laws were implemented.

Senator Zubiri agreed, adding that he would assist the newly created Office of the Environmental Ombudsman in monitoring the implementation of all environmental laws.

Senator Legarda said that she was glad that her dialogues with Ombudsman Merceditas Gutierrez resulted in positive action because the Ombudsman immediately issued the order creating the task force for environmental concerns to monitor the compliance of environmental laws by local and national government officials and to file necessary complaints against erring public officials and employees.

Senator Zubiri expressed the need for a renewable energy program even as Congress has already passed the Renewable Fuels Program which would not in any way impact on the country's food security because the program would not utilize corn, wheat, soybean or any food product in the production of renewable fuel. He pointed out that the feedstock or ethanol would be produced from sugarcane which is not a food source but an additive, costing only from P28 to P30 per liter compared to P45 per liter of gasoline. He said that the program would also be an alternative livelihood in the sugar-producing areas of the country.

Senator Zubiri disclosed that 99% of the seeds and leaves of a *malunggay* tree, which is also now being used in reforestation programs, can produce biodiesel.

He expressed support for the bill on renewable energy but he indicated that he would be introducing certain amendments, particularly the promotion of a net metering system whereby individual houses, housing projects, hotels and resorts would be solarized or equipped with windmills to produce excess energy which can be sold in the market.

In closing, Senator Zubiri congratulated Senator Legarda for delivering a speech on her birthday which reflected her being a true environmentalist, as he also expressed full support for the creation of an oversight committee on climate change.

INTERPELLATION OF SENATOR GORDON

At the outset, Senator Gordon pointed out that the Philippines has always ranked high on the World Disasters Book's list as prone to disasters, both man-made and natural. However, he stated that the biggest violators of climate change are Europe and industrialized countries like the U.S., China and India, especially with the new car that they are going to distribute en masse. But he feared that the man on the street may not feel that he is responsible for any climate change because he is not directly affected by the consequences.

Senator Gordon said that he and Senator Legarda can work together at creating an oversight committee that can effectively send the message that pollution may cause certain illnesses. Senator Legarda agreed that the issue of climate change, environmental degradation and nonimplementation of important environmental laws must be understood and there should be an efficient information and communication campaign because it is important for every Filipino to see the impact of pollution on their daily lives. She said that aside from the bill seeking the inclusion of ecology in the curriculum which has already been passed on Third Reading, she would be working with Mayor Hagedorn and Atty. Oposa with respect to developing an environmental curriculum for the public elementary and high schools so that the importance of ecology could be done in an understandable manner.

Senator Gordon maintained that everyone must be educated on how climate change endangers not only one's life but also one's family and country. He asked whether reclamation in the areas of Malabon and Navotas can actually increase the land layer and stop the flooding.

Senator Legarda surmised that reclamation is always an option that should be done carefully and sustainably with clear guidelines from environmental experts. She cited the successful land reclamation in the Netherlands but she cautioned that there is also the kind of reclamation that can actually kill biodiversity in the affected area. She said that flood prevention in Metro Manila is a matter of cleaning and keeping gutters and canals free from trash, and that proper garbage disposal and recycling should be done to avoid clogging the drainage system. She stated that more trees should be planted to absorb the water during the rainy season and avoid flashfloods

and mudslides. She also stressed the importance of implementing the Solid Waste Management Law to prevent solid waste from clogging the drainage systems.

Senator Gordon pointed out the need for individual responsibility because even if all the environment laws are passed, the problem would remain unsolved if the people are not properly educated. He stated that a mass transport system should be developed to reduce carbon emission and the danger of contracting pulmonary and upper respiratory diseases. He added that a study with respect to pollution as a source of certain diseases like cancer should be made as he believed that this would change the people's perception towards climate change. He said that proper garbage disposal is government's responsibility, pointing out the need for local officials to have the vision and strong political will to undertake this arduous task.

Senator Legarda pointed out that the Visayan Sea Squadron has shown that they can actually patrol the seas by sheer passion for humanity and the environment even with meager resources.

Senator Gordon recalled that when he was mayor of Olongapo City, Enron was fined P2 million when it failed to service an old plant of the U.S. Navy which emitted black smoke. He pointed out the need for the leadership and the people to have focus.

Asked whether Malacañang already has an oversight committee, Senator Legarda stated that there are two commissions on climate change, one is under the Department of Energy and Natural Resources (DENR) and the other is under the Department of Energy (DOE).

Senator Gordon said that the Senate Committees on Energy and Environment and Natural Resources should look into the matter as there is always the possibility of a "turf-war" between the two commissions. He added that joint committee hearings can also be done to address the issues pointed out by Senator Legarda in her privilege speech. He said that while the Senate is a forum where the Members debate on issues, it also gives the opportunity for people's voices to be heard.

INTERPELLATION OF SENATOR MADRIGAL

Senator Madrigal believed that in the Philippines, disasters are more man-made than caused by climate

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change. She noted that up to now, there has been no remuneration for the victims of flooding incidents in Aurora and Dingalan in Quezon brought on by illegal logging nor have those responsible for such activities been identified.

She said that it was frustrating to discuss climate change when government could not even prevent deforestation, through illegal logging, such as that happening in Albay and Leyte. She noted that although local governments have launched various environmental programs, it is not the citizenry who needs to be educated on prevention of environmental disasters but those who have the power to enforce environmental laws. She believed that Greenpeace was correct in saying that any senator who votes for the Japan-Philippines Economic Partnership Agreement (JPEPA) would be guilty of an environmental crime.

She also wondered how the government could address the country's environmental problems when the Congressional Oversight Committees on Clean Air Act, the Ecological Solid Waste Management Act, and the Clean Water Act have not been convened in almost two-and-a-half years. Senator Legarda replied that Ombudsman Gutierrez, through the Law of Nature Foundation, had supported her call to create and reactivate the environmental task force which, through the Environmental Ombudsman, would monitor and act on the nonimplementation and violation of environmental laws.

Upon further query, Senator Legarda said that the reactivation of the Office of the Environmental Ombudsman is a step in the right direction as there would then be a group that would police the ranks of violators of environmental laws.

Senator Madrigal asked how the Environmental Ombudsman could police the ranks once the JPEPA is ratified as the JPEPA would supersede all previous laws, including that on solid waste management. She noted that the JPEPA would give Japan the right to dump toxic waste in the Philippines.

She pointed out that most of the country's environmental laws are not being followed and that despite the fact that most disasters are man-made, the government is inviting another major bilateral treaty disaster to be ratified by the Chamber. She lamented that the committee hearings on the JPEPA have shown that the treaty does not give the country

any major advantage, and that the proponents have not even addressed major sovereignty and constitutional issues.

Senator Madrigal also observed that the present administration's vision is non-environmental and simply for economic gain even as it appears to have the habit of saying one thing and doing the opposite. This, she noted, is evidenced by the fact that the administration allows massive deforestation while funding the farming of non-indigenous plants like jatropa or the entry of unclean miners into the country following the Supreme Court decision allowing the implementation of the Mining Act of 1995.

Senator Madrigal said that the Philippines is on the brink of a major environmental disaster not only due to climate change and that what is scarier is the probable ratification of the JPEPA. She stressed that if the treaty is approved by the Senate, government would have no right to educate children about environmental protection when it says one thing and does the opposite.

She also believed that the JPEPA would be a test that would determine the true environmentalists in the Senate and those who really care about what happens to future generations. She expressed frustration that Philippine environmental NGO groups are not fighting sinister forces but government policy through the Executive branch because of what the latter allows by way of environmental degradation.

Senator Legarda stated that the issue of the JPEPA would be debated in plenary session and that she would reserve her judgment on the matter until then.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Pangilinan, there being no objection, the Chair referred the privilege speech of Senator Legarda and the interpellations thereon to the Committee on Environment and Natural Resources.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 2454

Upon motion of Senator Pangilinan, there being no objection, the Body considered the Conference Committee Report on the disagreeing provisions of House Bill No. 2454, entitled

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

The Chair recognized Senator Enrile to sponsor the report.

SPONSORSHIP REMARKS OF SENATOR ENRILE

In his presentation of the Conference Committee Report on House Bill No. 2454, Senator Enrile delivered the following statement:

It is my pleasure to inform the Body regarding the result of the bicameral conference on the disagreeing provisions of the House and the Senate versions on the budget proposal of the Executive department as approved by the House under House Bill No. 2454.

At the outset, I would like to state that the Senate panel met with its counterpart in the House. It was agreed during that initial meeting that the respective heads of the two panels be invested with appropriate authority to discuss the disagreeing provisions and come up with a version that is acceptable to both Chambers, and that was done.

And it is now my pleasure to report to this Chamber the result of our discussion and agreements.

THE HIGHLIGHTS OF THE 2008 BICAMERAL REPORT ON THE DISAGREEING PROVISIONS OF HOUSE BILL NO. 2454

The Bicameral Conference Committee on the disagreeing provisions of House Bill No. 2454 for fiscal year 2008 General Appropriations Bill recommends a total budget of P1,226,700,000,000 broken down as follows (in million pesos):

New Appropriations	P1,066.180
Unprogrammed Appropriations	114.492
Programmed Appropriations	951.688
Regular Appropriations	681.841
Debt Service-IP	269.847
Other Automatic Appropriations	<u>275.012</u>
TOTAL OBLIGATION	P1,226.700

Both Houses agreed to use the President's proposal as a working draft, and after going over

the President's proposal, certain adjustments were made and among the more significant revisions adopted are the following:

1. Allocation for Education in the bicameral report will include additional funding for the following:

- a. Distance Education for Public Secondary Schools
- b. Field Operations of the Medical/Dental and Optical Health
- c. Funding requirements for the creation of teaching and non-teaching positions
- d. Payment of Unpaid Prior Years' Teachers' Benefits
- e. Teachers' training with emphasis on Science and Math
- f. Repair of school buildings

2. State Universities and Colleges will receive an additional funding of P603.5 million from the presidential proposal or P8.3 million more compared with the House-approved budget to cover additional fund for research, MOOE and capital outlays.

3. The Health sector will also receive additional funding for:

- a. Elimination of diseases as public health threat
- b. Rabies control
- c. TB control
- d. Family health including family planning
- e. Management of health care waste disposal including purchase of autoclaves
- f. Drug Rehabilitation Centers
- g. Additional subsidies to hospitals
- h. Additional fund for health insurance premium for indigents
- i. Prevention/Information Campaign on breast cancer
- j. Facility Enhancement Program

4. Agricultural Sector will increase by P1.9 billion from the President's budget. This will cover additional funding for:

- a. National Dairy Authority for the purchase of dairy animals to be dispersed to farmers
- b. Infrastructure support to key production areas
- c. Research program for organic farming, biotechnology, animal genetics, fishery and marine culture

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- d. Agricultural support for various indigenous products
- e. Market development and linkages for crop sector

5. An additional P585.7 million will be provided for the Judiciary for the maintenance of the Halls of Justice and to augment the personal services and operating requirements for the adjudication of regional trial court cases, metropolitan court cases and child and family court cases, and capital outlays for the Sandiganbayan.

6. We have also provided for the establishment of two (2) campuses of the Philippine Science High School (PSHS) to comply with the requirement to have PSHS campus in each region, and for generation of new knowledge and technology research, including provision for incentives for research and faculty development under the Department of Science and Technology.

7. The National Electrification Administration (NEA) will also get an additional of P600 million for its barangay and sitio electrification program.

8. Subsistence allowance for inmates of the Bureau of Corrections and Bureau of Jail Management and Penology will be increased from P40.00 to P50.00; this is a 25% increase. In addition, we have also provided for P3 per day as medical allowance of inmates.

9. The amount of P235.6 million for the Department of Labor and Employment will be used for workers' protection and welfare and the operation of reintegration centers for OFWs.

10. The Bicameral Committee also recommends an additional allocation of P3,540 billion for the empowerment of local government units under the Assistance to Local Government Units.

11. We have also restored the cut made on the *Kalayaan Barangay* Fund to support the government campaign against insurgency.

12. Partial restoration of the cut from the LRT III South Extension, to provide the much-needed appropriation for the right-of-way in that section of the country.

13. Additional allocation for infrastructure projects.

14. In view of the strengthening of the peso against the dollar, we have further reduced the

debt service on interest payment by P8.1 billion on foreign loans. The original FOREX estimate in the Budget of Expenditures is P46-48 per dollar while actual exchange rate as of today is P40.87 per dollar.

We have also furnished the Members of the Body copies of the special and general provisions that will govern the disbursement of the 2008 budget.

In sum, the total budget has been reduced from P1,227 trillion to P1,226.7 trillion. The cut of P300 million represents the cut of Senator Lacson's PDAF allocation of P200 million and Senator Trillanes' allocation for infrastructure projects of P100 million.

Thereupon, Senator Enrile moved for the approval of the Bicameral Conference Committee Report on the 2008 General Appropriations Act.

SUSPENSION OF SESSION

Upon motion of Senator Enrile, the session was suspended.

It was 6:00 p.m.

RESUMPTION OF SESSION

At 6:00 p.m., the session was resumed.

MANIFESTATION OF SENATOR LACSON

Senator Lacson reiterated his concern which he raised in an earlier parliamentary inquiry on the practice of Malacañang to impound or withhold the release of the Priority Development Assistance Fund for certain legislators. On Item No. 46 under the title "Priority Development Assistance Fund" on page 931, line 12, after the word "Board," he proposed the substitution of the period (.) with a colon (:) and the insertion of the following:

PROVIDED, FURTHER, THAT THE AMOUNT HEREIN AUTHORIZED CANNOT BE IMPOUNDED AND SHALL BE RELEASED WITHIN THE BUDGET YEAR: PROVIDED, FURTHERMORE, THAT THE APPROPRIATIONS HEREIN AUTHORIZED SHALL HAVE A VALIDITY OF TWO (2) YEARS AS PROVIDED UNDER SECTION 65 OF THE GENERAL PROVISIONS IN THIS ACT.

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SUSPENSION OF SESSION

Upon motion of Senator Enrile, the session was suspended.

It was 6:03 p.m.

RESUMPTION OF SESSION

At 6:03 p.m., the session was resumed.

Upon resumption, Senator Enrile said that the House of Representatives had already accepted the proposal as read by Senator Lacson, and he as chairman of the Senate panel in the bicameral conference had already signed the same.

MANIFESTATION OF SENATOR PIMENTEL

Senator Pimentel commended the efforts of Senator Enrile and Ms. Yolly Doblón in facilitating the Senate's stand on the 2008 budget. But he objected to the proposal of putting around P2 billion for the population program which, he said, should be done with proper consultation with the people as mandated by Article XV of the Constitution. He wondered how the program can be funded without first undergoing the procedures mandated by the Constitution.

Senator Enrile took note of Senator Pimentel's comment. He commended the members of the Senate staff for their sacrifices and dedication to their job.

APPROVAL OF THE CONFERENCE COMMITTEE REPORT

Submitted to a vote, there being no objection, the Conference Committee Report on the disagreeing votes of the two Houses on House Bill No. 2454 was approved by the Body.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 6:06 p.m.

RESUMPTION OF SESSION

At 6:07 p.m., the session was resumed.

SPECIAL ORDER

Upon motion of Senator Pangilinan, there being no objection, the Body approved the transfer of Committee Report No. 23 on Senate Bill No. 1710 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 23 ON SENATE BILL NO. 1710

Upon motion of Senator Pangilinan, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1710 (Committee Report No. 23), entitled

AN ACT BANNING THE RE-APPOINTMENT OF A REGULAR MEMBER OF THE JUDICIAL BAR COUNCIL (JBC) WHO HAS ALREADY SERVED THE FULL TERM.

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

Thereupon, Senator Escudero asked that Senator Aquino be allowed to deliver the sponsorship speech.

SPONSORSHIP SPEECH OF SENATOR AQUINO

In his sponsorship of Senate Bill No. 1710, Senator Aquino delivered the following speech:

Recent history has proven to us that the Judiciary is truly the last bulwark of constitutional rights and liberties. As an interpreter of laws, and in some cases, the arbiter between the branches of our government, the Judiciary should consist of men and women of honor who are loyal to our Constitution and whose morality and integrity are beyond reproach. They should not be beholden to the powers that be in order for them to perform their functions with zeal and excellence.

The Judicial and Bar Council (JBC) was founded as an independent body that will recommend to the President appointees to the Judiciary. The President appoints judges and justices from the nominees submitted by the JBC without need

for confirmation by the Commission on Appointments (CA).

Some members of the JBC, in their desire to be reappointed to the Council, may succumb to pressure from the officials in the executive branch, who would impose their own biases in the selection process. This seriously weakens the quality of judicial appointments and the independence of the Judiciary as a whole.

Senate Bill No. 1710 or "An Act Banning the Re-Appointment of a Regular Member of the Judicial Bar Council (JBC) Who has Already Served the Full Term," seeks to ban reappointments to the JBC in an effort to eliminate the preferential system of appointing judges and justices. It also aims to afford other lawyers and legal experts equal access and opportunity to serve in the Council. In the end, enhancing the independence of the JBC through the fulfillment of these objectives will help promote the fair administration of justice in this country.

MANIFESTATION OF SENATOR PANGILINAN

Senator Pangilinan stated that he signed the committee report with reservation because he believed that the single term of a regular member of the Judicial and Bar Council (JBC) is too short but a repeated or an endless reappointment would not do good to the council. However, he manifested that he was withdrawing his reservation for interpellation because the committee chairman, author and sponsor have expressed willingness to accept his proposal allowing a regular JBC member one reappointment.

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

MANIFESTATION OF SENATOR CAYETANO (A)

Senator Cayetano (A) stated that he signed the committee report with a note "I dissent." As a former member of the JBC representing the House, he said that he had met people like Mrs. Teresita Sison, to whom Malacañang people seemed to be beholden because of her efficiency and professionalism. However, having been told by Senator Aquino that this may be an exemption rather than the rule and with Senator Pangilinan's proposal of one reappointment, he said that the Body should unanimously vote for the bill.

TERMINATION OF THE PERIOD OF INTERPELLATIONS

Upon motion of Senator Pangilinan, there being no objection, the Body closed the period of interpellations and proceeded to the period of committee amendments.

COMMITTEE AMENDMENTS

As proposed by Senator Escudero, there being no objection, the Body approved the following amendments:

1. Delete the entire Section 4 and in lieu thereof, insert a new section to read:

SECTION 4: *PERSONS COVERED* – A REGULAR MEMBER OF THE JUDICIAL AND BAR COUNCIL WHO HAS COMPLETED THE SERVICE OF HIS/HER TERM OF OFFICE MAY BE REAPPOINTED ONLY ONCE AND SHALL BE PERPETUALLY DISQUALIFIED FOR A THIRD TERM TO THE COUNCIL IN ANY CAPACITY; and

2. As a consequence, reword the title of the bill to read:

AN ACT LIMITING THE REAPPOINTMENT OF A REGULAR MEMBER OF THE JUDICIAL AND BAR COUNCIL (JBC) WHO HAS ALREADY SERVED A FULL TERM.

TERMINATION OF THE PERIOD OF COMMITTEE AMENDMENTS

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

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 6:15 p.m.

RESUMPTION OF SESSION

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

AMENDMENT BY THE CHAIR

The Chair called the attention of the Body to a typographical error on page 1, line 2, which indicates 2007 instead of 2008.

Accepted by the Sponsor, there being no objection, the year "2007" was changed to "2008."

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 SENATE BILL NO. 1710 ON SECOND READING

Submitted to a vote, there being no objection, Senate Bill No. 1710 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1710

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

SPECIAL ORDER

Upon motion of Senator Pangilinan, there being no objection, the Body approved the transfer of Committee Report No. 26 on Senate Bill No. 1965 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 26 ON SENATE BILL NO. 1965

Upon motion of Senator Pangilinan, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1965 (Committee Report No. 26), entitled

AN ACT DECRIMINALIZING VAGRANCY AMENDING FOR THIS PURPOSE ARTICLE 202 OF REPUBLIC ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE.

Pursuant to Section 26, Rule XXIII of the Rules of Senate, with the permission of the Body, only the title of the bill was read without prejudice to the insertion of its text into the Record of the Senate.

The Chair recognized Senator Escudero, Sponsor of the measure, for the sponsorship.

SPONSORSHIP REMARKS OF SENATOR ESCUDERO

At the instance of Senator Escudero, the explanatory notes of Senate Bill Nos. 305 and 601, introduced by Senator Ejercito Estrada, Senate Bill No. 1305, introduced by Senator Escudero, and Senate Bill No. 1384, introduced by Senator Legarda, were adopted as the sponsorship speeches for Senate Bill No. 1965.

COSPONSOR

Senator Pangilinan manifested that Senator Legarda is cosponsor of the measure.

REMARKS OF SENATOR CAYETANO (P)

Senator Cayetano (P) clarified that Senator Escudero had sufficiently explained to her that the concerns of various women's groups, including the National Commission on the Role of Filipino Women (CRFW), regarding prostitution would be addressed in separate legislation. Nonetheless, she expressed concern that with the instant bill decriminalizing vagrancy, it would appear that prostitution would remain a criminal activity.

She pointed out that the current approach to prostitution shifts the focus from the prostituted person to those causing prostitution to proliferate like the customers, the recruiters and the pimps. She stressed that as a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Philippines is duty-bound to uphold the international standard. However, she acknowledged that the proper time to bring up the subject matter is when the separate bill is introduced on the floor.

Senator Escudero assured that he shares the same position. *AW*

INTERPELLATION OF SENATOR CAYETANO (A)

Senator Cayetano (A) observed that under the present law, a law enforcer could arrest a person for vagrancy and perhaps prevent him from committing a crime that he was hatching. Once vagrancy is decriminalized, he asked how the law enforcers could prevent a crime from occurring when there is no overt act. In reply, Senator Escudero stated that vagrancy has become a "catch-all crime" that law enforcers usually use against persons whose liability for crimes they cannot establish. He asserted that what the law enforcers should do is to follow the law, meaning, they should be able to establish probable cause by explaining to the court, based on their experience in law enforcement and the evidence on hand, what caused them to believe that the person they arrested intended to commit a crime.

Senator Escudero stated that the Committee had to weigh the ability of the policemen to do their work against the fact that most of them use vagrancy as a catch-all crime since they do not know what crime to charge the person with, and so, the Committee deemed it best to repeal the law in the best interest of the poor and the underprivileged.

Agreeing that there is need to balance the interests of both parties, Senator Cayetano (A), however, stated that there are situations where law enforcers would be handicapped if the law is repealed.

On the matter of putting curfews in place in the absence of the vagrancy law, Senator Escudero surmised that if a curfew is enforced through a local council ordinance, then an arrest could be made, but in the absence of such an ordinance, he doubted if law enforcers could arrest anyone violating the curfew.

Senator Cayetano (A) stated that though he is against curfews or any infringement on the rights of people, there are situations when it is difficult to establish probable cause to warrant a search like, for instance, when members of school fraternities gather for a rumble and hide their *paltik* or *sumpak* in the bags and underneath the chairs. He said that he would support the bill given the assurance that the LGUs could institute curfews in certain areas or adopt other measures to prevent crimes from occurring.

INTERPELLATION OF SENATOR PIMENTEL

To Senator Pimentel's concern that the removal of vagrancy in the Revised Penal Code could lead to the proliferation of beggars in places where they are being banned by some LGUs, Senator Escudero replied that beggars do not fall under the definition of "vagrancy," as he noted that the LGUs could still pass an ordinance banning beggars.

Senator Escudero pointed out that the provision on vagrancy has been in effect since 1932 and has been used by law enforcers as a catch-all justification to arrest people who are inappropriately dressed or loitering in a particular place. He said that mere poverty should not be used as a basis to arrest a person.

Senator Pimentel believed that a law enforcer should not pick up anybody whose face he does not like. Even as he expressed support for the bill, he said that he wanted to ensure that the LGUs would not be deterred from prohibiting the proliferation of beggars. Senator Escudero assured the Body that the bill would not affect any existing or future programs of the DSWD with regard to the matter.

Senator Pimentel stated that the DSWD could pick up minors who are vagrants and for their part, the LGUs could help train them in livelihood projects to enable them to support themselves. Senator Escudero said that some provisions of the Child and Youth Welfare Code would still be in effect which the LGUs and DSWD could enforce.

MANIFESTATION OF SENATOR PANGILINAN

Senator Pangilinan stated that Senator Arroyo had asked to be given time to go over the bill and would interpellate on it in the next day's session.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1965

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

SPECIAL ORDER

Upon motion of Senator Pangilinan, there being no objection, the Body approved the transfer of

Committee Report No. 27 on Senate Bill No. 1966 from the Calendar for Ordinary Business to the Calendar for Special Orders.

**COMMITTEE REPORT NO. 27
ON SENATE BILL NO. 1966**

Upon motion of Senator Pangilinan, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1966 (Committee Report No. 27), entitled

AN ACT AMENDING SECTION 6 OF REPUBLIC ACT NO. 1379, OTHERWISE KNOWN AS THE FORFEITURE LAW, TO PROVIDE A FIXED PERCENTAGE OF THE VALUE OF FORFEITED PROPERTIES IN CORRUPTION CASES AS ADDITIONAL FUNDING FOR THE OFFICE OF THE OMBUDSMAN AND FOR OTHER PURPOSES.

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

The Chair recognized Senator Escudero for the sponsorship.

**PARLIAMENTARY INQUIRY
OF SENATOR AQUINO**

At this juncture, Senator Aquino observed that a number of bills emanating from the House of Representatives have been referred to the Committee on Local Government. However, he pointed out that Section 59 of Rule XXI states that:

Every bill or resolution must be signed by one or more Senators.

If its author is the committee called to study it and recommendations relative thereto are made in accordance with Rule XI, the measure should be signed by the chairman of the committee or by the member who takes his place and should be submitted with the corresponding report attached thereto.

Senator Aquino asked for clarification as to whether or not the first paragraph of the aforementioned section is an absolute rule, and whether

the second paragraph is an exemption to the first paragraph, as he noted further that the first paragraph is no longer necessary if the Chamber would operate under the second paragraph.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 6:35 p.m.

RESUMPTION OF SESSION

At 6:38 p.m., the session was resumed.

**MANIFESTATION
OF SENATOR PANGILINAN**

Senator Pangilinan said that the section cited by Senator Aquino refers to bills that originate in the Senate, while the bills that had been referred to his committee are bills that have originated in the House of Representatives. He gave assurance that the Committee on Rules would present a more detailed response to the query at a later date.

Absent any objection to the referral, Senator Aquino asked whether there was an implicit acceptance by the committee of the assignment of all the resolutions. Senator Pangilinan replied in the affirmative, adding that this would nonetheless be subject to the clarification by the Committee.

**SPONSORSHIP REMARKS
OF SENATOR ESCUDERO**

At the instance of Senator Escudero, there being no objection, the explanatory note of the bill of Senator Roxas, the original author, was adopted as the sponsorship speech for Senate Bill No. 1966.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 6:41 p.m.

RESUMPTION OF SESSION

At 6:42 p.m., the session was resumed. *W*

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**MANIFESTATION
OF SENATOR PANGILINAN**

Senator Pangilinan manifested that Senators Enrile and Defensor Santiago have reservations to interpellate on the committee report.

**SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 1966**

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

**CLARIFICATION
OF SENATOR CAYETANO (P)**

As regards Senator Madrigal's questions on the significance of the discussion on climate change when the Oversight Committees on Clean Air Act, Clean Water Act, and the Solid Waste Management Act have not been convened yet, Senator Cayetano (P) informed the Body that on November 19, 2007, she wrote all the members of the three Oversight Committees, including Senator Madrigal, informing them that the House of Representatives has not yet organized its members in the Oversight Committees.

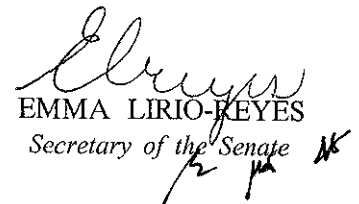
She said that she has personally spoken to both the House Chairman of the Committee on Natural Resources and the House Chairman of the Committee on Ecology expressing her desire for the oversight committees to meet as soon as possible.

ADJOURNMENT OF SESSION

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

It was 6:44 p.m.

I hereby certify to the correctness of the foregoing.


EMMA LIRIO-REYES
Secretary of the Senate

Approved on January 29, 2008