



REPUBLIC OF THE PHILIPPINES

S e n a t e

Pasay City

Journal

SESSION NO. 66

Monday, April 21, 2008

**FOURTEENTH CONGRESS
FIRST REGULAR SESSION**

SESSION NO. 66
Monday, April 21, 2008

CALL TO ORDER

At 3:37 p.m., the Senate President, Hon. Manny Villar, called the session to order.

PRAYER

Sen. Ramon "Bong" Revilla Jr. led the prayer, to wit:

Sa muling pagbubukas ngayon ng aming sesyon at muli naming pagharap sa mga hamon, kami ay dumadalangin sa Inyo, Panginoon.

Nawa'y maging daan kami upang matugunan ang pangangailangan ng bayan, mula sa hapag-kainan ng bawat pamilya hanggang sa kabuhayan ng manggagawa.

Hinihiling din namin ang liwanag sa dalawang Kapulungan, Hukuman at Malacañang.

Kasangkapanin Ninyo kami upang ma-naig ang kapayapaan sa halip na kaguluhan;

Upang mapairal ang kapatawaran, hindi ang paghihiganti;

Upang mangibabaw ang pagkakaunawaan, hindi ang pagdududa;

Upang magkaroon ng pag-asa sa halip na pagsuko.

At higit sa lahat, ang maisulong ang pagkakaisa, hindi ang pagkakawatak-watak.

Bigyan Ninyo kami ng lakas at talino para labanan ang aming kahinaan, upang maisakatuparan ang Inyong minimithi para sa aming bayan at bawat mamamayan.

Dinadalangin namin ito sa Ngalan ng Inyong Anak na si Hesus.

Amen.

NATIONAL ANTHEM

The Senate Choir led the singing of the national anthem and thereafter rendered the song entitled "Lupa."

ROLL CALL

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

Angara, E. J.	Lacson, P. M.
Aquino III, B. S. C.	Lapid, M. L. M.
Biazon, R. G.	Legarda, L.
Cayetano, C. P. S.	Pangilinan, F. N.
Defensor Santiago, M.	Pimentel Jr., A. Q.
Ejercito Estrada, J.	Revilla Jr., R. B.
Enrile, J. P.	Roxas, M.
Escudero, F. J. G.	Villar, M.
Honasan, G. B.	Zubiri, J. M. F.

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

Senator Madrigal arrived after the roll call.

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

Senators Arroyo and Cayetano (A) were on official mission, the former abroad.

Senator Trillanes was unable to attend the session as he is under detention. *AS*

PO

INQUIRY OF SENATOR PIMENTEL

Asked by Senator Pimentel how the attendance of Senator Trillanes was being recorded, Senator Pangilinan replied that as reflected in the Journal, Senator Trillanes is "unable to attend the session."

Senator Pimentel said that it would be more accurate to reflect in the Journal that Senator Trillanes was being "deprived of his right to attend the session."

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 3:47 p.m.

RESUMPTION OF SESSION

At 3:48 p.m., the session was resumed.

APPROVAL OF THE JOURNAL AS CORRECTED

Upon motion of Senator Pangilinan, there being no objection, the Body dispensed with the reading of the Journal of Session No. 65 and considered it approved, subject to the correction made by Senator Pimentel on the nonattendance of Senator Trillanes in the plenary sessions, to reflect that "he was unable to attend the session as he is under detention," and that the same be reflected in the succeeding Journals.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Pangilinan acknowledged the presence in the gallery of the Vice Mayors League of the Philippines, Northern Samar Provincial Chapter, headed by Christian Emmanuel Uy; David Zuckerman of the Seventh Day Adventist; and Tatsuo Fukuda from the Democratic Party of Japan.

Senate President Villar welcomed the guests to the Senate.

REFERENCE OF BUSINESS

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

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

Letter from the Secretary General of the House of Representatives, informing the Senate that on 12 March 2008, the House of Representatives approved the Bicameral Committee Report on the disagreeing provisions of House Bill No. 3323, entitled

AN ACT ALLOWING FILIPINO WORLD WAR II VETERANS TO CONTINUE RECEIVING PHILIPPINE GOVERNMENT PENSIONS AND BENEFITS NOTWITHSTANDING SIMILAR PENSIONS AND BENEFITS PROVIDED BY THE UNITED STATES GOVERNMENT, THEREBY AMENDING REPUBLIC ACT NO. 6948, AS AMENDED,

and Senate Bill No. 1659, entitled

AN ACT ALLOWING FILIPINO WORLD WAR II VETERANS TO CONTINUE RECEIVING PHILIPPINE GOVERNMENT PENSIONS AND BENEFITS EVEN WHEN SIMILAR PENSIONS AND BENEFITS ARE PROVIDED BY THE UNITED STATES GOVERNMENT, AMENDING SECTION 10 OF REPUBLIC ACT NO. 6948, AS AMENDED, FOR THIS PURPOSE

To the Archives

BILLS ON FIRST READING

Senate Bill No. 2122, entitled

AN ACT STRENGTHENING THE COMPREHENSIVE AGRARIAN REFORM PROGRAM (CARP) BY AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NO. 6657, AS AMENDED, OTHERWISE KNOWN AS THE COMPREHENSIVE AGRARIAN REFORM LAW OF 1988, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Biazon *NS*

10

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

Senate Bill No. 2123, entitled

AN ACT LIMITING THE PERIOD OF AMORTIZATION OF LOANS CONTRACTED BY LOCAL GOVERNMENTS TO THE TERM OF OFFICE OF THE LOCAL EXECUTIVES CONCERNED, AND FOR OTHER PURPOSES

Introduced by Senator Antonio "Sonny" F. Trillanes IV

**To the Committees on Local Government;
and Banks, Financial Institutions and Currencies**

Senate Bill No. 2124, entitled

AN ACT TO PROVIDE UNIFORM REQUIREMENTS AND/OR PROCEDURE FOR MAKING ARREST AND FOR OTHER PURPOSES

Introduced by Senator Antonio "Sonny" F. Trillanes IV

To the Committee on Justice and Human Rights

Senate Bill No. 2125, entitled

AN ACT PENALIZING PUBLIC OFFICIALS WHO CAUSED DELAY OR FAILED IN AUTOMATICALLY RELEASING THE SHARES OF BARANGAY IN THE PROCEEDS OF NATIONAL TAXES AND REAL PROPERTY TAXES

Introduced by Senator Alan Peter "Compañero" S. Cayetano

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

Senate Bill No. 2126, entitled

AN ACT ESTABLISHING THE NATIONAL HEALTH PASSPORT SYSTEM AND PROVIDING FREE

DIAGNOSTIC TESTS IN GOVERNMENT HOSPITALS AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Alan Peter "Compañero" S. Cayetano

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

Senate Bill No. 2127, entitled

AN ACT MANDATING THE AUTOMATIC RELEASE OF THE TEN PERCENT (10%) OF THE GENERAL FUND OF BARANGAY ALLOCATED TO SANGGUNIANG KABATAAN, AMENDING FOR THIS PURPOSE THE PERTINENT PROVISIONS OF REPUBLIC ACT NUMBERED SEVENTY-ONE HUNDRED AND SIXTY (R.A. NO. 7160), OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE, AND PROVIDING PENALTY THEREFOR

Introduced by Senator Alan Peter "Compañero" S. Cayetano

To the Committees on Local Government; and Finance

Senate Bill No. 2128, entitled

AN ACT MANDATING ALL STATE COLLEGES AND UNIVERSITIES TO CONFER AUTOMATIC ADMISSION AND PROVIDE SCHOLARSHIP GRANTS TO THE TOP FIVE (5) PUBLIC HIGH SCHOOL STUDENTS OF THEIR GRADUATING CLASS, AND ALLOCATE FUNDS THEREFOR

Introduced by Senator Alan Peter "Compañero" S. Cayetano

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

Senate Bill No. 2129, entitled

AN ACT PROVIDING FOR PROTECTION, SECURITY AND BENEFITS

OF WHISTLEBLOWERS AND FOR
OTHER PURPOSES

Introduced by Senator Manny Villar

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

Senate Bill No. 2130, entitled

AN ACT TO FURTHER PROMOTE THE
TOURISM INDUSTRY IN THE
COUNTRY, ESTABLISHING FOR THE
PURPOSE THE NATIONAL TOURISM
DEVELOPMENT PROGRAM, CREAT-
ING THE TOURISM CONSULT-
ATIVE COUNCIL, APPROPRIATING
FUNDS THEREFOR AND FOR
OTHER PURPOSES

Introduced by Senator Manny Villar

**To the Committees on Tourism; Ways and
Means; and Finance**

Senate Bill No. 2131, entitled

AN ACT TO PROMOTE THE CREATIVE
INDUSTRIES IN THE PHILIPPINES
BY ESTABLISHING THE CREATIVE
INDUSTRIES DEVELOPMENT
COUNCIL, DEFINING ITS POWERS
AND FUNCTIONS, APPROPRIAT-
ING FUNDS THEREFOR AND FOR
OTHER PURPOSES

Introduced by Senator Manny Villar

**To the Committees on Trade and Commerce;
Local Government; and Ways and Means**

Senate Bill No. 2132, entitled

AN ACT ESTABLISHING THE MARITIME
AND OCEAN AFFAIRS CENTER AS
AN ATTACHED AGENCY OF THE
DEPARTMENT OF FOREIGN AFFAIRS,
PROVIDING FOR ITS FUNCTIONS
AND RESPONSIBILITIES, APPRO-
PRIATING FUNDS THEREFOR AND
FOR OTHER PURPOSES

Introduced by Senator Manny Villar

**To the Committees on Foreign Relations;
and Finance**

Senate Bill No. 2133, entitled

AN ACT FIXING THE RETIREMENT
AGE FOR THE OFFICERS AND
ENLISTED PERSONNEL OF THE
ARMED FORCES OF THE PHILIP-
PINES AND MEMBERS OF THE
PHILIPPINE NATIONAL POLICE TO
SIXTY-FIVE

Introduced by Senator Antonio "Sonny" F.
Trillanes IV

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

Senate Bill No. 2134, entitled

AN ACT AMENDING SECTION 25 (d)
OF PRESIDENTIAL DECREE
NUMBERED SIXTEEN HUNDRED
THIRTY-EIGHT, OTHERWISE
KNOWN AS THE AFP MILITARY
AND SEPARATION DECREE OF
1979 AND FOR OTHER PURPOSES

Introduced by Senator Antonio "Sonny" F.
Trillanes IV

**To the Committee on National Defense and
Security**

Senate Bill No. 2135, entitled

AN ACT PENALIZING FALSE OR
FRAUDULENT ADVERTISING AND
FOR OTHER PURPOSES

Introduced by Senator Antonio "Sonny" F.
Trillanes IV

**To the Committees on Public Information
and Mass Media; and Trade and Commerce**

Senate Bill No. 2136, entitled

AN ACT REGULATING THE REGIS-
TRATION, LICENSURE AND
PRACTICE OF OCCUPATIONAL

ro

THERAPY, PROVIDING FUNDS
THEREFOR AND FOR OTHER
PURPOSES

Introduced by Senator Antonio "Sonny" F.
Trillanes IV

**To the Committees on Civil Service and
Government Reorganization; and Finance**

Senate Bill No. 2137, entitled

AN ACT GRANTING RETIREMENT
BENEFITS TO ALL ELECTIVE
OR APPOINTIVE BARANGAY
OFFICIALS WHO HAVE RENDERED
A CONSECUTIVE PERIOD OF
NINE (9) YEARS OR THREE TERMS
OF PUBLIC SERVICE IN THE
BARANGAY, AND APPROPRIAT-
ING FUNDS THEREFOR

Introduced by Senator Antonio "Sonny" F.
Trillanes IV

**To the Committees on Local Government;
Government Corporations and Public Enter-
prises; and Finance**

Senate Bill No. 2138, entitled

AN ACT INCREASING THE MONTHLY
EMOLUMENT OF BARANGAY
OFFICIALS AND FOR OTHER
PURPOSES

Introduced by Senator Antonio "Sonny" F.
Trillanes IV

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

Senate Bill No. 2139, entitled

AN ACT PROVIDING FOR THE
REGISTRATION, LICENSURE AND
PRACTICE OF FOOD TECH-
NOLOGY IN THE PHILIPPINES,
PROVIDING FUNDS THEREFOR,
AND FOR OTHER PURPOSES

Introduced by Senator Antonio "Sonny" F.
Trillanes IV

**To the Committees on Civil Service and
Government Reorganization; and Finance**

Senate Bill No. 2140, entitled

AN ACT PROVIDING FOR A THREE
THOUSAND PESOS (P3,000.00)
ACROSS-THE-BOARD INCREASE
IN THE MONTHLY WAGE AND
SALARY RATES OF EMPLOYEES
IN THE PUBLIC SECTOR AND FOR
OTHER PURPOSES

Introduced by Senator Gregorio B. Honasan II

**To the Committees on Finance; and Civil
Service and Government Reorganization**

Senate Bill No. 2141, entitled

AN ACT AUTHORIZING THE LOCAL
SANGGUNIANs TO DECLARE
SPECIAL HOLIDAYS IN THEIR
RESPECTIVE LOCALITIES TO
COMMEMORATE SIGNIFICANT
HISTORIC EVENTS AND TO HONOR
LOCAL HEROES, PROVIDING
GUIDELINES THEREFOR, AND FOR
OTHER PURPOSES

Introduced by Senator Antonio "Sonny" F.
Trillanes IV

To the Committee on Local Government

Senate Bill No. 2142, entitled

AN ACT PROVIDING FOR THE
REGULATION AND DISPOSAL OF
BIO-MEDICAL WASTES, DECLAR-
ING CERTAIN ACTS UNLAWFUL,
PRESCRIBING PENALTIES THERETO,
AND FOR OTHER PURPOSES

Introduced by Senator Antonio "Sonny" F.
Trillanes IV

**To the Committees on Health and Demo-
graphy; Local Government; and Finance**

Senate Bill No. 2143, entitled

AN ACT PROVIDING FOR THE
STANDARD FOR THE PRACTICE ~~OF~~

✓

OF REHABILITATION MEDICINE
AND FOR OTHER PURPOSES

Introduced by Senator Antonio "Sonny" F.
Trillanes IV

To the Committees on Health and Demography; and Civil Service and Government Reorganization

Senate Bill No. 2144, entitled

AN ACT DEFINING THE ARCHIPELAGIC BASELINES OF THE PHILIPPINE ARCHIPELAGO, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 3046, AS AMENDED BY REPUBLIC ACT NO. 5446

Introduced by Senator Pimentel Jr.

To the Committees on Foreign Relations; and Finance

Senate Bill No. 2145, entitled

AN ACT TO GOVERN THE INTRODUCTION, PROMOTION AND DEVELOPMENT OF THE TELECOMMUNICATIONS-RELATED CONVERGING TECHNOLOGIES AND SERVICES

Introduced by Senator Antonio "Sonny" F.
Trillanes IV

To the Committee on Public Services

Senate Bill No. 2146, entitled

AN ACT CONVERTING THE NAVAL INSTITUTE OF TECHNOLOGY IN THE MUNICIPALITY OF NAVAL, PROVINCE OF BILIRAN INTO A STATE UNIVERSITY TO BE KNOWN AS THE NAVAL STATE UNIVERSITY, INTEGRATING THEREWITH THE BILIRAN NATIONAL AGRICULTURAL COLLEGE IN THE MUNICIPALITY OF BILIRAN, AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Juan Miguel F. Zubiri

To the Committee on Rules

Senate Bill No. 2147, entitled

AN ACT TO EFFECTIVELY INSTILL HEALTH CONSCIOUSNESS THROUGH PICTURE-BASED HEALTH WARNINGS ON TOBACCO PRODUCTS

Introduced Senator Pimentel Jr.

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

Senate Bill No. 2148, entitled

AN ACT AMENDING SECTION 12 OF REPUBLIC ACT NO. 7659, AS AMENDED, OTHERWISE KNOWN AS AN ACT DEFINING AND PENALIZING THE CRIME OF PLUNDER

Introduced by Senator Ramon "Bong" Revilla Jr.

To the Committees on Constitutional Amendments, Revision of Codes and Laws; and Justice and Human Rights

Senate Bill No. 2149, entitled

AN ACT PROHIBITING THE RIDING OR TRANSPORTING OF CHILDREN SEVEN YEARS OLD AND BELOW ON MOTORCYCLES ALONG HIGHWAYS

Introduced by Senator Ramon "Bong" Revilla Jr.

To the Committees on Public Services; and Local Government

RESOLUTIONS

Proposed Senate Resolution No. 330, entitled

RESOLUTION DIRECTING THE COMMITTEE ON EDUCATION, ARTS AND CULTURE TO CONDUCT AN

10

INQUIRY AND REVIEW THE PRESENT BASIC EDUCATION CURRICULUM TO ASCERTAIN ITS RELEVANCE AND RESPONSIVENESS, AND TO MAKE RECOMMENDATIONS TO STRENGTHEN THE COMPETITIVENESS OF THE PHILIPPINE BASIC EDUCATION SYSTEM

Introduced by Senator Alan Peter
"Compañero" S. Cayetano

To the Committee on Education, Arts and Culture

Proposed Senate Resolution No. 331, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON EDUCATION, ARTS AND CULTURE TO CONDUCT AN INQUIRY AND REVIEW OF REPUBLIC ACT NO. 4670, OTHERWISE KNOWN AS THE MAGNA CARTA FOR PUBLIC SCHOOL TEACHERS, AND ITS IMPLEMENTATION, PARTICULARLY THE PROVISIONS RELATING TO TEACHING HOURS, COST OF LIVING ALLOWANCE, SPECIAL HARDSHIP ALLOWANCES, MEDICAL EXAMINATION AND TREATMENT, COMPENSATION FOR INJURIES, SALARY INCREASE UPON RETIREMENT AND THE BUDGETARY REQUIREMENTS FOR ITS FULL IMPLEMENTATION AND COME UP WITH RECOMMENDATIONS TO FURTHER PROTECT THE RIGHTS OF TEACHERS

Introduced by Senator Alan Peter
"Compañero" S. Cayetano

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

Proposed Senate Resolution No. 332, entitled

RESOLUTION CONGRATULATING MANNY "PACMAN" PACQUIAO FOR HIS EXCEPTIONAL FEAT IN THE SPORTS OF PROFESSIONAL BOXING AFTER BEATING DEFEND-

ING CHAMPION JUAN MANUEL MARQUEZ OF MEXICO WHICH EARNED THE FILIPINO RING ICON THE WORLD BOXING COUNCIL (WBC) SUPER FEATHERWEIGHT TITLE

Introduced by Senator Gregorio B. Honasan II

To the Committee on Rules

Proposed Senate Resolution No. 333, entitled

RESOLUTION DIRECTING THE COMMITTEES ON ECONOMIC AFFAIRS; AGRICULTURE AND FOOD; AGRARIAN REFORM; AND TRADE AND COMMERCE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE CURRENT STATUS OF THE COUNTRY'S RICE SUPPLY AND THE RESURGENT RICE AND FOOD CRISIS WITH THE END IN VIEW OF URGENTLY ADOPTING A FOOD SECURITY AND AGRICULTURE DEVELOPMENT POLICY IN THE SHORT- AND LONG-TERM

Introduce by Senator M.A. Madrigal

To the Committees on Agriculture and Food; and Trade and Commerce

Proposed Senate Resolution No. 334, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON AGRICULTURE AND FOOD TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, INTO THE ALLEGED PILFERAGE OF RICE BY NATIONAL FOOD AUTHORITY EMPLOYEES

Introduced by Senator Ramon "Bong" Revilla Jr.

To the Committees on Agriculture and Food; and Trade and Commerce

COMMUNICATIONS

Letter from Executive Secretary Eduardo R. Ermita of the Office of the President of the Philippines, ^{AS}

76

transmitting to the Senate the letter of Her Excellency, Gloria Macapagal Arroyo, dated 11 March 2008, addressed to the Speaker and the Members of the House of Representatives, expressing the President's commendation of Congress for the successful passage of the national budget, as well as the President's veto message on certain items and provisions of the FY 2008 General Appropriations Act.

To the Committee on Finance

Letter from Joaquin C. Lagonera, Senior Deputy Executive Secretary & Acting Head, PLLO of the Office of the President of the Philippines, transmitting to the Senate two (2) original copies of Republic Act No. 9498, entitled: AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY ONE TO DECEMBER THIRTY-ONE, TWO THOUSAND AND EIGHT, AND FOR OTHER PURPOSES,

and a certified copy of the President's Veto Message, dated 11 March 2008, on certain items and provisions of Republic Act No. 9498.

To the Archives

ADDITIONAL REFERENCE OF BUSINESS

BILLS ON FIRST READING

Senate Bill No. 2151, entitled

AN ACT MODIFYING THE DEFINITION OF THE CRIME OF RAPE INVOLVING MINOR CHILDREN AND RATIONALIZING THE PENALTIES THEREFOR, AMENDING FOR THE PURPOSE CERTAIN SECTIONS OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AND FOR OTHER PURPOSES

Introduced by Senator Enrile

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

Senate Bill No. 2152, entitled

AN ACT ESTABLISHING THE NATIONAL DEFENSE UNIVERSITY OF THE PHILIPPINES AND FOR OTHER PURPOSES

Introduced by Senator Loren Legarda

To the Committees on National Defense and Security; Education, Arts and Culture; and Finance

Senate Bill No. 2153, entitled

AN ACT ESTABLISHING ENVIRONMENTAL UNITS IN EVERY LENDING INSTITUTION TO ASSESS THE ENVIRONMENTAL COMPONENT OF LOAN APPLICATIONS

Introduced by Senator Loren Legarda

To the Committees on Banks, Financial Institutions and Currencies; and Environment and Natural Resources

Senate Bill No. 2154, entitled

AN ACT GRANTING ADDITIONAL BENEFITS AND PRIVILEGES TO SENIOR CITIZENS AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9257, OTHERWISE KNOWN AS THE "EXPANDED SENIOR CITIZENS ACT OF 2003" AND FOR OTHER PURPOSES

Introduced by Senator Loren Legarda

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

Senate Bill No. 2155, entitled

AN ACT ABOLISHING THE SANGUNIANG KABATAAN, AMENDING FOR THIS PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

r

Introduced by Senator Pimentel Jr.

**To the Committees on Local Government;
and Youth, Women and Family Relations**

RESOLUTIONS

Proposed Senate Resolution No. 335, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ALLEGED SHORTAGE OF CORN SUPPLY IN THE CEBU PROVINCE

Introduced by Senator Miriam Defensor Santiago

To the Committees on Agriculture and Food; and Trade and Commerce

Proposed Senate Resolution No. 336, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE IMPENDING RICE SHORTAGE IN THE COUNTRY AND THE ILLEGAL ACTIVITIES OF RICE HOARDERS

Introduced by Senator Miriam Defensor Santiago

To the Committees on Agriculture and Food; and Trade and Commerce

Proposed Senate Resolution No. 337, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON FILIPINO SEAMEN REPORTEDLY FAILING TO MEET INTERNATIONAL QUALIFICATIONS

Introduced by Senator Miriam Defensor Santiago

To the Committee on Labor, Employment and Human Resources Development

Proposed Senate Resolution No. 338, entitled

RESOLUTION EXPRESSING THE SENSE OF PROFOUND CONCERN OF THE SENATE OVER THE SALE OF PNOC-EDC WITHOUT NOTICE TO THE JOINT CONGRESSIONAL POWER COMMISSION (JCPC) AND REQUIRING SUCH NOTICE THEREAFTER

Introduced by Senator Miriam Defensor Santiago

To the Committee on Rules

Proposed Senate Resolution No. 339, entitled

RESOLUTION DIRECTING THE COMMITTEE ON AGRICULTURE AND FOOD TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE TRUE STATE OF THE RICE SUPPLY SITUATION OF THE COUNTRY

Introduced by Senator Biazon

To the Committees on Agriculture and Food; and Trade and Commerce

Proposed Senate Resolution No. 340, entitled

RESOLUTION DIRECTING THE APPROPRIATE COMMITTEES OF THE SENATE TO INQUIRE, IN AID OF LEGISLATION, THE REPORTED IRREGULARITIES IN THE QUEDAN AND RURAL CREDIT GUARANTEE CORPORATION'S (QUEDANCOR) MULTI-BILLION SWINE PROGRAM, WITH THE END IN VIEW OF DETERMINING THE STATUS OF THE FUNDS THAT WENT TO THE PROGRAM AND PROVIDING APPROPRIATE REMEDIAL LEGISLATION TO THE CHARTER OF QUEDANCOR

Introduced by Senator Lacson

To the Committees on Agriculture and Food; and Accountability of Public Officers and Investigations

Proposed Senate Resolution No. 341, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEES ON URBAN PLANNING, HOUSING AND RESETTLEMENT; ENVIRONMENT AND NATURAL RESOURCES; AND ECONOMIC AFFAIRS TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE ISSUANCE OF ZONING, HOUSING AND BUILDING PERMITS, AND ENVIRONMENTAL CLEARANCE CERTIFICATE (ECC) ON THE CONSTRUCTION OF HOUSING CONDOMINIUMS FOR OFFICIALS AND EMPLOYEES OF THE HANJIN HEAVY INDUSTRIES AND CONSTRUCTION LTD. INSIDE THE PROTECTED AREAS IN THE SUBIC BAY METROPOLITAN AUTHORITY

Introduced by Senator Juan Miguel F. Zubiri

To the Committees on Urban Planning, Housing and Resettlement; and Environment and Natural Resources

Proposed Senate Resolution No. 342, entitled

RESOLUTION URGING THE SENATE COMMITTEE ON ECONOMIC AFFAIRS AND THE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE INCENTIVES AND PRIVILEGES GRANTED BY THE SUBIC BAY METROPOLITAN AUTHORITY (SBMA) TO HANJIN HEAVY INDUSTRIES AND CONSTRUCTION LTD., WITH THE END IN VIEW OF DETERMINING LEGISLATIVE MEASURES TO ENSURE THAT PREFERRED STATUS OF INVESTORS IN ECONOMIC ZONES ARE NOT ABUSED

Introduced by Senator Loren Legarda

To the Committees on Economic Affairs; and Environment and Natural Resources

Proposed Senate Resolution No. 343, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON PUBLIC INFORMATION AND MASS MEDIA TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE ALARMING PROLIFERATION OF LOCAL INTERNET WEBSITES AND GROUPS THAT DISTRIBUTE PORNOGRAPHIC MATERIALS, WITH THE END IN VIEW OF INTRODUCING REMEDIAL MEASURES TO PENALIZE INTERNET PORNOGRAPHY

Introduced by Senator Loren Legarda

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

Proposed Senate Resolution No. 344, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON ECONOMIC AFFAIRS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ESTIMATION AND FINANCING OF THE RESETTLEMENT COST OF THE NORTHRAIL PROJECT, LOOKING INTO THE PROCESSES OF CONTRACTING OFFICIAL DEVELOPMENT ASSISTANCE (ODA), WITH THE END IN VIEW OF DETERMINING MEASURES THAT WILL COMPLEMENT THE OBJECTIVES OF REPUBLIC ACT NO. 8182, OTHERWISE KNOWN AS THE OFFICIAL DEVELOPMENT ASSISTANCE ACT OF 1996

Introduced by Senator Loren Legarda

To the Committees on Economic Affairs; and Finance

Proposed Senate Resolution No. 345, entitled

RESOLUTION EXPRESSING THE SENSE OF THE SENATE THAT THE PHILIPPINES SHOULD TAKE THE LEAD IN CALLING FOR AN EMERGENCY ASEAN LEADERS' ^{AS}

po

**SUMMIT TO TACKLE THE RICE
CRISIS AND TO ENSURE FOOD
SECURITY IN THE REGION**

Introduced by Senator MAR Roxas

To the Committee on Rules

Proposed Senate Resolution No. 346, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE USE OF THE P9,000,000,000 CALAMITY FUND INCLUDING THE CALAMITY ASSISTANCE AND REHABILITATION EFFORT (CARE) FUND FOR THE VICTIMS OF TYPHOONS MILENYO, PAENG, REMING AND SENIANG

Introduced by Senator Juan Miguel F. Zubiri

**To the Committees on Accountability of
Public Officers and Investigations; and Finance**

COMMUNICATIONS

Letter from Annaliza S. Ty-Capacite, JBC Executive Officer of the Supreme Court of the Philippines, dated 3 March 2008, informing the Senate that the letter dated 13 February 2008, transmitting a copy of Senate Resolution No. 41, was duly NOTED by the Judicial and Bar Council in its *en banc* meeting on 3 March 2008.

To the Archives

Letter from Marianito M. Dimaandal, Director IV, Malacañang Records Office, Office of the President of the Philippines, dated 10 March 2008, transmitting to the Senate a certified copy of Memorandum Circular No. 151, dated 6 March 2008, entitled "REVOKING EXECUTIVE ORDER NO. 464 AND MEMORANDUM CIRCULAR NO. 108."

To the Archives

Letters from Asst. Governor and General Counsel Juan De Zuñiga Jr. of the *Bangko Sentral ng Pilipinas*, dated 12 and 17 March 2008, and

1 April 2008, transmitting to the Senate the following, in compliance with Section 15 (a) of Republic Act No. 7653 (The New Central Bank Act):

BSP Circular Nos. 596, dated 11 January 2008 (corrected copy); 601 and 602, dated 13 February 2008; 603 and 604, dated 3 March 2008; 605, dated 5 March 2008; and 606, dated 26 March 2008, all series of 2008.

**To the Committee on Banks, Financial
Institutions and Currencies**

COMMITTEE REPORT

Committee Report No. 43, prepared and submitted jointly by the Committees on Public Information and Mass Media; and Justice and Human Rights, on Senate Bill No. 2150, with Senators Pimentel Jr., Ramon "Bong" Revilla Jr. and Francis "Chiz" G. Escudero as authors thereof, entitled

**AN ACT GRANTING THE RIGHT OF
REPLY AND PROVIDING PENAL-
TIES FOR VIOLATION THEREOF,**

recommending its approval in substitution of Senate Bill No. 1178.

Sponsors: Senators Ramon "Bong" Revilla Jr., Francis "Chiz" G. Escudero and Pimentel Jr.

To the Calendar for Ordinary Business

REQUEST OF SENATOR ROXAS

Senator Roxas recalled that in the previous session, he agreed to the termination of the period of interpellations to pave way for the introduction of committee amendments, without prejudice, however, to reopening it later. In this regard, he requested that the period of interpellations on Senate Bill No. 2077 be reopened only after he has been provided with a clean copy of the bill with the approved committee amendments so that plenary debates on the bill would be based on its amended form.

The Chair replied that all the Members would be furnished with copies of the amended bill. *AS*

ro

PARLIAMENTARY INQUIRY OF SENATOR LACSON

Senator Lacson stated that he was given a copy of the draft committee report jointly submitted by the Committees on Foreign Relations, and Trade and Commerce recommending conditional concurrence in the ratification of the Japan-Philippines Economic Partnership Agreement (JPEPA). He clarified that he was not against it as he acknowledged the noble intention of the Committees of maintaining good economic relations with Japan while saving national interest. However, he wondered whether the resolution would pass the test of constitutionality and would be acceptable to Japan, and how it would be called if and when the agreement is ratified.

Senator Pangilinan noted that Senator Lacson could raise his queries during the period of interpellations following the filing and sponsorship of the committee report.

QUESTION OF PRIVILEGE OF SENATOR DEFENSOR SANTIAGO

On a question of privilege, Senator Defensor Santiago stated that she would deliver statements concerning the JPEPA, the Baselines Law, her official mission and a personal freak accident that she had undergone.

She explained that the Committee on Foreign Relations which she chairs, as well as the Committee on Trade and Commerce, which is headed by Senator Roxas, submitted a committee report recommending conditional concurrence in the JPEPA considering that the treaty is very complicated and it concerns highly technical issues. She said that this early, she deemed it proper to furnish all the Members with a folder containing a press release explaining the committee's recommendation for conditional concurrence, a draft resolution of the Senate expressing conditional concurrence and annexes "A" and "B" of the resolution.

She noted that the recommendation of the two committees is historic considering that the Senate has never made a conditional concurrence with a treaty. She also explained that the constitutional issue on whether the Senate is empowered to issue a conditional rather than just a simple concurrence could be answered in the affirmative because of the rule on statutory construction that where the law

does not distinguish, the court should not distinguish. Thus, she noted that the power of the Senate to concur as well as its power to issue a conditional concurrence could be drawn from the law which states that the President shall have the power to conclude treaties provided they have the concurrence of at least two-thirds of the Senate.

Senator Defensor Santiago pointed out that the rule on statutory construction becomes relevant because although the Constitution does not provide for a conditional concurrence, it also does not prohibit a conditional concurrence. She noted that on the one hand, the challenge lies on whether the Senate's conditional concurrence in the treaty would pass the test of constitutionality as its critics plan to bring the matter to the Supreme Court, and on the other, there is also the challenge of maintaining diplomatic relations with Japan.

Citing a book on international law that she wrote, Senator Defensor Santiago stated that if a case concerning a treaty is brought to a national court, the national court will always uphold its own Constitution, but if it is brought to the international court, the international court will always uphold international law. In the case of the Philippines, she said, if the JPEPA is approved in full without conditions, the Supreme Court would likely declare it unconstitutional and the government would be bound not to implement any of its provision that has been declared unconstitutional and invalid. In that event, she stated that international law would come into play and under the Vienna Convention on the Law of Treaties, in particular, the violation of a national constitution by a treaty is not a defense for its non-performance if the other party sues in an international tribunal. She explained that the effect of a ruling on unconstitutionality on the part of the Senate would make the Philippines liable for damages to Japan by the non-performance of the treaty. She explained that the economic partnership agreements that Japan had concluded with other Southeast Asian nations, in particular Indonesia, Malaysia, Thailand and Singapore, is meant to form part of a vertically integrated system of economic partnership in the light of the Association of Southeast Asian Nations (ASEAN). Should Japan refuse to sign a 2008 supplemental agreement containing the conditions that the Senate committees have recommended, she assumed that Japan would eventually sign it in 2009 or 2010, as Japan cannot afford to exclude the Philippines permanently from the economic situation. Under

conditional concurrence, she said that the Senate resolution listed 15 provisions in the Philippine Constitution which need to be observed by the JPEPA because they were not explicitly stated in the treaty and Japan is not bound by the presumption that it would comply with them. The second condition, she said, is that any other future constitutional provision or legislation on the part of the national and local governments concerning foreign investments should be considered as a limitation on the JPEPA.

Senator Defensor Santiago informed the Body that she would distribute to the Members the two-volume Committee Report on the JPEPA: Part one deals with constitutional issues that she wrote; and Part two deals with the issues on trade and services that Senator Roxas wrote. She appealed to the Members of the two committees to approve the Committee Report so that it could be fully discussed in plenary.

INTERPELLATION OF SENATOR ENRILE

Asked by Senator Enrile on the impact of a conditional concurrence, Senator Defensor Santiago explained that if the Body passed a resolution expressing conditional concurrence to which Annexes A and B on the conditions for concurrence are attached, the President has to be informed, through the Department of Foreign Affairs, of the conditions and then the Executive Department, through the Secretary of Foreign Affairs, has to be requested to execute the needed supplemental agreement in the form of an exchange of notes between the two governments. She stated that if Japan refuses to accept the conditions, then the concurrence shall be considered void *ab initio*.

On whether the treaty would, in effect, be held in abeyance until an agreement is reached to revisit some of the provisions to which the Philippines has reservations, Senator Defensor Santiago affirmed as she admitted that clearly nobody likes the JPEPA. However, she cautioned that there would be many economic repercussions if the treaty would not be ratified. Realizing that the Philippines haggled for a long time over some of the provisions, she said that the committees avoided using terms like "non-concurrence" and "non-approval" and instead used the term "conditional concurrence." She informed the Body that amending a treaty has been practiced by the United States and, in fact, it has already been accepted by the world community.

As to the impact of the absence of the JPEPA on the economic life of the people, considering that the Philippines is not the only country competing for access to the Japanese market, Senator Defensor Santiago revealed that the Department of Trade and Industry (DTI) made the categorical statement that the JPEPA would increase the country's trade volume with Japan from 10% to 15% per annum to at least 20% in the first year of its operation. She said that the country would also lose money because tariffs on certain products would be removed under the JPEPA, even as the treaty would encourage Japanese investments and the employment of Filipinos by Japanese.

On whether the Philippines has bargaining chip with Japan that would justify its conditional concurrence in the treaty, Senator Defensor Santiago replied that she would grant the presumption of correctness in foreign policy to the President since the power to evolve foreign policy is shared by both the Senate and the President. However, she maintained that the treaty suffers from a serious infirmity, citing a provision which says that, "The two parties shall give each other national treatment," which is already a violation of the Philippine Constitution which has provisions providing a certain percentage of Filipino participation in business enterprises. She pointed out that under the most-favored nation treatment clause, the Philippines shall give to Japan what special treatment it gives to the most favored nation; and in the performance requirement, once Japanese investment is allowed into the country, it must at least export a certain level of its production. The committees, she said, could make exceptions to the national treatment clause, the most-favored nation treatment clause, and the prohibition of specific performance requirements clause, but the main problem, she pointed out, is that the Philippines was not able to come up with a detailed and complete list of exceptions to the general provisions of the treaty. She further explained that if Japan would not accept the conditions, nothing much would happen since Japan is already the foremost trading partner of the Philippines even without the JPEPA and it could not afford to exclude the Philippines as its trading partner because of certain benefits that it would gain as it tries to build a network among Southeast Asian nations.

Asked if the Philippine negotiating panel mentioned to its Japanese counterpart that under the Philippine Constitution lands cannot be owned by foreigners ^{AE}

and in the case of corporations, foreigners can own only up to 40%, Senator Defensor Santiago replied that the JPEPA indeed included some but not all of *the nationalistic provisions*.

Asked what national treatment provisions that were not disclosed to the panel, Senator Defensor Santiago enumerated 15 constitutional provisions, namely, public health, protection of Filipino enterprises, ownership of public lands, use of natural resources, ownership of alienable public lands, ownership of private lands, reservation of certain areas of investments for Filipinos only giving preferences in the national economy and patrimony to Filipinos, regulation of foreign investments, operation of public utilities, preferential use of Filipino labor and materials, practice of professions, ownership of educational institutions, state regulation of transfer of technology, ownership of mass media and ownership of advertising firm.

Assuming that there was certain doubt on the constitutionality of some of the treaty provisions, Senator Enrile asked if it would be more proper to allow the Supreme Court to handle the case, it being the final arbiter of what is constitutional and unconstitutional.

Senator Defensor Santiago said it would be an embarrassment on the part of the President to enter into a treaty which might later be declared unconstitutional by the Supreme Court. She opined that the Supreme Court has no choice but to declare such kind of treaty unconstitutional.

On whether the whole treaty would be declared unconstitutional, Senator Defensor Santiago replied that the declaration of unconstitutionality would always be limited to certain provisions because of a Supreme Court ruling that it must limit its function of testing any legislation against the Constitution as narrowly as possible.

Senator Enrile pointed out that until a justiciable case comes up before the Supreme Court, at least during that period, Congress shall have tested the effectiveness of the treaty in providing economic well-being to the people. But Senator Defensor Santiago expressed confidence that a petition on unconstitutionality of the treaty would be filed immediately as manifested by a group of professors of the U.P. College of Law and businessmen who are interested in the new NAIA Terminal which, to date, is non-operational because of the foreign ownership issue.

Senator Enrile opined that the issue on the JPEPA should be taken up in caucus before it is taken up with the people in a full-blown debate. Since the concept of "most favored nation" is already embedded in the World Trade Organization Treaty, he believed that it is no longer new that whatever the Philippine government grants to other countries, Japan would equally enjoy it, unless there are special arrangements in JPEPA that exist only between the Philippines and Japan and which the Philippine government does not grant to other countries. He said that if Japan is granted certain arrangements, other countries may compel the Philippines to grant the same to them or vice versa, and if there are certain provisions that are given to other countries but the Philippine government has not given so far to Japan, the latter may demand, as a *matter of treaty agreement*, a similar treatment being granted to other countries.

Senator Defensor Santiago replied that she would discuss the matter at length in her sponsorship speech.

QUESTION OF PRIVILEGE OF SENATOR DEFENSOR SANTIAGO (Continuation)

Continuing with her point of personal privilege, Senator Defensor Santiago informed the Body that she has filed a resolution for the Senate and the House of Representatives to establish a Commission on National Territory because Members of Congress cannot just discuss archipelagic baselines without the guidance of experts who have extensive experience on archipelagic doctrine and have studied the UN Convention on the Law of the Sea.

Likewise, she questioned why the Joint Seismic Marine Undertaking (JSMU) among the three countries including the Philippines and the question of archipelagic baselines have been scheduled for reference to the Committee of the Whole, when under Rule X, Section 13, paragraph 12 of the Rules of the Senate, the jurisdiction of the Committee on Foreign Relations covers all matters relating to the relations of the Philippines with other nations generally. Therefore, she said, an undertaking to conduct joint marine seismic investigations would certainly involve the Philippines' relations with the two other countries, China and Vietnam. Furthermore, she said, the Rules provides that the Committee on Foreign Relations has jurisdiction over "all international agreements, obligations, and contracts"; therefore, whether or not the JSMU is a contract, certainly it imposes certain

obligations and constitutes an international agreement. She disclosed that she was surprised that the Committee on Foreign Relations has been deprived of its jurisdiction over a matter on baselines and the Joint Seismic Marine Undertaking and the jurisdiction given to the Committee of the Whole.

Senator Defensor Santiago stressed the need to create a technical commission to guide the debates on baselines because apparently, the House of Representatives is having a misimpression that the Philippine government is required to observe the deadline of May 2009 to declare the Philippines as an archipelagic state. She clarified that the Philippines is under no such compulsion and would not be penalized under international law if it does not make such a declaration; there is yet a need to analyze whether or not it is best for the country to declare itself an archipelagic state. Under the archipelagic doctrine, she stated that an archipelago consisting of a group of islands is entitled to identify the outermost islands of the archipelago and to connect the outermost islands and measure the territorial waters of the country from those baselines. She explained that territorial water is, in effect, an area of sovereignty and under the jurisdiction of the literal state, but has more jurisdiction over internal waters. She pointed out that the waters in between and connecting the islands are recognized in international law as internal waters, hence, rights to it belongs solely to the Philippines; on the other hand, if the Philippines would declare itself as an archipelagic state, then, automatically, the government should allow the so-called practice of archipelagic sea lane's passage.

Senator Defensor Santiago pointed out that in the 1935 and 1973 Constitutions, under the Article on National Territory, the territory of the Philippines was described as that territory covered by the Treaty of Paris which identified the Philippines and its islands according to latitude and longitude, and that the waters identified in the Treaty are much wider and beyond the archipelagic baseline.

On another matter, Senator Defensor Santiago informed the Body that she was nominated to represent Asia in the International Court of Justice, the reason she has been out of the country many times. Citing that her itinerary is decided by the Department of Foreign Affairs, she recounted the very tedious task of being a national candidate who is being judged on the presumption that she is equally

qualified with the rest of the delegates. She said that she would be out of the country until November when the elections would be held among the members of the UN General Assembly and the members of the UN Security Council.

Lastly, since she is not always present in the Chamber, Senator Defensor Santiago appealed to her fellow senators to concentrate on questions of law in discussing policy issues. She stated that while the Senate has the tendency to be microcosmic about foreign policy, the Philippines, in the mind of the world's highest policy makers, is not firmly fixed geographically.

In conclusion, Senator Defensor Santiago stated that the Filipinos must be aware that they live in a big world that is shrinking by the day; they must become citizens of the global community; and their leaders should stop thinking of personal desires, ambitions and tendencies to publicize themselves.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, there being no objection, the Chair suspended the session.

It was 4:57 p.m.

RESUMPTION OF SESSION

At 4:50 p.m., the session was resumed.

PRIVILEGE SPEECH OF SENATOR LEGARDA

Availing herself of the privilege hour, Senator Legarda delivered the following speech on the eve of Earth Day to be celebrated the next day:

PIONEERING GRASSROOTS INITIATIVES FOR THE ENVIRONMENT

While Metro Manila is ecologically under siege and overwhelmed by toxic political garbage, some of our local communities are enjoying a period of unprecedented environmental renaissance.

Fresh and audacious initiatives for the environment have been taking roots in pioneering local communities, their dynamic leaders driving and pushing these environmental initiatives to certain success. *AP*

r

I have been witness to the dedication and intensity of purpose, the burning passion to do something bold and concrete for the environment. I have seen how they have triumphed past the usual skepticism and cynicism directed at environmental workers to design, implement and create their own successful environmental programs.

On the month we celebrate Earth Day, let us focus on viable environmental agenda, on doable programs. On the eve of celebrating Earth Day, we should make public their deeds.

Combating climate change in Albay

The Albay Declaration on Climate Change of 2007 was a fresh gust of wind to a fatigue-stricken environmental work. It showed that local initiatives can be brighter, more purposeful and more dedicated than the best of national environmental programs. It was a powerful message to local community leaders across the country that there was no reason for inertia, atrophy and torpor in confronting natural onslaughts and climate change.

The Declaration launched the prototype for local Climate Change Adaptation, the first in the country by an LGU. The Albay Action on Climate Change, known as the A2C2, came with the powerful invocation that the province was no longer at the mercy of climate change. Climate-proofing and disaster-proofing became part of the provincial lexicon.

The CIRCA or Centre for Initiatives and Research in Climate Adaptation was established to educate communities on climate change, at the same time laying the groundwork for partnerships and collaboration. The Center is working to pull various sectors into climate change reversal. It seeks to create a virtual army of stakeholders for the environment.

The CIRCA engages institutions and experts from the Environmental Management Bureau, the UP at Los Baños, the Department of Education, the Bicol University and the World Agro-Forestry Centre as partners of the provincial government. I am part of the support group.

Last week, CIRCA invited 25 scientists and community development practitioners to a two-day dialogue with leaders and citizens of Albay.

Agreements with the UP in Los Baños for the development of curricula of Albay's grade and high schools as well as with the DOE for the conversion of incandescent bulbs into energy efficient compact fluorescent lamps have been

signed. The UPLB and the Bicol University will assist Albay teachers in lesson planning to mainstream climate change adaptation, while the DOE effort can save the participants up to 80% of their current energy use.

Climate-proofing at the grassroots is also facilitated by CIRCA. The A2C2 is an explosion of specific projects. The barangays organized workers to clean up major rivers, canals and tributaries to avoid flooding when the heavy rains, typhoons and mudflow come in. This actually can be replicated in many areas including the National Capital Region. Under the *Linis Kanal at Ilog* project, workers get food and appreciation from the grateful communities in exchange for their hard work.

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

Following the Darfur strategy of clustering, the Albay Integrated Agriculture Rehabilitation Program or AIARP established farm clusters to assist farmers and fisherfolk with agricultural, technological and training needs, and for food assistance. The members of each cluster are usually professionals and civic leaders of the communities who identify their needs, prepare plans to address such gaps and lead the projects. These clusters are trained in environmentally sound farming and fishing methods through CIRCA and its experts; and, of course, the LGU assists logistically.

In Albay, the communities never rest in building their resilience to climate and other disasters.

Laying the groundwork for sustainable marine resource management in Santa Fe

Back in the Visayas, in Santa Fe, a beautiful town in Bantayan Island, Cebu, is a study in contradiction. Its white beaches and the pristine waters serve like a picturesque cover to what actually is a harsh reality of grinding poverty.

Its marine resources have been exhausted by over-fishing, illegal fishing, dynamite fishing. The seas off Santa Fe, once they were rich fishing grounds, now can no longer provide for those residents who live below the poverty line. Four out of 10 residents live below the poverty line. The rest live just above this critical threshold.

This, of course, is a familiar story. There are many coastal communities across the country

that are in the same dilemma. But unlike most uncaring towns crippled by over-fishing and the degradation of their environment, this town sprang into action.

A two-day workshop was organized in February to plot a course of action aimed at reversing the defoliation of the marine resources in the seas off Santa Fe. Broader and more sweeping environmental problems were also discussed. Every stakeholder was there: elected officials, fishermen, fish wardens, NGOs working for the environment, the head of the local maritime police.

The workshops generated a draft Local Fisheries Code to govern the conduct of fishing activities in the area and to put in place steps to protect and nurture the area's marine resources. It kicked off the crafting of what is called the MPA or the Coastal Resources Management Program to enhance and conserve the coastal resources of the island.

Beyond developing a local coastal management plan, barangay folks are already moving into action. The Law of Nature Foundation, an active NGO in the area, has introduced the concept of Marine Protected Areas or MPAs in coastal barangays of Santa Fe. Again, we need not limit this to the town of Santa Fe, Bantayan, Cebu. This can be found in every coastal municipality around the country. These are pockets of areas in the sea which have old-growth corals and are conducive as breeding grounds of fish. To ensure that there is continuous abundance of marine resources, these MPAs must become "no-take zones" where fishing is not allowed.

The Law of Nature Foundation and the Coastal Dynamics Foundation educate the fisherfolk on the importance of preserving the MPAs and help in mapping out these areas. The NGOs work with the barangay communities, particularly the local fisherfolk, in identifying and demarcating these MPAs by setting buoys. These same stakeholders are trained to be involved in ensuring that these MPAs are indeed protected. Out of the 10 barangays of Santa Fe, nine have already finished mapping and marking their MPAs. As we speak, the remaining barangay is in the process of doing the same.

These are just some of the concrete efforts being undertaken by local communities towards more sustainable fishing practices.

The Karusel in Puerto Princesa

The stretch of the Puerto Princesa Bay Walk offers a grand view of the city's bay area. Local

residents and visitors strolling through the Bay Walk are often amazed by the absence of litter and plastic, the usual curse of coastal cities. The devotion of the city to cleanliness is actually amazing.

Now, the attention of visitors is divided but the distraction is most welcome. The other attraction is the *Karusel*.

What is the *Karusel*? It is a mini-train that plies the whole course of the Bay Walk on steel tracks designed for it. Powered by little human exertion and no gas, it represents the fondest dreams of environmentalist – a transport system that does not use fossil fuel. It represents a convenient mode of transport in the context of an inconvenient truth – that the massive use of fossil fuel has been the main abettor of climate change.

I was there during its launch on February 14 of this year, and City Mayor Ed Hagedorn, an avid environmentalist, is now studying the possibility of using the *Karusel* to augment the transport service at the city proper.

The reason why I am mentioning the use of the *Karusel* is to make known to other cities and municipalities, and even to the cities of Metro Manila, that it is possible to have a mode of transport that will not use fossil fuel and that could be economically and environmentally viable.

Puerto Princesa was also the launching place for another innovation for the environment, a tricycle that runs on electricity. They call it *The Trikebayan* and it uses P48 worth of electricity in a day's run, the cost of a liter of high-octane gasoline.

Now, Puerto Princesa is no longer a city famous for its eco-tourism offerings. It has moved into energy conservation as well, frenziedly weaning away the city from too much dependence on fossil fuel.

El Nido: nature's nest and sanctuary

Just recently, I also visited for the nth time El Nido. I was fascinated by how the place has preserved its natural beauty over the years. But what amazed me most was the attitude and the character of the people. While this is not surprising that El Nido is well known as a premiere showcase of biodiversity in the world, I have been inspired by how ordinary folks – the boatmen, the resort staff – have ingrained the value of preserving the natural wonders of their place. Their value was evident in the way they conduct their daily chores, always conscious

and doing the little things that help preserve our environment. In fact, the boatman who took care of me said, "Ma'am, I remember the privilege speech you delivered on your birthday on January 28 of this year..." and even quoted the last paragraph of my privilege speech, and that was about climate change and global warming. And I asked him how he found out, and he said, "I downloaded it from YouTube." The boatman of El Nido, of Ten Knots Foundation was actually very much interested in climate change, global warming and requested to secure all the documents and materials on climate change and global warming for dissemination to the local fisherfolk.

The company, Ten Knots, has institutionalized environmental conservation by having an environment manager which supervises environmental officers and enforcement officers in its resorts and in the village. This institutional set-up enables the company to conduct programs to keep the environs of the resort in its pristine state through activities, such as coastal clean-ups, environmental education, ecological solid waste management and regular patrolling in the bay. It liaises with fishermen and other bay stakeholders to agree on the code of conduct for shared areas, like the regulation of fish catch in reef areas and the use of mooring buoys instead of dropping anchors.

The company also actively seeks collaboration with the LGU, NGOs, and local stakeholders for its environmental initiatives. There is a dynamic collaboration with the people in the community who have rebuked the temptation of succumbing to crass commercialism. The Ten Knots' Environment Department is supported by institutions such as the El Nido Foundation, WWF, the UP Marine Science Institute and others who have provided services to help enable its programs to succeed.

Just recently as well, I visited Daet, Camarines Norte, and was very glad to find out that they were actually practicing solid waste management – the law that we authored way back in January 2001. We went to its most populous barangay and talked with barangay people and saw how they were selling *Zest-O* bags and slippers made out of the plastics from their reused garbage. It is truly amazing how LGUs in different parts of the country have actually imbibed and engrained among themselves the importance of the implementation of environmental laws.

Conclusion

These stories for the environment of local communities – inspiring, trailblazing, pioneering

– are slivers of light in a country of sludge, garbage dumps, mine tailings, bald mountains and discarded plastic scarring our once magnificent seas.

The local communities took up the cudgels and have shown dynamism and creativity in pursuing projects to help resuscitate our degraded physical environment. These stories show that the determination and creativity of public and private entities, NGOs, people's organizations, law enforcement agencies, and even universities and research institutions can actually go a long way.

The support of LGUs in environmental protection, preservation and conservation is also the guarantee that projects for the environment get off the ground, are pursued aggressively, and succeed. For in the overall scheme of project implementation for the environment, it is the LGUs that set up offices at ground level, provide the staff, pass local ordinances and regulations to support and complement the projects and organize the stakeholders.

From our end, we should recognize and appreciate the pioneering efforts for the environment. And, after the recognition, we should support the successful initiatives with incentives.

I have filed a bill, entitled "An Act Providing for the Framework in the Conservation, Development, Management, and Utilization of Environment and Natural Resources," which, I believe, represents the collective sentiment of all the senators in this hall on the environment.

The bill seeks to integrate and harmonize the fragmented, sector-oriented laws and issuances on the environment to achieve what we have been dreaming of all along – the effective and viable management of our environment and natural resources down to the LGU level through a policy of shared responsibility by the community, the national and local governments, the private sector and all stakeholders.

To ensure the replication of the best practices of Albay, of El Nido and Puerto Princesa, of Bantayan Island, of Daet, Camarines Norte, and of other communities that I have not mentioned today but which have been doing good environmental work very quietly but effectively, this bill mandates the establishment of a special incentive system to recognize such exemplary community leadership, cooperation, and collaboration for the preservation and enhancement of fragile islands and other ecosystems.

AS

PS

The inconsistencies and weaknesses of our protection and conservation work that are deeply rooted in the inconsistencies and weaknesses of the environment sector's legal infrastructure will be remedied by the overarching framework offered by the bill.

Policy should also be crafted to see to it that the best practices for the environment at the local level are replicated in areas that need to adopt them. We should tell and retell their success stories for the other local communities to emulate.

On Earth Day, I wish everyone a *Luntiang Pilipinas*.

MANIFESTATION OF SENATOR ZUBIRI

In expressing his support to Senator Legarda's environmental endeavors, Senator Zubiri lauded the concise and informative presentation of the speech in defending Mother Earth. He said that the speech was a good way of starting Earth Week.

Senator Legarda expressed hope for the passage of her measures with the support of Senator Zubiri himself, an ardent environmentalist. She also expressed appreciation for the initiatives being taken at the local level and by the NGOs.

MANIFESTATION OF SENATOR CAYETANO (P)

Senator Cayetano (P) thanked Senator Legarda for her efforts and the many inputs she has constantly been giving to the Committee on Environment and Natural Resources, and as the committee chair, she gave assurance that she would immediately schedule a hearing on the bill. She likewise emphasized the need to focus on the good practices on the ground level in many cities and municipalities that a lot of times are not brought to the public's awareness.

Senator Legarda expressed gratitude to Senator Cayetano (P) for her support, particularly on the creation of a Commission on Climate Change.

MANIFESTATION OF SENATOR GORDON

Expressing support for Senator Legarda's efforts on the environment and tourism, Senator Gordon said that he also filed a bill on the creation of a climate change committee. He lamented that the matter of climate change is not covered by the press very

much because most people would rather not talk about it. Disclosing that the Philippines is ranked No. 3 or 4 among the most disaster-prone countries in the world, he expressed hope that the government would provide the proper agencies the budget for disaster adaptation and mitigation and to ensure that the most vulnerable would be benefited.

Senator Legarda cited Palawan as an example of a multipartisan collaboration on eco-tourism, where people have actually imbibed the value of protecting the environment. She then suggested that environmental compliance with existing laws be incorporated into the present tourism programs. She also acknowledged the role of the Philippine National Red Cross which Senator Gordon chairs, in disaster-proofing, mitigating risks and risk adaptation.

Senator Gordon narrated that he just visited Carballo Island, an island right beside the Boracay Island, a very beautiful community with white sand beaches and whose mayor has taken up the cudgels in imbibing environmental responsibility among the local residents.

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 manifestations thereon to the Committee on Environment and Natural Resources.

PRIVILEGE SPEECH OF SENATOR ANGARA

Availing himself of the privilege hour, Senator Angara delivered the following speech:

OVERCOMING THE RICE PROBLEM: A PRACTICAL GUIDE TO PLANTING MORE RICE

The rising price of rice, unless contained quickly and firmly, could spread social unrest throughout the land. Rice in the Philippines as in most Asian countries is more than food—it is a strategic political resource embedded in our politics and culture.

The food crisis is worldwide. But the soaring prices of rice, in particular, is acutely felt in the Philippines because we are one country dependent on other countries' supply for this basic staple. *AP*

P

What I proposed to do is to describe the food problem and its root causes, and recommend several solutions that will make the Philippines food secure in the near future.

The Philippines is the world's largest rice importer, buying 7% of total world rice imports. Our rice shortfall ranges from 5% to 13% of total rice harvest, depending on the vagaries of the weather. This makes us the most vulnerable among rice importers to the recurrent global rice shortages.

Global food situation

The global food situation is such that food prices everywhere have been soaring and have caused much alarm, and anxiety escalates daily. The economic ministers of the biggest economies of the world, the so-called G-7, meeting over the weekend on April 14, issued a declaration that the shortages and skyrocketing prices for food posed a potentially greater threat to economic political stability than the turmoil in capital markets—a more serious threat than the sub-prime credit crisis. If we will recall, the credit crisis has caused the world economy and most of the major banks almost one trillion dollars in losses and still counting.

I will show you some of the headlines in the leading newspapers in the world:

1. *The Globe and Mail* of Canada explains in very clear detail why costs are climbing, and the picture on the front page is a picture of a Filipino in a warehouse with a sack of rice on his shoulder.
2. *The Herald Tribune*, so well-known in this region, says in big, bold letters:
 - "Food Crisis in Asia Carries Political Costs"; and
 - "Food Looms as Engine of Profit and Protest."
3. In *The Vancouver Sun*, "Price of Rice is Set to Soar."

Several key reasons for the food price volatility are the following:

- (1) Adverse weather conditions brought about by climate change. We thought that climate change is just a slogan and may be a scare tactic for us to think about the environment. Climate change has brought tremendous havoc to the agriculture of the world. The six-year drought in Australia reduced its rice production by 98 percent. Floods in

Bangladesh, Vietnam and China affected drastically their rice harvests.

- (2) The rapid increase in the price of oil has made agricultural inputs like fertilizers, agricultural chemicals, and transportation fuel much more expensive.
- (3) The competition between food and biofuel has reduced the land available for food production. Right now, about 20% of corn and soya farms in the U.S. are slowly being diverted to producing ethanol. Twenty percent of good agricultural lands in Europe are also slowly being diverted to biofuel. This competition between food and biofuel, ironically, is making food the loser in the contest.
- (4) The rise of the middle class in India and China brought about an increase in the demand for rice and a change in food preferences. They are now looking not simply for noodles and rice, but they are eating more rice and looking for meat. It takes almost five times more to produce livestock than to produce one kilo of rice.
- (5) Exporting countries like Vietnam, India, Egypt, Cambodia and Thailand—the leading exporters of rice in the world—are cutting back as well as banning outright the export of food, especially rice.
- (6) More people need to be fed. In the Philippines alone, by the end of this year, we will have 90.3 million Filipinos. At the beginning of the year, we were only supposed to be 85 million. By the year 2010, we will have to feed 100 million Filipinos.

Local rice situation

The local rice situation is also affected by the global situation. The demand for rice worldwide has increased by 0.9 percent, or to nearly 424 million metric tons, according to the U.S. Department of Agriculture.

The supply, however, increased only by less than 0.7 percent. And of this, only 7 percent or about 35 million tons were traded in the world market. Compounding this small volume traded across borders is the diminishing stockpile. The price of rice has increased by 165% over the past year. For instance, Thai grade-B rice, the international benchmark, cost US\$342 per ton last year. Today, Thailand issued the tender for US\$1,100 per ton. Prices of corn, wheat, and soya also escalated.

Let us see our importation record starting with year 2000. In 2000, we imported 900 thousand metric tons. Seven years later in 2007, we are importing 1.9 million tons. And this year, 2008, we are expected to import 2.2 million tons of rice.

Do we have enough rice supply as of this moment? There is no rice shortage. We will have to rely on imports nonetheless to caution the anticipated rice shortage during the lean months and this is the beginning of the lean months, from June, July, August until our wet season harvest in September. Unfortunately, the price of rice, as I said, has tripled to US\$1,100 per ton.

Underinvestment in agriculture

What has gone wrong with our agriculture?

We used to have one of the best managed agriculture in the country and our farmers are probably one of the most productive in the region. In fact, a Filipino farmer is more productive than a Thai farmer because a Filipino farmer, despite the lack of subsidy and assistance from government, is producing almost 2.2 tons per hectare on the poorest and unirrigated soil which is equal to the productivity of a Thai farmer who produces just about 2.5 tons a hectare. So, our farmers are quite diligent and resourceful despite lack of subsidy or lack of policy support to them and despite the fact that we, unfortunately, sustain a cultural bias against those who work the land. That is a fact and, therefore, there is really no reservoir of political support to provide our farmers the necessary level of investments and policy support.

The Agricultural Fisheries Modernization Act (AFMA) passed in 1997 provides an annual budget of P17 billion for agricultural modernization every year on top of the regular Department of Agriculture budget. But what is the record over the last ten years? An average of only P13.3 billion per year has been released. That is the record of our underinvestment in agriculture. Except for two or three years and in the year 2000, 2002, and this year where the budget was about P27 billion, we have never given AFMA the mandated appropriation under the law. We have been underfunding it and the result? Well, we are reaping now the neglect of our agriculture.

Global players

For years, the multilateral agencies – the World Bank, the IMF, and even the Asian

Development Bank – have neglected rural development and agriculture. But today, agriculture is at the center of development in the world because the World Bank has recently but belatedly discovered that agriculture is the most powerful tool for poverty reduction because it is very simple. Almost two out of five people in the world live in the rural areas. In the Philippines, one of every four Filipinos lives in the rural areas. And therefore, if we want the poor of any country to be helped, then we must do rural development. We must do agriculture. And that is what the multilateral agencies – the World Bank, the IMF and ADB – have now realized. But over the years, they practically twisted our arms to open our markets to the agricultural exports of developed countries which is quite unfair because the farmers of U.S., of Europe and of Japan, are all well subsidized. The subsidy to agriculture in the developed world is almost \$1 billion a year, over \$350 million a year.

In the Philippines and in Asia, nowhere can we get closer or near to that amount in subsidy. In the Philippines, there is absolutely no subsidy, except for the palay support.

Now, these multilateral institutions are all one in saying, “Yes, we’ve got to go back to the soil. We’ve got to go back to the land because that’s where we can help the poor of this world.”

Some successes

But despite these hurdles, our farmers have delivered food to us over these years. Before the AFMA, our Gross Value-Added (GVA) rate was about 1.2% per annum but after AFMA’s implementation, our GVA has grown by an average of 3.7% per annum, which is quite a respectable growth rate. We achieved this growth rate by following simply the AFMA recommendations on supporting growth-enhancing projects, like promoting certified seeds, repairing communal irrigations and partnering with local governments, colleges and universities in farmer education and extension services just to mention a few. Much more could have been accomplished except that the agricultural budget was far from sufficient for programs that require multi-year capital spending.

Recommendations

I now come to some practical specific recommendations. We must take immediate practical steps that will yield immediate benefits in the short term: 1) irrigation; 2) post-harvest facilities; 3) seeds; 4) credit; 5) incentives to LGUs; and 6) training.

Irrigation

Water is the common denominator in agriculture especially in rice because rice culture requires water. We have 4.2 million hectares of rice harvest area, of which 1.4 million are irrigated through the national irrigation systems and communal irrigation system. Of the 1.4 million irrigated land, 700,000 hundred hectares have fully functional irrigation systems, while 400,000 hectares require immediate repair and rehabilitation.

For the wet season, beginning now and ending in September, we must concentrate our support on the 700,000 hectares of fully irrigated land because the potential for higher and better yield is already there. It is a proven/tested area. The support for *high-yield seeds or certified seeds* and even hybrid seeds, and driers should be concentrated on the 700,000 hectares which are easily identifiable. There are 37 provinces of rice areas which are mostly in Cagayan Valley, Central Luzon, Bicol and Iloilo. I did not mention Mindanao anymore because Mindanao is almost *self-contained, self-sufficient in rice culture*. But in Luzon and Iloilo alone, we can fill up the shortage of 1.2 million metric tons of rice we need by just concentrating our resources to these 1.4 million hectares of irrigated land.

In addition, the P500 million fertilizer subsidy, as announced, or the bulk of it nonetheless, must be allocated to farmers primarily in these rice areas. Therefore, during these dry months of April, May and June, we should immediately work on the repair and rehabilitation of irrigation systems in the 400,000 hectares. The cost of restoration is not gargantuan. It is only P60,000 per hectare and yet the payback in terms of additional yield will almost close the rice gap because we will produce an additional two million tons of rice which is almost equal to our yearly imports. The remaining months of April, May and June should now be used to work on this rehabilitation in earnest in time for the next planting season.

Post-harvest facilities

Fifteen percent (15%) of rice harvest is lost due to lack of drying facility. When we go up north either to Cagayan or to Baguio or La Union, especially these dry summer months, we see rice being dried on the pavement along the highway. Fifteen percent, for sure, of that rice will be wasted. It will be dirtied, it will be broken, and it will be lost. That is so much waste we incur in rice simply for lack of drying facility.

And therefore, just simply providing mechanical dryers to the 1.4 million hectare irrigated land, we can already meet the 1.6 million tons of shortage that we have.

Seeds

This is almost common sensical. An ordinary seed will yield on average 2.5 to 2.7 tons a hectare.

A farmer using certified seed will harvest 4.2 to 4.3 tons per hectare, almost one ton extra income for him. If he uses hybrid seed, he will harvest no less than six tons per hectare. And so, just by simple conversion of ordinary seeds to certified seeds or hybrid seeds, we would have already covered our shortages.

But it has a cost because certified seed is slightly expensive and hybrid seed is also slightly expensive, but we ought to support our farmers by giving them credit to buy certified seeds because the extra cost would result in their extra harvest.

The cost of certified seed per hectare is only P1,200.

Credit

Do you know why traders and millers in this country control the supply of the rice? Because they are also the bankers of rice farmers. Why? Because the so-called farmers' banks like Land Bank, dishing out billions and billions of pesos to mega projects in urban centers when they are not really meant to lend to commercial and industrial sectors, are unable to lend to farmers in time for the harvest or for the planting. And so, where do the farmers turn? They have nowhere to turn to but to the traders and millers who are more than glad to extend them money for buying seeds, for harvesting, and for hauling. At what price? At what rate? Well, minimum of 5% per month. But the farmers have no other choice.

Imagine, if we are able to provide credit extension to these farmers at rates competitive and comparable to what Thai farmers receive, which is 5% lower than market, just imagine how productive our Filipino farmers would be?

Can we do it? Of course, we can do it. We have been losing billions and billions in NFA subsidy. This year, we will be losing almost P50 billion in importing, trading and storing rice. I will have something to say about NFA later on. We can extend credit to our farmers, and they will be able to pay, then we will make them prosperous. *AS*

mo

Extending credit to farmers

How do we do it? We must now syndicate the rural banks and other thrift banks in the rice areas. Let the Land Bank, the DBP and the DA give them money for lending to rice farmers. We can do that. It has been done in the past. We can do it again.

Incentives

This is critical. We must motivate governors and mayors of the rice-growing areas to get involve in rice production. Why? Because the mayors and the governors have control over the provincial and municipal agriculturists. Remember, we devolved the extension service of the DA to these governors and mayors. So, we have to get them involved in the production. They are the backbone, the field workers who would deliver to us the necessary rice supply. But we cannot just simply urge them and exhort them to cooperate. We have to incentivize them. We will offer them farm-to-market roads, we will offer them drying facilities as incentives to participate.

What about the agricultural technicians? We will give them an allowance. During my time as secretary of agriculture, I gave P2,000 a month to the provincial agriculturists, and I think about P500 a month to the municipal agriculturist. We have to do that because the local governments cannot afford to extend that kind of fiscal incentives to these technicians, yet they are a necessary part of the overall food efforts.

Rice trading: NFA

Over the years, we have tried to influence the price of palay and corn through a price subsidy. What has been the record? The NFA has been succeeding in buying only between 2%, 3%, a maximum of 5% of the rice or corn harvest every year. Dow we think 2% or 3% of the palay harvest will influence the price of palay? No, sir. The traders still are ahead of the NFA. By the time the NFA comes in, the traders already scooped up all the supply, and they bought it, maybe at P2 or P3 lower than the market price.

So there is absolutely no sense in continuing a price support policy that is not working at all and a very wasteful process to boot.

What is the record? In 2007, the NFA, according to the Department of Finance study, lost P48 billion in trading operations and has an outstanding loan of P96 billion for a combined

hundred billion plus financial liability. What is the projected loss of the NFA if this trend continues? By 2010, it is projected that they would have accumulated P111 billion in losses and an outstanding loan of P136 billion.

NFA is the successor now of the National Power Corporation (Napocor). Remember Napocor? It incurred almost a trillion pesos of debt which up to now we are amortizing and that it why the price of electricity cannot go down. Let us not wait before NFA becomes another barnacle and albatross around our neck and sink us even further.

NFA has a function to do and I would limit it to the simple function of maintaining and implementing the palay support policy. But I will never allow NFA to go into importation and trading and warehousing of palay. By simply revamping the NFA, we would have already saved billions of pesos that we can otherwise rechannel and subsidize the very poor in this country. That is my final recommendation. We must now put together a safety net for the poorest of our people. The price of rice, whether it is under unusual circumstances like today or even under ordinary circumstances, is beyond the capacity of the poorest of the poor in this country. Therefore, we must put together a protective net, a food aid, a stamp-type of aid for the very poor which a humane one need to do, a targeted food aid. I propose that the food aid be ultimately supported by the savings we will incur in revamping the NFA.

The food aid can easily be funded even now under the 2008 budget by simply realigning the P5 billion that we said we will do by giving one kilo of rice to every schoolchild in this country.

Research and development

Finally, for the long term, and this is a truism that is known to every agriculturist and technologist and scientist everywhere in the world, research and development is the key to the long-term viability and productivity of agriculture.

Today, the Philippines spends only 0.1% or 10% of 1% of gross value added, not even gross domestic product, for R&D. The recommended rate is 1% of gross value added.

The classic example of just simply increasing the research budget is China. In 2003, China increased its research and development budget for rice to 0.8%, less than 1% but the result was dramatic because farm productivity jumped. Do we hear now of hunger in China? We used

to hear of hunger in the '60s even as late as '70s but now, nobody goes hungry in China.

We have all the technologies and techniques for increasing farm outputs. What is needed is to disseminate more widely these available technologies through a revitalized agricultural extension work and through institutions like the PhilRice which is headed by Dr. Sebastian and with the assistance of IRRI, headed by Deputy Administrator Willy Padolina, and Dr. Malabanan, our rice coordinator. These are practical, easily doable measures but we have to do and return to the basics. R&D is basic to agriculture and this is the only way out and the way forward to advancing the cost of agriculture but, at the same time, we have to prepare ourselves for the impact of climate change.

New crop varieties, more efficient use of water, and scientific agriculture are going to be of prime importance in the coming decades. Again, that is why R&D is very important. For this, we have to rebuild our human capital.

When I was the secretary of the Department of Agriculture, I set aside P500,000 million to send 153 agricultural scientists and technologists to the United States on a Fulbright grant, but the Philippine government paid for it. We just used Fulbright so that we can get places in American universities. Now, those 153 agricultural scientists and technologists are back manning the ramparts of agriculture and fisheries. But given the working conditions and perhaps the weak incentive scheme in our country, we are afraid that those highly trained agricultural scientists will go outside the country. That is why *continuous training and manpower buildup* is critical.

Revolutions in biotechnology and information technology are rapidly multiplying agricultural yields. Innovations in water management, management and systems technologists in production and marketing, sustainable agricultural practices that promote watersheds and biodiversity are all available. We need not reinvent the wheel. Post-harvest processing, handling and transport is available and is imperative for us.

Land Use Plan

We must now pass the Land Use Act that has been pending for the past three Congresses. *It is time we knew how to allocate the various uses of our remaining land so that this rapid conversion of rich agricultural land to non-agricultural uses will be put to a stop.* This has

been long overdue and maybe this is a wake-up call for us that we now must calendar this as a priority measure.

Consistent and stable agriculture policy

Finally, the most decisive factor in all these is political leadership. We must have a clear, consistent and stable agriculture and food policy. It cannot be that every secretary of agriculture changes his predecessor's policies and builds his own legacy. His own legacy is what he can build on and that is what is needed in agriculture — predictable, stable — so we do not suffer any underfunding.

We have one of the best agricultural frameworks in this part of the world and that is AFMA. AFMA has been copied and we have been envied by other countries for having this master plan for agricultural modernization. But the AFMA has been applied unevenly and erratically through the years. It is high time we implemented AFMA with consistency and commitment.

I conclude by quoting the World Bank's World Development Report for 2008.

"In the 21st century, agriculture continues to be a fundamental instrument for sustainable development and poverty reduction. Three of every four people in the developing countries live in rural areas; 2.1 billion living on less than US\$2 a day; and 880 million on less than US\$1 a day and most depend on agriculture for their livelihoods."

This statement is even truer in our country where one of every three Filipinos lives in the rural areas, where 40% of employment is in agriculture, where almost one-fifth of gross domestic product is produced by agriculture and yet we do not accord it the necessary priority and support it deserves. With that, I urge our colleagues to give agriculture the priority it deserves.

INTERPELLATION OF SENATOR CAYETANO (P)

Preliminarily, Senator Cayetano (P) expressed appreciation for Senator Angara's comprehensive presentation.

Asked if the administration has followed any of the recommendations stated in his report, Senator Angara replied that P4 billion was allocated this year ^{AS}

for irrigation projects and his own proposal includes the rehabilitation of 400,000 hectares of irrigated land like silting of canals and building of farm-to-market roads. He pointed out that a 400,000 hectare that is fully operational would result in an extra cropping season that would add almost two million metric tons of palay to the current stock. He stated that in countries like China, Taiwan, Korea and Thailand, irrigation canals are made of concrete and the same can be done in the Philippines. He stressed that opening up new areas for irrigation takes time but the need for rice is immediate.

Senator Cayetano (P) observed that among the recommendations is the use of flatbed driers, a locally manufactured trailer-like machine that can be moved from place to place to dry palay and the mechanical drier, a circulating cylinder intended to also dry palay as well.

Senator Angara replied that a governor or mayor will always request funding for farm-to-market roads, classrooms and post-harvest facilities. However, he suggested that the Department of Agriculture's scarce financial resources should not be spread but focused on the 1.4 million hectare of irrigated land as its yield and productive capacity has been tested even prior to the opening up of new irrigation.

Asked whether certified seeds are prevalently used, Senator Angara said that last year's annual production from certified seeds planted in 1.6 million hectares grew substantially in comparison to that of regular seeds. He explained that unlike a regular seed, a certified seed has already been certified by the Bureau of Plant Industry to have come from good foundation seed, tested and proven to be high-yielding.

Asked why certified seeds are not being totally used, Senator Angara said that the cost of the seeds is a deterrent, the reason behind his suggestion to concentrate the P49-billion subsidy for food production to the 1.6 million hectare of certified seed planting area to maximize yields. On the other hand, he said that 250,000 hectares are being used for hybrid seeds which, on the average, would yield six tons per hectare or two hectares more than certified seeds and four tons more than regular seed.

Asked about the direct seeding (*sabog*) process, Senator Angara said that this method is used particularly during the wet season and is specially

needed in areas where there is shortage of labor since the drum seeder can shorten the planting-to-harvest period by one week because it could do the work of twelve people in only half a day. He agreed with Senator Cayetano (P) that there is still room for improvement and that more people would turn to direct seeding particularly due to the scarcity of labor in the countryside.

Upon further queries, Senator Angara stated that credit could not be extended to farmers as a result of the Agrarian Reform Law which prevented farmers from offering their lands as collateral to the banks. He also lamented that due to lack of access to credit facilities, farmers have no choice but to turn to traders and millers who lend money at a minimum of five percent a month. However, he suggested that government financial institutions (GFIs), such as former the Land Bank of the Philippines (LBP) and the Development Bank of the Philippines (DBP), as well as the Department of Agriculture, could lend to private rural banks and other thrift banks which would not only provide credit for farmers without collateral at subsidized rates but would also give farmers better control over their harvest and lessen rice cartels. He explained that as the LBP and the DBP are not intended to make fantastic profits, these could contribute to food production while the DA could provide supplementary financing to provide the interest subsidy. He added that in areas where there are no rural banks, the DA could give these funds to traders and millers since they are familiar with the farmers and their community. He stressed the importance of creating a credit system which had been displaced as a result of some laws.

On whether the government has already implemented an incentive scheme by encouraging the involvement of local government officials in making their rice areas more productive, Senator Angara said that the incentive scheme is being continued to provincial and local officials only on a small scale since the Department of Budget and Management (DBM) has stopped authorizing the payment of such incentives to provincial and municipal agriculturists, which used to be part of the agricultural extension workers of the DA but whose services had been devolved as a result of the Local Government Code.

Asked to define the role of a provincial agriculturist, Senator Angara explained that he functions as a secretary of agriculture in his province who is in charge of production and agriculture but is

not in charge of funding such undertakings because he is under the jurisdiction of local government officials.

Upon further queries, Senator Angara affirmed that similar to the situation of the Department of Health (DOH), the budget of the DA released under the AFMA is not given to the local government but is implemented directly on the national level. He added that as in the case of the DOH, where control of tuberculosis and malaria is wanting due to the absence of workers in the field, provincial and municipal agriculturists and technicians are present in every town and province, but are not fulfilling their roles properly since they have become local, rather than national officials. He suggested that the DA directly provide the allowances for these agriculturists so that they could do a better job in close coordination with their respective mayor or governor.

To the comment that it is only during crisis situations that provincial governors and mayors take action, Senator Angara replied that there are some local government officials, such as Governor Padaca of Isabela and former Governor Agbayani of Pangasinan, who are naturally agriculture-oriented.

To the observation that the problem could be likened to the situation brought on by the devolution of health care and environment matters to local government officials, Senator Angara stressed that this is precisely the rationale behind the implementation of an incentive scheme to motivate LGUs, particularly in areas where irrigated areas are located.

Asked to elaborate on the recommendation to limit the NFA's role to implementing the rice and corn support policy, Senator Angara explained that as in the case of the Napocor which could pay off its nearly half a trillion peso debt once it has disposed of all its independent power producers (IPPs), a study by the Department of Finance projects the NFA to accumulate P111 billion in losses and P137 billion in debt by 2010 due to inequity and corruption within the agency. He suggested that rather than having the agency revamped, there is still an opportunity to rationalize the NFA which is not serving its original purpose of influencing the price of palay. He lamented that the NFA's function of importing rice is bringing about losses because the agency buys palay at P17/kilo and sells it at P18/kilo rather than at P32 or P34 as it does not include milling and transport costs in the final market price.

He stressed the importance of preventing the NFA from incurring more losses while there is still time.

Senator Angara stated that not all Filipinos can afford one kilo or five kilos of rice, pointing out that NFA rice at P17 per kilo is a huge chunk out of the budget of an ordinary worker who only makes P250 to P300 a day and has a family that consumes two kilos of rice daily. Government, he said, should subsidize the poorest of the poor. He affirmed that when NFA gives up its trade functions to the private sector, the forces of supply and demand would be dictating the prices.

Asked whether government has the political will to step back or whether there is a possibility that the DTI or some other agency would take the cudgels for the NFA, Senator Angara said that the role cannot be transferred to another government agency as he affirmed that the function has to be dissolved. He believed that the Philippines can be like Thailand where rice is much cheaper because its government provides full support to their farmers who produce the surplus that dampens the price of rice.

In reply to another query, Senator Angara said that there is hoarding and smuggling of rice in the Philippines because there is a regulated rice trade in the country. He stated that removing this regulation would demonopolize the NFA in importation and trading.

Senator Cayetano (P) wondered how sincere government is on prosecuting hoarders, NFA employees or any other person involved in illegal activities which brought about the rice problem in the country, saying that nobody has been seriously prosecuted yet. Senator Angara stated that the issue of prosecution and deterrence is crucial in the credibility of the program and the question on political will is the most vital element. He said that the administration should display strong political leadership skills given the situation where the stakes are high. He warned that the uncontrolled increase in rice prices could be the tipping point.

At this point, Senator Cayetano (P) commended Senator Angara for having specifically recommended wives and mothers to be the holders of the passbook for food rationing. She informed the Body that one of the topics discussed by the IPU women parliamentarians was the vital role of mothers in ensuring their family's food security. *AF*

ps

Senator Angara said that one of the very critical surveys conducted by the DA during his term revealed that if the task is given to the mothers, the loan would be repaid, which underscores the importance of women in agriculture.

Senator Cayetano (P) added that in the Magna Carta for Women bill that she filed, food security and the role of women are also included for the same reason that it is an established fact that if access is given to the woman, it goes directly to the children and the family.

On another matter, Senator Cayetano (P) informed the Body that the Committee on Environment and Natural Resources, before which the *National Land Use bill* is pending, has already held a hearing and is planning to hold its second hearing. She stated that the NEDA, which is the lead agency, has made representation through an assistant director, who was the highest ranking official who attended the hearing, that they have certain concerns that they want to discuss with the Committee but the meeting has been pending for a few months. She said that she has given notice that if the NEDA officials are not yet ready for a meeting, the Committee would proceed with the technical working group hearings.

Senator Cayetano (P) also raised concern on the issue of food and biofuel as she underscored that coco diesel has been in production for quite some time as opposed to bioethanol industry using bagasse which has not reached the level of the coco diesel industry. She said that with proper land use planning, there is a way to balance the issue and the country should not be afraid to fully implement the Biofuels Law.

Senator Angara shared the same concerns, adding that in the case of the Philippines, there is excess production of sugar and coconut which is drastically different from the U.S. or Europe.

INTERPELLATION OF SENATOR ZUBIRI

Asked by Senator Zubiri on the difference in the cost of certified seed and hybrid seeds, Senator Angara said the certified seeds cost P1,200 a sack which is good for one hectare and the hybrid seeds costs P2,400.

Senator Zubiri noted that it might be costly to use certified or hybrid seeds although using good farm

inputs would yield a better harvest. However, he said that according to Secretary Arthur Yap, the plan to promote hybrid seeds was derailed because unscrupulous corporate entities decided to increase the price of hybrid seeds when they found out that the government was planning to buy the hybrid seeds for the hybrid seeds program. He said another reason cited for the increase in the price of hybrid seeds is the high cost of fertilizers, especially nitrogen urea which is a by-product of converting crude oil to gasoline or diesel.

On the suggestion to promote the use of organic fertilizer in rice production, Senator Angara agreed, saying that the accreditation process for organic farming has already started. He said that a combination of organic and inorganic is the best fertilizer, adding that the Department of Agriculture is also pursuing the Integrated Pest Control Program.

Senator Zubiri also mentioned the use of chicken dung, which is abundant given the many poultry farms across the country.

Senator Zubiri observed that a lot of people do not know that mudpress, a by-product of sugarcane production, could be used as organic fertilizer. Considering that the country has abundance of organic and inorganic fertilizers, he expressed hope that Senator Angara would give more clout to the Fertilizer and Pesticide Authority (FPA) which has been reduced to basically an R&D arm of the Department of Agriculture. Senator Angara agreed, adding that he would call on Dr. Norlyn Decana, the head of the FPA, in the next COCAF meeting.

On a related matter, Senator Zubiri asked the Committee to ban some fertilizer components like sulfur and phosphate which are being mixed with nitrogen. He opined that the FPA should be tasked with producing quality but cheap inorganic fertilizer for the farmers.

Senator Angara expressed the hope that the P500 million fertilizer subsidy would be used and distributed properly among the farmers.

Asked on the funds that had been released for the AFMA and the ASIA Funds, Senator Angara replied that since year 2000, government has disbursed roughly P18 billion and that as of December 2007, there is an unutilized balance of P6 billion. *AK*

Senator Zubiri asked that the COCAFAM give a breakdown of the P18 billion because it is quite alarming that the government has such a huge amount and yet the country continuously imports food products. He expressed suspicion that part of the amount was spent in buying the liquid fertilizer. He stated that the DA should buy the right and practical, not overpriced equipment. Senator Angara agreed.

On another matter, Senator Zubiri pointed out the need to organize farmers cooperatives for easier training and education of farmers and maintenance of equipment, as well as rationalize the provincial agricultural officers (PAOs) and the municipal agricultural officers (MAOs). He said that if the PAOs and MAOs are not professional agriculturists and not well-trained in food or high-value crop production, the agriculture secretary or the regional director would have a hard time implementing the agricultural program of the government.

Senator Angara agreed. He noted that the success of agriculture in Japan, Korea and Taiwan lies in the fact that farmers are organized into cooperatives. He recalled that in his visit to Japan, he was brought to a mountain village in the south of Japan with an organized cooperative composed of 200 farmers. He noted that Japan's success in agriculture could be attributed to the fact that they have cooperatives that provide the seeds, tractors, and all the inputs; a farm center where the farmers bring their harvests; and an integrated rice mill where fresh harvest of palay from the paddy is brought directly, then dried, cleaned, milled and bagged. He observed that the palay that the farmer brings to the facility comes out as rice, hence, instead of just being a palay farmer, he becomes a rice farmer.

Senator Angara said that he tried to do the same in Aurora as he believed that organizing the farmers would make them more efficient and effective. He said that rationalizing the PAOs and the MAOs would probably require legislation because their functions were devolved to the local government. He recognized the fact that the government's national food production program has no soldiers in the field. At present, he noted that the only effective association that seems to be of great help to agriculture is the various irrigators associations which are being clustered for proper coordination of water supply and canal repairs.

Senator Zubiri commented that during the food summit, it would have been better if the LGUs of

food-producing regions were invited because without clear guidance from provincial governors and mayors, nothing would happen to agricultural programs in the ground level; they would remain good bullet points in the commercials shown on government stations like Channel 4, RPN 9 and IBC 13.

Relative thereto, Senator Zubiri expressed his disappointment about the corruption in the NIA and the NFA. He recalled that when he started working with his father in the farm after his graduation from U.P., the farmers were complaining about their inability to sell their corn and palay because the rice traders then who were using fictitious names were given priority. He noted that corruption is not only happening in the purchasing of rice but in the selling of rice to traders at P18 per kilo which is being re-bagged and sold as commercial rice at P30 per kilo. He believed that the traders' way of earning a profit of P12.00 per kilo is a crime against humanity because they are utilizing cheap, subsidized rice expensively sold to the poor. He expressed hope that in the succeeding hearings of the Committee on Agriculture, it would look into the issue of corruption in the NFA and the NIA. He lamented that the leadership of NIA is incompetent as he informed the Body of the complaints against the NIA administrator who does not attend the DA's crisis meetings because he is playing golf at Wack Wack. He believed that the said official and other corrupt NIA officials should be replaced and the rehabilitation of the 400,000 hectares of land should already be started. He said that government should stop the bleeding of these food agencies, otherwise, it would have a difficult time implementing a food security program.

Senator Zubiri explained that if one goes to Mindanao, he would notice that lands to the left and right of the highways are not being utilized. He said that even within the ARMM, nothing is planted along the highways. He believed that a proper land use plan is the key to solving the food versus fuel problem.

Lastly, Senator Zubiri opined that as chair of the Committee on Agriculture and Food, Senator Angara should bring the same proposals to the LEDAC on Tuesday. He said that Secretary Yap would surely agree with Senator Angara.

In conclusion, Senator Angara stated that the problem is not beyond solution. He expressed confidence that with the proper targeting and

ms

focusing of limited resources and personnel, the problem of rice shortage would be resolved within the year. On the long-term goal, he opined that three years is needed to set in place the strategy and the commitment of resources. He believed that the political commitment to support agriculture and rural development can help attain sufficiency in certain commodities and produce surplus.

RESERVATIONS TO INTERPELLATE

Senator Pangilinan manifested that Senators Legarda, Biazon, Gordon, Enrile and Pimentel have made reservations to interpellate on the speech of Senator Angara the following day.

SUSPENSION OF THE PRIVILEGE HOUR

Upon motion of Senator Pangilinan, there being no objection, the privilege hour was suspended and interpellations on Senator Angara's speech were deferred.

REPORT OF SENATOR PIMENTEL

At the instance of Senator Pimentel, upon motion of Senator Pangilinan, the Body approved the insertion of the report of Senator Pimentel on his attendance at the 118th IPU Assembly at Cape Town, South Africa.

Following is the full text of his report:

The Senate sent a seven-person senatorial delegation to the 118th IPU Assembly in Cape Town, South Africa. It was composed of Senate President Manny Villar, Senate President Pro Tempore Jinggoy Estrada, Senate Majority Leader Francis Pangilinan, Sen. Pia Cayetano, Sen. Gregorio Honasan, Sen. Alan Peter Cayetano and I.

The House of Representatives also sent its 12-member delegation to the conference. It was composed of Rep. Jose de Venecia, Cynthia Villar, Kako Lacson, Boying Remulla, Antonio Cerilles, Eddie Gullas, Carlos Padilla, Mitos Magsaysay, Reylinea Nicolas, Emylou Talino-Mendoza, Liza Maza and Teddy Casiño.

Director-General Carmen Arceño of the Senate External Affairs office backstopped the delegation with Romeo Ortiz and Janet Reyes.

Senate Secretary Emma Reyes-Lirio and her deputy, Edwin Bellen, also attended the meetings

of the Secretaries General of the member parliaments of the IPU.

We left on different dates and arrived on different dates.

In my case, I left Manila on Friday, April 11, and arrived at Johannesburg on Saturday, April 12, with Kiko Pangilinan and Greg Honasan who boarded the same plane at the Hong Kong stopover.

Well-meaning hosts

Some members of the host South African parliament met us at the Johannesburg International Airport and assisted us in getting to our connecting (domestic) flight to Cape Town.

The locals apparently were not quite familiar with facilitating the transfer of the delegates from an international flight to a domestic one. It took us so long to get our luggage, load them to a waiting vehicle and board our plane.

Ticket, luggage lost

We found that things had gotten more complicated in that Greg and his companions could not take the plane to Cape Town with us. His ticket got lost and could not be accounted for among the tickets we had given to one of our facilitators. Some of our luggage also could not be found.

In fairness, Greg was issued a new ticket and he got to Cape Town on the next flight that very same afternoon with our "missing" luggage.

Work begins

Various IPU committee sessions began on Sunday, April 13, and ended on Friday, April 18.

We attended the different sessions of the committees.

Welcoming Thailand back

On Sunday morning, I attended the ASEAN+3 meeting and got the delegates to adopt a resolution congratulating Thailand and welcoming the country back to the path of democracy. Singapore and other countries supported my resolution.

By itself, the resolution was not an earthshaking one. It was a simple expression of ASEAN+3 sentiment that, I said, verbalized our happiness that a sister country that had lost its democratic moorings for sometime had now

found its way back into the ranks of freedom-loving nations by freely electing a new parliament.

The fact, however, was that the motion was viewed with sympathetic sentiment by the delegates of ASEAN+3. The reason was that some years back, Thailand was expelled from the IPU when the generals took over the country's government. Hence, it was not surprising that the move was greeted with spontaneous applause and was approved unanimously in the democratic setting like the ASEAN+3 session.

The Thai delegates were so touched by the Resolution that the head of its delegation went over to where I was seated with Senators Manny Villar, Kiko Pangilinan, Greg Honasan and Alan Peter Cayetano to thank us profusely for the resolution. So did Jay Yoo of the South Korean parliament.

Twin highlights

After getting the resolution passed, I joined the meeting of the Committee on the Human Rights of Parliamentarians where I represent ASEAN+3 and the Asia Pacific Region. I spent the rest of the days of the IPU conference attending to the issues relating to the Human Rights of Parliamentarians the world over that were brought before the Committee. But before we discuss the details of our work in the Committee, let me put on record that there were two developments in the IPU conference that were significant as far as our country was concerned.

These were the participation of Senate President Villar in the plenary debates on poverty reduction and the election of Sen. Pia Cayetano as president of the IPU Women Parliamentarians.

SP's intervention

The Senate President, in his speech before the delegates in plenary session on April 14, asked the advanced countries to "help those that are perennially confronted with food shortage."

Good governance

Adverting to the food problem plaguing the world today, he traced the food shortages, among other things, to misgovernance.

In his words, the Senate President said that "Good governance is essential in improving the quality of life of the people. Transparency and

integrity in public service, a passion for results, a sense of urgency and compassion for those who have less in life are the driving forces behind any successful anti-poverty campaign."

Foreign debt

He also took a dig at the problem of the "huge external debts that show no direct and tangible benefits to the people." He suggested that "moratorium, condonation or other similar financial arrangements" may enable countries (like the Philippines) to survive the burden of the huge external debt.

Globalization

The Senate President also criticized the "negative effects of globalization on less developed countries. The playing field is not even. It favors those with solid financial bases, global production and distribution networks and modern technology."

He ended his brief talk with a stirring quote from Nelson Mandela, the living hero of South Africa: "Overcoming poverty is not a gesture of charity. It is an act of justice. It is the protection of a fundamental human right: the right to dignity and a decent life. And while poverty persists, there is no true freedom."

Although the Senate President was careful not to directly denigrate the government of the Republic in a foreign forum like the IPU, those of us who come from the country easily noted that the "good governance" that the Senate President finds "essential in improving the quality of life of the people" is absent in the way the present administration runs the country.

And neither "transparency" nor "integrity in public service," the "passion for results" or "a sense of urgency and compassion for those who have much less in life" that the Senate President Villar considers to be the crucial factors to make any anti-poverty campaign a success characterizes the feeble efforts of the administration in that direction.

Hence, if we are to craft laws to address the problems posed by the rice shortage, the ill-effects of the huge foreign debt, the underside of globalization, it would probably help if, among other things, we hearkened to the thoughts expressed by the Senate President at the IPU.

Doing nation proud

Sen. Pia Cayetano did the nation proud when she was elected unanimously as the first

ms

Filipino (and the first Asian) president of the Women Parliamentarians of the IPU on April 17.

From reports of those who witnessed the proceedings that led to her election, Sen. Pia Cayetano impressed her colleagues not only with her knowledge of women, children and gender issues, but also with the stand she had taken to address violence against women and children and the problems posed by and to our migrating professionals, especially, women professionals.

Mitigation ills

I understand that Pia decried the migration of many of our lady professionals, doctors, nurses, midwives, and teachers to other countries. To the extent, she said, that an "x" number of our lady professionals leave the country, to that extent our people are deprived of their services.

I suppose that her candid presentation of the high mortality of women giving birth and of infants at birth in the Philippines, for example, boosted her standing with her peers.

Managing campaign

While Ms. Carmen Arceño did the yeoman work of contacting the voting women parliamentarians personally, all the members of the Philippine delegation also did their thing to make her win. They buttonholed any lady IPU delegate they met anywhere in Cape Town during the sessions of the IPU and asked her to vote for Pia.

Senate President Villar also tendered a dinner for Pia where the heads of delegations from many countries attended. I remember meeting the Speakers of the Parliaments of Indonesia, Singapore, China, Pakistan, India, and Australia and seeing sundry members of foreign delegations at the dinner.

Philippine Ambassador Virgilio Reyes who attended the dinner also showed solidarity with the campaign of Pia for the presidency of the women parliamentarians.

Work at CHRP

My work at the CHRP that started on Sunday, April 13, and ended on Friday, April 18, focused on the killings, ousters and other harassments of parliamentarians the world over. Some of the cases had been previously brought before us but had not yet been closed. There were also new cases of oppression by governments of their own parliamentarians.

Of direct relevance to the Philippines were the cases of Sen. Sonny Trillanes (about which all I can say at this point is that more documentation and testimony are needed by the Committee) and of Representatives Beltran, Ocampo, Casiño and Maza relating to new or threatened acts of harassment against them by the Arroyo administration. The action taken by the CHRP is included below in the detailed narration of our committee work.

Cambodia & Indonesia submit

At our Monday meeting, the Committee chair intimated that it would be good if we could get direct responses from the delegations of Cambodia and Indonesia regarding the complaints of some of their parliamentarians.

The complaint against the Cambodian government was lodged by an MP who claimed that he was beaten up by the police for putting up opposition political posters.

The complaint against the Indonesian government was its alleged failure to compensate the family of a member of its parliament, who was reportedly killed by elements of the Indonesian armed forces in the wake of the uprising in Aceh some years ago.

Since the two countries are a part of the ASEAN, I contacted the delegation of Cambodia and Speaker Agung Laksono of Indonesia. I suggested that it would be good if they could come before the Committee and state the stand of their governments on the issues at hand.

Happily, both the Cambodian and Indonesian delegations readily agreed to appear before the Committee. The delegation of Cambodia representing the government side and the MP wife of the opposition leader, Sam Rainsy, appeared separately to argue the case of the Cambodian MP who was allegedly beaten by the police.

Indonesian Speaker Agung Laksono sent MP Toha to represent him. Toha assured the Committee that the government of Indonesia and the government of Aceh would work things out to settle the complaint of the family of MP Daud.

Myanmar redoux

The Myanmar issue was again brought to our committee's attention.

At the last IPU assembly in Geneva, I presented, on behalf of the Committee, a power-point presentation detailing the atrocities the Myanmar regime had foisted upon the people

MS

of Burma. At the time, the Committee had not yet been formally presented with the complaint of the MPs of Myanmar regarding the uprising led by the monks against the Myanmar regime on September 23, 2007.

On Monday, Burma MPs in exile led by Teddy Buri and Bo Hla Tint appeared before the Committee and put on record the recent oppressions perpetrated by the Ruling Junta against the people of Burma and particularly against the elected members of the parliament of Burma.

They told us of the need for the international community to speak out against the farcical referendum that the Ruling Junta is holding in May of this year to ratify a new constitution for Burma.

In response, the CHRP denounced the draft Constitution prepared by the Ruling Junta as farcical and asked for the release of all the Burmese opposition leaders and activists led by Aung San Su Kyi.

Other details of the situation of the Burmese parliamentarians in Burma are included in the summary of the CHRP work in this report.

Egyptian challenge

One of the more interesting challenges to the Committee's assuming jurisdiction over a case of a parliamentarian was raised by Egypt.

The government of Egypt was accused by a former member of the Egyptian parliament, Ayman Nour, of depriving him unlawfully of his mandate as a parliamentarian, of wrongfully imprisoning him and of mistreating him in prison. *More to the point, implicit in his complaint was that he was jailed because he had dared to run against President Hosni Mubarak at the last presidential election in Egypt in which he was – to use more tactful terms – decisively trounced.*

We had heard the case in our previous CHRP meetings but had recommended only that an on-site mission be conducted so that the Committee chair and a member, Philippe Mahoux, incidentally a doctor of medicine, could go to Egypt and visit, among others, Ayman Nour in prison to check on the status of his health.

Mission aborted

The mission was not undertaken because while the Egyptian delegation, headed by Speaker Souror of the parliament of Egypt, eagerly invited the CHRP mission to do the on-

site visit to Egypt, he could not guarantee a meeting with Nour. He said that although he supported the on-site visit, the Attorney General who had control over the prison system of Egypt did not give permission for the visit to Nour.

Invited by the Committee to provide us with the rationale of the refusal in effect of the Egyptian government to allow the two-member subcommittee of the CHRP to visit Nour, Souror, a former president of IPU, told us that we were all welcome to visit Egypt but we may not visit Nour in prison even for the purpose alone of verifying his state of health. He said that it was their Attorney-General that ruled that the visit to Nour could not be done without violating the rules of Egypt's justice department. For the Committee to insist on visiting Nour would be tantamount to an infringement of the sovereignty of their country and to a violation of the respect that is due to an IPU member country.

Egyptian world contribution

When I was recognized by the Chair to ask questions to the Speaker, I paid tribute to the invaluable contributions of Egypt to world civilization and the beauty of its monuments and natural wonders. But if we accepted his gracious invitation to visit Egypt without being allowed to visit Nour in prison, it would defeat the very purpose of our visit. It would, I said, with much hyperbole, be like visiting Egypt without seeing the pyramids.

I added that as a lawyer like him, I fully understood his concerns that if we had our way, we might be infringing upon Egypt's sovereignty.

After putting him at ease, I asked the Speaker if Egypt had adopted the International Convention on the Civil and Political Rights of Persons; the International Convention on the Human Rights of People; and the International Convention Against Torture of Prisoners. Proudly, he said "Yes."

That being the case, I said, the Committee's visiting Ayman Nour may, therefore, not be considered as an undue invasion to the sovereignty of the Egypt.

I did not go into details because Souror and I knew that those international conventions once adopted by the signatory state become parts of "the law of the land."

In any event, the Committee decided to report the intransigence of Egyptian authorities to the IPU General Assembly at our plenary session for proper action. *NS*

NS

Word reached us during the day that the Egyptian delegation would take the floor to refute the recommendations of the Committee and ask for a vote. There was a threat to that move. And it was that Souror with his past connections as IPU president could embarrass the Committee if we persisted in reporting out the Egyptian stand for consideration by the IPU plenary.

At our meeting on Thursday, the day before the IPU plenary closing session, the Committee chair asked what the committee members views on the matter would be.

We all decided to support the committee report and simply state the facts of the Egyptian case as they were.

Tackling Egyptian bull

Thus, it came to pass that on Friday, at about three in the afternoon, Chairman Sharon Carstairs reported the Ayman Nour case to the IPU plenary. The move was intended to take the Egyptian bull by the horns as it were but at the same time seek the support of the delegations at plenary for the work of the Committee.

As expected, Speaker Souror registered his reservations to the Committee report. He did not ask for a vote. What I understood of his move was that he merely wanted to put his reservations on record that Egyptian sovereignty was being trampled upon by the report.

Music

What happened was music to our ears.

Immediately after he spoke, several delegations spoke to support the committee report.

UK delegate Ann Clwyd expressed the overwhelming sense of the delegates when she said for the record that Egypt's refusal to allow a CHRP delegation to visit Nour in prison was a sign that "Egypt was hiding something." She added that it would be best if Egypt reconsidered its reservations.

I also heard a Finnish delegate tell the Egyptian delegation that if there was a law that prevented a CHRP mission from visiting Nour, Egypt should "change the law."

There were a number of statements in support of the report that sent the message to the Egyptian delegation that it was pointless for them to insist on their stand.

Quiet exit

The Egyptian delegation did not make any rebuttal. They left the hall quietly and the impression that they were leaving not because they were walking out but because they had to catch a scheduled flight home.

After the rather brief exchange of views in the Egyptian case, the rest of the report of the CHRP was accepted without debate by the plenary.

Summing up

In all, we discussed the cases of 205 parliamentarians whose human rights were abused in 19 countries.

In brief, these were the cases of:

<i>Countries</i>	<i>Names</i>	<i>Complaints</i>	<i>ActionsCHRP</i>
Afghanistan	Malalai Joya	death threats	asks Afghan government to protect her
Bangladesh	Shah Ams Kibria	murdered	asks Bangladesh government to solve it
	Sheikh Hasina	attempted murder	protection asked
Belarus	Victor Gonchar	disappeared	solution asked
Burundi	S. Mfayokurera	murdered	arrest of the suspects requested
	I. Ndikumana		
	G. Gahungu		
	L. Ntamutumba		
	P. Sirahenda		
	G. Gisabwamana		
	Norbert Ndhokubwayo	attempted murder	justice for him requested
Colombia	Pedro Nel Jimenez Obando	murdered	support action of Inter American Commission on Human Rights
	Leonardo Posada Pedraza		
	Octavio Vargas Cuellar		

Yes

<i>Countries</i>	<i>Names</i>	<i>Complaints</i>	<i>Actions</i> CHRP	
Colombia	Pedro Luis Valencia Giraldo Barnardo Jaramillo Ossa Manuel Cepeda Vargas Herman Motta Motta Piedad Cordoba	kidnapped/ death threats	asks protection	
	Oscar Lizcano	kidnapped/ death threats by FARC		
	Jorge Eduardo Gechen Turbay Luis Eladio Perez Bonilla Orlando Beltran Cuellar Gloria Polanco de Lozada Consuelo Gonzalez de Perdomo	kidnapped but released	urges government dialogue with FARC to release	
	Jorge Tadeo Lozano Osorio	flawed conviction	urges Inter American Commission to take jurisdiction	
	Gustavo Petro Urrego Wilson Borja	death threats	urges Congress to provide security	
	Ecuador	Jaime Ricaurte Hurtado Gonzalez Pablo Vivente Tapia Farinango	murdered	asks Commission on Inquiry to complete work soonest
		F. Aguirre Cordero A. Alvarez Moreno F. Alarcon Saenz N. Macias R. Auquilla Ortega A. E. Azuero Rodas E. A. Bautista Quije R.V. Borja Jones S.G. Borja Binilla F.G. Bravo Bravo M.L. Burneo Alvarez J.C. Camigniani Garces J.H. Carrascal Chiquito L.O. Cedeñe Rosado F.A. Cobo MONTALVO E.G. Chavez Vargas L.A. Chica Arteaga P. Del Cioppo Arangundi M.S. Diab Aguilar J. Duran Mackliff E.B. Espin Cardenas L.E. Fernandez Cevallos P. Fierro Oviedo O.P. Flores Manzano A.G. Gallardo Zavala M.V. Granizo Casco A.X. Harb Viteri O. Ibarra Sarmiento J.E. Iturralde Maya F.J. Jalil Salmon	Illegal ouster of the 56 members of Congress	asks rule of law be applied

per
AB

<i>Countries</i>	<i>Names</i>	<i>Complaints</i>	<i>ActionsCHRP</i>
Ecuador	C. Larreategui Nardi I. G. Marcillo Zabala M. Marquez Gutierrez C.R. Maya Montesdeoca J.I. Mejia Orbe E. Montaña Cortez L.U. Morales Solis T. A. Moscol Contreras B.L. Nicolalde Cordero A.L. Noboa Ycaza X.E. Nuñez Pazmiño C.G. Obaco Diaz L.A. Pachala Poma J.F. Perez Intriago M.X. Ponce Cartwright H.L. Romero Coronel W.F. Romo Carpio G.M. Saltos Espinoza G.R. Saltos Fuentes M.L. Sanchez Cifuentes S.E. Sanchez Campos A. Serrano Valladares L.F. Tapia Lonbeida L.F. Torres Torres W. Vallejo Garay N. Viteri Jimenez	illegal ouster of the 56 members of Congress	asks rule of law be applied
Egypt	Ayman Nour	imprisoned	asks Egypt government to allow visit
Eritrea	Ogbe Abraha Aster Fissehatsion Berhane Gebregziabeher Beraki Gebreselassie Hamad Hamid Hamad Saleh Kekiya Germano Nati Estifanos Seyoum Mahmoud Ahmed Sheriffo Petros Solomon Haile Woldetensae	imprisoned	release of MPs
Honduras	Miguel Angel Pavon Salazar	tried and sentenced	case closed
Lebanon	Gibran Tueni Walid Eido Antoine Ghanem Pierre Gemayel	imprisoned	asked government for speedy trial
Malaysia	Anwar Ibrahim	arrested; freed	case closed
Mongolia	Zorig Sanjasuuren	murdered	speedy trial asked
Myanmar	Khin Maung Swe Saw Naing Naing Saw Hlaing Zaw Myint Maung Kyaw Khin Than Nyein May Win Myint	parliamentarians reportedly still serving their sentences	asks government to release

<i>Countries</i>	<i>Names</i>	<i>Complaints</i>	<i>ActionsCHRP</i>
Myanmar	Aung Soe Myint		
	Khun Htun Oo		
	Kyaw San		
	Kyaw Min		
	Khin Maung Win		
	Kyaw Kyaw		
	Fu Cin Shing Thang	parliamentarians	asks government to release
	Htaung Kho Htan	arrested during the	
	Myint Thein	government	
	Hla Pe	crackdown on mass	
	Kyan Khaing	protests in the	
	Tin Aung Aung	autumn of 2007	
	Bala		
	Hila Thein		
	Maung Maung Than		
Myat Hla			
Han Zaw			
Than Lwin			
Hla Aung			
Hlaing Aye			
Kyaw Maung			
Myint Kyi			
Saw Lwin			
Hla Than	parliamentarians	provide justice	
Tin Maung Win	who died in		
Saw Win	custody		
Kyaw Min			
Hla Khin			
Aun Min			
Win Ko	parliamentarians	provide justice	
Hla Pe	assassinated		
Pakistan	Makhdoom Javed Hasmi	detained/released	case closed
Palestine/ Israel	Marwan Barghouti	detained	visit by CHRP/asked released
	Hussam Khader		urged filing of case
	Ahmad Sa' Adat		
	Omar Matar	arrested and	release urged for them
	Nayef Al-Rojoub	detained by the	
	Yaser Mansoor	Israeli Army	
	Husny Al-Burieny		
	Fat'hy Qara'wi		
	Imad Nawfal		
	Anwar Zboun		
	Mahmoud Al-Khateeb		
	Abduljaber Al-Fuqahaa		
	Khaled Yahya		
	Khaled Sulaiman		
	Naser Abduljawad		
	Muhammad Abu-Teir		
	Ahmad 'Attoun		
	Mihammad Totah		
	Ibrahim Saed Abu Salem		
Basem Ahmed Zaarer			
Ibrahim Mohamed Dahboor			
Mohamed Maher Bader			

MB
AK

<i>Countries</i>	<i>Names</i>	<i>Complaints</i>	<i>ActionsCHRP</i>
Palestine/ Israel	Mohamed Ismail Al-Tal Fadel Saleh Hamdan Ali Saleem Romanien Sameer Safeh Al-Kadi Reyad Ali Embleb Reyad Mahmoud Radad Kali Musa Rbae M. Motlak Abu Jheasheh Wael Mohamad Abdel Ruman Manhoud Ibrahim Mosleh Ahmed Abdel Aziz Mubarak Hatem Qfeisheh Mahmoud Al-Amahi Abderrahman Zaidan Abdel Aziz Dweik Miriam Saleh	arrested and detained by the Israeli Army	release urged for them
Philippines	Crispin Beltran Saturniño Ocampo Joel Virador Teodoro Casiño Liza Maza Rafael Mariano	threatened with new cases	asks Congress to assert their rights
Rwanda	Leonardo Hitamana	kidnapped; disappeared	asks parliament to investigate
Sri Lanka	Jayalath Layawardena G. Ponnambalam Selvarajah Kajendren S. Jayanandamoorthy Sivanathan Kisshor T. Kanagasabai K. Pathmanathan T. Kathiraman P. Ariyaneethran C. Chandraneheru D.M.S.B. Dissamayake Joseph Pararajasingham Nadarajah Raviraj Thiyagarajah Maheswaran D.M. Dassanayake Kiddinan Sivanesan	threatened with death and other acts of reprisals	urges government to respect their rights and give protection to them

The Committee on the Human Rights of Parliamentarians is probably the most hard-working committee in the IPU. Since there are only five titular members of the Committee (Senators Sharon Carstairs, Canada; Rosario Green, Mexico; Philippe Mahoux, Belgium; Zahia Benarous-, Algeria, and I), the Committee easily musters a quorum to do our work.

Press problems

Its main drawback, I think, is that it does not have easy access to the mass media that is covering IPU events.

We did have a press conference on Thursday afternoon, April 17, 2008.

I arrived about three minutes late at the designated gathering site but nobody was there to tell me where the specific venue of the affair was.

It took about 10 minutes before Ms. Arceño and Omy Ortiz finally found the meeting place at the huge Convention Center of Cape Town but by the time I arrived the Chair was already winding up the conference.

In any event, the Chair stressed that at this IPU conference we discussed the cases of over

15

220 MPs from several countries including those that are still considered "confidential."

Zimbabwe, condemned

Most of the questions by media naturally centered on the recent Zimbabwe elections that the authoritarian ruler of the country, Robert Mugabe, had conducted recently. The Committee could not yet fully comment on the elections in Zimbabwe for the simple reason that the issue had not yet been brought up before us. But the Chair assured the media practitioners present that we certainly view with concern the developments in Zimbabwe.

The day after the press conference, the IPU issued a statement severely criticizing the Zimbabwe situation. The South African media subsequently dubbed the IPU "presidential statement" on Mugabe as the most strongly worded condemnation of the recent Zimbabwe developments "by an international organization so far." The media report partially credited the CHRP stand on Zimbabwe for the strong presidential statement.

Visa policy questioned

At the closing session, I had the opportunity of saying a few words of warning on the so-called policy advisory of Canada, informing all members of the IPU who want to attend the next IPU meeting in Canada that people who are facing indictment or are convicted of acts of terrorism would have difficulty getting a visa to Canada.

Several comments were made on that point and they all suggested that the matter be deferred for consideration at the October meeting of the IPU in Geneva.

In my intervention, I said that the policy would cause problems not only for Canada but for lawmakers from other countries as well. Canada would be criticized by those who would not be granted visa even if their intentions were merely to attend the IPU meeting. It would also be subjected to criticism by members of the IPU belonging to the Opposition parties in countries run by authoritarian regimes which could easily tag them as terrorists.

The authorities of those undemocratic regimes could then effectively provide the reason for the denial of their visa.

Happily, Secretary General Anders Johnsson and the President of the Assembly, the Speaker of the Parliament of South Africa, agreed to defer consideration of the visa policy in response to

the overwhelming sentiment expressed by the delegates.

Leaving for home

I left Cape Town on the morning of April 19. Janet and Ome of our Senate Protocol Office accompanied me to the airport where MPs of South Africa took over to facilitate my transfer to the international flight to Manila via Dubai.

This time, they were very gracious and efficient. They had a car to bring me to the terminal where they arranged for a wheel chair to bring me not only to the gate but to the door of the plane.

Port courtesies

I would like to mention that unlike the President of Palau, who was not given the airport courtesies in Manila some weeks ago befitting him as the Head of State of Palau, the authorities in Johannesburg and those in Dubai extended generous "courtesies of the port" to me.

On the Emirates plane heading for home, I was pleasantly surprised to find out that in our cabin, the purser, Angellie Castillo Autentico, two flight stewards, Danilo Blase and Lynard Banzon, and stewardesses Michelle Flores, Clarisa Garza and Mary Ryan Fulgencio, were all Filipinos. Blase, in fact, is from Iligan, a city adjacent to my home city of Cagayan de Oro.

They told me that they are all happy they work with the airlines and added that they are all well treated by their employer.

For the record, the staff of Ambassador Reyes of South Africa and Consul Butch Bandillo and Edwin Mendoza of the consulate of Dubai went out of their way to make my travel back home less problematic.

Trivia

1. There was a short item in the *Mail & Guardian* that I read on the way home that said that Philippine soldiers were given by the administration priority in getting rice supply.
2. Most stories in the South African and Dubai Press focused on Zimbabwe. They were all critical of the limp-wrist handling of the South African President Thembo Mbeki as mediator in the Zimbabwean crisis.
3. In general, the media faulted Mbeki for displaying weakness in dealing with Mugabe.
3. The plight of some Filipino overseas workers was highlighted in a Dubai daily. In a

1/15

relatively long feature article, it was said that Filipino overseas workers were often victimized by the employers outside Dubai who promise high salaries but do not deliver on their promise.

4. Professionals are now becoming the larger sector among Filipinos working in Dubai. The "househelps" are now less in demand.

5. Common crimes like robbery and stabbing are a cause of concern in South Africa.

A member of the embassy told me that in the first few days of his posting in Pretoria, two men ran after him to rob him of his first salary. Happily, he was "in condition" and he outran them to the gate of a nearby hotel that electronically opened for him and closed before the robbers could enter.

6. Jacob Zuma, the newly elected president of the ANC and presumably the next president of South Africa, is making waves in the country. Originally perceived as a dilettante and a womanizer, he has now come out strongly on the weighty issues of education, crime and poverty. He has also been holding conversations with EU and other world leaders.

Final word

For the record, in this IPU conference that was held in South Africa, I did not see a single lion, elephant, baboon or cobra.

All I saw were my hotel room, the conference room of the Committee on the Human Rights of Parliamentarians, the session hall of the IPU at the Convention Center of Cape Town and some dinner tables in eateries out of the Convention Center.


IPU conferences are a part of our international commitments like the UN or the ILO. In my case, I have this special obligation to attend because ASEAN+3 and the Asia Pacific Nations had elected me to be their representative to the Committee on the Human Rights of Parliamentarians in the IPU Bali Conference in 2007. My term as CHRP representative terminates *when my term as a senator ends on 2010.*

ADJOURNMENT OF SESSION

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

It was 7:18 p.m.

I hereby certify to the correctness of the foregoing.


EMMA LIRIO-REYES
Secretary of the Senate *ps*

Approved on April 22, 2008