



REPUBLIC OF THE PHILIPPINES

S e n a t e

Pasay City

Journal

SESSION NO. 68

Wednesday, April 23, 2008

**FOURTEENTH CONGRESS
FIRST REGULAR SESSION**

SESSION NO. 68
Wednesday, April 23, 2008

CALL TO ORDER

At 3:44 p.m., the Senate President Pro Tempore, Hon. Jinggoy Ejercito Estrada, called the session to order.

PRAYER

Senate President Manny Villar led the prayer, to wit:

Almighty Father, we humbly recognize Your supreme authority over this Chamber. We truthfully acknowledge that You are the perfect lawgiver because Your laws are written with wisdom, driven by absolute truth and dedicated to the attainment of peace, justice and freedom.

Grant that You will find us worthy to be instruments in making laws that reflect Your will for the good of our people.

Strengthen our resolve to remain ever faithful to You and to the people whose servants we all are, to be mindful always that we are stewards of their trust.

Imbue the Members of this Chamber with the courage and determination to pursue truth, to uphold the ideals of democracy and to keep sacred the spirit of the Philippine Constitution.

Inspire us to become productive workers in Your garden. Teach us to rise above the comfort of status, privilege and power. Let the essential simplicity of dedicated public service resonate distinctly in our hearts.

For all our shortcomings, forgive us. For all the blessings You have bestowed on this Chamber and our nation, we are most grateful.

Continue to use us, Almighty Father.
We are in Your hands.

Amen.

SUSPENSION OF SESSION

With the permission of the Body, the Chair suspended the session.

It was 3:46 p.m.

RESUMPTION OF SESSION

At 3:46 p.m., the session was resumed with Senate President Villar presiding.

ROLL CALL

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

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

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

Senator Biazon arrived after the roll call.

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

Senators Legarda and Madrigal were on official mission.

Senator Arroyo was on official mission abroad.

Senator Roxas was absent on account of sickness.

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

APPROVAL OF THE JOURNAL

Upon motion of Senator Pangilinan, there being no objection, the Body dispensed with the reading of the Journal of Session No. 67 and considered it approved.

REFERENCE OF BUSINESS

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

BILLS ON FIRST READING

Senate Bill No. 2181, 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 Angara

To the Committees on Foreign Relations; and Finance

Senate Bill No. 2182, entitled

AN ACT CREATING THE LAKE LANAO DEVELOPMENT AUTHORITY, DEFINING ITS POWERS, FUNCTIONS AND DUTIES, AND FOR OTHER PURPOSES

Introduced by Senator Manuel "Lito" M. Lapid

To the Committees on Government Corporations and Public Enterprises; Economic Affairs; Ways and Means; and Finance

Senate Bill No. 2183, entitled

AN ACT TO STABILIZE THE SUGAR INDUSTRY BY ESTABLISHING THE SUGAR INDUSTRY RESEARCH AND STABILIZATION FUND AND FOR OTHER PURPOSES

Introduced by Senator Antonio "Sonny" F. Trillanes IV

To the Committees on Agriculture and Food; Ways and Means; and Finance

Senate Bill No. 2184, entitled

AN ACT PROVIDING PENALTIES FOR SCHOOLS, COLLEGES AND UNIVERSITIES WHICH REFUSE ADMISSION OF QUALIFIED SCHOLARS OF THE PHILIPPINE VETERANS AFFAIRS OFFICE

Introduced by Senator Antonio "Sonny" F. Trillanes IV

To the Committee on Education, Arts and Culture

Senate Bill No. 2185, entitled

AN ACT ALLOWING THE TITLING OF LANDS COVERED BY A CERTIFICATE OF LAND OWNERSHIP AWARD (CLOA) GRANTED UNDER THE AGRARIAN REFORM PROGRAM AND UTILIZING IT AS COLLATERAL FOR THE PURPOSE OF SECURING AGRICULTURAL LOANS AND SIMILAR OTHER FINANCIAL ASSISTANCE, AMENDING THE PERTINENT PROVISIONS OF REPUBLIC ACT NO. 6657, OTHERWISE KNOWN AS THE COMPREHENSIVE AGRARIAN REFORM LAW, AND FOR OTHER PURPOSES

Introduced by Senator Juan Miguel F. Zubiri

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

RESOLUTION

Proposed Senate Resolution No. 365, entitled

RESOLUTION DIRECTING THE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES AND THE COMMITTEE ON TOURISM TO INVESTIGATE, IN AID OF LEGISLATION, THE IMPENDING CUTTING OFF OF ESTIMATED EIGHT HUNDRED TO THIRTEEN THOUSAND TREES IN CAMP JOHN HAY, BAGUIO CITY TO GIVE WAY TO THE EXPANSION OF THE EXPORT PROCESSING ZONE THEREIN WITH A PURPOSE OF ENACTING REMEDIAL LEGISLATION PARTICULARLY THE DECLARATION OF THE ENTIRE CITY OF BAGUIO AS AN ECO-TOURISM ZONE AND ESTABLISHING THE BOUNDARIES OF ITS STRICT PROTECTION AND BUFFER ZONES

Introduced by Senator Juan Miguel F. Zubiri

To the Committees on Environment and Natural Resources; and Tourism

ADDITIONAL REFERENCE OF BUSINESS**BILLS ON FIRST READING**

Senate Bill No. 2186, entitled

AN ACT RATIONALIZING THE SECURITY OF TENURE OF EMPLOYEES IN THE PRIVATE SECTOR, STRENGTHENING THEIR RIGHTS, PROHIBITING CONTRACTING-OUT OF WORK, AND FOR OTHER PURPOSES

Introduced by Senator Antonio "Sonny" F. Trillanes IV

To the Committee on Labor, Employment and Human Resources Development

Senate Bill No. 2187, entitled

AN ACT CREATING THE PHILIPPINE HALAL ACCREDITATION AND

REGULATORY BOARD AND FOR OTHER PURPOSES

Introduced by Senator Manny Villar

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

Senate Bill No. 2188, entitled

AN ACT TO PROVIDE AND GOVERN THE DEVELOPMENT OF VOICE OVER INTERNET PROTOCOL IN THE PHILIPPINES

Introduced by Senator Manny Villar

To the Committee on Public Services

COMMUNICATION

Letter from Joaquin C. Lagonera, Sr. Deputy Executive Secretary and Acting Head, PLLO of the Office of the President of the Philippines, transmitting to the Senate two (2) original copies of Republic Act No. 9499, 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,

which was approved and signed into law by Her Excellency, President Gloria Macapagal-Arroyo, on 9 April 2008.

To the Archives

QUESTION OF PRIVILEGE OF SENATOR ENRILE

Rising to a question of personal privilege, Senator Enrile adverted to an article in the day's issue of the *Philippine Daily Inquirer* about the attendance of senators in the plenary sessions. He strongly denied the report indicating he incurred 11 absences from July 2007 to present, as he pointed out that he never

left the country and neither does he know of any time that he was not present in the Chamber during session days.

Relative thereto, Senator Enrile questioned why a senator who was in the building but was not able to respond to the roll call was marked absent, while a senator who was on official mission abroad but who, in reality, did not work all the time while he was away, was marked on official mission. He asked on the basis of the distinction as he demanded that the matter be addressed.

REMARKS OF SENATOR BIAZON

Senator Biazon expressed the same sentiment, noting that the newspaper article reported him as being tied with Senator Angara in incurring 40 absences. He said that he could not remember being absent or late that many times. However, he admitted being late at times when there was work to be done *within the building such as today because he was briefed by the Department of Foreign Affairs on the issue of baselines.*

At this point, the Chair clarified that the Senate has not officially released a record of attendance of senators to anybody.

REMARKS OF SENATOR ANGARA

For his part, Senator Angara said that while he has not read the article, he was surprised when his son called him and asked why he was always absent from the sessions. He expressed confidence that the Senate's CCTV recordings would show that most of the time he was among one of two or three senators who remained in the session hall especially during budget deliberations. He said that he and Senators Enrile and Biazon have always stayed in the session hall, and that they always come early in the morning and stay late in the evening. He urged the Majority Leader to investigate the basis of the report, without necessarily blaming the media, and to correct whatever misimpressions it had caused.

REMARKS OF SENATOR GORDON

Senator Gordon reiterated the need to correct the marking of senators late even when they are attending committee hearings when the roll is called, as he recalled the time when he argued his case with

Secretariat officials because he was marked absent when he failed to respond to the roll call, when, in fact, he earlier attended a Commission on Appointments session held also in the plenary hall but had to go out for a while.

Believing that all the senators work very hard and are never rewarded for working very long hours, he expressed hope that a closed-door session on the policy on attendance could be conducted to address the matter.

INQUIRY OF SENATOR ENRILE

On another matter, Senator Enrile asked why the defective elevators in the building were not repaired during recess of almost one month. The Chair replied that representation had already been made with the GSIS which has committed to provide the Senate with two brand-new elevators although it would take time to do so.

REPLY OF SENATOR PANGILINAN

Senator Pangilinan assured the Body that the Secretariat shall come up with a clarification on the issue of attendance. He said that if the *Journal* were the basis of the report, then the report should have stipulated that those who came after the roll call are marked as having "arrived after the roll call" and not "absent." Obviously, he said, the report was erroneous because it interpreted that those who appeared after the roll were marked absent.

Senator Enrile added that one of the reasons why senators arrive late for the roll call is that they have to attend committee hearings as well as various meetings with constituents who wanted to see the senators personally.

Upon request of Senator Pangilinan, the Chair instructed the Secretariat to issue a clarification on the matter.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:02 p.m.

RESUMPTION OF SESSION

At 4:02 p.m., the session was resumed. *[Signature]*

ADDITIONAL REFERRAL OF JOINT RESOLUTION NO. 9

Senator Biazon adverted to the scheduled hearing of the Committee on Foreign Relations at 10:00 a.m. on Friday, April 25, on Joint Resolution No. 9 which proposes the creation of a Congressional Commission on National Territory.

In consideration of the constitutional mandate vested in the Armed Forces of the Philippines to protect the sovereignty and the integrity of the territory of the Republic, upon motion of Senator Biazon, with Senator Pangilinan agreeing, there being no objection, the Chair also referred Joint Resolution No. 9 to the Committee on National Defense and Security as the secondary committee.

COMMITTEE REPORT NO. 44 ON PROPOSED SENATE RESOLUTION NO. 362 (Continuation)

Upon motion of Senator Pangilinan, there being no objection, the Body resumed consideration, on Second Reading, of Proposed Senate Resolution No. 362 (Committee Report No. 44), entitled

RESOLUTION CONCURRING IN THE
RATIFICATION OF THE HEAD-
QUARTERS AGREEMENT BETWEEN
THE REPUBLIC OF THE PHILIP-
PINES AND THE INTERNATIONAL
RICE RESEARCH INSTITUTE.

TERMINATION OF THE PERIOD OF INTERPELLATIONS

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

TERMINATION OF THE PERIOD OF AMENDMENTS

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

APPROVAL OF PROPOSED SENATE RESOLUTION NO. 362 ON SECOND READING

Submitted to a vote, there being no objection, Proposed Senate Resolution No. 362 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF PROPOSED SENATE RESOLUTION NO. 362

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

RESUMPTION OF INTERPELLATIONS ON SENATOR ANGARA'S PRIVILEGE SPEECH

Upon motion of Senator Pangilinan, there being no objection, the Body resumed the interpellations on Senator Angara's privilege speech.

Thereupon, the Chair recognized Senator Angara and Senator Enrile for the interpellation.

INTERPELLATION OF SENATOR ENRILE

Asked by Senator Enrile on the size of the population that could be sustained by the 4.2 million hectares of land available for rice production, Senator Angara replied that the 4.2 million hectares are the "effective area" where rice is harvested but the actual physical area planted to rice is only about 2.5 million hectares. However, he explained that because of technology and double cropping, their yield is equal to that of 4.2 million hectares. He added that another 3.2 million hectares could be developed into rice lands.

Senator Enrile asked how many hectares in actual physical area are available for rice planting.

SUSPENSION OF SESSION

Upon motion of Senator Angara, the session was suspended.

It was 4:12 p.m.

RESUMPTION OF SESSION

At 4:12 p.m., the session was resumed.

Senator Angara replied that the actual physical area planted to rice is 2.5 million hectares, of which 1.6 million are irrigated hectares, while the rest depends on the rainfall; and of the 1.6 million hectares, 400,000 hectares need rehabilitation because of silted canals and clogged ditches. *AS*

On the size of population that could be sustained by the 2.5 million hectares that could yield a sufficient supply of palay so that there is no need to import, Senator Angara stated that the 2.5 million hectares could support 90 million Filipinos, provided the irrigation systems of these 400,000 hectares are rehabilitated and repaired. He stated that with proper irrigation and modern methods of rice-growing, the potential yield of the 2.5 million hectares is 21 million metric tons.

Asked whether there are available potential rice lands on top of the 2.5 million hectares, Senator Angara said that there are 900,000 hectares available for irrigation. He said that if fully irrigated and combined with the 2.5 million hectares for a total of 3.4 million hectares would make the country more than self-sufficient in rice.

On whether there is available land on top of the 3.4 million hectares, Senator Angara replied that the 1.9 million hectares of rain-fed lands are marginal lands.

Senator Enrile clarified that he wanted to put into the record the actual materials available that could be used in planning the food requirement of the country. He asserted that the food problem can be solved by taking into consideration the country's present population with the present resources but he cautioned that population cannot continue to expand because the land is not expandable. He stated that while technology could help add to rice production, it should coincide with the country's productive capacity and propensity to consume.

To the proposition that the 15% wastage should be minimized as one way of solving the food problem, Senator Enrile said that this is a stop-gap measure but government also has to be forward-looking, five or ten years from now, in dealing with the rice situation especially with a population that keeps growing.

Senator Angara suggested that starting next year up to 2013, government should set aside P50 billion annually for the full irrigation of the 3.2 million hectares, including water inputs and credits, to make the country self-sufficient in the next five years.

Senator Enrile argued that government should not only deal with present scarcities but also future scarcities 20 to 50 years from now. Senator Angara stated that government plans only on a five-year basis, therefore, his projection is for the next five

years beyond which too many variables would come into play and it would be difficult to do forward-planning.

On the estimated population that could be sustained within this century by the present size and character of the territorial land, Senator Angara reiterated that he limited his forecast to the next five years, adding that the estimated population of the country by 2013 is 115 million. He stated that based on 120 kilos per head consumption and the various assumptions, an average yield of five tons per hectare and a 4.2-million hectare effective area, 21 million metric tons of yield is needed to feed 115 million Filipinos.

On whether five metric tons of palay per hectare has ever been produced in any part of the country, Senator Angara replied that as records show, Isabela has the highest yield followed by Cagayan Valley. But Senator Enrile disagreed, saying that Cagayan has better irrigation than Isabela. Senator Angara stated that he could provide the harvest data by province and by town, as he pointed out that nationwide, the yield is 4.3 to 4.5 metric tons per hectare with certified seeds and 6.2 to 6.3 metric tons with hybrid seeds. He said that 6.3 metric tons of hybrid rice per hectare is being produced in Mallig Valley, San Mateo, Aurora and Alicia, all in Isabela.

Asked how many hectares of land must be planted to rice to feed the entire population, Senator Angara replied that in the next five years, a total of 3.2 million hectares of irrigated lands must be planted to rice to feed 115 million Filipinos by 2013. He confirmed that at present, the country has 1.4 million hectares of irrigated lands, of which 700,000 hectares have operational irrigation systems while the irrigation facilities for 400,000 hectares have to be repaired or rehabilitated. As regards the 300,000 hectares, he clarified that these are being irrigated by deep wells owned by the farmers themselves.

As to the type of irrigation systems in these areas, Senator Angara stated that the 700,000 hectares are mostly being irrigated by the National Irrigation Administration, while the others have communal irrigation systems. He added that there are also a lot of privately owned irrigation systems in Northern Luzon using pumps or small impounding reservoirs.

Senator Angara clarified that in terms of supervision and maintenance, the NIA covers areas more

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than 1,000 hectares while the irrigators associations cover 1,000 hectares and below.

Upon further queries, Senator Angara replied that the production capacity of the 700,00 irrigated areas are almost the same; and their average annual production per hectare, if planted with certified seeds, is about 4.3 metric tons and with hybrid seeds, 6 tons.

On the average production of the 400,000 hectares that only have one cropping season, Senator Angara stated that using certified seeds, the average yield is 4.3 tons per hectare.

Asked if there is an inventory of the extent of damage on the irrigation systems servicing the 400,000 hectares, Senator Angara replied that the NIA would know the condition of the irrigation systems in those areas.

If the 300,000 hectares are being serviced by operational irrigation systems, Senator Enrile maintained that the present productive land with sufficient irrigation systems is about 1 million hectares. However, Senator Angara clarified that not all areas are capable of maintaining a two-cropping season because some privately owned irrigations systems also need repair.

As to the average annual production of the 1.4 million hectares, Senator Angara replied that last year, the aggregate gross yield of both irrigated and non-irrigated areas was about 16 million metric tons of palay or 10.4 million metric tons of milled rice which means a recovery rate of 65%.

On the yearly consumption of milled rice in the country, Senator Angara replied that it is 12 million metric tons as he recalled that last year, the country imported 1.8 million metric tons. He clarified, however, that of the 12 million metric tons of milled rice, two million metric tons went to hog and poultry feed production, noodles and other food items.

Senator Enrile argued that if the government is more imaginative in dealing with the rice problem, there would be no scarcity scare and there would be no need to import rice as he noted that there was no rumblings of an impending rice crisis last year. However, Senator Angara stated that there was a sufficient rice supply from the international market then in contrast to the current situation.

Senator Enrile stated that if some of the 12 million tons of milled rice last year had not been diverted for use in animal feeds and food products, the country would have enough supply and there is no need to import.

SUSPENSION OF SESSION

Upon motion of Senator Angara, the session was suspended.

It was 4:46 p.m.

RESUMPTION OF SESSION

At 4:47 p.m., the session was resumed.

Senator Angara clarified that the data showed that there was a buffer stock of 1.9 million metric tons by end of 2006; and in 2007, the total requirement was 11.7 million metric tons but production was 10.085 million metric tons of milled rice and consumption was 10.5 million metric tons; the requirement for seed was 300,000 metric tons and feeds, 958,000 metric tons.

On the suggestion that a law be crafted prohibiting the use of rice as an ingredient in animal feeds as a way of addressing the scarcity problem, Senator Angara replied that it would not solve the problem because the food requirement of 11.7 million metric tons is bigger than the rice production of just 10.85 million metric tons. He clarified that the excess of rice inventory over the requirement is attributed to imports.

Considering that the total amount of rice used was 11.7 million metric tons last year, Senator Enrile concluded that if rice is consumed solely as food for humans, only 415,000 metric tons have to be imported and not 1.8 million metric tons. Senator Angara agreed but he pointed out that prohibiting farmers from setting aside close to 300,000 metric tons of rice to be used as seeds might pose a little difficulty.

To the observation that the government is importing expensive rice as ingredient in animal feeds, Senator Angara underscored that the country cannot produce enough rice for human consumption as shown by the country's ten-year record when the shortage was usually remedied by imports.

Asked if the data took into account the reserves of the farmers after harvest, Senator Angara replied that 300,000 metric tons are set aside by the farmers *AB*

for themselves which is outside the 10.5 million metric tons that is strictly for human consumption. He confirmed that the practice of farmers of keeping a portion of their harvest for themselves is still being observed, that is why the rice scarcity is not keenly felt in the farming communities. He asserted that the main grievance is not the lack of supply but the high cost of rice which is beyond the capacity of urban dwellers earning an average of P5,000 monthly. However, he cautioned that supply is slowly becoming a problem because of the growing population.

Asked on the average growth rate of rice production and how it compares with the population growth rate, Senator Angara replied that it is 3.5% and 2.1%, respectively, adding that the base for the computation of rice production is deficit-based and not equal to human consumption.

But Senator Enrile cautioned that the deficit should only be equal to a certain portion of what is imported annually, meaning, there is no need to import so much quantity of rice. Senator Angara averred that the government is playing safe to provide for the lean months from May to September since harvest will resume in October.

Asked how many hectares have to be irrigated to cover the deficit in rice supply for human consumption, Senator Angara replied that if the 400,000 hectares of land become fully operational, it would add 1.6 million metric tons of palay which would translate to about 1.2 million metric tons of rice, enough to cover the projected rice supply shortfall in 2008. He disclosed that according to the Department of Agriculture, the country needs to make up for about 1.2 million metric tons of rice for 2008, for which purpose, it would be importing 2.2 million metric tons for the requirement and to serve as buffer stock.

To the observation that it would be better for the country to pursue an incremental rice production to maintain not only a balanced supply but also price levels so as to protect the farmers since an over-production would result in lower rice prices and consequently lead to lower income for them, Senator Angara averred that the perfect balance could be achieved by producing more rice than the actual consumption so that the country could have a 90-day buffer stock that could be released when supply becomes tight. This, he said, is the justification given by the DA and the NFA in importing huge quantities of rice.

To the suggestion that the necessary solution to the problem is one that would keep the Philippines from importing rice and use the funds to help local farmers instead, Senator Angara believed that rehabilitating 400,000 hectares would be sufficient to cover the present shortfall. However, he noted that part of the problem lies in the fact that the process takes too long because based on NIA's schedule the rehabilitation process would be completed by 2010. This, he questioned, wondering why the repair would take two years when all that is needed is to desilt the canals and unclog the ditches.

Asked whether there are water sources for irrigating the 400,000 hectares, Senator Angara replied in the affirmative.

Asked for accurate figures on agricultural production, irrigation and rehabilitation, as well as food requirements of the population, to maintain a good balance, Senator Angara explained that while the DA and the PhilRice could conduct a study and present data on the matter, what is needed is quick and immediate action to address the shortfall.

To the observation that a reduction in the supply deficit would require, for instance, curbing population growth to about one percent per year, Senator Angara replied that slowing population growth to 1.8% per annum would be more realistic as he noted that even Singapore, which achieved a one percent growth in population five years ago, realized that this was a mistake.

Asked how many additional hectares would have to be irrigated annually to meet the food requirement of the growing population, Senator Angara said that his resource persons could make an analysis over a five-year time span based on the assumption of a 1.8% population growth rate as it would be impossible to make a drastic reduction from the current growth rate of 2.1% per annum.

Senator Enrile requested an estimate of the land hectareage suitable for growing rice considering that most of the flat lands around Manila, especially in the Calabarzon area, have been converted into subdivisions. He wondered whether these lands should be utilized instead for food production. Senator Angara gave assurance that while his resource people would take all these matters into consideration, it would nevertheless be difficult to convince farmers not to sell their rice lands for conversion, hence, the need

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for a law that would compel farmers against such action such as the Land Use Act which has been *pending in the Senate for nearly two Congresses*. He noted that the government has failed to make use of its P1.5 billion investment for irrigating lands in Cavite because almost the entire province has been converted into a non-agricultural area despite the fact that such conversion is prohibited and penalized under the Comprehensive Agrarian Reform Law. He stressed the importance of having a land use plan to be strictly implemented by each local government unit since continuing indiscriminate land conversions in the midst of the rice crisis would result in unrest.

Senator Enrile clarified that he was not against land conversion but he believed that government could have been more circumspect in implementing it in rice-growing areas such as Bulacan, Nueva Ecija, Laguna, Rizal and Cavite. Legislators, he said, should not only attempt to solve the present crisis but also devise a program to prevent its recurrence by planning for the country's future. Senator Angara believed that this should be done by the Executive *department since legislators could only provide the policy framework*, such as the AFMA, for the implementation of such programs.

Assuming that all plans geared towards improving rice production are realized, Senator Enrile asked about the population level that could be sustained by the available acreage. Senator Angara stated that of the 2.3 million hectares of land that is planted to rice, 1.6 million hectares are irrigated and if the yield is maximized at five tons per hectare, this can produce 21 million metric tons of palay, enough to feed 115 million by 2013.

Senator Enrile, however, argued that if the population continues to grow, then the country would have to import rice to feed the additional increment. He warned that unless there is significant population growth slowdown and improvement in agriculture productivity, the country would encounter turbulent political and social conditions in the future. Senator Angara said that this could easily be addressed if the government can allocate P50 billion to agricultural modernization, concentrating on the 37 rice-producing provinces.

On whether he agrees that land is subject to the principle of diminishing returns, Senator Angara pointed out that the country's situation has not yet reached that point because at present, there is a

very high rice yield rate out of only 1.6 million hectares of land.

Asked how many hectares of land outside of the 1.8 million hectares can be converted into productive rice lands, Senator Angara replied that he did not have the figures but he believed that there are areas which can still be converted since the country has a 10-million hectare agricultural land area. Nonetheless, he said that the rice yield could still be increased if the entire 2.3 million hectares of land shall be planted with certified seeds, averaging six tons per hectare.

Asked why the focus is on rice alone when the country grows other feed grains like corn which can solve the deficiency and open other food marketing opportunities, Senator Angara acknowledged that other grains and cereals should also be produced in time, and Filipinos should be taught to adopt a more diverse diet through a clear and understandable program.

Senator Enrile said that the Filipinos should be told not to panic simply because the price of rice in the world market has gone up. He opined that it would even be healthier for people to forego one rice meal a day as being done in his hometown in Cagayan.

MANIFESTATION OF SENATOR PIMENTEL

Senator Pimentel stated that he would no longer interpellate Senator Angara as his questions had already been covered by Senator Enrile's interpellation.

SUSPENSION OF INTERPELLATIONS ON SENATOR ANGARA'S PRIVILEGE SPEECH

There being other reservations for interpellation, upon motion of Senator Pangilinan, there being no objection, the Body suspended the interpellations on Senator Angara's privilege speech.

SECOND ADDITIONAL REFERENCE OF BUSINESS

The Executive Director for Legislation, Atty. Renato N. Bantug, read the following matters and the Chair made the corresponding referrals:

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BILLS ON FIRST READING

Senate Bill No. 2189, entitled

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

Introduced by Senator Manny Villar

To the Committee on Public Order and Illegal Drugs

Senate Bill No. 2190, entitled

AN ACT PROMOTING ENTREPRENEURSHIP BY MANDATING BANKS TO PROVIDE FIVE PER CENT (5%) OF THEIR LOANABLE FUNDS TO NEW GRADUATES AND FULLTIME STUDENTS, AND FOR OTHER PURPOSES

Introduced by Senator Manny Villar

To the Committees on Education, Arts and Culture; and Banks, Financial Institutions and Currencies

RESOLUTIONS

Proposed Senate Resolution No. 366, entitled

RESOLUTION URGING THE SENATE COMMITTEE ON LABOR, EMPLOYMENT, AND HUMAN RESOURCES DEVELOPMENT AND OTHER APPROPRIATE COMMITTEE/S TO CONDUCT A COMPREHENSIVE REVIEW AND ASSESSMENT, IN AID OF LEGISLATION, ON THE IMPLEMENTATION OF LABOR

RECRUITMENT, ANTI-HUMAN SMUGGLING AND IMMIGRATION LAWS AND POLICIES WITH THE END-IN-VIEW OF CHARTING MEANINGFUL AND TRULY LABOR-FRIENDLY SOCIAL LEGISLATION FOR OVERSEAS FILIPINO WORKERS

Introduced by Senator Manny Villar

To the Committees on Labor, Employment and Human Resources Development; and Justice and Human Rights

Proposed Senate Resolution No. 367, entitled

RESOLUTION EXTENDING CONGRATULATIONS TO SEN. PIA "COMPAÑERA" CAYETANO FOR HAVING BEEN ELECTED AS PRESIDENT OF THE COORDINATING COMMITTEE ON WOMEN PARLIAMENTARIANS DURING THE 118TH INTER-PARLIAMENTARY UNION (IPU) ASSEMBLY FROM APRIL 13-18, 2008 HELD AT CAPE TOWN, SOUTH AFRICA

Introduced by Senator Gregorio B. Honasan II

To the Committee on Rules

Proposed Senate Resolution No. 368, entitled

RESOLUTION DIRECTING THE SENATE TO RECOGNIZE AND HONOR GERRY PEÑALOSA FOR SUCCESSFULLY DEFENDING THE WORLD BOXING ORGANIZATION BANTAM-WEIGHT TITLE AT THE ARANETA COLISEUM ON APRIL 6, 2008

Introduced by Senator Francis "Chiz" G. Escudero

To the Committee on Rules

Proposed Senate Resolution No. 369, entitled

RESOLUTION DIRECTING THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS (DOTC) TO EXPEDITE THE CLASSIFICATION *AK*

AND CONSEQUENT REGISTRATION OF THE ELECTRIC JEEPNEYS AS PUBLIC UTILITY VEHICLES TO HELP MITIGATE THE EFFECTS OF CLIMATE CHANGE AND PROMOTE SUSTAINABLE TRANSPORT AND USE OF RENEWABLE ENERGY-BASED TECHNOLOGIES

Introduced by Senator Compañera Pia S. Cayetano

To the Committees on Public Services; and Energy

PROPOSED SENATE RESOLUTION NO. 358

Upon motion of Senator Pangilinan, there being no objection, the Body considered Proposed Senate Resolution No. 358, entitled

RESOLUTION CONGRATULATING HONORABLE SENATOR PIA "COMPAÑERA" CAYETANO FOR BEING UNANIMOUSLY ELECTED PRESIDENT OF THE COMMITTEE OF WOMEN PARLIAMENTARIANS OF THE INTER-PARLIAMENTARY UNION (IPU) DURING THE 118TH GENERAL ASSEMBLY HELD IN SOUTH AFRICA ON APRIL 14-17, 2008,

taking into consideration Proposed Senate Resolution Nos. 363, 364 and 367.

With the permission of the Body, only the title of the resolution was read without prejudice to the insertion of its full text into the Record of the Senate.

ADOPTION OF PROPOSED SENATE RESOLUTION NO. 358

Upon motion of Senator Pangilinan, there being no objection, Proposed Senate Resolution No. 358, taking into consideration Proposed Senate Resolution Nos. 363, 364 and 367, was adopted by the Body.

PROPOSED SENATE RESOLUTION NO. 329

Upon motion of Senator Pangilinan, there being no objection, the Body considered Proposed Senate Resolution No. 329, entitled

RESOLUTION COMMENDING TOMASA DIOSO SALINOR OR "LOLA MASING" FOR HER COURAGE AND UNWAVERING DETERMINATION TO PURSUE JUSTICE FOR FILIPINO COMFORT WOMEN DURING WORLD WAR II.

With the permission of the Body, only the title of the resolution was read without prejudice to the insertion of its full text into the Record of the Senate.

ADOPTION OF PROPOSED SENATE RESOLUTION NO. 329

Upon motion of Senator Pangilinan, there being no objection, Proposed Senate Resolution No. 329 was adopted by the Body.

PROPOSED SENATE RESOLUTION NO. 345

Upon motion of Senator Pangilinan, there being no objection, the Body considered 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' SUMMIT TO TACKLE THE RICE CRISIS AND TO ENSURE FOOD SECURITY IN THE REGION.

With the permission of the Body, only the title of the resolution was read without prejudice to the insertion of its full text into the Record of the Senate.

ADOPTION OF PROPOSED SENATE RESOLUTION NO. 345

Upon motion of Senator Pangilinan, there being no objection, Proposed Senate Resolution No. 345 was adopted by the Body.

PROPOSED SENATE RESOLUTION NO. 353

Upon motion of Senator Pangilinan, there being no objection, the Body considered Proposed Senate Resolution No. 353, entitled

RESOLUTION CONGRATULATING DR. CHRISTOPHER M. GUERRERO FOR

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BEING ONE OF THE RECIPIENTS
OF THE AMERICAN MEDICAL
ASSOCIATION FOUNDATION
LEADERSHIP AWARDS.

With the permission of the Body, only the title of the resolution was read without prejudice to the insertion of its full text into the Record of the Senate.

**ADOPTION OF PROPOSED
SENATE RESOLUTION NO. 353**

Upon motion of Senator Pangilinan, there being no objection, Proposed Senate Resolution No. 353 was adopted by the Body.

PROPOSED SENATE RESOLUTION NO. 359

Upon motion of Senator Pangilinan, there being no objection, the Body considered Proposed Senate Resolution No. 359, entitled

RESOLUTION CONGRATULATING
BERNARDO MATUDAN AND
JAMILLE BIANCA AGUILAR FOR
WINNING FIRST AND SECOND
PLACE, RESPECTIVELY, IN THE 15TH
ANNUAL WORLD CHILDREN'S
PICTURE CONTEST IN JAPAN.

With the permission of the Body, only the title of the resolution was read without prejudice to the insertion of its full text into the Record of the Senate.

**ADOPTION OF PROPOSED
SENATE RESOLUTION NO. 359**

Upon motion of Senator Pangilinan, there being no objection, Proposed Senate Resolution No. 359 was adopted by the Body.

PROPOSED SENATE RESOLUTION NO. 360

Upon motion of Senator Pangilinan, there being no objection, the Body considered Proposed Senate Resolution No. 360, entitled

RESOLUTION CONGRATULATING
AND COMMENDING FILIPINO
BOXING CHAMPIONS MANNY
"PACMAN" PACQUIAO, GERRY
PEÑALOSA, REY "BOOM BOOM"
BAUTISTA, AJ "BAZOOKA"

BANAL AND CISO MORALES FOR
SUCCESSFULLY DEFENDING
THEIR PROFESSIONAL BOXING
STATURE AS INTERNATIONAL
BOXING CHAMPIONS AND FOR
BRINGING HONOR AND PRIDE TO
OUR COUNTRY,

taking into consideration Proposed Senate Resolution No. 368.

With the permission of the Body, only the title of the resolution was read without prejudice to the insertion of its full text into the Record of the Senate.

**ADOPTION OF PROPOSED
SENATE RESOLUTION NO. 360**

Upon motion of Senator Pangilinan, there being no objection, Proposed Senate Resolution No. 360, taking into consideration Proposed Senate Resolution No. 368, was adopted by the Body.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 5:46 p.m.

RESUMPTION OF SESSION

At 5:52 p.m., the session was resumed.

CHANGE OF REFERRAL

Upon motion of Senator Pangilinan, there being no objection, the Chair referred Senate Bill Nos. 163, 342 and 71 instead to the Committee on Local Government as the primary committee, and to the Committee on Ways and Means as the secondary committee.

**COMMITTEE REPORT NO. 41
ON SENATE BILL NO. 2116
(Continuation)**

Upon motion of Senator Pangilinan, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 2116 (Committee Report No. 41), entitled

AN ACT STRENGTHENING AND
EXPANDING THE COVERAGE OF

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**THE SPECIAL PROGRAM FOR
EMPLOYMENT OF STUDENTS,
AMENDING FOR THE PURPOSE
PROVISIONS OF R.A. 7323, OTHER-
WISE KNOWN AS THE SPECIAL
PROGRAM FOR EMPLOYMENT OF
STUDENTS.**

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

MANIFESTATION OF SENATOR PANGILINAN

Senator Pangilinan stated that Senator Legarda would no longer interpellate on the measure and has signified her intention to be a cosponsor of Senate Bill No. 2116. He said that Senator Legarda would submit her cosponsorship speech for insertion into the Journal and Record of the Senate.

**TERMINATION OF THE PERIOD
OF INTERPELLATIONS**

Upon motion of Senator Pangilinan, there being no objection, the Body closed the period of interpellations.

**SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 2116**

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

SPECIAL ORDER

Upon motion of Senator Pangilinan, there being no objection, the Body approved the transfer of Committee Report No. 43 on Senate Bill No. 2150 from the Calendar for Ordinary Business to the Calendar for Special Orders.

**COMMITTEE REPORT NO. 43
ON SENATE BILL NO. 2150**

Upon motion of Senator Pangilinan, there being no objection, the Body considered, on Second Reading, Senate Bill No. 2150 (Committee Report No. 43), entitled

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

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

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 5:55 p.m.

RESUMPTION OF SESSION

At 5:57 p.m., the session was resumed.

Upon resumption, the Chair recognized Senator Revilla for the sponsorship.

**SPONSORSHIP SPEECH
OF SENATOR REVILLA**

In sponsoring Senate Bill No. 2150, Senator Revilla delivered the following speech:

During the 13th Congress, the Senate approved on Third Reading Senate Bill No. 1120, providing the right of reply and providing penalties for violations thereof.

During the present Congress, Senate Bill No. 1178 was filed by Senator Aquilino Pimentel Jr. for the same purpose.

As in the last Congress, your Committee on Public Information and Mass Media, and Committee on Justice and Human Rights, took jurisdiction over this bill and, after an extensive public hearing, the Committee now submits for consideration Senate Bill No. 2150, in substitution of Senate Bill No. 1178 under Committee Report No. 43.

Taking into consideration the intention of the honorable author and proponent, as well as the inputs of the stakeholders, the Committee hereby recommends the approval of its report which will mandate an automatic right of reply; require media to honor the right of reply; and impose monetary fines for noncompliance.

Senate Bill No. 2150 provides that:

- ♦ All persons, natural or juridical, who are accused directly or indirectly of committing, having committed or of intending to commit any crime or offense defined

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by law, or are criticized by innuendo, suggestion or rumor for any lapse in behavior in public or private life shall have a right to reply against such accusation or innuendos."

- ♦ His reply shall be published in the same space of the newspaper, magazine, newsletter or publication, or aired over the same program on radio, television, website or through any electronic device, where such accusations or innuendos were made.
- ♦ It shall be published not later than three (3) days after the reply has been delivered to the editorial office of the publication concerned or the station that carried the broadcast being replied to.
- ♦ The reply shall be published or aired free of charge by the concerned entities.
- ♦ Except for libelous replies, the reply shall be published or broadcast verbatim and *in toto* and shall not be subject to editing.
- ♦ However, the reply should not be longer than the accusation or criticism as published or broadcast.
- ♦ Those who fail or refuse to publish or broadcast the reply shall, for the first offense, pay a fine of P10,000; for the second offense, pay a fine of P20,000; for the third offense, pay a fine of P30,000. Thereafter, repeated failures or refusals to publish or broadcast the reply shall be penalized with a P50,000 fine. And if the offender is a public officer, he shall have administrative liability under the Civil Service law.
- ♦ Aside from these penalties, the Court may also recommend proper sanctions to be imposed by any appropriate mass media organizations on erring editors-in-chief, publishers, station managers, or owners of media organizations concerned.

The bill also provides for self-regulation in mass media, mandating that blocktimers who fail to broadcast or publish a reply shall be subject to the Code of Ethics or self-regulation of the network or station.

Lastly, the measure provides for a *sunset clause* providing for a seven-year effectivity period after its approval, unless Congress subsequently extends it.

The right to reply will benefit media practitioners in the long run.

The right to reply, which can be availed of by persons unfairly maligned by the media, will not only make journalists more responsible in practicing their profession, but also spare them from reprisals by the aggrieved or offended parties.

By legally instituting the right of reply, the rules of fair play in societal communications are given emphasis – that the freedom of speech and of the press is not meant to be enjoyed by the media alone, but also by the people.

According to members of the media themselves, as articulated by Atty. Rudolf Jularbal, legal counsel of the KBP, in our public hearing, the proposed measure will minimize recourse to violence by the people who are libeled, defamed or criticized in newspapers or broadcast reports or commentaries. In effect, this will address one of the main causes for the killings of journalists in the country. This measure also aims to deter persons who were the objects of media tirades from resorting to violence or "using the gun" to level off things which was responsible for the killing of a number of journalists over the years.

It would also clear up court dockets from cases of libel pursued against journalists, sparing the parties and the court of expenses, time and difficulties.

It would also compel media practitioners to be a little more responsible in the exercise of their profession and, thus, more reliable as sources of information.

The right of reply would make it mandatory for the print and broadcast media to allocate more or less equal space and time to the defense or position of the subject of defamation or criticism. The bill would require the publication or airing, within the earliest possible time, on the same page or radio-TV time where the defamation or criticism was made.

However, expectedly, many newspaper publishers and editors are skeptical about the right to reply since they consider it as an undue imposition or encroachment on press freedom.

The State, in the exercise of its police power to ensure a more orderly society, has the right to prescribe laws whereby persons who are libeled or defamed or criticized unduly, should get fair treatment even at the hands of the libeler or defamer.

Thus, the right to reply is not an infringement of press freedom.

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The freedom of the press and of society to express the views of people is not something that is exclusive to media. Everybody has that freedom. Media has the right to criticize individuals, and the people have the right to respond so that the people will know both sides of an issue. If people are unduly maligned by the media, it is only proper that they should also have the right to reply and have it published by the offending medium.

The value placed on public opinion is enshrined in our Constitution, which guarantees freedom of expression, freedom of speech and freedom of the press.

However, the interest of society demands not only the right to express one's thoughts, but, the right to an educated and enlightened public opinion. The freedom of speech and expression enshrined in the Constitution necessarily embraces a correlative right to reply, which is the right to reply to every form of expression protected under the Constitution, especially to accusations or criticisms published or aired through the mass media.

Without the right of reply, the right of free speech of people who are not in the media profession would be marginalized, if not totally made irrelevant in this information age of instant communication.

It is argued that Section 4, Article III or the Bill of Rights under the 1987 Constitution which mandates that, "No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances," is a proscription against this type of measure.

Media outfits further argue that this field must be left to self-regulation. However, experience shows that it may not be at all the most expedient recourse.

While we recognize the efforts of the Philippine Press Council, the ethics body of the Philippine Press Institute, which is empowered to compel a newspaper to print a rebuttal, we can see in reality that much is still to be desired.

Even if the Expanded Code of Ethics of the Philippine Press Institute mandates that "in the writing of stories, equal accord to prominence of rejoinders, rebuttals, and clarification from persons or agencies criticized in our stories must be given and ran without any delays, or as promptly as possible, and should be edited only at grammar," it can be said that this is observed more in breach than in compliance.

As far as radio and television broadcasts are concerned, the legislative franchises of these entities incorporates "Obligation of a Grantee" clause which states that any person aggrieved by any remark, report, statement, commentary or the like by broadcasting using the same facilities of the grantee shall have the right to reply in the same program or any other program the aggrieved party may choose. However, it can again be said that this is observed more in breach than in compliance.

These are the hindrances and pitfalls which this bill aims to address.

We, of course, are aware of the importance of the freedom of the press and in no way wish to curtail it.

The Press, the fourth estate, plays a crucial and vital role in our democracy.

It is in the spirit of this vital role that we wish to enhance and improve media and our democracy. For the reasons already mentioned, the approval of this measure is thus earnestly urged and recommended.

MANIFESTATION OF SENATOR PANGILINAN

Senator Pangilinan manifested that Senator Revilla has requested that the interpellations on the measure be held on Monday. He stated that Senator Pimentel, cosponsor of the measure, is also a principal author.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2150

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

THIRD ADDITIONAL REFERENCE OF BUSINESS

The Executive Director for Legislation read Proposed Senate Joint Resolution No. 10 which the Chair referred to the Committee on Constitutional Amendments, Revision of Codes and Laws:

**JOINT RESOLUTION TO CONVENE THE
CONGRESS INTO A CONSTITUENT
ASSEMBLY FOR THE PURPOSE OF
REVISING THE CONSTITUTION TO
ESTABLISH A FEDERAL SYSTEM
OF GOVERNMENT.**

Handwritten signature

Introduced by Senators Villar, Pimentel Jr., Angara, Biazon, Cayetano (P), Enrile, Escudero, Estrada, Honasan, Lacson, Pangilinan, and Revilla Jr.

COAUTHOR

Senator Pangilinan manifested that Senator Lacson is a coauthor of Proposed Senate Resolution No. 360, which was earlier adopted taking into consideration Proposed Resolution No. 368.

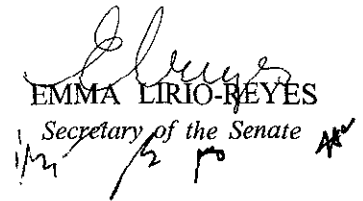
ADJOURNMENT OF SESSION

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 Monday, April 28, 2008.

It was 6:13 p.m.

I hereby certify to the correctness of the foregoing.


EMMA LIRIO-REYES
Secretary of the Senate

Approved on April 28, 2008