



REPUBLIC OF THE PHILIPPINES

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SESSION NO. 84

Monday, June 2, 2008

**FOURTEENTH CONGRESS
FIRST REGULAR SESSION**

SESSION NO. 84
Monday, June 2, 2008

CALL TO ORDER

At 3:00 p.m., the Senate President, Hon. Manny Villar, called the session to order.

PRAYER

Sen. Loren Legarda led the prayer, to wit:

Our gracious and heavenly Father, we thank You for this beautiful day that You have blessed us with — a day which, like any other day, is filled with endless possibilities; a day which, by each of our personal choices and decisions, may be a day that makes the difference between exceptional and mundane, excellence and mediocrity, heaven and earth.

Today, Lord, we ask that You fill us with Your purpose, equip us with clarity of thinking and ease of conscience.

And as *World Environmental Day* is forthcoming, we especially ask Your guidance for us to continue to find the balance between the preservation and development of this, Your precious gift, the earth that is our home.

Let us be Your hands
that give kindness,
Your lips that speak
righteousness,
Your heart that seeks the best
for our fellowmen.
We give You glory
and thanksgiving.

Amen.

NATIONAL ANTHEM

The Senate Choir led the singing of the national anthem.

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.
Arroyo, J. P.	Legarda, L.
Biazon, R. G.	Pangilinan, F. N.
Defensor Santiago, M.	Pimentel Jr., A. Q.
Ejercito Estrada, J.	Roxas, M.
Enrile, J. P.	Villar, M.
Escudero, F. J. G.	Zubiri, J. M. F.
Honasan, G. B.	

With 17 senators present, the Chair declared the presence of a quorum.

Senators Cayetano (A), Gordon and Madrigal arrived after the roll call.

Senators Cayetano (P) and Revilla were absent.

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 Nos. 82 (May 27, 2008) and 83 (May 28, 2008) and considered them approved. *pb*

REFERENCE OF BUSINESS

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Letters from the Secretary General of the House of Representatives, informing the Senate that on 26 May 2008, the House of Representatives passed the following House bills in which it requested the concurrence of the Senate:

House Bill No. 879, entitled

AN ACT DECLARING THE MONTH
OF AUGUST OF EVERY YEAR
AS NATIONAL BREASTFEEDING
AWARENESS MONTH

To the Committees on Health and Demography; and Youth, Women and Family Relations

House Bill No. 1305, entitled

AN ACT REGULATING THE USE OF
GOVERNMENT AMBULANCES,
PROVIDING PENALTIES THEREFOR
AND FOR OTHER PURPOSES

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

House Bill No. 1311, entitled

AN ACT REQUIRING ALL GOVERNMENT-
ISSUED IDENTIFICATION CARDS,
CERTIFICATES AND LICENSES TO
INCLUDE A PORTION INDICATING
THE BLOOD TYPE OF THE HOLDER
THEREOF AND PROVIDING PENAL-
TIES FOR VIOLATIONS THEREOF

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

House Bill No. 2647, entitled

AN ACT ESTABLISHING A PROGRAM
FOR PUBLIC EDUCATION ON
PROSTATE CANCER

To the Committee on Health and Demography

House Bill No. 2731, entitled

AN ACT DECLARING THE MONTH OF
FEBRUARY OF EVERY YEAR AS
LIVER CANCER AND HEPATITIS-
B AWARENESS AND PREVENTION
MONTH

To the Committee on Health and Demography

House Bill No. 3754, entitled

AN ACT ESTABLISHING A PROV-
IDENT PERSONAL SAVINGS PLAN,
KNOWN AS THE PERSONAL EQUITY
AND RETIREMENT ACCOUNT
(PERA)

To the Committee on Rules

House Bill No. 3819, entitled

AN ACT AUTHORIZING COMPENSA-
TION ADJUSTMENTS TO NATIONAL
GOVERNMENT PERSONNEL

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

House Bill No. 3956, entitled

AN ACT ESTABLISHING THE CAREER
EXECUTIVE SYSTEM

To the Committee on Civil Service and Government Reorganization

House Bill No. 4012, entitled

AN ACT ESTABLISHING AND MAIN-
TAINING LACTATION STATIONS
IN WORKPLACES AND FOR
OTHER PURPOSES

To the Committees on Health and Demography; Labor, Employment and Human Resources Development; Civil Service and Government Reorganization; and Ways and Means

and House Bill No. 4114, entitled

AN ACT FURTHER AMENDING PRESIDENTIAL DECREE NO. 198, AS AMENDED, OTHERWISE KNOWN AS THE PROVINCIAL WATER UTILITIES ACT OF 1973

To the Committees on Public Works; Public Services; and Finance

BILLS ON FIRST READING

Senate Bill No. 2340, entitled

AN ACT STRENGTHENING THE ROLE OF PARENTS ASSOCIATIONS AND CREATING FOR THE PURPOSE, THE NATIONAL PARENT COUNCIL

Introduced by Senator Manny Villar

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

Senate Bill No. 2341, entitled

AN ACT RECOGNIZING THE POTENTIALS OF THE FILIPINO YOUTH TOWARD NATION-BUILDING, PRESCRIBING THE FREE EXERCISE OF CERTAIN RIGHTS AND FOR OTHER PURPOSES

Introduced by Senator Manny Villar

To the Committee on Youth, Women and Family Relations

Senate Bill No. 2342, entitled

AN ACT REQUIRING MANDATORY SCHOOL INSPECTIONS TO PROTECT THE HEALTH AND SAFETY OF STUDENTS AND FOR OTHER PURPOSES

Introduced by Senator Manny Villar

To the Committees on Education, Arts and Culture; and Health and Demography

Senate Bill No. 2343, entitled

AN ACT AMENDING REPUBLIC ACT NO. 7165, OTHERWISE KNOWN AS AN ACT CREATING THE LITERACY COORDINATING COUNCIL, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Manny Villar

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

Senate Bill No. 2344, entitled

AN ACT REGULATING THE USE OF GOVERNMENT AMBULANCES, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Manny Villar

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

Senate Bill No. 2345, entitled

AN ACT PROHIBITING THE PUBLIC EXHIBITION OR DISPLAY OF OBSCENE AND/OR DISTRACTIVE MOTION OR STILL PICTURES ALONG MAJOR THOROUGHFARES

Introduced by Senator Manny Villar

To the Committees on Public Works; and Justice and Human Rights

Senate Bill No. 2346, entitled

AN ACT TO STRENGTHEN AND PROPAGATE FOSTER CARE FOR ABUSED, ABANDONED, NEGLECTED AND OTHER CHILDREN WITH SPECIAL NEEDS, PROVIDING APPROPRIATIONS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Manny Villar *MS*

To the Committees on Youth, Women and Family Relations; Social Justice, Welfare and Rural Development; Ways and Means; and Finance

Senate Bill No. 2347, entitled

AN ACT PREVENTING AND PENALIZING COMPUTER FRAUD ABUSES AND OTHER CYBER-RELATED FRAUDULENT ACTIVITIES AND CREATING FOR THE PURPOSE THE CYBER CRIME INVESTIGATION AND COORDINATING CENTER PRESCRIBING ITS POWERS AND FUNCTIONS, AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Manny Villar

To the Committees on Science and Technology; Constitutional Amendments, Revision of Codes and Laws; and Finance

Senate Bill No. 2348, entitled

AN ACT TO DEVELOP ENTREPRENEURSHIP AMONG GOVERNMENT EMPLOYEES FOR AN INNOVATION-INSPIRED CORPS OF CIVIL SERVANTS AND PRODUCTIVE POST-SERVICE CITIZENRY

Introduced by Senator Manny Villar

To the Committee on Civil Service and Government Reorganization

Senate Bill No. 2349, entitled

AN ACT GRANTING PUBLIC ELEMENTARY AND HIGH SCHOOL TEACHERS NON-WAGE BENEFITS IN THE FORM OF FREE TERTIARY EDUCATION IN ANY STATE COLLEGE OR UNIVERSITY FOR ONE (1) DEPENDENT CHILD, AND FOR OTHER PURPOSES

Introduced by Senator Manny Villar

To the Committee on Education, Arts and Culture

Senate Bill No. 2350, entitled

AN ACT ESTABLISHING A PHILIPPINE NATIONAL HEALTH RESEARCH SYSTEM MANDATING SELECTED GOVERNMENT AGENCIES TO ALLOCATE PERCENTAGES OF THEIR GROSS ANNUAL INCOME OR CHARGE ADDITIONAL FEES FOR HEALTH RESEARCH AND DEVELOPMENT (R&D) ACTIVITIES

Introduced by Senator Manny Villar

To the Committees on Health and Demography; and Finance

RESOLUTIONS

Proposed Senate Resolution No. 429, entitled

RESOLUTION DIRECTING THE PROPER COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE CURRENT ILLEGAL MINING ACTIVITIES RESULTING IN THE DESTRUCTION OF ENVIRONMENT AND LOSS OF LIVELIHOOD OF THE PEOPLE OF PALAUIG, PROVINCE OF ZAMBALES

Introduced by Senator Jinggoy Ejercito Estrada

To the Committee on Environment and Natural Resources

Proposed Senate Resolution No. 430, entitled

RESOLUTION URGING THE PHILIPPINE HEALTH INSURANCE CORPORATION TO EXTEND THE HOSPITALIZATION COVERAGE OF UNIFORMED PERSONNEL INJURED WHILE IN THE PERFORMANCE OF DUTY

Introduced by Senator Gordon

To the Committees on Health and Demography; and Government Corporations and Public Enterprises

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COMMITTEE REPORT

Committee Report No. 60, submitted jointly by the Committees on Local Government; and Constitutional Amendments, Revision of Codes and Laws, on House Bill No. 3224, introduced by Representatives Plaza and Gonzales (N.), entitled

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

recommending its approval without amendment.

Sponsors: Senators Benigno S. Aquino III and Gordon

To the Calendar for Ordinary Business

SUSPENSION OF SESSION

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

It was 3:09 p.m.

RESUMPTION OF SESSION

At 3:09 p.m., the session was resumed.

QUESTION OF PRIVILEGE OF SENATOR ENRILE

Rising to a question of personal and collective privilege, Senator Enrile adverted to newspaper reports that various foreign chambers of commerce in the country otherwise known as the Joint Foreign Chambers (JFC) had asked the government to forego any effort to tinker with Republic Act No. 9136 (EPIRA). Saying that he respects the rights of the foreign chambers to express themselves and does not impute any malice to their statement, he believed nonetheless that they are not supposed to meddle in the nation's public affairs, much less to put pressure on the Philippine government not to revise the EPIRA. He dared the members of said chambers to come to the Senate and defend their position that EPIRA should be allowed to work, when the entire nation knows full well how difficult it is for every Filipino household to shoulder the high cost of electricity.

Senator Enrile recalled that EPIRA was enacted in 2001 and he asserted that it is improper for foreigners to tell the members of Congress not to perform their duties and responsibilities particularly the obligation to ease the burden of high electricity cost. "Enough is enough for foreigners to be meddling in our affairs," he declared.

Senator Enrile then moved that the Senate summon all the presidents of the various chambers of commerce to the Senate and to ask them to explain their position on the EPIRA.

MANIFESTATION OF SENATOR DEFENSOR SANTIAGO

Senator Defensor Santiago stated that she had delivered to the media in an instantaneous press interview earlier in the afternoon virtually the same sentiments but not in the same language.

POINT OF ORDER OF SENATOR ANGARA

Senator Angara raised a point of order, saying that before acting on the motion of Senator Enrile that touches on a legitimate issue, the Body should first determine the scope of the Senate inquiry. Since the motion was already seconded, he said that the next step is to vote on it, which is precisely what he is trying to avert by raising a point of order.

REMARKS OF SENATOR ARROYO

Senator Arroyo recalled that the EPIRA was initiated in the House of Representatives sometime in the 1990s and it was not passed until President Arroyo assumed office; in fact, it was the first law she signed and it had two objectives: 1) to reduce the indebtedness of Napocor, the No. 1 debtor in the country; and 2) to reduce the power rates. However, he noted that seven years later, the power rates and the obligations of Napocor have increased instead.

That being the case, Senator Arroyo believed that Congress must amend EPIRA with the end in view of reducing the electricity rates and Napocor's indebtedness. He asserted that the JFC is asking the Philippine Congress not to do what their respective parliaments have done which is to amend laws when they no longer work. As a member of the European Union and International Bar Association in London, he stated that he has read in the association's regular literature that conflicts between European countries

are being resolved by amending the laws of the respective countries. Therefore, he asserted that *imposing constraints upon the Philippine Congress is improper.*

He pointed out that the only limitation in the Constitution is that Congress cannot impair contracts so the JFC can rest assured that Congress will not impair the obligation under the IPP contracts with their nationals.

Senator Arroyo opined that the President should be careful about saying yes or no on the issue because Congress has the prerogative to amend the EPIRA which is, in fact, being deliberated upon in both Houses. He stated that he opposed the EPIRA during his term at the House of Representatives but seven years after its enactment, the EPIRA has not worked for the people and something has to be done about it. He lauded Senator Enrile for protesting the unwarranted intervention of the JFC as he wondered if its members can tell their respective parliaments that its law is no longer beneficial and therefore should not be amended.

Senator Enrile recalled that he was the lone senator who voted against the EPIRA.

POINT OF ORDER OF SENATOR DEFENSOR SANTIAGO

Senator Defensor Santiago pointed out that two podiums are now facing the Body as she urged the Members not to feel shy about using either to address their colleagues.

INTERPELLATION OF SENATOR ANGARA

Senator Angara noted that the Joint Foreign Chambers of the Philippines made three principal allegations, the first of which is that amending the EPIRA would introduce a highly unstable legal framework to the energy industry. He stated that the allegation is outrageous because a mere amendment to a law does not introduce any instability to the law; on the contrary, he believed that a law is being amended to strengthen it. Senator Enrile asserted that amending the EPIRA would work for the betterment of the Filipino people by lightening their financial burden. He stated that the JFC members do not care if Filipino end-users pay high for electricity because their own nationals earn profits from the IPPs.

On whether the JFC members that invested in the power sector are trying to preserve the status quo, Senator Enrile stated that they are preserving their assets.

As regards protecting the take-or-pay regime wherein end-users pay for electricity that is not used but is highly profitable for the nationals of the JFC members, Senator Enrile stated that he would not mind if investors make a profit as long as its reasonable. He said that the Body has been deliberating on the proposed amendments to the EPIRA for so many months and none of the JFC members ever appeared to voluntarily express its position. He suspected that some other interests egged on the JFC to make the statement in order to derail the effort of Congress to amend the EPIRA.

Senator Angara stressed that the JFC members wanted to preserve the status quo of the take-or-pay regime as he recalled that during a House hearing, it was revealed that one foreign distributor earned P13 billion from unused electricity over a period of six years. Senator Enrile added that one distributor even charged P9 billion to P12 billion for undelivered electricity in one year.

On the second allegation of JCT that Congress is unduly impeding the reform in the energy sector by amending the EPIRA, Senator Angara described it as preposterous, as he underscored that the amendments to the EPIRA would actually accelerate open access which would allow competition.

Senator Enrile pointed out that precisely, the power sector cannot be reformed if Napocor is going to be required to dispose 70% of its present capacities before open access can be initiated. He said that those who oppose the amendments are forcing Napocor to sell 70% of its capacities on a fire sale method so that they can get the capacities cheaper.

Senator Angara suggested that when the JFC members do appear in the Senate, they should be told in no uncertain terms that they do not know what they were talking about. He stated that the matter should be placed on record so the JFC would not think that the Senate has invited them to appear out of caprices or irritation.

As regards the third allegation that the amendments to the EPIRA would constitute a major disincen-

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tive to investors who wanted to invest in the power sector, Senator Angara branded this as absolutely false.

Senator Enrile maintained that amendment to the EPIRA would make it easier for investors to come in because of open access where competition would come into play. He stated that he is in favor of inviting investors to the power sector but not buccaneers or predators or carpetbaggers like the Enrons of this world.

Senator Angara informed the Body that the ambassador of South Korea came to see him a year ago to express his country's interest in bringing Kepco, its biggest power company, that wanted to invest in a 300-megawatt project in the island of Panay. He said that what kept Kepco from coming in was that it did not have a supply agreement because of the non-open access.

Senator Enrile suspected that foreign players are enjoying the bonanza because certain lawmakers before lacked foresight and it resulted in exorbitantly high contracts that blocked out competitors of Mirant, for instance, which has virtually a monopoly in the generation sector.

Senator Angara recalled that Mirant, formerly owned by Enron, used to own Pagbilao, Quezon and Sual power plants, and it had to sell three power plants because it needed money to pay for the fraud committed at the Enron headquarters.

As to who is the other force behind the JFC, Senator Enrile replied that he would reveal it at the proper time.

INTERPELLATION OF SENATOR ESCUDERO

Senator Escudero stated that like Senator Arroyo he did not vote for the EPIRA because he believed then that it would not help bring down the cost of electricity. He said that amendments to the present law are needed to ensure that the cost of electricity would go down.

Senator Escudero believed that the JFC has the right to say whatever it wants but it does not have the right to tell Congress what to do.

Similarly, Senator Enrile pointed out that the JFC does not have the right to dictate to the Pres-

ident and in like manner, the Filipinos have no right to dictate to other heads of state.

Senator Escudero asked if the amendment to the EPIRA proposes to change the take-or-pay provision in the present law. In reply, Senator Enrile branded the members of the JFC as dumb for their ignorance of the Bill of Rights in the Philippine Constitution which, ironically, was patterned after their Bill of Rights which specifically provides that no law shall be passed impairing the obligation of contract. Senator Escudero replied that it only showed that either they did not understand the law or they have not read it at all. He pointed out that aside from being unconstitutional, their suggestion is not even proposed in the measure. Senator Enrile agreed, saying that the Constitution does not allow impairment of contracts that the past administrations have entered into even as they have caused hardships to people.

Senator Escudero stated that while he recognizes the right of people to free speech, foreigners should also recognize the right and authority of Congress to amend its own laws. Moreover, he believed that the key to change is for those who have crafted the law to humbly admit that laws are not written on stone, that they could not craft laws that can never be amended by succeeding generations of lawmakers, and that laws should be amended to adapt to the times.

PARLIAMENTARY INQUIRY OF SENATOR LACSON

Senator Lacson noted that the motion suggests that the representatives of the Joint Foreign Chambers of Commerce be summoned to a committee hearing either by a Committee of the Whole or by the Committees on Energy, and Finance. In such case, he asked if Senate Bill No. 2121, currently in the period of interpellations, would be remanded to the committee level. Senator Enrile replied that the measure should proceed as calendared, but the people who are interfering with legislative function should be heard. He believed that their lobby to prevent the enactment of a law is not mere lobbying but is, in itself, a political act.

For his part, Senator Pangilinan stated that the matter of recommitting the measure to the committee level or to proceed with the same while going through a hearing should be submitted to the Body.

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REMARK OF SENATOR ARROYO

Senator Arroyo argued that the bill could not be recommitted as it is already pending in plenary. He said that the bill should proceed and the appropriate committee could convene to hear the representatives of the foreign chambers of commerce, but it would be too much to create a Committee of the Whole which would only dignify their complaint.

REMARK OF SENATOR ENRILE

Replying to the query of Senator Lacson, Senator Enrile clarified that his sponsorship of the measure was in his capacity as chairman of the subcommittee of the Committee on Energy. He believed that the Joint Congressional Power Commission (JCPC) could very well summon the foreign representatives to ask why they think the law should not be amended on its own, without even a motion of the Chamber. Thus, he moved to refer the matter to the JCPC to expose the presidents of the Chambers of Commerce to questioning so that, at least for once, they would understand that there is Congress in the Philippines.

MANIFESTATION OF SENATOR DEFENSOR SANTIAGO

Senator Defensor Santiago, in her capacity as Chair of the JCPC or Bicameral Powercom, ordered the holding of a public hearing on the issue of foreign intervention in economic legislation on Friday, June 5, at eleven o'clock in the morning.

Senator Enrile said that as a subordinate committee of the Committee on Energy, he would submit to the wishes of Senator Defensor Santiago.

REMARKS OF SENATOR ROXAS

Manifesting support for the calling of a hearing to find out the views of the representatives of the foreign chambers of commerce, Senator Roxas also expressed the need to find out their reasons for opposing the amendments to the EPIRA. Since the conventional wisdom is that the EPIRA is not working, *he underscored the need to put the views of the foreign representatives on record as they must have seen something in the law that the Chamber does not know, if only to ensure that an exhaustive and substantial study would be done in the course of legislation.*

He stated that the important thing is to know why the EPIRA is not working, as he recalled that the EPIRA, when it was written in 2001, had so many prescriptions, one of which leads to open access. He lamented that to date, the prescription for Napocor to divest itself of its dominant position in the industry has not been met.

While the wisdom of the earlier Congress that passed the law could be debated, Senator Roxas believed that what is of utmost importance is that the present Congress is amending the law premised on sound data and a sound understanding of the dynamics of the power sector because power rates have not gone down.

Senator Roxas noted that power rates are determined by Napocor which is the single largest operator of Gencos, and he underscored the need to amend the provisions of the law appropriately. He said that the motion to call the representatives of the foreign chambers separates the issue into two: 1) *their interference in lawmaking*; and 2) *improving upon the gaps and oversights of the past in order to come up with an improved EPIRA.*

REMARKS OF SENATOR ARROYO

Senator Arroyo commented that it was improper for the representatives of the foreign chambers of commerce to write the President of the Philippines to ask her not to allow EPIRA to be amended at a time when it is already in the process of being amended by both Houses of Congress. He then wondered how the President would handle their complaint. Moreover, he pointed out the impertinence of the foreign representatives in seeking remedy from Malacañang when the remedy is not there but in Congress. Thus, he believed that they should be summoned to explain their views.

Senator Enrile supported the view of Senator Arroyo that the foreign chambers of commerce think so lowly of Congress that they do not consider it as a third division of government, and neither do they respect the separation of powers in the country as dictated by the Constitution. He said that if he were the President, he would give them a tap on the head.

REMARKS OF SENATOR PIMENTEL

Senator Pimentel stated that apparently, the statements of the foreign chambers of commerce *are*

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were contained in a letter addressed to the President asking if it would be possible not to have the law amended. He said that while he should be the last person to say that what these foreigners did was not wrong, the fact is that the country made freedom of speech available to the people coming into the country when it adhered to the globalization policies of the world.

Senator Pimentel suspected that the media took the communication out of context and made it appear that the statement not to touch the EPIRA was addressed to the Congress of the Philippines. He believed that not all foreigners have subjected the country to abuse.

Relative thereto, he disclosed that he received a letter from ARESKOM, one of the bidders in the broadband deal awarded to ZTE, which bears statements more contumacious than the statement of the foreign chambers of commerce. He read from page 4 of the letter, to wit: "The issues surrounding the acquisition of the Philippines' NBN have been investigated and the allegation of corruption and malfeasance have been determined to be unfounded." He wondered where ARESKOM could have gotten its information when the investigation is not yet over and the Blue Ribbon Committee has not yet concluded that the allegations of corruption and malfeasance are unfounded. He said that the categorical statement was made in a letter signed by the Chief Executive Officer and Chief Financial Officer of ARESKOM, in contempt of the Blue Ribbon Committee and the Senate as a whole.

Senator Pimentel stated that even as the country allowed the influx of people with different views of running things when it embraced a regime of WTO and globalization, Congress should not allow itself to be bamboozled by anyone regardless of whether they are foreigners or fellow Filipinos. He said that it is up to Congress to assert its dignity against perceived abuse from any person. He expressed support to the order of Senator Defensor Santiago to invite the foreign representatives to appear before the Bicameral Powercom.

In closing, Senator Pimentel reiterated his support for Senator Enrile's motion but cautioned that the Senate ought not to be overly sensitive of the issue because the letter was addressed to the President and not to the Senate even though it is the legislative branch which exercises the power to amend the EPIRA.

INTERPELLATION OF SENATOR GORDON

At the outset, Senator Gordon said he was surprised over the position of the Joint Foreign Chambers (JFC) in the Philippines because it appeared as if they wanted the President to use her executive prerogative to convince the Senate to change its mind on the EPIRA because, to them, it would not be beneficial.

Asked whether the JFC merely consists of representatives for foreign investors, Senator Enrile replied in the affirmative.

Senator Gordon believed that the Philippines should have a predictable regime of investment rules which should be consistent and transparent. He wondered whether amending the EPIRA would break any such rules. Senator Enrile clarified that the amendments would encourage the entry of more foreign players in the power industry as it would result in a competitive market.

To the observation that as all laws are prospective, the foreign chambers ought to have been aware that the issues involved are not only of sovereignty but also of prospectivity, Senator Enrile agreed but added that they might have gotten the idea that they could get away with anything as they see the Securities and Exchange Commission as an inutile body. He cited, as an example, a proxy issue which the SEC seemed to have been powerless to act upon even though it was within its jurisdiction.

As regards the comment that some government officials laid the country open to abuse by allowing government to be cajoled into questionable transactions that are not beneficial to the country, Senator Enrile believed that it is about time that the Senate took a firm stand on the issue, even to the point of letting go of these foreign investments.

Senator Gordon believed that rather than being arrogant, government would gain more respect if it presents a firm and fair position on the matter. He noted that the take-or-pay proposition of the EPIRA is more than fair as power producers take in about P12 billion yearly. Further, he expressed chagrin at the temerity of these foreign chambers to imply that some corruption is involved behind the Senate's proposed amendments to the EPIRA when they are the ones who let foreign investors abuse the government.

For his part, Senator Enrile pointed out that most of these chambers of commerce are actually enclaves that plot ways of making more profits out of the pockets and misery of the people.

To the observation that such foreign chambers usually make a public pronouncement to show the world that the Philippines is flexible when it comes to implementing investment rules, Senator Enrile said that foreign investors operating in the Philippines would rather release negative information about the country to discourage their competitors from setting up shop and lowering their own profits.

To the contention that these groups also release negative information to keep the Philippines from attracting foreign investments, Senator Enrile believed that while foreigners who withdraw their investments from the Philippines would only be replaced by other foreign investors, it is unlikely that they would ever leave the country since they have such profitable enterprises here.

Senator Gordon noted that foreign power producers want to continue taking advantage of the take-or-pay proposition under the current law. Senator Enrile believed that the Philippines would not have been pressured to allow such a condition if it were not for the power crisis at the time.

To the suggestion that the Senate be aggressive in dealing with the matter, Senator Enrile expressed hope that the chair of the JCPC would not allow the lawyers of the JFC to speak on its behalf during the hearing of the commission.

In closing, Senator Gordon said that government should not allow itself to be abused by foreigners in exchange for foreign investments. He maintained that the proposed amendments to the EPIRA would be prospective and, as such, foreigners have no right to impinge on Philippine sovereignty.

INTERPELLATION OF SENATOR BIAZON

Preliminarily, Senator Biazon expressed support to Senator Enrile's motion. Senator Enrile said that he wanted to amend his motion to include an investigation into the matter by the Joint Congressional Power Commission.

Asked whether the President received a letter from the foreign chambers of commerce, Senator

Enrile replied that he was not aware whether such a letter had been sent to the President since he learned about the matter only through newspaper reports.

On whether the bill proposing amendments to the EPIRA is a certified measure, Senator Enrile replied in the negative but clarified that it was discussed during the Legislative-Executive Development Advisory Council (LEDAC) meeting.

Senator Biazon wondered how the President would respond to the letter considering that it is an affront to her office. Senator Enrile believed that while it is Malacanang's prerogative to receive communication from anyone, it is a well-known fact that the proposed amendments to the EPIRA are pending before Congress. Therefore, he viewed the JFC's action as an intrusion not only into the prerogative of both Houses of Congress, but also as an offense to the dignity and honor of the Senate considering that the JFC enlisted Malacanang's assistance to exert pressure on the Members.

To the suggestion that the Senate ought to determine the President's position on the matter, Senator Enrile disagreed, pointing out that since the Senate belongs to a different branch of government and is invested with certain functions, it should act independently on the issue.

Senator Biazon clarified that he did not believe that the Senate ought to wait for the President's reaction before acting on the matter; rather, he only wanted to find out how the President would react to the issue and how the Executive and Legislative branches would respond to it considering that foreigners are involved.

For his part, Senator Enrile said that he could not impute any malice on Malacanang's intention of amending the EPIRA (Republic Act No. 9136) because it was, in fact, discussed during the last LEDAC meeting.

INTERPELLATION OF SENATOR MADRIGAL

At the outset, Senator Madrigal expressed support for Senator Enrile's motion and the speedy action of Senator Defensor Santiago in wanting to determine the objective of these foreign chambers in seemingly interfering with Philippine sovereignty as the matter is not only confined to the EPIRA *Mr*

but is also a question of intrusion into national sovereignty and foreign abuse. She believed that the Philippines ought to change the impression of foreigners that it is begging for foreign investments even though it does not benefit from most of the profits which are used to enhance the financial statements of its foreign investors. She also thanked Senator Enrile for wanting to review the country's anti-trust laws.

Senator Madrigal noted that Senator Enrile had said earlier that the EPIRA has not worked because power rates have not gone down.

Asked by Senator Madrigal if the EPIRA would work if the provisions on privatization were enforced, Senator Enrile said that the proposed amendments, particularly the reduction of the privatization requirement from 70% to 50%, would, in effect, lower the cost of electricity.

On whether it is true that Napocor, because of its monopolistic tendencies, has no incentive or desire to truly privatize, Senator Enrile said that the sale of a big number of capacities for electricity would entail a very large amount of money and if Napocor goes into the market and unload all of these capacities because it has to comply with the law, it would have to do a fire sale which nobody would encourage. Government, he pointed out, has been injured enough when these capacities were contracted for in the past and a repeat of this unwise decision would unduly hurt the people who would suffer the burden of providing the money to support government for the deficiency to be incurred.

Asked if there were foreign lobby groups when the original EPIRA was being discussed in the earlier congresses, Senator Enrile replied that there were local groups lobbying to protect their turf.

Senator Madrigal expressed resentment over the fact that foreign chambers had the audacity to tell President Arroyo to ask Congress not to amend the law, which is the prerogative of the Congress of a *sovereign nation*. She informed the Body that members of the Minority have been listening to multisectoral groups and debating the EPIRA to pinpoint the better amendments to lower power rates and benefit the Filipino people and not interest groups and foreign multinationals. She said that Congress should address the issue of high power rates and not be fooled by one lobby group for another on the

matter of enacting the proper amendments to bring down power rates.

Senator Enrile clarified that he respects the rights of anybody allowed to do business in the country to make reasonable profit, most especially those in the power sector. These businessmen, he said, should have a return on their investment because these investments are from millions of people who contributed to a public utility company. He stated that to burden the people with exorbitant price of electricity because of pressure and lack of negotiating talent or knowledge of the industry is something that cannot be tolerated. He said that the Body should look into the matter meticulously.

MANIFESTATION OF SENATOR ZUBIRI

Senator Zubiri expressed support to Senator Enrile's motion to invite the different foreign chambers to the Senate at the soonest possible time.

Senator Zubiri stated that like Senators Arroyo and Enrile, he also voted against EPIRA when the House voted on it on April 12, 2000, because he believed that it was not enough to bring down the electricity rates and it allowed cross-ownership in power generation and distribution and even transmission which was supposed to be privatized. He expressed support for the amendments to EPIRA bill because they would protect the people from the rising cost of electricity rates.

MANIFESTATION OF SENATOR CAYETANO (A)

At the outset, Senator Cayetano (A) commended Senators Enrile and Defensor Santiago for addressing the position of the JCT on the EPIRA.

So as to abbreviate his interpellation Senator Cayetano (A) disclosed that he met with officials of the National Power Corporation (Napocor) on May 20 to ask for some data that they promised to provide on May 21 and 22 but on May 25, they told him that the data would not be released unless he wrote the president of the Napocor. In the same manner, he said that he also asked the Department of Finance about data pertaining to the tax aspect which could be used in his interpellation. He stressed that it is unfair to expect Senator Enrile to have at his disposal all the statistics or data which the Napocor president might not even know about. *AK*

AK

Upon query of Senator Enrile, Senator Cayetano (A) stated that he met with Engr. Urbano Mendiola, Jr., Atty. Ibanez, and Atty. Loala.

Senator Enrile recounted that he nearly walked out of the session hall because the Napocor officials could not even answer simple questions like Napocor's capacity. Senator Cayetano (A) suggested that Napocor officials give the Senate a briefing on the basic information and submit all the required data.

Senator Cayetano (A) recalled that when he asked the Napocor officials on their position on the bill, they admitted they have yet to discuss it. He stated that the EPIRA bill is already the second amendment to the EPIRA because the first amendment was the VAT. In the original EPIRA, he explained that the promised low rate of electricity was supposed to be achieved, according to then Speaker Fuentebella, because of the zero-rated generation of power, but when the House passed the VAT in 2005, the rate rose from 0% to 12%.

INTERPELLATION OF SENATOR EJERCITO ESTRADA

Senator Ejercito Estrada expressed support for the motion of Senator Enrile to invite the members of the Joint Foreign Chambers (JFC) to appear before the Senate.

Asked by Senator Ejercito Estrada as to the real intent of the JFC, Senator Enrile ventured that they wanted either to prevent secrets in the IPPs from being divulged or to preserve profits from their businesses in the Philippines.

Upon further queries, Senator Enrile stated that he does not know any member of the JFC and that countries with investments in the Philippines each have their own chamber of commerce, to name some, Chamber of Commerce of America, Chamber of Commerce of Canada, Chamber of Commerce of China.

Asked whether the IPP contracts that were signed from 1992 to 1998 were backed by sovereign guarantee, meaning, that government would pay for the electricity produced whether or not it is used, Senator Enrile replied in the affirmative. He explained that under a take-or-pay provision in the contract, an

IPP, for instance, could put up a plant with 100-megawatt capacity and whether all 100 megawatts is used or not, government has to pay in full. He stated that what the amendatory bill to the EPIRA seeks to prohibit is passing on the stranded cost to consumers which is incurred when the price of contracted electricity is higher than the price of electricity as approved by the Energy Regulatory Commission (ERC).

Senator Ejercito Estrada manifested that at the proper time, he would deliver a speech with regard to the 20 IPP contracts with sovereign guarantee that then President Fidel Ramos signed. He noted that the current administration signed one IPP contract with the IMPSA, which former Sec. Hernando Perez facilitated in 2001.

PARLIAMENTARY INQUIRY OF SENATOR PANGILINAN

Senator Pangilinan asked whether Senator Enrile wanted to have his speech referred to the Joint Congressional Power Commission (PowerCom) wherein seven senators sit or to the Committee on Energy which has 15 members.

Senator Roxas suggested that the speech be referred to the Committee on Energy since it is sponsoring the Amendments to the EPIRA Bill on the floor.

Senator Enrile stated that it could be referred to either the PowerCom or the Committee on Energy.

REFERRAL OF SPEECH TO COMMITTEE

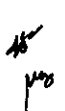
Upon motion of Senator Pangilinan, there being no objection, the Chair referred the privilege speech of Senator Enrile and the interpellations thereon to the Committee on Energy.

SUSPENSION OF SESSION

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

It was 4:48 p.m.

RESUMPTION OF SESSION

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

ANNOUNCEMENT OF SENATOR MADRIGAL

At this juncture, Senator Madrigal invited the senators to greet Senator Lacson who celebrated his birthday the previous day.

SUSPENSION OF SESSION

With the permission of the Body, the Chair suspended the session to allow the senators to greet Senator Lacson.

It was 4:50 p.m.

RESUMPTION OF SESSION

At 4:54 p.m., the session was resumed.

PRIVILEGE SPEECH OF SENATOR LEGARDA

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

A CALL TO BUILD CAPACITIES TO COMBAT GLOBAL WARMING

We will be celebrating the World Environment Day two days from now, in a horrific context of the second deadliest cyclone in recent history, and a 7.9 earthquake in Western China. And right here at home, we had a mid-May typhoon that ravaged La Union, Zambales and Pangasinan — provinces just a bus-ride from this Chamber. Close to 50 people had been reported killed; damage to infrastructure and crop was massive.

It has been this way for years. The planet with a kind and gentle temperament, though with occasional outburst of rage, is a thing of the past. Even in the idyllic parts of the United States, the picture-perfect little house on the prairie is more likely to be ravaged by tornadoes and thunderstorms than swept by the bliss of spring and the gaiety of summer.

Much as we long for the less portentous World Environment Day celebrations of the past, these joyful affairs attended by the usual parades, pageantry and speeches, we cannot.

Much as we want to play down the agony and the horror in the disaster-stricken areas and say that nature is entitled to a display of occasional lethal tantrums, we cannot.

Much as we want to deny the extremism of climate patterns, we cannot.

Footage after footage from recent disaster scenes, from Burma to Western China to North-west Luzon, are all too jarring and unnerving. So are the statistics on deaths and destruction.

In Myanmar's Irrawaddy Delta, the area hardest hit by Cyclone *Nargis*, no one is left to bury the dead in communal graves. Ponds, rivers, paddies are overflowing with the rotting corpses of the cyclone victims. The figures on the number of fatalities vary, from 78,000 officially recorded by the Myanmar government to the 200,000 dead and missing tallied by the international aid and relief agencies. Those who survived are in refugee camps, or atop rooftops, waiting for rescue helicopters that may never come. Relief workers say they are faced with the largest international relief effort in 30 years, with, at least, 2.5 million cyclone victims without adequate food, clothing, and medicine. The rich delta that used to provide rice and sustenance to Myanmar is now a watery graveyard.

The Sichuan earthquake is the deadliest and strongest earthquake to hit China since the 1976 Tangshan earthquake, which left 250,000 dead. Close to 15,000 fatalities have been reported — more are believed buried under the massive rubble. The number of missing is estimated at 100,000 people. Entire townships have been flattened by the powerful quake that was felt in Vietnam, Thailand and Pakistan. Survivors are mourning their missing next-of-kin as hope that they will be rescued is fast fading.

Mother Nature, the great nurturer, is now an unforgiving destroyer. There are major statistics or characteristics to this inexorable march of nature to sustained tempest and turbulence. One is extremism, as in nature run amok. Also, present-day disasters and extreme weather shifts target just about every corner of the planet with ferocity and impunity. The granite-solid parts of the Arctic — said to be indestructible and there for life — are melting. In the heart of the tropics, cyclones create mass graves and ghost towns out of peaceful, thriving communities. But we ask, why is nature running amok?

The answer is climate change. And in this season of celebrating World Environment Day, climate change should be declared as a greatest scourge of our generation. Clashing civilizations can forge amity and come to peace. Religious and ethnic strife can find resolution, wars end, guns are stilled, swords are fashioned into plowshares.

There is always a term limit to discord among races and creed, but climate change is a problem of another kind. It is a multi-headed hydra manifesting its destructive power in cyclones and tsunamis, in droughts, in massive flooding, in snowless winters, in summers of baking heat, in the wild and erratic climate shifts. Its destructive powers are whimsical, ungoverned by rules. They leap across territorial boundaries and they are without limitation.

A manifestation of the widespread and unsettling impact of climate change is the current food crisis, a climate change-induced global emergency.

According to the World Food Program, over 100 million people from across the globe are threatened by the silent tsunami of hunger. Food riots had toppled the government of Haiti, where hungry and desperate people have been forced to eat baked mud, laced with little amount of flour and sugar.

The Philippines has roiled on global grains market by posting the biggest rice import orders in history. Tenders for premium rice have breached the \$1,000 per metric ton price. Other basic food commodities are now being sold at record-high prices, shutting out much of the developing world from the global food trade and plunging their citizens deeper into hunger and desperation.

Some knee-jerk reactions to the food crisis involved clear-cutting forest areas to expand the arable lands for food production and intensifying chemical-based farming. These further upset the environmental equilibrium which, in turn, abet climate change. The desperate efforts to ease the food crisis further aggravate the despoliation of the environment and intensify climate change.

The desperate efforts to ease the food crisis further aggravate the despoliation of the environment and intensify climate change. The search for solutions ultimately creates bigger problems.

When food shortages and skyrocketing food prices plague disaster-stricken areas like Myanmar, the double whammy creates problems of impossible scope and magnitude.

Climate change is a man-made monster. Cavalier, wanton and reckless use of fossil fuel and clear-cutting of irreplaceable forest resources have conspired with weak environmental policies to push our planet nearer to an environmental holocaust. Worse, much of the developed world was in a state of denial on the issue of climate

change for decades and this upsets the environmental equilibrium even further. Even certain sections of the scientific community called climate change a hoax or non-life threatening.

The multi-headed hydra is a parasite that feeds on the wastefulness, on the complacency, indifference, and weakness of its host. This parasite will overpower mankind, even put an end to life as we know it, unless it is purged.

What man's folly had created, man's sense of survival and sense of purpose have to reverse before it is too late. And in the Philippine context, we are doing just that.

In Albay, climate-proofing of small farms through agro-forestry will start soon. The proponent, Dr. Rodel Lasco of the World Agro-Forestry Centre, is an IPCC expert and lead author and a co-recipient of the Nobel Prize of former U.S. Vice President Al Gore.

Under the program, which I fully support, 500 small farmers will plant forest trees between their crops to climate-proof their farms and help sequester carbon emissions. Good practices in climate adaptation will be taught to the farmers so they will fully understand and appreciate the pioneering environmental effort.

Dr. Lasco hopes that after the success of the Albay experiment, the program can be adopted by small farmers across the country who have been identified as most vulnerable to climate-related hazards.

Three carbon sequestration projects, covering a total of 5,000 hectares, will also be carried out in ideal sites in the country's three major regions – in Luzon, Visayas and Mindanao. The projects, which shall benefit some 7,500 small farmers, have been programmed to capture 102,400 tons carbon dioxide equivalent per year with a total value of over US\$500,000. In the areas to be reforested by the carbon sequestration projects, the rehabilitation of precious watershed areas is also expected.

Dr. Lasco and a colleague in U.P. Los Baños, Dr. Florencia Pulhin, are the program proponents. I am an enthusiastic supporter of the carbon sequestration project. I am also helping developed a new template for re-greening Philippine highways and roadways, another effort to mitigate the hazards of climate change.

A forest garden will be developed along the STAR Tollway in Tanauan City, which hopefully will be the first of several efforts to improve the landscape design of our major road networks and highways. The ecological, economic, and

educational gains of the community from such a basic initiative will be enormous and this is being initiated by U.P. Los Baños, College of Environmental Sciences.

The *Luntiang Pilipinas*, which started more than ten years ago, is building a national nursery, also at Los Baños, Laguna, in partnership with the Bureau of Plant Industry. Antique and Iloilo will also be pilot projects which will benefit from this project.

The infrastructure of any tree planting programs starts with the availability of materials to plant. Propagation of indigenous planting materials, including our precious dipterocarps, fruit trees, even our native vegetables and medicinal plants, is now being intensified by *Luntiang Pilipinas*. From these materials, we shall restore our tropical forest; urban tree parks will sprout like oasis in the cities; and our communities will have fresh, nutritious food.

This is nothing new, however. Haribon has successfully collaborated with Antique, Bukidnon and Sablayan communities in "rainforestation farming." Indigenous trees and fruit trees and some crop lands were planted to restore deforested areas. Drs. Milan and Margraf in a 1994 study at Leyte State University concluded that a farming system in the humid tropics is increasingly more sustainable, the closer it is in its species composition to the original local rainforest.

More recently, a Biodiversity Research Center was set up in Bilar, Bohol by the Soil and Water Conservation Foundation. It demonstrates various terrestrial environments and applications for reforestation of natural forests and farming lands. The Center boasts of an indigenous tree nursery, a dipterocarp hedge garden, a rainforestation area, a karst education trail, and a training center. With the Rajah Sikatuna Protected Landscape, the caves and river nearby, the Center will also promote eco-tours for additional income for the communities.

Funds for this project were authorized by the U.S. Tropical Forest Conservation Act of 1998. That law allows debt relief for developing countries, like the Philippines, if the funds will be used to aid local forest conservation activities.

It was with particular attention that I watched how the scheme is being adapted to Philippine needs and conditions because during the state visit, along with the Minority Leader then in 2001 in Washington, we spoke with U.S. Secretary Colin Powell about how we might benefit from this Tropical Forest Conservation

Act. The Philippine Tropical Forest Conservation Foundation now administers this fund.

In selected areas of Cebu, the Million Mangroves Project, which PTFCF also supports, is ongoing. It aims to protect the communities from climate impacts and to rejuvenate the fishing industry.

Now, closer to this Chamber along the bay, dynamite and other forms of illegal fishing and water pollution killed a thriving fishing industry of the coastal barangays of Rosario in Cavite.

Today, the local organization of fisherfolk, the Rosario Multi-Purpose and Development Cooperative and their partners, are engaged in a noble experiment to revive the fish habitat: reef structures are made out of organic material through a simple technology taught to them by the HWK Foundation. The structures are dropped into the "reeforestation area" in Manila Bay.

The fishermen visited us two weeks ago with the good news: the fish have finally come back. They watch their underwater garden and the hundreds of fish that have returned using a robot made by local students. The mayor of Rosario has formally adopted the project and, soon, the fishing grounds will be revived; there will be no need for small boats to go out to sea just to catch fish. Rosario is showing the way, albeit unintentionally, for coastal areas threatened by coral reef bleaching due to climate change.

At the level of legislation, I am now asking my colleagues to help me secure the speedy passage of a pending measure, which seeks the creation of a Climate Change Commission. This measure is as vital as bills on anti-poverty, economic reconstruction and national security. The proposed Climate Change Commission will elevate climate change issues and their attendant hazards and risks into the top rank of government priority.

The ground level work for climate-proofing and carbon sequestration and the parallel environmental initiatives of the Senate may not get screaming headlines and the attention of the pundits. But they represent sincere and viable antidotes to the greatest scourge of our generation. They are big, determined steps for the survival of human kind.

There are firm plans to host an Asia-Pacific Conference on Climate Change Adaptation in Manila late this year, with this Representation as co-convenor. The province of Albay, the first LGU in Southeast Asia to champion climate change adaptation, will convene the conference

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in coordination with the UNESCAP. With the local theme "Local Governments Take the Lead," the conference aims to harness the immense resources of local governments and their partners by forging a network and cooperation framework in preparation for the 14th Conference of the Parties in December.

On this season that we celebrate the World Environment Day, the minutes and the hours on the global environment clock are all ticking to sunset. Let us all work to reverse this and usher in the morning in our planet.

INTERPELLATION OF SENATOR BIAZON

Preliminarily, Senator Biazon stated that seven bills on disaster management have been referred to the Committee on National Defense and Security which has so far conducted two hearings that were attended by scientists from PAGASA, Phivolcs, Manila Observatory and University of the Philippines.

Of the four "Rs" in disaster management which are "readiness," "rescue," "relief" and "rehabilitation," Senator Biazon underscored the need to focus more on "readiness" and the development of the country's capability to raise the necessary warnings especially concerning typhoons. Citing typhoon "Cosme" as an example, he noted that the initial warning raised by PAGASA was Typhoon Signal No. 1 until it developed into Signal No. 3 later that day making everyone caught unprepared.

Senator Biazon stated that climate change has two components: climate change due to man's activities and variable climate caused by nature like the tilting of the axis of the earth as it rotates around the sun.

In a conference that he attended in Kuala Lumpur two months ago, Senator Biazon noted that scientists seemed to give more burden to developing countries on the issue of climate change, forgetting probably that six countries in the world contributes roughly 70% of the greenhouse gas emissions: the United States with 300 million population contributes 22%; China with 1.3 billion population, 16%; European countries, 13%; Japan, 7%; India with more than 1 billion population, 11%; Pakistan, 7%; the other 186 countries, barely 30%, and the rest of Asia, one percent. Hence, he noted that the Philippines is contributing way below one percent insofar as greenhouse gas emission is concerned.

Senator Biazon wondered why the developed countries are putting the burden to developing countries like the Philippines on the reduction of greenhouse gas emission which might eventually put food security as second priority in government programs. He informed the Body that he has filed a bill proposing the deferment of the implementation of the Biofuels Act until such time that the Philippines is able to attain food self-sufficiency particularly in rice. He lamented that an agricultural country like the Philippines is the top importer of rice in the world. He said that if the Organization of Rice Exporting Countries in the World (OREC) would behave like the OPEC and determine the prices of rice as is presently happening, the Philippines would be the hardest hit. While he has nothing against biofuels, he reminded the Body that the effect of climate change is global, that the air that is hovering in other countries is the same air that is hovering in the Philippines.

Asked whether the Philippines is a signatory to the Kyoto Protocol, Senator Legarda replied in the affirmative. She said that the Kyoto Protocol, which would expire by 2012, seeks the compliance of signatory countries to lower the emission of greenhouse gases and carbon. The Philippines, she said, must not renege on its responsibilities as environmental warrior with the thought that it only contributes a minimal percentage to global warming. She added that if a third world country like the Philippines would plant trees, segregate wastes, and do all things which other signatory countries of the Kyoto Protocol had been doing, it would send a strong signal to the developing countries which are probably not in compliance with the said Protocol.

Senator Legarda stated that "climate change" can be identified by changes in the mean and/or variability of the climate's properties that persists for an extended period of time and it may be due to natural, internal processes or external forces or to persistent anthropogenic changes in the composition of the atmosphere or in land use.

Senator Biazon stated that scientists in the Kuala Lumpur conference distinguished between climate change caused by man and climate change caused by nature. Adverting to the former, he stated that man can still do something about the use of fossil fuel and deforestation which are the two major causes of greenhouse gas emissions. He agreed that one has to give his contribution through reforestation or the use of biofuels but not at the expense of food production.

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Senator Legarda opined that it should not be an either/or scenario, as she believed that the need for food can be met and at the same time the Biofuels Act can be implemented to safeguard the environment. She stated that economic development can be obtained along with sustainable development and responsible use of resources.

Senator Biazon stressed that he has nothing against the implementation of the Biofuels Act; however, he said that its implementation should be deferred until such time when it can be assured that biofuels production does not jeopardize food production.

Citing reports from the agricultural sector, Senator Biazon stated that in a year, the country produces nine million metric tons of rice, depending on the weather and other factors, and consumes 12 million metric tons, leaving a gap of three million metric tons. Moreover, he said that according to agriculturists, the country has enough land to till despite the pronouncements of Dr. Zeigler of the IRRI to the contrary. He asserted that if all measures to attain food self-sufficiency were adopted, such as the introduction of technology, access to credit of farmers, use of hybrid rice varieties, and use of fertilizer, the country would be able to produce enough rice on its own.

As to how much of the greenhouse gas emission would be reduced if biofuels were used, Senator Legarda replied that the answer would entail scientific explanation. She explained that signatories to the Kyoto Protocol need to comply with certain mechanisms that would allow them to lower their greenhouse gas emissions, one being the Clean Development Mechanisms (CDMs). She said that under the CDM, countries like India, China, U.S., Europe and the Philippines may choose to reforest or undertake other UN-approved environmental projects that reduce greenhouse gas emission and in the process, they earn carbon credits.

As regards the development of alternative fuels, Senator Legarda stated that the United Nations has certain criteria that have to be met but surely anything that reduces greenhouse gas emissions would be approved. She bared that the Philippines had applied for other projects like the windmills in Ilocos Norte which had been awarded a certificate in emission reduction; and that most of the projects applied for the CDMs as of September 17, 2007, were projects

that pertained to wastes-to-energy projects like the methane recovery and composting of piggeries and poultries, and the 14 registered projects by the Department of Energy. She stated that the Philippines ranks third in terms of projects submitted for registration and seventh globally.

On the matter of reforestation, Senator Legarda recalled that when Ms. Noble, the UNDP representative, made her courtesy call last year, she was informed that reforestation projects could be accredited; however, no such project has fallen under the CDM yet because government has focused on waste-to-energy and methane recovery projects.

On the huge support for reforestation programs, Senator Legarda stated that the reforestation program has indeed received grants and ODAs from foreign government. She said that there is a need to conduct an inventory of all the grants and areas where they were supposed to be utilized to determine if the seedlings were purchased; and if there was an actual project undertaken and the measure of its success. She recalled that during her first term, there was an attempt to conduct an inventory but the DENR had a hard time accounting for million-dollar projects that went into reforestation.

Senator Biazon stated that reforestation has been given attention even during the martial law years and asked if programs are in place now. Senator Legarda replied that under the GAA, DENR has a measly budget for reforestation, relying mainly on foreign grants.

Senator Biazon stated that there is a need to re-examine the reforestation and afforestation programs of the government. He narrated that during a committee hearing on the impact of climate change on the natural disaster preparedness of the country, the resource persons agreed that because of climate change, more typhoons should be expected. He said that it was unusual that typhoon *Cosme* which originated in the South China Sea struck the shorelines of Zambales, Pangasinan, and La Union; and Cyclone *Nargis* which originated in the Indian Ocean made a landfall in Myanmar. In addition, he said that the effect of typhoon surges is the same as the effect of tsunamis because the water goes further inland and brings damage to lives and properties.

Senator Legarda cited a CNN report that 150,000 families had to be relocated because the water level

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of the quake lake that was created after the Sichuan earthquake was rising. She asserted that the situation must not be allowed to go to that extent, hence, the need for PAGASA to modernize its research and communications equipment. She recalled that the loss of lives in the Guinsaugon tragedy could have been averted if the people were forewarned and evacuated. She said that although PAGASA warned the people to leave, some refused to leave while others were not warned early enough and as a result, the whole village was buried by the landslide.

Senator Biazon said that Phivolcs has already detected the cracks that could have allowed water to seep through and cause a liquefaction of the ground, like what happened in Cherry Hills in Antipolo, but in a smaller scale than Guinsaugon. In addition, he said that there are also tsunami-like effects of storm surges, landslides, flooding brought about by typhoons, avalanches, and soil erosion similar to what happened in Ormoc many years back. Thus, he stressed the need to examine the capability development of PAGASA and Phivolcs in the next budget cycle. He recognized the help of the Manila Observatory, a private entity, which produced the risks and vulnerability maps that policymakers could use in determining vulnerable areas by putting together the risk and exposure factors.

Senator Legarda lamented that presently, there is no government agency that addresses the issue, except an ad hoc interagency committee of the Department of Energy where Cabinet secretaries are members and whose schedules of meetings are difficult to determine. She disclosed that the academe and NGOs strongly support the establishment of a National Commission on Climate Change to set the pace for a national policy framework on climate change. However, she said that environmental laws would be worthless if they are not implemented in the local level.

Senator Biazon emphasized the need to develop the capability of PAGASA to raise warnings against all types of disasters, including, to some extent, predicting preliminary earthquakes before a volcanic eruption. He added that, in fact, climate change disasters like flooding could be mitigated by putting up dikes, replanting or reforestation in high-risk areas. He expressed support for the creation of a National Commission on Climate Change. Senator Legarda stated that aside from drafting the national policy framework plan on climate change, the commission

would also coordinate all climate change programs of national government agencies and LGUs.

Noting the absence of Phivolcs and PAGASA in the structure of the National Disaster Coordinating Council (NDCC), Senator Biazon expressed hope that the agencies would be represented therein. Senator Legarda added that even the Manila Observatory should be included in the structure.

Replying to further queries, Senator Legarda said that what is being proposed is a national commission, not merely a congressional commission. She said that her other suggestion which is pending in the Committee on Rules is the creation of a Senate Oversight Committee on Climate Change to oversee climate change legislation in the Chamber.

Senator Biazon observed that even the global community of scientists differs in their positions on climate change, like Professor Ong of U.P. who is questioning the accuracy of Vice President Al Gore on the issue of greenhouse gas emissions. He stressed the need to develop the country's community of scientists by sending them to conferences that study the causes and effects of climate change. Senator Legarda affirmed that the country has great scientists such as Dr. Lasco, head of the World Agro-Forestry Center who is one of the four International Panel on Climate Change (IPCC) recipients of the Nobel Prize along with Vice President Gore, and Drs. Rex Cruz, Pulin and Rosa Perez who are also members of the IPCC that was established decades ago by the UNEP. Stating that the commission can utilize all their knowledge, she said that she would arrange a meeting with the IPCC experts and the other advocates of environment.

Senator Biazon said that as a policymaker, he gets invited to foreign conferences. Senator Legarda replied that indeed, climate change should not be relegated to a mere science as it also involves socio-economic, political, religious and environmental dimensions of national security, the reason why the NDCC should be part of the commission. Senator Biazon stressed the need to focus on the development of the capability to raise warnings and adopt mitigation measures to reduce casualties.

Senator Legarda disclosed that the climate change bill has a provision for a pool of technical experts and scientists to be the consultative body of the commission.

INTERPELLATION OF SENATOR PIMENTEL

Senator Pimentel suggested that Senator Legarda undertake a Memorandum of Agreement between, for instance, *Luntiang Pilipinas* and the Leagues of Governors, City and Municipal Mayors to require every person who is applying for a building permit to plant a tree in the lot where the building is to be constructed. Even as he acknowledged that one of the initial reactions is the fact that some trees could cause the cement to crack, he pointed out that there are other trees that could be planted within the building's perimeter.

Senator Legarda believed that the suggestion would send a strong signal that the leaders of local government units are intent on promoting such an advocacy.

Senator Pimentel noted that the presence of trees is beneficial to residents as proven by several studies in the United States which show that areas shaded by trees require less electricity. Senator Legarda said that the Body ought to look into whether the memorandum issued by Department of Public Works and Highways (DPWH) Secretary Ebdane, which requires the planting of trees on the roadside, has actually been implemented.

Senator Pimentel believed that the effort could be undertaken by both government and private agencies such as, for instance, having the DPWH plant trees along roads being constructed or maintained as well as on islands dividing traffic lanes because this could reduce the glare of traffic lights at night and minimize not only global warming but even electric consumption. He also noted that tree planting would diminish carbon dioxide emissions, which is beneficial not only to the Philippines but to the whole world.

To the contention that the proposed implementation of the Biofuels Act would not prejudice the Philippines' ability to be self-sufficient in rice as sugarcane and coconuts would be used to produce biofuels, Senator Legarda agreed, adding that the Biofuels Act is good for the environment.

Citing the devastating effects of the recent cyclone in Myanmar as well as those experienced in the Philippines, Senator Pimentel believed that a Commission on Climate Change is truly a timely concept.

For her part, Senator Legarda thanked Senator Pimentel's suggestions on having LGUs mandate the planting of trees prior to the issuance of building permits or registering motor vehicles.

INTERPELLATION OF SENATOR MADRIGAL

Asked by Senator Madrigal on the mechanics for establishing the Commission on Climate Change, Senator Legarda explained that there are two inter-agency committees on climate change – the first is headed by the Department of Energy, while the other is an *ad hoc* commission under the Department of Environment and Natural Resources. She hoped that the proposed National Commission on Climate Change, which would have members from various departments as well as from nongovernment organizations, would craft and implement policies on climate change in the local government level.

On whether the climate change commission would be established by the Senate as a whole or through the Committee of Environment and Natural Resources, Senator Legarda replied that the National Commission on Climate Change would be created through legislation but she also cited another proposed resolution which seeks the creation of an Oversight Committee on Climate Change either in the Senate or as a joint congressional commission which is pending before the Committee on Rules.

Upon further queries, Senator Legarda explained that the head of the proposed Oversight Committee on Climate Change would be appointed by the Senate President. She said that the proposed resolution is necessary considering that the problem of climate change is a multisectoral issue which must be addressed on various fronts as it affects such aspects as national defense and security, food, technology, economy and livelihood as well as science and technology.

Asked how the Committee on Rules ought to act on the proposal, Senator Legarda said that she was leaving the matter to the members of the Committee on Rules. However, she stressed that by instituting an Oversight Committee on Climate Change, the Senate would be leaving a legacy behind. She maintained that regardless of whether such a committee would be created, she would remain a passionate advocate of the environment. Senator Madrigal expressed her support for the proposal. *mb*

Senator Legarda pointed out that because of their shifting habitat, the indigenous peoples are among the sectors most vulnerable to climate change. She believed that this is a worthy area for research.

Senator Madrigal noted that it is ironic that the indigenous peoples, who are most vulnerable to the effects of climate change, are the ones who protect and care most for the environment as they live close to nature. She suggested that a joint committee on climate change be created and co-chaired by Senator Legarda so as not to add to the heavy workload of the chairperson of the Committee on Environment and Natural Resources who also chairs three other oversight committees. She urged Senator Pangilinan to convene the Committee on Rules and decide on the issue out of concern for those affected by climate change which is a national issue.

Senator Legarda stated that she would request the Majority Leader to convene the Committee on Rules to discuss the issue.

INTERPELLATION OF SENATOR ZUBIRI

Senator Zubiri stated that Senator Legarda has brought into light the problem on global warming and climate change which is sometimes overtaken by the food and fuel crises. He pointed out that concrete manifestations of climate change like the prospect of another El Niño, which has disrupted the planting patterns of farmers, are beginning to show. He said that Senator Legarda's speech is very timely and the Philippines should take the lead in the fight against global warming, being the most prone to climate change. Senator Legarda pointed out that a number of coastal barangays and municipalities are prone to tsunami and tidal waves.

Senator Zubiri said that if there is an increase in the water level of the Pacific Ocean and South China Sea by half a meter, the Philippines would probably lose Malabon and Navotas, and Dagupan City might become the new Venice of Asia. He stated that the President and the members of her Cabinet should be joining international conferences to appeal to the world to hasten the entry of renewable energy sources and to slow down on the carbon emissions in the country.

Senator Legarda stated that one village in Vanuatu had to be relocated because the rising water level has flooded the whole town. To prevent

such occurrences in the Philippines, she said that each department should have green technology and a climate-proofing component and all efforts would be coordinated through a commission to be advised by technical experts and scientists who understand the issues of climate change and global warming.

Senator Zubiri said that he was shocked when he visited Boracay recently because the water level in the area has reached the doorsteps of resorts during high tide, prompting the owners to build sea walls to serve as pathwalks from one hotel to another. He stated that the DENR had issued a statement that these resorts are in violation of the Constitution particularly on the provision that the highest water level of 20 meters is still government property or public domain, when, in fact, this was due to global warming and not the fault of resort owners.

Senator Legarda informed the Body that it is a scientific fact that in the past 100 years, global sea level has risen between one and two millimeters a year and the rate has increased to about three millimeters a year since 1992 primarily because of thermal expansions of warming oceans and fresh water flowing into the oceans from melting ice. She said that some *balikbayans* have complained that they could not swim in the waters near the beaches in Boracay because of algae, and cans and bottles thrown in the middle of the ocean. She said that this is a desecration not just of Philippine tourism but of the country's natural wonders and a violation of R.A. No. 9003 (Ecological Solid Waste Management Law).

Senator Zubiri stated that this is the tragedy of establishing resorts without proper zoning and planning and this should be taken up in another speech or resolution. He said that he would also stand up one day to shed light on several issues concerning the biofuels law as he expressed the need to differentiate between renewable fuel, which is tasked to power vehicles, and renewable energy, which is used to light the homes and power industries. He stated that the country has yet to look for alternative fuel sources to run the transport industry, which should not eat into the country's food supply program. He informed the Body that he has been meeting with the National Biofuels Board (NBB) that is crafting the necessary safety nets, and rules and regulations which include the ban on converting agricultural lands to biofuel stock and utilizing cereals like corn and wheat for biofuel production. He said that production would be limited to sugar cane, coconut

and jatropha planted only in cogonal mountain lands. The country, he said, has four million hectares of government-owned marginal lands that can be planted to jatropha.

Senator Zubiri stated that government's reforestation program has failed because the lowland communities cut down trees and use the wood for cooking their food. He said that jatropha seeds can be utilized for cooking, three kilos of jatropha seeds can produce one liter of pure B-100 biodiesel, and a one-year old jatropha tree or shrub can produce about nine kilos of seeds or three liters of biodiesel.

Senator Legarda suggested that Senator Zubiri deliver a speech on the matter at the soonest possible time to educate the Members and to clear the confusing arguments which pitted food production against biofuels.

Senator Zubiri said that he might deliver a privilege speech in the next session day to discuss the benefits of biofuels vis-à-vis the food security program and explain to the public that government can implement both.

On the issue that the Philippines is a small contributor to global warming and greenhouse gases, Senator Zubiri said that a simple 10% blend, for example, of ethanol and gasoline would bring down carbon monoxide by 30% and the benzene content by 30%. This, he said, would bring about great results in terms of cleaning the air and bringing down greenhouse gas emissions. He adverted to the study conducted by the LTO showing that the pollution content of diesel vehicles has dramatically gone down because of the 1% biodiesel blend which comes from coconut biodiesel. Moreover, he said, using biodiesel is more helpful because of its low cost considering that ethanol can be produced at P27 per liter as compared to gasoline which costs P55 per liter. In fact, he said, the United States, Brazil and Thailand are going to upgrade all their cars to flex fuel engines utilizing their local ethanol to produce an E85 fuel which only costs P32 per liter.

As to the government agency mandated to implement the Biofuels Act, Senator Zubiri said that it is the National Biofuels Board under the Department of Energy. He proposed that officers of a commission or board of this kind should not be composed of cabinet members as they are difficult to convene. He expressed his frustration on government's slow-paced and miniscule ideas in coping with the fuel crisis, similar to the Fred Flintstone principle which

encourages people to use their feet in running vehicles. He stressed the need for government to consider new technologies like using the compressed natural gas (CNG) for buses and jeepneys. He believed that there are several available technologies, not medieval techniques and processes, to help the country cope with the oil and food crises.

In closing, Senator Zubiri reiterated his support for the measure.

SPECIAL ORDER

Upon motion of Senator Pangilinan, there being no objection, the Body approved the transfer of Committee Report No. 55 on Senate Bill No. 2317 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 55 ON SENATE BILL NO. 2317

Upon motion of Senator Pangilinan, there being no objection, the Body considered, on Second Reading, Senate Bill No. 2317 (Committee Report No. 55), entitled

AN ACT PROHIBITING CHILD PORNOGRAPHY, IMPOSING PENALTIES FOR THE COMMISSION THEREOF AND FOR OTHER PURPOSES.

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.

The Chair recognized Senator Madrigal for the sponsorship.

SPONSORSHIP SPEECH OF SENATOR MADRIGAL

Senator Madrigal stated that she was delivering for today the sponsorship speech on the anti-child pornography measure.* She said that expected of the Senate by the Constitution and international covenants is the enactment of Senate Bill No. 2317 and Filipino children demand the same. She informed the Body that the bill which seeks to punish all who are engaged in child pornography, makes no distinction

*As corrected by Senator Pangilinan on June 3, 2008

between private persons or companies, nor does it reserve protection to parents who subject their children to the psychological, moral, and physical violations of personhood that child pornography represents. She added that the bill seeks to make state policy the following: "whoever you are, whatever your judicial personality may be, even if you are a parent or guardian, you will be prosecuted, and punished if you engage in the production and dissemination of child pornography."

Senator Madrigal stated that there are sins that cry out to heaven for vengeance, and modern-day examples of moral turpitude and degradation that cannot be given the benefit of the doubt. Expressing concern that the Philippines is now regarded as the second largest producer of child pornographic materials in the world, she underscored the need to craft laws containing penalties that will inspire authorities to take a giant leap in enforcement, in order to curtail, if not totally eliminate, this multi-billion dollar industry.

She said that there are activities that are beyond the criminal but legislators should not compound such crimes by keeping them beyond the scope of statute books.

In closing, she asked the Members to support the bill for the interest of young Filipino children and to stop child pornography in the country.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2317

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

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Pangilinan acknowledged the presence of Gov. Tet Garcia, Rep. Abet Garcia and the barangay captains of Bataan.

Senate President Villar welcomed the guests to the Senate.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 6:50 p.m.

RESUMPTION OF SESSION

At 6:50 p.m., the session was resumed.

ADDITIONAL REFERENCE OF BUSINESS

The Deputy Secretary for Legislation, Atty. Edwin B. Bellen, read the following matters and the Chair made the corresponding referrals:

BILLS ON FIRST READING

Senate Bill No. 2351, entitled

AN ACT ESTABLISHING A PERFORMANCE BASED ACCOUNTABILITY SYSTEM FOR PUBLIC EDUCATION AND FOR OTHER PURPOSES

Introduced by Senator Antonio "Sonny" F. Trillanes IV

To the Committees on Education, Arts and Culture; Civil Service and Government Reorganization; and Finance

Senate Bill No. 2352, entitled

AN ACT DECLARING THE LAST FULL WEEK OF APRIL AS ORGAN DONORS' WEEK

Introduced by Senator Antonio "Sonny" F. Trillanes IV

To the Committee on Health and Demography

Senate Bill No. 2353, entitled

AN ACT ESTABLISHING ONE-STOP ACTION CENTER FOR PURPOSES OF LAND REGISTRATION IN EVERY LEGISLATIVE DISTRICT THROUGHOUT THE COUNTRY AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Antonio "Sonny" F. Trillanes IV

To the Committees on Environment and Natural Resources; and Finance

COMMUNICATIONS

Letter from Mr. Joaquin C. Lagonera, Senior Deputy Executive Secretary and Acting Head,

Handwritten signature and initials.

PLLO of the Office of the President of the Philippines, dated 5 March 2008, transmitting to the Senate two (2) original copies of Republic Act No. 9501, entitled

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

which was approved and signed into law on 23 May 2008 by Her Excellency, President Gloria Macapagal Arroyo.

To the Archives

Letter from Assistant Governor and General Counsel Juan De Zuñiga Jr. of the *Bangko Sentral ng Pilipinas*, dated 19 May 2008, furnishing the Senate with certified copies of Memorandum No. M-2008-019, dated May 3, 2008; and Circular Letter No. CL-2008-024, dated May 8, 2008, in compliance with Section 15(a) of Republic act No. 7653 (The New Central Bank Act).

To the Committee on Banks, Financial Institutions and Currencies

Letter from Commission on Appointments Secretary Ma. Gemma D. Aspiras, dated 28 May 2008, transmitting the following documents to the Senate for its information and appropriate action:

1. Letters of Hon. M.A. Madrigal, dated April 17, May 13 and 19, 2008, raising issues on the composition of the Senate/House contingents to the Commission on Appointments and requesting that all actions of the Commission be held in abeyance;
2. Copy of the Manifestation of Hon. M. A. Madrigal, dated May 26, 2008, on the same issues which she submitted to the CA Committee on Rules;
3. Copy of the Written Comment of Senator Joker Arroyo on the issues raised by Senator

Madrigal which he submitted to the CA Committee on Rules.

To the Committee on Rules

SECOND ADDITIONAL REFERENCE OF BUSINESS

BILL ON FIRST READING

Senate Bill No. 2358, entitled

AN ACT TO IMPROVE PUBLIC AWARENESS REGARDING SAFE USE OF THE INTERNET THROUGH THE ESTABLISHMENT OF AN OFFICE OF INTERNET SAFETY AND PUBLIC AWARENESS WITHIN THE NATIONAL TELECOMMUNICATIONS COMMISSION

Introduced by Senator Miriam Defensor Santiago

To the Committees on Public Services; and Finance

COMMITTEE REPORTS

Committee Report No. 61, submitted jointly by the Committees on Justice and Human Rights; Foreign Relations; and Finance, on Senate Joint Resolution No. 7, introduced by Senator Miriam Defensor Santiago, entitled

JOINT RESOLUTION AUTHORIZING THE DEPARTMENT OF JUSTICE TO ISSUE THE IMPLEMENTING RULES AND REGULATIONS ON THE TREATY ON THE TRANSFER OF SENTENCED PERSONS BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE KINGDOM OF SPAIN AND APPROPRIATING FUNDS FOR ITS IMPLEMENTATION,

recommending its adoption without amendment.

Sponsors: Senators Francis "Chiz" G. Escudero, Miriam Defensor Santiago and Enrile

To the Calendar for Ordinary Business

Committee Report No. 62, prepared and submitted by the Committee on Justice and Human Rights, on Senate Bill No. 2354, with Senators Jinggoy Ejercito Estrada and Francis "Chiz" G. Escudero as authors thereof, entitled

AN ACT AMENDING ARTICLE 177 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE,

recommending its approval in substitution of Senate Bill No. 390.

Sponsors: Senators Francis "Chiz" G. Escudero and Jinggoy Ejercito Estrada

To the Calendar for Ordinary Business

Committee Report No. 63, prepared and submitted by the Committee on Justice and Human Rights, on Senate Bill No. 2355, with Senators Jinggoy Ejercito Estrada and Francis "Chiz" G. Escudero as authors thereof, entitled

AN ACT PROMOTING BARANGAY JUSTICE BY AMENDING ARTICLE ELEVEN HUNDRED FIFTY-FIVE OF REPUBLIC ACT NUMBERED THREE HUNDRED AND EIGHTY-SIX, OTHERWISE KNOWN AS THE CIVIL CODE OF THE PHILIPPINES,

recommending its approval in substitution of Senate Bill No. 386.

Sponsors: Senators Francis "Chiz" G. Escudero and Jinggoy Ejercito Estrada

To the Calendar for Ordinary Business

Committee Report No. 64, prepared and submitted by the Committee on Justice and Human Rights, on Senate Bill No. 2356, with Senators Miriam Defensor Santiago, Jinggoy Ejercito Estrada and Francis "Chiz" G. Escudero as authors thereof, entitled

AN ACT PENALIZING ANY MEMBER OF LAW ENFORCEMENT AGENCIES, OR ANY OTHER GOVERNMENT OFFICIAL OR EMPLOYEE WHO FAILS OR REFUSES TO TESTIFY

AS A WITNESS IN ANY CRIMINAL PROCEEDINGS,

recommending its approval in substitution of Senate Bill Nos. 1358 and 1555.

Sponsors; Senators Francis "Chiz" G. Escudero, Miriam Defensor Santiago and Jinggoy Ejercito Estrada

To the Calendar for Ordinary Business

Committee Report No. 65, prepared and submitted by the Committee on Justice and Human Rights, on Senate Bill No. 2357, with Senators Miriam Defensor Santiago and Francis "Chiz" G. Escudero as authors thereof, entitled

AN ACT PENALIZING PHOTO AND VIDEO VOYEURISM,

recommending its approval in substitution of Senate Bill No. 1100.

Sponsors: Senators Francis "Chiz" G. Escudero and Miriam Defensor Santiago

To the Calendar for Ordinary Business

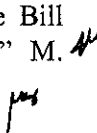
Committee Report No. 66, prepared and submitted by the Committee on Justice and Human Rights, on Senate Bill No. 2360, with Senators Miriam Defensor Santiago and Francis "Chiz" G. Escudero as authors thereof, entitled

AN ACT PROTECTING PRIVATE PROPERTY RIGHTS BY REQUIRING GOVERNMENT AGENCIES TO PREPARE PRIVATE PROPERTY TAKING IMPACT ANALYSIS,

recommending its approval in substitution of Senate Bill No. 1846.

Sponsors: Senators Francis "Chiz" G. Escudero and Miriam Defensor Santiago

To the Calendar for Ordinary Business

Committee Report No. 67, prepared and submitted jointly by the Committees on Justice and Human Rights; and Ways and Means, on Senate Bill No. 2361, with Senators Manuel "Lito" M. 

Lapid and Francis "Chiz" G. Escudero as authors thereof, entitled

AN ACT PROVIDING A MECHANISM FOR FREE LEGAL ASSISTANCE AND FOR OTHER PURPOSES,

recommending its approval in substitution of Senate Bill No. 2301.

Sponsors: Senators Francis "Chiz" G. Escudero and Manuel "Lito" M. Lapid

To the Calendar for Ordinary Business

Committee Report No. 68, prepared and submitted jointly by the Committees on Labor, Employment and Human Resources Development; Health and Demography; Ways and Means; and Finance, on Senate Bill No. 2362, with Senators Jinggoy Ejercito Estrada, Loren Legarda, Manny Villar, Manuel "Lito" M. Lapid, Compañera Pia S. Cayetano, Francis "Chiz" G. Escudero and Enrile as authors thereof, entitled

AN ACT ESTABLISHING A SPECIAL HOSPITAL FOR OVERSEAS FILIPINO WORKERS (OFWs) AND THEIR DEPENDENTS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES,

recommending its approval in substitution of Senate Bill Nos. 421, 938, 1000 and 1867.

Sponsor: Senator Jinggoy Ejercito Estrada

To the Calendar for Ordinary Business

MANIFESTATION OF SENATOR PANGILINAN

At the instance of Senator Roxas, Senator Pangilinan requested that the podium in the second row be returned to the last row where it was originally placed considering that the two chairs in the second row are unoccupied.

The Chair yielded to the request and instructed the Secretariat to implement the same.

At this point, Senator Gordon requested that the Secretariat provide swivel rostrums so that a member

who interpellates can face a member who is being interpellated.

The Chair replied that it would look into the feasibility of implementing the request.

WITHDRAWAL OF RESERVATION TO INTERPELLATE

Senator Pangilinan manifested that Senator Legarda has withdrawn her reservation to interpellate Senator Gordon on Senate Bill No. 2213 (Tourism Act of 2008).

MANIFESTATION OF SENATOR PANGILINAN

Senator Pangilinan manifested that Senator Legarda has requested that she be allowed to submit her cosponsorship speech on Senate Bill No. 2317 and that the same be inserted into the Record of the Senate.

The Chair took note of the manifestation.

COSPONSORSHIP SPEECH OF SENATOR LEGARDA*

At the instance of Senator Legarda, her cosponsorship speech on Senate Bill No. 2317 was deemed read into the Record of the Senate.

The full text of the speech follows:

I am honored to cosponsor Senate Bill No. 2317, "An Act Prohibiting Child Pornography, Imposing Penalties for the Commission Thereof and for other purposes."

Enshrined in our Constitution and in the treaties we signed is the duty of the State to protect and promote holistically the rights of a child. We had sworn to do everything in our capabilities to uphold at all times our commitment to the development and protection of the Filipino children. Sadly, they fall prey to abuses specifically, child pornography.

Child pornography proves to be one of the most pressing issues in our country. In fact, according to the National Bureau of Investigation, the Philippines is one of the leading producers of pornographic materials. It constitutes a billion-dollar industry operated both by

*As corrected by Senator Pangilinan on June 3, 2008 *AS*

local and foreign entities; an industry where people take advantage of impoverish Filipinos for big profits.

This bill proposes to establish a measure which will protect the children from these entities. It seeks to prohibit child pornography through the imposition of penalties and imprisonment. It aims to punish those who recruited children for, produced, published and possessed child pornographic materials.

A problem pointed out by the United Nations is the lack of understanding of the Filipino people, civilian and law enforcers alike, on the nature of child pornography. People caught engaged in child pornography were often released as law enforcers have no clear basis as to what should be done. More commonly, child pornography is perceived only as an element of graver offenses like sexual exploitation and prostitution. Hence, we barely recognize the true nature of child pornography.

Through this proposed measure, a concrete set of guidelines will be set. And through these guidelines, we will have better chances of preventing child pornography.

Furthermore, the bill recognizes the large contribution of the World Wide Web in the promotion of pornography. According to statistics, 12 percent of the total number of websites showcases pornographic materials covering 420 million web pages. It accounts for 25 percent of search requests while downloading of these pornographic materials from the internet tallies to 35 percent of the total downloads per month. Also, 90 percent of children ages 8 -16 access these sites mostly during homework.

According to a UN-commissioned study, a major factor with regard to the difficulty of curtailing child pornography is the uncontrolled information transfer through the internet. The easy access to technology allows the access of

almost anyone on these materials. Likewise, we do not have a filter system regulating the flow of information.

This bill highlights the need to regulate and monitor information flows by mandating ISP providers to install the latest technology. This technology will block access to pornographic materials.

It is in this light that I join the distinguished Sponsor in requesting the Chamber's positive action on this proposed measure. May we remember our commitment to our children and protect them from abuse and exploitation.

COAUTHOR


Upon his request, Senator Zubiri was made coauthor of Senate Bill No. 2317.

ADJOURNMENT OF SESSION

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

It was 7:00 p.m.

I hereby certify to the correctness of the foregoing.


EMMA LIRIO-KEYES
Secretary of the Senate

Approved on June 3, 2008