



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 11
Tuesday, August 17, 2010

FIFTEENTH CONGRESS
FIRST REGULAR SESSION

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CALL TO ORDER

At 3:23 p.m., the Senate President, Hon. Juan Ponce Enrile, called the session to order.

PRAYER

Sen. Gregorio B. Honasan led the prayer, to wit:

Father Almighty, in the history of every great country, there is a day.

A day when everyone stops and realizes that greatness is possible.

Each one has a role to play to make this dream come true, and will play it wholeheartedly for the higher purpose and the greater good.

As we begin the session, and fall into the roles we have grown accustomed to, we pray, Lord, that today is our day.

Amen.

ROLL CALL

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

Arroyo, J. P.	Lapid, M. L. M.
Cayetano, C. P. S.	Legarda, L.
Drilon, F. M.	Marcos Jr., F. R.
Ejercito Estrada, J.	Recto, R. G.
Enrile, J. P.	Revilla Jr., R. B.
Escudero, F. J. G.	Sotto III, V. C.
Guingona III, T. D.	Zubiri, J. M. F.
Honasan, G. B.	

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

Senators Angara, Osmeña, Pangilinan and Villar arrived after the roll call.

Senator Defensor Santiago was on sick leave.

Senators Cayetano (A) and Lacson were absent.

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

APPROVAL OF THE JOURNAL

Upon motion of Senator Sotto, there being no objection, the Body dispensed with the reading of the Journal of Session No.10 and considered it approved.

MANIFESTATION OF SENATOR SOTTO

Senator Sotto expressed his condolences to the family of Senators Alan and Pia Cayetano on the recent demise of their grandmother. He informed the Body that a mass for the last night of the wake would be held at eight o'clock that evening at the Cayetano residence in Bagumbayan, Taguig.

The Chair likewise expressed sympathy with the family members on the loss of their loved one.

MANIFESTATION OF SENATOR ZUBIRI

Senator Zubiri appealed to the Senate leadership to request the Office of the President to set a specific date for the convening of the Legislative Executive Development Advisory Council (LEDAC).

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He said that the meeting would clarify Malacañang's position regarding the holding of the Sangguniang Kabataan and barangay elections along with revenue measures and other matters. He recalled that President Aquino, in his State of the Nation Address, indicated his intention to convene the LEDAC so that Congress could be guided on the legislative agenda of his administration. He added that while he was not aware whether the President has appointed a secretary for the Presidential Legislative Liaison Office, Senator Drilon and other senators from the Liberal Party could relay the matter to President Aquino.

REMARKS OF SENATOR MARCOS

For his part, Senator Marcos underscored the need for Congress to immediately coordinate with the Executive branch to resolve the issue concerning the holding of the Sangguniang Kabataan and barangay elections. Given the fact that the measures seeking the postponement of the elections are time-sensitive, he warned that having the two Houses of Congress go through the normal legislative process separately before presenting its position to the Executive branch might render their deliberations moot and academic.

DIRECTIVE OF THE CHAIR

Upon the suggestion of Senator Sotto, the Chair directed the Senate Secretary to coordinate with the PLLO and find out Malacañang's position on the convening of the LEDAC.

PRIVILEGE SPEECH OF SENATOR EJERCITO ESTRADA

Availing himself of the privilege hour, Senator Ejercito Estrada rose on a matter of personal and collective privilege regarding the appointment of former Chief Justice Hilario Davide as head of the Truth Commission.

Following is the full text of the speech:

A TRUTH COMMISSION REQUIRES A TRUTHFUL CHAIR

I rise today on a matter of personal and collective privilege to reveal the dangers accompanying the appointment of former Supreme Court Chief Justice Hilario Davide Jr. to the recently created Truth Commission.

Lest I be misinterpreted, I would like to establish the following at the onset:

First, I express my *full cooperation and unqualified support* to President Benigno "Noynoy" Aquino III in his quest for truth and justice for our country, for our people, and for our common futures. As president, I trust that he will honor the people by providing the sincerity in public service that was utterly lacking in the Arroyo administration. Therefore, on our part, as the people, we must honor our common heritage of democracy, whatever our creed, religion, or political affiliation, by coming together to support President Benigno Aquino's truth-finding mission.

Secondly, this privilege speech will *not* question the creation of the Truth Commission.

To the extent that Executive Order No. 1 represents a genuine effort "*to determine the truth regarding certain reports of large-scale graft and corruption in government and put a closure to them by filing appropriate cases against those involved, deter others from committing the crime, and restore the people's faith and confidence in the government and in their public servants,*" to that extent we trust that President Aquino will make his word as good as his bond.

Any opposition on the creation of the Truth Commission, I will leave to the greater legal luminaries of this august Chamber, if they so choose to speak on the matter, considering they have already given a preview of their legal interpretation of this matter to the media.

What I will discuss is not the creation of the commission but its proposed leadership.

I have no doubt that President Aquino had nothing but the noblest motive in mind when he first thought of naming Mr. Davide to that position. Obviously, the President was acting in the honest belief that he was choosing an eminently qualified man for that all-important post. Otherwise, he would not have announced Mr. Davide's name for the position even before the commission was actually created.

Unfortunately, the President's highly favorable impression of Mr. Davide is not borne by the truth concerning his professional conduct and personal character.

Therefore, considering that the kind of justice that the Filipino people have yearned for is very much dependent on the success of the Truth Commission, and due to the stubborn audacity of Mr. Davide in accepting the position

when *delicadeza* required him to decline it, I am compelled to discuss here the matter of the character of Mr. Hilario Davide Jr.

This man's very presence in the Truth Commission is a mistake that this present administration and our nation cannot afford. For considering the most esteemed titles he has held, the records prove that Hilario Davide is a man whose character is not only questionable but dubious.

He is a former chief justice who has ignored the law not by neglect but by design. He is an opportunistic politician who has circumvented the law to further his personal interests, who has violated the law for personal convenience and greed, and who has gone as far as threatening members of the House of Representatives so that the truth can be suppressed.

I challenge this man's appointment as head of the Truth Commission because we must sooner realize that Davide's intention to investigate the anomalies of the Arroyo administration is more apparent than real. The fact is that Davide's appointment poses more dangers than dignity and warrants more caution than confidence in the Truth Commission.

The supporters of Mr. Davide, of course, will be quick to disagree. They will say that Davide proved his competence at the impeachment trial of my father, former president Joseph Estrada; that he is qualified because he is a former chief justice of the Supreme Court; that he is qualified because he was ambassador to no less than the United Nations; and that he was even a Ramon Magsaysay awardee.

The Davide supporters might even try to belittle this speech by going as far as saying that this is not a moral but a personal crusade by the Estradas against Davide.

To you who will be listening to my speech with prejudice, I say this: If you cannot listen with open hearts, at least listen with open minds. For sometimes, it is the most esteemed men who act as if they were above the law, as Davide has. As a vice president, my father observed that there are hoodlums in robes; I will prove to you that Davide is precisely one.

Remember, too, that while titles and awards bestow honor upon the recipient, the records prove a man's integrity. So kindly allow me to indulge you because the records that I will present before this august Chamber will prove to you that when it comes to integrity, Davide has practically none. His character is no different

from the very subject of the Truth Commission, his best friend, Gloria Macapagal Arroyo.

***AUTHOR OF THE BIGGEST LIES
IN CONTEMPORARY HISTORY***

(Establishing Davide's Close Ties to GMA)

In fact, the first question that comes to the minds of the public upon learning of Davide's appointment as chairman of the Truth Commission is this: How can the very person who sealed the conspiracy to place Arroyo in power be the head of the body that will investigate her?

The irony of Davide as head of the Truth Commission is not only obvious, it is glaring. With Davide as head of the Truth Commission against Arroyo, we might as well ask Benjamin Abalos to investigate the NBN-ZTE deal, or have Jocjoc Bolante investigate the fertilizer fund scam, or even ask Virgilio Garcillano to investigate the *Hello Garci* scandal.

There is no difference between Davide and these other accomplices to Arroyo's crimes.

Remember that the very foundation of the Arroyo Administration was one big lie. One big lie told and then covered up by no less than the Chief Justice of the Supreme Court at that time, Hilario Davide Jr.

Recall that Davide betrayed his oath as presiding justice of the impeachment tribunal when he allowed the senator-judges – with all *due respect* – to walk out of the hearings even if he should have called the court to order. At the moment when he was supposed to play the role of magistrate, he played the role of politician.

Recall that Davide betrayed his oath as chief justice when, instead of declaring a mistrial for failure to prosecute, he allowed reports to surface that he was going to administer Arroyo's oath as president, without even consulting the Supreme Court. As documented in Marites Vitug's book, *Shadow of Doubt*, Justice Jose Vitug had to practically beg Davide, and I quote, "Don't do anything before you have consulted the court. Please convene the court." At the height of a constitutional crisis, when he was needed most to act as Chief Justice, he played the leading role in the ouster of the duly-elected and legitimate president.

Worst of all, Davide participated in the conspiracy of Edsa II when he accepted then Vice President Gloria Arroyo's letter to administer her oath of office as President of the Philippines even if he knew that the letter was based on the misrepresentation – the lie – that President Estrada was permanently incapacitated

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even if he was not. Arroyo requested Davide to conduct an unconstitutional act: To swear her in as "president" when he clearly could not because there was no vacancy in the Office of the President.

And then, even if he knew that it was unconstitutional, Davide swore in Arroyo not as acting president but as President of the Republic of the Philippines.

Kahit alam ni Ginoong Davide na ang kanyang pagpapasumpa ay labag sa ating Saligang Batas, itinuloy pa rin niya ito. Sa madaling salita, kasama siya sa sabwatan ng paglabag sa ating Konstitusyon. Ito ba ang taong pagtitiwalaan natin na mamuno sa Truth Commission? Sa Edsa II, kasabwat si Davide sa isang malaking kasinungalingan.

This is the lie that became the foundation for the unconstitutional and illegal administration of his best friend, Gloria Macapagal Arroyo.

At this juncture, a video file was presented before the Body.

How can we correct a mistake so big that it would cause a constitutional crisis? We cannot. And so the Davide court did the only thing that it could do: It participated in one of the biggest cover-ups in the history of the Republic of the Philippines – the invention of the concept of "constructive resignation".

To legitimize the Arroyo administration and the illegal act of no less than the chief justice who administered the unconstitutional oath, the Davide court justified its actions by creating a vacancy in the Office of the President when the truth is that there was none. It covered up a lie with an even bigger lie.

Worse, it appears that the unconstitutional oath-taking was the brainchild of Davide himself, as exposed by no less than the beneficiary herself, Davide's best friend, Gloria Arroyo. I quote from her speech, "I especially appreciate Chief Justice Davide for *deciding* that he must administer my oath of office on that day."

Meanwhile, the same speech confirms that the ruling of constructive resignation was a joint project of Davide and his best friend, Gloria Macapagal Arroyo. And I quote from the same speech, "Chief Justice Davide and I thank the other justices for that ruling."

The biggest lie and the biggest cover-up in our country's contemporary history was orchestrated by Hilario Davide, Jr. How can he

possibly head the Truth Commission that will investigate the unconstitutional administration that he himself helped create?

Mr. Davide poses the gravest moral contradiction to the mission and mandate of the Truth Commission. For if the duty of the Truth Commission is to investigate outstanding cases of wrongdoing, then someone who was part of that wrongdoing cannot be the one investigating.

Magiging patas at pantay ba si Ginoong Davide sa pagtupad ng kanyang tungkulin sa Truth Commission sa pagbunyag ng mga katiwalian ng isang pangulong kanyang iniluklok sa posisyon kahit ito ay alam niyang tahasang labag sa Saligang Batas?

A MAN OF QUESTIONABLE INTEGRITY (*Malversation of JDF*)

Lest the skeptics think this is once again just about the ouster of my father, let me provide you with hard facts that will make you think twice about Davide's integrity.

The records reveal that Davide, in spite of his seemingly meek and upright demeanor, is a man who has made a habit of disregarding the law and concealing the truth.

This is the reason why more than the needed 76 or one-third of the House members impeached him on October 2003. He stands today as the only chief justice in the history of the Supreme Court of the Philippines to have been impeached.

Si Ginoong Davide lamang ang punong hukom sa kasaysayan ng ating Korte Suprema na na-impeach nguni't siya ay nakalusot dahil minani-obra niya ang impeachment complaint laban sa kanya.

Davide might argue that this case has already been closed. But the truth is, it has not because Davide used all his powers as head of the Supreme Court to stop the transmittal of the impeachment complaint to the Senate. The Davide impeachment case was dismissed on a mere technicality. It was never heard on the merits.

Hindi pa sarado ang kasong ito dahil hinihintay pa natin ngayon ang katotohanan ng misteryo ng Judiciary Development Fund sa ilalim ng pamumuno ni Ginoong Davide

Kasama ba ito ngayon sa iimbestigahan ng Truth Commission?

I believe now would be an appropriate time to reconsider the merits of this case, possibly to

consider a review of the law that created the Judiciary Development Fund, which is the basis of the impeachment complaint. But more urgently, we must examine the character of the man who has been tasked to head the Truth Commission.

The Judiciary Development Fund or the JDF was established under Presidential Decree 1949. It is a multi-billion peso fund derived from collections of legal fees paid to the courts. It is administered by the Supreme Court Chief Justice, who has the sole authority to disburse the funds, but with limits set by law.

The law is clear that the Fund was intended to primarily benefit the members and personnel of the Judiciary, as seen in the policy on how the Fund should be allocated:

At least 80 percent of the Fund shall be used for cost of living allowances, and not more than 20% of the said Fund shall be used for office equipment and facilities of the Courts located where the legal fees are collected...

But in a clear breach of the law, Davide underpaid court employees and instead used the JDF for questionable purchases, like the purchases of luxury cars and hundred-thousand-peso chairs.

From the year 2000 to the year 2002, the total collections for the JDF reached P5.4 billion. By law, P4.3 billion or 80% should have been disbursed for the benefit of court employees. But as a matter of fact, only P3.49 billion was disbursed. Meaning, there was an underpayment of over P800 million or P825,841,494.67 to be exact.

Walong daang milyong piso ang pondo ng JDF na hindi natin malaman ngayon kung saan napunta. Kawawa naman ang ating mga huwes at mga empleyado ng Hudikatura.

Where did the fund go? We do not know. We wanted to find out the truth. But Davide suppressed it and I will tell you later how.

The law further provides that only 20% of the JDF can be used for office equipment and facilities of the courts, and this is further limited by the clause stating that this 20% must be spent where the legal fees were collected.

Davide violated this clause. While the total collection from the Court of Appeals reached only P12.8 million, Davide approved the purchase of a printing press for the Court of Appeals using the JDF amounting to P5 million, or almost 40% of the total amount collected, well beyond the 20% limit set by the law.

Davide also made the following questionable disbursements using the JDF:

- Renovation of the Supreme Court Session Hall with purchases for curtains and chairs worth over P100,000 amounting to over P64 million;
- Construction and renovations for the Supreme Court cottages in Baguio City amounting to over P34 million;
- Renovation of the Multi-Purpose Hall of the Supreme Court amounting to almost P100 million; and
- Purchases of motor vehicles amounting to over P30 million.

These are glaring violations of the law and a technical malversation of public funds. All authorized by the man who was supposed to be the ultimate authority on the law at the time, Hilario Davide, Jr.

Incidentally, it must be noted that it was Davide's son, Joseph Bryan Hilary Davide who was vice chairman of the Bids and Awards Committee who requested for the funding source for all of these.

Not only that, the same son, Joseph Bryan Hilary, was also co-working chairman of the Committee on Halls of Justice which sought funds for the construction, refurbishing and upgrading of areas in the Supreme Court main building.

The accomplishment report of one of the suppliers, Siemens, reveals the overspending under the chairmanship of Mr. Davide.

- For the Division session hall alone, loose furniture cost over P3 million or P3,665,475 to be exact; draperies and curtains for this hall alone cost P1.4 million;
- For the Supreme Court session hall alone, loose furniture reached over P8 million; draperies and curtains reached over P5.5 million;
- For the dining hallway, loose furniture cost almost P3 million; draperies and curtains, almost half a million; and
- Same with the Division conference room, where furniture cost over P2 million and curtains cost almost half-a-million pesos.

All in all, furniture for these halls cost our taxpayers over P16 million, while curtains cost almost P8 million. All of these were approved by then Chief Justice Hilario Davide, Jr. After all, the

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request for liquidation was made by his son. If that does not qualify as imprudence, I do not know what will.

I should also mention that another daughter, Ms. Norene Davide-Salas, was chairman of the Uniform Committee of the Supreme Court. I think it is a fair question to ask: Was she awarded the contract to supply the uniforms for the members and personnel of the entire Judiciary as reports indicate?

Let us recall the Civil Service Commission provisions in Article IX-B of the 1987 Constitution, Section 2 which states:

- “(1) The Civil Service embraces all branches, subdivisions, instrumentalities, and agencies of the government, including the government-owned or -controlled corporations with original charters.
- (2) Appointments in the Civil Service shall only be made according to merit and fitness to be determined, as far as practicable, and, except to positions which are policy-determining, primarily confidential, or highly technical, by competitive examination.”

Were the positions held by son Joseph Bryan Hillary Davide, and daughter Noreen Davide Salas, *policy-determining, primarily confidential, or highly technical* in order for them to fall within the exceptions?

This is a clear case of nepotism which is prohibited by no less than three identical provisions of Civil Service laws, namely: (a) Section 59, Title I (A) Book V of the Administrative Code of 1987; (b) Section 49 of P. D. 807; and (c) Section 30 of R. A. 2260.

Garapal na garapal ito. Ikaw na punong mahistrado mismo ang naghirang sa mga anak mo para makinabang sa pondo at puwesto ng Hudikatura. Ganito ba ang taong dapat mamuno Sa Truth Commission?

Davide probably thought that he was so high and mighty that he was above the law. He was so pompous and arrogant that when Congress sought to inquire as to the truth regarding these anomalies of the JDF, Davide once again went beyond the authority of his robe and, like a crooked politician, did what he could to suppress the truth.

In a memo dated 23 September 2003, Clerk of Court Luzviminda Puno admits, and I quote

“regarding the letter ... of the Committee on Justice of the House of Representatives ... the Court resolved to direct Mrs. Ordonez (a) not to submit anymore the records which have already been transmitted to the Commission on Audit, and (b) obtain prior clearance from the Court for the other records.”

In another unprecedented (not to mention unethical) move, violating the constitutional right of the public to information, Court Administrator Presbitero Velasco, under the leadership of Davide, issued this memo to all clerks of court and court personnel. And I quote, “Concerning the letter ... to provide ... a Remittance Report of the Judiciary Development Fund for Fiscal Year 2000 - 2003 ... you are hereby advised not to comply with such request...”

As if this was not enough, in an effort to stop his impeachment instead of allowing justice to prevail, the politician in Davide compelled him to write a letter to the then House Speaker Jose de Venecia defending his dubious actions while threatening the House of Representatives against investigating him.

Defending himself, he said, “The Constitution expressly provides that ‘the ... the Chief Justice of the Supreme Court, ... may, by law, be authorized to augment any item in the general appropriations law for their respective offices from savings in other items of their respective appropriations’.... The use of the unexpended portion of the 20% of the JDF for equipment and facilities for the assailed construction or projects can, undoubtedly, be justified by this augmentation authority of the Chief Justice.”

In this letter to Speaker De Venecia, Davide practically admitted that he dipped his fingers into the Judiciary Development Fund, contrary to the 80%-20% provision provided for in PD 1949.

And contrary to his defense that he has augmentation authority, the constitutional provision cited cannot apply because trust funds such as the Judiciary Development Fund do not fall under “General Appropriations.”

Without any law granting him authority, what Mr. Davide did was nothing short of technical malversation of funds, punishable under Article 220 of the Revised Penal Code.

Unfortunately, instead of acting like a prudent magistrate, Davide acted like a spoiled mistress on a shopping spree, arguing in his letter to Speaker De Venecia, and I quote, “[the JDF] may be spent without outside control.” His

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actions bother me because it was clear that Congress did not seek to encroach on the Chief Justice's fiscal autonomy; but only sought to ensure that Davide was acting within the limits of the law. Why was he suppressing the investigation?

Worse, in another cover-up, just like the creation of the concept of constructive resignation, Davide said that PD 1949 is subject to statutory construction even if it is very clear in its provisions and therefore no longer subject to statutory construction.

Just as with Edsa Dos, Davide once again violated the law and then covered up the truth with another lie.

These are the facts that show how Hilario Davide Jr. twisted the law to cover up the truth about anomalies that he was involved in. But the truth is, there is more evidence to prove that Davide not only bent the law but ignored it completely to further his own interests.

Today, we established how Hilario Davide Jr. is one big liar. Should the need arise, this Representation is willing to expose more about his criminal designs and show further proof of how he knowingly transgressed the law for his personal enrichment and opportunistic tendencies.

INTERPELLATION OF SENATOR SOTTO

Asked by Senator Sotto who should head the Truth Commission, Senator Ejercito Estrada stated that there are a lot of lawyers who are more than qualified to head the commission. But he stressed that the head of the commission must be someone with unquestionable integrity, and must not have any ties with the previous administration which will be the center of the investigation. Nonetheless, he stated that he would not impede on the prerogative of President Aquino to choose the head of the commission.

Senator Ejercito Estrada affirmed that he was not objecting to the creation of the Truth Commission but to the appointment of former Chief Justice Davide as head of said commission. He said that he was, in fact, supportive of the creation of the Commission to ferret out the truth on what really happened during the time of former President Arroyo. He stated that what he was questioning was the character of former Chief Justice Davide.

On the matter of the impeachment of former Chief Justice Davide during the 12th Congress,

Senator Ejercito Estrada stated that the records of the House of Representatives would show that 93 members or more than 1/3 of the members of the Bigger House signed the impeachment complaint which was not transmitted to the Senate because the Supreme Court issued an *en banc* resolution instructing the House of Representatives not to transmit the Articles of Impeachment to the Senate and for the latter not to accept the transmittal. He said that the Supreme Court later declared that the impeachment complaint against the former Chief Justice was unconstitutional based on the technicality that only one complaint can be filed against one person in a period of one year.

In reply to another query, Senator Ejercito Estrada opined that in EDSA II, former Chief Justice Davide did not perform his constitutional duty; instead, he got himself involved in politics and ingratiated himself to Mrs. Arroyo by illegally swearing her in as president. He said that the former Chief Justice was again ingratiating himself this time to the Aquino administration by offering lip service that he wanted change.

Senator Ejercito Estrada asserted that when former Chief Justice Davide swore in Gloria Macapagal Arroyo, there was no vacancy in the Office of the President. He quoted former Supreme Court Justice and Chairperson of the Constitutional Commission Justice Cecilia Muñoz-Palma, to wit:

“When the ongoing impeachment trial of Pres. Joseph Estrada was unceremoniously disrupted and the issues on hand were brought to the streets, the rule of law was set aside and the rule of force prevailed.”

Senator Ejercito Estrada pointed out that there are four conditions prescribed by the Constitution under which a President can be removed: 1) death; 2) physical incapacity; 3) resignation; and 4) impeachment.

On the matter of corruption in the Supreme Court, Senator Ejercito Estrada stated that he has already exposed the anomalies in the Judiciary Development Fund, and in due time, he would expose the criminal minds in the Judiciary.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Sotto, there being no objection, the Chair referred the privilege speech of Senator Ejercito Estrada and the interpellation thereon to the Committee on Justice and Human Rights.

Ms. [Signature]

ACKNOWLEDGMENT OF THE PRESENCE OF GUEST

At this juncture, Senator Sotto acknowledged the presence in the gallery of Quezon City Mayor Herbert Bautista.

The Senate President welcomed Mayor Bautista to the Senate.

At this juncture, Senate President Enrile relinquished the Chair to Senate President Ejercito Estrada.

MOTION OF SENATOR MARCOS

Upon motion of Senator Marcos, the Body approved the reading of Senate Bill No. 2377 and all other related bills resetting the Barangay and Sangguniang Kabataan elections ahead of the other bills on First Reading in view of the urgency of the matter and the scheduled public hearing on Monday, August 23, 2010, and the referral of said bills to the Committee on Local Government.

Upon direction of the Chair, the Secretary of the Senate read the title of Senate Bill No. 2377, to wit:

AN ACT AMENDING SECTIONS 1 AND 4
OF REPUBLIC ACT NO. 9340,
RESETTING THE BARANGAY AND
SANGGUNIANG KABATAAN ELEC-
TIONS, AND FOR OTHER PURPOSES

Introduced by Senator Marcos

Pursuant to Senator Marcos' earlier motion, the Chair referred Senate Bill No. 2377 to the Committee on Local Government.

MANIFESTATION OF SENATOR ZUBIRI

Senator Zubiri stated that he had the chance to visit the Provincial Capitol of Pangasinan, which is a beautiful edifice of architecture for governance. He pointed out that the plenary session hall of the provincial capitol is even better than that of the House of Representatives. He appealed to the Senate President to create a group of senators that would look into the possibility of *finally having a permanent home for the Senate*. He hoped that in the next few years, the Senate will be housed in a more presentable and dignified bulding.

Senator Zubiri recalled that when he was vice chairman of the delegation to England, the group

visited the House of Parliament which was a sight to behold. He expressed hope that the group to be created by the Senate President would discuss with the Committee on Finance the possibility of having a permanent home for the Senate.

MANIFESTATION OF SENATE PRESIDENT ENRILE

Senate President Enrile recalled that during the Fourteenth Congress, a committee was formed to study the proposal of acquiring the abandoned Film Center as a possible site for a new building to house Congress, and Senator Angara volunteered to talk with officials of the Cultural Center of the Philippines (CCP) regarding the matter. He said that to date, no result has been achieved yet. He assured Senator Zubiri that he would take up the matter directly with the CCP and explore the possibility of acquiring the site for an edifice to be built for Congress, which is respectable enough to represent the pride of the Filipino people in their lawmaking body.

INTERPELLATION ON SENATE PRESIDENT ENRILE'S PRIVILEGE SPEECH

Upon motion of Senator Sotto, there being no objection, the Body proceeded to the interpellation on Senate President Enrile's speech on climate change.

Thereupon, the Chair recognized Senate President Enrile.

MANIFESTATION OF SENATOR ZUBIRI

Senator Zubiri commended Senate President Enrile for his understanding of the intricacies of climate change and global warming and for being active in promoting climate change mitigation and adaptation. He expressed support for the Senate President's stand on the proper utilization of funds.

INTERPELLATION OF SENATOR LEGARDA

At the outset, Senator Legarda congratulated Senate President Enrile for a very well delivered and comprehensive speech that focused on financing climate change and brought the matter to the forefront of the debate. She said that despite all the talk about advocacies and policies in the Chamber, action plans would be naught without financing.

Senator Legarda recalled that the term "climate justice" was coined by former UN Secretary General Kofi Annan when he initiated a conference on

a Global Humanitarian Forum on the Face of Climate Change. She said that Senate President Enrile was correct in saying that when a country like the Philippines asks for funds and assistance from developed nations, it should not be reliant on tied loans but it should seek reparation for environmental damages that have affected daily lives, infrastructure, environment, agriculture, food and water security, among others.

In this regard, Senator Legarda expressed concern about a certain anomalous project that Senate President Enrile mentioned where the Philippines was placed at a disadvantage when, through the Department of Public Works and Highways, it recently entered into an agreement with the World Bank. She said that the matter caught her attention because apparently certain procedures were being followed in the grant of projects with Official Development Assistance (ODA) in the form of grants, assistance or loans. She said that the Senate can find out how these projects are being processed or fast-tracked and which sectors are actually benefitting from them.

Asked which agency or personalities were actually responsible for the World Bank-DPWH project, Senate President Enrile clarified that it was actually a US\$15-million project for a flood early-warning system in Manila, the proponent of which was PAGASA with the assistance of the DPWH. He also disclosed that the fund in question is in a form of a loan for a climate-change related project when it should have been in the form of compensation for the damage wrought by the industrial practices of developed countries, most especially the U.S. and Europe, that caused changes in the climate pattern.

Senate President Enrile said that he was also struck by the charges against the US\$15 million as he revealed that US\$1 million will be subtracted for consultancy services without identifying the consultants, the appointing authority and beneficiary; US\$800,000 will be exacted for execution costs; US\$2 million for a feasibility study plus a US\$1.15 million management fee which if summed up will amount to almost US\$ 5 million. He noted that with the deductions, the actual money that will go to the flood early-warning system project will only be US\$10 million. He asked how the project can be justified when about one-third of the total project cost will go to services that are not in a way related to the project.

Assuming that all projects have a ten percent corruption content, he stated that it would have been

easier had the Philippine government borrowed the money and did the work itself instead of going to the World Bank.


Asked by Senator Legarda why the DPWH was part of the project, Senate President Enrile surmised that either PAGASA and/or the DPWH approached the World Bank or the World Bank offered it to the DPWH and PAGASA. He questioned why the government went to the World Bank instead of availing of the UN Adaptation Fund where it could have accessed US\$15 million without being charged US\$5 million in fees.

Asked on the process by which the funds were secured and whether the head of the PAGASA or the DPWH Secretary entered into agreement with the World Bank without going through NEDA, Senate President Enrile replied that he was not familiar with the details of the negotiations. He said that all he knew was that there was a project and the concerned government agencies have yet to deny or affirm the truth of what he had stated. He disclosed, however, that the World Bank representative has approached the Climate Change Commission about the project.

Asked whether the project has been implemented or whether any of the funds have been transmitted to the government through the concerned agencies, Senate President Enrile replied that the project is currently in the drawing stage and as far as he knows, no funds have been transmitted to the government. He averred that the World Bank was trying to insert itself as a conduit for the Philippines to access international untied funds but he did not know the reason behind its actuation.

Asked whether there are any other loans for climate-related endeavors in the drawing stage or in completion, Senate President Enrile replied that he was not aware of any at the moment. He stated that he raised the issue to alert the country's leaders to this pernicious practice of going through multilateral funding institution where the borrower-country is being charged exorbitantly for consultancy, management fees, feasibility studies, and so forth.

Senator Legarda suggested that it would be timely to file a resolution on the matter or even to refer it to the Committee on Climate Change so that assuming the US\$15 million loan project and climate-related projects are still in the drawing stage, the Committee can check whether it is a standard operating procedure to charge for feasibility studies, consultancy, et cetera in all ODAs.



Senate President Enrile said that if his information was correct, charging such fees would become the pattern. He reiterated that he cannot understand why the Philippines cannot access the untied funds unless it passes through the World Bank.

Senator Legarda remarked that she also cannot understand why this should be the case because the United Nations Framework for Convention on Climate Change (UNFCCC) fund created from the two percent of the Clean Development Mechanism (CDM) has nothing to do with the World Bank. She stated that the World Bank may insert itself in the project but it should not stop the Philippines or any country from accessing other funds.

Asked if the World Bank was trying to be the mediator or middleman between the Philippines and other lending institutions, Senate President Enrile said that it would seem that way because the Philippines has not taken pains to organize an implementing agency which is required under the UN Adaptation Fund.

On whether he was familiar with any project in the Philippines which has accessed the funds from the UNFCCC, Senate President Enrile replied in the negative, saying that precisely, he attended the meeting of the Committee on Climate Change where he discovered that the leadership of the Climate Change Commission cannot handle the problem and was not even candid with the Committee about the implementation of the provision of the Climate Change Law. He concluded that the Senate cannot entrust to the Commission the role of implementing agency of any fund that would come from UN Adaptation Fund, and that the Senate has to recast the Commission to ensure that its people are capable, truthful, honest and trustworthy to handle the funds.

Senator Legarda remarked that the Committee would require the Commission to submit a report on all climate-related loans, grants or assistance apart from the US\$15 million loan of the DPWH and PAGASA. She further stated that it was timely for the Committee on Economic Affairs and the Committee on Climate Change to conduct a joint hearing to look into the standard procedures for securing ODA.

Senator Enrile recalled that someone hinted during the Committee hearing that some loans coming from funding institutions are going to be relabeled as climate change-oriented loans instead of ODA to show that they are addressing the concerns of developing countries about being compensated for

the injuries they have suffered from the activities of developed countries that caused the aberrant climate condition.

Senate President Enrile expressed caution and pointed out the need to scrutinize ODA loans which, he said, are relabeled as if they are for the purpose of addressing or compensating for the injuries that they have committed to developing countries or which assume the character of climate change-oriented programs loans to benefit the developed countries and show that they are charitable and compassionate enough to help the Filipinos instead of paying outright compensation for the damages that they have caused.

Senator Legarda expressed gratitude to Senate President Enrile for claiming justice for a vulnerable nation like the Philippines. She said that she would continue the hearing which was suspended earlier so that the committee could have sufficient information to make its judgments and actions which would benefit the vulnerable communities in the country.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Sotto, there being no objection, the Chair referred the speech of Senate President Enrile to the Committees on Climate Change; Environment and Natural Resources; and Finance.

SENATE CONCURRENT RESOLUTION NO. 2 (Continuation)

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration of Senate Concurrent Resolution No. 2, entitled

CONCURRENT RESOLUTION PROVIDING FOR THE LEGISLATIVE CALENDAR OF THE FIRST REGULAR SESSION OF THE FIFTEENTH CONGRESS OF THE PHILIPPINES.

ADOPTION OF SENATE CONCURRENT RESOLUTION NO. 2

Upon motion of Senator Sotto, there being no objection, Senate Concurrent Resolution No. 2 was adopted by the Body.

PROPOSED SENATE RESOLUTION NO. 84 (Continuation)

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration of Proposed Senate Resolution No. 84, entitled

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RESOLUTION EXPRESSING ANEW THE SENSE OF THE SENATE FOR SEN. ANTONIO "SONMY" F. TRILLANES IV TO BE ALLOWED TO ATTEND AND PARTICIPATE IN THE SESSIONS AND OTHER OFFICIAL FUNCTIONS OF THE SENATE AND REQUESTING THE JUDICIARY, THROUGH THE REGIONAL TRIAL COURT OF MAKATI - BRANCH 148, TO RECTIFY THE APPARENT INJUSTICE BY ALLOWING THE TEMPORARY TRANSFER OF THE CUSTODY OF SENATOR TRILLANES TO THE SENATE AND FOR OTHER RELATED PURPOSES.

Senator Sotto said that the adoption of the resolution was reconsidered in the previous session upon request of Senator Arroyo and, as a consequence thereof, the Committee on Rules saw the opportunity to go over it and would propose amendments thereto.

REMARKS OF SENATE PRESIDENT ENRILE

Anent Proposed Senate Resolution No. 84, Senate President Enrile explained that he and Senator Lacson have long been discussing the case of Senator Trillanes, exploring the possibility of Senator Trillanes, although under the custody of the court, being able to perform his work as a duly elected senator of the Republic. He said that he also took note of the fact that the Inter-Parliamentary Union (IPU), of which the Senate is a member, has been inquiring into the status of Senator Trillanes and in response, he has assured the IPU that the Senate has been doing everything possible to bring the Senator to the Chamber in order that he can perform his duties.

Senate President Enrile said that in spite of these efforts, nothing happened, and so he talked to the Majority Leader and asked him to submit the resolution to plenary so that the Members can act accordingly. Without preempting the court's prerogative to decide on the merits of the case and without prejudging the charges against Senator Trillanes, Senate President Enrile believed that the Senate, collectively, ought to protect a member and allow him to perform his duties as a senator of the Republic.

He pointed out that if the court already allowed Senator Trillanes to go out under guard in the middle of the night to celebrate his birthday in his residence, and to visit the wake of a dead relative, he saw no reason why the court cannot allow Senator Trillanes to get out of his cell under guard and come to the Senate to perform his job as senator. He emphasized that the Senator has not been convicted and, therefore, he is presumed innocent.

With only 21 senators actually working in the Senate, Senate President Enrile stated that the nation needs the services of every duly elected senator. He announced that as head of the institution, he was assuming the responsibility and that he would be discussing with the court, in whose sala and jurisdiction the charges against Senator Trillanes had been lodged, on the possibility of allowing Senator Trillanes to perform his job. He clarified, however, that he will never interfere with the court, as he respects its prerogative on how it will decide the case. He explained that he will only be discussing with the court on the possibility of allowing Senator Trillanes, under such restrictions and limitations it may impose, to come to the Senate and perform his duty as senator of the Republic. He said that he wanted to show to the IPU that the Senate is capable of performing its job of protecting the legislative prerogative of a member.

STATEMENT OF SENATOR ARROYO

For his part, Senator Arroyo delivered the following statement expressing his opposition to Proposed Senate Resolution No. 84:

I would like to thank the Majority Leader for the time that he has given so that we could research on this.

When I spoke here last Wednesday, I argued on the basis of recollection, so I said I would go over the records and what I found out is that what is before the Senate is more serious than we originally looked at it.

The arguments recited in the resolution in question were presumably supplied by Senator Trillanes. Sad to say, they are prevarications and, therefore, cannot be the basis for the passage of the questioned resolution.

A brief history: On July 25, 2007, the Senate adopted, over the strong dissent of Senators Enrile, Santiago, Gordon and Arroyo, Senate Resolution No. 3, "Expressing the Sense of the Senate that Senator Antonio Trillanes IV be

Allowed to Participate in the Sessions and other Functions of the Senate in Accordance with the Rule of Law.”

What Senator Trillanes did not tell us, and rather unfairly, is that on the same day, July 25, 2007, two events took place: the adoption of Senate Resolution No. 3, and the order of the Regional Trial court, Makati, Branch 148, presided by Judge Oscar Pimentel, Sr., denying an identical motion of Senator Trillanes which raised the very same arguments he gave to the Senate and praying for exactly the same relief.

That is the reason why Senate Resolution No. 3 was never and could not be enforced. Because on July 25, 2007, after we adopted the resolution, Judge Pimentel denied the application of Senator Trillanes that, among other things, he be allowed to participate here.

Senator Trillanes moved for a reconsideration; it was denied by Judge Pimentel in an order dated September 18, 2007.

Senator Trillanes raced to the Supreme Court questioning the orders of Judge Pimentel on grounds akin to that stated in Resolution No. 3.

On June 27, 2008, the Supreme Court, with all 15 justices participating, promulgated a unanimous decision penned by Justice Carpio Morales sustaining Judge Pimentel's decision. Those who concurred—all 15 of them—were Chief Justice Puno, Justices Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, Velasco Jr., Nachura, Reyes, Leonardo de Castro, and Brion.

The High Court, in the penultimate paragraph of its decision, quoting *Jalosjos*, pointedly declared:

“x x x Allowing accused-appellant to attend sessions and committee meeting for five (5) days or more in a week will virtually make him a free man with all the privileges appurtenant to his position. Such an aberrant situation not only elevates accused-appellant's status to that of a special case, it also would be a mockery of the purposes of the correction system.”

Before that, the High Court explained:

“The performance of legitimate and even essential duties by public officers has never been an excuse to free a person validly in prison. The duties imposed by the ‘mandate of the people’ are multifarious. The accused-appellant

asserts that the duty to legislate ranks highest in the hierarchy of government. The accused-appellant is only one of 250 members of the House of Representatives, not to mention the 24 members of the Senate, charged with the duties of legislation. Congress continues to function well in the physical absence of one or a few of its members. x x x Never has the call of a particular duty lifted a prisoner into a different classification from those others who are validly restrained by law.

The decision of the Supreme Court has long been final. What Senator Trillanes seeks is for the Senate to renew its plea on his behalf and intervene in the judicial proceeding.

The Senate, with all due respect, may not do that. It would be a frontal and direct collision course with the Supreme Court on an issue it has already decided with finality and may no longer be disturbed. We must avoid this.

The wise and prudent course is to table Proposed Senate Resolution No. 84 so that all the members will be duly informed. I will ask the Secretariat to reprint the decision of the Supreme Court and distribute it to all the Members because everything raised here by Senator Trillanes has been taken up by the Supreme Court.

In addition, I will have to tell frankly to the Honorable Senate President that when I raised it last Friday, I was not aware of the decision of the Supreme Court, and no one here was aware of that. That is why I am saying that Senator Trillanes has been less than candid. He supplied the Majority Leader with information but he did not tell us that there is already a unanimous Supreme Court decision.

Just to give you an idea, these were the requests of Senator Trillanes that were taken up by the Supreme Court:

- a. To be allowed to go to the Senate to attend all official functions of the Senate (whether at the Senate or elsewhere) particularly when the Senate is in session, and to attend the regular and plenary sessions of the Senate, committee hearings, consultations, investigations and hearings in aid of legislation, caucuses, staff meetings x x x which are normally held at the Senate of the Philippines, located at GSIS Financial Center, Pasay City (usually from Mondays to Thursdays, from 8:00 a.m. to 7:00 p.m.);
- b. To be allowed to set up a working area at his place of detention at the Marine Brig, Marine

Barracks Manila, Fort Bonifacio, Taguig City, with a personal desktop computer and the appropriate communications equipment (i.e. a telephone line and an internet access) in order that he may be able to work there when there are no sessions, meetings or hearings at the Senate or when the Senate is not in session. The costs of setting up the said working area and the related equipment and utility costs can be charged against the budget/allocation of the Office of the accused from the Senate;

- c. To be allowed to receive members of his staff at the said working area, at his place of detention at the Marine Brig, Marine Barracks Manila, Fort Bonifacio, Taguig City, at reasonable times of the day, particularly during working days, for purposes of meetings, briefings, consultations and/or coordination so that the latter may be able to assist him in the performance and discharge of his duties as a Senator of the Republic;
- d. To be allowed to give interviews and to air his comments, reactions and/or opinions to the press or the media regarding the important issues affecting the country and the public while at the Senate or elsewhere in the performance of his duties as Senator to help shape public policy, and in light of the important role in the Senate in maintaining a system of checks and balances between the three (3) co-equal branches of the government;
- e. With prior notice to the Honorable Court and to the accused and his custodians, to be allowed to receive on Tuesdays and Fridays reporters and other members of the media who may wish to interview him and/or to get his comments, reactions and/or opinion at his place of confinement at the Marine Brig, Marine Barracks Manila, Fort Bonifacio, Taguig City, particularly when there are no sessions, meetings or hearings at the Senate, or when the Senate is not in session;
- f. To be allowed to attend the organizational meeting and election of the officers of the Senate and related activities scheduled in the morning (9:00 or 10:00 a.m.) of 23 July 2007 at the Senate of the Philippines, located at the GSIS Financial Center, Pasay City.

Senator Arroyo recalled that when the Makati Regional Trial Court did not grant his requests, Senator Trillanes went to the Supreme Court, whose decision he has just read. He pointed out that the matter at hand has already been decided with finality

and disposed of by the Supreme Court, therefore, the Body cannot do anything about it anymore.

Senator Arroyo clarified that no one can begrudge Senator Trillanes if he would like to renew his bid for bail because it is his right. However, he pointed out that to involve the Senate in the matter would be a little out of line. At this juncture, he instructed the Secretariat to distribute to the Members copies of the Supreme Court decision and the two orders of Judge Pimentel of the Regional Trial Court of Makati – Branch 148, so that they could study the materials for discussion. He said that the Body could, perhaps, vote on the resolution later.

Senator Arroyo stated that he learned about the Supreme Court decision from the Clerk of Court of the Regional Trial Court of Makati – Branch 148 when he was asking for a copy of the order in the Trillanes case.

REMARKS OF SENATOR SOTTO

Senator Sotto clarified that Proposed Resolution No. 84 does not renew Senator Trillanes' plea and neither does it intervene with the judicial proceedings. He clarified that it just merely expresses the sentiment of the Senate on the transfer of custody which is completely different from the previous motions filed by Senator Trillanes. He stated that the resolution is an instrument of the Body to help a colleague who has not been found guilty yet.

As mentioned earlier by Senate President Enrile, Senator Sotto said that the Body will not interfere and should the Senate President talk to any member of the judiciary, it will not be about the merits or demerits of the case of Senator Trillanes but solely on the transfer of custody to the Senate so that Senator Trillanes can attend the proceedings. He expressed hope that Senator Arroyo will reconsider his position and allow the Body to proceed to the period of amendments so that he could introduce amendments that will precisely address Senator Arroyo's concern. He reiterated that the resolution is merely an expression of the sense of the Senate and that the Body would respect the court should it not allow the transfer of custody.

REMARKS OF SENATOR ARROYO

Senator Arroyo said that he has thoroughly read the decision of the Supreme Court which tackled the

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parity between the Jalosjos case and the Trillanes case, i.e., that the election of an individual to an office does not wipe the offense.

Adverting to Proposed Senate Resolution No. 84, Senator Arroyo noted that the phrase "to rectify the apparent injustice" in the second resolatory clause was a little bit out of line because the Senate, in effect, was asking the Judiciary to correct an injustice that it supposedly committed by refusing Senator Trillanes to attend the hearings and sessions.

He also questioned the phrase in the final resolatory clause, "to direct the Secretariat, through its Legal Counsel, to cause the immediate implementation of this Resolution by filing the appropriate manifestation and motion before the Honorable Regional Trial Court of Makati - Branch 148 at the soonest possible time and to perform any and all acts as may be provided and appropriate under the premises," as he pointed out that in implementing this clause, the Senate would be filing a motion for intervention in the proceeding, otherwise, it would have no stand in court.

In view of the foregoing, Senator Arroyo suggested that the Members read first the Supreme Court decision, copies of which he asked to be distributed, and vote on the resolution later.

In reaction, Senator Sotto clarified that, precisely, he wanted to propose amendments to the resolution, one of which is to reword the phrase "to rectify the apparent injustice." He stressed that the Senate was not filing any motion in court and that it was merely expressing its sense and requesting the temporary transfer of custody. He pointed out that the eight omnibus motions filed by Senator Trillanes which were the basis of the Supreme Court decision differ from the intent and content of the resolution. He disclosed that he would also propose another "whereas" clause saying that Senator Trillanes should not be placed outside the reach of the other branches of government and that the temporary transfer of his custody will not be tantamount to a release and is not an impairment of the doctrine of separation of powers nor an infringement on the Judiciary's prerogatives and powers. He asked that he be allowed to introduce the amendments, noting that Senator Arroyo just might find the resolution acceptable and vote in favor of it.

But Senator Arroyo underscored that as worded, the resolution was a little accusatory because the

Senate has come to a conclusion that there was an apparent injustice that the court was being asked to rectify. He suggested that the Committee on Rules come out with a revised resolution that the Body can look into and vote on, manifesting that he would call for a nominal vote on the resolution at the proper time.

REMARKS OF SENATOR DRILON

Adverting to the factual situation of the case, Senator Drilon recalled that one of the points raised during the interpellation was that the RTC has not yet rendered a decision and, therefore, Senator Trillanes is presumed innocent until proven guilty, which was precisely why the Senators wanted to pass the resolution expressing the sense of the Senate.

Asked about the status of the case at the RTC, Senator Sotto confirmed that the prosecution and the accused have submitted their cases for resolution.

Asked when the memorandum is due to be filed, Senator Sotto replied that it is expected within the month. He also noted that the court has 90 days to come up with a decision on the matter.

Noting that an acquittal of Senator Trillanes would render the resolution academic, Senator Drilon asked how the Senate would treat the same should the court decide on a conviction. Senator Sotto explained that the resolution does not contain any action in the event of a conviction. However, he hoped that such a decision could be appealed so that the resolution could be put in effect. He also said that he would consult with the original author of Senate Resolution No. 3 which emanated from an earlier resolution authored by Senator Pangilinan.

Asked whether the Senate would move to transfer the custody of Senator Trillanes to the Senate President even before the court renders its final judgment on the matter, Senator Sotto replied that this was a likely scenario but surmised that Senator Trillanes would have to be returned to the custody of the judicial authorities in the event of a conviction.

MANIFESTATION OF SENATOR ARROYO

In lieu of proposing amendments right away, Senator Arroyo suggested that the resolution be refined and then submitted for the Body's approval the following day. Senator Sotto agreed.

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**SUSPENSION OF CONSIDERATION OF
PROPOSED SENATE RESOLUTION NO. 84**

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

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. 901, entitled

AN ACT MANDATING THE CREATION OF A COMMITTEE ON ENVIRONMENTAL PROTECTION IN EACH LOCAL GOVERNMENT LEGISLATIVE COUNCIL

Introduced by Senator Ejercito Estrada

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

Senate Bill No. 902, entitled

AN ACT GRANTING A ONE (1) MONTH NON-CUMULATIVE LEAVE WITH PAY TO WOMEN WORKERS WHO UNDERGO MAJOR SURGICAL INTERNAL OPERATIONS ON THEIR REPRODUCTIVE ORGANS

Introduced by Senator Ejercito Estrada

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

Senate Bill No. 903, entitled

AN ACT CREATING THE POSITION OF BARANGAY NUTRITION WORKER IN EVERY BARANGAY PROVIDING INCENTIVES THERETO, APPROPRIATING FUNDS THEREFOR AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1569

Introduced by Senator Ejercito Estrada

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

Senate Bill No. 904, entitled

AN ACT FURTHER AMENDING SECTIONS THREE AND FOUR OF REPUBLIC ACT NO. 3456, AS AMENDED BY REPUBLIC ACT NO. 1177, OTHERWISE KNOWN AS THE INTERNAL AUDITING ACT OF 1962

Introduced by Senator Ejercito Estrada

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

Senate Bill No. 905, entitled

AN ACT PROVIDING FOR THE ELECTIONS OF THE SECTORAL REPRESENTATIVES TO THE SANGGUNIANG BAYAN, SANGGUNIANG PANLUNGSOD, AND SANGGUNIANG PANLALAWIGAN, FIXING THE DATES THEREOF, AND FOR OTHER PURPOSES

Introduced by Senator Ejercito Estrada

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

Senate Bill No. 906, entitled

AN ACT GRANTING OLD-AGE PENSION FOR LIFE TO SENIOR CITIZENS WHO RETIRED UNDER REPUBLIC ACT 1616 AS WELL AS SURVIVORSHIP BENEFITS TO THEIR SURVIVORS

Introduced by Senator Ejercito Estrada

To the Committees on Government Corporations and Public Enterprises; Civil Service and Government Reorganization; and Finance

Senate Bill No. 907, entitled

AN ACT ESTABLISHING AT LEAST ONE (1) SPECIAL EDUCATION (SPED) CENTER FOR EACH SCHOOL DIVISION AND AT LEAST THREE (3) SPED CENTERS IN EVERY SCHOOL DIVISIONS FOR CHILD-REN WITH SPECIAL NEEDS (CSN), CREATING THE IMPLEMENTING MACHINERY THEREOF, PROVIDING GUIDELINES FOR GOVERNMENT FINANCIAL ASSISTANCE AND OTHER INCENTIVES AND SUPPORT FOR OTHER PURPOSES

Introduced by Senator Ejercito Estrada

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

Senate Bill No. 908, entitled

AN ACT AMENDING SECTION 7 (b) OF REPUBLIC ACT NO. 6713, OTHERWISE KNOWN AS THE CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES, SO AS TO LENG-THEN THE PERIOD OF PROHIBITED EMPLOYMENT IN THE CASE OF MEMBERS OF THE CABINET

Introduced by Senator Ejercito Estrada

To the Committees on Civil Service and Government Reorganization; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 909, entitled

AN ACT CREATING THE LOCAL GOVERNMENT ACADEMY OF THE PHILIPPINES, PROVIDING FUNDS THEREFOR AND OTHER PURPOSES

Introduced by Senator Ejercito Estrada

To the Committees on Local Government; Ways and Means; and Finance

Senate Bill No. 910, entitled

AN ACT PROVIDING FOR THE PHILIPPINE NATIONAL POLICE MODERNIZATION PROGRAM, AND FOR OTHER PURPOSES

Introduced by Senator Ejercito Estrada

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

Senate Bill No. 911, entitled

AN ACT PROVIDING FOR THE ESTABLISHMENT OF THE MAGNA CARTA OF STUDENTS

Introduced by Senator Ejercito Estrada

To the Committee on Education, Arts and Culture

Senate Bill No. 912, entitled

AN ACT EXPANDING THE PROHIBITED ACTS OF DISCRIMINATION AGAINST WOMEN ON ACCOUNT OF SEX, AMENDING FOR THE PURPOSE ARTICLES 135 AND 137 OF P.D. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES

Introduced by Senator Ejercito Estrada

To the Committees on Labor, Employment and Human Resources Development; and Youth, Women and Family Relations

Senate Bill No. 913, entitled

AN ACT TO AMEND ARTICLE XXII, SECTION 261 (dd) OF BATAS PAMBANSA BLG. 881, OTHERWISE KNOWN AS THE OMNIBUS ELECTION CODE OF THE PHILIPPINES, AS AMENDED, TO INCLUDE OTHER FORMS OF ELECTORAL FRAUD, PRESCRIBING PENALTIES THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Ejercito Estrada

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

Senate Bill No. 914, entitled

AN ACT AMENDING EXECUTIVE ORDER 292, OTHERWISE KNOWN AS THE ADMINISTRATIVE CODE OF 1987, BY GRANTING THE PHILIPPINE MILITARY ACADEMY (PMA) THE POWER TO CONFER MASTERAL DEGREES UPON OFFICERS OF THE ARMED FORCES OF THE PHILIPPINES (AFP)

Introduced by Senator Ejercito Estrada

To the Committees on National Defense and Security; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 915, entitled

AN ACT DECRIMINALIZING CERTAIN ACTS OF VAGRANCY AMENDING FOR THE PURPOSE ARTICLE TWO HUNDRED TWO OF ACT NO. 315 AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE

Introduced by Senator Ejercito Estrada

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

Senate Bill No. 916, entitled

AN ACT TO PROTECT INDIVIDUALS FROM HAVING THEIR MONEY INVOLUNTARY COLLECTED AND USED FOR POLITICAL ACTIVITIES BY A CORPORATION, ORGANIZATION OR GROUP

Introduced by Senator Ejercito Estrada

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

Senate Bill No. 917, entitled

AN ACT ESTABLISHING A BARANGAY HUMAN RIGHTS ACTION CENTER IN EVERY BARANGAY IN THE COUNTRY

Introduced by Senator Ejercito Estrada

To the Committees on Local Government; Justice and Human Rights; and Finance

Senate Bill No. 918, entitled

AN ACT TO PRESCRIBE THE ESTABLISHMENT OF PILOT TRIBAL COMMUNITIES AND/OR HOUSING IN EACH AND EVERY REGION IN THE PHILIPPINES, INCLUDING METRO MANILA, WHICH SHALL SERVE AS MODEL HUMAN SETTLEMENTS THAT WILL ADHERE, TO EXTENT PRACTICABLE, TO THE CULTURE AND TRADITIONS OF THE NATIONAL TRIBAL COMMUNITIES, WHILE PROVIDING THE BASIC CONVENIENCES OF MODERN LIVING, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Ejercito Estrada

To the Committees on Cultural Communities; Urban Planning, Housing and Resettlement; and Finance

Senate Bill No. 919, entitled

AN ACT SEPARATING THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS INTO THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF COMMUNICATIONS REDEFINING ITS POWERS, FUNCTIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES, THEREBY AMENDING EXECUTIVE ORDER NO. 546

Introduced by Senator Ejercito Estrada

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

Senate Bill No. 920, entitled

AN ACT PROVIDING FOR THE ESTABLISHMENT OF A BALIK SCIENTIST PROGRAM, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Ejercito Estrada

To the Committees on Science and Technology; Justice and Human Rights; Ways and Means; and Finance

Senate Bill No. 921, entitled

AN ACT INCREASING THE YEARLY ALLOCATION FOR SCIENTIFIC AND TECHNOLOGICAL ACTIVITIES (STA)

Introduced by Senator Ejercito Estrada

To the Committees on Science and Technology; and Finance

Senate Bill No. 922, entitled

AN ACT GIVING INDIGENT BUT GIFTED AND TALENTED STUDENTS THE OPPORTUNITY TO DEVELOP THEIR CAPABILITIES

Introduced by Senator Ejercito Estrada

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

Senate Bill No. 923 entitled

AN ACT TO AMEND CERTAIN SECTIONS OF R.A. 7431, OTHERWISE KNOWN AS THE RADIOLOGIC TECHNOLOGY ACT OF 1992, AND FOR OTHER PURPOSES

Introduced by Senator Ejercito Estrada

To the Committee on Civil Service and Government Reorganization

Senate Bill No. 924, entitled

AN ACT DETERRING PROSTITUTION BY AMENDING ARTICLE 341 (WHITE SLAVE TRADE) OF THE REVISED PENAL CODE, INCREASING THE PENALTY OF IMPRISONMENT AND FINE, AND FOR OTHER PURPOSES

Introduced by Senator Ejercito Estrada

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

Senate Bill No. 925, entitled

AN ACT PROVIDING EARLY RETIREMENT AND VOLUNTARY SEPARATION FROM THE GOVERNMENT SERVICE, PROVIDING A SYSTEM OF FUNDING THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Ejercito Estrada

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

Senate Bill No. 926, entitled

AN ACT DECLARING A NATIONAL PEACE POLICY THEREBY CREATING A COMMISSION ON PEACE

Introduced by Senator Ejercito Estrada

To the Committees on Peace, Unification and Reconciliation; Civil Service and Government Reorganization; and Finance

Senate Bill No. 927, entitled

AN ACT DEFINING THE OFFENSE OF ILLEGAL LOGGING IN WATERSHEDS AND OTHER PROTECTED AREAS AND PROVIDING PENALTIES THEREFOR

Introduced by Senator Ejercito Estrada

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

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Senate Bill No. 928, entitled

AN ACT INSTITUTIONALIZING THE OPEN LEARNING AND DISTANCE EDUCATION SYSTEM IN THE PHILIPPINES, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Ejercito Estrada

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

Senate Bill No. 929, entitled

AN ACT CREATING THE NATIONAL NUCLEAR RADIATION SAFETY BOARD AND DEFINING ITS SCOPE, FUNCTIONS AND POWERS

Introduced by Senator Ejercito Estrada

To the Committees on Science and Technology; and Finance

Senate Bill No. 930, entitled

AN ACT TO PROHIBIT GENDER DISCRIMINATION IN EMPLOYMENT ADVERTISING

Introduced by Senator Ejercito Estrada

To the Committees on Labor, Employment and Human Resources Development; and Youth, Women and Family Relations

Senate Bill No. 931, entitled

AN ACT AMENDING ART. 236 OF EXECUTIVE ORDER NO. 209, ALSO KNOWN AS THE FAMILY CODE OF THE PHILIPPINES

Introduced by Senator Ejercito Estrada

To the Committees on Youth, Women and Family Relations; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 932, entitled

AN ACT TO REQUIRE HOSPITALS TO ESTABLISH AND IMPLEMENT

SECURITY PROCEDURES TO REDUCE THE LIKELIHOOD OF INFANT PATIENT ABDUCTION AND BABY SWITCHING, INCLUDING PROCEDURES FOR IDENTIFYING ALL INFANT PATIENTS IN THE HOSPITAL IN A MANNER THAT ENSURES IT WILL BE EVIDENT IF INFANTS ARE MISSING FROM THE HOSPITAL

Introduced by Senator Ejercito Estrada

To the Committee on Health and Demography

Senate Bill No. 933, entitled

AN ACT TO ADDRESS THE NATIONAL WATER CRISIS PROVIDING FOR A COMPREHENSIVE WATER RESOURCES MANAGEMENT, AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Public Services; Environment and Natural Resources; Ways and Means; and Finance

Senate Bill No. 934, entitled

AN ACT INCREASING THE PENSION AND SOCIO-ECONOMIC BENEFITS OF GOVERNMENT RETIREES AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Civil Service and Government Reorganization; National Defense and Security; and Finance

Senate Bill No. 935, entitled

AN ACT PROVIDING FOR A SPECIAL POLLING PLACE FOR THE DISABLED AND THE ELDERLY AND FOR OTHER PURPOSES

Introduced by Senator Lapid

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

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Senate Bill No. 936, entitled

AN ACT CREATING AN ADVANCED STUDIES DEVELOPMENT PROGRAM FOR EXCEPTIONAL EMPLOYEES FROM THE GOVERNMENT AND THE PRIVATE SECTOR AND FOR OTHER PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 937, entitled

AN ACT REQUIRING FULLY EQUIPPED SCIENCE LABORATORIES IN EVERY PUBLIC ELEMENTARY AND SECONDARY SCHOOL, PROVIDING FUNDS THEREOF AND FOR OTHER PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 938, entitled

AN ACT ESTABLISHING THE PHILIPPINE MEDICAL CENTER SYSTEM, PROVIDING FOR ITS ADMINISTRATION AND SUPPORT AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Health and Demography; and Finance

Senate Bill No. 939, entitled

AN ACT PROHIBITING THE PRESENTATION OF SUSPECTS TO THE MEDIA AND FOR OTHER PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 940, entitled

AN ACT INSTITUTIONALIZING PRIVATE LAND FORESTRY TO ENHANCE REFORESTATION AND ENVIRONMENTAL PROTECTION AND PROVIDING INCENTIVES THEREOF, AND FOR OTHER PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 941, entitled

AN ACT PUNISHING ANY OFFICER OR EMPLOYEE OF THE LAND TRANSPORTATION OFFICE WHO IS RESPONSIBLE FOR REGISTERING STOLEN MOTOR VEHICLE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 4136, AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Public Services; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 942, entitled

AN ACT TO REGULATE THE WANTON DIGGINGS AND EXCAVATIONS ON NATIONAL ARTERIAL ROADS, NATIONAL SECONDARY ROADS AND LOCAL ROADS AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committee on Public Works

Senate Bill No. 943, entitled

AN ACT PROHIBITING THE USE AND SALE OF COSMETIC AND PERSONAL CARE PRODUCTS CONTAINING PHTHALATES, PROVIDING PENALTIES THEREOF AND FOR OTHER PURPOSES

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Introduced by Senator Lapid

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

Senate Bill No. 944, entitled

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

Introduced by Senator Lapid

To the Committees on Labor, Employment and Human Resources Development; Health and Demography; and Finance

Senate Bill No. 945, entitled

AN ACT REQUIRING ALL RETAILERS OF LIQUEFIED PETROLEUM GAS (LPG) TO HAVE A DULY-INSPECTED AND ACCURATE WEIGHING SCALE AND WEIGHING MACHINE IN THEIR STORES OR ESTABLISHMENTS AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Trade and Commerce; and Energy

Senate Bill No. 946, entitled

AN ACT INSTITUTIONALIZING SKILLS TRAINING AND RETRAINING FOR THE UNEMPLOYED, AND FOR OTHER PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 947, entitled

AN ACT ESTABLISHING A COMPREHENSIVE AGRICULTURAL PROG-

RAM FOR AGRICULTURAL LANDS LOCATED IN SLOPING AREAS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Agriculture and Food; Local Government; and Finance

Senate Bill No. 948, entitled

AN ACT REQUIRING NEW PUBLIC-SERVING AND NEWLY RENOVATED PUBLIC-SERVING ESTABLISHMENTS TO PROVIDE BABY FRIENDLY FACILITIES AND FOR OTHER PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 949, entitled

AN ACT TO PROVIDE COMPENSATION, REIMBURSEMENT FOR HOSPITALIZATION EXPENSES AND OTHER BENEFITS TO CIVILIANS CAUGHT IN THE CROSSFIRE BETWEEN REBELS AND THE MILITARY, AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Justice and Human Rights; National Defense and Security; and Finance

Senate Bill No. 950, entitled

AN ACT EXPANDING THE COVERAGE OF THE DEFINITION OF THE CRIME OF SEXUAL HARASSMENT BY INCLUDING UNWANTED TEXT MESSAGES, ELECTRONIC MAIL OR COMMUNICATIONS ADOPTING SIMILAR MEANS, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 7877, OTHERWISE KNOWN AS "THE SEXUAL HARASSMENT LAW"

Introduced by Senator Lapid

To the Committees on Constitutional Amendments, Revision of Codes and Laws; and Public Services

**ACKNOWLEDGMENT
OF THE PRESENCE OF GUESTS**

At this juncture, Senator Zubiri acknowledged the presence in the gallery of the delegation of legislators, board members and mayors from Mindoro Oriental.

The Senate President Pro Tempore welcomed the guests to the Senate.

COMMITTEE MEMBERSHIPS

Nominated by Senator Sotto, there being no objection, the following senators were elected as additional members to the committees hereunder indicated:

Committee on Foreign Relations

Senator Lapid

Committee on Agriculture and Food

Senator Arroyo

*Committee on Social Justice,
Welfare and Development*

Senator Cayetano (P)

COAUTHOR

Upon his request, Senator Escudero was made coauthor of Senate Bill Nos. 151, 156, 167 and 170.

**REFERRAL OF SENATE BILL NOS. 49
AND 54 AND PROPOSED SENATE
RESOLUTION NO. 50**

At the instance of Senator Recto, upon motion of Senator Sotto, there being no objection, the Chair referred Senate Bill Nos. 49 and 54 to the Committee on Ways and Means as the tertiary committee.

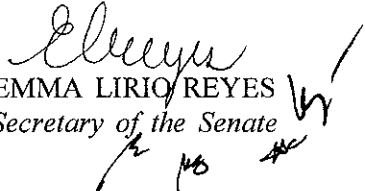
Also, upon motion of Senator Sotto, there being no objection, the Chair referred Proposed Senate Resolution No. 50 to the Committee on Banks, Financial Institutions and Currencies as the primary committee.

ADJOURNMENT OF SESSION

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

It was 5:47 p.m.

I hereby certify to the correctness of the foregoing.


EMMA LIRIO REYES
Secretary of the Senate

Approved on August 23, 2010