



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 12
Wednesday, August 18, 2010

FIFTEENTH CONGRESS
FIRST REGULAR SESSION

SESSION NO. 12
Wednesday, August 18, 2010

CALL TO ORDER

At 3:26 p.m., the Senate President, Hon. Juan Ponce Enrile, called the session to order.

PRAYER

Sen. Francis N. Pangilinan led the Body in prayer, to wit:

Heavenly Father, we place ourselves in Your presence. We ask for enlightenment, wisdom and courage to decide on matters on the floor for the benefit and welfare of our people. We ask for guidance, we ask for Your guiding hand as we serve our people and nation.

In Jesus Name, we pray.

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.	Legarda, L.
Cayetano, A. P. C. S.	Marcos Jr., F. R.
Cayetano, C. P. S.	Pangilinan, F. N.
Drilon, F. M.	Recto, R. G.
Ejercito Estrada, J.	Revilla Jr., R. B.
Enrile, J. P.	Sotto III, V. C.
Escudero, F. J. G.	Villar, M.
Honasan, G. B.	Zubiri, J. M. F.

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

Senators Guingona, Lapid and Osmeña arrived after the roll call.

Senator Defensor Santiago was on sick leave.

Senators Angara and Lacson were absent.

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

**DEFERMENT OF THE APPROVAL
OF THE JOURNAL**

Upon motion of Senator Sotto, there being no objection, the Body deferred the consideration and approval of the Journal of Session No. 11 (August 17, 2010).

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

REFERENCE OF BUSINESS

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

**MESSAGE FROM THE
HOUSE OF REPRESENTATIVES**

Letter from the Secretary General of the House of Representatives, informing the Senate that on

16

16 August 2010, the House of Representatives adopted House Concurrent Resolution No. 3, entitled

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

in which it requested the concurrence of the Senate.

To the Archives

BILLS ON FIRST READING

Senate Bill No. 951, entitled

AN ACT AMENDING SECTION 42 OF BATAS PAMBANSA BLG. 232, OTHERWISE KNOWN AS THE "EDUCATION ACT OF 1982," BY IMPOSING A THREE-YEAR MORATORIUM ON TUITION AND OTHER SCHOOL FEE INCREASE ON ALL EDUCATIONAL INSTITUTIONS AND STIPULATING THEREAFTER THAT TUITION AND OTHER SCHOOL FEE INCREASE SHOULD NOT BE RAISED BEYOND THE CURRENT INFLATION RATE OF THE COUNTRY AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committee on Education, Arts and Culture

Senate Bill No. 952, entitled

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

Introduced by Senator Lapid

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

Senate Bill No. 953, entitled

AN ACT PROMOTING THE PHYSICAL, INTELLECTUAL AND SOCIAL WELL-BEING OF THE FILIPINO YOUTH THROUGH THE ESTABLISHMENT OF A COMPREHENSIVE YOUTH CORPS PROGRAM, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 954, entitled

AN ACT AMENDING REPUBLIC ACT NO. 7394, OTHERWISE KNOWN AS "CONSUMER ACT OF THE PHILIPPINES" BY IMPOSING STIFFER PENALTIES FOR ANY PERSON, NATURAL OR JURIDICAL, WHO OFFERS TO SELL OR DISTRIBUTE, IN WHOLE OR IN PART, AN ADULTERATED MEAT PRODUCT OF A DISEASED ANIMAL OR OF AN ANIMAL WHICH HAS DIED OTHER THAN BY SLAUGHTER, OTHERWISE TERMED AS "DOUBLE DEAD MEAT" AND FOR OTHER PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 955, entitled

AN ACT CREATING A NATIONAL STUDENT LOAN BOARD TO IMPLEMENT A NATIONAL STUDENT LOAN PROGRAM FOR THE POOR, DEFINING ITS IMPLEMENTING GUIDELINES, RULES AND REGULATIONS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 956, entitled

AN ACT DEFINING AS A CRIME THE ACT OF DRIVING ANY MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES AND/OR PROHIBITED DRUGS AND PROVIDING PENALTIES THEREFOR

Introduced by Senator Lapid

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

Senate Bill No. 957, entitled

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A NATIONAL VOLCANO EARLY WARNING AND MONITORING SYSTEM, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Science and Technology; Environment and Natural Resources; and Finance

Senate Bill No. 958, entitled

AN ACT AMENDING REPUBLIC ACT NO. 8794, OTHERWISE KNOWN AS "AN ACT IMPOSING A MOTOR VEHICLE USER'S CHARGE ON OWNERS OF ALL TYPES OF MOTOR VEHICLES AND FOR OTHER PURPOSES" AND ALLOCATING FUNDS FOR PROACTIVE NATIONWIDE ROAD SAFETY INFORMATION, EDUCATION AND COMMUNICATION (IEC) CAMPAIGN TO HELP IMPROVE COMPLIANCE OF ROAD SAFETY RULES, STANDARDS AND REGULATIONS

Introduced by Senator Lapid

To the Committees on Public Works; and Ways and Means

Senate Bill No. 959, entitled

AN ACT INSTITUTING A COMPREHENSIVE AND HOLISTIC MECHANISM FOR THE PROMOTION OF MEDICAL TOURISM IN THE COUNTRY AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Health and Demography; Tourism; and Finance

Senate Bill No. 960, entitled

AN ACT PROVIDING THE ENABLING MECHANISMS TO ENSURE THE REGULATION AND MONITORING OF CAREGIVER TRAINING CENTERS IN THE COUNTRY AND THE PROVISION OF QUALITY EDUCATION IN THE CAREGIVING PROFESSION AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committee on Labor, Employment and Human Resources Development

Senate Bill No. 961, entitled

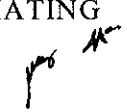
AN ACT TO PROMOTE THE DEVELOPMENT OF THE PHILIPPINE MUSIC INDUSTRY, AND FOR OTHER PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 962, entitled

AN ACT STRENGTHENING THE ENFORCEMENT OF THE COPYRIGHT PROTECTION OF INTELLECTUAL PROPERTY RIGHT OWNERS OF COMPUTER PROGRAMS CREATING FOR THIS PURPOSE THE BUSINESS SOFTWARE COPYRIGHT PIRACY ENFORCEMENT UNIT, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING



**FUNDS THEREFOR, AND FOR
OTHER PURPOSES**

Introduced by Senator Lapid

**To the Committees on Trade and Commerce;
Constitutional Amendments, Revision of Codes
and Laws; and Finance**

Senate Bill No. 963, entitled

AN ACT PROVIDING FOR A COM-
PREHENSIVE PROGRAM ON
FIREFIGHTING, ESTABLISHING
THE NATIONAL FIRE SCIENCE
ACADEMY, APPROPRIATING
FUNDS THEREFOR AND FOR
OTHER PURPOSES

Introduced by Senator Lapid

**To the Committees on Public Order and
Illegal Drugs; Education, Arts and Culture;
and Finance**

Senate Bill No. 964, entitled

AN ACT PROVIDING A SERVICE AREA
SCHEME TO ALL INTERNET
SERVICE PROVIDERS (ISPs),
LIBERALIZING THE GRANTING OF
ITS OPERATIONAL LICENSE TO
OFFER EXPANDED SERVICES AND
DEPLOY INTERNET BROADBAND
INFRASTRUCTURE AND FOR
OTHER PURPOSES

Introduced by Senator Lapid

To the Committee on Public Services

Senate Bill No. 965, entitled

AN ACT PROVIDING INDIGENT BUT
GIFTED AND TALENTED STUDENTS
THE HOLISTIC OPPORTUNITY TO
DEVELOP THEIR CAPABILITIES,
AND FOR OTHER PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 966, entitled

AN ACT REQUIRING MEMBERS OF
LAW ENFORCEMENT AGENCIES
TO UNDERGO MANDATORY
DRUG AND PSYCHIATRIC TESTS
ONCE EVERY YEAR, AND BEFORE
THEIR ENTRY INTO THE SERVICE,
AND FOR OTHER PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 967, entitled

AN ACT GRANTING CASH PRIZES
AND OTHER INCENTIVES TO ALL
NATIONAL ARTISTS OR "ARTISTA
NG BAYAN" AWARDEES, AND
FOR OTHER PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 968, entitled

AN ACT PRESCRIBING THE MAN-
DATORY LABELING REQUIRE-
MENTS FOR COSMETIC PRODUCTS
THAT CONTAIN LEAD, PROVIDING
PENALTIES FOR ITS VIOLATION
THEREOF AND FOR OTHER
PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 969, entitled

AN ACT TO PROVIDE INCENTIVES
FOR THE PRIVATE SECTOR TO
UNDERTAKE RESIDENTIAL
HOUSING AT RATES AFFORDABLE
BY LOW AND MIDDLE RENTAL
INCOME FAMILIES, AND FOR
OTHER PURPOSES

Introduced by Senator Lapid

966 AS

To the Committees on Urban Planning, Housing and Resettlement; Social Justice, Welfare and Rural Development; and Ways and Means

Senate Bill No. 970, entitled

AN ACT CREATING THE PHILIPPINE TRANSPORTATION SECURITY AUTHORITY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 971, entitled

AN ACT PROVIDING THAT THE SCHEDULE OF FAIR MARKET VALUES OF REAL PROPERTY SHALL BE PREPARED BY THE LOCAL ASSESSMENT COUNCIL AMENDING FOR THE PURPOSE THE LOCAL GOVERNMENT CODE OF 1991

Introduced by Senator Lapid

To the Committees on Local Government; and Ways and Means

Senate Bill No. 972, entitled

AN ACT PROVIDING FOR THE PROTECTION AND CONSERVATION OF THE FISH *CESTRAEUS PLICATILIS* IN THE PHILIPPINES, COMMONLY KNOWN AS "LUDONG", PROVIDING A COMPREHENSIVE MECHANISM FOR INFORMATION, EDUCATION, COMMUNICATION (IEC) CAMPAIGN, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Agriculture and Food; Environment and Natural Resources; and Finance

Senate Bill No. 973, entitled

AN ACT AMENDING PARAGRAPH (D), SECTION 324 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

Introduced by Senator Lapid

To the Committee on Local Government

Senate Bill No. 974, entitled

AN ACT ESTABLISHING A COMPREHENSIVE PROGRAM FOR THE PROMOTION OF WATERLESS TECHNOLOGIES TO CONSERVE PRECIOUS WATER RESOURCES, PROVIDING ENABLING MECHANISMS FOR TECHNOLOGY TRANSFER, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Environment and Natural Resources; Science and Technology; and Finance

Senate Bill No. 975, entitled

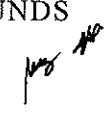
AN ACT TO RATIONALIZE THE ADMINISTRATION AND ENFORCEMENT OF ALL LAWS ON OCCUPATIONAL SAFETY AND HEALTH STANDARDS AND ENVIRONMENTAL PROTECTION AND OTHER PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 976, entitled

AN ACT ESTABLISHING A HOLISTIC HEALTH RESEARCH AND DEVELOPMENT PROGRAM ON YAM TUBERS, AUTHORIZING THE APPROPRIATION OF FUNDS



**THEREFOR, AND FOR OTHER
PURPOSES**

Introduced by Senator Lapid

To the Committees on Health and Demography; Agriculture and Food; and Finance

Senate Bill No. 977, entitled

AN ACT ESTABLISHING THE MECHANISMS TO ENSURE THE AVAILABILITY OF AFFORDABLE COLLEGE AND POST-GRADUATE TEXTBOOKS AND SUPPLEMENTAL MATERIALS FOR THE POOR, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 978, entitled

AN ACT ESTABLISHING AND INSTITUTIONALIZING THE JATROPHA RESEARCH AND DEVELOPMENT (R&D) AND EXTENSION CENTER, AUTHORIZING THE APPROPRIATION OF FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 979, entitled

AN ACT INSTITUTING THE MECHANISMS FOR THE PROMOTION AND UTILIZATION OF HEALTH INFORMATION TECHNOLOGY (HIT) IN ORDER TO IMPROVE THE DELIVERY OF QUALITY HEALTH CARE SERVICES, CREATING THE HEALTH INFORMATION TECHNOLOGY CENTER, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Health and Demography; and Finance

Senate Bill No. 980, entitled

AN ACT INSTITUTIONALIZING A NATIONAL EMPLOYMENT FACILITATION SERVICE NETWORK FOR PERSONS WITH DISABILITY (PWD) THROUGH THE ESTABLISHMENT OF A PERSONS WITH DISABILITY (PWD) EMPLOYMENT FACILITATION OFFICE IN EVERY PROVINCE, KEY CITY AND OTHER STRATEGIC AREAS THROUGHOUT THE COUNTRY

Introduced by Senator Lapid

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

Senate Bill No. 981, entitled


AN ACT DEFINING AND PENALIZING THE CRIMES OF LOOTING, STEALING FROM, AND DESECRATING THE VICTIMS DURING AND IN THE AFTERMATH OF NATURAL OR MAN-MADE CALAMITIES AND ACCIDENTS AND PRESCRIBING PENALTIES THEREOF AND FOR OTHER PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 982, entitled

AN ACT PROVIDING FOR AUTOMATIC ADJUSTMENT OF THE BASIC MONTHLY PENSION FOR RETIRED PERSONNEL COVERED BY THE GOVERNMENT SERVICE INSURANCE SYSTEM AND SOCIAL SECURITY SYSTEM TO THE PREVAILING COST OF LIVING INDEX AND APPROPRIATING FUNDS THEREFOR



Introduced by Senator Lapid

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

Senate Bill No. 983, entitled

AN ACT PROVIDING PROTECTION AGAINST COMPUTER FRAUD AND ABUSES AND OTHER CYBER-RELATED FRAUDULENT ACTIVITIES, PROVIDING PENALTIES THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 984, entitled

AN ACT TO INTEGRATE A COMPUTER EDUCATION PROGRAM INTO THE EDUCATIONAL SYSTEM AND FOR OTHER PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 985, entitled

AN ACT GRANTING HAZARD PAY TO ALL DULY-APPOINTED MEMBERS OF BARANGAY TANOD BRIGADES DURING THEIR INCUMBENCY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Local Government; and Finance

Senate Bill No. 986, entitled

AN ACT TO SUBSIDIZE THE NEWSPAPER SUBSCRIPTIONS OF PUBLIC SCHOOL LIBRARIES IN THE COUNTRY

Introduced by Senator Lapid

To the Committees on Education, Arts and Culture; Public Information and Mass Media; and Finance

Senate Bill No. 987, entitled

AN ACT GRANTING SPECIAL FINANCIAL ASSISTANCE AND BENEFITS TO THE FAMILY OR BENEFICIARY OF ANY BARANGAY OFFICER, BARANGAY TANOD OR VOLUNTEER AND MEMBERS OF THE SANGGUNIANG KABATAAN COUNCIL KILLED OR PERMANENTLY INCAPACITATED WHILE ON DUTY OR BY REASON OF HIS/HER OFFICE OR POSITION AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Local Government; Social Justice, Welfare and Rural Development; and Ways and Means

Senate Bill No. 988, entitled

AN ACT PROVIDING FOR EDUCATIONAL BENEFITS FOR MINOR CHILDREN AND DEPENDENTS OF LAW ENFORCEMENT OFFICERS WHO ARE KILLED OR SLAIN IN THE LINE OF DUTY, AND FOR OTHER PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 989, entitled

AN ACT INSTITUTING A COMPREHENSIVE NATIONAL HEALTH PROGRAM TO COMBAT SYSTEMIC LUPUS ERYTHEMATOSUS (LUPUS) DISEASE, IMPLEMENTING A NATION-WIDE AWARENESS PROGRAM, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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Introduced by Senator Lapid

To the Committees on Health and Demography; and Finance

Senate Bill No. 990, entitled

AN ACT PROVIDING FOR A RELOCATION SURVEY OF CADASTRAL LOTS IN LAHAR-AFFECTED AREAS AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Environment and Natural Resources; and Finance

Senate Bill No. 991, entitled

AN ACT REGULATING THE DEVELOPMENT AND MANAGEMENT OF SMALL ISLANDS IN THE PHILIPPINES AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Environment and Natural Resources; and Tourism

Senate Bill No. 992, entitled

AN ACT INSTITUTING A COMPREHENSIVE NATIONAL PROGRAM AGAINST VITRIOLAGE, COMMONLY KNOWN AS "ACID VIOLENCE" OR "ACID ATTACK," IMPLEMENTING A NATIONWIDE INFORMATION, EDUCATION, COMMUNICATION (IEC) CAMPAIGN AGAINST ACID VIOLENCE, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 993, entitled

AN ACT REGULATING THE DEVELOPMENT AND MANAGEMENT OF

LAKES IN THE PHILIPPINES AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Environment and Natural Resources; and Tourism

Senate Bill No. 994, entitled

AN ACT PROVIDING ASSISTANCE TO PRIVATE HOSPITALS BY GRANTING INCENTIVES AND ESTABLISHING A PRIVATE-HOSPITAL DEVELOPMENT PLAN AND FOR OTHER PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 995, entitled

AN ACT ESTABLISHING AN EDUCATIONAL ASSISTANCE AND TRAINING PROGRAM FOR ENLISTED PERSONNEL OF THE ARMED FORCES OF THE PHILIPPINES (AFP) AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on National Defense and Security; and Finance

Senate Bill No. 996, entitled

AN ACT REQUIRING AIR CARRIERS TO PROVIDE TRAINING FOR FLIGHT ATTENDANTS AND GATE ATTENDANTS REGARDING SERVING ALCOHOL, RECOGNIZING INTOXICATED PASSENGERS AND DEALING WITH DISRUPTIVE PASSENGERS AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Public Services; and Finance

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Senate Bill No. 997, entitled

AN ACT IMPOSING STIFFER PENALTIES TO ANY PERSON OR ANY BUSINESS ENTITY OR ESTABLISHMENT SELLING TO, DISTRIBUTING OR PURCHASING A CIGARETTE OR ANY OTHER TOBACCO PRODUCTS FOR A MINOR, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9211, OTHERWISE KNOWN AS THE TOBACCO REGULATION ACT OF 2003, AND FOR OTHER PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 998, entitled

AN ACT AMENDING REPUBLIC ACT NO. 8353, OTHERWISE KNOWN AS THE "ANTI-RAPE LAW OF 1997," BY IMPOSING THE MAXIMUM PENALTY TO BE IMPOSED FOR THE COMMISSION OF THE CRIME OF RAPE AGAINST A FILIPINO CITIZEN ON BOARD AN AIRCRAFT

Introduced by Senator Lapid

To the Committees on Youth, Women and Family Relations; and Public Services

Senate Bill No. 999, entitled

AN ACT ESTABLISHING A HOLISTIC RESEARCH AND DEVELOPMENT PROGRAM ON DIPHTHERIA DISEASE, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Lapid

To the Committees on Health and Demography; and Finance

Senate Bill No. 1000, entitled

AN ACT CREATING THE PHILIPPINE

MEDICAL ACADEMY AND ESTABLISHING THE PHILIPPINE MEDICAL SCHOLARSHIP PROGRAM, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Lapid

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

RESOLUTIONS

Senate Joint Resolution No. 3, entitled

JOINT RESOLUTION TERMINATING THE VISITING FORCES AGREEMENT AND DIRECTING THE SECRETARY OF FOREIGN AFFAIRS TO GIVE NOTICE OF TERMINATION TO THE UNITED STATES

Introduced by Senator Defensor Santiago

To the Committees on Foreign Relations; and National Defense and Security

Proposed Senate Resolution No. 85, entitled

RESOLUTION EXPRESSING THE SENSE OF THE SENATE THAT SINCE THERE IS SEEMINGLY A SHIFT IN US POLICY ON THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT, THE PRESIDENT IS RESPECTFULLY REQUESTED TO TRANSMIT THE ROME STATUTE TO THE SENATE FOR CONCURRENCE

Introduced by Senator Defensor Santiago

To the Committee on Foreign Relations

Proposed Senate Resolution No. 86, entitled

RESOLUTION EXPRESSING THE SENSE OF THE SENATE THAT THE OMBUDSMAN SHOULD STRICTLY COMPLY WITH THE PERIODS PROVIDED UNDER THE RULES OF COURT IN THE INVESTIGATION

for AC

OF CASES REFERRED TO IT BY CONGRESS AND THAT THE OMBUDSMAN ACT SHOULD BE AMENDED ACCORDINGLY

Introduced by Senator Defensor Santiago

To the Committee on Justice and Human Rights

Proposed Senate Resolution No. 87, entitled

RESOLUTION URGING THE COMMITTEE ON LABOR, EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT AND OTHER APPROPRIATE COMMITTEES, TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE RISE OF HIGHLY PROFESSIONALIZED AND SKILLED FILIPINO WORKERS LEAVING THE COUNTRY, WITH THE END IN VIEW OF BEEFING UP RETENTION INITIATIVES AND POLICIES TO STEM THE BRAIN DRAIN THAT MAY CRIPPLE MANY OF OUR INDUSTRIES

Introduced by Senator Villar

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

Proposed Senate Resolution No. 88, entitled

RESOLUTION DIRECTING THE COMMITTEES ON GOVERNMENT CORPORATIONS AND PUBLIC ENTERPRISES; AND FINANCE TO CONDUCT AN INQUIRY IN AID OF LEGISLATION, ON THE REPORTED EXCESSIVE SALARIES, ALLOWANCES AND OTHER BENEFITS OF OFFICIALS OF GOVERNMENT-OWNED AND -CONTROLLED CORPORATIONS AND GOVERNMENT FINANCIAL INSTITUTIONS WITH THE END IN VIEW OF MEANINGFULLY RATIONALIZING THE UTILIZATION OF GOVERNMENT FUNDS

Introduced by Senator Villar

To the Committees on Finance; and Government Corporations and Public Enterprises

Proposed Senate Resolution No. 89, entitled

RESOLUTION DIRECTING THE COMMITTEE ON HEALTH AND DEMOGRAPHY TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE INCREASING SEXUALLY TRANSMITTED DISEASE (STD) CASES IN THE COUNTRY AND TO RECOMMEND APPROPRIATE LEGISLATION AND OTHER REMEDIAL MEASURES TO ADDRESS THE PROBLEM

Introduced by Senator Villar

To the Committee on Health and Demography

Proposed Senate Resolution No. 90, entitled

RESOLUTION URGING THE COMMITTEE ON JUSTICE AND HUMAN RIGHTS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE STATUS OF THE EFFICACY OF THE WITNESS PROTECTION PROGRAM UNDER REPUBLIC ACT 6981 OTHERWISE KNOWN AS THE "WITNESS PROTECTION, SECURITY AND BENEFIT ACT" WITH THE END IN VIEW OF PROVIDING SOLUTIONS, SUCH AS BUT NOT LIMITED TO ITS EXPANSION AND ALLOCATION OF BIGGER BUDGET, IMPROVING ITS IMPLEMENTATION AND PLUGGING ITS LOOPHOLES BY RECOMMENDING APPROPRIATE LEGISLATION

Introduced by Senator Villar

To the Committees on Justice and Human Rights; and Finance

The Deputy Secretary for Legislation, Atty. Edwin B. Bellen, read the following resolutions which the Chair referred to the committees hereunder indicated:

Proposed Senate Resolution No. 91, entitled

RESOLUTION URGING THE COMMITTEES ON CLIMATE CHANGE; LOCAL GOVERNMENT; AND NATIONAL DEFENSE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON METRO MANILA'S EARTHQUAKE PREPAREDNESS PLANS CITING A REPORT STATING THAT THE COUNTRY'S EXISTING DISASTER MANAGEMENT SYSTEMS ARE INSUFFICIENT, WITH THE OBJECTIVE OF RESOLVING THE CONCERNS RAISED IN THE SAID REPORT

Introduced by Senator Villar

To the Committees on National Defense and Security; and Climate Change

Proposed Senate Resolution No. 92, entitled

RESOLUTION DIRECTING THE PROPER COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, IN CONNECTION WITH THE DAPECOL-TADECO JOINT VENTURE AGREEMENT, BY AND BETWEEN THE BUREAU OF CORRECTIONS AND TAGUM AGRICULTURAL DEVELOPMENT CO. INC. FOR THE USE OF AND DEVELOPMENT OF 5,308.36 HECTARES OF THE DAVAO PRISON AND PENAL FARM RESERVATION

Introduced by Senator Ejercito Estrada

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

Proposed Senate Resolution No. 93, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, IN THE PROPER IMPLEMENTATION BY THE DEPARTMENT OF TRADE AND INDUSTRY OF ARTICLE 81 OF REPUBLIC ACT 7394, OTHER-

WISE KNOWN AS THE CONSUMER ACT OF THE PHILIPPINES

Introduced by Senator Revilla Jr.

To the Committees on Trade and Commerce; and Ways and Means

Proposed Senate Resolution No. 94, entitled

RESOLUTION CONGRATULATING AND COMMENDING THE COUNTRY'S OUTSTANDING POLICEMEN IN SERVICE (C.O.P.S.) OF 2010 AWARDED BY THE ROTARY CLUB OF NEW MANILA EAST, METROBANK FOUNDATION, INC., AND PSBANK

Introduced by Senator Enrile

To the Committee on Rules

Proposed Senate Resolution No. 95, entitled

RESOLUTION URGING THE COMMITTEES ON ENVIRONMENT AND NATURAL RESOURCES; TOURISM; AND CLIMATE CHANGE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED STEADY DECLINE OF SEA TURTLES IN THE PHILIPPINES WITH THE END IN VIEW OF ARRESTING AND PREVENTING THE EXTINCTION OF THIS ENDANGERED SPECIES

Introduced by Senator Villar

To the Committee on Environment and Natural Resources

Proposed Senate Resolution No. 96, entitled

RESOLUTION URGING THE SENATE COMMITTEE ON PUBLIC ORDER AND ILLEGAL DRUGS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ANENT THE MANDATORY DRUG TESTING FOR DRIVER-APPLICANTS POLICY OF THE LAND TRANSPORTATION

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OFFICE (LTO) WITH THE END IN VIEW OF CORRECTING THE FLAWS IN ITS IMPLEMENTATION AND RECOMMENDING A SYSTEM OF GRAFT-FREE TRANSPORT MEASURES

Introduced by Senator Villar

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

Proposed Senate Resolution No. 97, entitled

RESOLUTION URGING THE SENATE COMMITTEE ON TRADE AND COMMERCE, AND OTHER APPROPRIATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE PRESENT STATE OF THE PHILIPPINES' ELECTRONICS INDUSTRY, WITH THE AIM OF PROVIDING A COMPETITIVE FRAMEWORK FOR THE STAKEHOLDERS, AND INVESTORS AND STRENGTHENING THE SECTOR IN GENERAL

Introduced by Senator Villar

To the Committee on Trade and Commerce

Proposed Senate Resolution No. 98, entitled

RESOLUTION CONGRATULATING AND COMMENDING THE AWARDEES FOR THE 2010 SEARCH FOR OUTSTANDING TEACHERS HONORED BY THE METROBANK FOUNDATION, INC.

Introduced by Senator Lapid

To the Committee on Rules

Proposed Senate Resolution No. 99, entitled

RESOLUTION CONGRATULATING AND COMMENDING THE RP BLU GIRLS FOR EMERGING VICTORIOUS AT THE 2010 ASSOCIATION OF SOUTHEAST

ASIAN NATIONS (ASEAN) WOMEN'S SOFTBALL CHAMPIONSHIP IN JAKARTA, INDONESIA LAST 1 AUGUST 2010

Introduced by Senator Lapid

To the Committee on Rules

Proposed Senate Resolution No. 100, entitled

RESOLUTION DIRECTING THE COMMITTEE ON FOREIGN RELATIONS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON MOUNTING CONCERNS OVER THE PREVALENCE OF HUMAN TRAFFICKING OF FILIPINOS, TO DETERMINE WHETHER REMEDIAL MEASURES MUST BE INTRODUCED TO ENSURE THAT REPUBLIC ACT NO. 9208 OR THE ANTI-TRAFFICKING IN PERSONS ACT OF 2003 EFFECTIVELY COMBATS TRAFFICKING IN ITS EVOLVING FORMS, AND RECOMMEND APPROPRIATE ACTION

Introduced by Senator Legarda

To the Committees on Youth, Women and Family Relations; and Foreign Relations

Proposed Senate Resolution No. 101, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON LOCAL GOVERNMENT TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, INTO THE VIABILITY OF THE SANGGUNIANG KABATAAN UNDER THE LOCAL GOVERNMENT CODE OF 1991, AND INSTITUTE REMEDIAL MEASURES TO STRENGTHEN THE YOUTH'S PARTICIPATION IN LOCAL GOVERNANCE

Introduced by Senator Marcos Jr.

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

REQUEST OF SENATOR CAYETANO (P)

Senator Cayetano (P) requested the Committee on Rules to review the referral of Senate Bill No. 960 on the regulation and monitoring of caregiver training centers which are educational centers related to health. She believed that the primary committees to be involved should be the Committees on Education, Arts and Culture; and Health and Demography, and not the Committee on Labor, Employment and Human Resources Development.

CHANGE OF REFERRAL

Upon motion of Senator Sotto, there being no objection, the Chair referred Senate Bill No. 960, which was originally referred to the Committee on Labor, Employment and Human Resources Development, instead to the Committee on Rules.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Sotto acknowledged the presence in the gallery of the delegation from Guiuan, Eastern Samar headed by Mayor Annaliza Kwan.

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

MANIFESTATION OF SENATOR CAYETANO (A)

Senator Cayetano (A) underscored the importance of the Commission on Appointments (CA) as a check and balance mechanism to ensure that there is no dictatorship and that the legislative, executive and judicial branches of government are working independently.

He pointed out that unlike other committees which are controlled by the chairperson insofar as the holding of committee hearings and investigations is concerned, all the members of the CA are equal and that each one could initiate questions during committee hearings. This, he said, is the reason why it is important that the CA, to ensure its independence, must be properly represented by all parties.

He disclosed that he and Senator Cayetano (P), who are both members of the Nacionalista Party,

have agreed that he will be one of the party representatives in the CA, but despite the agreement, every time a list of CA members came out, his name was not included. This, he said, was a concern that he expressed to media because, to him, this would be tantamount to removing the participation of the Opposition in the CA. He believed, nevertheless, that President Aquino would want to respect the power and right of each member of the commission.

Senator Cayetano (A) thanked Senate President Enrile for telling him that the decision regarding membership in the CA is left to the discretion of the political parties.

Senator Cayetano (A) recalled that it had been the practice in the previous Congress for the Minority Leader or his representative to read into the record the representatives of the Minority, and after their names are read, they are considered elected into the CA. He pointed out that the Minority had even been the first to read its representatives to the CA. He clarified though that he still had to consult with the Majority Leader regarding the status of Senator Arroyo as a second member in the CA, even as he emphasized that the Minority is already entitled to one member. He requested that the records reflect that he would be representing the Nacionalista Party and the Minority group in the CA subject to the election of a second member in consultation with the Majority.

He expressed frustration over the fact that some agreements concerning committees were not followed. He conceded that even though the distribution of committee memberships is solely the prerogative of the Majority, the same could not be applied in the case of electing members in the CA as it is the parties that would determine the composition of the commission.

Senator Cayetano (A) clarified that Senator Sotto has informed him regarding a proposal for his removal from the CA even though he had earlier told the Majority Leader that he and Senator Cayetano (P) have agreed that he would represent the Minority in the CA. He stressed that any move to remove him from the commission would be taken as an affront to the Minority and an attempt to silence the Opposition in the Senate. However, he said that since Senate President Enrile has clarified that it is the party that would make the decision

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concerning memberships to the CA, he hoped the issue would be settled by the formal reading of his name into the record as being elected in the said commission.

MANIFESTATION OF SENATE PRESIDENT ENRILE

Preliminarily, Senate President Enrile disclosed that when he made himself available as a possible candidate for the Senate presidency at the request of some colleagues because none of the contending candidates at the time could muster the necessary numbers to elect a president, there was a discussion on committee assignments, and he assumed the responsibility of assigning certain committees to certain groups in the belief that it was in the interest of the nation. For instance, he said that he assigned the chairmanship of the Committee on Finance to a member identified with the Administration because the committee shall be responsible in drawing up the budget that would implement the program of government. He noted that two of the six members of the "Liberal group" are allied with the newly elected president but are not members of the Liberal Party.

He said that he assigned the chairmanship of the Committee on Ways and Means to Senator Recto as he was aware that the committee must go to a senator who could help the Administration raise the revenues needed to support the national budget. He thanked Senator Recto for agreeing to chair the committee despite the political stigma that comes with being involved in a committee that burdens the people with taxes.

As far as the Blue Ribbon Committee was concerned, Senate President Enrile stated that he decided to give the chairmanship to a member of the Liberal Party because he believed that instead of engaging in investigations particularly in these difficult times, there was a need to stabilize the political situation.

Senate President Enrile said that after his talks with the Liberal group, he met with members of the NP and he assigned to them certain committees. He pointed out that when he assigned the Committee on Environment and Natural Resources to Senator Cayetano (P) and the Committee on Health and Demography to Senator Cayetano (A), he was not aware that they had an agreement to switch their committees.

He narrated that on the same day that the Body was to elect a Senate President and when committee assignments were to be distributed, he did not know that the Senate would even have a Minority group because he was told by the Nacionalista Party that the Body would be composed of a "super majority." Still, he said that he did not object when Senator Cayetano (A) told him just before the start of the session that day that he would be acting as the Minority Leader. He said that based on his own experience as Minority Leader, he was of the understanding that Senator Cayetano (A), as the Minority Leader, has withdrawn his right to claim any committee, and as such, the committee that had previously been assigned to him has become vacant. He said that he resolved the vacancy by assigning the chairmanship to Senator Zubiri.

Senator President Enrile clarified that he was not challenging the statements made by Senator Cayetano (A), as he expressed confidence that he has accommodated the requests of all the Members insofar as committee assignments were concerned.

Further, he recalled having agreed to a request to subject the assignment of committees to a vote, and telling the other senators during a caucus that he was willing to step down if they voted against his decisions. He stated that he was grateful that his decisions were sustained. He said that those who were proposing to submit to a vote the committee chairmanship eventually relented and supported him.

In the case of the Commission on Appointments (CA), Senate President Enrile said that the Members agreed in a series of caucuses to use groups as the basis for selecting the members since there were no parties to speak of, for instance, Senator Defensor Santiago is not a member of the Nacionalista Party and neither are Senators Arroyo and Lapid. He stated that since the Nacionalista group was composed of seven members, it was entitled to three-and-a-half seats but since there was a fraction, he assigned the group three seats and compensated the fraction with two seats in the Senate Electoral Tribunal. He explained that based on the number within each group, the CA seats were apportioned as follows: Nacionalista group, three; Angara group, two; and the Enrile group, two; some senators decided to pair off — Senator Trillanes with Senator Sotto; Senator Lacson with Senator Honasan; and the 11th and 12th seats were given to Senators Escudero and Osmeña.

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He stressed that it is the responsibility of each group to allocate the assigned seats to its members and in the case of the Nacionalista Party, he assumed that the first nominee would serve for one-and-a-half years and the second nominee, the remainder of the 15th Congress.

Commenting on the one seat of the Minority that Senator Cayetano (A) was claiming, Senate President Enrile opined that it was internal to the Minority and it is up to Senators Cayetano (A) and Arroyo to discuss it. He clarified that he has done his best to accommodate all the wishes of the senators and he offered his apology to those who thought his efforts were not good enough. At this juncture, he directed Senator Sotto to nominate the members of the CA.

Senator Cayetano (A) reiterated that it is the prerogative of the Majority to distribute the committee chairmanships among their members. He recalled that when he was elected Minority Leader, he was hanging on to commitments from the senators themselves, for instance, the Committee on Environment and Natural Resources was supposed to go to Senator Cayetano (P) and the Committee on Health and Demography to him. He explained that since he could not fully attend to the business of the Committee since he was the Minority Leader, he decided to give it to Senator Cayetano (P) with due notice to the Majority. He said that if some misunderstanding arose between the Majority and the Minority, it was a product of miscommunication. But he stressed that it is the stand of the Minority that the assignment of committee chairmanships was the prerogative of the Majority and the Minority were thankful enough to be given some committees. He pointed out that during the term of Senate President Villar, the Majority gave some committees to the Minority that were apportioned among their members but this was not the case in the last Congress when the Majority decided not to give any committees to the Minority perhaps owing to the contentious relationship between them.

Senator Cayetano (A) argued that as long as the Minority have the numbers, they must be properly represented in the CA to provide check and balance. But he noted that the basis of the CA representation was on party affiliation and special arrangement, otherwise, many senators cannot sit in the CA because jurisprudence prohibits temporary alliances and that it has to be on the basis of political parties. He pointed out that there are a number of senators

who are independent, thus, he agreed to the proposal of Senate President Enrile to use the groupings in determining the composition of the CA. He lamented that every time the list of members came back to him, his name was not in it despite the fact that Senator Villar included him in the list. He urged the Body to settle the issue once and for all, noting that following tradition, the Minority Leader has to read into the record the names of the nominees and for the Minority, he has entered into the record his name and that of Senator Arroyo who, he believed, is entitled to have a seat, subject also to the arrangement with the Majority. Absent an agreement on sharing of seats, he cautioned that the Senate cannot elect the full 12 members of the CA as he reminded the senators of a Supreme Court ruling that no one can demand unilaterally a fraction. He hoped that there will be an agreement, saying that he has to be zealous about his position as Minority Leader and member of his party. He stated that he did not plan to be Minority Leader except that he received a call from Senator Arroyo the morning before the election of a new Senate President reminding him that it is not good for the Senate not to have an opposition. He acknowledged that it is difficult to belong to the Opposition and stand up to an Administration that has a huge mandate and a President who is a friend. Yet, he said that he took the challenge just as he did in the House of Representatives

At this juncture, Senate President Enrile requested Senator Sotto to nominate the members of the CA and hold in abeyance the nomination of the members from the Nacionalista group.

Senator Cayetano (A) posed no objection but he insisted that the Majority Leader can only nominate 11 members. He pointed out that the Nacionalista group has three nominees – Senators Defensor Santiago, Villar and himself, or four, if Senator Arroyo is added. In the case of Senator Arroyo, he said that what must be settled is whether to allow him to sit in the CA for three years.

Senate President Enrile opined that if voting takes place, a clear majority would decide the fraction because there are seven senators against the rest of the Senate. He again asked Senator Sotto to read into the record the names of the nominees who were not subject of the discussion.

But Senator Cayetano (A) insisted that he still has the floor as he pointed out that the Constitution

clearly states that there can be no fraction of a seat and nobody can claim a fraction of a seat. He proceeded to read excerpts from the Supreme Court decision in the Guingona case, to wit:

To disturb the resulting fractional membership of the political parties in the Commission on Appointments by adding together two halves to make a whole is a breach of the rule on proportional representation because it will give the LDP an added membership in the Commission by utilizing the fraction membership of a minority political party who is deprived of half of the representation.

Senator Cayetano (A) stated that Senator Arroyo cannot be deprived of representation even as he stressed that jurisprudence is clear on fractional membership. In fact, he pointed out that the Supreme Court decision even noted that the CA can function even if the full 12 membership is not met. He enumerated the political affiliations of all the senators, to wit:

Osmeña	—	Independent
Honasan	—	Independent
Escudero	—	Independent
Arroyo	—	Lakas Kampi
Lapid	—	Lakas
Revilla	—	Lakas
Zubiri	—	Lakas
Angara	—	LDP
Drilon	—	Liberal
Guingona	—	Liberal
Pangilinan	—	Liberal
Recto	—	Liberal
Cayetano (A)	—	Nacionalista
Cayetano (P)	—	Nacionalista
Marcos	—	Nacionalista
Villar	—	Nacionalista
Sotto	—	NPC
Legarda	—	NPC
Defensor Santiago	—	People's Reform Party
Enrile	—	Pwersa ng Masang Pilipino
Ejercito Estrada	—	Pwersa ng Masang Pilipino
Lacson	—	United Opposition
Trillanes	—	United Opposition

Had there been no arrangement among the senators, Senator Cayetano (A) stated that the CA seats would have been apportioned as follows: Lakas, two; LP, two; NP, two; NPC, one; PMP, one; and the United Opposition, one for a total of nine members.

He added that the Body cannot vote on something that the Supreme Court has already ruled upon even as he underscored that jurisprudence says that the Body is free to elect the members subject to the constitutional provision. He requested that only the names of the eight members from the Majority be read into the record and then the three members from the Nacionalista group. The issue concerning the 12th member, he said, can be discussed on Monday, August 23, 2010.

Asked by Senate President Enrile whether a vote was needed on the membership, Senator Cayetano (A) answered that it is not subject to a vote.

Senate President Enrile asked who would decide the issue since the Body was the one organizing the CA. He suggested that the matter be submitted to a vote and anybody can question the process in the courts later on. He said that he would be willing to argue the case before the Supreme Court if he had to. In the event of doubt, he stated that in a deliberative assembly like the Senate, matters are decided by numbers and he would be ready to face the music in case anyone wants to question the constitutionality of the acts of the Body.

Senator Cayetano (A) recalled that in the latest case that Senator Madrigal filed, the petitioner recognized that the first remedy should be with the House. However, he asserted that yielding the floor in this instance would be abandoning his duty to protect not only the Minority but also Senator Arroyo and the party system. He said that the Supreme Court had ruled that no one, not even the majority, can claim a fraction of a seat. He recalled that in a 1960 case it decided, the Supreme Court nullified and voided the rejection of the confirmation of a Cabinet member because there was a problem with the membership of the CA. He stated that his plea was just a request to hold in abeyance the nominee for the 12th seat, saying it is unfair to take away the seat from Senator Arroyo simply because he belonged to the Minority. He stressed that the Supreme Court should decide the matter.

Senate President Enrile pointed out that when he raised the question, Senator Cayetano (A) made a motion to make himself a member of the CA to represent the Minority, a matter that should be put to a vote.

But Senator Cayetano (A) argued that the Majority and Minority simply elect their members to

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the CA through manifestations. He added that if no one was really trying to muzzle the Opposition, the Body would accept his manifestation. He said that there were talks that he should not sit in the CA as he was the Minority Leader but, he pointed out, as the lone Opposition in the Aquino Administration, then Senator Enrile sat in the CA to represent the Minority. He insisted that the issue was not really his election to the CA but the assurance that the Nacionalista group can elect three members. He stated that following the agreement with the NP president, he and Senator Pia Cayetano were supposed to discuss the matter between themselves. He stated that he would agree to suspend the session in order to talk about the membership but he would not budge from the podium and he would defend his position, welcome interpellations and questions. He asserted that by tradition, no senator can be removed from the podium or be prevented from speaking.

Senator Cayetano (A) clarified that he was not just making a fuss over the matter, saying that it concerns a constitutional issue about check and balance, about how the Majority treat the Minority, about a fraction of a seat that no one can claim according to the Constitution. He stated that he was determined to plead his case today and was ready to bring forward his arguments. He expressed doubt that the issue would be voted upon today unless there was a compromise on the membership. He urged the Body to avoid going to the Supreme Court. In his three years as senator, he recalled that he had disagreed with his colleagues and has lost votes but he has always respected the will of the Majority.

Expressing doubt that a senator would want to yield his right to speak, Senator Cayetano (A) stated that other senators may, one day, have just cause to stand up and fight for what they believe in. He said that it is the tradition in the Senate to respect Members who wish to do so and that cloture should not be applied.

Saying that he wanted to put things in proper order, Senator Sotto recalled that Senator Cayetano (A) moved to elect the members of the Minority to the CA, a motion that the Body has to dispose of unless it was being withdrawn.

Senator Cayetano (A) explained that he was making a manifestation as he wanted to read into the record the names of the nominees. He said that if the

Body puts it to a vote, it would mean that there was an objection.

But Senator Sotto insisted that Senator Cayetano (A) made a motion, to which he had to object. In response, Senator Cayetano (A) manifested that he would fight for his motion and that he would read jurisprudence pertinent to the instant issue which, according to Senate President Enrile, has nothing to do with his membership in the CA. He added that the Senate President even said that the Opposition would not be silenced in the CA.

At this point, Senator Cayetano (A) sought leave anew to read his arguments which Senator Sotto turned down. In reaction, Senator Cayetano (A) stressed that under the Rules, he has the right to defend his motion because, in effect, the Majority were objecting to the nominees of the Minority. He stated that Senator Sotto cannot force the Body to vote on the matter right away. He said that he would speak for as long as he wants because he had the floor.

Senator Sotto clarified that he was not objecting to the nomination of Senator Cayetano (A) to the CA but to the nomination of the members of the Minority ahead of the members of the Majority.

Pertinent thereto, Senator Cayetano (A) stated that during the 14th Congress, he read out the nominees of the Minority to committees ahead of the nominees of the Majority. Had Senator Arroyo been a member of the Nacionalista Party, he said that there would be no problem because the seats would be properly apportioned, but since Senator Arroyo was not a member of the party, he was not supposed to read the latter's name. He stated that he would proceed to read jurisprudence pertinent to the issue to enlighten everyone and if it turns out he was wrong about the whole thing, he would take his seat but if what he reads turn out to be correct, Senator Sotto would have to nominate eight members instead of nine.

Senator Sotto appealed to Senator Cayetano (A) to yield and allow him to nominate the members of the Majority to the CA.

Senator Cayetano (A) pointed out that precisely, the Minority were not being given the right to nominate their members to the CA. He charged that the Majority even took the 0.5 seat of Senator Arroyo. *ms*

Senate President Enrile observed that Senator Cayetano (A) was accusing the Majority of taking the seat of Senator Arroyo and, on the other hand, the Lakas Party of Senator Lapid was also saying that the Minority was getting his seat. He asked whether the basis of the nominations was on the party system or majority-minority groupings. He said that other senators do not belong to dominant political parties, so the seats cannot be apportioned on the basis of party affiliation because the CA membership cannot be constituted in that manner.

Senator Cayetano (A) clarified that he was just reacting to the statement about give-and-take when, in fact, no such thing happened.

Senate President Enrile stated that he assumed the responsibility of forming the membership of the Senate in the CA and during the caucus, the senators decided to determine the membership on the basis of groups and they should abide by it. He said that Senator Cayetano (A) can question the Body's act before the Supreme Court, if he wanted to.

Senator Sotto maintained that there was a give-and-take because Senator Cayetano (A) was given the chance to read into the record the names of the Minority's nominees.

Taking off from the statement of the Senate President Enrile, Senator Cayetano (A) stated that there should be a 100% consensus that the groupings would be followed and on that basis, since the Nacionalista group has seven members, it is entitled to 3.5 seats. But, he argued that the Supreme Court had already ruled that no one can claim the 0.5 seat, so he did not name Senator Arroyo.

To bolster his arguments, Senator Cayetano read the following Supreme Court decisions, to wit:

Republic of the Philippines
SUPREME COURT
Manila

EN BANC

G.R. No. 86649 July 12, 1990

ANNA DOMINIQUE M.L. COSETENG and
KABABAIHAN PARA SA INANG BAYAN,
petitioners,
vs.

HON. RAMON V. MITRA, JR., as speaker of
the House of Representatives of the Congress of
the Philippines; HON. FRANCISCO SUMULONG,

as Majority Floor Leader of the House of
Representatives of the Congress of the
Philippines; HON. JOVITO SALONGA, as Ex-
Officio Chairman of the Commission on
Appointments; HON. ROQUE R. ABLAN, JR.,
HON. LORNA L. VERANO-YAP, HON.
MIGUEL ROMERO, HON. ANTONIO V.
CUENCO, HON. ROGACIANO M. MERCADO,
HON. ALAWADIN T. BANDON, JR., HON.
JOSE L. CABOCHAN, HON. CARLOS R.
IMPERIAL, HON. MA. CLARA L. LOBREGAT,
HON. NATALIO M. BELTRAN, JR., HON.
CARMELO J. LOCSIN & HON. LUIS C.
SINGSON, as Members of the Commission on
Appointments for the House of Representatives
of the CONGRESS OF THE PHILIPPINES,
respondents.

Perfecto V. Fernandez, Jose P. Fernandez and
Cristobal P. Fernandez for petitioners.

Panganiban, Benitez, Barinaga & Bautista Law
Offices for Lorna L. Verano-Yap.

GRINO-AQUINO, J.:

The congressional elections of May 11, 1987
resulted in the election to the House of
Representatives of the candidates of diverse
political parties such as the PDP-Laban, Lakas
ng Bansa (LB), Liberal Party (LP), NP-Unido,
Kilusan ng Bagong Lipunan (KBL), Panaghiusa,
Kababaihan Para sa Inang Bayan (KAIBA), and
some independents. Petitioner Anna Dominique
M.L. Coseteng was the only candidate elected
under the banner of KAIBA.

On August 26, 1987, the House of Represent-
atives, upon nomination by the Majority Floor
Leader, Cong. Francisco Sumulong, elected from
the Coalesced Majority, eleven (11) out of twelve
(12) congressmen to represent the House in the
Commission on Appointments. They were:

1. Hon. Miguel Romero LP (Liberal Party)
2. Hon. Antonio V. Cuenco LB-Panaghiusa
3. Hon. Rogaciano Mercado LB (Lakas ng Bayan)
4. Hon. Raul Daza LP
5. Hon. Alawadin T. Bandon Jr. PDP-Laban
6. Hon. Jose Cabochan PDP-Laban
7. Hon. Lorna L. Verano-Yap LP
8. Hon. Carlos R. Imperial IND
9. Hon. Ma. Clara L. Lobregat IND
10. Hon. Natalio M. Beltran, Jr. LB/Unido/NP
11. Hon. Carmelo J. Locsin PDP-Laban/LB
(pp. 115-116, *Rollo*.)

On September 22, 1987, upon nomination of the
Minority Floor Leader, the House elected
Honorable Roque Ablan, Jr., KBL, as the twelfth
member of the Commission on Appointments,

representing the Coalesced Minority in the House.

A year later, on September 16, 1988, the "Laban ng Demokratikong Pilipino" (LDP, for brevity) was organized as a political party. As 158 out of 202 members of the House of Representatives formally affiliated with the LDP, the House committees, including the House representation in the Commission on Appointments, had to be reorganized.

On October 8, 1988, petitioner Coseteng wrote a letter to Speaker Ramon Mitra requesting that as representative of KAIBA, she be appointed as a member of the Commission on Appointments and House Electoral Tribunal (p. 15, *Rollo*). Her request was endorsed by nine (9) congressmen, namely, Hon. Lally Laurel-Trinidad, Bonifacio Gillego, Luz Reyes Bakunawa, Gerardo Cabochan, Jose D. Aspiras, Oscar Santos, Eduardo N. Joson, Antonio H. Cerilles and Isacio Pelaez.

On December 5, 1988, the House of Representatives, on motion of the Majority Floor Leader and over the objection of Cong. Raul A. Daza, LP, revised the House majority membership in the Commission on Appointments to conform with the new political alignments by replacing Rep. Raul A. Daza, LP, with Rep. Luis C. Singson, LDP, as follows:

1. Hon. Miguel L. Romero LDP
 2. Hon. Antonio V. Cuenco LDP
 3. Hon. Rogaciano M. Mercado LDP
 4. Hon. Alawadin T. Bandon, Jr. LDP
 5. Hon. Jose L. Cabochan LDP
 6. Hon. Carlos R. Imperial LDP
 7. Hon. Maria Clara L. Lobregat LDP
 8. Hon. Natalio M. Beltran, Jr. LDP
 9. Hon. Carmelo J. Locsin LDP
 10. Hon. Luis C. Singson LDP
 11. Hon. Lorna L. Verano-Yap LP
- (p. 122, *Rollo*.)

Congressman Ablan, KBL, was retained as the 12th member representing the House minority.

On February 1, 1989, Congresswoman Coseteng and her party, the KAIBA, filed this Petition for Extraordinary Legal Writs (which may be considered as a petition for *quo warranto* and injunction) praying this Court to declare as null and void the election of respondent Ablan, Verano-Yap, Romero, Cuenco, Mercado, Bandon, Cabochan, Imperial, Lobregat, Beltran, Locsin, and Singson, as members of the Commission on Appointments, to enjoin them from acting as such and to enjoin also the other respondents from recognizing them as members of the Commission on Appointments on the theory

that their election to that Commission violated the constitutional mandate of proportional representation because:

- 1) the New Majority (158 LDP members out of the 202 members of the House) is entitled to only nine (9) seats out of the twelve to be filled by the House (p. 29, *Rollo*);
- 2) the members representing the political parties, or coalitions thereof, must be nominated by their respective political parties or coalitions;
- 3) the nomination and election of respondent Verano-Yap by the respondents as representative of the minority was clearly invalid (p. 31, *Rollo*); and
- 4) that similarly invalid was the retention of respondent Ablan as Minority member in the Commission because he was neither nominated nor elected as such by the minority party or parties in the House (p. 31, *Rollo*).

Petitioner Coseteng further alleged that she is qualified to sit in the Commission on Appointments as a representative of the Minority because she has the support of nine (9) other congressmen and congresswomen of the Minority (p. 31, *Rollo*).

In their collective Comment, the respondents House of Representatives, the Speaker, the Majority Floor Leader, the members of the Commission on Appointments including Congressman Roque R. Ablan, but excluding Congresswoman Lorna Verano-Yap (who filed a separate Comment), alleged: (1) that the legality of the reorganization of the Commission on Appointments is a political question, hence, outside the jurisdiction of this Court to decide, and (2) that in any case, the reorganization was "strictly in consonance with Section 18, Article VI of the 1987 Constitution" *i.e.*, on the basis of proportional representation of the political parties, considering the majority coalition "as a form of a political party" (pp. 115, 118, *Rollo*). They further alleged that as of March 3, 1989, 160 members of the House (including 26 former Liberals) had expressly renounced in writing their respective political party affiliations and formally affiliated with the LDP leaving only 15 Liberals in the House (p. 119, *Rollo*). After its petition for registration as a political party was granted on August 28, 1989 by the First Division of the COMELEC and affirmed on November 23, 1989 by the COMELEC *en banc*, the LDP become the new Majority in the House. They finally argued that as KAIBA is part of the Coalesced Majority which supports the administration of President Corazon C. Aquino, not of the minority, petitioner is bound by the choice of the

Coalesced Majority of the members who would sit in the Commission on Appointments.

Representative Lorna Verano-Yap, in her comment alleged that the petitioner has no better light than those already selected, to be chosen as a member of the Commission on Appointments because: (1) the Constitution was not violated in electing Yap and eleven (11) other House members to the Commission on Appointments; (2) respondent Yap is a rightful incumbent; and (3) petitioner's claim to a seat on the Commission on Appointments is without legal and factual basis (pp. 217-218, *Rollo*).

The Commission on Appointments took a neutral stand on the petition as the issues involved may touch on the validity of its organization and the legality of the entitlement of the LDP or the LP to representation, which are raised in the case of *Daza vs. Singson*, G.R. No. 86344, then pending before this Court (pp. 195-198, *Rollo*).

The issue here is whether the members of the House in the Commission on Appointments were chosen on the basis of proportional representation from the political parties therein as provided in Section 18, Article VI of the 1987 Constitution which reads:

Sec. 18. There shall be a Commission on Appointments consisting of the President of the Senate, as *ex officio* Chairman, twelve Senators, and twelve Members of the House of Representatives elected by each House on the basis of proportional representation from the political parties and parties or organizations registered under the party-list system represented therein. The chairman of the Commission shall not vote, except in case of a tie. The Commission shall act on all appointments submitted to it within thirty session days of the Congress from their submission. The commission shall rule by a majority vote of all the Members. (Art. VI, 1987 Constitution.)

After deliberating on the petition and the comments of the respondents, we hold that the petition should be dismissed, not because it raises a political question, which it does not, but because the revision of the House representation in the Commission on Appointments is based on proportional representation of the political parties therein as provided in Section 18, Article VI of the 1987 Constitution.

The "political question" issue was settled in *Daza vs. Singson*, G.R. No. 86344, December 21, 1989, where this Court ruled that "the legality,

and not the wisdom, of the manner of filling the Commission on Appointments as prescribed by the Constitution" is justiciable, and, "even if the question were political in nature, it would still come within our powers of review under the expanded jurisdiction conferred upon us by Article VIII, Section 1, of the Constitution, which includes the authority to determine whether grave abuse of discretion amounting to excess or lack of jurisdiction has been committed by any branch or instrumentality of the government."

The composition of the House membership in the Commission on Appointments was based on proportional representation of the political parties in the House. There are 160 members of the LDP in the House. They represent 79% of the House membership (which may be rounded out to 80%). Eighty percent (80%) of 12 members in the Commission on Appointments would equal 9.6 members, which may be rounded out to ten (10) members from the LDP. The remaining two seats were apportioned to the LP (respondent Lorna Verano-Yap) as the next largest party in the Coalesced Majority and the KBL (respondent Roque Ablan) as the principal opposition party in the House. There is no doubt that this apportionment of the House membership in the Commission on Appointments was done "on the basis of proportional representation of the political parties therein."

The other political parties or groups in the House, such as petitioner's KAIBA (which is presumably a member also of the Coalesced Majority), are bound by the majority's choices. Even if KAIBA were to be considered as an opposition party, its lone member (petitioner Coseteng) represents only .4% or less than 1% of the House membership, hence, she is not entitled to one of the 12 House seats in the Commission on Appointments. To be able to claim proportional membership in the Commission on Appointments, a political party should represent at least 8.4% of the House membership, *i.e.*, it should have been able to elect at least 17 congressmen or congresswomen.

The indorsements of the nine (9) congressmen and congresswomen in favor of the petitioner's election to the Commission are inconsequential because they are not members of her party and they signed identical indorsements in favor of her rival, respondent Congresswoman Verano-Yap.

There is no merit in the petitioner's contention that the House members in the Commission on Appointments should have been nominated and elected by their respective political parties. The

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petition itself shows that they were nominated by their respective floor leaders in the House. They were elected by the House (not by their party) as provided in Section 18, Article VI of the Constitution. The validity of their election to the Commission on Appointments — eleven (11) from the Coalesced Majority and one from the minority — is unassailable.

WHEREFORE, the petition is dismissed for lack of merit. Costs against the petitioner.

SO ORDERED.

Fernan, C.J., Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Cortes, Medialdea and Regalado, JJ., concur.

Sarmiento, J., took no part.

Republic of the Philippines
SUPREME COURT

Manila

EN BANC

G.R. No. 86344 December 21, 1989

REP. RAUL A. DAZA, petitioner,
vs.

REP. LUIS C. SINGSON and HON. RAOUL V. VICTORINO IN THE LATTER'S CAPACITY AS SECRETARY OF THE COMMISSION ON APPOINTMENTS, respondent.

CRUZ, J.:

After the congressional elections of May 11, 1987, the House of Representatives proportionally apportioned its twelve seats in the Commission on Appointments among the several political parties represented in that chamber, including the Lakas ng Bansa, the PDP-Laban, the NP-Unido, the Liberal Party, and the KBL, in accordance with Article VI, Section 18, of the Constitution. Petitioner Raul A. Daza was among those chosen and was listed as a representative of the Liberal Party.

On September 16, 1988, the Laban ng Demokratikong Pilipino was reorganized, resulting in a political realignment in the House of Representatives. Twenty four members of the Liberal Party formally resigned from that party and joined the LDP, thereby swelling its number to 159 and correspondingly reducing their former party to only 17 members.

On the basis of this development, the House of Representatives revised its representation in the Commission on Appointments by withdrawing the seat occupied by the petitioner and giving this to the newly-formed LDP. On December 5,

1988, the chamber elected a new set of representatives consisting of the original members except the petitioner and including therein respondent Luis C. Singson as the additional member from the LDP.

The petitioner came to this Court on January 13, 1989, to challenge his removal from the Commission on Appointments and the assumption of his seat by the respondent. Acting initially on his petition for prohibition and injunction with preliminary injunction, we issued a temporary restraining order that same day to prevent both the petitioner and the respondent from serving in the Commission on Appointments.

Briefly stated, the contention of the petitioner is that he cannot be removed from the Commission on Appointments because his election thereto is permanent under the doctrine announced in *Cunanan v. Tan*. His claim is that the reorganization of the House representation in the said body is not based on a permanent political realignment because the LDP is not a duly registered political party and has not yet attained political stability.

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

For his part, the respondent argues that the question raised by the petitioner is political in nature and so beyond the jurisdiction of this Court. He also maintains that he has been improperly impleaded, the real party respondent being the House of Representatives which changed its representation in the Commission on Appointments and removed the petitioner. Finally, he stresses that nowhere in the Constitution is it required that the political party be registered to be entitled to proportional representation in the Commission on Appointments.

In addition to the pleadings filed by the parties, a Comment was submitted by the Solicitor General as *amicus curiae* in compliance with an order from the Court.

At the core of this controversy is Article VI, Section 18, of the Constitution providing as follows:

Sec. 18. There shall be a Commission on Appointments consisting of the President of the Senate, as *ex officio* Chairman, twelve Senators and twelve Members of the House of Representatives, elected by each House on the basis of proportional representation from the political

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parties and parties or organizations registered under the party-list system represented therein. The Chairman of the Commission shall not vote, except in case of a tie. The Commission shall act on all appointments submitted to it within thirty session days of the Congress from their submission. The Commission shall rule by a majority vote of all the Members.

Ruling first on the jurisdictional issue, we hold that, contrary to the respondent's assertion, the Court has the competence to act on the matter at bar. Our finding is that what is before us is not a discretionary act of the House of Representatives that may not be reviewed by us because it is political in nature. What is involved here is the legality, not the wisdom, of the act of that chamber in removing the petitioner from the Commission on Appointments. That is not a political question because, as Chief Justice Concepcion explained in *Tanada v. Cuenco*.

... the term "political question" connotes, in legal parlance, what it means in ordinary parlance, namely, a question of policy. In other words, ... it refers "to those questions which, under the Constitution, are to be decided by the people in their sovereign capacity, or in regard to which full discretionary authority has been delegated to the Legislature or executive branch of the Government." It is concerned with issues dependent upon the wisdom, not legality, of a particular measure.

In the aforementioned case, the Court was asked by the petitioners therein to annul the election of two members of the Senate Electoral Tribunal of that chamber, on the ground that they had not been validly nominated. The Senate then consisted of 23 members from the Nacionalista Party and the petitioner as the lone member of the Citizens Party. Senator Lorenzo M. Tanada nominated only himself as the minority representative in the Tribunal, whereupon the majority elected Senators Mariano J. Cuenco, and Francisco Delgado, from its own ranks, to complete the nine-man composition of the Tribunal as provided for in the 1935 Constitution. The petitioner came to this Court, contending that under Article VI, Section 11, of that Charter, the six legislative members of the Tribunal were to be chosen by the Senate, "three upon nomination of the party having the largest number of votes and three of the party having the second largest number of votes therein." As the majority party in the Senate, the Nacionalista

Party could nominate only three members and could not also fill the other two seats pertaining to the minority.

By way of special and affirmative defenses, the respondents contended inter alia that the subject of the petition was an internal matter that only the Senate could resolve. The Court rejected this argument, holding that what was involved was not the wisdom of the Senate in choosing the respondents but the legality of the choice in light of the requirement of the Constitution. The petitioners were questioning the manner of filling the Tribunal, not the discretion of the Senate in doing so. The Court held that this was a justiciable and not a political question, thus:

Such is not the nature of the question for determination in the present case. Here, we are called upon to decide whether the election of Senators Cuenco and Delgado by the Senate, as members of the Senate Electoral Tribunal, upon nomination by Senator Primicias-member and spokesman of the party having the largest number of votes in the Senate-behalf of its Committee on Rules, contravenes the constitutional mandate that said members of the Senate Electoral Tribunal shall be chosen "upon nomination ... of the party having the second largest number of votes" in the Senate and hence, is null and void. The Senate is not clothed with "full discretionary authority" in the choice of members of the Senate Electoral Tribunal. The exercise of its power thereon is subject to constitutional limitations which are claimed to be mandatory in nature. It is clearly within the legitimate province of the judicial department to pass upon the validity of the proceeding in connection therewith.

... whether an election of public officers has been in accordance with law is for the judiciary. Moreover, where the legislative department has by statute prescribed election procedure in a given situation, the judiciary may determine whether a particular election has been in conformity with such statute, and particularly, whether such statute has been applied in a way to deny or transgress on constitutional or statutory rights ...' (16 C.J.S., 439; emphasis supplied)

It is, therefore, our opinion that we have, not only jurisdiction but also the duty,

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to consider and determine the principal issue raised by the parties herein."

Although not specifically discussed, the same disposition was made in *Cunanan v. Tan* as it likewise involved the manner or legality of the organization of the Commission on Appointments, not the wisdom or discretion of the House in the choice of its representatives.

In the case now before us, the jurisdictional objection becomes even less tenable and decisive. The reason is that, even if we were to assume that the issue presented before us was political in nature, we would still not be precluded from resolving it under the expanded jurisdiction conferred upon us that now covers, in proper cases, even the political question. Article VII, Section 1, of the Constitution clearly provides:

Section 1. The judicial power shall be vested in one Supreme Court and in such lower courts as may be established by law.

Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.

The respondent's contention that he has been improperly impleaded is even less persuasive. While he may be technically correct in arguing that it is not he who caused the petitioner's removal, we feel that this objection is also not an insuperable obstacle to the resolution of this controversy. We may, for one thing, treat this proceeding as a petition for quo warranto as the petitioner is actually questioning the respondent's right to sit as a member of the Commission on Appointments. For another, we have held as early as in the Emergency Powers Cases that where serious constitutional questions are involved, "the transcendental importance to the public of these cases demands that they be settled promptly and definitely brushing aside, if we must, technicalities of procedure." The same policy has since then been consistently followed by the Court, as in *Gonzales v. Commission on Elections*, where we held through Chief Justice Fernando:

In the course of the deliberations, a serious procedural objection was raised by five members of the Court. It is their

view that respondent Commission on Elections not being sought to be restrained from performing any specific act, this suit cannot be characterized as other than a mere request for an advisory opinion. Such a view, from the remedial law standpoint, has much to recommend it. Nonetheless, a majority would affirm the original stand that under the circumstances, it could still rightfully be treated as a petition for prohibition.

The language of Justice Laurel fits the case: "All await the decision of this Court on the constitutional question. Considering, therefore, the importance which the instant case has assumed and to prevent multiplicity of suits, strong reasons of public policy demand that [its] constitutionality ... be now resolved." It may likewise be added that the exceptional character of the situation that confronts us, the paramount public interest, and the undeniable necessity for ruling, the national elections being barely six months away, reinforce our stand. It would appear undeniable, therefore, that before us is an appropriate invocation of our jurisdiction to prevent the enforcement of an alleged unconstitutional statute. We are left with no choice then; we must act on the matter.

Coming now to the more crucial question, the Court notes that both the petitioner and the respondent are invoking the case of *Cunanan v. Tan* to support their respective positions. It is best, therefore, to make a quick review of that case for a proper disposition of this one.

In the election for the House of Representatives held in 1961, 72 seats were won by the Nacionalista Party, 29 by the Liberal Party and 1 by an independent. Accordingly, the representation of the chamber in the Commission on Appointments was apportioned to 8 members from the Nacionalista Party and 4 from the Liberal Party. Subsequently, 25 members of the Nacionalista Party, professing discontent over the House leadership, made common cause with the Liberal Party and formed what was called the Allied Majority to install a new Speaker and reorganize the chamber.

Included in this reorganization was the House representation in the Commission on Appointments where three of the Nacionalista congressmen originally chosen were displaced by three of their party colleagues who had joined the Allied Majority.

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Petitioner Carlos Cunanan's *ad interim* appointment as *Deputy Administrator of the Reforestation Administration* was rejected by the Commission on Appointments as thus reorganized and respondent Jorge Tan, Jr. was thereafter designated in his place. Cunanan then came to this Court, contending that the rejection of his appointment was null and void because the Commission itself was invalidly constituted.

The Court agreed. It noted that the Allied Majority was a merely temporary combination as the Nacionalista defectors had not disaffiliated from their party and permanently joined the new political group. Officially, they were still members of the Nacionalista Party. The reorganization of the Commission on Appointments was invalid because it was not based on the proportional representation of the political parties in the House of Representatives as required by the Constitution. The Court held:

... In other words, a shifting of votes at a given time, even if due to arrangements of a more or less temporary nature, like the one that has led to the formation of the so-called "Allied Majority," does not suffice to authorize a reorganization of the membership of the Commission for said House. Otherwise the Commission on Appointments may have to be reorganized as often as votes shift from one side to another in the House. The framers of our Constitution could not have intended to thus place a constitutional organ, like the Commission on Appointments, at the mercy of each House of Congress.

The petitioner vigorously argues that the LDP is not the permanent political party contemplated in the Constitution because it has not been

registered in accordance with Article IX-B, Section 2(5), in relation to the other provisions of the Constitution. He stresses that the so-called party has not yet achieved stability and suggests it might be no different from several other political groups that have died "a-bornin'," like the LINA, or have subsequently floundered, like the UNIDO.

QUESTION OF QUORUM

Senator Sotto, acknowledging the very important and constitutional issue being discussed, raised a question of quorum.

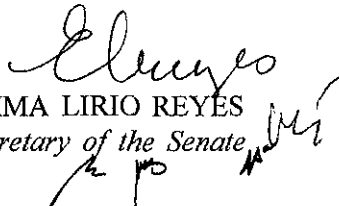
Senator Cayetano (A) expressed his full concurrence to the motion.

ADJOURNMENT OF SESSION

There being no quorum, the Senate President *Pro Tempore* declared the session adjourned.

It was 5:23 p.m.

I hereby certify to the correctness of the foregoing.


EMMA LIRIO REYES
Secretary of the Senate

Approved on August 23, 2010