



REPUBLIC OF THE PHILIPPINES  
**Senate**  
Pasay City

# Journal

**SESSION NO. 41**  
Monday, December 12, 2011

**FIFTEENTH CONGRESS**  
**SECOND REGULAR SESSION**

---

**SESSION NO. 41**  
Monday, December 12, 2011

**CALL TO ORDER**

At 3:28 p.m., the Senate President, Hon. Juan Ponce Enrile, called the session to order.

**PRAYER**

Sen. Vicente C. Sotto III led the prayer prepared by Sen. Ralph G. Recto, to wit:

Dear Lord, our Creator and Savior, please reside in us today. As we come to the crossroads of this ending year, let us choose to build Your kingdom; let us not be tempted to walk the easiest, straight and shining path. Guide us into the dark alleys of our country, where reside hunger and disease, ignorance and trickery, gambling and thievery, where we can fall victims of betrayal and false accusations. Make us walk those alleys with You, O Lord, we shall practice charity and healing, teach the wise use of Your magnificent creation, apply the scale of justice and rod of fortitude. Despite the pain in those dark places, we shall turn the other cheek and hope for truth to set us free.

Help us pass these tests to live in Your light, dear God. We pray that each body and soul we save, we become truly deserving of Your birth in a manger, let us be joyful witness to Your life, our Lord, Emmanuel.

Amen.

**NATIONAL ANTHEM**

The MCU Choir led the singing of the national anthem and thereafter rendered the song, entitled *Tagumpay Nating Lahat*.

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

**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:

Angara, E. J.	Lacson, P. M.
Arroyo, J. P.	Lapid, M. L. M.
Cayetano, P. S.	Legarda, L.
Drilon, F. M.	Pangilinan, F. N.
Ejercito Estrada, J.	Pimentel III, A. L.
Enrile, J. P.	Revilla Jr., R. B.
Escudero, F. J. G.	Sotto III, V. C.
Guingona III, T. L.	Trillanes IV, A. F.
Honasan, G. B.	Villar, M.

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

Senators Osmeña and Recto arrived after the roll call.

*Handwritten initials*

Senators Cayetano (A) and Marcos were on official mission.

Senator Defensor Santiago was on sick leave.

#### **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. 40 (December 7, 2011) and considered it approved.

#### **REFERENCE OF BUSINESS**

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

#### **MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

Letter from the House of Representatives, informing the Senate that on 5 December 2011, the House of Representatives passed the following House bills in which it requested the concurrence of the Senate:

House Bill No. 4275, entitled

**AN ACT FURTHER STRENGTHENING THE ANTI-MONEY LAUNDERING LAW, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9160, OTHERWISE KNOWN AS THE "ANTI-MONEY LAUNDERING ACT OF 2011," AS AMENDED**

**To the Committees on Banks, Financial Institutions and Currencies; Justice and Human Rights; and Public Order and Dangerous Drugs**

House Bill No. 4667, entitled

**AN ACT CREATING THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

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

and House Bill No. 5360, entitled

**AN ACT ALLOWING FOREIGN EQUITY IN RURAL BANKS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7353, OTHERWISE KNOWN AS THE RURAL BANKS ACT OF 1992**

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

Letter from the House of Representatives, informing the Senate that on 5 December 2011, the House of Representatives elected Representatives Angara and Bag-ao as additional conferees to the Bicameral Conference Committee on the disagreeing provisions of House Bill No. 4807, entitled

**AN ACT PROHIBITING RACIAL, ETHNIC AND RELIGIOUS DISCRIMINATION,**

and Senate Bill No. 2814, entitled

**AN ACT PROHIBITING DISCRIMINATION, PROFILING, VIOLENCE AND ALL FORMS OF INTOLERANCE AGAINST PERSONS BASED ON ETHNICITY, RACE, RELIGION OR BELIEF, SEX, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, LANGUAGE, DISABILITY, OR OTHER STATUS**

**To the Committee on Rules**

#### **RESOLUTION**

Senate Joint Resolution No. 14, entitled

**JOINT RESOLUTION EXTENDING THE LIFE OF THE CONGRESSIONAL OVERSIGHT COMMITTEE ON DANGEROUS DRUGS, CONSTITUTED PURSUANT TO SECTION 95 OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002**

Introduced by Senator Sotto III

*aa ps*

**To the Committee on Public Order and Dangerous Drugs; and Justice and Human Rights**

**APPROVAL OF HOUSE BILL NO. 4730 ON THIRD READING**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading, House Bill No. 4730, printed copies of which were distributed to the senators on December 8, 2011.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Sotto, there being no objection, Secretary Lirio-Reyes read only the title of the bill, to wit:

AN ACT CONVERTING THE MUNICIPALITY OF BACOOOR INTO A COMPONENT CITY TO BE KNOWN AS THE CITY OF BACOOOR.

The Senate Secretary called the roll for nominal voting.

**RESULT OF THE VOTING**

The result of the voting was as follows:

*In favor*

Angara	Lapid
Arroyo	Legarda
Cayetano (P)	Osmeña
Drilon	Pangilinan
Ejercito Estrada	Pimentel
Enrile	Revilla
Escudero	Sotto
Guingona	Trillanes
Honasan	Vilar
Lacson	

*Against*

None

*Abstention*

None

With 19 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 4730 approved on Third Reading.

**APPROVAL OF HOUSE BILL NO. 4729 ON THIRD READING**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading, House Bill No. 4729, printed copies of which were distributed to the senators on December 8, 2011.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Sotto, there being no objection, Secretary Lirio-Reyes read only the title of the bill, to wit:

AN ACT CONVERTING THE MUNICIPALITY OF IMUS IN THE PROVINCE OF CAVITE INTO A COMPONENT CITY TO BE KNOWN AS THE CITY OF IMUS.

The Senate Secretary called the roll for nominal voting.

**RESULT OF THE VOTING**

The result of the voting was as follows:

*In favor*

Angara	Lapid
Arroyo	Legarda
Cayetano (P)	Osmeña
Drilon	Pangilinan
Ejercito Estrada	Pimentel
Enrile	Revilla
Escudero	Sotto
Guingona	Trillanes
Honasan	Villar
Lacson	

*Against*

None

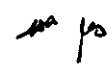
*Abstention*

None

With 19 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 4729 approved on Third Reading.

**PRIVILEGE SPEECH OF SENATOR LEGARDA**

Availing herself of the privilege hour, Senator Legarda renewed her call for disaster risk reduction and climate change adaptation.



*Following is the full text of her speech:*

Against a backdrop of the glacial pace by which the international climate treaty negotiations have progressed, recently evidenced by the near collapse of climate talks in Durban, I rise once again and urge my colleagues to listen, to remind world leaders of the responsibilities before us to lead our people out of the crisis and uncertainties brought about by climate change.

We take inspiration from a victim of a disaster who turned the tragedy into an opportunity and helped stop the next disaster from happening.

Eighteen-year-old Arnel Alipao was one of the 30,151 persons affected by the massive flooding brought by three consecutive days of heavy rains in Surigao del Norte in January 2011. At that time, his life seemed dependent on the disaster – rice fields and houses in their community were submerged in floodwater, no school for him, no harvest for his parents.

Anger and disappointment filled Arnel. But instead of moping about this tragic experience, he used it as inspiration to motivate others, becoming advocate of disaster risk reduction and climate change adaptation, encouraging people to take part in disaster efforts and telling us that *“we cannot really change the world, but we can change ourselves for the world.”*

We are fully aware of the threats of the climate crisis. Beyond our shores, more and more countries are also reeling from disasters of unprecedented magnitude – this year Cambodia, Thailand, and Bangladesh went through devastating floods, which are among the worst in their history; Pakistan is suffering from severe inundation since last year; giant floods in Australia in December 2010 affected 3.1 million people; torrential rains in South Africa in January 2011 claimed the lives of at least 70 people and forced the evacuation of some 8,000 citizens; floods and mudslides in Brazil early this year killed, at least, 791 individuals.

Given this grim scenario, how much of the costly humanitarian responses can world governments afford in the future? How many more precious lives will be lost before we act decisively to prevent them?

For climate change is clearly not only about floods. It is about food, it is about water, it is about settlement and jobs and livelihood. It is about human welfare and security, poverty reduction, and sustainable development.

Following the recently concluded 17<sup>th</sup> Session of the Conference of the Parties (COP) of the UN Framework Convention on Climate Change held in Durban, South Africa, I express my hope that leaders who have negotiated for the world's future have not consigned themselves to the charge that “more is said than done.”

Allow me now to reiterate that industrialized nations have a historical and moral responsibility for climate change and are therefore morally obliged to financially and technologically assist developing nations in their efforts to reduce their vulnerability and adapt to its consequences, while reducing their own green house gas emissions.

What did Durban deliver? Governments, including the U.S., China, and India, agreed to adopt a universal legal agreement on climate change, to be decided on not later than 2015 and to come into force by 2020. Governments, including 35 industrialized countries but excludes the U.S., Canada, Japan, and Russia, also agreed a second commitment period of the Kyoto-Protocol from January 1, 2013. However, the second commitment period is said to cover less than 15% of global emissions which could warm the world to the tune of 3.5 degrees Celsius, dangerously way above the two degrees acceptable limit.

The Durban Platform certainly lacks ambition: political will failed to match the call of climate science.

As industrialized countries conveniently delay action, poor and vulnerable countries, such as ours, continuously suffer from floods, hunger, displacement and economic setbacks.

It is clear injustice to witness the devastating impact of climate change being borne by the poorest groups with least responsibility for having caused it and least capacity to adapt. For the developed world to compensate for this inequality, the operationalization of the Green Climate Fund (GCF), which is expected to provide US\$100 billion per year for climate change adaptation by year 2020, must be at full speed. We gladly take note that in the Durban outcome, this fund will become fully operational next year.

As we await the report of the Philippine delegation to the Durban meet, we have to sustain our country's effort in sincerely addressing climate impacts.

We are optimistic that we will very soon establish our own People's Survival Fund, proposed by no less than our Senate President.

And while we await more decisive outcomes of the climate talks, we in our country, must

*AP JP*

resolve to quickly move policy into action. Our laws, which have been considered model legislations by no less than the United Nations and the Interparliamentary Union, must be complemented by effective implementation by the Executive.

In a global context where economic performance and people's well-being do not go hand in hand, where progress against poverty has slowed down, where the unequal distribution of the benefits of prosperity prevails and worsens, and where losses to disasters are increasing faster than wealth is being created, we should come to rethink that perhaps our old, consumptive, and extractive development model has not worked.

And it is unresponsive and irresponsible to continue using failing development models to address the complex problems of our contemporary society.

Now is the time to redefine development -- to change our way of thinking and our way of doing. Now is the time to pursue the kind of development that is founded on good governance, on sustainable and equitable socio-economic development for ecosystems protection, for a cultural renaissance and disaster resilience.

Echoing this kind of development in next year's World Summit on Sustainable Development in Rio de Janeiro, Brazil is but proper and timely for the Philippine government.

Pursuing this kind of development is within our reach. Let us be the change we seek.

## **INTERPELLATION OF SENATOR PIMENTEL**

Initially, Senator Pimentel commended Senator Legarda for monitoring the recent climate change conference in Durban, South Africa. Relative thereto, he asked when and how countries could access the \$100-billion Green Climate Fund (GCF). In reply, Senator Legarda explained that the creation of a fund that would provide justice to the clear climate injustice occurring in the world was initiated during the climate change conference held in Copenhagen two years earlier.

As the combined greenhouse gas emissions of the United States and China account for more than 40% of global greenhouse gas emissions, she believed that it was only proper for developed nations to contribute to the fund as they cause much of the pollution in the world. She said that the GCF would

be accessed by G-7 nations as well as developing countries for climate change adaptation projects such as mangrove protection in coastal areas that are vulnerable to rise in sea level during storm surges.

She added that the GCF would be governed by a 24-member board equally represented by developed and developing nations. As such, she said that the Philippines could be represented in the GCF board while the World Bank has been named as an interim trustee for a three-year period.

However, she expressed disappointment that the GCF has not yet been established despite the promise that it would become operational and accessible by the end of 2012. She stressed that the success of the GCF would be mainly dependent on how the conference parties would react to the recommendations of the various committees.

Senator Legarda pointed out that the People's Survival Fund (PSF) would be a Philippine version of the GCF, wherein the government would initially provide P1 billion to fund projects of people's organizations and nongovernment organizations aimed at decreasing vulnerability to climate change such as the creation of landfills, reforestations and mangrove planting programs. She said that the Philippines would be the first in the UN Conference of Parties to establish such a fund.

On whether funds from the GCF would be released through the PSF, Senator Legarda replied in the affirmative. She said that countries like the Philippines, Maldives, Bhutan, Sri Lanka, Bangladesh and other vulnerable nations would have access to the GCF once they comply with the requirements. Moreover, she said that the fund would go directly to actual projects that would benefit the environment.

Asked whether policy changes or amendments to existing laws were needed so that the government could qualify in accessing the GCF, Senator Legarda believed that it was no longer necessary since the Philippines has already access to the UNFCCC Adaptation Fund which was available. However, she lamented that the Philippines, which is fully qualified to access the fund, has not made any proposal to use the same.

Moreover, Senator Legarda stated that even though the Commission on Climate Change (CCC) was awaiting the signing of an executive order that

*LN PS*

would designate the Department of Finance (DOF) as the National Implementing Entity (NIE) to manage the funds from the UNFCCC, in the meantime, the United Nations Development Program (UNDP) could implement the proposed programs.

She stated that environmental programs including flood control or river dredging projects that ought to be endorsed on the local level but could not be fully funded through the General Appropriations Act could be funded through the UNFCCC, but she rued that the Philippines has not been able to access the fund because it has not submitted any proposal yet.

On whether the problem was due to lack of good ideas, Senator Legarda pointed out that good ideas abound but political will and executive action for effective implementation are lacking. She said that she not only sent memos to the Executive Secretary and the Finance Secretary but even personally spoke to both officials who also agreed that there was indeed a need for a NIE. Hopefully, she said, the DOF would soon be designated as an NIE for the Philippines to have access to the GCF.

Moreover, she noted that while only 2% of the P1.8 trillion national budget has been allocated for DRR or CCA, the world has funds for developing nations which the Philippines was not accessing. She explained that her purpose for delivering such speeches was to make national and local government leaders aware that the Philippines could undertake disaster resilience projects on the local level by making use of existing funds such as the GCF.

In closing, Senator Legarda underscored the fact that the issue of climate change was not an esoteric subject limited only to changes in weather patterns because it actually concerns man's basic needs and his very survival.

#### **INTERPELLATION OF SENATOR SOTTO**

Asked by Senator Sotto for information on the steps that the Climate Change Commission has taken to address the problem of climate change in the country, Senator Legarda explained that the CCC, formed by virtue of the enactment of the Climate Change Law in 2010, was only convened once by its chairperson, the Philippine president. Moreover, she pointed out that the commission, which has a meager P50-million budget, is also composed of a vice-chairperson (Secretary Sering), two other com-

missioners (Secretaries Alvarez and Sanyo) and aided by a panel of technical experts. Given the urgent need to address the problems caused by climate change, she urged President Aquino to convene the CCC more often. She said that the CCC has formulated a National Action Plan (NAP) on Climate Change which was signed by the President the week prior to the delegation's departure for the conference in Durban, South Africa.

Senator Legarda further clarified that the NAP would be used as the basis for the formulation of local action plans and the CCC was envisioned to act solely as a coordinating body to create policies that would allow local governments to manage their own projects. She urged Congress to pass the PSF that would pave the way for the creation of a PSF board that can actually fund local government projects on climate change and disaster resiliency.

Asked how severe the impact of climate change is, Senator Legarda cited the damages wrought by typhoons *Ondoy* and *Pepeng* that hit the Philippines in September and October in 2009, which cost the country an estimated US\$4 billion or P227 billion for reconstruction and rehabilitation. She believed the damage to life, agriculture and property would have been much less had the Philippines been better prepared for such disasters through early warning systems, flood control programs or better implementation of the 10-year old Solid Waste Management law.

She also stressed that investing in disaster resilience and climate change is neither expensive nor a waste of money. In fact, she pointed out that such an investment makes good economic sense because it actually prevents further economic losses such as those incurred in the aftermath of *Ondoy*.

Noting that ignorance and apathy are the biggest enemies of efforts toward disaster risk preparedness and reduction, Senator Legarda said that people who say that climate change is a scientific discussion better suited for international conferences or the United Nations do not truly understand the significance and urgency of the issue. For instance, she noted that even though the Philippines emits less than 1% of greenhouse gas emissions, it is ranked among the top three nations in the world that are most vulnerable to the effects of climate change and as such must exert all efforts to seek climate justice.

Asked what an ordinary citizen could do to cope with such an alarming situation, Senator Legarda

*no ps*

believed that such a question was timely because the CCC only formulates policies but leaves their implementation to the local government units. She said that following the Solid Waste Management law would be a good start. She noted that the non-implementation of that law eventually resulted in landslides and floodings leading to the deaths and property damages in Baguio and Central Luzon. She pointed out that the cleanup of the river in Iloilo City was prompted by the need to preserve marine life and generate livelihood for fisherfolk in the area.

Senator Legarda believed that a great nation must have clean waterways, rivers, basins and lakes; and the people cannot be called disciplined and beautiful if they used their rivers as trash bins for their wastes. Given the limited resources of the country, she asserted that what the Filipinos can do is simply follow the environmental laws Congress had enacted — the Solid Waste Management Law, Climate Change Act and the Renewable Energy Law in which the Senate can set the example. For instance, she noted that the city government of Manila has converted the lighting of its session hall to run on solar power, the very first in the country. She suggested that for its part, the Senate can change its fluorescent lamps into LED, maximize the use of paper by using soft copies for memos, recycle waste at source, and compost and segregate garbage.

Senator Sotto agreed to the observation. He revealed that, in fact, the television station he is connected with is recycling empty plastics bottles into plastic chairs to be donated to different schools nationwide. However, he stressed the need for an information campaign. He recalled that during the 1992 election campaign, every time one senatorial candidate stood up to talk about climate change, nobody listened; and 20 years later, it is Senator Legarda who is standing up to talk about climate change.

Asked about the correct ways of doing an environmental information drive, Senator Legarda suggested that Senator Sotto, for example, can use part of his airtime during his noontime show to put across his message on climate change to the viewers, especially those whose livelihood is affected by changing weather patterns like farmers and fisher folk; schools can use the internet or distribute manuals on climate change and disaster risk reduction to educate students; and television stations can help disseminate information.

## **REFERAL OF SPEECH TO COMMITTEE**

Upon motion of Senator Sotto, there being no objection, the Chair referred the privilege speech of Senator Legarda to the Committee on Climate Change.

## **SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 4:15 p.m.*

## **RESUMPTION OF SESSION**

At 4:27 p.m., the session was resumed.

## **ADDITIONAL REFERENCE OF BUSINESS**

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

### **BILLS ON FIRST READING**

Senate Bill No. 3083, entitled

AN ACT AMENDING SECTION 1 OF REPUBLIC ACT NO. 8294 ALSO KNOWN AS THE FIREARMS LAW OF 1997, ON THE UNLAWFUL MANUFACTURE, SALE, ACQUISITION, DISPOSITION OR POSSESSION OF FIREARMS OR AMMUNITION OR INSTRUMENTS USED OR INTENDED TO BE USED IN THE MANUFACTURE OF FIREARMS OR AMMUNITION, AS AMENDED

Introduced by Senator Defensor Santiago

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

Senate Bill No. 3084, entitled

AN ACT STRENGTHENING THE CONTINUING PROFESSIONAL EDUCATION PROGRAM FOR STATE-REGISTERED AND LICENSED PROFESSIONS (RLPS)



Introduced by Senator Defensor Santiago

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

Senate Bill No. 3085, entitled

AN ACT TO ESTABLISH COMPREHENSIVE ALCOHOL, TOBACCO AND OTHER DRUG ABUSE PROGRAMS IN EVERY SCHOOL

Introduced by Senator Defensor Santiago

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

**RESOLUTION**

Proposed Senate Resolution No. 662, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE SHORTAGE OF PROFESSIONALS IN VARIOUS INDUSTRIES DUE TO THE LOW TURNOUT OF STUDENTS TAKING PROFESSIONAL COURSES

Introduced by Senator Defensor Santiago

**To the Committee on Education, Arts and Culture**

**SECOND ADDITIONAL REFERENCE OF BUSINESS**

**MESSAGE OF THE PRESIDENT OF THE PHILIPPINES**

Letter of His Excellency, President Benigno S. Aquino III, dated 8 December 2011, certifying to the necessity of the immediate enactment of House Joint Resolution No. 21 and Senate Joint Resolution No. 13, both entitled

JOINT RESOLUTION INCREASING THE FY 2011 CORPORATE OPERATING BUDGET OF THE NATIONAL POWER CORPORATION (NPC) FROM SEVEN BILLION FIVE HUNDRED SEVENTY FIVE MILION ONE HUNDRED

EIGHTY THREE THOUSAND NINE HUNDRED THIRTY SEVEN PESOS (P7,575,183,937.00) TO FOURTEEN BILLION NINE HUNDRED SIXTY EIGHT MILLION SEVEN HUNDRED NINETY THOUSAND FIVE HUNDRED TWENTY EIGHT PESOS (P14,968,790,528.00),

to address the urgent need for continued and reliable power supply in small islands in accordance with its mandate under EPIRA. Specifically, the amount will cover additional CAPEX and OPEX requirements for 2011 including provision for payment of short-term facility for settlement this year.

**To the Committee on Rules**

**COMMITTEE REPORT**

Committee Report No. 90, submitted by the Committee on Finance, on Senate Joint Resolution No. 13, introduced by Senator Ejercito Estrada, entitled

JOINT RESOLUTION INCREASING THE FY 2011 CORPORATE OPERATING BUDGET OF THE NATIONAL POWER CORPORATION FROM SEVEN BILLION FIVE HUNDRED SEVENTY FIVE MILLION ONE HUNDRED EIGHTY THREE THOUSAND NINE HUNDRED THIRTY SEVEN PESOS (P7,575,183,937.00) TO FOURTEEN BILLION NINE HUNDRED SIXTY EIGHT MILLION SEVEN HUNDRED NINETY THOUSAND FIVE HUNDRED TWENTY EIGHT PESOS (P14,968,790,528.00),

recommending its approval with amendments.

Sponsor: Senator Drilon

**To the Calendar for Ordinary Business**

**COMMITTEE REPORT NO. 30 ON SENATE BILL NO. 2796 (Continuation)**

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second

*MS* *MS*

Reading, of Senate Bill No. 2796 (Committee Report No. 30), entitled

AN ACT DEFINING CYBERCRIME,  
PROVIDING FOR PREVENTION  
INVESTIGATION AND IMPOSITION  
OF PENALTIES THEREFOR AND  
FOR OTHER PURPOSES.

Senator Sotto stated that the parliamentary status was still the period of interpellations.

Thereupon, the Chair recognized Senator Angara, Sponsor of the measure, and Senator Sotto for his interpellation.

**INTERPELLATION OF SENATOR SOTTO**

Asked by Senator Sotto to elaborate the more important provisions of Senate Bill No. 2796, Senator Angara stated that the incidence of cybercrime has exponentially increased compared to the time when the bill was filed, and that major computer systems including those of the Pentagon and MI6 of the United Kingdom had been penetrated and hacked by cyber criminals. He disclosed that the Philippines has become one of the favorite spots of cyber criminals and without realizing it, every Filipino has become the object or victim of cybercrimes, including pornography, one way or another. This situation, he asserted, emphasizes the imperative of having a legal framework that would define what constitutes as a cybercrime, a unique and borderless act that can come from any part of the world, and the method of prosecuting its perpetrator who cannot even be detected. Right now, he said, cybercrime is not subject to criminal jurisdiction in the Philippines, thus, the need to pass the bill as speedily as possible.

Senator Sotto expressed his support for the measure, but he asked if it considered and included all possible cybercrimes. In reply, Senator Angara stated that the Committee has included and attempted to define in the bill as many crimes presently recognized by experts and academics as criminal acts and while he was uncertain that all conceivable cybercrimes had been embraced therein, the Committee had attempted nonetheless to be as comprehensive as possible to avoid exceptions or loopholes.

Asked if the bill addresses internet terrorism, for instance, the ILOVEYOU virus launched by Onel De Guzman that wreaked US\$5 billion worth of

damage five years ago, Senator Angara replied in the affirmative.

As regards the cyber attack on Sony Corporation, Senator Angara said that the damages were even more extensive because all the financial records and accounts stored in Sony's playlist were hacked. He revealed that the extent of actual financial loss has not yet been determined and Sony claimed the damage is beyond monetary estimate.

Considering that the world is currently built around wireless networks and communications, Senator Sotto asked if the bill could protect the Philippines from a similar cyber attack. Senator Angara asserted that not even the most technologically advanced countries can guarantee their systems against cyber attacks as he pointed out that hackers were able to break into the computer systems of the Pentagon, Russia and MI6 of the UK. He said that while there is no assurance that the passage of Senate Bill No. 2796 into law would protect the Philippines against cybercrimes, for the first time there would be a framework defining such crimes which the police authorities and enforcers can employ to pursue the culprits.

To the observation that the country would not survive a cyber attack without a cybercrime law, Senator Angara added that right now, the country's financial system is highly vulnerable to cyber attacks such as credit card theft, identify theft, *et cetera*, more so without a legal framework on cybercrime.

On whether there is anything in the bill which would help the PNP or NBI to be competent and equipped to fight cybercrimes, Senator Angara averred that the PNP and NBI would welcome the passage of the bill into law because (1) it would encourage coordination among law enforcement agencies, internal coordination and cooperation with other jurisdictions being one of the most important elements in cybercrime prevention; and (2) there would be additional funding for training of law enforcement officials. Further, he pointed out that the two leading law enforcement agencies in the country can look forward to more training funds, more equipment and more coordination which would improve their situation.

Senator Sotto recalled that while browsing over the statistics from NBI and the international community, he became more convinced of the need to pass the measure into law at the soonest possible time because there were really no appropriate

*Handwritten initials*

mechanisms to detect, monitor and prosecute cybercrimes notwithstanding the E-commerce law and other laws. As regards the E-commerce law, Senator Angara clarified that it is only limited to hacking and tracking a very limited crime and in the span of 10 years of its existence, there has been only one conviction.

Senator Sotto mentioned that the NBI report in the National Cyber Crime Defense Capability Conference held last March 2011 only recorded 30 cybercrimes in the Philippines and there were no new updates.

Upon further query, Senator Angara confirmed that the Department of Justice is the implementing arm of the cybercrime measure, adding that a coordinating office would be created thereunder.

Asked if the bill would also allow the hiring of skilled prosecutors to handle cybercrimes, Senator Angara replied in the affirmative. He stressed that the bill provides capability skills not only to law enforcers but also to judges. He said that one of the advantages in enacting the bill into law is that training would be provided to law enforcers, prosecutors and judges handling cybercrimes. He added that there is also a provision in the bill that evidence gathered through digital and other means will be admissible.

Asked by Senator Sotto if the bill also addresses internet libel or internet defamation, Senator Angara stated that the bill includes it as a crime, an actionable offense, because one can be defamed through Twitter or social media.

Referring to the case of actress Rhian Ramos, who claimed that someone maliciously distributed information about her through the You Tube, Senator Angara believed that it is an actionable offense under the bill and the PNP and NBI would monitor and investigate it.

Asked if the bill also covers acts such as sending coarse and offensive comments against someone via Twitter and Facebook, Senator Angara said that with proper authorization, the NBI and PNP forensic experts can trace the source even if anonymous names were used.

To the comment that one's reputation can easily be ruined and damaged by posts and comments in social network sites, Senator Angara stated that

under the proposed law, the offended party can sue the person responsible for posting such comments.

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

## INTERPELLATION OF SENATOR GUINGONA

At the outset, Senator Guingona quoted Section 4 subsection A.5. – *Misuse of Devices*, to wit:

- a. The use, production, sale, procurement, importation, distribution, or otherwise making available, without right, of:
  - i. a device, including a computer program, designed or adapted primarily for the purpose of committing any of the offenses under this Act.”

To Senator Guingona's concern that the provision gives unbridled discretion to law enforcers in determining primary and incidental use of cyber materials, Senator Angara surmised that those concerns would be determined through the implementing rules and regulations. He believed that the PNP has developed the forensic skills to distinguish between primary use and incidental use.

Senator Guingona gave the example of a person who uploaded a picture of his girlfriend clad in a bikini in the internet for the purpose of impressing his friends but which the authorities might think violates the cybersex provision. He expressed concern that law enforcers are being given the authority to determine a violation.

Senator Angara opined that uploading the picture is not a cybercrime since the intention was not for any consideration or favor. He added that it would have been different if the person did not ask his girlfriend to wear anything at all.

Senator Guingona stated as a civil libertarian, he fears that Section 4. A. 5. a-i is an intrusion of the State into the person's primary or incidental intention. Senator Angara stated that at the proper time, he would welcome any amendments to the provision

Senator Guingona noted that under the bill, cybersex as a computer-related offense is defined as

*no ps*

“any person who establishes, maintains or controls, directly or indirectly any operation for sexual activity or arousal with the aid of or through the use of a computer system, for favor or consideration.”

Senator Guingona informed the Body that *Playboy* magazine has adopted a digital version in the internet but anyone who wants to see its full version has to pay. He cautioned that the provision could run counter to the Constitution.

Asked if a person who pays to see the full version of *Playboy* would be punished under the measure, Senator Angara replied that the digital magazine is a publication protected under the law.

On the issue of pornography, Senator Angara stated that Congress has to apply the standards for judging whether a particular material is pornographic or not. He stated that under Philippine law, the test would be the prurient interest of the viewer in the material, and since it is without any redeeming social value, it is pornographic.

Senator Guingona pointed out that pornography is a never ending debate. He believed that Congress cannot legislate morality in the same way that it cannot impose religion on another person.

Agreeing with Senator Guingona, Senator Angara stated that cybersex, pornography, *et cetera* are already established in Philippine jurisprudence. He said that Congress cannot just brand a picture or publication pornographic without following the wordings of the law. In the realm of morality and something technically new, he noted, controversies will always be present. However, he stated that there are standards for judging whether something is harmful or unacceptable to the community because it violates the sense of right and wrong. He underscored that these standards already exist, that is why law enforcers cannot just invade a person’s privacy and get away with it. He said that there are also legal constraints that prevent a law enforcer from making a wrongful arrest. He stressed that the bill has parameters for judging whether a particular material in the internet partakes of a cybercrime. He believed that without a law, the internet would be a wild-wild west as it is right now.

As regards Section 3(g), Senator Guingona cited the example of an employee who has 100 file folders in an office computer; 99 folders containing office-

related matters and one containing personal materials. He then asked if the employer is allowed to access the employee’s personal folder without his/her permission. Senator Angara replied that the employer has no right to access the personal folder of its employee and the bill, in fact, does not only include the computer but also each and every folder or file. He averred that in criminal law, any doubt should be interpreted in favor of the accused; it cannot be liberally interpreted to be in favor of conviction for commission of an offense.

Senator Guingona observed that the debates on the E-commerce act revealed that search warrants for computer systems might become broader in view of physical spaces. He stated that there is fear that going through the whole computer with so many files might result in indiscriminate fishing expedition.

Senator Angara recalled that the matter was raised earlier by another senator. He agreed that the Committee would use the formula for authorizing search under the E-commerce law. He stated that at the proper time, the provision would be amended to include strict measures for searching.

On Section 11. *Disclosure of Computer Data*, Senator Guingona noted that the first sentence seemed to send the message that the order would come from the law enforcement agency and not from the court. Senator Angara corrected that it is a judicial warrant as he assured that the provision would be amended at the proper time.

Referring to Section 10, Senator Guingona expressed concern on the capability of service providers to preserve traffic data and subscriber information for a given period of time. He stated that the provision would be useless if service providers are physically incapable of complying with the requirements of the law.

Senator Angara stated that with today’s technology, the storage is almost infinite in light of cloud computing, which is very cheap by the way.

Senator Guingona stated that at the proper time, he would propose amendments to the bill.

#### **INTERPELLATION OF SENATOR PIMENTEL**

At the outset, Senator Pimentel stated that he finds the bill’s definition of “child” in Section 4(c)

vague as he cautioned that under the void-for-vagueness doctrine in the U.S. Constitution, a vague provision of the law, especially a criminal one, would be void. He observed that while Section 4(c) defines "child" as also referring to a person regardless of age who is presented, depicted or portrayed as a child as defined herein," in law, a "child" is defined as "someone below 18 or over 18 but who is unable to fully take care of himself or herself from abuse and exploitation because of physical or mental ability."

Asked what the concept of "child" is under the bill, Senator Angara replied that the term is for purposes of defining child pornography. He admitted, however, that the provision is one of the items that need to be amended at the proper time. He noted that as it is, the definition of "child" in the law as someone under 18 or may be over 18 if he is mentally incapacitated is a little broad and unclear. He gave assurance, however, that the Committee would remove all the vagueness in the bill.

Senator Pimentel observed that Section 4(c)(b) is also vulnerable to constitutional challenge because a computer can generate the image of a person above 18 and make him appear younger, although there was no real person involved.

#### **MANIFESTATION OF SENATOR SOTTO**

Senator Sotto manifested that he was submitting to the Committee his proposal on preserving the domain name for inclusion in the committee amendments. Senator Angara stated that the Committee had already done so.

Senator Sotto also gave notice that Senate President Enrile wishes to interpellate on the measure.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2796**

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

#### **SPECIAL ORDER**

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 90 on Senate Joint Resolution No. 13 from the Calendar for Ordinary Business to the Calendar for Special Orders.

#### **COMMITTEE REPORT NO. 90 ON SENATE JOINT RESOLUTION NO. 13**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Joint Resolution No. 13. (Committee Report No. 90), entitled

JOINT RESOLUTION INCREASING THE FY 2011 CORPORATE OPERATING BUDGET OF THE NATIONAL POWER CORPORATION FROM SEVEN BILLION FIVE HUNDRED SEVENTY FIVE MILLION ONE HUNDRED EIGHTY THREE THOUSAND NINE HUNDRED THIRTY SEVEN PESOS (PHP7,575,183,937,00) TO FOURTEEN BILLION NINE HUNDRED SIXTY EIGHT MILLION SEVEN HUNDRED NINETY THOUSAND FIVE HUNDRED TWENTY EIGHT PESOS (P14,968,790,528.00)

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

The Chair recognized Senator Drilon for the sponsorship.

#### **SPONSORSHIP REMARKS OF SENATOR DRILON**

Senator Drilon stated that pursuant to Section 13, Chapter III of the Republic Act No. 7638, otherwise known as the Department of Energy Act of 1992, the National Power Corporation (NPC) is required to submit its annual budget to Congress for approval, and this resulted in the inclusion of the NPC budget in the General Appropriations Act approved by Congress on a yearly basis. He explained that the joint resolution is in compliance with the requirements of R.A. No. 7638 that the budget of the NPC be approved by Congress.

Senator Drilon bared that under the 2011 National Expenditure Program (NEP), the Department of Budget and Management recommended to Congress a P18.296 billion budget for the NPC out of which, P11,458,000, one would be sourced from corporate funds and the remaining P6,838,000,000 from corporate

*ms ps*

borrowings, but Congress reduced the budget of the NPC by P10,720,00 broken down as follows:

- P6,838,000,000 was cut from corporate borrowings in light of the opinion of the Department of Justice that “with the passage of R.A. No. 9136, the Electric Power Industry Reform Act (EPIRA) and the effectivity of its implementing rules and regulations, the NPC no longer has the legal personality to issue new bonds or other forms of indebtedness”; and
- Further, P3,882,000,000 was cut from the corporate funds to limit the budget of the NPC to the level of projected sources of corporate funds realizable in 2011.

Senator Drilon stated that the approved budget of the NPC for the current year, as provided under R.A. No. 10147 or the General Appropriations Act for Fiscal Year 2011, amounted only to P7,575,000,000 which is P10,720,000,000 lower than the proposed P18.296 billion under the NEP.

He reiterated that the decreased amount approved by Congress was in pursuance of the DOJ opinion issued on August 17, 2010, stating that the NPC can no longer incur indebtedness for the purpose of financing the production of power for its Small Power Unit Groups (SPUG) missionary electrification function.

He disclosed that the NPC, as of September 2011, has utilized P7,071,903,000 of its corporate operating budget, leaving only the amount of P503,281 for the rest of the year. He stated that an additional P6,393,418,000 is thus necessary primarily to cover the requirements for fuel, power purchase, rental of generating sets, new power subsidy, debt service and capital expenditures for the entire year. He added that the NPC also needs to address its debt service in the amount of P3,218,989,000 obtained in 2009 and currently programmed for payment in 2011, including interest expense, that were not part of the basis for the Fiscal Year 2011 GAA-approved level.

Senator Drilon said that the financing by the Corporation identified to support the supplemental budget of P6,393,418,000 shall be sourced from expected additional collections of the universal charge for missionary electrification-true up as a result of the provisional authority recently granted by the Energy Regulatory Commission estimated at P1.794 billion. He also pointed out the national government

subsidy of P3 billion to address the repayment of maturing short-term loan facility and the expected partial reimbursement of the Power Sector Assets and Liabilities Management (PSALM) Corporation pertaining to NPC advances to the Bureau of Internal Revenue for the value added taxes for the sale of the main power plants amounting to P2.265 billion.

He stressed that it is therefore necessary for the Senate and the House of Representatives to increase the Fiscal Year 2011 corporate operating budget of the National Power Corporation from P7,575,184 billion to P13,968,602 billion.

The corporate operating budget, he explained, shall be subject to the following conditions:

1. No further augmentation or realignment of the NPC budget shall be allowed for the current year;
2. The NPC shall enter into obligations only to the extent of the actual cash receipts and in following order of priority:
  - Fuel and purchased power cost  
– P2,339,380,000;
  - Generating set rental  
– P93,162,000;
  - NPP subsidy, net of other expenses  
– P326,604,000;
  - Capital outlay  
– P408,585,000;
  - Other expenditures  
– P6,698,000;
3. Upon receipt of the national government’s subsidy of P3 billion, the amount shall be applied to debt service principal payment in the amount off P3,218,989,000;
4. In no case shall the supplemental budget or any savings thereof be utilized for payment of salaries, advances, per diems, representation and transportation expenses, and other personal allowances and benefits; and
5. The NPC will submit to the DBM, the House Committee on Appropriations and the Senate Committee on Finance the actual funding sources and utilization of the 2011 original corporate operating budget and supplemental corporate operating budget.

*ms ys*

In closing, Senator Drilon stated that on December 8, 2011, in a letter to Congress, President Aquino certified to the necessity and urgency of the immediate enactment of Senate Joint Resolution No. 13 together with House Joint Resolution No. 21.

He stated that the proposed supplemental corporate operating budget of the NPC has the bipartisan support of the Members.

#### **TERMINATION OF THE PERIOD OF INTERPELLATIONS**

There being no interpellation, upon motion of Senator Sotto, there being no objection, the Body closed the period of interpellations and proceeded to the period of committee amendments.

#### **COMMITTEE AMENDMENTS**

As proposed by Senator Dilon, there being no objection, the following amendments were approved by the Body:

1. On the first WHEREAS clause, line 2, between the word "for" and the figure "2011," insert the acronym "FY" and between the words "of" and "under," change the figure "Php7,575,183,937.00 to PHP7,575,184,000.00;
2. On the same WHEREAS clause, line 3, between the words "the" and "General," insert the phrase FY 2011;
3. On the same WHEREAS clause, lines 3 and 4, after the acronym "(GAA)," delete the phrase "of 2011";
4. On the second WHEREAS clause, line 1, between the word "its" and the figure "2011," insert the acronym "FY";
5. On the same page, line 4 of the same WHEREAS clause, change the amount in figure from "PHP7,575,183,937.00" to PHP7,575,184,000.00;
6. On the same page, delete the third to the eighth WHEREAS clauses, and in lieu thereof, insert the following:

WHEREAS, THE DECREASED AMOUNT APPROVED BY CONGRESS WAS IN PURSUANCE TO THE DEPARTMENT OF JUSTICE OPINION ISSUED ON AUGUST 17, 2011 STATING THAT NPC CAN NO LONGER INCUR INDEBTEDNESS FOR THE PURPOSE OF FINANCING THE PRODUCTION OF POWER FOR ITS SMALL POWER UTILITIES GROUP'S (SPUG) MISSIONARY ELECTRIFICATION FUNCTION;

WHEREAS, THE NPC, AS OF SEPTEMBER 2011, HAS UTILIZED PHP7,071,903,000.00 OF ITS COB LEAVING THE AMOUNT OF PHP503,281.00 FOR THE REST OF THE YEAR;

WHEREAS, AN ADDITIONAL BUDGET OF PHP6,393,418,000.00 IS NECESSARY PRIMARILY TO COVER THE REQUIREMENTS FOR FUEL, PURCHASED POWER, RENTAL OF GENERATING SETS, NEW POWER PROVIDERS' (NPP) SUBSIDY, DEBT SERVICE AND CAPITAL EXPENDITURES FOR THE ENTIRE YEAR;

WHEREAS, THE ADDITIONAL REQUIREMENTS ARE A RESULT OF THE REASSESSMENT OF CORPORATE REQUIREMENTS, SPECIFIC PROGRAMS/ACTIVITIES/IMPLEMENTATION SCHEDULE, STATUS OF PROCUREMENT, CONSIDERATION OF RECENT DEVELOPMENTS COVERING UPDATED FUEL PRICES, SALES AND GENERATION FORECAST TO ENSURE A NORMAL POWER SUPPLY TO THE ISLANDS BEING SERVED TO COVER THE ENTIRE YEAR;

7. On page 2, line 2 of the ninth WHEREAS clause, change the amount in figure from "P3,164,173,823.54" to "P3,218,989,000.00";
8. On the same page, line 3 of the same WHEREAS clause, replace the phrase "and a six month provision for the" with the word INCLUDING;
9. On the same page, line 4 of the same WHEREAS clause, between the word "the" and the acronym "GAA," insert the phrase FY 2011;
10. On the same page, delete the tenth WHEREAS clause until the resolatory clause, and in lieu thereof, insert the following:

WHEREAS, THE ADDITIONAL REQUIREMENTS FOR CAPITAL EXPENDITURES (CAPEX) IN EXCESS OF THE GAA APPROVED LEVEL ARE INTENDED TO ADDRESS COMMITMENTS OF NPC CLASSIFIED AS PRIORITY, NOW IN VARIOUS STAGES OF PROCUREMENT AND DISBURSEMENTS;

WHEREAS, THE FINANCING BY THE CORPORATION IDENTIFIED TO SUPPORT THE SUPPLEMENTAL BUDGET OF PHP6,393,418,000.00 SHALL BE SOURCED FROM EXPECTED ADDITIONAL COLLECTIONS OF THE UNIVERSAL CHARGE FOR MISSIONARY ELECTRIFICATION-TRUE UP AS A RESULT OF THE PROVISIONAL AUTHORITY RECENTLY GRANTED BY

*ms ps*

THE ENERGY REGULATORY COMMISSION ESTIMATED AT P1,794,000,000.00, THE NATIONAL GOVERNMENT SUBSIDY OF P3,000,000,000.00 TO ADDRESS REPAYMENT OF MATURING SHORT TERM LOAN FACILITY, AND EXPECTED PARTIAL REIMBURSEMENT FROM THE POWER SECTOR ASSETS AND LIABILITIES MANAGEMENT (PSALM) CORPORATION PERTAINING TO THE NPC ADVANCES TO THE BUREAU OF INTERNAL REVENUE (BIR) FOR VALUE ADDED TAXES (VAT) ON THE SALE OF SOME MAIN GRID POWER PLANTS AMOUNTING TO P2,265,000,000.00;

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES IN CONGRESS ASSEMBLED, TO INCREASE THE FY 2011 COB OF THE NATIONAL POWER CORPORATION FROM SEVEN BILLION FIVE HUNDRED SEVENTY FIVE MILLION ONE HUNDRED EIGHTY FOUR THOUSAND PESOS (P7,575,184,000.00) TO THIRTEEN BILLION NINE HUNDRED SIXTY EIGHT MILLION SIX HUNDRED TWO THOUSAND PESOS (P13,968,602,000.00) AS FOLLOWS:

Particulars	FY 2011 GAA (as Realigned)	Supplemental Budget	Revised FY 2011 COB
Personal Services	P 1,612,504,000	P	P 1,612,504,000
Maintenance and Other Operating Expenses	5,482,767,000	5,984,833,000	11,467,600,000
Production of Goods (Fuel and Purchased Power Cost)	3,212,157,000	2,339,380,000	5,551,537,000
Other Operating Expenses	966,939,000	99,860,000	1,066,799,000
Other Expenses	1,129,445,000	326,604,000	1,456,049,000
Debt Service	174,226,000	3,218,989,000	3,393,215,000
Interest	125,934,000	102,934,000	228,868,000
Principal	48,292,000	3,116,055,000	3,164,347,000
Capital Outlay	479,913,000	408,585,000	888,498,000
Total	P 7,575,184,000	P 6,393,418,000	P 13,968,602,000

FURTHER, THE COB SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:

- (i) NO FURTHER AUGMENTATION/REALIGNMENT IN THE NPC BUDGET SHALL BE ALLOWED NOTWITHSTANDING SPECIAL PROVISION NOS. 1 & 2 OF THE COB UNDER THE FY 2011 GAA;
- (ii) THE NPC SHALL ENTER INTO OBLIGATIONS ONLY UP TO THE EXTENT OF ACTUAL CASH RECEIPTS AND IN THE FOLLOWING ORDER OF PRIORITY, HOWEVER, UPON RECEIPT OF THE NATIONAL GOVERNMENT SUBSIDY OF P3,000,000,000.00, THE AMOUNT SHALL APPLY TO DEBT SERVICE PRINCIPAL PAYMENT:

FUEL AND PURCHASED POWER COST	P 2,339,380,000
GENSET RENTAL	93,162,000
NPP SUBSIDY (NET OF OTHER EXPENSES)	326,604,000
DEBT SERVICE (PRINCIPAL & INTEREST)	3,218,989,000
CAPITAL OUTLAYS	408,585,000
OTHER EXPENDITURES	<u>6,698,000</u>
TOTAL	P 6,393,418,000

- (iii) IN NO CASE SHALL THE SUPPLEMENTAL BUDGET OR ANY SAVINGS THEREOF BE UTILIZED FOR PAYMENT OF SALARIES, ALLOWANCES, PER DIEM, REPRESENTATION AND TRANSPORTATION ALLOWANCES, AND OTHER PERSONNEL ALLOWANCES AND BENEFITS; AND
- (iv) THE NPC SHALL SUBMIT TO THE DBM, THE HOUSE COMMITTEE ON APPROPRIATIONS AND THE SENATE COMMITTEE ON FINANCE THE UTILIZATION AND ACTUAL FUNDING SOURCES OF THE FY 2011 ORIGINAL COB AND THE SUPPLEMENTAL COB.;

11. On page 1, reword the title of the joint resolution to read:

JOINT RESOLUTION INCREASING THE FY 2011 CORPORATE OPERATING BUDGET OF THE NATIONAL POWER CORPORATION FROM SEVEN BILLION FIVE HUNDRED SEVENTY FIVE MILLION ONE HUNDRED EIGHTY FOUR THOUSAND PESOS (P7,575,184,000.00) TO THIRTEEN BILLION NINE HUNDRED SIXTY EIGHT MILLION SIX HUNDRED TWO THOUSAND PESOS (P13,968,602,000.00).



**SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 5:36 p.m.*

**RESUMPTION OF SESSION**

At 5:36 p.m., the session was resumed.

**TERMINATION OF THE PERIOD OF COMMITTEE AMENDMENTS**

There being no other committee amendment, upon motion of Senator Sotto, there being no objection, the Body closed the period of committee amendments.

**TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS**

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

**APPROVAL OF SENATE JOINT RESOLUTION NO. 13 ON SECOND READING**

Submitted to a vote, there being no objection, Senate Joint Resolution No. 13 was approved on Second Reading.

**INQUIRY OF THE CHAIR**

Asked by the Chair if the bill was certified as urgent by the President, Senator Sotto answered in the affirmative. He said that the presidential certification would be read the following day before the approval of the joint resolution on Third Reading.

**SUSPENSION OF CONSIDERATION OF SENATE JOINT RESOLUTION NO. 13**



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

**ADJOURNMENT OF SESSION**

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

*It was 5:38 p.m.*

I hereby certify to the correctness of the foregoing.

  
EMMA LIRIO REYES  
Secretary of the Senate  


Approved on December 13, 2011