



**REPUBLIC OF THE PHILIPPINES**  
**Senate**  
Pasay City

# Journal

**SESSION NO. 17**  
Wednesday, September 4, 2013

**SIXTEENTH CONGRESS**  
**FIRST REGULAR SESSION**

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**CALL TO ORDER**

At 3:00 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

**PRAYER**

Sen. Aquilino "Koko" Pimentel III led the prayer, to wit:

We praise You, Almighty God, for being such a good Father to all of us.

Thank You for all the blessings You have given us. Thank You for the gift of life, the gift of good health, and the opportunity given to us to render public service.

Forgive us our trespasses.

Thank You, too, for the controversies You send our way once in a while. These remind us of our humanity, our mortality and of the temporary nature of our membership in this important institution.

We pray for the gift of wisdom, and Your guidance, on how to best carry out the mandate given to us to serve the Filipino people.

We lift up to You the Philippine Senate as well as our individual political careers. Let Your will be done.

We pray that You will continue to bless our country and our people.

Once again, thank You, Lord, for all the blessings that You have given us.

Amen.

**ROLL CALL**

Upon direction of the Chair, the Secretary of the Senate, Atty. Oscar G. Yabes, called the roll, to which the following senators responded:

Angara, S.	Legarda, L.
Binay, M. L. N. S	Marcos Jr., F. R.
Drilon, F. M.	Pimentel III, A. K.
Ejercito, J. V. G.	Poe, G.
Escudero, F. J. G.	Sotto III, V. C.
Estrada, J.	Trillanes IV, A. F.
Honasan, G. B.	Villar, C. A.

With 14 senators present, the Chair declared the presence of a quorum.

Senators Aquino, Enrile, Osmeña, Recto and Revilla arrived after the roll call.

Senator Cayetano (P), who was on official mission, also arrived after the roll call.

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

Senator Defensor Santiago was on sick leave.

Senator Lapid was absent.

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**APPROVAL OF THE JOURNAL**

Upon motion of Senator Pimentel, there being no objection, the Body dispensed with the reading of the Journal of Session No. 16 (September 3, 2013) and considered it approved.

**ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS**

At this juncture, Senator Pimentel acknowledged the presence in the gallery of the student council officers of the San Mateo Municipal College of San Mateo, Rizal headed by Prof. Quisha Joy dela Cruz.

Senate President Drilon welcomed the guests to the Senate.

**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. 1401, entitled

AN ACT AMENDING SECTIONS 2 AND 3 (B) OF 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"

Introduced by Senator Ejercito Estrada

**To the Committees on Public Works; and Ways and Means**

Senate Bill No. 1402, entitled

AN ACT DEFINING WHO ARE INSTITUTIONALIZED PERSONS AND PENALIZING THEIR MALTREATMENT

Introduced by Senator Ejercito Estrada

**To the Committee on Social Justice, Welfare and Rural Development**

Senate Bill No. 1403, entitled

AN ACT AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NUMBER SIX THOUSAND SIX HUNDRED FIFTY SEVEN (R.A. 6657), AS AMENDED, OTHERWISE KNOWN AS THE "COMPREHENSIVE AGRARIAN REFORM LAW OF 1998," AND FOR OTHER PURPOSES

Introduced by Senator Ejercito Estrada

**To the Committee on Agrarian Reform**

Senate Bill No. 1404, entitled

AN ACT ESTABLISHING A FRAMEWORK FOR RESPONSIBLE AND ACCOUNTABLE TRADE NEGOTIATIONS BY CREATING THE PHILIPPINE TRADE REPRESENTATIVE OFFICE, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Ejercito Estrada

**To the Committees on Trade, Commerce and Entrepreneurship; Foreign Relations; and Finance**

Senate Bill No. 1405, entitled

AN ACT INSTITUTIONALIZING A PRE-HOSPITAL EMERGENCY CARE SYSTEM, PROVIDING FOR THE ESTABLISHMENT, SUPERVISION AND REGULATION OF THE PRE-HOSPITAL EMERGENCY CARE PROFESSION, AND FOR OTHER PURPOSES

Introduced by Senator Ejercito Estrada

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

Senate Bill No. 1406, entitled

AN ACT TO PROVIDE INCENTIVES FOR THE PRIVATE SECTOR TO UNDERTAKE RENTAL RESIDENTIAL

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HOUSING AT RATES AFFORDABLE  
TO LOW AND MIDDLE-INCOME  
FAMILIES AND FOR OTHER  
PURPOSES

Introduced by Senator Ejercito Estrada

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

Senate Bill No. 1407, entitled

AN ACT DECLARING THE ISLANDS OF  
SIARGAO AND BUCAS GRANDE  
AS A PROTECTED AREA UNDER  
THE CATEGORY OF PROTECTED  
LANDSCAPES AND SEASCAPES

Introduced by Senator Ejercito Estrada

**To the Committees on Environment and  
Natural Resources; and Finance**

Senate Bill No. 1408, entitled

AN ACT PROHIBITING HARASSMENT  
AND INVASION OF PRIVACY FOR  
COMMERCIAL PURPOSES

Introduced by Senator Ejercito Estrada

**To the Committee on Justice and Human  
Rights**

Senate Bill No. 1409, entitled

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

Introduced by Senator Ejercito Estrada

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

Senate Bill No. 1410, entitled

AN ACT TRANSFERRING THE  
ORGANIZATION, OPERATION AND

MANAGEMENT OF THE METRO  
MANILA FILM FESTIVAL FROM  
THE METRO MANILA DEVELOP-  
MENT AUTHORITY TO THE MOVIE  
WORKERS WELFARE FOUNDATION  
(MOWELFUND), AND PROVIDING  
FUNDS THEREFOR AND FOR  
OTHER PURPOSES

Introduced by Senator Ejercito Estrada

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

Senate Bill No. 1411, entitled

AN ACT TO REQUIRE HOSPITALS TO  
ESTABLISH AND IMPLEMENT  
SECURITY PROCEDURES TO  
REDUCE THE LIKELIHOOD OF  
INFANT PATIENT ABDUCTION  
AND BABY SWITCHING, INCLUD-  
ING PROCEDURES FOR IDENTIFY-  
ING ALL INFANT PATIENTS IN THE  
HOSPITAL IN A MANNER THAT  
ENSURES IT WILL BE EVIDENT IF  
INFANTS ARE MISSING FROM THE  
HOSPITAL

Introduced by Senator Ejercito Estrada

**To the Committee on Health and Demo-  
graphy**

Senate Bill No. 1412, entitled

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

Introduced by Senator Ejercito Estrada

**To the Committees on Women, Family  
Relations and Gender Equality; and Youth**

Senate Bill No. 1413, entitled

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

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Introduced by Senator Ejercito Estrada

**To the Committees on Science and Technology; and Finance**

Senate Bill No. 1414,, entitled

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

Introduced by Senator Ejercito Estrada

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

Senate Bill No. 1415, entitled

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

Introduced by Senator Ejercito Estrada

**To the Committee on Environment and Natural Resources**

Senate Bill No. 1416, entitled

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

Introduced by Senator Ejercito Estrada

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

Senate Bill No. 1417, entitled

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

Introduced by Senator Ejercito Estrada

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

Senate Bill No. 1418, entitled

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

Introduced by Senator Ejercito Estrada

**To the Committee on Civil Service and Government Reorganization**

Senate Bill No. 1419, entitled

AN ACT INCREASING THE PENALTIES IMPOSED AGAINST FAILURE TO SECURE AN ENVIRONMENTAL CLEARANCE CERTIFICATE FOR UNDERTAKINGS IN ANCESTRAL DOMAINS AND OTHER CRITICAL AREAS OR FOR VIOLATIONS OF THE TERMS AND CONDITIONS THEREOF, THEREBY AMENDING PRESIDENTIAL DECREE 1586 AND FOR OTHER PURPOSES

Introduced by Senator Ejercito Estrada

**To the Committees on Environment and Natural Resources; and Cultural Communities**

Senate Bill No. 1420, entitled

AN ACT ALLOCATING TO THE AFP MODERNIZATION ACT TRUST FUND THE COLLECTION FROM CAPITAL GAINS TAX AND VALUE-ADDED TAX ON THE SALE OF REAL PROPERTY AND THE SHARE OF THE NATIONAL GOVERNMENT ON ALL TAXES, ROYALTIES AND CHARGES COLLECTED FROM THE MALAMPAYA NATURAL GAS PROJECT

Introduced by Senator Ejercito Estrada

**To the Committees on Ways and Means; National Defense and Security; and Finance**

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## Senate Bill No. 1421, entitled

AN ACT ESTABLISHING A CREDIT ASSISTANCE PROGRAM FOR OVERSEAS FILIPINO WORKERS

Introduced by Senator Grace Poe

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

## Senate Bill No. 1422, entitled

AN ACT PROVIDING FOR THE RETENTION AND UTILIZATION OF THE INCOME DERIVED BY THE NATIONAL MUSEUM, AMENDING FOR THE PURPOSE SECTION 26 OF REPUBLIC ACT NO. 8492, OTHERWISE KNOWN AS THE "NATIONAL MUSEUM ACT OF 1998"

Introduced by Senator Joseph Victor Ejercito

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

## Senate Bill No. 1423, entitled

AN ACT PENALIZING THE IMPOSITION OF A "NO PERMIT, NO EXAM" POLICY OR ANY SUCH POLICY THAT PROHIBITS STUDENTS OF POST-SECONDARY AND HIGHER EDUCATION FROM TAKING THEIR MIDTERM OR FINAL EXAMINATIONS DUE TO UNPAID TUITION AND OTHER SCHOOL FEES

Introduced by Senator Joseph Victor Ejercito

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

## Senate Bill No. 1424, entitled

AN ACT AMENDING REPUBLIC ACT NO. 7042, AS AMENDED BY REPUBLIC ACT NO. 8179, OTHERWISE KNOWN AS THE FOREIGN INVESTMENTS ACT OF 1991, AND FOR OTHER PURPOSES

Introduced by Senator Joseph Victor Ejercito

**To the Committee on Economic Affairs**

## Senate Bill No. 1425, entitled

AN ACT AMENDING THE ADMINISTRATIVE CODE OF 1987 BY PROHIBITING A PERSON FROM BEING APPOINTED AS THE SECRETARY OF THE DEPARTMENT OF NATIONAL DEFENSE WITHIN THE NEXT THREE (3) YEARS AFTER RELIEF, SEPARATION OR RETIREMENT FROM ACTIVE DUTY AS A COMMISSIONED OFFICER OF THE ARMED FORCES OF THE PHILIPPINES

Introduced by Senator Joseph Victor Ejercito

**To the Committee on National Defense and Security**

## Senate Bill No. 1426, entitled

AN ACT EXTENDING THE PERIOD FOR INDIGENOUS CULTURAL COMMUNITIES/INDIGENOUS PEOPLES TO EXERCISE THE OPTION TO SECURE TITLE TO THEIR ANCESTRAL LANDS UNDER LAND REGISTRATION ACT 496 AND GRANTING A NEW FIVE (5) YEAR PERIOD TO THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES (NCIP) TO TAKE APPROPRIATE LEGAL ACTION FOR THE CANCELLATION OF OFFICIALLY DOCUMENTED TITLES WHICH WERE ILLEGALLY ACQUIRED, AMENDING FOR PURPOSE SECTIONS 12 AND 64 OF REPUBLIC ACT NO. 8371, OTHERWISE KNOWN AS THE INDIGENOUS PEOPLES RIGHTS ACT OF 1997

Introduced by Senator Joseph Victor Ejercito

**To the Committee on Cultural Communities**

## Senate Bill No. 1427, entitled

AN ACT EXPANDING THE PROHIBITED ACTS OF DISCRIMINATION AGAINST WOMEN ON ACCOUNT OF SEX, AMENDING FOR THE PURPOSE ARTICLES 135 AND 137

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OF PRESIDENTIAL DECREE NO. 442,  
AS AMENDED, OTHERWISE KNOWN  
AS THE LABOR CODE OF THE  
PHILIPPINES

Introduced by Senator Joseph Victor Ejercito

**To the Committees on Labor, Employment  
and Human Resources Development; and  
Women, Family Relations and Gender Equality**

Senate Bill No. 1428, entitled

AN ACT AMENDING ARTICLE 75 OF  
TITLE IV OF EXECUTIVE ORDER  
NO. 209, AS AMENDED BY EXECU-  
TIVE ORDER NO. 227, OTHERWISE  
KNOWN AS THE FAMILY CODE  
OF THE PHILIPPINES

Introduced by Senator Joseph Victor Ejercito

**To the Committee on Women, Family  
Relations and Gender Equality**

Senate Bill No. 1429, entitled

AN ACT PROVIDING FOR THE PAY-  
MENT OF THE TOTAL ADMINIS-  
TRATIVE DISABILITY PENSION TO  
SENIOR VETERANS OF WARS AND  
MILITARY CAMPAIGNS

Introduced by Senator Joseph Victor Ejercito

**To the Committees on National Defense  
and Security; and Finance**

Senate Bill No. 1430, entitled

AN ACT ESTABLISHING A VOLUN-  
TARY STUDENT LOAN PROGRAM  
BY BANKS AND GOVERNMENT  
FINANCIAL INSTITUTIONS, PROVID-  
ING INCENTIVES THEREFOR AND  
FOR OTHER PURPOSES

Introduced by Senator Joseph Victor Ejercito

**To the Committees on Banks, Financial  
Institutions and Currencies; Government  
Corporations and Public Enterprises; and Ways  
And Means**

Senate Bill No. 1431, entitled

AN ACT UPGRADING THE RETIRE-  
MENT AND DISABILITY BENEFITS  
OF MILITARY PERSONNEL

Introduced by Senator Defensor Santiago

**To the Committee on National Defense and  
Security**

Senate Bill No. 1432, entitled

AN ACT REQUIRING THE DEPART-  
MENT OF AGRARIAN REFORM  
AND THE DEPARTMENT OF  
AGRICULTURE TO SUBMIT AN  
ANNUAL REPORT TO CONGRESS  
ON THE CONVERSION OF AGRICUL-  
TURAL LAND TO NON-AGRI-  
CULTURAL USES INCLUDING A  
REVIEW OF EXISTING POLICIES  
AND PROCEDURES

Introduced by Senator Defensor Santiago

**To the Committees on Agrarian Reform;  
and Agriculture and Food**

Senate Bill No. 1433, entitled

AN ACT TO DEVELOP AN EDUCA-  
TIONAL STRATEGY THAT AD-  
DRESSES THE EDUCATIONAL  
NEEDS OF MEMBERS OF LOCAL  
COMMUNITIES

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1434, entitled

AN ACT ESTABLISHING AN ADVISORY  
COMMITTEE WITHIN THE DEPART-  
MENT OF HEALTH TO STUDY  
ISSUES RELATED TO AUTISM,  
AND INFANT AND TODDLER  
IMMUNE SYSTEM DISORDERS

Introduced by Senator Defensor Santiago

**To the Committee on Health and Demo-  
graphy**

Senate Bill No. 1435, entitled

AN ACT MAKING AUTOMATED  
TELLER MACHINES ACCESSIBLE  
TO THE VISUALLY IMPAIRED

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1436, entitled

AN ACT AMENDING SECTION 7 OF  
REPUBLIC ACT 7877, ALSO KNOWN  
AS THE ANTI-SEXUAL HARASS-  
MENT ACT OF 1995

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1437, entitled

AN ACT AMENDING ARTICLE 1403 OF  
REPUBLIC ACT NO. 386, ALSO  
KNOWN AS THE CIVIL CODE OF  
THE PHILIPPINES

Introduced by Senator Defensor Santiago

**To the Committee on Trade, Commerce  
and Entrepreneurship**

Senate Bill No. 1438, entitled

AN ACT REPEALING ARTICLE 781 OF  
REPUBLIC ACT NO. 386, ALSO  
KNOWN AS THE "CIVIL CODE OF  
THE PHILIPPINES," ON THE  
GROUND OF SUPERFLUITY

Introduced by Senator Defensor Santiago

**To the Committee on Women, Family  
Relations and Gender Equality**

Senate Bill No. 1439, entitled

AN ACT AMENDING ARTICLE 2180 OF  
REPUBLIC ACT NO. 386, OTHER-

WISE KNOWN AS THE "CIVIL  
CODE OF THE PHILIPPINES,"  
TO INCLUDE ACADEMIC EDUCA-  
TIONAL INSTITUTIONS

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1440, entitled

AN ACT PROVIDING FOR ABSENTEE  
VOTING FOR LAWYERS

Introduced by Senator Defensor Santiago

**To the Committees on Electoral Reforms  
and People's Participation; and Finance**

Senate Bill No. 1441, entitled

AN ACT AMENDING REPUBLIC ACT  
NO. 9710 ALSO KNOWN AS "THE  
MAGNA CARTA OF WOMEN" BY  
DIRECTING COEDUCATIONAL  
SCHOOLS, COLLEGES, UNIVER-  
SITIES OR ANY OTHER LEARN-  
ING INSTITUTION TO MAKE  
AVAILABLE INFORMATION ON  
EQUALITY IN SCHOOL ATHLETIC  
PROGRAMS

Introduced by Senator Defensor Santiago

**To the Committees on Women, Family  
Relations and Gender Equality; and Education,  
Arts and Culture**

Senate Bill No. 1442, entitled

AN ACT TO REQUIRE COMPREHEN-  
SIVE DETAIL LABELING OF SEA-  
FOOD SOLD IN THE PHILIPPINES  
AND PROVIDE PENALTIES FOR  
VIOLATIONS OF THE LABELING  
REQUIREMENTS

Introduced by Senator Defensor Santiago

**To the Committees on Trade, Commerce  
and Entrepreneurship; and Health and Demo-  
graphy**

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Senate Bill No. 1443, entitled

AN ACT EXPANDING THE RESEARCH AND AWARENESS ON SCLERODERMA OF THE DEPARTMENT OF HEALTH

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1444, entitled

AN ACT ESTABLISHING A PROGRAM TO STRENGTHEN TSUNAMI DETECTION, FORECAST, WARNING, AND TSUNAMI HAZARD MITIGATION CAPABILITIES OF THE PHILIPPINE INSTITUTE OF VOLCANOLOGY AND SEISMOLOGY

Introduced by Senator Defensor Santiago

**To the Committees on Science and Technology; and Finance**

Senate Bill No. 1445, entitled

AN ACT PROVIDING THE POOR WITH ACCESS TO FREE ESSENTIAL MEDICINES THROUGH BARANGAY HEALTH CENTERS

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1446, entitled

AN ACT ESTABLISHING A TASK FORCE WITHIN THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT TO GATHER INFORMATION, STUDY, AND REPORT TO CONGRESS REGARDING INCIDENTS OF ABANDONMENT OF INFANT CHILDREN

Introduced by Senator Defensor Santiago

**To the Committee on Social Justice, Welfare and Rural Development**

Senate Bill No. 1447, entitled

AN ACT AMENDING SECTION 32 OF REPUBLIC ACT NO. 7166

Introduced by Senator Defensor Santiago

**To the Committees on Electoral Reforms and People's Participation; and Public Order and Dangerous Drugs**

Senate Bill No. 1448, entitled

AN ACT AMENDING SECTION 4 OF PRESIDENTIAL DECREE NO. 968, OTHERWISE KNOWN AS THE "PROBATION LAW OF 1976," AS AMENDED BY PRESIDENTIAL DECREE NO. 1990

Introduced by Senator Defensor Santiago

**To the Committee on Justice and Human Rights**

Senate Bill No. 1449, entitled

AN ACT AMENDING REPUBLIC ACT NO. 7941, OTHERWISE KNOWN AS THE "PARTY-LIST SYSTEM ACT"

Introduced by Senator Defensor Santiago

**To the Committee on Electoral Reforms and People's Participation**

Senate Bill No. 1450, entitled

AN ACT AMENDING ARTICLE 364 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE PENAL CODE

Introduced by Senator Defensor Santiago

**To the Committee on Justice and Human Rights**

#### COMMITTEE REPORT

Committee Report No. 1, submitted jointly by the Committees on Local Government; and Electoral Reforms and People's Participation, on Senate

Bill No. 1186, introduced by Senator Marcos Jr.,  
entitled

AN ACT TO POSTPONE THE SANG-  
GUNIANG KABATAAN ELECTIONS  
ON OCTOBER 28, 2013, AMENDING  
FOR THE PURPOSE SECTION 1 OF  
REPUBLIC ACT NO. 9340, AND FOR  
OTHER PURPOSES,

recommending its approval without amendment.

Sponsor: Senator Marcos Jr.

**To the Calendar for Ordinary Business**

**PRIVILEGE SPEECH  
OF SENATOR SOTTO**

Availing himself of the privilege hour, Senator Sotto informed the Body of his intention to forego his Priority Development Assistance Fund (PDAF) in the remaining years of his term as senator.

*The full text of his speech follows:*

There is a saying that goes this way – “May you live in interesting times.” The times we live in, to my mind, fit the expression well.

Every young generation thinks the older generation lived in better times. They were admittedly nobler and wiser. Often it is said that the Senate of yesteryears had heroic characters, and their names were synonymous with brilliance and wisdom and courage. Ours is supposed to pale in comparison and we all here are labeled in deprecatory tones, not only from the outside, but also from within.

The present focus on possible misuse of public funds that can be earmarked by legislators for certain projects has come under fire. This charge on politicians is not new.

It reverberated two thousand years ago in the Senate of Rome, where the great Cicero remarked that “the senators took a long time walking home because their pockets were too heavy.”

Closer to home, our political leaders were themselves charged with various public funds misuse, from revolutionary times to the present. But these charges did not burn the house down, so to speak. If there are pieces of evidence and testimonies, let us hear them first. But let not this

present crisis stir again talks of instability, of opportunistic forces out to hijack the present discontent with the imprint of their own agenda, leading to besmirched reputations.

My present discomfort on this matter may only be assuaged if we lay the responsibility of searching for the truth through the proper forum and not in the court of public opinion.

This brings me to my intention today. Mr. President, I am submitting to you a letter which I prepared some time ago, and I believe now is the appropriate time to give it to you. With your indulgence, may I read:

Dear Senate President Drilon,

I write to formally inform you that I will forego the allocation of the Priority Development Assistance Fund (PDAF) intended for my office in the succeeding years of my tenure as Senator of the Republic.

My decision is intended to forestall any further controversy that may arise in the use of the PDAF, particularly that it is a vehicle for corruption and that it is used to fund “ghost” projects.

In the past, the release of our office’s allocated PDAF was solely prompted by the pleas of help and assistance from the LGUs and the public. I could not have, in good conscience and as a public servant, ignored our countrymen’s clamor for such.

As for the remaining allocation for my office this year, I hereby submit to you that Fifty Million Pesos (P50,000,000) be allocated for all specialty and some regional hospitals of the government, a list of which is hereby attached, so that no patient may die for lack of money to get proper medical attention; and Fifty Million Pesos (Php50,000,000) for the University of the Philippines and other state colleges and universities for tuition fee augmentation of those who cannot afford, so that no student may think of suicide for lack of funds to take an exam.

Very truly yours,

VICENTE C. SOTTO III (Sgd)

I hope that this letter and my intentions are well received and executed by the Senate President.

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## STATEMENT OF SENATE PRESIDENT DRILON

Senate President Drilon took note of the request of Senator Sotto. He stated that the Senate listens and this is a manifestation of how the Senate reacts to situations such as the present controversy.

## REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Pimentel, there being no objection, the Chair referred the speech of Senator Sotto to the Committee on Rules.

## SPECIAL ORDER

Upon motion of Senator Pimentel, there being no objection, the Body approved the transfer of Committee Report No. 1 on Senate Bill No. 1186 from the Calendar for Ordinary Business to the Calendar for Special Orders.

## COMMITTEE REPORT NO. 1 ON SENATE BILL NO. 1186

Upon motion of Senator Pimentel, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1186 (Committee Report No. 1), entitled

AN ACT TO POSTPONE THE *SANGGUNIANG KABATAAN* ELECTIONS ON OCTOBER 28, 2013, AMENDING FOR THE PURPOSE SECTION 1 OF REPUBLIC ACT NO. 9340, AND FOR OTHER PURPOSES.

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

Thereupon, the Chair recognized Senator Marcos, sponsor of the measure.

## SPONSORSHIP SPEECH OF SENATOR MARCOS

Senator Marcos presented to the Body Senate Bill No. 1186, which seeks to postpone the *Sangguniang Kabataan* elections on October 28, 2013, saying that the Committee has found that this

postponement is necessary to give Congress reasonable time to craft legislation that would institute the necessary reforms of the present structure of the *Sangguniang Kabataan*.

*The full text of Senator Marcos' sponsorship speech follows:*

There is no issue that the continued participation of the youth in nation building should always be ensured and protected. And let me take this opportunity to restate my position that I am not in favor of the abolition of the SK but rather, I am in support of its restructuring.

The mandate of Article II, Section 13 of the 1987 Constitution is also very clear: "The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs."

History will tell us that the vital participation of the youth in community affairs, policy-making, as well as public governance, traces its roots to the time of President Ferdinand Marcos when, on April 15, 1975, he issued Presidential Decree No. 684 which established the first youth council through the *Kabataang Barangay*. This barangay youth organization became an effective vehicle for the youth in articulating their views and opinions on important local and national issues.

Then, Republic Act No. 7160, or the Local Government Code of 1991, was passed leading to the reorganization of the *Kabataang Barangay*, and which eventually was replaced by the *Sangguniang Kabataan*.

Thus, in 1992, the country witnessed the first *Sangguniang Kabataan* elections. Through the years, however, as the nation closely scrutinized the involvement of the youth in community affairs, many have observed that the *Sangguniang Kabataan* was not as effective as envisioned in advancing the democratic ideas of service-oriented youth leadership. Also, some of the *Sangguniang Kabataan* leaders and members have in fact been observed to become highly politicized and, worse, have been seen to engage in dishonest and corrupt practices in the handling of public funds, particularly those allotted to the different projects and programs intended for the welfare of the youth.

Even the author of the Local Government Code of 1991, Senator Nene Pimentel, had expressed misgivings as to how the system

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of the *Sangguniang Kabataan* had developed through the years.

Sadly, this regrettable scenario led to the negative image of our Filipino youth leaders. The role in public services to which our young leaders are being groomed to assume has sometimes been replaced with distorted, selfish and crooked perception of public office among the young leaders of the country.

It is the unanimous opinion of the committee that this youth organization must be reformed and restructured in order to serve the goal for which it was established, i.e. to represent in government the needs and concerns of our rapidly growing youth sector, and to be the breeding ground for upright, decent, trustworthy and diligent young leaders of the country.

We, in Congress, cannot ignore the resounding call from all sectors of the society for the comprehensive restructuring of the *Sangguniang Kabataan*.

The National Youth Commission believes that there is a need to reinvent the mandate of the *Sangguniang Kabataan* and come up with its reformed structure, with emphasis on the SK's role in effective representation, full accountability and transparency in its undertakings.

The League of Cities, on the other hand, believes that it is necessary to transform and improve the *Sangguniang Kabataan* in order to curb corruption among the youth.

Even the *Sangguniang Kabataan* National Federation admits that the SK system has developed many flaws through the years of its existence. In fact, it is acknowledged in their position paper that notwithstanding the hard work and relentless efforts in the previous and present leadership of the *Sangguniang Kabataan*, criticism against the *Sangguniang Kabataan* continues to crop up every now and then.

Among these criticisms are:

- 1) That the members of SK are ineffective, not mature enough or are unprepared to take on leadership roles;
- 2) That the activities of the *Sangguniang Kabataan* are now limited to *pa-liga* or sports-related projects and fund-raising only;
- 3) That many of the members of the *Sangguniang Kabataan* have become absentee officials;
- 4) That the members of the *Sangguniang Kabataan* only engage in local politics and

do not serve the interest of the Filipino youth, nor do they address the needs of the younger population; and

- 5) That the *Sangguniang Kabataan* serves as a breeding ground for errant, corrupt and traditional politicians or *trapo* youth leaders.

The DILG has likewise manifested during the committee hearings that as a result of the various consultations with local government units, there is a need to postpone the scheduled *Sangguniang Kabataan* elections to pave the way for its restructuring and its reforms.

It is noteworthy to state that the call for postponement of the SK elections is unanimously supported by the different stakeholders mentioned earlier.

Our Committee on Local Government, after seriously considering the many appeals for reforms of the *Sangguniang Kabataan*, hereby strongly recommends the postponement of the *Sangguniang Kabataan* elections scheduled on the 28<sup>th</sup> of October this year.

My colleagues in this august Body, the proximity of the scheduled elections requires us to act promptly on this legislative proposal for the immediate guidance and implementation of all stakeholders, especially the Commission on Elections which is now in an advanced state of its preparations for the October 28 elections.

During the committee hearing, there was a consensus among the members of the committee that the SK elections will be postponed for a period of not exceeding one year. During this time, the SK reform bill will be crafted and deliberated upon by Congress. However, this Representation realized that this desired earlier setting of their elections than the synchronized barangay and SK elections of 2016 as proposed in the bill, is better left to be embodied in the reform and restructuring legislation which will be the output of the various stakeholders in the study of issues of youth representation in governance.

Rest assured, however, that as chairman of the Committee on Local Government, this Representation will exert utmost effort in the thorough deliberation and eventual passage of the SK reform bill so that immediately thereafter, the SK elections can be held and conducted at the soonest possible time.

The committee believes in the power of the youth in bringing forth responsible governance for the welfare of our people. We in Congress are duty-bound to guide them in their journey to

public service through an amendatory law that will institute an accountable and responsible youth organization that will be crafted in the coming months.

In view of the imperative need to give Congress ample time to intently deliberate on the issues at hand and come up with the substantial and significant legislation that will institute meaningful, systemic and feasible reforms to the SK, this Representation, therefore, respectfully appeals to this august Chamber to join me in approving Committee Report No. 1 which proposes the postponement of the scheduled *Sangguniang Kabataan* elections this 28 of October 2013.

### INTERPELLATION OF SENATOR ESCUDERO

At the outset, Senator Escudero agreed with Senator Marcos that the *Sangguniang Kabataan* (SK) should not be abolished due to reasons like alleged graft and corruption practices and absenteeism because, to him, the same can be said of the Congress or of the Executive branch, but nobody is calling for their abolition. Saying that he was inclined to support the postponement of the SK elections, he believed that it is easier to teach the youth as compared to older people, therefore, reforming the system would be a better option.

Asked on the age qualification to become a member of the SK, Senator Marcos replied that one must be within the age range of 15 to 17. Senator Escudero recalled that in the implementation of the previous postponement law, there were situations when the incumbent SK officials on a holdover capacity exceeded the maximum age resulting in, among others, absenteeism and lack of quorum because they would have gone to college and left their place. At the proper time, he said that he would propose an amendment to address this particular situation by transferring the reins of the SK to qualified SK members through an internal election.

Senator Marcos agreed that the age range to qualify the youth sector is one of the main issues to be addressed. Citing the experiences in other countries, he pointed out that one need not be young to be a youth leader since the age range of the youth sector reaches up to the age of 35, even 40 for the U.N. He lamented that the youth leaders in the Philippines who were trained and have become passionate about the issues of the young people are

suddenly disqualified simply by virtue of their age, which is an asset that the youth sector is losing in terms of representation. He stated that the different experiences of other countries and the past experience in the country will be examined so that the reforms that would be put in place would be customized and adjusted to the conditions in the country.

Pointing out that the SK reform law has been pending in the last two Congresses, Senator Escudero asked on the certainty of its passage before the October 2016 elections because if not, another postponement would be sought.

Senator Marcos stated that during the committee hearings, he had already proposed that the postponement of elections would only be for a year, and that whatever date that would be agreed upon for the SK elections would be included in the reform bill, thereby doing away with the hold-over provision in the Local Government Code for the SK officials.

As a final inquiry, Senator Escudero asked on the possible committee referral of the reform bill. Senator Marcos replied that the bill was referred primarily to the Committee on Local Government and possibly to the newly created Committee on Youth.

Senator Escudero expressed hope that the SK reform bill would be approved before the next SK elections.

### INTERPELLATION OF SENATOR SOTTO

Asked by Senator Sotto if the origin of the *Sangguniang Kabataan* (SK) was the *Kabataang Barangay* (KB), Senator Marcos replied in the affirmative. He also affirmed that the bill under consideration seeks to postpone the SK elections in order to give Congress ample time to legislate reforms in the SK system before the next SK elections, possibly within a year, if not sooner.

Asked what reforms he has in mind that he wanted to be put in place before the next SK elections, Senator Marcos cited some of the many SK issues that need reforms, to wit:

#### 1) *Sources of funds* –

The law mandates 10% of the barangay's Internal Revenue Allotment (IRA) for SK projects but most of the time, funding is insufficient or sometimes, the funds

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had been used for other purposes, for instance, in times of calamity. The reform bill would introduce a mechanism that would ensure SK is properly funded;

2) *The lack of transparency in the disbursement of SK funds;*

3) *The age range -*

Majority of the SK officials exceed the age range by the end of their term. One implication of the age range issue of the SK officials is that SK officials who are not yet 18 cannot sign any documents, so they have to go either to the barangay chairman or to the mayor and ask them to sign in their behalf. Additionally, SK members are of school age and their studies prevent them from attending to their duties.

4) *Whether or not an SK council is needed in every barangay -*

There were suggestions that there should be just one SK representative in the barangay council instead of having a separate SK council.

As to how many are elected to the SK council, Senator Marcos replied that the council is composed of seven members, that is why the issue of quorum has always been a problem. He suggested having older, more senior youth leaders to make use of their experience, as he noted that in other countries the youth leaders range from 17 to 35 or even 40 years in age. He affirmed that the SK council is funded by the mandated 10% of the barangay IRA.

In closing, Senator Sotto said he would rely on the wisdom of Senator Marcos for the postponement of the SK elections.

*At this juncture, the Senate President relinquished the Chair to Senate President Pro Tempore Recto.*

#### **INTERPELLATION OF SENATOR ESTRADA**

Asked how much the government would save if the *Sangguniang Kabataan* elections were postponed, Senator Marcos replied that there would be an estimated savings of P80 million to P90 million. He explained that according to Comelec

Commissioner Lim, the per diem of the election officers in the present synchronized elections is P2,000 for the barangay and P500 for the SK but a separate SK elections would translate to a per diem of another P2,000 for the election workers or P400 million. He informed the Body that the government would spend P3.1 billion if the barangay and SK elections would be held simultaneously.

On whether the barangay elections would revert to manual voting, Senator Marcos affirmed that it would be manual voting because according to the Comelec, it would not be necessary to use the PCOS machines for the automatic reporting of barangay election results as these are confined only to the barangay concerned unlike in city/provincial or national elections where results are transmitted to the central office.

Asked if he has confidence in the PCOS machines in terms of accurate reporting, Senator Marcos believed that PCOS machines could count the votes and transmit the results properly if there is no human intervention, but he maintained that the machines could still be manipulated, as seen in the last elections where results on a regional basis were almost mathematically impossibly consistent.

Asked who administers the 10% IRA allocated to the SK, Senator Marcos said that the fund is given to the SK council but the SK chairman, being the presiding officer, administers the funds. He agreed that the present age range of 15 to 17 years for SK members prevents a chairman who is only 17 years old from entering into a contract as he has not yet reached the age of majority, so that sometimes, the barangay captain signs the contract on behalf of the SK. He affirmed that any SK project is considered a barangay project implemented under the auspices of the barangay council.

On the matter of postponing or cancelling the barangay elections, Senator Marcos believed that it would be useful to postpone it because there are also many proposals to reinvent or to restructure the barangay system. He cited the consensus he had reached with then Secretary Jess Robredo and the *Liga ng mga Barangay* to change the term of office from three years to five years and set the term limits to either two or three terms. But he noted that the DILG is no longer entertaining those proposals, and the issue being essentially a public policy is for the Executive Department to decide. He stressed that

the President and Secretary Roxas made it very clear that they want the barangay elections to push through on October 28, 2013.

#### **INTERPELLATION OF SENATE PRESIDENT DRILON**

Preliminarily, Senate President Drilon stated that the *Sangguniang Kabataan* age requirement is 15 to 17 years old and that if one is over 17 years old, he/she is disqualified from either voting or being voted upon.

Asked by Senator Drilon on the date of the last SK elections, Senator Marcos replied that it was last held in 2010.

Senate President Drilon noted that the incumbent SKs were born between 1993 and 1995, hence, they would now be disqualified to run even in the scheduled SK elections because they are already between 18 and 20 years old. He said that postponing the elections and allowing the incumbents to continue to hold office would, in effect, be changing the qualifications of the SK since even at 18 years of age, they become qualified to be in the SK council simply because of the postponement.

Senator Marcos averred that since the beginning of the SK, the term of office has been three years, yet there were occasions in the past when the SK elections had been postponed.

Specifically citing the phrase "all incumbent *Sangguniang Kabataan* officials shall remain in office," Senate President Drilon maintained that postponing the election and allowing the incumbents to continue in office in a holdover capacity is tantamount to changing the SK age qualification. He pointed out that these incumbent SK officials are already disqualified to hold office and even to be voted upon if the elections would be held as scheduled because they are beyond 17 years old.

Senator Marcos explained that based on the Supreme Court ruling in the case of *Topacio Nueno vs. Angeles*, "the application of the holdover principle preserves continuity in the transaction of official business and prevents a hiatus in government, pending the assumption of a successor into office." Moreover, he said that the Local Government Code allows the incumbent officials to remain in a holdover capacity if there is a postponement of elections.

Senate President Drilon stated that there is no question about allowing SK members who are 17 years old at the time of their election to continue serving until the end of their term. However, he noted that as Senator Marcos had earlier stated, if elections were not postponed, the same officials cannot run for office again because of the age qualification. He inquired, then, why the incumbents would be allowed to sit in a holdover capacity because of the postponement when they are already disqualified.

Senator Marcos clarified that, indeed, the incumbents cannot run, but he pointed out that there have been precedents on postponements of SK and even barangay elections allowing the application of the holdover principle.

Senate President Drilon expressed doubt if the precedents apply in the case whereby those who seek office no longer qualify, yet by virtue of the postponement of the elections, they would suddenly be qualified. Hypothetically, he said that if the elections were to be moved to 2016, those who are 18 years old today would be 21 years old, and by the time their term ends, they would be 24 years old.

Senator Marcos stated that among the issues to be addressed is the age requirement of the law. He posited that if the elections were to push through on October 28, all the incumbents can no longer run. He said that such problems should be examined carefully, the reason why the Committee is requesting more time by postponing the election.

Senate President Drilon thanked Senator Marcos for his open-mindedness about the particular provision of the bill. He expressed hope that Section 2 would be reexamined and that amendments could be introduced at the proper time.

#### **INTERPELLATION OF SENATOR AQUINO**

At the outset, Senator Aquino expressed his support for the postponement of the SK elections, recalling that in the hearing, all the resource persons were adamant in postponing the elections until important reforms are put in place in the SK system. However, he believed that putting a provision barring persons above 17 years old from holding a position in the council would, in effect, mean abolishing the SK.

Senator Marcos stated that if the postponement pushes through, by October 28 the SK would be dissolved if the age limits were to be strictly applied.

Asked whether dissolving the SK pending necessary reforms was considered more important than allowing the youth to continue in a holdover capacity, Senator Marcos reiterated that the fundamental principle of having youth representation in all levels of government is necessary and desirable. He said that dissolving the SK pending reforms would be denying the youth representation in governance which might be unconstitutional. He believed that a practical solution to a temporary problem is to uphold the holdover provision of the bill to give Congress more time to reform the SK system.

**POINT OF CLARIFICATION  
BY SENATE PRESIDENT DRILON**

Responding to the concern raised by Senator Aquino, Senate President Drilon clarified that there was no intention to abolish the SK but merely to propose an amendment that would remove the holdover provision and instead appoint officials to be able to maintain the 15 to 17 year-old age range. He cited the law postponing the ARMM elections which allowed the appointment of an officer-in-charge of the office of the ARMM governor in the interim until after the elections were held.

Senator Marcos admitted that during the hearings, the ARMM example was raised. However, he said that no one among the youth leaders and stakeholders were amenable to the idea as they felt that they should be elected and not appointed.

Senate President Drilon reiterated that if the incumbents were allowed to remain in office in a holdover capacity, they would be disqualified because they are over 17 years old. He said that the options would be to allow the elections to push through, in which case the incumbents can no longer run, or postpone it and in the interim appoint SK officials while reforms to the SK are being formulated.

Senator Marcos stated that the Committee intends to have all the inputs from interested and concerned sectors heard. As regards the interim period, he maintained that the holdover principle should apply.

**INTERPELLATION OF SENATOR LEGARDA**

Senator Legarda noted that in his sponsorship speech, Senator Marcos said that in no less than one year, elections should be held but he did not discount the possibility that there could be synchronized elections in 2016.

In reply, Senator Marcos explained that although the proposal was to postpone the election and to hold discussions and deliberations on the reform bill at the very latest in 2016, it would be more practical to impose a deadline and to include the date of the forthcoming election into the reform bill.

As to whether the date of election which would be specified on the proposed legislation could be held much earlier than 2016, Senator Marcos said that the consensus was to hold the election within one year.

As to the term of office of the SK officials who would be elected pursuant to the new legislation, Senator Marcos pointed out that the elections for the barangay and SK officials were always scheduled separately, but if there would be synchronized elections in 2016, a transition or temporary arrangement could be made until 2016.

Senator Legarda asked whether the SK election does not have to be synchronized with the election in 2016. Senator Marcos said that the schedule always begins in the national and local, followed by the barangay and eventually the SK elections.

Noting that the issues of climate change and disaster risk reduction were not yet major considerations when the mandate of the SK was introduced, Senator Legarda said that at the proper time, she would propose to restructure the mandate of the SK to include environmental protection, climate adaptation, or the use of the youth as ecological warriors to make their role more relevant in the changing times.

Senator Marcos welcomed Senator Legarda's suggestion, agreeing that environmental issues were not as critical when the Local Government Code was written. He gave the assurance that environmental and climate change issues would be at the forefront in all the reforms that would be introduced. He believed that those at the grassroots level are necessarily the ones that should forge the campaign, asserting that nothing would happen without their active participation. He also agreed that environmental



and ecological issues should be made a relevant part of the duties of the SK inasmuch as the young people between the ages of 15 and 17 have practically grown up with these issues.

As to the member of *Sangguniang Kabataan* councils nationwide, Senator Marcos pointed out that there are 336,224 SK officials all over the country. Senator Legarda noted that the country would have the same number of ecological warriors who should be familiarized with pertinent laws, namely, the Clean Air Act, the Clean Water Act, the Ecological Solid Waste Management Law, the Environmental Education Awareness Act, the People's Survival Fund, the National Disaster Risk Reduction Management Act, the Climate Change Act and the Renewable Energy Law. She lamented that these laws were not being implemented fully, effectively and efficiently despite their importance. She expressed hope that the 336,224 ecological warriors could help the elders find a way to implement said laws.

Senator Marcos stated that the establishment of a training scheme for the SK was one of the major proposals made in recognition of the fact that many of them have little experience in governance and administration. He said that the training aims to provide sufficient information on their roles and on the laws, not only on the so-called "green legislation" but also on all other pertinent laws relevant to their work as SK officials.

Senator Legarda acknowledged the importance of training in the regional, provincial, city, municipal and barangay levels because they could possibly replicate the efforts of 24 senators who could conduct work-shops only up to the regional level. She

expressed support for the postponement of the election in the hope that the youth would be at the center of the reforms, that the youth would be mandated to focus not only on green legislation but would be provided with trainings and workshops to imbibe important elements such as water, soil, air, greenery, among others, pursuant to the aspiration to make the Philippines clean, green and blue, which, she said, is the kind of environment that she hoped the youth of the country would inherit.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1186**

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

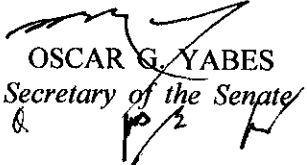
#### **ADJOURNMENT OF SESSION**

Upon motion of Senator Pimentel, there being no objection, the Chair declared the session adjourned until three o'clock in the afternoon of Monday, September 9, 2013.

*It was 4:30 p.m.*

I hereby certify to the correctness of the foregoing.

OSCAR G. YABES  
Secretary of the Senate



Approved on September 9, 2013