



REPUBLIC OF THE PHILIPPINES
Senate
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Journal

SESSION NO. 23
Wednesday, September 18, 2013

SIXTEENTH CONGRESS
FIRST REGULAR SESSION

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Wednesday, September 18, 2013

CALL TO ORDER

At 3:02 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

PRAYER

Sen. Cynthia A. Villar read the prayer of St. Francis of Assisi, to wit:

Lord, we pray to make us an instrument of Your peace. Where there is hatred, let us sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; and where there is sadness, joy.

O Divine Master, grant that we may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love. For it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born again to eternal life.

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.	Lapid, M. L. M.
Binay, M. L. N. S.	Legarda, L.
Cayetano, A. P. C. S.	Osmeña III, S. R.
Drilon, F. M.	Pimentel III, A. K.
Ejercito, J. V. G.	Recto, R. G.
Escudero, F. J. G.	Revilla Jr., R. B.
Estrada, J.	Sotto III, V. C.
Honasan, G. B.	Villar, C. A.

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

Senators Aquino and Poe arrived after the roll call.

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

Senators Defensor Santiago and Enrile were on sick leave.

Senators Marcos and Trillanes were absent.

APPROVAL OF THE JOURNAL

Upon motion of Senator Cayetano (A), there being no objection, the Body dispensed with the reading of the Journal of Session No. 22 (September 17, 2013) and considered it approved.



REFERENCE OF BUSINESS

Senate Bill No. 1634, entitled

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

BILLS ON FIRST READING

Senate Bill No. 1631, entitled

AN ACT TO PROVIDE FOR THE USE OF MOBILE UNITS SERVING MEDICAL, DIAGNOSTIC, AND TREATMENT SERVICES, IN ORDER TO ENSURE THE AVAILABILITY OF QUALITY HEALTH CARE SERVICES FOR PATIENTS WHO RECEIVE CARE IN REMOTE OR RURAL AREAS AND FOR PATIENTS WHO NEED SPECIALIZED TYPE OF MEDICAL CARE PROVIDED IN A COST-EFFECTIVE WAY

Introduced by Senator Ejercito Estrada

To the Committee on Health and Demography

Senate Bill No. 1632, entitled

AN ACT REQUIRING ALL PUBLIC HEALTH CENTERS TO BE OPEN AT ALL TIMES TO PROVIDE CONTINUOUS HEALTH AND MEDICAL SERVICES TO THE PUBLIC

Introduced by Senator Ejercito Estrada

To the Committees on Health and Demography; and Finance

Senate Bill No. 1633, entitled

AN ACT LIMITING EXPOSURE OF CHILDREN TO VIOLENT PROGRAMMING ON TELEVISION AND CABLE SYSTEMS

Introduced by Senator Ejercito Estrada

To the Committee on Public Information and Mass Media

AN ACT FURTHER AMENDING SECTION ONE OF REPUBLIC ACT NO. 53, OTHERWISE KNOWN AS AN ACT TO EXEMPT THE PUBLISHER, EDITOR, COLUMNIST OR REPORTER OF ANY PUBLICATION FROM REVEALING THE SOURCE OF PUBLISHED NEWS OR INFORMATION OBTAINED IN CONFIDENCE

Introduced by Senator Ejercito Estrada

To the Committee on Public Information and Mass Media

Senate Bill No. 1635, entitled

AN ACT REPEALING SECTION 90 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991, PROHIBITING AND LIMITING THE PRACTICE OF PROFESSION BY ELECTED LOCAL GOVERNMENT OFFICIALS

Introduced by Senator Ejercito Estrada

To the Committee on Local Government

Senate Bill No. 1636, entitled

AN ACT AMENDING SECTION 144 OF BATAS PAMBANSA BLG. 68, OTHERWISE KNOWN AS THE CORPORATION CODE OF THE PHILIPPINES BY INCREASING THE RANGE OF PENALTIES FOR VIOLATION OF ITS PROVISIONS AND FOR OTHER PURPOSES

Introduced by Senator Ejercito Estrada

To the Committee on Trade, Commerce and Entrepreneurship

Senate Bill No. 1637, entitled

AN ACT REQUIRING MANDATORY REPORTING OF MARINE CASUALTIES

Introduced by Senator Ejercito Estrada

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

Senate Bill No. 1638, entitled

AN ACT FIXING THE MINIMUM STANDARD FOR DEATH BENEFITS TO FILIPINO SEAFARERS EMPLOYED OVERSEAS AND ESTABLISHING A MECHANISM AT THE PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION FOR ITS REGULAR REVIEW AND REALIGNMENT TO PREVAILING INTERNATIONAL STANDARDS AND FOR OTHER PURPOSES

Introduced by Senator Ejercito Estrada

To the Committees on Labor, Employment and Human Resources Development; and Social Justice, Welfare and Rural Development

Senate Bill No. 1639, entitled

AN ACT AUTHORIZING BARANGAYS TO ENTER INTO OFFICIAL CONTRACTS WITH NATIONAL GOVERNMENT AGENCIES AND LOCAL GOVERNMENT UNITS TO UNDERTAKE THE DELIVERY OF BASIC SERVICES FOR THE PURPOSE OF PROVIDING EMPLOYMENT TO BARANGAY RESIDENTS AND FOR OTHER PURPOSES

Introduced by Senator Ejercito Estrada

To the Committee on Local Government

Senate Bill No. 1640, entitled

AN ACT PROVIDING FOR THE ESTABLISHMENT OF BARANGAY DRUGSTORES, OTHERWISE KNOWN AS "BOTICA SA BARANGAY," AND FOR OTHER PURPOSES

Introduced by Senator Ejercito Estrada

To the Committees on Health and Demography; and Local Government

Senate Bill No. 1641, entitled

AN ACT REQUIRING MOVIE, TELEVISION, AND RADIO PRODUCERS, INCLUDING PROMOTION AND ADVERTISING AGENCIES, AND OTHER LIKE ENTITIES, EMPLOYING UNEMANCIPATED MINORS TO DEPOSIT THEIR TALENT FEES OR INCOME IN A TRUST FUND, IMPOSING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES

Introduced by Senator Ejercito Estrada

To the Committees on Public Information and Mass Media; and Youth

Senate Bill No. 1642, entitled

AN ACT AMENDING REPUBLIC ACT NO. 8479, OTHERWISE KNOWN AS THE DOWNSTREAM OIL INDUSTRY DEREGULATION ACT

Introduced by Senator Ejercito Estrada

To the Committees on Energy; Trade, Commerce and Entrepreneurship; and Finance

Senate Bill No. 1643, entitled

AN ACT DECLARING THE MT. BALATUKAN RANGE LOCATED IN THE CITY OF GINGOOG AND IN THE MUNICIPALITIES OF CLAVERIA, MEDINA AND BALINGASAG, ALL IN THE PROVINCE OF MISAMIS ORIENTAL, AS A PROTECTED AREA AND ITS PERIPHERAL AREAS AS BUFFER ZONE, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

Introduced by Senator Ejercito Estrada

To the Committees on Environment and Natural Resources; and Finance

Senate Bill No. 1644, entitled

AN ACT PROVIDING FOR SUSTAINABLE FOREST MANAGEMENT

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Introduced by Senator Ejercito Estrada

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

Senate Bill No. 1645, entitled

AN ACT REQUIRING EMPLOYERS TO PAY 14th MONTH PAY

Introduced by Senator Sotto III

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

Senate Bill No. 1646, entitled

AN ACT MAKING HEALTH CARE SERVICES ACCESSIBLE BY MANDATING THE DEPARTMENT OF HEALTH TO PROVIDE AT LEAST ONE (1) HEALTH WORKER OR SUCH OTHER NECESSARY HEALTH PERSONNEL IN EVERY BARANGAY AND FOR OTHER PURPOSES

Introduced by Senator Maria Lourdes Nancy S. Binay

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

Senate Bill No. 1647, entitled

AN ACT REPEALING THE CRIME OF PREMATURE MARRIAGE UNDER ARTICLE 351 OF ACT NO. 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE

Introduced by Senator Maria Lourdes Nancy S. Binay

To the Committee on Women, Family Relations and Gender Equality

Senate Bill No. 1648, entitled

AN ACT ENSURING THE FUNDAMENTAL EQUALITY OF MEN AND

WOMEN ON LAWS RELATING TO CRIMES AGAINST CHASTITY, AMENDING FOR THIS PURPOSE ARTICLE 333 AND REPEALING ARTICLE 334 OF ACT 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AND FOR OTHER PURPOSES

Introduced by Senator Maria Lourdes Nancy S. Binay

To the Committee on Women, Family Relations and Gender Equality

Senate Bill No. 1649, entitled

AN ACT ENSURING THE SECURITY OF WOMEN CONFINED IN DISTRICT, CITY, AND MUNICIPAL JAILS BY REQUIRING THE MAINTENANCE OF SEPARATE DETENTION FACILITIES FOR WOMEN PRISONERS, AMENDING FOR THIS PURPOSE SECTION 63 OF REPUBLIC ACT NO. 6975, OTHERWISE KNOWN AS THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT ACT OF 1990, AND FOR OTHER PURPOSES

Introduced by Senator Maria Lourdes Nancy S. Binay

To the Committees on Public Order and Dangerous Drugs; and Women, Family Relations and Gender Equality

Senate Bill No. 1650, entitled

AN ACT FURTHER STRENGTHENING REPUBLIC ACT 9160 OR THE ANTI-MONEY LAUNDERING ACT AS AMENDED BY REPUBLIC ACT 9194, REPUBLIC ACT 10167 AND REPUBLIC ACT 10365

Introduced by Senator Maria Lourdes Nancy S. Binay

To the Committees on Banks, Financial Institutions and Currencies; and Justice and Human Rights

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Senate Bill No. 1651, entitled

AN ACT ENHANCING PROTECTION FOR LEGITIMATE OWNERS OF REAL PROPERTY AND PROVIDING PENALTIES FOR FRAUDULENT ACTS IN REAL ESTATE TRANSACTIONS

Introduced by Senator Maria Lourdes Nancy S. Binay

To the Committee on Justice and Human Rights

Senate Bill No. 1652, entitled

AN ACT PROHIBITING COURTS FROM ISSUING RESTRAINING ORDERS OR PRELIMINARY INJUNCTIONS IN CERTAIN CASES INVOLVING EXTRA-JUDICIAL AND JUDICIAL FORECLOSURE OF REAL ESTATE MORTGAGES, AND FOR OTHER PURPOSES

Introduced by Senator Maria Lourdes Nancy S. Binay

To the Committee on Justice and Human Rights

Senate Bill No. 1653, entitled

AN ACT RECOGNIZING SWISS CHALLENGE OR PRICE MATCHING SCHEME TO ENCOURAGE PRIVATE SECTOR PARTICIPATION IN VARIOUS GOVERNMENT PROJECTS NOT COVERED BY THE BOT LAW AS AMENDED

Introduced by Senator Maria Lourdes Nancy S. Binay

To the Committee on Finance

Senate Bill No. 1654, entitled

AN ACT DECLARING THE NORTHWEST PANAY PENINSULA LOCATED IN THE MUNICIPALITIES OF NABAS, MALAY AND BURUANGA,

PROVINCE OF AKLAN, AND IN THE MUNICIPALITIES OF LIBERTAD AND PANDAN, PROVINCE OF ANTIQUE AS A PROTECTED AREA UNDER THE CATEGORY OF NATURAL PARK, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

Introduced by Senator Maria Lourdes Nancy S. Binay

To the Committees on Environment and Natural Resources; and Finance

Senate Bill No. 1655, entitled

AN ACT PUNISHING ANY PERSON WHO SHALL PROMOTE, FACILITATE, INDUCE ANOTHER TO ENGAGE IN THE ACT OF PROSTITUTION AND PUNISHING ANY PERSON WHO SHALL DERIVE MONEY OR PROFIT FROM PROSTITUTION, PROVIDING PENALTIES THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Maria Lourdes Nancy S. Binay

To the Committees on Justice and Human Rights; and Women, Family Relations and Gender Equality

Senate Bill No. 1656, entitled

AN ACT TO REQUIRE ALL FRANCHISE HOLDERS OR OPERATORS OF TELEVISION STATIONS AND PRODUCERS OF TELEVISION PROGRAMS TO BROADCAST OR PRESENT THEIR PROGRAMS WITH CLOSED CAPTIONS, AND FOR OTHER PURPOSES

Introduced by Senator Grace Poe

To the Committee on Public Information and Mass Media

Senate Bill No. 1657, entitled

AN ACT AMENDING SECTION 53

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OF REPUBLIC ACT NO. 9184, OTHERWISE KNOWN AS THE "GOVERNMENT PROCUREMENT REFORM ACT," AND FOR OTHER PURPOSES

Introduced by Senator Trillanes IV

To the Committees on Finance; and National Defense and Security

Senate Bill No. 1658, entitled

AN ACT AMENDING SECTION 4(B) OF REPUBLIC ACT NO. 7898, OTHERWISE KNOWN AS THE AFP MODERNIZATION ACT, AS AMENDED BY REPUBLIC ACT NO. 10349, ESTABLISHING THE "REVISED AFP MODERNIZATION PROGRAM," AND FOR OTHER PURPOSES

Introduced by Senator Trillanes IV

To the Committee on National Defense and Security

Senate Bill No. 1659, entitled

AN ACT AMENDING B.P. 881, ALSO KNOWN AS THE OMNIBUS ELECTION CODE, SECTION 6, ON FAILURE OF ELECTION

Introduced by Senator Ejercito Estrada

To the Committee on Electoral Reforms and People's Participation

Senate Bill No. 1660, entitled

AN ACT TO ESTABLISH STRUCTURAL REFORMS IN THE INFORMATION AND COMMUNICATIONS SECTOR TO PROMOTE DEVELOPMENT, DELIVERY AND USE OF CONVERGENT SERVICES

Introduced by Senator Ejercito Estrada

To the Committees on Public Services; and Ways and Means

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

Senator Cayetano (A) acknowledged the presence in the gallery of the following guests:

- Congressman Raneo Abu of the 2nd District of Batangas, accompanied by Board Member Atienza and Mr. Tito Aguirre;
- 2nd and 3rd year students from Far Eastern University, Economics Society, headed by Prof. Cherie Mae Perillo; and
- Students from Don Bosco College of Canlubang, Calamba, headed by Ms. Jennifer Silao.

The Senate President welcomed the guests to the Senate.

SUSPENSION OF SESSION

Upon motion of Senator Cayetano (A), the session was suspended.

It was 3:15 p.m.

RESUMPTION OF SESSION

At 3:18 p.m., the session was resumed.

PRIVILEGE SPEECH OF SENATOR LEGARDA

Availing herself of the privilege hour, Senator Legarda delivered the following speech in the wake of the rainy season and the season of *habagat*, and the perennial problem of flooding that they bring:

HUMAN FACE OF FLOODING

Stranded commuters, long queues in public transport stations, students wading in flood waters, stalled cars, highways and streets inundated by flood waters, bancas in the city streets as a mode of transportation – this has become a usual scenario as the new normal weather events bring voluminous rains, causing floods of various levels in the metropolis.

Normal sa isang nanay na nagtatrabaho ang gumising nang maaga para ayusin ang pangangailangan ng kanyang asawa at mga

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anak na pumapasok sa trabaho at paaralan. Ngunit kung dati ay gumigising siya ng alas-singko ng umaga, ngayon ay gumigising siya nang mas maaga pa dahil kapag bumuhos ang malakas na ulan, sigurado na kasunod nito ang pagbaha.

Pag matindi ang ulan, asahan na ang dating isang oras na biyahe ay magiging dalawa hanggang tatlong oras, o kung minamalas-malas pa ay baka di pa makarating sa trabaho kung may baha.

Noon, ang kinatatakutan ng tao ay ang bagyo dahil kasunod nito ay ang pagbaha. Ngayon, ulan lamang ay baha na.

Para sa isang padre de pamilya na sumusuweldo nang arawan, normal na ang pagsuon sa baha at maglakad nang milya-milya para lamang makarating sa trabaho. Kung hindi niya ito gagawin ay wala siyang ipapakain sa kanyang pamilya. Ulan at baha – ito na ang bagong pagsubok na humaharap sa ating lahat.

The torrential rains and the resulting floods not only affect the poor people and the working middle class. It also affects businesses, schools, government offices, trade and industry, and stock market. It affects the farmers whose crops are washed away by floods, and fisherfolk who would not be able to scour the seas for a bountiful catch due to the harsh weather.

Mayaman, mahirap, bata o matanda, may puwesto o wala, may natapos o wala, taga-siyudad o taga-probinsiya – walang sinasanto ang matinding hagupit ng bagyo at malakas na ulan. Walang pinipili na pupuntahan ang baha.

Statistics on natural disasters show that except for the July 1990 earthquake, the most devastating natural disasters in the Philippines in terms of economic damages are mostly due to storms and floods.

In 2012, the single deadliest disaster in the world was typhoon *Bopha* or *Pablo*, which left 1,901 people either dead or missing in the Philippines. Our country accounted for 12.5 million victims of natural disasters in 2012 alone, or 10.2% of total global disaster victims.

From 1900 to 2013, the Philippines experienced 276 natural disasters due to tropical cyclones, with 40,277 casualties, affecting 121,567,227 people, and economic damages worth US\$8.809 billion.

Hindi pa rito nagtatapos ang hirap. Batay sa pagsusuri ng Department of Agriculture,

gamit ang Geographical Information System, tinatayang labing pitong (17) milyong ektarya ng lupain na bumubuo ng limampu at walong porsyento (58%) ng ating mga lupain ay maaaring malubog sa baha.

According to the Climate Change Commission (CCC), the annual damage to agriculture due to typhoons, droughts and floods already account for 3% of total agricultural production estimated to be worth P12 billion.

We take note that our government has taken steps to adapt to the new norm. A World Bank study revealed that the Philippines has increased its budget by 26% in climate change adaptation programs. However, we need to review how we are using these funds.

During the Senate hearing for the budget of the Climate Change Commission, Vice Chair Lucille Sering noted that about 90% of the climate funds between 2008 and 2012 were allocated to address flooding, repair and rehabilitation of infrastructure, and sector support.

While it is very important that we repair damages on our infrastructure after each typhoon, we have to realize that there could be a better way of responding to the new norm we face today.

We need to invest in building more resilient communities and infrastructure. Higher standards for flood control and drainage systems should be enforced. Rainwater catchment facilities and flood monitoring and warning systems need to be installed. We have numerous laws, including the Ecological Solid Waste Management Act, that need to be strictly enforced.

The new norm is a big threat to our basic human rights – the right to food, the right to potable water, the right to shelter, decent livelihood and life itself.

We are not the only country that is facing this great challenge. Even the powerful nation, the United States, suffered the most expensive natural disaster in Hurricane *Sandy* in 2012 with estimated economic damages at US\$50 billion. More than 17 million people in China suffered from a single typhoon in June last year. The small island nation of Maldives, with less than one million population, even considered buying land in nearby Sri Lanka and in other countries because their nation is threatened by continuous inundation with water from rising sea levels.

No matter where we are in the world, the warming climate affects us all. We can only do so much to save the world, but we can give our best to save our home, our country.

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Batid po nating lahat na ang mga bagyo ay pangkaraniwan sa ating bansa. Ngunit ngayon, padalas nang padalas ang pagdating ng mapanira at mapinsalang ulan kahit sa panahong dati-rati ay wala namang bagyo. Hindi tayo pwedeng magkibit-balikat sa tumitinding panganib na dulot nito. Hindi natim kailangang maging biktima sa tuwing darating ang malakas na ulan o bagyo.

Sa ating pagsusuri ng budget ng mga ahensiya ng ating pamahalaan ay isaisip natin ang matinding pangangailangan na pag-ibayuhin ang ating kakayahang lumaban sa tinatawag na "bagong normal."

INTERPELLATION OF SENATOR ANGARA

Asked by Senator Angara if she agrees to the prognosis that the Philippines is the most disaster-prone country, Senator Legarda replied that indeed the country has been tagged as such, based on studies conducted by the World Bank, United Nations ISDR and many other international organizations. She affirmed that the country's natural vulnerability makes it prone to recurring floods, droughts and other natural hazards which turn into disasters if the country is not prepared.

As to the impact of climate change on the citizenry, especially the poor, Senator Legarda replied that it is a case of "climate injustice," a buzzword coined by former UN Secretary General Kofi Annan because indeed, it is the poor and indigenous peoples who are the most affected sectors in developing countries during disasters and who are at the mercy of government institutions to dish out help during and after calamities. She said that while the working or middle class are capable of moving homes when early warning systems sound off, the indigenous and the poor have nowhere else to go. This is the reason, she said, why she has been so passionate in seeing to it that the laws passed by Congress are implemented so that the poor, who are more than half of the population, do not have to be the perennial victims of climate injustice.

Senator Angara recalled that during the hearing of the budget of the Department of Public Works and Highways (DPWH), Secretary Rogelio Singson admitted that Metro Manila has reached its maximum in dealing with rainfall, garbage and other problems. He then inquired if the Climate Change Commission has a long-term plan that would deal with the problem

which, he pointed out, transcends borders and local government jurisdictions.

Senator Legarda replied that the Climate Change Commission, which has one of the smallest budgets that is enough only for its staff and for international climate negotiations, can only present the national action plan and assist the LGUs in preparing their comprehensive land use plans or local action plans, and moreover, it does not have police powers to discipline erring LGUs.

Bearing in mind the words of Secretary Singson that 90% of climate funds are allocated to address flooding, repair, and rehabilitation, Senator Angara expressed the belief that it was time for government to have a long-term plan.

Senator Legarda said that she was expecting the DPWH to present a long-term plan during the budget hearing, and she informed the Body that Secretary Singson was very cooperative during the hearings of the Climate Change Committee and that he, in fact, acknowledged that strict adherence to segregation of wastes at source, recycling and composting, and forced relocation of urban settlers living along *esteros* and waterways would help a lot in solving the problem of flooding. But she pointed out that these activities are supposed to be implemented by various government agencies, not the DPWH alone and definitely not by the Climate Change Commission which is simply a policy-making body.

As regards the climate fund, Senator Legarda explained that this fund is not sourced from the Climate Change Commission but from various agencies, and that 90% of it is only for rehabilitation. She pointed out that rehabilitation of infrastructure will always be a vicious cycle considering the harsh effects of climate change, and she expressed the need for a solution, one wherein experts, such as engineers, are consulted.

Senator Legarda stated that as chair of the Committee on Environment and Natural Resources as well as of the oversight committees on certain environmental laws, she would devote the remaining years of her term to doing an environmental audit of how the Clean Water Act, Solid Waste Management Act and the Climate Change Act are being implemented in order to determine if the LGUs are ready with their respective plans of action.

Senator Angara noted that there are many mandates under the laws mentioned that impose obligations upon LGUs. In the Solid Waste Management Law, for instance, he said that LGUs have to maintain certain facilities which, he opined, might be difficult for those of lower income, like fourth to sixth-class municipalities, to comply. He then expressed support for the plan of Senator Legarda to conduct an audit of the mandates.

Senator Legarda stated that only 30% of LGUs in the country are compliant with RA 9003, the Solid Waste Management Law. She noted that when questioned about noncompliance, the usual answer of the LGUs was "lack of funds," although some fourth to sixth-class municipalities are able to comply. She mentioned Vice Mayor Al Arquillano of San Francisco, Camotes Islands in Cebu, a poor and vulnerable municipality but is ready for disasters, who was bestowed by the UNISDR the Sasakawa Award for Disaster Reduction in 2011 and has been a frequent guest in her DDR workshops.

To the information that over half of the Filipino households do not have access to clean potable water and sanitation in their own homes, Senator Legarda hoped that Senator Angara would share his views on the matter during the oversight committee hearing. She stated that the right to clean potable water is a basic human right, and she underscored the need for the Senate to be instrumental and to be able to exert whatever influence it has to provide potable water to the communities who do not have access to it.

Senator Angara expressed his confidence that Senator Legarda could pursue a full audit of the country's ecological and environmental laws, with the end in view of updating and upgrading them to be able to cope with climate change.

INTERPELLATION OF SENATOR CAYETANO (A)

Senator Cayetano (A) asked if there are studies that would show how much is actually lost because of flooding. He posited that the amount lost could be borrowed by means of a concessional loan, or the government could opt to appropriate the amount needed to fix the flood-prone areas, thereby putting to good use the money that could have been lost due to floods. He said that beyond the losses in economic benefits, the misery and losses in life suffered by

families could not be quantified in terms of money. He then asked whether the losses could actually be quantified, or whether a study is being conducted to determine the extent of damage.

Replying in the affirmative, Senator Legarda revealed that economic loss caused by typhoon *Ondoy* in 2009 was about 2.7% of GDP, or about US\$4 billion. She recalled that a commission was supposed to work in partnership with the private foundation of Manny Pangilinan in rehabilitating the victims of *Ondoy*, but it was abolished after a year or two because the government component that was supposed to co-fund the US\$4 billion for the said rehabilitation did not materialize.

Senator Legarda also disclosed that the severe flooding because of heavy rains brought by *habagat* in 2011 brought losses of about 0.8% of the GDP. She concurred with Senator Cayetano (A) that aside from the economic impact, the trauma brought about by such crises is a cause of concern, and that the adverse effects not only occur during typhoons but even after a slight rainshower. She pointed out that no one is spared because even those in high-end subdivisions are experiencing floods. She affirmed the need for NEDA to conduct a comprehensive study on the amount of losses and how to recover the same. She believed that funds should go beyond rehabilitation and toward more permanent solutions such as fortifying Metro Manila and other vulnerable areas such as Taguig and Pateros.

Senator Cayetano (A) cited the construction of the West Manggahan Road dike which started towards the end of his first term as representative of Taguig and Pateros, and he recalled arguing then with the DPWH because it was unwilling to spend P1.1 billion more for the proposed dike that would cover another 900 hectares of land exposed to the lake. He noted that after the dike was constructed, almost all the properties within it were protected from floods except when the pumping stations ran out of gas. He posited that as long as the pumping stations are maintained well, the money spent for construction could easily be recovered within a period of five to ten years through the business and real estate taxes paid to the local government. He disclosed that in Fort Bonifacio, real properties are being sold at P420,000 to P425,000 per square meter, the lots mid-way from the dike to Fort Bonifacio are valued at P40,000 per square meter and those near the road dike are pegged anywhere between

P1,000 to P5,000. He pointed out that in less than a decade, the dike has already been paid for, except that there still remains another 900 hectares of lot that was not covered by the dike simply because the government refused to spend another P1.1 billion for its construction.

Senator Cayetano (A) also recalled that when Fort Bonifacio was being developed, the Bases Conversion and Development Authority (BCDA), in partnership with the private sector, built an underground drainage detention which is aimed at preventing floods in Bonifacio Global City (BGC). He said that at present, the BGC's urban planner requires all buildings to retain 40% to 50% of rain water instead of allowing it to flow to the roads.

Senator Cayetano (A) said that the usual requests he receives as a legislator is for the rehabilitation of drainage systems. While the pork barrel issue has been the hot topic for the last two months, he said that a congressman would not need his pork barrel if only the DPWH or the concerned government agency has, for instance, a 5-year plan which specifically defines what could be done on the first year, the second year, and every year thereafter until the problem of flooding is eliminated. He lamented that instead of developmental plans, the concerned agencies merely provide political plans which result only in so-called band-aid solutions. He urged the proper Senate committees to evaluate and analyze all the statistics, perhaps with a legitimate nongovernment agency, a foreign government, or with JICA, and learn about comprehensive planning.

Senator Cayetano (A) said that while he recognizes the efforts of the past administrations to address climate change, there is a need for a comprehensive plan that is as resilient, where funding is simply adjusted and can be carried out at any given time. He expressed optimism that with such a development plan, the legislators would no longer depend on pork barrel and the local government units would not run to the senators and congressmen to ask for support and funding.

Senator Legarda recalled that DPWH Secretary Rogelio Singson made a brief presentation on flood control but only for Metro Manila, and she agreed that the DPWH could be requested to provide a comprehensive plan on flood control that would include not only Metro Manila but all the cities and municipalities in the country.

Senator Legarda said that like Taguig, the Camanava area also suffers from flooding due to malfunctions of pumping stations. She concurred with Senator Cayetano (A) that a comprehensive plan for all vulnerable and flood-prone areas is already called for, as she gave assurance she would coordinate with the DPWH or would file a resolution asking the Committee on Public Works to make a formal request with the public works secretary.

Senator Cayetano (A) said that he learned from Senator Recto that there were different kinds of ODA loans, particularly program loans and project loans. He said that one of the reforms being implemented is to veer away from supply-driven plans wherein the creditor is the one that dictates the type of project that the LGUs should support, and not necessarily the one that is needed. He said that he learned in the anti-flood forums and meetings that he attended that the anti-flood projects in Metro Manila for the last 20 years have indeed been supply-driven. He expressed optimism that with a new-found vigor and the demand for legislation, the proper committees could provide the people with a comprehensive demand-driven plan that is feasible and fundable before the 2016 elections.

Senator Legarda assured Senator Cayetano (A) that her committee would pursue the matter as one of its priorities. She said that she was more than willing to work with him and with all concerned in working out the economic cost and the human face of flooding and traffic in Metro Manila.

On a related matter, Senator Cayetano (A) pointed out that despite the construction of the West Manggahan Road dike, one area remains flooded because as he found out upon inspection, the height of the dike in Barangay Napindan was low, enough for residents to cross the dike to fish from the lake. He said that the dike gave way after the last two *habagat* but that the DPWH is still planning to repair the dike next year, notwithstanding the fact that a lumpsum in the DPWH budget is allocated for possible repairs. He said that the COA does not seem to notice the said appropriation each year.

Senator Cayetano (A) lamented that whenever the DPWH is asked to make repairs, it would always say that there is no fund available and that a request for the next budget would have to be made. It was in such light, he said, that similarly, in the aftermath of typhoon *Ondoy*, the Senate had to pass a joint

resolution sponsored by Senator Edgardo Angara appropriating P2 billion for rehabilitation.

INTERPELLATION OF SENATOR EJERCITO

Preliminarily, Senator Ejercito commended Senator Legarda for her advocacy and passion for environmental issues. He believed that it was an opportune time to seriously confront the issue of climate change in light of the frequency of calamities that visit the country.

Given the fact that global warming is causing more intense weather disturbances, calamities and other environmental disasters at a more frequent rate, Senator Ejercito asked if Senator Legarda would support a call for President Aquino to hold a national disaster preparedness summit to know which buttons to push in case a calamity happens in the country. Senator Legarda stated that to help avert the adverse impact of disasters, she would propose the idea to Chairman Eduardo D. Del Rosario of the National Disaster Risk Reduction and Management Council (NDRRMC) during the Department of National Defense (DND) budget hearing.

Senator Ejercito expressed the need also for the different LGUs to be included in the summit as they are at the forefront when disaster occurs. Senator Legarda added that aside from DPWH, MMDA, DND and NDRRMC, the DOST and the DENR-MGB should also be involved to explain geohazard maps and to determine areas vulnerable to calamities as well as heavily populated communities.

To Senator Ejercito's proposition that the NDRRMC must be strengthened because at present, it seemed to be functioning simply as a monitoring body, Senator Legarda agreed, and she invited Senator Ejercito to join the hearings in order to ask questions on how to strengthen the NDRRMC in terms, among others, of rescue equipment and access to advance information from DOST-PAGASA.

At this point, Senator Legarda stated that under the law that created the NDRRMC, every province, city and municipality must have disaster risk reduction (DRR) officers but because they are not plantilla positions, they sometimes act as the municipal or city administrator. Thus, she proposed to amend the NDRRMC law so that a plantilla position would be dedicated to a competent DRR officer who shall be

trained not only to react in times of calamities and disasters, but be prepared to respond to the hazards of every barangay to avoid becoming victims of disasters.

Senator Ejercito said that the floods brought about by typhoon *Ondoy* and *habagat* should be a wakeup call for everyone. He narrated that when he was mayor of San Juan, during the onslaught of typhoon *Ondoy*, they were caught off guard upon realizing that almost half of San Juan was submerged in flood. Having only two rubber boats as against 300 distressed calls, he admitted that the local government could not respond immediately due to limited manpower and rescue facilities.

In contrast, Senator Ejercito said that during the onslaught of the southwest monsoon rains (*habagat*), most of the LGUs in Metro Manila were more prepared, in fact, San Juan already had 27 rubber boats aside from the upgrading of all drainages and installation of pumping stations.

Senator Legarda suggested putting up a requirement for areas certified as vulnerable based on available data, to be provided with rubber boats and other necessary rescue equipment.

Asked by Senator Legarda whether the clean-up project was a government or public-private sector partnership, Senator Ejercito said that the project has not yet started but the informal settlers living along the river have been relocated and actual dredging and desiltation of the river have started. He said that the San Juan River project will likewise benefit nearby cities, particularly Quezon City, Manila and Mandaluyong.

Replicating what Congressman Toby Tiangco of Navotas did to solve the flooding in Navotas, that is, by installing pumping stations all over the main roads of Navotas that would pump out the water to Tullahan River, Senator Ejercito said that city government of San Juan also installed similar pumping stations in three flood-prone barangays of San Juan that pump out floodwaters to the San Juan River.

Senator Legarda expressed her desire to invite to the hearing Congressman Tiangco as well as Vice Mayor Arquillano of San Francisco, Camotes Island in Cebu, and a city mayor in Metro Manila to share their best practices. She agreed with Senator Ejercito on the need for a comprehensive flood

control program, whether funded from the GAA or from other sources like the JICA funds suggested by Senators Cayetano (A) and Recto.

Regarding the San Juan River that spans about 11 kilometers, Senator Ejercito affirmed that it would undergo rehabilitation and that the city government has started relocating the informal settler families especially those living along the river.

Senator Legarda expressed gladness over the news that the cleaning-up project would be supported by a private conglomerate.

At this point, the Chair stated that a similar rehabilitation and sanitation activity was undertaken on the Iloilo River. Senator Ejercito expressed the hope that there would be good projects to share and exchange through the sisterhood city agreement between San Juan and Iloilo City such as pumping station projects and upgrading of flood control drainages. He commended the Senate President for the improvements made on the Iloilo River which was once unsightly but has become appealing and has transformed into a tourist attraction.

Senator Legarda said that the rehabilitation of Iloilo River is a model project which could be emulated by other LGUs with river systems in their areas of jurisdiction.

Senator Legarda said that aside from Navotas Congressman Toby Tiangco, Mayor John Rey Tiangco of Navotas, and Vice Mayor Al Arquiliano from Cebu, Mayor Lani Cayetano of Taguig City, Mayor Jed Patrick Mabilog of Iloilo City, and Mayor Vincent Flores of the Municipality of Oton would also be invited during the committee hearing. She said that such little things put together — supporting the conduct of a national risk reduction summit, being oriented with the flood control program of DPWH and other institutions tasked to manage floods, and being allocated the necessary funds from Congress — would ultimately prevent flooding in towns and cities.

REFERRAL OF SPEECH TO COMMITTEES

Upon motion of Senator Cayetano (A), there being no objection, the speech of Senator Legarda and the interpellations thereon were referred to the Committee on Climate Change as the primary committee, and to the Committee on Public Works as the secondary committee.

MANIFESTATION OF SENATOR SOTTO

Senator Sotto requested the Secretariat to review an advisory that was released by the Public Relations and Information Bureau (PRIB) containing phrases such as “automatic revocation of the media outfits’ accreditation” which might have been misinterpreted by the media as being tantamount to a gag order. He pointed out that Senate President Drilon himself had expressed the belief that consultation about such matters should be undertaken before sanctions could be implemented. He lauded the Senate President for “tweeting” the clarification that the PRIB advisory was not a gag order but merely a reminder on proper decorum when conducting interviews with the senators. He suggested that the Secretariat, the PRIB and the Senate Press hold a dialogue to iron out the issue.

On another matter, Senator Sotto also asked the Secretariat to submit a report concerning an advisory that was previously released by the PRIB stating that Senator Honasan had withdrawn from the 2013 elections.

The Chair directed the Senate Secretary to look into the concerns raised and to submit a report to Senator Cayetano (A) who, in turn, would transmit the same to Senator Sotto.

For his part, Senator Cayetano (A) expressed willingness to work with the Secretariat to address the concerns of the Senate press corps.

MANIFESTATION OF SENATOR POE

As Chair of the Senate Committee on Public Information and Mass Media, Senator Poe said that she shared the sentiments of Senators Escudero and Sotto on allowing the Senate media access to information and interaction with the Members of the institution. She expressed belief in the importance of maintaining proper decorum during interviews but also advocated an open system of enabling the media to perform their task of delivering the news. She pointed out that such system has been the practice since the Philippine Senate opened in 1987 and was a fitting homage to the basic civil liberties enshrined in the Constitution.

MANIFESTATION OF SENATOR LEGARDA

For her part, Senator Legarda said that she

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concurred with the observations and proposals of Senators Sotto and Poe.

SENATE CONFEREES

Upon nomination by Senator Cayetano (A), there being no objection, the Chair designated the following to constitute the Senate panel in the Conference Committee on disagreeing provisions of Senate Bill No. 1186 (postponement of the *Sangguniang Kabataan* elections) and its counterpart House bill: Senator Marcos as chair, and Senators Aquino, Pimentel, Ejercito and Sotto as members.


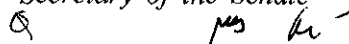
ADJOURNMENT OF SESSION

Upon motion of Senator Cayetano (A), there being no objection, the Chair declared the session

adjourned until three o'clock in the afternoon of Monday, September 23, 2013.

It was 4:25 p.m.

I hereby certify to the correctness of the foregoing.


OSCAR G. YABES
Secretary of the Senate


Approved on September 23, 2013