



REPUBLIC OF THE PHILIPPINES  
**Senate**  
Pasay City

# Journal

**SESSION NO. 25**  
Tuesday, September 24, 2013

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

**SESSION NO. 25**  
Tuesday, September 24, 2013

**CALL TO ORDER**

At 3:05 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

**PRAYER**

Sen. Paolo Benigno “Bam” Aquino IV led the prayer, to wit:

*Mahal naming Panginoon,  
Salamat sa pagkakataon  
Na muling manilbihan  
Sa aming Inang Bayan.*

*Nawa’y kami Po ay biyayaan  
Ng Iyong kapayapaan  
At bumangon muli  
Mula sa abo ng karahasan.*

*Bigyan Ninyo Po kami ng tapang  
Upang ipaglaban ang katotohanan;  
Lakas upang gawin ang kabutihan;  
At tibay ng loob upang tukso ay iwasan.*

*Ipunla po Ninyo  
Sa aming mga puso  
Ang kapakanan  
Ng bawat Pilipino.*

*Upang huwag kalimutan  
Na ang pagtahak ng Iyong Daan  
Ay tapat na paninilbihan  
Sa minamahal na taumbayan.*

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

With 20 senators present, the Chair declared the presence of a quorum.

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

Senator Guingona was on official mission.

Senator Defensor Santiago was absent on account of sickness.

Senator Trillanes was 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. 24 (September 23, 2013) and considered it approved.



**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. 1691, entitled

AN ACT PROVIDING FOR PROGRAMS TO FACILITATE A SIGNIFICANT REDUCTION IN THE INCIDENCE AND PREVALENCE OF SUBSTANCE ABUSE THROUGH REDUCING THE DEMAND FOR ILLEGAL DRUGS AND THE INAPPROPRIATE USE OF ILLEGAL DRUGS

Introduced by Senator Defensor Santiago

**To the Committees on Public Order and Dangerous Drugs; and Finance**

Senate Bill No. 1692, entitled

AN ACT REQUIRING CERTAIN EMPLOYERS TO PROVIDE EMPLOYMENT LEAVE FOR VICTIMS OF DOMESTIC VIOLENCE; PROHIBITING CERTAIN ACTS; AND PRESCRIBING PENALTIES

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1693, entitled

AN ACT AMENDING ARTICLE 337 OF THE PENAL CODE, ELIMINATING GENDER BIAS IN QUALIFIED SEDUCTION AND INCREASING THE IMPOSABLE PENALTY

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1694, entitled

AN ACT AMENDING SECTION 14 OF REPUBLIC ACT NO. 7166, OTHERWISE KNOWN AS THE "SYNCHRONIZED ELECTION LAW OF 1991", ON THE PARTICULAR OFFICE WHERE CANDIDATES SHALL FILE THEIR STATEMENTS OF ELECTION CONTRIBUTIONS AND EXPENDITURES AND PROVIDING ADMINISTRATIVE SANCTIONS FOR VIOLATIONS OF SAID SECTION

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1695, entitled

AN ACT DEFINING THE CRIME OF ECONOMIC ESPIONAGE AND PROVIDING PENALTIES THEREFOR

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1696, entitled

AN ACT TO ENABLE PHILIPPINE SCHOOLS TO USE COMPUTER HARDWARE TO INCREASE STUDENT ACHIEVEMENT AND PREPARE STUDENTS FOR THE 21<sup>ST</sup> CENTURY WORKPLACE

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1697, entitled

AN ACT ESTABLISHING A PROGRAM TO PROMOTE AND STRENGTHEN RESPONSIBLE TOURISM

Introduced by Senator Defensor Santiago

**To the Committees on Tourism; and Finance**

js

Senate Bill No. 1698, entitled

AN ACT PROMOTING RESEARCH ON  
DYSTONIA

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1699, entitled

AN ACT AMENDING SECTION 40(D)  
OF REPUBLIC ACT NO. 7160 ALSO  
KNOWN AS THE "LOCAL GOVERN-  
MENT CODE OF 1991", AS AMENDED,  
ON DUAL ALLEGIANCE AS A DIS-  
QUALIFICATION FOR CANDIDATES  
RUNNING FOR ANY ELECTIVE  
LOCAL POSITION

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1700, entitled

AN ACT SECURING THE PHILIP-  
PINES' BORDERS TO MAKE MORE  
EFFECTIVE THE PROHIBITION  
AGAINST THE ENTRY OF ILLEGAL  
DRUGS INTO THE COUNTRY

Introduced by Senator Defensor Santiago

**To the Committees on Public Order and  
Dangerous Drugs; and Finance**

Senate Bill No. 1701, entitled

AN ACT MANDATING THE ESTAB-  
LISHMENT OF A PROGRAM OF  
EDUCATION DESIGNED TO HELP  
ALL MEMBERS OF THE COMMUNITY  
OF AN EDUCATIONAL INSTITUTION  
AVOID INVOLVEMENT WITH  
ILLEGAL DRUGS

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1702, entitled

AN ACT PROVIDING FOR THE CIVIL  
LIABILITY OF DRUG DEALERS IN  
FAVOR OF PERSONS INJURED BY  
ILLEGAL DRUGS

Introduced by Senator Defensor Santiago

**To the Committee on Public Order and  
Dangerous Drugs**

Senate Bill No. 1703, entitled

AN ACT EMPOWERING THE DEPART-  
MENT OF TRADE AND INDUSTRY  
TO REGULATE ABUSIVE TELE-  
MARKETING ACTIVITIES

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1704, entitled

AN ACT PROHIBITING CREDIT CARD  
DEBT-COLLECTION HARASSMENT

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1705, entitled

AN ACT AMENDING PRESIDENTIAL  
DECREE NO. 442, ALSO KNOWN  
AS THE "LABOR CODE OF THE  
PHILIPPINES," ARTICLE 280, ON  
PROJECT EMPLOYMENT

Introduced by Senator Defensor Santiago

**To the Committee on Labor, Employment  
and Human Resources Development**

Senate Bill No. 1706, entitled

AN ACT PROVIDING FOR EDUCA-  
TIONAL BENEFITS FOR MINOR  
CHILDREN AND DEPENDENTS OF  
LAW ENFORCEMENT OFFICERS

KILLED OR SLAIN IN THE LINE OF DUTY, AND FOR OTHER PURPOSES

Introduced by Senator Lapid

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

Senate Bill No. 1707, entitled

AN ACT PROMOTING THE DEVELOPMENT OF THE PHILIPPINE MUSIC INDUSTRY BY ESTABLISHING A MUSICAL INDUSTRY DEVELOPMENT COUNCIL, IMPOSING CONTENT QUOTA ON PARTICULAR ESTABLISHMENTS, AND PROVIDING INCENTIVES TO THE LOCAL MUSIC INDUSTRY

Introduced by Senator Lapid

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

Senate Bill No. 1708, entitled

AN ACT ESTABLISHING THE MARITIME INDUSTRY AUTHORITY (MARINA) AS THE SINGLE MARITIME ADMINISTRATION RESPONSIBLE FOR THE ENFORCEMENT OF INTERNATIONAL AGREEMENTS/ COVENANTS GOVERNING MARITIME GLOBAL PROFESSIONALS, AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Drilon

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

Senate Bill No. 1709, entitled

AN ACT MANDATING THE APPOINTMENT OF COOPERATIVES OFFICERS IN LOCAL GOVERNMENT UNITS, AMENDING FOR THE PURPOSE SECTION 487(A) OF REPUBLIC ACT NO. 7160, AS AMENDED, OTHER-

WISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

Introduced by Senator Lapid

**To the Committee on Local Government**

Senate Bill No. 1710, entitled

AN ACT PRESCRIBING SCHOOL BUS SAFETY STANDARDS AND FOR OTHER PURPOSES

Introduced by Senator Grace Poe

**To the Committees on Public Services; and Education, Arts and Culture**

Senate Bill No. 1711, entitled

AN ACT FORTIFYING THE PEOPLE'S RIGHT OF OWNERSHIP OVER INFORMATION HELD BY THE PEOPLE'S GOVERNMENT

Introduced by Senator Ramon Bong Revilla Jr.

**To the Committees on Public Information and Mass Media; Civil Service and Government Reorganization; and Finance**

Senate Bill No. 1712, entitled

AN ACT DEFINING THE RIGHTS AND LIABILITIES OF PARTIES IN ELECTRONIC FUND TRANSFERS

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1713, entitled

AN ACT ESTABLISHING THE NATIONAL COMMISSION ON ENTREPRENEURIAL EDUCATION

Introduced by Senator Defensor Santiago

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

r

Senate Bill No. 1714, entitled

AN ACT REQUIRING CREDIT CARD CORPORATIONS TO GIVE THEIR CONSUMERS NINETY DAYS NOTICE BEFORE CHANGING THEIR ANNUAL CREDIT PERCENTAGE RATE OF INTEREST APPLICABLE ON ANY CREDIT CARD ACCOUNT OR BEFORE CHANGING THE INDEX USED TO DETERMINE SUCH RATE

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1715, entitled

AN ACT AMENDING REPUBLIC ACT NO. 7157, OTHERWISE KNOWN AS THE "PHILIPPINE FOREIGN SERVICE ACT OF 1991", TITLE 111, SECTION 30, BY DELETING THE REQUIREMENT OF CONFIRMATION BY THE COMMISSION ON APPOINTMENTS OF FOREIGN SERVICE OFFICERS WHO JOIN THE FOREIGN SERVICE THROUGH LATERAL ENTRY

Introduced by Senator Defensor Santiago

**To the Committee on Foreign Relations**

Senate Bill No. 1716, entitled

AN ACT AMENDING BATAS PAMBANSA BILANG 881, ALSO KNOWN AS THE "OMNIBUS ELECTION CODE," SECTION 6, ON FAILURE OF ELECTIONS

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1717, entitled

AN ACT AMENDING REPUBLIC ACT NO. 386, OTHERWISE KNOWN AS THE "CIVIL CODE OF THE PHILIPPINES," ARTICLE 1723, ON THE LIA-

BILITY OF ENGINEERS, ARCHITECTS OR CONTRACTORS ARISING FROM NON-OBSERVANCE OF PLANS AND SPECIFICATIONS OR THE USE OF MATERIALS OF INFERIOR QUALITY

Introduced by Senator Defensor Santiago

**To the Committee on Public Works**

Senate Bill No. 1718, entitled

AN ACT MANDATING COMPUTER EDUCATION AND TRAINING FOR GOVERNMENT EMPLOYEES, AND APPROPRIATING FUNDS FOR THE PURPOSE

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1719, entitled

AN ACT PROVIDING FOR THE MINIMUM CONTENTS OF A COMPREHENSIVE REPORT OF ELECTIONS TO THE PRESIDENT AND TO CONGRESS BY THE COMMISSION ON ELECTIONS

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1720, entitled

AN ACT PROVIDING FOR THE CODE OF PROFESSIONAL STANDARDS FOR THE PRACTICE OF POLITICAL PUBLIC RELATIONS

Introduced by Senator Defensor Santiago

**To the Committee on Public Information and Mass Media**

Senate Bill No. 1721, entitled

AN ACT PRESCRIBING A CODE OF CONDUCT FOR ELECTIONS

ps

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1722, entitled

AN ACT ESTABLISHING THE COMMISSION ON THE ADVANCEMENT OF WOMEN IN SCIENCE, ENGINEERING, AND TECHNOLOGY DEVELOPMENT

Introduced by Senator Defensor Santiago

**To the Committees on Women, Family Relations and Gender Equality; Science and Technology; and Finance**

Senate Bill No. 1723, entitled

AN ACT REQUIRING THAT THE COURSE OF INSTRUCTION FOR STUDENTS FROM KINDERGARTEN TO ELEMENTARY INCLUDE A COMPONENT IN ENVIRONMENTAL EDUCATION

Introduced by Senator Defensor Santiago

**To the Committees on Education, Arts and Culture; and Environment and Natural Resources**

Senate Bill No. 1724, entitled

AN ACT PROVIDING FOR SAFETY MEASURES FOR CULVERTS OR OTHER SIMILAR FLOOD OR DRAINAGE SYSTEMS MAINTAINED BY GOVERNMENTAL ENTITIES

Introduced by Senator Defensor Santiago

**To the Committee on Public Works**

Senate Bill No. 1725, entitled

AN ACT AMENDING SECTION 6 OF REPUBLIC ACT NO. 1379, OTHERWISE KNOWN AS THE FORFEITURE LAW, TO PROVIDE A FIXED PERCENTAGE OF THE VALUE OF FORFEITED PROPERTIES IN COR-

RUPTION CASES AS ADDITIONAL FUNDING FOR THE OFFICE OF THE OMBUDSMAN AND FOR OTHER PURPOSES

Introduced by Senator Sonny Angara

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

Senate Bill No. 1726, entitled

AN ACT ESTABLISHING A RETIREMENT BENEFIT SYSTEM FOR PROSECUTORS IN THE NATIONAL PROSECUTION SERVICE OF THE DEPARTMENT OF JUSTICE AND IN THE OFFICE OF THE OMBUDSMAN, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Sonny Angara

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

Senate Bill No. 1727, entitled

AN ACT TO STRENGTHEN THE OFFICE OF THE GOVERNMENT CORPORATE COUNSEL, BY RE-DEFINING, EXPANDING, STRENGTHENING, RATIONALIZING AND FURTHER PROFESSIONALIZING ITS ORGANIZATION, UPGRADING EMPLOYEE BENEFITS AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Sonny Angara

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

Senate Bill No. 1728, entitled

AN ACT TO IMPROVE EMERGENCY MEDICAL SERVICES AND TRAUMA CARE

Introduced by Senator Defensor Santiago

**To the Committee on Health and Demography**

*yo*

**ADDITIONAL REFERENCE OF BUSINESS****MESSAGES FROM THE  
HOUSE OF REPRESENTATIVES**

Letter from the House of Representatives, informing the Senate that on 23 September 2013, the House of Representatives passed House Bill No. 2849, entitled

AN ACT POSTPONING THE SANGGUNIANG KABATAAN ELECTIONS TO THE LAST MONDAY OF OCTOBER 2016, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 9340, ENTITLED "AN ACT AMENDING REPUBLIC ACT NO. 9164, RESETTING THE BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS, AND FOR OTHER PURPOSES,"

in which it requested the concurrence of the Senate.

**To the Committee on Rules**

Letter from the House of Representatives, informing the Senate that on 23 September 2013, the House of Representatives requested for a conference and designated Representatives Castro, Erice, Castelo, Gerona-Robredo, Mendoza, Abaya and Ridon as its conferees to the Bicameral Conference Committee on the disagreeing provisions of House Bill No. 2849, entitled

AN ACT POSTPONING THE SANGGUNIANG KABATAAN ELECTIONS TO THE LAST MONDAY OF OCTOBER 2016, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 9340, ENTITLED "AN ACT AMENDING REPUBLIC ACT NO. 9164, RESETTING THE BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS, AND FOR OTHER PURPOSES,"

and its counterpart Senate bill.

**To the Committee on Rules**

Letter from the House of Representatives, informing the Senate that on 23 September 2013, the House of Representatives elected Representative

Del Rosario as additional conferee to the Bicameral Conference Committee on the disagreeing provisions of House Bill No. 2849, entitled

AN ACT POSTPONING THE SANGGUNIANG KABATAAN ELECTIONS TO THE LAST MONDAY OF OCTOBER 2016, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 9340, ENTITLED "AN ACT AMENDING REPUBLIC ACT NO. 9164, RESETTING THE BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS, AND FOR OTHER PURPOSES,"

and Senate Bill No. 1186, entitled

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

**To the Committee on Rules****SUSPENSION OF SESSION**

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

*It was 3:20 p.m.*

**RESUMPTION OF SESSION**

At 3:33 p.m., the session was resumed.

**ACKNOWLEDGMENT OF GUESTS**

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

- *Samahan ng Magsasaka* from Hacienda Maloles, Sta. Catalina Sur, Candelaria, Quezon; and
- Congressman Mercado and Mayors Manuel A. Labrador Sr., Evelyn T. Lee, Roberto A. Loquinte, Napoleon Cuaton, William Yu, Rustico Estrell, Shirlita Y. Chong, Oliver E. Ranque, Matias Marvyn C. Ruales, Alan L. Go, Ricardo E. Borces, Melchor P. Petracorta, Fe G. Edillo and Mei Ling Quezon from Southern Leyte.

3



Senate President Drilon welcomed the guests to the Senate.

### CONGRESSIONAL OVERSIGHT COMMITTEES

Senator Cayetano (A) stated that certain oversight committees in the Senate were created by resolutions. He then read into the record the following oversight committees, the specific resolution which created each, and the corresponding chairpersons:

- ***Congressional Oversight Committee on Labor and Employment***  
(Concurrent Resolution No. 31, 11<sup>th</sup> Congress)

*Chairman:* Senator Estrada, as chair of the Committee on Labor, Employment and Human Resources Development

- ***Legislative Oversight Committee on Visiting Forces Agreement***  
(Joint Resolution No. 2, 11<sup>th</sup> Congress)

*Chairperson:* Senator Defensor Santiago, as chair of the Committee on Foreign Relations; and co-chairman Senator Trillanes, as chair of the Committee on National Defense and Security

- ***Special Oversight Committee on Economic Affairs***  
(Resolution No. 159)

*Chairman:* Senator Ejercito, as chair of the Committee on Economic Affairs

- ***Oversight Committee on Public Expenditures***  
(Resolution No. 18, 15<sup>th</sup> Congress)

*Chairman:* Senator Escudero, as chair of the Committee on Finance

### OVERSIGHT COMMITTEE MEMBERSHIP

Acting on Senator Villar's request, upon nomination by Senator Cayetano (A), there being no objection, the following senators were elected members to the Congressional Oversight Committee on Agricultural and Fisheries Modernization:

Marcos	Honasan
Trillanes	Cayetano (A)
Legarda	

### MANIFESTATION OF SENATOR CAYETANO (A)

Senator Cayetano (A) stated that the other chairmen can submit to him the list of their members to be manifested into the record.

Regarding the six oversight committees created by law, their chairmanships of which were not specified, Senator Cayetano (A) said that he was still consulting with the Members as to who would chair them.

Senator Cayetano (A) also said that there are seven oversight committees created by resolutions, some of which would be recommended for abolition.

### SUSPENSION OF SESSION

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

*It was 3:38 p.m.*

### RESUMPTION OF SESSION

At 3:51 p.m., the session was resumed.

### CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 1186 AND HOUSE BILL NO. 2849

Upon motion of Senator Cayetano (A), there being no objection, the Body considered the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1186, 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,

and House Bill No. 2849, entitled

AN ACT POSTPONING THE SANG-GUNIANG KABATAAN ELECTIONS TO THE LAST MONDAY OF OCTOBER 2016, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 9340, ENTITLED "AN ACT AMENDING REPUBLIC ACT NO. 9164,

po

**RESETTING THE BARANGAY AND SANGGUNIANGKABATAAN ELECTIONS, AND FOR OTHER PURPOSES.”**

The Chair recognized Senator Marcos to sponsor the report.

**SPONSORSHIP SPEECH OF SENATOR MARCOS**

Senator Marcos reported to the Body what occurred during the bicameral conference committee meeting which was held earlier. He then proceeded to read into the record the Joint Explanation of the Bicameral Conference Committee, to wit:

1. The conferees agreed to adopt Senate Bill No. 1186 as the working draft.
2. Section 1 of the reconciled bill was adopted with the following amendments:
  - On page 2, line 5, delete the phrase “the next synchronized barangay and sangguniang kabataan elections unless provided by law,” and in lieu thereof, insert the phrase A DATE TO BE DETERMINED BY THE COMELEC BETWEEN OCTOBER 28, 2014 AND FEBRUARY 23, 2015.

Senator Marcos explained that the amendment addressed the misgivings expressed during the interpellations on Senate Bill No. 1186 which carried the deleted phrase and was presented to the bicameral conference committee hearing. He said that the bicameral conference committee agreed to set a deadline — between October 28, 2014 and February 23, 2015 — and not to wait for October 2016 to have a new system or a reorganized SK system.

Senator Marcos explained that October 28, 2014 is a year from the scheduled SK elections, while February 23, 2015, which is the last Monday of February, is also the latest date according to Comelec Chairman Brillantes that Comelec can hold an election without it interfering with the Commission’s preparation for the upcoming 2016 presidential, local and national elections.

3. Section 2 of House Bill No. 2849 was adopted as Section 2 of the reconciled bill.

4. A new Section 3 was inserted in the reconciled bill which reads as follows:

**SEC. 3. *No Appointment.* – THE SANGGUNIANG KABATAAN POSITIONS SHALL REMAIN VACANT UNTIL THE NEW SET OF OFFICIALS SHALL HAVE BEEN DULY ELECTED AND QUALIFIED AND NO APPOINTMENTS SHALL BE MADE TO THE VACATED POSITIONS.**

Senator Marcos stated that there were suggestions that appointments be made to fill these vacated positions but the committee felt that it would defeat the purpose of the postponement of the SK elections, which was to organize and draw up a new SK organization. He added that appointing replacements during the interim period would also promote the kind of political patronage for which the SK had been criticized and moreover, a holdover would extend a defective system and reward officers for unsatisfactory performance. He believed that it would be better for the SK to start with a clean slate.

5. A new Section 4 was inserted in the reconciled bill, which reads as follows:

**SEC. 4. *Use of 10% Sangguniang Kabataan Fund.* – UNTIL THE NEW SET OF OFFICIALS HAVE BEEN DULY ELECTED AND QUALIFIED, THE SANGGUNIANG BARANGAY SHALL USE THE SANGGUNIANG KABATAAN FUND SOLELY FOR YOUTH DEVELOPMENT PROGRAMS.**

Senator Marcos explained that even if there would no longer be SK officers, the amendment would ensure that the mandated 10% of the barangay IRA would still be given to the SK, and would serve as a guide to the barangay councils to ensure that the fund would be utilized solely for youth development programs.

6. Section 3 of the Senate and House versions, which are the same, were adopted as Section 5 of the reconciled bill.
7. Section 4 of the Senate and House versions, which are the same, were adopted as Section 6 of the reconciled bill.
8. Section 5 of the Senate and House versions, which are the same, were adopted as Section 7 of the reconciled bill.

✓

9. The title of the Senate version was adopted with the following amendment, to now read as follows:

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

In case of conflict between the statements and amendments stated in this joint explanation and that of the provisions of the consolidated bill in the accompanying bicameral conference committee, the latter shall prevail.

Senator Marcos then moved for the approval/adoption of the Bicameral Conference Committee report.

#### INQUIRY OF THE CHAIR

Asked by the Chair if there were other provisions of RA 9340 which were not being amended, Senator Marcos replied that Section 5 (holdover) of the law was being amended too.

On whether the other sections of RA 9340 would remain valid, Senator Marcos replied in the affirmative. He explained that Section 2 of RA 9340 was being amended as a consequence of the amendment of Section 5 which is the holdover provision.

#### CLARIFICATION OF SENATOR PIMENTEL

Senator Pimentel, a member of the Senate panel, clarified for the record that Section 1 of RA 9340 was expressly amended by the reconciled bill; Section 5 of RA 9340, which provides for the hold-over of both the regular barangay and SK officials, would be modified accordingly pursuant to Section 6; and the rest of the provisions of RA 9340 were not touched by the Bicameral Conference Committee.

#### SUSPENSION OF SESSION

With the permission of the Body, the session was suspended.

*It was 4:04 p.m.*

#### RESUMPTION OF SESSION

At 4:16 p.m., the session resumed.

#### MANIFESTATION OF SENATOR MARCOS

Senator Marcos explained that only Section 1 of RA 9164, as amended by RA 9340, was amended during the bicameral conference. He stated that Sections 2 to 7 apply to the incumbent SK officials and that after their term ends on November 30, 2013, they become *functus officio*. He said that the cited provisions would not apply to those elected in the next SK elections.

#### APPROVAL OF THE CONFERENCE COMMITTEE REPORT

Submitted to a vote, with the majority voting in favor, Senator Escudero voting against, and Senator Cayetano (A) registering an abstention, the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1186 and House Bill No. 2849 was approved by the Body.

#### EXPLANATION OF VOTE BY SENATOR CAYETANO (A)

Senator Cayetano (A) clarified that he registered an abstention because although he was 100% in favor of introducing reforms in the SK system — programs that would give the youth not only leadership training but would also take out the elements of corruption and would make sure that the youth would pursue their studies while serving as SK officers — he was uncomfortable by the fact that for one year, there would be no youth representatives in the different local legislative councils.

Senator Cayetano (A) said that he was likewise uncomfortable by the provision authorizing the *sangguniang barangay* to decide on how to use the *Sangguniang Kabataan* fund for youth development programs.

Senator Cayetano (A) nevertheless realized that legislation is a process and he hoped that both Houses of Congress would work hard to effect reforms within a year.

*p*

**EXPLANATION OF VOTE  
BY SENATOR ESCUDERO**

Explaining his negative vote, Senator Escudero stated that he voted for the postponement of the SK polls when Senate Bill No. 1186 was passed on Third Reading, but he acknowledged that as part of the legislative process, legislators do not always get what they want and would have to compromise.

Senator Escudero said that he would not want to go on record as having voted in favor of the abolition of the SK for one year, as he noted that the effect of the bill is to abolish the SK for one year with the hope that Congress would pass within that same year a reform measure that Congress has been promising the SK for the past three years.

Senator Escudero expressed concern that if Congress fails to pass a reform legislation within a year, it would have to pass another bill postponing the election again. He stated that the same situation could happen the following years thereafter.

Senator Escudero reiterated that while he was in favor of reform, he did not want an abolition. He lamented that whenever the youth go wrong, the first thing that comes to mind is to abolish the SK; on the other hand, whenever other elected officials such as the former president and even some legislators committed mistakes and grave abuses, no one called for the abolition of their offices.

**SECOND ADDITIONAL  
REFERENCE OF BUSINESS**

The Deputy Secretary for Legislation, Atty. Edwin B. Bellen, read the following matters and the Chair made the corresponding referrals:

**BILLS ON FIRST READING**

Senate Bill No. 1730, entitled

**AN ACT PROVIDING FOR THE  
SUMMARY TITLING OF REAL  
PROPERTIES USED AS PUBLIC  
SCHOOL SITES**

Introduced by Senator Escudero

**To the Committees on Environment and  
Natural Resources; Education, Arts and Culture;  
Ways and Means; and Finance**

Senate Bill No. 1731, entitled

**AN ACT STRENGTHENING THE RIGHTS  
OF FOREIGNERS TO LEASE PRIVATE  
LANDS, THEREBY REPEALING  
REPUBLIC ACT NO. 7652, ENTITLED,  
"AN ACT ALLOWING THE LONG-  
TERM LEASE OF PRIVATE LANDS  
BY FOREIGN INVESTORS," AND  
PRESIDENTIAL DECREE NO. 471,  
ENTITLED FIXING A MAXIMUM  
PERIOD FOR THE DURATION OF  
LEASES OF PRIVATE LANDS TO  
ALIENS**

Introduced by Senator Trillanes IV

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

Senate Bill No. 1732, entitled

**AN ACT GRANTING THE SUPREME  
COURT THE POWER TO REASSIGN  
TRIAL COURT JUDGES TO OTHER  
BRANCHES OF THE SAME LEVEL,  
THEREBY AMENDING SECTIONS 17,  
28, 30 AND 31 OF BATAS PAMBANSA  
BLG. 129, OTHERWISE KNOWN AS  
THE JUDICIARY REORGANIZATION  
ACT OF 1980**

Introduced by Senator Trillanes IV

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

**COMMITTEE REPORT**

Committee Report No. 2, prepared and submitted jointly by the Committees on Public Information and Mass Media; Civil Service and Government Reorganization; and Finance, on Senate Bill No. 1733 with Senators Escudero, Trillanes IV, Osmeña III, Honasan II, Guingona III, Cayetano (A. P.), Joseph Victor Ejercito, Legarda, Sonny Angara, and Grace Poe as authors thereof, entitled

**AN ACT IMPLEMENTING THE PEOPLE'S  
RIGHT TO INFORMATION AND  
THE CONSTITUTIONAL POLICIES  
OF FULL PUBLIC DISCLOSURE**



**AND HONESTY IN THE PUBLIC SERVICE AND FOR OTHER PURPOSES,**

recommending its approval in substitution of Senate Bill Nos. 18, 36, 44, 64, 74, 90, 217, 514, 1219 and Proposed Senate Resolution No. 102 and the Citizen's Petition for Indirect Initiative on FOI.

Sponsors: Senators Grace Poe, Trillanes IV, Escudero and Cayetano (A. P.)

**To the Calendar for Ordinary Business**

**SPECIAL ORDER**

Upon motion of Senator Senator Cayetano (A), there being no objection, the Body approved the transfer of Committee Report No. 2 on Senate Bill No. 1733 from the Calendar for Ordinary Business to the Calendar for Special Orders.

**COMMITTEE REPORT NO. 2  
ON SENATE BILL NO. 1733**

Upon motion of Senator Cayetano (A), there being no objection, the Body considered, on Second Reading, Senate Bill No. 1733 (Committee Report No. 2), entitled

**AN ACT IMPLEMENTING THE PEOPLE'S RIGHT TO INFORMATION AND THE CONSTITUTIONAL POLICIES OF FULL PUBLIC DISCLOSURE AND HONESTY IN THE PUBLIC SERVICE 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 Cayetano (A), only the title of the bill was read without prejudice to the insertion of its full text into the Record of the Senate.

The Chair recognized Senator Poe for the sponsorship.

**SPONSORSHIP SPEECH  
OF SENATOR POE**

In sponsoring The Freedom of Information Act of 2013 (Senate Bill No. 1733), Senator Poe delivered the following speech:

**"LET THE SUNSHINE IN"**

I stand here today to sponsor Senate Bill No. 1733, otherwise known as the "People's Freedom of Information Act of 2013." The said bill is a consolidation of ten (10) FOI legislations filed by our eminent colleagues, namely, Senators Escudero (Senate Bill No. 18), Trillanes (Senate Bill No. 36), Osmeña (Senate Bill No. 44), Honasan (Senate Bill No. 64), Guingona (Senate Bill No. 74), Alan Peter Cayetano (Senate Bill No. 90), JV Ejercito (Senate Bill No. 217), Legarda (Senate Bill No. 514), and Angara (Senate Bill No. 1219), and Proposed Senate Resolution No. 102 by this Representation as well as the Petition for Indirect Initiative filed by civil society groups.

The passage of the Freedom of Information Act is long overdue. The FOI bill has long been discussed, dissected, scrutinized and debated, and it has been bypassed by Congress twice already. It has languished in Congress for far too long. In fact, when the very first FOI bill was filed way back in 1992, it was called to my attention, *wala pa pong internet sa Pilipinas noon; wala pang Facebook, Twitter at Instagram.*

On a more personal note, *noong mga panahong iyon ay kaka-graduate ko pa lang po ng political science at kakapanganak ko pa lang sa aking panganay na si Brian. Sa ngayon, naka-graduate na sa college ang aking anak at hindi pa rin naipapasa ang FOI bill sa Kongreso.*

The time is ripe for the passage of FOI. Majority of our colleagues are for it; the leadership of both Houses of Congress — Senate President Drilon and Speaker Belmonte — have openly declared their support for it; and even Malacañang has announced that the FOI bill will be included in the LEDAC list of priority measures. But most importantly, there is a real, genuine public clamor for it. *Dinig na dinig, ramdam na ramdam po natin ang kagustuhan ng mamamayan para sa FOI.* Given such favorable conditions, I do not see any reason why we should again fail to approve this vital piece of legislation this 16<sup>th</sup> Congress.

In coming up with the consolidated version of the bill, your Committee reviewed the archival records of earlier FOI hearings in previous Congresses. We also conducted two (2) public hearings where we elicited views from as diverse and as broad a spectrum of Philippine society as possible — the academe, the Philippine business sector, media organizations, civil society, social media "netizens," the Defense department, Executive officials and others. Lastly, my staff

ps

also conducted an extensive review of literature in order to learn about the latest developments and/or findings on FOI legislation around the world.

We had more than 20 resource persons from different representations to give their views on the FOI.

### ***FOI: A Brief Theoretical and Historical Background***

*Marami po ang naniniwala at umaasa na ang FOI Act ang sagot sa problema natin sa kasalukuyang problema ng bayan. Many people believe that the only way to prevent corruption is by making public documents and transactions open to the public. What the Freedom of Information Act basically wants to do is apply the "Sunshine Principle" in government.*

*Ano po ba ang "Sunshine Principle"? In simplest terms, the Sunshine Principle states that "all things not exposed to sunlight acquire germs." Alinsunod sa Sunshine Principle, ang lahat ng bagay na hindi nasisitakan ng araw ay tinutubuan ng mikrobyo at nagkakaroon ng dumi. Tulad halimbawa ng sapatos. Kapag ito ay itinago mo nang matagal sa isang madilim na sulok ng inyong cabinet, di ba nagkakaroon ng amoy at nagkaka-amag? Ganun din po sa gobyerno. Dapat po ay binibilad sa araw at hindi tinatago ang mga transaksyon upang hindi tubuan ng mikrobyo ang ating gobyerno — yan po ang "Sunshine Principle."*

Exposing government to the "sunshine" of public scrutiny will kill the "germs" and disinfect the "microbes" that lead to waste and red tape, abuse of authority and gross misconduct, and graft and corruption.

I just find it quite unfortunate that we had to wait for something like the "recent misuse of funds" and the ensuing "Million People March" to happen before this bill could garner bipartisan support in Congress. Such is not the case in other countries. It was called to our attention during a public hearing by Mr. Alampay.

For example, in Thailand, which is the very first country in Southeast Asia to enact an FOI law, the FOI movement began not because of some multi-million dollar scam perpetrated by some Thai politicians but out of something more innocuous and more "modest" at least by Philippine standards — one woman could not quite accept the fact that her daughter failed to pass a state university entrance exam.

Furious and frustrated, the mother petitioned university officials to release the full results of all

persons who took the entrance exam. The woman's lone crusade eventually gained media attention and earned widespread public sympathy. In the end, the mother was able to confirm what many people in Thailand have long suspected — that children from affluent, influential families were admitted into the state university despite their having gotten lower grades than her daughter. Thus, the FOI Act of Thailand really grew out of one woman's crusade over her daughter's inability to gain admission in a university. It is truly sad to see that we Filipinos seem to have developed a higher "tolerance level" for corruption compared to our neighbors in Asia, and that we always seem to wait for things to go from bad to worse before we are moved into action.

Sweden holds the distinction of having passed the very first freedom of information law in recorded history. In 1766, the Swedish Parliament passed the *Freedom of the Press Act* which granted citizens access to official documents. Soon after, this gem of an idea — that people have a right to know what their government is doing — spread like a virus to neighboring countries in the Scandinavian region like Finland, Norway and Denmark.

Today, the FOI tradition in Sweden is so far advanced that even the email and other official communications through internet of their Prime Minister is available for any citizen to see.

The countries of Scandinavia have been consistently rated "least-corrupt" by various international rating organizations. For instance, based on the 2012 Corruption Perceptions Index of Transparency International, Finland and Denmark both shared the No. 1 spot as the least-corrupt countries in the world, while Sweden was ranked No. 4 and Norway was the 7<sup>th</sup> least-corrupt country in the world. It is definitely not mere coincidence that the countries with the least amount of corruption are also the countries where the FOI tradition is oldest and strongest. In contrast, the Philippines is currently ranked 105<sup>th</sup> out of 174 countries.

In recent times, the FOI movement has gained widespread currency and worldwide momentum. "*Na-uuso*" kumbaga. To date, there are at least 94 nations which enacted their own FOI legislation, and another 53 countries are in the process of ratifying their respective FOI laws.

*Pero hindi po sa lahat ng pagkakataon naging matagumpay ang FOI sa mga bansang meron na nito. In fact, according to one study conducted by David Banisar of Privacy International, the vast majority of countries today*

that have FOI have freedom of information “in name only, but not in spirit.” *Samakatuwid, karamihan sa mga bansa na meron ng FOI ay nakikisabay lang sa uso or “nakiki-uso lang” at hindi talaga seryoso sa pagpapatupad ng kanilang batas ukol sa FOI.*

### **Elements of a “Strong” FOI Law**

It is precisely for this reason that we must ratify a strong FOI version, otherwise, the Philippines will encounter a similar situation wherein we have freedom of information “in name only, but not in spirit.” *Dapat huwag lang tayo sumunod sa kung ano ang uso. Dapat talagang lagyan natin ng ngipin ang FOI para mas malakas at lalong maging epektibo ito sa pagsugpo sa korapsyon.*

There are numerous research studies which demonstrate that a strong Freedom of Information law indeed minimizes graft and corruption. One study, for instance, found that when the United States Congress strengthened their FOI law, the prosecution rate of their graft cases drastically improved. I quote: *“The number of court convictions nearly doubled in the first 3 to 8 years after FOI law was strengthened.”* Aside from raising the conviction rate, the experience in other countries also show that better public access to information has made governmental institutions more accountable and more responsive to the actual needs and demands of the people, often resulting in faster and more efficient delivery of basic services.

Aside from Sweden, the other countries which seem to be showing the way in the area of FOI legislation are Mexico, New Zealand, Australia and India. Based on our research, the following are the five ingredients or elements that make for a “strong” FOI law:

1. *Presumption of Release.* A good FOI law must have a “*presumption of release*” provision. This means that there is blanket coverage of all public information and that all official documents are assumed to be open to the public, unless expressly prohibited by the law. *Sa madaling sabi, kung hindi bawal, puwede!* This is the very essence of “freedom of information.”
2. *Clearly-Defined Exemptions.* Almost all FOI laws around the world provide for certain exemptions or “*non-disclosure rules*,” which typically involve national security, operational security, trade secrets, diplomatic security, presidential privilege, and other information that are sensitive or confidential in nature. In formulating an FOI law,

international experts suggest that exemptions should be limited and must be clearly defined. Otherwise, too many vaguely-worded exemptions would effectively render the FOI law useless.

In addition, the non-disclosure rule is not absolute, and is usually covered by a specified timeframe – usually between 15 to 30 years after the fact – when the classified documents can be released to the public.

3. *Existence of an Independent Implementing Agency.* Various experts also assert that the establishment of a separate, independent “implementing agency” dedicated to resolving FOI cases is crucial to the success of FOI. In Mexico, for example, there is a special body called “IFAI” which resolves FOI cases in a timely manner. In other countries, denied requests for information are typically settled and/or decided by ordinary circuit courts, which not only takes a lot of time but requires a lot of money for requesting parties.
4. *Efficiency/Timeliness.* For FOI to be effective, government must give its citizens access to what experts call “*actionable data*.” “Actionable data” is data that is a) current or up-to-date, and b) data that is usable or “*sortable*.” Typically, what we see on government websites today are “*after-the-fact data*” – annual reports, statistics that are three years old, *etcetera* – in other words, information that is no longer “*actionable*.” *Nangyari na, tapos na.*

Also, government must make accessing data quickly, easy and convenient for its citizens. Last but not least, people must be able to access information at no cost or at very minimal cost as much as possible.

5. *Strict Penalties for Non-Compliance.* For the FOI law to be successful, there really has to be penalties and/or fines to punish non-compliance. Otherwise, government officials will just continue on ignoring requests for information.

In addition, “freedom of information” is not exactly “free.” It has cost implications. Before government could be able to grant “access,” it must first have in its possession the “information.” In other words, before government can begin handing out information to anyone who wants it, it must first possess the capability to effectively organize its information management systems.

Everyone seems to agree that we must grant our citizens access to official information. *Pero*

r

*aanhin mo yung "access" kung wala namang "information"? Freedom of information, therefore, is not only about access but is also about proper information management and archiving practices. Kalakip po palagi sa pagbigay ng "access" ang pagtataguyod ng "information dissemination infrastructure" na madaling gamitin at maintindihan ng ating mamamayan.* For FOI to be truly effective, government must invest in "digitalizing" its documents (converting its files into digital format) and modernizing its information management systems.

### ***Salient Points of Senate Bill No. 1733***

Allow me now to present some of the salient points of Senate Bill No. 1733, entitled "*An Act Implementing the People's Right to Information and the Constitutional Policies of Full Public Disclosure and Honesty in the Public Service and For Other Purposes,*" otherwise known as the People's Freedom of Information Act of 2013.

The people's right to information is a right long enshrined in our Constitution specifically under the Declaration of Principles and State Policies, and under Section 28, Article II of the Philippine Charter. Furthermore, the people's "right to know" is recognized in Section 7, Article III which provides:

"The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law."

*Napakatagal na po ng Constitution na ito na naipasa. Hanggang ngayon, iyong limitasyon ng batas ay hindi pa rin natin nagagawa at naiimplementa.*

Senate Bill No.1733 is to be the implementing law of this constitutional mandate. The said measure provides the general framework of rules and guidelines, exemptions and limitations, procedures and penalties in the exercise of this right.

Except for some minor refinements, Senate Bill No. 1733 is substantially similar to the version that was approved on Third Reading by the previous 15<sup>th</sup> Congress. In coming up with this updated FOI version, we took into consideration the inputs of various government agencies – particularly the recommendations of the Office of the President, Department of Justice, Civil Service Commission, Ombudsman, Department

of National Defense. We likewise studied the position papers and policy suggestions of a number of resource persons from the business sector, academe, union of journalists and media organization, social media "netizens," and civil society groups.

I will now discuss in detail some of the important provisions of the bill.

- a. Section 4 of Senate Bill No. 1733 states that the FOI rule on full public disclosure covers all government agencies and instrumentalities which includes the Executive, Legislative, Judicial branches of government, constitutionally-mandated bodies, local governments as well as government-owned and controlled corporations (GOCCs) and government financial institutions (GFIs). Upon the recommendation of the Civil Service Commission (CSC), we added a new provision that will include "public service contractors" such as foundations, non-governmental organizations (NGOs) and people's organizations (POs) as among those to be covered by the FOI law, insofar as their contract or transactions with government are concerned.
- b. Section 5 grants every Filipino citizen the right to request and be granted access to any record or information that is under the control of government, subject of course to the limitations enumerated in this FOI Act.
- c. Section 6 of Senate Bill No. 1733 states that "there shall be a legal presumption in favor of access to information. No request for information shall be denied unless it clearly falls under the exceptions provided under this Act."
- d. Section 7 of the measure lists down the exceptions to the FOI rule, which include the following:
  - Information that could cause serious damage to national security and our country's internal and/or external defense;
  - Information that could unduly weaken our country's bargaining position in international negotiations or seriously jeopardize diplomatic relations with other countries;
  - Information that could compromise law enforcement operations and endanger the life of an individual;
  - Information that was obtained by Congress in executive session;

*R*



- Information covered by “*presidential privilege*”;
- Information pertaining to trade secrets and commercial information; and
- If the information requested would constitute an unwarranted invasion of an individual’s right to privacy.

Senate Bill No. 1733 also provides that at no time shall exemptions be used to cover up a crime, wrongdoing, graft or corruption. *Ibig sabihin hindi ka pwede magtago at sabihin na saklaw ng “national security exemption” o ng “presidential privilege” ang isang impormasyon kung ang motibo mo lang ay pagtakpan ang palpak na trabaho o katiwalian sa iyong departamento.*

- e. Section 8 requires government agencies to upload on their respective websites the following information:
- The Statement of Assets, Liabilities and Net Worth (SALNs) of the President, Vice President, Cabinet members, members of both Houses of Congress, Justices of the Supreme Court, members of Constitutional Bodies, and officers of the Armed Forces of star rank;
  - All information pertaining to their Annual Budget, Monthly Disbursements, IRA utilization, procurement plan, the list of vacant positions in their agency, items for bidding and the results of the bidding, contracts entered into by government with any domestic or foreign entity, bilateral or multilateral treaties, licenses or permits granted to any entity for the extraction of natural resources, and loans entered into by government from any domestic or foreign financial institution.

Moreover, Senate Bill No. 1733 provides that any loan or transaction entered into by any government agency amounting to at least P50 million (P50,000,000) shall be uploaded in full on the website of the concerned government agency.

- f. Section 10 of the bill stipulates that the right to privacy of individuals shall always be protected, and instructs government agencies to “protect personal information in its custody or under its control by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure, or disposal.”

In the crafting of Senate Bill No. 1733, we were always conscious and mindful of the fact that FOI can be used as a tool to damage reputations and harass individuals. Thus, we sought to strike an ideal balance between safeguarding public interest without sacrificing the person’s right to privacy.

- g. Section 11 provides for the dissemination of an FOI Manual and likewise directs all government agencies to list down the type and kind of information it regularly generates so that people will know what information is obtainable from a particular agency.
- h. Section 12 of the FOI Act details the appropriate procedure how a person can request for information from government agencies. The same section requires government officials to act and/or comply within fifteen (15) working days upon receipt of the request for information. There are also appeals if it is denied, and it will take a period shorter than fifteen (15) days.
- i. Section 16 of Senate Bill No. 1733 provides for a system of remedies in case the request for FOI information is denied. For instance, if the requesting party is not satisfied with the action of a government agency, he may file a verified complaint in the Office of the Ombudsman or file a verified petition for mandamus in a regular court. If the requesting party has limited or no financial capacity, he can approach the Public Attorney’s Office to request legal assistance in availing of the remedies provided in this Act.
- j. Section 17 directs all government agencies to observe good record-keeping practices and enjoins them to setup information management systems that allow for easy identification, retrieval and communication of the information to the public. Moreover, government agencies are instructed to identify specific classes of documents that have continuing historical, legal, evidentiary or research value (that the FOI stipulates they cannot dispose or destroy) and transfer the same to the National Archives of the Philippines for preservation.
- k. Section 19 directs all government agencies to setup their respective FOI-compliant web sites within two (2) years after the law takes effect, and likewise encourages them to make their websites user-friendly and understandable to the layman. As such, Section 19 also contains a provision instructing government agencies “to use plain language and if possible, translate important information into

major Filipino dialects” so that people will be able to appreciate the information better. *Dapat madaling maintindihan at hindi lamang mga abogado ang makakaintindin ito.*

- l. Sections 20 and 21 make government officers who violate the FOI Act criminally and administratively liable. Section 20 enumerates acts that constitute grave administrative offenses (punishable by suspension or dismissal from the service) such as a) failure to act on the request within the period required by the Act; and b) refusal to comply with the decision of an immediate superior, the Ombudsman or of any court ordering the release of information.

Section 21 on the other hand lists down the various acts that make a government officer criminally liable for violations of the FOI Act, which carries a penalty of imprisonment of not less than one (1) month but not more than six (6) months. Among the acts are the following: a) knowingly denying the existence of existing information, b) destroying information being requested for the purpose of frustrating the requester’s access, and c) claim an exception provided under the FOI Act, when the claim is manifestly devoid of factual basis.

- m. Section 24 of Senate Bill 1733 stipulates that the concept of “freedom of information” be introduced in the public school curriculum and integrated in subjects such as *Heyograpiya, Kasaysayan at Sibika* (HEKASI) and *Araling Panlipunan* for the elementary level or Social Studies and *Makabayan* for the high school level. *para bata pa lamang alam na nila ang karapatan nila, bata pa lamang makilahok na sila at makialam sa kung anong nangyayari sa gobyerno.*

As I mentioned earlier, a substantial part of Senate Bill No. 1733 was patterned from the Third Reading version during the previous Congress. For example, the bill’s provisions pertaining to what information is covered and what is exempted from FOI coverage, the procedure for accessing information and the system for redress (in case of denial), the mandatory posting of SALNs and the provisions on record-keeping/archiving, were all lifted from the earlier FOI version.

This is not to say that Senate Bill No. 1733 is completely identical to the old FOI bill. There are new additions that the Committee introduced in the current FOI measure. For example, in Section 4, we included “public service contractors” as among those to be covered by FOI. The word

“public service contractors” could be construed to mean private organizations such as foundations, NGOs or POs that have contracts or projects with government. It is imperative to include private organizations in the coverage of FOI because in this country, graft and corruption is often a product of a public-private partnership.

In addition, Senate Bill No. 1733 stipulates civil and criminal penalties for violations of the FOI Act (as contained in Sections 20 and 21), a feature not present in the old FOI measure. The reason for this is that the Committee believes that we really have to impose strict penalties in order for the FOI law to be successful. *Dapat talaga lagyan natin ng ngipin ang batas, kung hindi ay babalewalain lamang tayo.*

Lastly, we added two more provisions on “plain writing” (as embodied in Section 19) and the introduction of FOI into the public school curriculum (as contained in Section 24 of the bill).

We really need to teach our children the concepts of transparency, accountability and the people’s right to information so that our future generations will imbibe the concept of FOI and develop an FOI culture. We also felt the need to encourage bureaucracy into making their websites usable, sortable and easy to understand by adding a seemingly superfluous plain language stipulation in the bill. To better understand the purpose, I will illustrate a specific example: One common practice today is for a government agency to print an official document. They scan the “hard document” then post it as a PDF file on its portal. This practice practically renders the data “unsortable” or unsearchable, and thereby unusable to many users. So what potentially can happen is that once the FOI is enacted into law, the public will be deluged with tons of information in PDF format on government websites which he cannot sort/search and make any sense of. Therefore, we need to add this provision to encourage government to make the presentation of their data more user-friendly. Otherwise, government officials may see a loophole and find a way to comply with the letter of the law but not its spirit.

In closing, the passage of the Freedom of Information Act will bring about a new era of openness and transparency—unprecedented in Philippine history. FOI will profoundly change our politics, our government and our society as a whole, for the better.

The world has been swept by remarkable technological changes in the past 20 years. We now live in the Age of Information where

ordinary citizens have access to information and receive news as fast as their leaders. We now live in a world where people have bigger material needs and higher expectations in life. We now live in a global economy where developments in places as far away as Syria can have a significant impact on our local economy.

The Philippines is now the “Social Media Capital of the World”. There are now 35 million internet users in the country, and DOST is projecting that the Philippines will have 99% internet penetration by the year 2015, that’s two years from now. In today’s information age, ideas spread faster than a virus, news travel at the speed of light, and people can access information quite literally at their fingertips. Just last month, we witnessed the awesome power of social media when thousands of concerned *netizens* answered the call to mount a “Million People March” to protest. Make no mistake about it, the internet is a “game changer” and it will change our country profoundly.

Today’s generation want information, and they want it instantly and they want it free. We cannot expect today’s youth to line up just to get their desired data— they want the information posted and downloadable on a government website. We cannot expect today’s generation, so used to having free content on the internet, to pay Php12,000 just for some national survey on nutrition or some statistical data on labor. Today’s generation want information at their fingertips, and we must give them that which can help them understand the government.

*Sa pamamagitan ng FOI, mababawasan ang katiwalian sa gobyerno. At hindi lang iyan, matututo pa ang ating mamamayan na makialam at makilahok sa paghubog ng mga polisiya ng kanilang gobyerno.* Let me cite what our dear President Benigno “Noynoy” Aquino said in a speech that he delivered last November, and I quote: “*Kapag may sapat at tamang impormasyon si Juan de la Cruz sa mga isyung panlipunan, hindi lamang sya armado sa kaalaman—gaganahan at maeengganyo rin siyang makilahok sa pagpapaulad ng bayan.*”

FOI will not only prevent graft and corruption but more importantly, our citizens will learn to get involved and participate, and thus will become true stakeholders in their government. This is the true essence of democracy.

The FOI Act is long overdue. Let us not delay its passage anymore. Let us heed the clamor of the people and approve this measure without further delay.

*Madali lang naman ang pagpipilian: dilim o liwanag? Dapat liwanag. Kailangan masinagan ng araw ang lahat ng transaksyon ng pamahalaan.*

## COSPONSORSHIP SPEECH OF SENATOR EJERCITO

Senator Ejercito delivered his cosponsorship speech, as follows:

The Freedom of Information Bill has long been overdue. Despite the fact that the need for it arose from the moment the government begins, our government still failed to have the Freedom of Information legislation that will satisfy the said need.

It was long promised by the Constitution and remains to this day, just a promise. From the 12<sup>th</sup> to the present 16<sup>th</sup> Congress, notwithstanding the numerous bills filed and refiled, it seems like we always return to square one; from zero—marching but only in one place when it comes to the Freedom of Information Act.

It has been recognized by the supreme law of the land that the people have a right to information on matters of public concern. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions as well as to government research data used as basis for policy development shall be afforded the citizen, subject to such limitation as may be provided by law.

This right is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social and economic decision-making. It is the government’s duty and responsibility to the citizenry to adopt and implement a policy of public disclosure of all its transactions involving public interest.

The failure of the Congress to adopt a law that will give life to the aforementioned declared policy of the Constitution is a deprivation of the people’s right to information. It is a manifest violation of a recognized and established right.

The present controversial issues the government is faced with could have been prevented if it were transparent to the people from day one of its constitution. However, the Philippines’ Freedom of Information Act remains very elusive.

The enactment of the Freedom of Information legislation is our obligation to the citizens of the Philippines. Just as it is their obligation to pay taxes, so it is ours to protect their hard-earned money. It will show the people that the

government is devoted and putting more effort to curtail the rampant corruption in the government. Furthermore, it will help the government to attain its goal of transparency in the government service to achieve effective governance.

All told, let us not turn our back to the Freedom of Information bill. Let us give the people the right they are entitled to. Let's pass the Freedom of Information bill now.

## COSPONSORSHIP SPEECH OF SENATOR ANGARA

In cosponsoring Senate Bill No. 1733, Senator Angara delivered his speech as follows:

We were earliest to achieve democracy in Asia and yet, we are one of the few countries without a Freedom of Information bill. But I am happy to say that we are one of the few countries in South East Asia — in this part of the world — *na mayroong* right of information, and that we have elevated this right to a constitutional right.

*Sabi nga ng mga eksperto*, like Father Bernas, this constitutional right is “self-executory.” But if we look at our recent history, the citizens have had to run to the Supreme Court to have this right enforced. And I think, in order to deepen our democracy, we need to pass this Freedom of Information law.

An investigative journalist wrote in a book on access to information that “Filipinos have a history of being kept in the dark by government”. *Itong mga kalayaan natin na ini-enjoy po natin* starting in 1898 when Aguinaldo proclaimed the first Philippine republic and passed the first Philippine Constitution and guaranteed the Freedom of the Press. In 1935, we had a Constitution which we patterned after the American Constitution which again reiterated the provision on freedom of the press. *Hindi po basta-basta natin nilalagay ang salitang iyan*. Underneath all of that, underpinning all of these freedoms are the blood of our forefathers, our ancestors, our national heroes— they are not mere statues in Luneta; they are not just statues lining our streets like Ayala Avenue, they fought hard for these freedoms that we enjoy today.

Whereas past colonial masters in the last 300 years have kept us in the dark, there were many ways for our patriotic countrymen, because of their love for country, to bring out the truth regarding matters of public concern. We had Graciano Lopez Jaena, we had Marcelo H. del Pilar who came up with “*La Solidaridad*.” It started from the pamphleteers without

printing presses, who just distributed all these information so our countrymen could know the true fate of our nation.

*Sabi nga ng isang member ng Constitutional Commission of 1987*, one of the 50 constitutional commissioners, Dr. Wilfrido V. Villacorta, *ang inspirasyon dito sa ating karapatan sa ilalim ng 1987 Constitution ay hindi lamang iyong batas ng ibang bansa; ang inspirasyon dito sa karapatan natin sa 1987 Constitution ay iyong karanasan ng ating bansa sa nakaraang mga administrasyon*.

From the words of Dr. Villacorta, the main stimulus is our experience under past administrations where lack of access left people ignorant of the serious state of the economy. Economic statistics were fabricated and peddled to international agencies; the media was muzzled; government think tanks produced research results without explaining their methodology and the source of data and information considered as sensitive was withheld. Thus, if we take a historical viewpoint of the right of our people to information, we have to push the envelope.

As public officials, it is our duty to think of the succeeding generations. Our chairman of the Committee on Public Information, Senator Grace Poe, has already set forth the details and we are just giving the historical background. In the 11<sup>th</sup> Congress, it was the House of Representatives which passed the Freedom of Information, then called the Access to Information bill, and the Senate failed to pass it. In the 14<sup>th</sup> and 15<sup>th</sup> Congresses, it was the reverse where the Senate was able to pass the information bill, called the Freedom of Information bill.

Now, in the 16<sup>th</sup> Congress, we have changed the name of the bill. It is now called the People's Freedom of Information bill and it is not an insignificant change. I think it is also to enjoin our countrymen to join the fight.

*Nais natin sabihin sa kanila na ito ay hindi lamang laban ng ilang mga peryodista, ilang mga journalists; ito ay hindi lamang laban ng ilang mga public service NGOs kundi ito ay laban ng bawat mamamayan sapagkat ang demokrasya ay isang diyologo* between the governed and the governing; and we need to defend that dialogue if we want to make progress.

*Nabanggit po ng ating chairman ang Sweden*, which has a long history of transparency and democracy and it is no coincidence *na iyong mga mayayamang bansa ay transparent* — they empower their citizens. Sweden enjoys one of the highest per capita GDP per citizen. We are not talking about GDP

in its totality because as mentioned by many economists, GDP tends to hide or mask the inequalities between societies but if we look at those societies that are considered equitable, we will find that many of them have Freedom of Information statutes. So issue ito ng bituka, at sana matulungan tayo ng ating mga kaibigan sa media na ipaalam ito sa madla.

May formula po ang Transparency International, that famous international watchdog, that corruption is a result of discretion and lack of accountability and transparency. I think one of the lessons from the ongoing PDAF scandal is that perhaps, we have allowed too much discretion in our public finances and that type of discretion without accountability, without transparency, tends to lead to corruption. So andito na po tayo. We are fighting for greater transparency and greater accountability through the FOI bill.

At present, we have a president who values transparency. In the year 2000, an investigative journalist wrote that almost everything seems to be going wrong in the Philippines but there are constants in the lives of Filipinos that they can count on and be proud of. One of them is the 1987 Constitution that protects, among others, freedom of expression, freedom of the press and access to information. These broad constitutional guarantees have helped Filipinos in their pursuit of information in the possession of the State, and have provided sufficient defense against attempts by the bureaucracy to withhold information on matters of public concern. As a result, Filipinos are able to enjoy greater participation in governance and occasionally, Filipinos even helped change the course of their nation's history. That was the year 2000, ang sabi ng journalist, almost everything seems to be going wrong in the Philippines.

Fast forward to today, 2013, many things seem to be going right in the Philippines. We have a president who is the epitome of transparency. Kapag ina-ambush po ng media tumitigil po siya para sagutin ang mga tanong. Sa lahat po ng ahensya natin wala pong secretary ng ating gabinete na nagtatago po sa ating Chamber, and even in the lower Chamber. Kapag pinapatawag po natin, andiyan po sila at sinasagot ang ating mga katanungan. But I think it should not change our pursuit for better rights, deeper democracy.

In this age of the internet, the age of crowd-sourcing, of bottom-up governance, it is only fair that the anti-corruption effort also receives a boost in the form of the Freedom of Information measure.

## COSPONSORSHIP REMARKS OF SENATOR LEGARDA

In cosponsoring Senate Bill No. 1733, Senator Legarda made the following remarks:

*Bilang isang mamamahayag na nagsimula pa po noong 1970s, noong panahon ng martial law, binigyan po natin ng halaga ang impormasyon na galing sa pribado at pampublikong sektor. At bilang coauthor — ngayo'y aking pangatlong termino na sa FOI bill — binibigyan ko po ng diin ang kahalagahan ng panukalang batas na ito.*

Freedom of information is an essential prerequisite for a modern democracy. It is a key foundation to the effective exercise of cognate rights such as the freedoms of speech, of the press, and of expression as well as the right of the people and their organizations to an effective and reasonable participation at all levels of social, political and economic decision making. Transparency in the public sector enables our people to engage in meaningful participation, promotes accountability, and mitigates corruption which has long been a major obstacle to our country's development.

With these brief words, I lend support to this measure.

## SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1733

Upon motion of Senator Cayetano (A), there being no objection, the Body suspended consideration of the bill.

## 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 the following day.

*It was 5:14 p.m.*

I hereby certify to the correctness of the foregoing.

OSCAR G. YABES  
Secretary of the Senate

Approved on September 25, 2013