



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 30
Tuesday, October 22, 2013

SIXTEENTH CONGRESS
FIRST REGULAR SESSION

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CALL TO ORDER

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

PRAYER

Senate President Franklin M. Drilon led the prayer, to wit:

Almighty Father,

Thank You for giving us the opportunity to serve our people through this institution.

As we celebrate the 97th anniversary of the Senate, may we be inspired by those who came before us in this Chamber who gave their unselfish service. Let us always be reminded of our duty to our people and our institution.

We also offer to You, our dear Lord, our countrymen who were affected by the natural calamities that recently beset our country. Inspire and guide them, Father, as they continue to live and restore their lives. Give them the grace they need in these trying times and let them not lose faith and hope in You.

All these, Father, we ask through Christ, our Lord and Savior.

Amen.

ROLL CALL

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

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

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

Senators Poe and Trillanes arrived after the roll call.

Senator Villar was on official mission abroad.

Senator Defensor Santiago was on sick leave.

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. 29 (October 21, 2013) and considered it approved.

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**ACKNOWLEDGMENT
OF THE PRESENCE OF GUESTS**

At this juncture, Senator Cayetano (A) acknowledged the presence in the gallery of the District Women Coordinating Council of the 4th District of Batangas.

Senate President Drilon welcomed the guests to the Senate.

REFERENCE OF BUSINESS

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

BILLS ON FIRST READING

Senate Bill No. 1786, entitled

AN ACT PROVIDING FOR THE
PREVENTION AND TREATMENT
OF DRUG AND ALCOHOL ABUSE
AMONG HIGH RISK YOUTH

Introduced by Senator Defensor Santiago

To the Committees on Health and Demography; and Youth

Senate Bill No. 1787, entitled

AN ACT ESTABLISHING INNOVATIVE
PROGRAMS TO PROVIDE SAFE
SCHOOL ENVIRONMENTS

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1788, entitled

AN ACT PROVIDING GRANTS TO
LOCAL GOVERNMENT UNITS FOR
SUPERVISED VISITATION CENTERS

Introduced by Senator Defensor Santiago

To the Committees on Youth; Local Government; and Finance

Senate Bill No. 1789, entitled

AN ACT REQUIRING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO CONDUCT A FEASIBILITY STUDY FOR APPLYING AIRPORT BUBBLES AS A METHOD OF IDENTIFYING, ASSESSING, AND REDUCING THE ADVERSE ENVIRONMENTAL IMPACTS OF THE AIRPORT GROUND AND FLIGHT OPERATIONS AND IMPROVING THE OVERALL QUALITY OF THE ENVIRONMENT

Introduced by Senator Defensor Santiago

To the Committees on Environment and Natural Resources; Public Services; and Finance

Senate Bill No. 1790, entitled

AN ACT PROVIDING FOR RESTRICTIONS ON GARNISHMENT OF COMPENSATION DUE FOR PERSONAL SERVICES

Introduced by Senator Defensor Santiago

To the Committee on Labor, Employment and Human Resources Development

Senate Bill No. 1791, entitled

AN ACT REQUIRING RESTAURANTS TO CONSPICUOUSLY POST MENUS INCLUDING THE PRICES OF ALL FOOD AVAILABLE THEREIN

Introduced by Senator Defensor Santiago

To the Committee on Trade, Commerce and Entrepreneurship

Senate Bill No. 1792, entitled

AN ACT GRANTING PRIORITY TO HONOR GRADUATES OF STATE COLLEGES AND STATE UNIVERSITIES IN THE APPOINTMENT OF CIVIL SERVICE EMPLOYEES

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Introduced by Senator Defensor Santiago

To the Committee on Civil Service and Government Reorganization

Senate Bill No. 1793, entitled

AN ACT PROVIDING FOR PROTECTION FROM REPRISALS TO EMPLOYEES OF CONTRACTORS FOR DISCLOSURE OF INFORMATION RELATING TO SUBSTANTIAL VIOLATION OF LAW RELATED TO PUBLIC CONTRACTS, INCLUDING THE COMPETITION FOR NEGOTIATION OF A CONTRACT

Introduced by Senator Defensor Santiago

To the Committee on Labor, Employment and Human Resources Development

Senate Bill No. 1794, entitled

AN ACT REQUIRING SPECIAL DRIVER'S EDUCATION FOR PROFESSIONAL AND TRUCK DRIVERS

Introduced by Senator Defensor Santiago

To the Committees on Public Services; and Finance

Senate Bill No. 1795, entitled

AN ACT ESTABLISHING LEGAL STANDARDS AND PROCEDURES FOR PRODUCT LIABILITY LITIGATION AND FOR OTHER PURPOSES

Introduced by Senator Defensor Santiago

To the Committees on Justice and Human Rights; and Trade, Commerce and Entrepreneurship

Senate Bill No. 1796, entitled

AN ACT PROVIDING GRANTS FOR THE TRAINING OF MEDICAL RESIDENTS IN PREVENTIVE MEDICINE AND PUBLIC HEALTH

Introduced by Senator Defensor Santiago

To the Committee on Health and Demography

Senate Bill No. 1797, entitled

AN ACT ESTABLISHING THE PRESIDENTIAL DEBATE COMMISSION

Introduced by Senator Defensor Santiago

To the Committees on Electoral Reforms and People's Participation; Public Information and Mass Media; and Finance

Senate Bill No. 1798, entitled

AN ACT ESTABLISHING NATIONAL TEACHER ACADEMIES IN ORDER TO ENCOURAGE AND FACILITATE ENTRY INTO THE TEACHING PROFESSION

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1800, entitled

AN ACT PROVIDING FOR RESEARCH, DEVELOPMENT, EDUCATION AND TECHNOLOGY TRANSFER ACTIVITIES RELATED TO WATER USE EFFICIENCY AND CONSERVATION TECHNOLOGIES AND PRACTICES

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1801, entitled

AN ACT ESTABLISHING A TASK FORCE TO RECOMMEND A UNIFORM STRATEGY TO PROTECT WOMEN AGAINST VIOLENT CRIME

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1802, entitled

AN ACT GRANTING DISCOUNTS ON BASIC SERVICES AND EDUCATION SERVICES TO UNDERPRIVILEGED COLLEGE STUDENTS

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1803, entitled

AN ACT PROHIBITING DECEPTIVE CONDUCT IN THE RATING OF VIDEO AND COMPUTER GAMES

Introduced by Senator Defensor Santiago

To the Committee on Public Information and Mass Media

Senate Bill No. 1804, entitled

AN ACT ALLOWING EMPLOYEES TO TAKE SCHOOL INVOLVEMENT LEAVE TO PARTICIPATE IN THE ACADEMIC SCHOOL ACTIVITIES OF THEIR CHILDREN OR TO PARTICIPATE IN LITERACY TRAINING

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1805, entitled

AN ACT ESTABLISHING AN INTER-GOVERNMENTAL TASK FORCE FOR INTERNATIONAL VISITOR ASSISTANCE

Introduced by Senator Defensor Santiago

To the Committees on Tourism; and Finance

Senate Bill No. 1806, entitled

AN ACT PROVIDING CHILDREN PROTECTION AGAINST ENVIRONMENTAL POLLUTANTS

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1807, entitled

AN ACT TO REDUCE LEAD-BASED PAINT HAZARDS IN RESIDENTIAL ENVIRONMENTS

Introduced by Senator Defensor Santiago

To the Committees on Health and Demography; and Environment and Natural Resources

Senate Bill No. 1808, entitled

AN ACT TO BAN EXPERIMENTS ON THE CLONING OF HUMAN BEINGS

Introduced by Senator Defensor Santiago

To the Committees on Science and Technology; and Health and Demography

Senate Bill No. 1809, entitled

AN ACT TO PROVIDE FOR AN INTERIM CENSUS OF FILIPINOS RESIDING ABROAD AND TO REQUIRE THAT SUCH INDIVIDUALS BE INCLUDED IN REGULAR CENSUSES

Introduced by Senator Defensor Santiago

To the Committees on Health and Demography; and Finance

Senate Bill No. 1810, entitled

AN ACT AMENDING REPUBLIC ACT NO. 6506, ALSO KNOWN AS "AN ACT CREATING THE BOARD OF EXAMINERS FOR CRIMINOLOGISTS IN THE PHILIP-

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PINES," SECTIONS 23 AND 24,
ON CRIMINOLOGY AND CRIMI-
NOLOGISTS

Introduced by Senator Defensor Santiago

**To the Committees on Public Order and
Dangerous Drugs; and Civil Service and Govern-
ment Reorganization**

Senate Bill No. 1811, entitled

AN ACT ESTABLISHING A PRESCRIP-
TION DRUG PRICE MONITORING
COMMISSION

Introduced by Senator Defensor Santiago

**To the Committees on Health and Demo-
graphy; Trade, Commerce and Entrepreneur-
ship; and Finance**

Senate Bill No. 1812, entitled

AN ACT PROVIDING FOR HEALTH
AND WORK SAFETY STANDARDS
FOR PROFESSIONAL BOXERS

Introduced by Senator Defensor Santiago

**To the Committees on Games, Amusement
and Sports; and Health and Demography**

Senate Bill No. 1813, entitled

AN ACT CURBING THE PRACTICE
OF IMPOSING UNFUNDED MAN-
DATES ON LOCAL GOVERNMENT
UNITS

Introduced by Senator Defensor Santiago

To the Committee on Local Government

Senate Bill No. 1814, entitled

AN ACT PROTECTING TRAVELING
SALES CREW EMPLOYEES

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1815, entitled

AN ACT PROVIDING FOR COMPUTER
INNOVATIVE ASSISTANCE PROG-
RAMS TO ELEMENTARY AND
SECONDARY SCHOOL TEACHERS

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1816, entitled

AN ACT AMENDING REPUBLIC ACT
NO. 386, ALSO KNOWN AS THE
CIVIL CODE OF THE PHILIPPINES,
ARTICLE 867

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1817, entitled

AN ACT AMENDING ARTICLE 244
OF ACT NO. 3815, AS AMENDED,
OTHERWISE KNOWN AS THE
PENAL CODE

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1818, entitled

AN ACT PROHIBITING THE MAILING
OF CREDIT CARD APPLICATIONS
TO PERSONS UNDER TWENTY-
FIVE YEARS OF AGE

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1819, entitled

AN ACT ESTABLISHING QUALITY
STANDARDS IN MAMMOGRAPHY

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Introduced by Senator Defensor Santiago

To the Committee on Health and Demography

Senate Bill No. 1820, entitled

AN ACT PENALIZING ANY PERSON WHO INDUCES OR CAUSES ANOTHER TO USE A FICTITIOUS NAME, TO CONCEAL HIS TRUE NAME, OR TO USURP THE CIVIL STATUS OF ANOTHER PERSON, AMENDING FOR THE PURPOSE ARTICLES 178 AND 348 OF THE PENAL CODE

Introduced by Senator Defensor Santiago

To the Committee on Justice and Human Rights

Senate Bill No. 1821, entitled

AN ACT MAKING THE MALVERSATION OF RECLAIMED LAND A CRIME, AMENDING FOR THIS PURPOSE ACT NO. 3815, OTHERWISE KNOWN AS THE PENAL CODE

Introduced by Senator Defensor Santiago

To the Committee on Environment and Natural Resources

Senate Bill No. 1822, entitled

AN ACT AMENDING REPUBLIC ACT NO. 386, ALSO KNOWN AS THE CIVIL CODE OF THE PHILIPPINES, ARTICLE 1991, ON REPLACING THE WORD "DEPOSITOR'S" WITH "DEPOSITARY'S" IN ORDER FOR THE LAW TO REFLECT ITS INTENDED MEANING

Introduced by Senator Defensor Santiago

To the Committee on Justice and Human Rights

Senate Bill No. 1823, entitled

AN ACT REQUIRING RETAIL FOOD STORES TO POST CONSPICU-

OUSLY NOTICES OF PACKAGING DATES FOR FRESH OR PROCESSED MEAT, SEAFOOD AND POULTRY

Introduced by Senator Defensor Santiago

To the Committee on Trade, Commerce and Entrepreneurship

Senate Bill No. 1824, entitled

AN ACT REPEALING SECTION 17 (B), PARAGRAPH 1(V) OF REPUBLIC ACT NO. 7160, ALSO KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991, ON THE OBLIGATION OF LOCAL GOVERNMENT UNITS TO MAINTAIN BARANGAY ROADS, BRIDGES AND WATER SUPPLY SYSTEMS

Introduced by Senator Defensor Santiago

To the Committees on Local Government; and Public Works

Senate Bill No. 1825, entitled

AN ACT AMENDING PRESIDENTIAL DECREE NO. 1602 TO PROVIDE FOR STIFFER PENALTIES FOR GAMBLING AND/OR BETTING

Introduced by Senator Defensor Santiago

To the Committee on Games, Amusement and Sports

Senate Bill No. 1826, entitled

AN ACT AMENDING EXECUTIVE ORDER NO. 209, ALSO KNOWN AS THE FAMILY CODE OF THE PHILIPPINES, ARTICLE 157 ON THE VALUE OF THE FAMILY HOME

Introduced by Senator Defensor Santiago

To the Committee on Women, Family Relations and Gender Equality

Senate Bill No. 1827, entitled

AN ACT AMENDING REPUBLIC ACT NO. 386, AS AMENDED, OTHER-

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WISE KNOWN AS THE CIVIL CODE OF THE PHILIPPINES, ARTICLES 804, 805, 810 AND 811, PROVIDING FOR THE USE OF VIDEO TAPES OR OTHER SIMILAR VISUAL RECORDING DEVICE FOR TESTAMENTARY DISPOSITION OF THE ESTATE OF THE DECEDENT

Introduced by Senator Defensor Santiago

To the Committee on Women, Family Relations and Gender Equality

Senate Bill No. 1828, entitled

AN ACT AMENDING REPUBLIC ACT NO. 7160, ALSO KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991, ON THE LEVEL OF THE POSITION OF SECRETARY TO THE SANGGUNIAN

Introduced by Senator Defensor Santiago

To the Committee on Local Government

Senate Bill No. 1829, entitled

AN ACT MANDATING THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY ON THE PREVALENCE AND ISSUES RELATED TO CONTAMINATION OF WORKERS' HOMES WITH HAZARDOUS CHEMICALS AND SUBSTANCES TRANSPORTED FROM THEIR WORKPLACE AND ISSUING REGULATIONS TO MITIGATE THE FUTURE CONTAMINATION OF WORKERS' HOMES

Introduced by Senator Defensor Santiago

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

Senate Bill No. 1830, entitled

AN ACT PROVIDING FOR AN INCREASE IN THE STANDING FORCE OF THE ARMED FORCES OF THE PHILIPPINES THROUGH

THE RECRUITMENT AND SPECIAL ENLISTMENT OF PROVISIONAL ENLISTED PERSONNEL

Introduced by Senator Trillanes IV

To the Committees on National Defense and Security; and Finance

Senate Bill No. 1831, entitled

AN ACT EXTENDING THE CORPORATE LIFE OF THE PHILIPPINE NATIONAL RAILWAYS FOR ANOTHER FIFTY (50) YEARS, FURTHER AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 4156, ENTITLED "AN ACT CREATING THE PHILIPPINE NATIONAL RAILWAYS, PRESCRIBING ITS POWERS, FUNCTIONS AND DUTIES, AND PROVIDING FOR THE NECESSARY FUNDS FOR ITS OPERATIONS," AS AMENDED

Introduced by Senator Recto

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

Senate Bill No. 1832, entitled

AN ACT CREATING THE MICRO-FINANCE CODE OF THE PHILIPPINES

Introduced by Senator Paolo Benigno "Bam" Aquino IV

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

Senate Bill No. 1833, entitled

ISANG BATAS NA NAGTATAKDA NA ANG KATAWAGAN SA ATING BANSA AY REPUBLIKA NG PILIPINAS O SA MAIKLING SALITA AY PILIPINAS

Introduced by Senator Sotto III

To the Committee on Education, Arts and Culture

Senate Bill No. 1834, entitled

AN ACT INSTITUTIONALIZING AN
IMPOUNDMENT CONTROL ACT

Introduced by Senator Guingona III

To the Committee on Finance

Senate Bill No. 1835, entitled

AN ACT GRANTING ADDITIONAL
LEAVES FOR VICTIMS OF
DOMESTIC VIOLENCE, PROVIDING
PARAMETERS THEREFOR, AND
AMENDING FOR SUCH PURPOSE
REPUBLIC ACT NO. 9262, OTHER-
WISE KNOWN AS THE ANTI-
VIOLENCE AGAINST WOMEN AND
CHILDREN ACT

Introduced by Senator Lapid

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

RESOLUTIONS

Proposed Senate Resolution No. 305, entitled

RESOLUTION URGING THE EXECUTIVE
BRANCH OF GOVERNMENT TO RE-
ALIGN THE UNRELEASED AMOUNTS
OF THE PRIORITY DEVELOPMENT
ASSISTANCE FUND (PDAF) IN THE
2013 GENERAL APPROPRIATIONS
ACT, TO A SPECIAL SUPPLEMENTAL
CALAMITY FUND FOR AREAS
AFFECTED BY NATURAL AND
HUMAN-MADE DISASTERS, INCLUD-
ING, BUT NOT LIMITED, TO THE
ZAMBOANGA SIEGE, TYPHOON
SANTI, AND THE MAGNITUDE 7.2
CARMEN, BOHOL EARTHQUAKE

Introduced by Senator Cayetano (A. P.)

To the Committee on Finance

Proposed Senate Resolution No. 306, entitled

RESOLUTION EXPRESSING SYMPATHY

FOR THE VICTIMS OF THE DEVA-
STATING EARTHQUAKE THAT
STRUCK CENTRAL VISAYAS ON
OCTOBER 15, 2013 AND EXHORT-
ING GOVERNMENT AGENCIES
AND LOCAL GOVERNMENT UNITS
TO COORDINATE EFFORTS IN
PROVIDING IMMEDIATE DISASTER
RELIEF AND LONG-TERM RECOVERY
SUPPORT TO AFFECTED COM-
MUNITIES

Introduced by Senator Maria Lourdes Nancy
S. Binay

To the Committee on Rules

PRIVILEGE SPEECH OF SENATOR SOTTO

Availing himself of the privilege hour, Senator
Sotto delivered the following speech:

Pilipinas vs. Filipino

Las Islas Filipinas, o Filipinas — may letrang “F” — ang itinawag sa ating bansa ng mga Kastila. Ito ay bilang parangal sa kanilang hari na si Felipe Segundo na nanungkulan nang tayo’y kanilang sakupin. Ang unang tinukoy na mga Filipino ay mga Kastilang ipinanganak dito sa ating bayan. Peninsulares ang mga ipinanganak sa Espanya. Tayo ay mga Indio.

Lumipas ang higit tatlong daang taon. Noong 1898, ang ating mga ninuno at bayani ay naghimagsik upang makamit ang kalayaan at kasarinlan. Sa mata ni Gat Andres Bonifacio ng Maynila, ang lupa ay “Katagalugan.” Sa mata ni Aguinaldo ng Kabite, tayo ay “Pilipino,” bansa ay “Pilipinas.”

May mga mungkahi ngayon na bumalik tayo sa Filipinas at Filipino na kapwa may letrang “F.”

Kamakailan lamang, ang mga talumpati ng ating Pangulo sa wikang pambansa na gumamit ng “Pilipinas” at “Pilipino,” kapag nasalin na sa sulat ay ginagawang “Filipinas” at “Filipino” ng isang sangay ng gobyerno.

Matagal na nating tinatawag na “Pilipinas” ang ating bayan. Sa atin mismong pasaporte, “Pilipinas” ang nakalimbag. Sa ating mga salaping papel at barya ay may tatak, “Republika ng Pilipinas.” Sa awit at sining, “Pilipinas” at “Pilipino” rin ang

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sinasambit, sa pangalan ng ating mga kagawaran at pambansang paaralan at pamantasan; sa ating mga aklat, dokumento at sa ating napakayamang mga akdang pampanitikan; at higit sa lahat, isang salitang buhay na buhay na dumadaloy sa ugat nating mga Pilipino.

Sa pag-usad natin bilang isang bansang nakatayo na sa sariling mga paa, sa paglipas ng panahon ay nagkaroon na rin ng ebolusyon ang ating sariling wika at paraan ng pagbaybay ng mga salita. Maaaring "Filipinas" nga ang tawag noong ang bansa natin ay nasa ilalim ng pamumuno ng mga Kastila, at bagamat walang batas na nailabas ukol sa opisyal na katawagang "Pilipinas," malinaw naman sa pinakahuling Konstitusyon ng Pilipinas, na niratipikahan ng mga botanteng Pilipino sa pamamagitan ng plebisito noong 1987, na ang tawag sa ating bansa ay "Philippines" sa wikang Ingles at "Pilipinas" sa wikang Pilipino. Malinaw na may opisyal na mandato ng mga Pilipino ang mga katawagang ito. Sa madaling salita, ating-atin ang salitang Pilipinas, hindi mandato ng kahit anong bansa, kundi mandato ng mamamayang Pilipino.

Ang mga salitang hiram, kapag pumasok sa ibang lipunan at kultura, ay nagbabagong anyo at tunog. Ang "ventana" ng Kastila ay "bintana" sa atin. Ang gora, iyon pong baseball cap na "sure fit" sa Ingles, ay nagiging syorpet sa atin. Ang "como esta" sa Kastila ay naging "kumusta" sa atin. Ang salitang "bwisit" ay nanggaling sa pagmumura ng mga Amerikano na "BS" at ang salitang "hirit" ay galing sa Ingles na "hit it" na gamit sa larong black jack at lucky nine. Samantala, ang salitang "bundok" naman natin ay inampon at naging "boondocks" sa Ingles.

Ginawang katawa-tawa ni Rizal sa kanyang aklat na "Noli Me Tangere" ang isang Donya Consolacion na hirap na hirap bumigkas ng "Filipinas" na tulad ng Kastila. Siya po ay pinagbuhatan ng kamay ng isang Korporal ng guwardya sibil nang bigkasin niyang "Pilipinas" na may letrang "P" ang dapat ay "Filipinas," na may letrang "F." Makikita sa pahina 257-258 ang mga sumusunod:

"The story goes that the day after her wedding, speaking with her husband, who was then a corporal, she had said "Pilipinas." The corporal felt it was his duty to correct her and said, slapping her upside the head, "Say

'Filipinas,' woman! Don't be so stupid. Don't you know that the name of your idiotic country comes from Felipe?" The woman, who had long dreamed of her honeymoon, wanted to obey and said, "Felepinas." It seemed to the corporal she was catching on, so he increased the head slaps and scolded her, "Woman, can't you pronounce "Felipe." Don't forget the kind Don Felipe the Fifth. Say 'Felipe' and then add 'nas,' which means 'island of indios' in Latin, and then you have the name of your idiotic country."

Wala na pong mga guwardya sibil ngayon. Hindi dapat ikahiya na tawagin natin ang ating bansa – "Pilipinas."

Sa taong darating, bandang Agosto, ay lalahok ang ating koponan sa basketbol sa FIBA World Basketball Championship na gaganapin sa Espanya.

Ano ang ibuburda sa uniporme ng ating mga manlalaro sa Espanya na pangalan ng ating bansa? Iyon bang bansag nila sa atin ng higit tatlong daang taon, o ang tawag natin sa ating sarili?

Tinawag ng Portuges ang isla sa itaas ng Batanes na "Formosa," tinawag ng mga tagaroon ang kanilang bansa bilang "Taiwan." Ang tinatawag nating "Germany," kung tawagin nila ang kanilang sarili ay "Deutschland." Ang Burma, "Myanmar," ang Cambodia, Kampuchea" sa tagaroon. At tayo, walang pagbabago? Kahit isang letra man lamang? Alalahanin natin ang kahalintulad ng mga taong di marunong magmahal sa sariling wika.

Ito ang dahilan kung bakit ako ay nagpanukala ng isang batas upang matapos na ang usaping ito at mabigyan natin ng pagkakataon ang Senado na marinig ang magkabilang panig. Mga kabansa, tayo ay mga Pilipino, at ang ating bansa ay Pilipinas. Iburda na ang "Pilipinas" sa uniporme ng ating mga manlalaro na patungong Espanya.

Sugod mga kapatid! Sugod Pilipinas!

INTERPELLATION OF SENATOR LEGARDA

Asked by Senator Legarda if he was in favor of changing the country's name from "Pilipinas" to "Filipinas," Senator Sotto replied in the negative. He explained that because of the controversies surrounding the issue, he wanted to hear the reasons behind the proposal of the *Komisyon ng Wikang*

Filipino but after perusing certain documents and literature, including those of Dr. Jose Rizal and other great Filipinos, he got convinced that the country's name "Pilipinas" should not be changed to "Filipinas." He said that he decided to file a bill mandating the country's name as "Pilipinas" in order to end all controversies.

Senator Legarda recalled that as vice chair of the Committee on Finance, and chair of the subcommittee that is hearing the budget of the *Komisyong ng Wikang Filipino* (KWF), she asked KWF chairman and national artist Virgilio Almario, the reason behind the proposal, and Mr. Almario, who is also the proponent of the change, explained that the name "Filipinas" was first used by Dr. Jose Rizal in his literary works and that the different languages in the country have in their alphabet the letter "F." She said that not being well versed on the issue, she welcomes Senator Sotto's speech as it would put the discussion on record. She believed that the matter of using "Filipinas" or "Pilipinas" should be studied more deeply, taking into consideration the more than 150 Philippine languages.

Asked about the bill that he filed, Senator Sotto replied that it was Senate Bill No. 1833 which was referred to the Committee on Education, Arts and Culture, chaired by Sen. Pia Cayetano. Senator Legarda said that she would be participating in the committee hearing, especially with the KWF, as she was interested in studying the more than 150 languages of the Philippines, some of which have become endangered, citing Samar in Region VIII, and Quezon province, where the minority language have become extinct because people had died or only a small number of the native speakers are left in the community.

As regards President Aquino's resentment when his speech was changed without his knowledge, Senator Sotto said that it should not happen again. He urged the immediate passage of his bill after full deliberation, adding that once a thing is transformed, it is very difficult to go back to what it was before. Besides, he asked who would want to remember a painful memory like the incident in Jose Rizal's *Noli Me Tangere* that he cited in his speech.

Senator Legarda announced the recent opening of the *Baybayin* Gallery or the Philippine Script Gallery at the National Museum located beside *Hibla ng Lahing Pilipino* which she funded with her

Priority Development Assistance Fund (PDAF). She explained that *baybayin* is the oldest Philippine script used by the ancient Filipinos in the 1300s, and that the writing in potteries was discovered in Calatagan, Batangas. She said that the different government agencies used symbols but only a few used the Philippine ancient and traditional scripts, and she hoped that the Committee on Education, Arts and Culture would simultaneously hear her bill on ancient scripts with Senator Sotto's bill. She also hoped that the Senate would use ancient scripts in its logo, as she informed the Body of her plan to use ancient scripts for her name and the logo of the Senate on her stationery. She believed that the Body should scrutinize the source of the names "Filipinas" and "Pilipinas" from the more than 150 languages used in Philippine history before it can decide with finality on the issue. Senator Sotto thanked Senator Legarda for the information about *baybayin*.

Senator Legarda clarified that instead of using the word "dialect," it should be "language," as it befits the richness of Philippine languages. Senator Sotto agreed on the need to discuss the issue during committee hearings so that the DepEd could teach the students what is the right term to use, because from what he knew, "dialect" is used for minor languages, while "language" is the national language of the country.

On a related matter, Senator Legarda expressed hope that the chairman of the Committee on Finance would allocate funds to document all the Philippine languages for purposes of preserving them, taking into consideration the places from where they originated.

Finally, Senator Legarda thanked Senator Sotto for giving attention to the country's sovereignty amidst all the controversies. She then invited all the Members of the Senate and their families to come and visit the *Baybayin* Gallery at the National Museum.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Cayetano (A), there being no objection, the Chair referred Senator Sotto's privilege speech and the interpellation thereon to the Committee on Education, Arts and Culture.

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PRIVILEGE SPEECH OF SENATOR PIMENTEL

Rising on a question of personal privilege, Senator Pimentel delivered the following speech:

I rise on a matter of personal privilege and concern and after hearing me, I am sure that some, if not all of those present, will be concerned and make this matter their concern too because if this can happen to me, then it can happen to you, and if it could happen to us senators, then it can happen to anyone because if the perpetrators of this crime are not afraid of senators who can denounce them in privilege speeches and committee hearings without fear of any sanction, then who can they possibly be afraid of?

So, what happened?

This is my story. Last September 24, 2013, during a lull in the bicameral conference to reconcile the differing provisions of the SK elections postponement bills, Kabataan Partylist Representative Terry Ridon told me that he saw during a House of Representatives' hearing on the Department of Agriculture budget a memorandum of agreement between the DA and my Senate office. I categorically told him that I do not have any MOA with the DA. Hence, I asked him to give me a copy of the said MOA. The following day after our session, I was able to see a copy of the MOA mentioned by Congressman Ridon. It was not between the DA and my Senate office, it was between the Department of Agriculture and the Province of Surigao del Sur. However, my attention was drawn to two WHEREAS paragraphs in the said MOA which mentioned my name. One paragraph mentioned that my office was allocated funds amounting to P10 million; the second one stated that my office has identified the province of Surigao del Sur as the recipient of the funds.

The said MOA, by the way, mentioned SARO No. ABM-BMB-E-12-000-1306 dated January 2, 2012, chargeable against the Organic Agriculture Fund which is a fund under a program implemented by the Department of Agriculture.

My office has no copy of this MOA. Hence, we immediately wrote the Department of Agriculture official who signed the MOA — Undersecretary Antonio A. Fleta, who is the undersecretary for admin and finance, on September 26, 2013, asking for the documents on which they based on the MOA and asking several other questions such as:

- 1) What was the SARO involved in this matter?
- 2) How was the office of Aquilino "Koko" L. Pimentel III chosen to be allocated funds amounting to P10 million?
- 3) Who chose the said office?
- 4) Who determined the amount?
- 5) Was your choice ever relayed to the said office? How? In writing? When?
- 6) How did my office identify the province of Surigao del Sur as the recipient of the amount of P10 million? In writing? When?
- 7) Why did my office have this power or authority to identify the said recipient? and,
- 8) Has the amount been liquidated?

On October 1, 2013, the DA, through Undersecretary Antonio Fleta, answered our letter and sent us photocopies of documents, among which are: Annex "2," an alleged request-letter from my office dated October 29, 2012; and Annex "3," an alleged request-letter from the governor of Surigao del Sur dated October 22, 2012, addressed to my office.

Undersecretary Fleta's reply-letter immediately shows the following inconsistency: Was there a SARO or not? Undersecretary Fleta also indirectly blames DBM Undersecretary Relampagos because he says in his letter and I quote him: "First, no SARO is involved in this matter. It came from the Agency Budget Matrix (ABM) approved by DBM through Undersecretary Relampagos. It is part of the appropriated funds for DA in the prosecution of livelihood projects nationwide."

On my alleged letter to the DA dated October 29, 2012, here is what I can say: It is an outright falsification or, in other words, it is a forgery – 1) my office does not have a record of the said letter dated October 29, 2012; 2) the letterhead used in the falsified letter is not the letterhead which my office uses; and 3) my purported signature in the falsified letter is not my signature. Even to the naked eye it is obvious that the signature is very far or dissimilar from my real or genuine signature.

By the way, we wish to put on record that my office also did not receive a copy of the alleged letter-request of the province of Surigao del Sur dated October 22, 2012, for it to be made a beneficiary of the said fund or program. Neither did we receive nor do we have copies of the letter-requests of the provinces of Abra and Camarines Norte which were also mentioned as fund beneficiaries in my falsified letter dated October 29, 2012.

Where has common courtesy gone? Why did the DA not validate or confirm the letter dated October 29, 2012 with my office? If the DA truly believed that this was a legitimate and not a fake request, then how come the DA never acknowledged to us their receipt of the said letter? And when the purported request was granted through the MOA dated November 28, 2012, then why did the DA not proudly announced that fact to my office via letter informing me that my alleged request had been granted? That would have made me very happy as a public servant and their standing in my eyes would also have improved and I may have even praised them before the President for a job well done had this been a legitimate and real transaction or request.

Hence, all this secrecy bolsters the suspicion that this falsification was the handiwork of a syndicate. The syndicate may be operating within the DA because Benhur Luy, during the Blue Ribbon Committee hearing on September 26, 2013, volunteered the information that they did these MOAs in the office of Usec Fleta. Please see page 82 of the transcript dated September 26, 2013 of the Blue Ribbon Committee hearing.

Who is Undersecretary Antonio Fleta? Who brought him to the DA? How long has he been in government service? And when is he retiring? Please take note that what is involved here is not PDAF; hence, this fraud involves non-PDAF funds. Also, please take note of the pertinent dates: October and November 2012. Year 2012 *na po ito. Hindi na maaaring isisi sa nakalipas na administrasyon.*

The acts I have mentioned earlier amount to the crime of falsification of public documents, at the very least. I therefore will no longer wait for the formal Senate Blue Ribbon Committee finding before I file my complaint with the Office of the Ombudsman. But I still urge the Senate Blue Ribbon Committee to dig deeper into this matter as I believe the shenanigans in the DA involve more than the P10-million subject of the MOA that I am questioning. The NBI should also be called into the picture to unearth more cases of forgeries and falsifications because I feel that there are more falsified documents out there, given that this syndicate apparently fears no one.

Ito ang isa sa mga uring pandaraya na ipinangako kong lalabanan ko at susugpuin. I am sure the syndicate will fight back. But we have to do this and continue the cleansing in government because this is the right thing to do. As I always say, "Pag nasa tama ka, never give up." Hence, let us get to the bottom to this. Panahon na na maramdaman at malaman nila na mayroon pang batas sa Pilipinas.

INTERPELLATION OF SENATOR CAYETANO (A)

At the outset, Senator Cayetano (A) commended Senator Pimentel for exposing the sham.

Asked if the forgery was already out in the newspapers before he discovered it, Senator Pimentel replied in the affirmative. He stated that he was saddened by the fact that the supposed letter was dated October 2012, yet he found out about the alleged MOA, which was based on the letter, in September 2013 through Congressman Ridon, when the Congressman informed him that he saw a copy of the MOA during the Department of Agriculture budget hearing in the House of Representatives. He posited that had it not been for the volunteered information, he would have been clueless and that the newspaper report would have caught him unaware.

On whether he was sought by the press for comment before the report was published, Senator Pimentel replied in the negative. He narrated that he had heard about the issue from Congressman Ridon two days before; then a day before the news report came out, he saw the MOA.

Senator Cayetano (A) noted out that when news about the MOA was published, Senator Pimentel had no way to defend his name; more so it would have been difficult for him to make a privilege speech because he was still collecting data.

Senator Pimentel affirmed that he wrote the DA for more information and documents only after Congressman Ridon gave him the photocopy of the MOA.

Senator Cayetano (A) stated that a public office is a public trust and in a highly toxic atmosphere, it is very easy to destroy someone's name. He stated that there may be people who are innocent and there may be people who are guilty, but it would be very difficult when people are not given the opportunity to defend their names and the public would already consider them guilty.

Senator Cayetano (A) noted that the COA report did not mention that the senators stole money as it merely mentioned that rules or regulations were not followed, but he lamented that most newspaper columns already depicted the senators as thieves.

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Senator Cayetano (A) expressed his sympathy for Senator Pimentel, stating that as a politician, Senator Pimentel neither claimed to have a lot of money nor to have powerful backers. As a matter of fact, he said that the Pimentels have been victims of many things throughout the years. He believed that if there is one thing that Senator Pimentel has, it is his good name and to take it away from him would be too much. He then expressed commitment to get to the bottom of the problem.

Moreover, Senator Cayetano (A) clarified that it is the job of the media to expose any wrongdoing in government. However, he believed that there should be a balance in reporting the news whereby the guilty will be exposed and the innocent whose names have been exposed would be given a chance to answer. He related the issue to a movie he saw where a politician, accusing his opponent of sleeping with an animal, besmirched the latter's name by merely forcing his opponent to go on television and explain himself. Likewise, he said, people today live in a new kind of environment so that sometimes by putting anyone on the defensive would already cast doubt on his/her reputations, as in the case of Senator Pimentel.

On whether relatives, friends, and supporters sent him text messages inquiring about the veracity of the news report, Senator Pimentel affirmed that he received several messages but because Congressman Ridon had already forewarned him, it did not come as a shock anymore.

Senator Cayetano (A) stated that a person can be either a believer or non-believer. He stated that it is to Senator Pimentel's advantage that he can stand on the floor and deliver a privilege speech in front of national media, so unlike the barangay captain, the mayor, the governor, the clerk or even the mid-level government employee who, if accused, will not have the same chance.

As to which committee the speech would be referred, Senator Pimentel stated that since the issue involves a government agency, it would be proper for the Senate Blue Ribbon Committee to investigate the matter. He questioned the DA for its failure to double check the information and its lapses in informing the public. He said that common sense dictates that a bureaucrat should inform the requesting high-ranking official that his project was granted, but, in this case, the DA failed to do it.

Based on the current issues surrounding the department, Senator Pimentel stated that he was convinced that what happened was not an isolated transaction and that there is an organized group operating within the DA. He expressed hope that the Committee would unearth similar groups operating in other agencies as he believed it was high time that the Senate dug deeper into the incident. He said that he would not wait for the official Blue Ribbon report but would file charges of falsification of public documents against the persons involved.

INTERPELLATION OF SENATOR SOTTO

Asked to differentiate between forgery and fakery, Senator Pimentel clarified that he used the word "forgery" as a common dictionary term because his signature was faked. He opined that the terms "fake" and "forged" are the same. He explained that a forged signature means that it is not genuine or authentic and an attempt to copy a signature is still considered a forgery.

Senator Sotto opined that if the document is authentic but the signature was forged, then it is a forgery, and since the document mentioned by Senator Pimentel was not true, then it is a fakery.

Senator Pimentel believed that a document bearing a forged signature is not an authentic document; therefore, it is still a forgery. He reiterated that he used the word "forgery" in its generic sense, pointing out that the alleged letter dated October 29, 2012, was not a genuine, authentic and real request that came from his office.

Senator Sotto said that he would likewise submit the falsified documents that his office similarly discovered to the committee.

INTERPELLATION OF SENATOR ESTRADA

Asked if he had an idea on the identity of the person who forged his signature, Senator Pimentel said that he had no idea yet but he would initially file a case against Undersecretary Antonio Fleta of the Department of Agriculture who appeared to have produced the falsified document. He admitted that he had no information yet as to the identity and employment history in government of Undersecretary Fleta. He said that such information could be disclosed during the committee hearing.

Noting that the fund involved is non-PDAF, Senator Estrada said that the whistleblowers might not be the ones who forged Senator Pimentel's signature because they were connected with the misuse of PDAF. Asked whether he was certain that the whistleblowers have nothing to do with the forgery of his signature, Senator Pimentel replied that their innocence could not be cleared yet although the only admission that Benhur Luy has made was limited to the MOAs prepared in the office of Undersecretary Fleta.

Senator Pimentel reiterated that the funds involved are non-PDAF and they are actually called Organic Agriculture Fund which, according to the letter of Undersecretary Fleta, is part of the appropriated funds for the DA livelihood projects.

INQUIRY OF SENATOR SOTTO

Senator Sotto stated that if Senator Pimentel's signature was done by somebody else, it is a forgery; but if the signature was photocopied into a document, it is fakery. Senator Pimentel explained that forgery is committed when a person imitated the signature of another person while a signature that was merely lifted from another document is considered fake, but the documents which resulted from both acts fall under the general category of falsified documents.

INTERPELLATION OF SENATOR OSMEÑA

Asked why his purported letter was in the file of the secretary during the hearing in the House of Representatives, Senator Pimentel replied that he had no idea, saying that it was only after Congressman Terry Ridon handed him photocopies of the seven MOAs that he came to know of their existence. He said that it was his understanding that the DA was directed to bring and submit copies of the MOAs, the purpose of which was not disclosed to him although the directive was made during the hearing of the budget of the DA.

Senator Osmeña surmised that questions may have been raised as to how the DA spent a particular fund, particularly the Organic Agricultural Fund.

Asked how much was involved, Senator Pimentel recalled that the total amount involved was P100 million, P10 million of which pertains to the MOA where his name was mentioned.

Asked whether the same fund was offered to other legislators, Senator Pimentel answered in the negative, emphasizing that he was not even aware that it existed.

At this juncture, Senator Osmeña recalled that during the investigation of the fertilizer fund scam, Senator Lacson disclosed that there were people who approached and told him that all he had to do was write that he has been allocated P5 million. In his case, Senator Osmeña revealed that there were three people not connected with the department who approached him, claiming that he could be assured P5 million upon a mere application.

Senator Osmeña opined that the cavalier fashion with which the malefactors have disbursed the organic agriculture fund is a clear indication that there is an anomaly which could only be masterminded at the DA. He stressed that P100 million is not a small amount, thus, he wondered how the people involved came up with the decision as to who among the senators would be given P10 million and why Senator Pimentel was specifically singled out. He reiterated that the manner of dispensation and release of funds could only be crafted within the department.

As to how the allocation was explained in the letter which contained his forged signature, Senator Pimentel said that it was made to appear in the October 29, 2012 letter that he asked for P30 million for three provinces as beneficiaries of the fund.

Noting that recently it has been the practice of the implementing agencies to give the funds to NGOs, valid or otherwise, Senator Osmeña asked whether there were such references in Senator Pimentel's purported letter. He also asked whether Undersecretary Fleta responded to the said letter. Senator Pimentel affirmed that a letter dated October 1, 2013 was sent to him containing 10 documents as attachments. He said that Undersecretary Fleta admitted the existence of the project and even expressed gladness to have been of service to him.

Senator Osmeña recalled that during the earlier hearings of the Blue Ribbon Committee, two heads of agencies under the DA were suspected to be lying, namely, Assistant Secretary Salacup and a certain Mr. Javellana, who both failed to appear at the following hearing and refused to answer their mobile phones.

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Upon the request of Senator Osmeña, Senator Pimentel read into the record the pertinent portion of his purported letter dated October 29, 2012, thus:

“Dear Secretary Alcala:

May I earnestly request for the release of P30 million for the Agro-Industrial Enhancement through organic farming for high value crops to be implemented and closely monitored by the provincial governments of: 1) Province of Surigao del Sur – P10 million; 2) Province of Abra – P10 million; 3) Province of Camarines Norte – P10 million *etc.*”

Senator Osmeña opined that the letter clearly referred to the offices of the governors of the provinces mentioned as the implementing agencies considering that the province itself is not considered as an entity. Senator Pimentel agreed, saying that there was no NGO identified as an implementing agency. Saying that he has read only one MOA pertaining to the Province of Surigao del Sur, he hoped that the purported funds for the provinces of Abra and Camarines Norte were not released in his name.

Asked if the funds were liquidated considering that he was supposed to have been furnished by Undersecretary Fleta with 10 additional documents to validate the expenditure of the funds, Senator Pimentel said that the issue of liquidation was still pending verification as he was told that Secretary Alcala has sent a team to the Province of Surigao del Sur to validate the expenditure of the program.

As regards the 10 documents that were mentioned, Senator Pimentel enumerated the attachments as follows: Annex “1” — the Agency Budget Matrix which was approved by the DBM through Undersecretary Relampagos; Annex “2” — the alleged request letter from his office; Annex “3” — the alleged request letter from the governor of Surigao del Sur addressed to his office dated October 22, 2012; Annex “4” — the Check Disbursement of P10 million to the Province of Surigao del Sur; Annex “5” — the letter of the governor of Surigao del Sur to Secretary Alcala where a Letter of Authority to Zara Salvacion of the Provincial Treasurer’s Office was enclosed; Annex “6” — the Letter of Authority of Zara Salvacion authorizing her to receive the check from the DA and to issue the corresponding official receipt; Annex “7” — the Official Receipt issued by Zara Salvacion; Annex “8”

— the Disbursement Vouchers, Obligation Request and the Certificate of Availability of Funds by the DA; Annex “9” — the MOA executed between the DA and the Province of Surigao del Sur with Undersecretary Antonio A. Fleta signing for the DA and Gov. Johnny T. Pimentel for the province; and, Annex “10” — the Memorandum of the Legal Division of the DA which declared the MOA as legal upon review.

As to the existence of a Statement of Liquidation, Senator Pimentel said that he did not have the information yet on how the province implemented the Organic Agricultural Fund. However, he confirmed that there was supposedly an agreement between the Office of the Governor and the Secretary of Agriculture on how the funds would be applied. Senator Osmeña said that they should inquire how the funds were liquidated.

Senator Pimentel stressed that his course of action was not based on the liquidation of the funds regardless of the validity of the project, because his course of action was anchored on the MOA which was purportedly executed upon his request and on the forgery of his signature that appeared in a letter dated October 29, 2012, which purportedly emanated from his office.

Recognizing Senator Pimentel’s personal concern on the matter, Senator Osmeña said that he would like to broaden the investigation in light of the possibility that several signatures may have been forged. Senator Pimentel said that it was precisely the reason why he was requesting the Blue Ribbon Committee to conduct further investigation on the matter. In closing, Senator Osmeña suspected that Undersecretary Fleta was the mastermind behind the matter.

INTERPELLATION OF SENATOR LEGARDA

At the outset, Senator Legarda said that she sympathized with Senator Pimentel because she too was a victim of similar circumstances. However, she noted that Senator Pimentel’s case stemmed not merely from the implementation of the funds which were attributed to his office even though his office had no records of such funding but also because it involves the forgery or fakery of his signature.

Senator Legarda recalled having been a victim of forgery in 1987 after a syndicate was able to withdraw

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funds from the bank of a small travel agency she was managing by forging her handwriting on a check. As a 27-year old journalist at the time, she recalled having joined the National Bureau of Investigation in the raid against the Binondo head of the syndicate against whom she filed a case but who subsequently ran for public office and won a political seat. Moreover, she recalled that a member of her staff was also a victim of forgery. She said that even though she did not like filing cases against these criminals, she believed in a just God who would remedy such difficult situations.

Asked whether the funds were legitimately transferred from the DBM to the LGU even if his signature was only a forgery and that no such endorsement was ever made, Senator Pimentel replied in the affirmative.

Senator Legarda noted that the DBM and the DA implemented the project without checking with the lawmaker's office and that the LGU received the monies without coordinating with the same. This being the case, she asked which party is accountable for the receipt of the funds. Senator Pimentel replied that this would be the responsibility of the provincial government.

Asked whether the provincial government received and acknowledged receipt of the funds, Senator Pimentel replied that the check disbursement was made in the name of the province and an official receipt was also issued for the same.

As to whether his office was being held responsible for the liquidation of the amount which he allegedly endorsed, Senator Pimentel clarified that the terms of MOA was so strict that the provincial government was directed to return the funds to the DA in case there were irregularities or anomalies in the project.

Asked why there was a need for the office of the senator to endorse the project when the DA could have released the funds directly to the concerned LGU, Senator Pimentel replied that he too posed the same query. He explained that the Kabataan partylist representative gave him seven MOAs even though his name was included in only one of them. He said that the six other MOAs made no reference to other legislators in the "Whereas" clauses because these were agreements between the DA and the LGU.

To the observation that the DA is authorized to implement projects without a legislator's endorsement, Senator Pimentel noted that the other six MOAs did not have such endorsements. He said that he wrote the DA undersecretary last October 1, asking how his office has been selected as the vehicle for the allocation of the funds, but instead of giving him an answer, the official indirectly blamed the DBM for it.

Replying to further queries, Senator Pimentel pointed out that the MOA identified the implementing agency and not his office as being accountable for the liquidation of the fund. He also clarified that there was no MOA which identified the party responsible for the liquidation of these monies from the DBM to the LGU since the funds were transmitted to the local government directly from the DA.

Noting that funds such as the PDAF are never transmitted to the Senate account but are given by the DBM to the national implementing agency, Senator Legarda asked Senator Pimentel to identify the party responsible for liquidating the P10 million which he has allegedly endorsed. Senator Pimentel replied that based on the documented transfer of the funds, the recipient province would be accountable for its liquidation. However, he said that without the MOA, the fund would have been placed under the Organic Agriculture Fund which is lodged under the Department of Agriculture and in this case, it is the DA which will be held responsible for the use of the fund.

To the observation that his office is not accountable for the use or misuse of the funds regardless of a MOA, Senator Pimentel agreed, adding that this is especially the case when he himself was unaware that such a fund existed.

Asked whether the Office of the Governor actually implemented the project after it has acknowledged receipt of the funds from the DA, Senator Pimentel said that the letter of the DA undersecretary did not make reference to the same. However, he said that the committee which would be investigating the issue would summon the individuals involved to appear before it during its hearings.

Replying to further queries, Senator Pimentel believed that the LGU is responsible for the implementation of the project regardless of whether it is by administration of the LGU itself or passed on to a people's organization because the receipts are

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issued to its name. He also explained that the LGU does not have to liquidate funds to a senator.

Senator Legarda pointed out that this explanation would clarify the mistaken notion that the funds are either deposited to a senator's account, held by the Office of the Senate President, or that the implementation of the same depends on the endorsement of the senator.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Cayetano (A), there being no objection, the Chair referred the speech of Senator Pimentel and the interpellations thereon to the Committee on Accountability of Public Officers and Investigations.

SUSPENSION OF SESSION

Upon motion of Senator Cayetano (A), the session was suspended to allow the senators to go into caucus.

It was 4:36 p.m.

RESUMPTION OF SESSION

At 5:38 p.m., the session was resumed with Senate President Pro Tempore Recto presiding.

CHANGE OF REFERRAL

Upon motion of Senator Cayetano (A), there being no objection, the Body approved to change the referral of Proposed Senate Resolution No. 305 from the Committee on Finance to the Committee on Rules.

PROPOSED SENATE RESOLUTION NO. 302

Upon motion of Senator Cayetano (A), there being no objection, the Body considered Proposed Senate Resolution No. 302, entitled

**RESOLUTION EXPRESSING THE SENSE
OF THE SENATE FOR THE EXECU-
TIVE DEPARTMENT TO REALIGN
THE REMAINING 2013 SENATE
PRIORITY DEVELOPMENT ASSIST-
ANCE FUND TO THE NATIONAL
DISASTER RISK REDUCTION AND
MANAGEMENT FUND,**

taking into consideration Proposed Senate Resolution No. 305.

With the permission of the Body only the title of the resolution was read without prejudice to the insertion of its full text into the Record of the Senate.

Thereupon, the Chair recognized Senate President Drilon for the sponsorship.

SPONSORSHIP SPEECH OF SENATE PRESIDENT DRILON

Senate President Drilon stated that the country's recent encounters with many difficult challenges and numerous natural and man-made disasters, particularly devastating typhoons *Labuyo* and *Santi*, the siege and unrest in Zamboanga, the magnitude 7.2 earthquake in the Visayas that brought havoc and destruction to the provinces of Bohol and Cebu, have brought pain and suffering to the people; caused mass casualties, major damages to properties, destruction of cultural heritage, and widespread human, economic and environmental losses; and disrupted the functioning of communities and people's means of livelihood.

He said that based on newspaper accounts, the National Disaster Risk Reduction and Management Fund for 2013 under RA 10352, otherwise known as the General Appropriations Act of 2013, covers the cost of aid, relief, rehabilitation services, and repair and construction of affected communities amounting to P7.5 billion, also known as the calamity fund. He added that based on such media accounts and on the official pronouncements of the Office of the President, only P1.37 billion of the calamity fund remains.

Senate President Drilon said that the senators have individually and collectively expressed concern about the calamities and difficulties that the country was going through particularly in the relief and rehabilitation aspects of the work. It is in this light, he said, that the Senate should respond and assist the national government in the speedy recovery, reconstruction and rehabilitation of the provinces affected by the disasters by urging the President to realign to the calamity fund the remaining Priority Development Assistance Fund (PDAF) for 2013 of the senators as well as other items where there are savings, in particular the Miscellaneous Personnel Benefits Fund (MPBF).

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Senate President Drilon stated that the realignment of the PDAF is authorized under Section 25(5), Article VI of the 1987 Constitution which provides that the President may, by law, be authorized to augment any item in the General Appropriations Act from savings in other items in the Executive department. He added said that Section 52 of the General Appropriations Act of 2013 authorizes the President to use savings to augment actual deficiencies acquired in the current year for any item of his appropriation, and that Section 53 thereof defines savings as “the portions or balances of any program appropriated that is free from any obligation or encumbrance which is still available because of final discontinuance or abandonment of work, activity or purpose for which it was authorized.”

Senate President Drilon further pointed out that Section 49, Chapter 5, Book VI of the Administrative Code of 1987 expressly provides that savings under the General Appropriations Act may be used for disaster relief and rehabilitation, repair and improvement and renovation of government buildings and infrastructures and other capital assets damaged by natural calamities.

Senate President Drilon stated that in view of the Supreme Court’s temporary restraining order (TRO) causing the present impoundment of the remaining 2013 Senate PDAF, and considering the waiver of a number of senators on the use of their PDAF, it becomes a matter of policy and law that the sums are already effectively converted into savings; hence, the President may realign them for the repair, improvement, renovation of government buildings and infrastructures and other capital assets damaged by the natural calamities and by the Zamboanga siege.

He said that even as the Senate is aware of the TRO of the Supreme Court, it is urging the President to do the following: 1) to realign the funds impounded under the PDAF; 2) to put it in the calamity fund; and 3) to release it as a calamity fund instead of PDAF. He said that by moving the sums which were saved because of the impoundment from the PDAF to the calamity fund, the senators would not be allowed to identify any particular project and the President, in the exercise of his best judgment and where national interest is involved, will be the one who will determine where the funds would be spent.

Senate President Drilon believed that it was time for the Senate — regardless of political color and

affiliation — to come together, unite and help the Filipinos who have suffered a lot because of the natural calamities and the man-made calamity in Zamboanga City.

In closing, Senate President Drilon urged the members of the Chamber to approve the resolution.

INTERPELLATION OF SENATOR ENRILE

At the outset, Senator Enrile stated that he had no objection to the proposal because he already took the position that the Senate should abolish all PDAFs of whatever nature, including lump-sum amounts that are not identifiably spent by the departments of government. However, he asked whether Senate President Drilon’s proposal took into account two decisions of the Supreme Court. He recalled that in the case of *Demetria v. Alba*, the Supreme Court in 1987 declared as unconstitutional a provision of PD 1177 which authorizes the President to transfer the budget items for a department to other departments or other programs of government. He noted that the tendency of the proposed resolution would be to authorize the President to transfer or realign the budget of the Senate for a particular purpose rather than to adopt a supplemental budget directed to the rehabilitation and assistance to the affected areas of Bohol and Cebu.

Senator Enrile also cited the case of *Sanchez v. COA*, where the Supreme Court ruled that a Cabinet department of the Executive branch of the government was prohibited and disallowed by COA to transfer its own budget to the Office of the President. Thus, he opined that if the Executive department itself or the offices under the Office of the President are not allowed under the Constitution and by COA rules to transfer their own budget to the Office of the President, then more so, Congress cannot transfer its budget to the Executive department for its use. He clarified that he posited the question because the Senate might be doing an unconstitutional act.

Senate President Drilon clarified that the PDAF is not part of the legislative branch allocation but a budget under the Office of the President. Thus, he said that the President, if he acts on the resolution by virtue of his authority under the Constitution to realign funds, would not be moving the funds from the Legislature to the Executive branch.

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Asked whether the PDAF is allocated for a specific purpose, Senate President Drilon replied that the identification of the specific purpose rests with the Executive department where the budget belongs.

Senator Enrile reiterated that he has no objection to the proposal but merely wanted to make sure that the Senate was not transgressing the Constitution, precisely why he pointed to the two cases that were decided by the Supreme Court.

Senate President Drilon pointed out that in *Demetria v. Alba*, the Supreme Court ruled that transfers may be made only if there are savings from another item in the appropriation of a government branch or of a constitutional body. He believed that savings have been created in the judicial impoundment of the PDAF, as he pointed to the definition of "savings" in the 2013 General Appropriations Act that includes amounts which had been appropriated but were discontinued.

Asked whether the senators were totally giving up the balance of their PDAFs for 2013, Senate President Drilon replied in the affirmative.

Reiterating his belief that the PDAF should be abolished, Senator Enrile said that the only issue was whether or not the resolution could be done or all that was needed is a supplemental budget. However, he said that he would go along with the proposal if Senate President Drilon could guarantee that the matter has been thoroughly studied.

INTERPELLATION OF SENATOR MARCOS

Senator Marcos stated that the judicial impoundment of the PDAF, by virtue of the TRO issued by the Supreme Court, has been a great source of frustration among all the senators who continue to receive a multitude of requests for assistance, all viable and valid, and much as they wanted to use the funds to help even the calamity victims, they could not do so because of the TRO.

He expressed concern that the Senate might be violating the TRO of the Supreme Court because it would essentially be viewed as directing again the use of the PDAF to a certain project or activity. He then asked Senate President Drilon to explain how the resolution would not be in violation of the said TRO of the Supreme Court.

Senate President Drilon stated that what the Supreme Court has restrained was the release of funds under the PDAF items. He agreed to Senator Marcos' observation that if the Senate authorizes the release of the PDAF even for calamity victims, it would be in violation of the TRO. He reiterated that *in the current situation*, despite the impoundment of the PDAF by virtue of the TRO of the Supreme Court, the President is not prohibited from realigning the funds to augment the calamity fund without increasing the budget, and that the senators would not have the prerogative of identifying which projects would be funded out of the calamity fund.

At this point, Senator Enrile pointed out that the Supreme Court had a succinct explanation in *Demetria v. Alba* that what can be used to augment a program must be the savings. He then asked whether the PDAF of the senators, which were impounded and suspended pending a case in the Supreme Court, could be considered as "savings," taking also into account the explanation of Justice Tinga in his *ponencia* in *Sanchez vs. COA*, as well as the condition that there must be savings and there must be an existing program in the budget that needs to be augmented.

Senate President Drilon replied that the remaining PDAF for 2013 could be considered savings because the senators have abandoned and have expressly manifested that they are not going to use such, an act which constitutes abandonment of an activity under Section 53 of the General Appropriations Act. He explained that as provided in the 2013 GAA, savings can "arise out of an abandonment of work activity or purpose for which the appropriation is authorized." He pointed out that the proposed resolution creates a policy of the availability of funds on the part of the Senate and the question of whether or not the funds would be utilized is left to the discretion of the President. He believed that the President and his legal advisers would consider thoroughly the manifestation on the part of the Senate of its readiness to help the people who were victims of calamities.

Asked by Senator Marcos whether the proposed resolution is the first step of the Senate to forgo the use of its remaining PDAF for 2013, whether the balance would be returned to the general fund, and whether the Senate would urge the President to use such savings to assist to the victims of calamities, Senate President Drilon replied in the affirmative.

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At this juncture, Senator Marcos suggested to reword the proposed resolution by striking out the rather sensitive term "realign" and to replace it with the phrase "AND WE URGE THE PRESIDENT TO USE THAT SAVINGS FOR THE CALAMITY FUND" to avoid criticism that the Senate is still directing or controlling the funds. Senate President Drilon acknowledged the suggestion.

MANIFESTATION OF SENATOR ENRILE

Senator Enrile manifested the opinion of Senator Honasan that in the event that the Supreme Court declares the PDAF as void, then there would be no savings to speak of, and that what the Senate was doing was preempting the final ruling of the Supreme Court and violating the TRO

Senate President Drilon explained that in the event that the Supreme Court declares the PDAF as unconstitutional, what would be declared as unconstitutional is the appropriations for PDAF, and that the allocation of public funds under the budget remains, precisely from where the savings would be created since PDAF is part of the national expenditure. He reiterated that if the PDAF is declared unconstitutional, there is still an authority to spend any remaining amount, except that it could not be spent as PDAF, but can be used as calamity fund. He believed that the proposal does not violate the TRO of the Supreme Court because the Senate is not touching PDAF as an authority to utilize public funds but is, in fact, only waiving its use to create savings so that the President can utilize it for calamity fund.

INTERPELLATION OF SENATOR SOTTO

Asked by Senator Sotto whether the proposed resolution, once passed, would mean that the senators would give up their remaining 2013 PDAF, Senate President Drilon answered in the affirmative, adding that such funds would be considered as savings, consistent with Section 53 of the General Appropriations Act of 2013.

Senator Sotto asked what would happen then to his request for Senate President Drilon to allocate his remaining PDAF of P50 million to government specialty hospitals and another P50 million to the University of the Philippines and other state universities and colleges to help poor students. Senate President Drilon replied that granting that request would be a violation of the TRO of the Supreme Court because

the concept of the PDAF is to empower the legislator to designate projects where the funds would be used. He reiterated that what was being proposed is that the remaining PDAF would be realigned by the President to the calamity fund.

Asked by Senator Sotto whether the TRO of the Supreme Court effectively voided his request to allocate his remaining PDAF to special hospitals and to UP and other state colleges and universities, Senate President Drilon answered in the affirmative.

Asked what areas would benefit from the measure if the savings would be used as calamity fund, Senate President Drilon replied that it would be the areas affected by typhoons *Santi* and *Labuyo*, including Nueva Ecija, the areas affected by the earthquake, as well as Zamboanga City.

REMARKS OF SENATOR ENRILE

Should the Supreme Court declare the PDAF as unconstitutional, Senator Enrile said that the appropriation therefor becomes void, and so the money should remain in the General Fund and should be subject to a supplemental budget instead of being given up by the senators. Senate President Drilon took the opposite view, pointing out nevertheless that the proposal is still subject to the legal judgment of the President.

INTERPELLATION OF SENATOR PIMENTEL

At the outset, Senator Pimentel stated that he concurs with the objectives of the resolution particularly in the realignment of savings, but that he would want the measure to be airtight to give the President the leeway to decide whether the funds can actually be called "savings" or not. Asked at what point had the Senate categorically and in a formal document stated that all the members are giving up the balance of their 2013 PDAF, Senate President Drilon replied the proposed resolution can be amended to signify the intent of the senators to abandon their remaining PDAF allocations.

Senator Pimentel said that in the resolution, the closest reference as regards the intent to abandon the PDAF was the phrase "waiver of some senators to use their allocations" which, he believed, is not a categorical intent. He pointed out that Section 52 (*Definition of Savings*) in the 2013 GAA might be used to emphasize abandonment and discontinuance just to make the intent categorical.

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MANIFESTATION OF SENATOR ANGARA

Senator Angara requested the inclusion of the victims of typhoon *Labuyo* in the text of the resolution. Senate President Drilon noted the manifestation, as he reiterated that the victims of typhoon *Santi* would also benefit from the resolution.

MANIFESTATION OF SENATOR MARCOS

Senator Marcos likewise requested that the suggestion he earlier presented be put in the form of an amendment to the resolution.

MANIFESTATION OF SENATOR CAYETANO (A)

Senator Cayetano (A) stated that before he drafted Proposed Senate Resolution No. 305, he initially wanted to draft a bill seeking to amend the 2013 GAA; however, he realized that an amendatory bill needs the approval of both houses of Congress, which is not possible since the Lower House was busy with the 2014 national budget. Thus, he adhered to the proposal of Senate President Drilon and Senator Recto to draft a resolution to expedite the process.

Senator Cayetano (A) said that he also had wanted to introduce an amendment specifying where the money shall go, for instance, the places that were worst hit by the earthquake like Bohol, or Tarlac and Nueva Ecija where typhoons brought more damages, but he realized that doing so might again be misinterpreted as reverting to the pork barrel system.

Senator Cayetano (A) also suggested that the following paragraph, which is in Proposed Senate Resolution No. 305, be inserted in the measure:

“WHEREAS, families and communities affected by the disaster is likewise required direct financial aid or assistance or funds for the rebuilding of their homes and restoration of businesses since the disaster have caused not only massive loss of lives and injuries but also the destruction of homes and businesses.”

He then explained that apart from the priority structures like bridges, hospitals, streets, airports and ports, financial aid should also be given to help the people rebuild their homes and businesses. He mentioned that the people who were affected by the earthquake are currently living in tents.

Senator Cayetano (A) expressed his support for the measure and hoped that the resolution would

not be misinterpreted as a way for the Senate to circumvent the TRO since the fund is necessary for the rehabilitation of the affected areas.

Senate President Drilon agreed to include the clause in the resolution.

MANIFESTATION OF SENATOR RECTO

Senator Recto stated that the fund to be generated from the resolution may not be enough to cover the entire magnitude of the calamities specified. He said that an increase in the calamity fund or an additional rehabilitation fund in the 2014 GAA or in a supplemental budget could be discussed at the appropriate time.

ADOPTION OF PROPOSED SENATE RESOLUTION NO. 302

Upon motion of Senate President Drilon, there being no objection, Proposed Senate Resolution No. 302 was adopted by the Body, subject to style, taking into consideration Proposed Senate Resolution No. 305 and the amendments proposed on the floor.

MANIFESTATION OF SENATOR SOTTO

Senator Sotto registered his affirmative vote with reservations. Although he supports the resolution, he said that the Body should have waited for the lifting of the TRO. He nevertheless acknowledged that calamity cannot wait.

COMMITTEE MEMBERSHIP

Upon nomination by Senator Cayetano (A), there being no objection, Senator Escudero was elected member of the Committee on Education, Arts and Culture in lieu of Senator Osmeña.

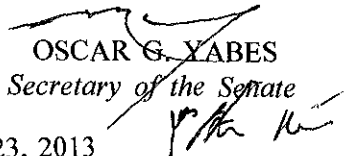
ADJOURNMENT OF SESSION

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 6:23 p.m.

I hereby certify to the correctness of the foregoing.

OSCAR G. YABES
Secretary of the Senate



Approved on October 23, 2013