



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 37
Monday, December 9, 2013

SIXTEENTH CONGRESS
FIRST REGULAR SESSION

SESSION NO. 37
Monday, December 9, 2013

CALL TO ORDER

At 3:10 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

PRAYER

Sen. Vicente C. Sotto III read the prayer on behalf of Senator Lapid, to wit:

Panginoon, kami po ay malugod na nagpapasalamat para sa lahat ng mga biyayang Inyong pinagkaloob sa aming bansa.

Salamat po sa Inyong tulong ng paggabay sa amin sa gitna ng matinding pagsubok na dala ng sunud-sunod na mga trahedya lalo na sa Visayas.

Tulungan Ninyo po kaming magpatuloy sa aming layunin na maglingkod sa aming bansa para sa kapakanan ng bawat mamamayan at higit na para sa Inyong karangalan.

Ang lahat ng ito ay aming hinihiling sa Ngalan ni Hesus.

Amen.

NATIONAL ANTHEM

The *Banda Onse* of Sta. Maria, Bulacan led the singing of the national anthem and thereafter played the song, entitled *Christmas In Our Hearts*.

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

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

Senators Cayetano (A), Lapid, Pimentel, and Trillanes arrived after the roll call.

Senators Cayetano (P) and Enrile were on official mission, the former abroad. *hw*

r

Senator Defensor Santiago was on sick leave.

Senator Marcos was absent.

APPROVAL OF THE JOURNAL

Upon motion of Senator Aquino, there being no objection, the Body dispensed with the reading of the Journal of Session No. 36 (December 4, 2013) and considered it approved.

QUESTION OF PRIVILEGE OF SENATOR SOTTO

Rising on a question of personal privilege, Senator Sotto stated that following the speeches delivered by Senators Enrile and Defensor Santiago, he, along with Senators Osmeña and Escudero, believed that it was important to preserve the sanctity of the *Journal* by either expunging both speeches for their unparliamentary contents or strike off some offensive words and phrases.

However, having heard that both senators do not want their speeches stricken off the record, he appealed to the Body and the Committee on Rules to call for an executive session at the soonest possible time to allow Senators Enrile and Defensor Santiago to be given the opportunity to explain why their speeches should remain in the *Journal*.

Refuting what an unnamed individual had "tweeted" to the social media community asking why he did not say anything after Senator Enrile's privilege speech. Senator Sotto read from page 761 of Session No. 34 (November 27, 2013) of the *Journal*, to wit: "Senator Sotto stated that he was inclined to refer the speech of Senator Enrile to the Committee on Ethics, but since the Committee is yet to be formed, he suggested that the speech be referred instead to the Committee on Rules." He also noted that the Members did not have time to study Senator Enrile's speech since the Senate was not in session from Thursday to Monday, the week after that speech had been delivered; the Senate had a very brief session on Tuesday; and Senator Defensor Santiago delivered her own speech on Wednesday, so that it was only in that day's session that the Members could react to both speeches.

Senator Sotto lamented that some people have been so quick to lay the blame when obviously, they were not aware of what were happening during session days.

Saying that he could live with both speeches, he cautioned, however, that should the Body opt to retain both speeches, it would be establishing a precedent and any Member could make unparliamentary remarks against another. He stressed that he only wanted to preserve the high moral ground of the Senate *Journal*.

Senator Sotto also took to task another writer who had criticized him for showing concern over the image of the Senate when he committed alleged acts of plagiarism during debates on the Reproductive Health bill. He challenged the writer to point out exact statements in the *Journal* where he had claimed ownership of medical phrases and terms during the plenary debates. He explained that his speeches contained disclaimers stating that his citations had been taken from writings of medical and legal experts.

REFERRAL OF THE MANIFESTATION TO COMMITTEE

With the permission of the Body, the Chair referred Senator Sotto's manifestation calling for an executive session to the Committee on Rules.

MANIFESTATION OF SENATOR OSMEÑA

Relative to the issues raised by Senator Sotto, Senator Osmeña cited a memo which noted several instances during which unparliamentary remarks made in session were stricken off the record of the Senate:

- In 1963, Senator Roy interposed no objection to a motion made by Senator Fernando to strike out the statement "Shame on you!";
- On April 25, 1959, Senators Gil Puyat and Cipriano Primicias withdrew their statements as an act of statesmanship;
- On January 25, 1960, Senator Ferdinand Marcos withdrew an innuendo and apologized for it; and
- On May 27, 1964, during a debate, all statements which made reference to Mayor Arsenio H. Lacson were withdrawn.

He said that all such remarks fall under Rule XXXIV, Section 93 of the *Rules* which states that "Acts and language which offend a Senator or any public institution shall be deemed unparliamentary."

He also cited the following materials concerning unparliamentary speech:

hb

r

- Rule XXXIV, Section 94 of the *Rules* states: “No Senator, under any circumstances, shall use offensive or improper language against another Senator or against any public institution”;
- Reports of the House of Representatives, dated May 6, 1952, and June 1960, stating that “it is unparliamentary for any member of the Senate to criticize or attack the actuation of an independent and coordinate body like the House of Representatives.”; and
- *Riddick’s* pages 588-589 states that “a senator may also be called to order for a transgression of the *Rules* for the use of objectionable language.”

Senator Osmeña explained that such rules were crafted to ensure that members of parliaments, some of which are composed of 500 to 600 members, are able to live with each other and state facts without personal friction since personalism tends to affect relationships among members. He believed that it is the Senate’s duty to keep peace and order within the Chamber by accepting the statements of any member, as long as these are made in a respectful manner. He hoped that the Senate would be able to uphold its *Rules* and that of other parliaments around the world.

In closing, he expressed his support for the motion of Senator Sotto even as he believed that in the end, the decision on whether anything is considered unparliamentary should be left to the Body and not to the Members who made the statements.

REFERENCE OF BUSINESS

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

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

Letter from the House of Representatives, informing the Senate that on 4 December 2013, the House of Representatives elected Representatives Ungab, Gonzales II, Nava and Zamora as its conferees to the Bicameral Conference Committee on the disagreeing provisions of House Joint Resolution No. 7, entitled

JOINT RESOLUTION EXTENDING THE
VALIDITY OF APPROPRIATIONS
UNDER THE CALAMITY FUND
AND QUICK RESPONSE FUND,

INCLUDING THOSE SOURCED FROM SAVINGS REALIGNED IN THE CURRENT YEAR, AS WELL AS ALL UNOBLIGATED ALLOTMENTS AND UNRELEASED APPROPRIATIONS FOR MAINTENANCE AND OTHER OPERATING EXPENSES AND CAPITAL OUTLAYS UNDER REPUBLIC ACT NO. 10352 OR THE FY 2013 GENERAL APPROPRIATIONS ACT UNTIL DECEMBER 31, 2014, AMENDING FOR THE PURPOSE SECTION 63 OF THE GENERAL PROVISIONS THEREIN,

and Senate Joint Resolution No. 5, entitled

JOINT RESOLUTION EXTENDING THE VALIDITY OF APPROPRIATIONS UNDER THE CALAMITY FUND, INCLUDING THOSE SOURCED FROM SAVINGS REALIGNED IN THE CURRENT YEAR, AS WELL AS ALL UNOBLIGATED/UNRELEASED ALLOTMENTS FOR CALAMITY RELATED PROJECTS COVERING APPROPRIATIONS FOR MAINTENANCE AND OTHER OPERATING EXPENSES AND CAPITAL OUTLAYS UNDER REPUBLIC ACT NO. 10352 OR THE FY 2013 GENERAL APPROPRIATIONS ACT, UNTIL DECEMBER 31, 2014, AMENDING FOR THE PURPOSE SECTION 63 OF THE GENERAL PROVISIONS THEREIN,

To the Committee on Rules

BILLS ON FIRST READING

Senate Bill No. 1998, entitled

AN ACT TO PROMOTE THE WELFARE OF FILIPINO SEA-BASED OVERSEAS WORKERS, CREATING FOR THIS PURPOSE THE NATIONAL SEAFARERS ADMINISTRATION, PRESCRIBING ITS POWERS AND FUNCTIONS AND APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Cynthia A. Villar

kl

↑

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

Senate Bill No. 1999, entitled

AN ACT ESTABLISHING AND INSTITUTIONALIZING LONG-TERM CARE FOR SENIOR CITIZENS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Cynthia A. Villar

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

RESOLUTIONS

Senate Joint Resolution No. 6, entitled

JOINT RESOLUTION PROVIDING RETIREMENT BENEFITS FOR OFFICERS AND EMPLOYEES OF CONGRESS, APPROPRIATING FUNDS THEREOF, AND FOR OTHER PURPOSES

Introduced by Senator Sotto III

To the Committees on Accounts; and Finance

Proposed Senate Resolution No. 407, entitled

RESOLUTION URGING THE COMMITTEE ON WOMEN, FAMILY RELATIONS AND GENDER EQUALITY; AND THE COMMITTEE ON PEACE, UNIFICATION AND RECONCILIATION TO LOOK INTO THE IMPLEMENTATION OF THE NATIONAL ACTION PLAN ON WOMEN, PEACE AND SECURITY IN LIGHT OF THE COUNTRY'S COMMITMENTS TO THE UNITED NATIONS SECURITY COUNCIL RESOLUTION 1325, THUS STRENGTHENING THE ROLE OF WOMEN IN CONFLICT RESOLUTION AND THE PEACE-BUILDING PROCESS

Introduced by Senator Legarda

To the Committees on Women, Family Relations and Gender Equality; and Peace, Unification and Reconciliation

Proposed Senate Resolution No. 408, entitled

RESOLUTION URGING THE PROPER SENATE COMMITTEE/S TO REVIEW THE PUBLIC-PRIVATE PARTNERSHIP (PPP) SCHEME, THE GOVERNMENT'S CENTERPIECE PROGRAM, WITH THE END IN VIEW OF HARNESSING ITS FULL POTENTIALS IN GENERATING INVESTMENTS AND MORE EMPLOYMENT OPPORTUNITIES AND SPEEDING UP IMPLEMENTATION OF KEY INFRASTRUCTURE PROJECTS, TAKING INTO CONSIDERATION THE PROMOTION OF THE INTEREST OF THE STATE AND THE PEOPLE

Introduced by Senator Grace Poe

To the Committees on Economic Affairs; and Public Works

Proposed Senate Resolution No. 409, entitled

RESOLUTION URGING THE PROPER SENATE COMMITTEE/S TO EVALUATE THE GOVERNMENT'S INFRASTRUCTURE PROGRAM IN THE LIGHT OF THE DISMAL RANKING OF THE PHILIPPINES IN TERMS OF QUALITY OF OVERALL INFRASTRUCTURE IN THE WORLD ECONOMIC FORUM GLOBAL COMPETITIVENESS REPORT 2013-2014 AND TO RECOMMEND MEASURES TO REVAMP THE COUNTRY'S INFRASTRUCTURE FACILITIES

Introduced by Senator Grace Poe

To the Committee on Public Works

SUSPENSION OF SESSION

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

It was 3:32 p.m.

RESUMPTION OF SESSION

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

hl 

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Cayetano (A) acknowledged the presence in the gallery of the following guests from the Parliament of Kenya who will be in the Senate from December 9 to 12, 2013 for their attachment program:

- Ms Eunice Gichangi, Director, Legal Services, and head of delegation;
- Ms Mary Chesire, Deputy Director, Committee Services;
- Mr. John Mutega, Senior Clerk Assistant, Legislative and Procedural Services;
- Mr. Hassan A. Odhwa, Senior Research Officer;
- Mr. Peter Oscar Nabulindo, Hansard Reporter I; and
- Mr. Onesmus K. Kilimo, Serjeant-at-Arms II.

Senate President Drilon welcomed the guests to the Senate.

PRIVILEGE SPEECH OF SENATOR LEGARDA

Availing herself of the privilege hour, Senator Legarda delivered the following speech reporting on the outcome of two missions she recently attended – the 37th Session of the UNESCO General Conference in Paris, France, and the Women in Parliaments Annual Summit at the European Parliament in Brussels, Belgium.

The full text of her speech follows:

REPORT ON THE 37TH UNESCO GENERAL CONFERENCE AND THE 2013 WOMEN IN PARLIAMENTS GLOBAL FORUM

I am pleased to report on the outcome of two missions I have been honored to carry out the past weeks.

These involved my participation at the 37th Session of the UNESCO General Conference in Paris, France and at the Women in Parliaments Annual Summit at the European Parliament in Brussels, Belgium.

My first mission was intended to help contribute to the discussions on UNESCO's post-

2015 role, specifically towards crafting bolder but measurable and reachable development targets past the Millennium Development Goals (MDGs).

I offered representation that was intended to help in our bid to become a member of the World Heritage Committee; and I am pleased to report that our country did not only get elected to the Committee, but also obtained the second highest number of votes with 116 states-parties supporting us.

On November 8, as head of the Philippine delegation to the 37th UNESCO General Conference, I delivered the Philippines' Policy Statement which outlined the nation's agenda on environmental protection, disaster risk reduction, cultural and heritage promotion and preservation, peace building and sustainable development.

My message was clear. The preservation of our World Heritage Sites can only be as strong and resilient as our action on the challenges of a changing global landscape. With climate change and extreme weather events becoming part of the new norm, we need to chart our development goals in a way that considers these realities not just as "blips" on the radar screen. These now are parts of our life that we do not just live with. We have to deal with them.

Two important dimensions of human development were highlighted – science, technology and innovation or STI, and culture. These two key areas are considered accelerators of development and should be given more importance in the post-2015 agenda.

STI is vital in building sustainable communities especially that we must aim to shift to green technologies. It is an instrument we must use to address the pressing needs of various sectors like agriculture, transportation, industry, energy, infrastructure and services. It is a tool we cannot live without in light of the new challenges we have to deal with.

Programs based on scientific research and innovation can change lives by averting disasters, safeguarding jobs, incomes and livelihoods, enhancing food supply, promoting environmental sustainability, and combating poverty.

Meanwhile, the role of culture in building more progressive and resilient societies need to be highlighted. Creative economies that promote inclusive growth, ingenuity, indigenous knowledge and local resources need to be developed. The Philippines, being a multi-ethnic society and having been blessed by rich, diverse cultures, stands to benefit much from this approach.

hlc ps

The figures of the UN Conference on Trade and Development (UNCTAD) highlight this fact – the global export of goods and services under the creative industries amounted to US\$624 billion in 2011 alone.

Director General Irina Bokova, during our meeting, agreed with this observation. She stressed that China, Brazil and Indonesia are doing much in this area and that the Philippines has great potential that needs to be fully harnessed.

During our meeting, I have also made an appeal for UNESCO to maintain geographic representations in the UNESCO offices amid the financial challenges facing the organization. The appeal was made with Filipinos working in UNESCO in mind. This was responded to with an assurance that once the situation has stabilized, normal career development opportunities will be set in place for UNESCO staff.

The second part of my report is on the more recent Women in Parliaments Global Forum Annual Summit held in Brussels, Belgium on November 27 to 29, 2013.

More than 400 female parliamentarians gathered to discuss how women can help close the gender gap and strengthen their role as leaders in their respective communities.

I had the opportunity to share our country's work on the promotion of gender equality and women's rights and in ensuring the participation of women in nation building. I went to represent the President who was supposed to receive the award on behalf of the Filipino people.

The World Economic Forum ranked the Philippines 8th in the world in 2012, improving further to 5th in its 2013 global survey. In the South and Southeast Asia, the Philippines is number one – an achievement recognized at the annual summit.

It was a proud moment when, on behalf of the Philippine government and the Filipino people, I accepted the Philippines' award for closing the gender gap, which speaks highly of the country's success in promoting gender equality through relevant policies and programs of the government, including laws for the protection of women: the Anti-Violence Against Women and Children Act, the Magna Carta of Women, the Anti-Trafficking in Persons Act, and the Domestic Workers Act, the Reproductive Health bill, among many others.

On the sidelines of the conference, I paid a courtesy call on Commissioner Kristalina

Georgieva, the EU Commissioner for International Cooperation, Humanitarian Aid and Crisis Response, and extended to her the nation's deep appreciation to the EU for its support and generous contributions to the rescue and relief efforts in Yolanda-affected communities as well as for its pledge of support for the rehabilitation and rebuilding efforts.

Commissioner Georgieva herself paid a visit to Tacloban and Cebu in the aftermath of *Typhoon Yolanda* to personally assess the damage wrought by the typhoon and monitor EU assistance to the affected areas. She informed us that the EU is currently crafting new legislation on civil protection, strengthening risk assessment, preparedness and prevention. Furthermore, the Commissioner said that the EU will soon announce new funding support for the Philippines, in particular focusing on the needs of children affected by *Typhoon Yolanda*.

We are greatly thankful for the EU's immense support to our nation. As a sign of our deep gratitude to the EU and all the other nations and organizations that have extended their generous help, it is a must that we ensure the strict implementation of our laws on disaster risk reduction, prevention and preparedness, and see to it that all lessons learned from Typhoon Yolanda and other past disasters must be incorporated into our resilience efforts.

I also had the chance to meet with Ms Jody Williams, chair of the Nobel Women's Initiative and Nobel Peace Prize Laureate, who pointed out the need to strengthen the role of women in conflict resolution and the peace building process. It was my meeting with Ms Williams that inspired me to file Senate Resolution No. 407 that will look into the implementation of the National Action Plan on Women, Peace and Security in light of the country's commitments to the United Nations Security Council Resolution 1325. This UN Resolution primarily acknowledges the significant role of women in conflict prevention and peace building efforts.

In closing, I wish to encapsulate the messages of these two conferences in a call for action.

We are living in a fast-changing world with finite resources. Survival is not the only name of the game. We must work to protect a planet that will outlive not only the immediate generation but also others to come.

Let us go back to the basics – science, technology, and our people. Accept not only what is available but innovate because there

hul
ps

is so much that our culture and our people have to offer.

I give this report because I owe it to this Chamber – all the women and men of this Chamber – that passed all these laws and policies in my past three terms in the Senate.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Cayetano (A), there being no objection, the speech of Senator Legarda was referred to the Committee on Environment and Natural Resources.

SUSPENSION OF SESSION

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

It was 3:47 p.m.

RESUMPTION OF SESSION

At 3:47 p.m., the session was resumed.

CONFERENCE COMMITTEE REPORT ON HOUSE JOINT RESOLUTION NO. 7

Upon motion of Senator Cayetano (A), there being no objection, the Body considered the Conference Committee Report on the disagreeing votes on House Joint Resolution No. 7, entitled

JOINT RESOLUTION EXTENDING THE VALIDITY OF APPROPRIATIONS INCLUDING THOSE SOURCED FROM SAVINGS REALIGNED IN THE CURRENT YEAR, AS WELL AS FROM ALL UNOBLIGATED ALLOTMENTS AND UNRELEASED APPROPRIATIONS FOR MAINTENANCE AND OTHER OPERATING EXPENSES AND CAPITAL OUTLAYS UNDER REPUBLIC ACT NO. 10352 OR THE FISCAL YEAR 2013 GENERAL APPROPRIATIONS ACT UNTIL DECEMBER 31, 2014, AMENDING FOR THE PURPOSE SECTION 63 OF THE GENERAL PROVISIONS THEREIN.

Thereupon, the Chair recognized Senator Escudero to sponsor the report.

SPONSORSHIP REMARKS OF SENATOR ESCUDERO

Senator Escudero explained that there were no conflicting provisions but only conflicting votes because there was no Senate version of the bill and that what was used as a basis for the report was the House version. He said that the only differences were as follows:

- The insertion of reportorial requirements in the additional resolatory clause found in the Senate amendments to House Joint Resolution No. 7; and
- The deletion of the specification of the allocation of funds that it would be used only for calamity because it might run counter, based on the opinion of the lawyers of the House of Representatives, to the constitutional provision that prohibits Congress from realigning funds or savings of the Executive branch.

APPROVAL OF THE CONFERENCE COMMITTEE REPORT

Submitted to a vote, there being no objection, the Conference Committee Report on House Joint Resolution No. 7 was approved by the Body.

MANIFESTATION OF SENATOR ESCUDERO

Senator Escudero stated that he would no longer ask for nominees to compose the Senate panel in the bicameral conference on the disagreeing votes of the two Houses on the supplemental budget because the House of Representatives had decided to adopt the Senate amendments.

SUSPENSION OF SESSION

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

It was 3:50 p.m.

RESUMPTION OF SESSION

At 3:55 p.m., the session was resumed.

OVERSIGHT COMMITTEE MEMBERSHIPS

Upon motion of Senator Cayetano (A)/Senator Sotto,

hel ps

there being no objection, the following senators were elected members to the oversight committees hereunder indicated:

*Joint Oversight Committee
on the Human Security Act*

- Chairperson : Poe
- Members : Escudero
Marcos
Revilla
Villar
Cayetano (A)
Ejercito
Honasan

*Congressional Oversight Committee
on Dangerous Drugs Act*

- Chairperson : Poe
- Members : Osmeña
Lapid
Escudero
Angara
Sotto
Honasan

of legislative measures that they agree with, to become coauthors instead of filing similar measures. To expedite the process of registering coauthorship, he suggested that the Body adopt the system in the House of Representatives where any Member who wishes to be coauthor would simply fill up a standard form containing his intention to be coauthor of the bill or resolution and submits the form to the Office of the Majority Leader or to the Bills and Index Service. He said that he would make the formal proposal at the appropriate time to allow the other senators to raise their own suggestions on the matter.

The Chair noted the suggestion.

ADJOURNMENT OF SESSION

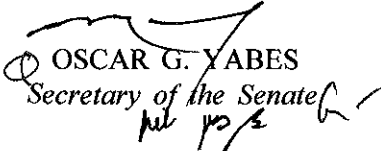
Upon motion of Senator Cayetano (A), there being no objection, the Chair declared the session adjourned until three o'clock in the afternoon of the following day.

It was 3:59 p.m.

I hereby certify to the correctness of the foregoing.

**MANIFESTATION
OF SENATOR CAYETANO (A)**

Senator Cayetano (A) stated that many Members had requested that they be allowed to be coauthors of certain bills and resolutions, and he acknowledged the initiative taken by some members to ask authors


OSCAR G. YABES
Secretary of the Senate

Approved on December 10, 2013