



REPUBLIC OF THE PHILIPPINES

S e n a t e

Pasay City

Journal

SESSION NO. 7

Monday, August 6, 2007

**FOURTEENTH CONGRESS
FIRST REGULAR SESSION**

SESSION NO. 7
Monday, August 6, 2007

CALL TO ORDER

At 4:03 p.m., the Senate President, Hon. Manny Villar, called the session to order.

PRAYER

Sen. Miriam Defensor Santiago read the prayer entitled, *Daily Prayers Dissolve Your Cares*, to wit:

I meet God in the morning and go
with Him through the day,
Then in the stillness of the night
before sleep comes I pray
That God will just take over all the
problems I can't solve;
And in the peacefulness of sleep
my cares will all dissolve.

So when I open my eyes to greet
another day,
I'll find myself renewed in strength
and there will open up a way
To meet what seemed impossible
for me to solve alone;
And once again I'll be assured that
I am never on my own.

For there can be no failures or
hopeless, unsaved sinners,
If we enlist the help of God, who
makes all losers winners.

So meet Him in the morning and go
with Him through the day;
And thank Him for His guidance
each evening when you pray.

And if you follow faithfully this
daily way to pray,
You will never in your lifetime face
another hopeless day.

Amen.

NATIONAL ANTHEM

The Senate Choir led the singing of the national anthem and thereafter rendered the song entitled, *Isang Dugo, Isang Lahi, Isang Musika*.

ROLL CALL

Upon direction of the Chair, the Secretary of the Senate, Emma Lirio-Reyes, called the roll, to which the following senators responded:

Angara, E. J.	Gordon, R. J.
Aquino III, B. S. C.	Honasan, G. B.
Arroyo, J. P.	Lacson, P. M.
Biazon, R. G.	Lapid, M. L. M.
Cayetano, A. P. S.	Legarda, L.
Cayetano, C. P. S.	Madrigal, M. A.
Defensor Santiago, M.	Pangilinan, F. N.
Ejercito Estrada, J.	Pimentel Jr., A. Q.
Enrile, J. P.	Revilla Jr., R. B.
Escudero, F. J. G.	Villar, M.

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

Senator Zubiri arrived after the roll call.

Senator Roxas was absent on account of sickness.

Senator Trillanes was unable to attend the session.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Pangilinan acknowledged the presence of Masbate Mayor Socrates "Ates" Tuason, and the delegation from the American Council of Young Political Leaders (ACYPL): Republicans – Hon. Bill Huizenga, Member of the Michigan State House of Representatives; Hon. Roger James Roth, Member of the Wisconsin State House of Representatives, and Ms. Marcia Rubensohn, Associate General Counsel of the Georgia Municipal Association; Democrats – Hon. Nicole Parra, Member of the California State Assembly; Ms. Jill Krowinski, Executive Director of the Vermont Democratic Party; *AK*

Hon. Gerron Levi, Member of the Maryland House of Delegates; Hon. John Lesch, Member of the Minnesota House of Representatives, and Hon. Ted Martin Vick, Member of the South Carolina House of Representatives; and their escort Hon. Brad Cole, Mayor of Carbondale, Illinois.

APPROVAL OF THE JOURNAL

Upon motion of Senator Pangilinan, there being no objection, the Body dispensed with the reading of the Journal of Session No. 6 and considered it approved.

REFERENCE OF BUSINESS

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

BILLS ON FIRST READING

Senate Bill No. 251, entitled

AN ACT AMENDING REPUBLIC ACT NO. 53, AS AMENDED, OTHERWISE KNOWN AS AN ACT TO EXEMPT THE PUBLISHER, EDITOR OR REPORTER OF ANY PUBLICATION FROM REVEALING THE SOURCE OF PUBLISHED NEWS OR INFORMATION OBTAINED IN CONFIDENCE BY INCLUDING WITHIN ITS COVERAGE JOURNALIST FROM BROADCAST NEWS AGENCIES, INTERNET PUBLICATIONS AND WIRE SERVICES

Introduced by Senator Mar Roxas

To the Committee on Public Information and Mass Media

Senate Bill No. 252, entitled

AN ACT CREATING THE PHILIPPINE TRADE REPRESENTATIVE OFFICE, APPROPRIATING FUNDS THEREOF, AND FOR OTHER PURPOSES

Introduced by Senator Mar Roxas

To the Committees on Trade and Commerce; Foreign Relations; and Finance

Senate Bill No. 253, entitled

AN ACT AMENDING REPUBLIC ACT NO. 9280, OTHERWISE KNOWN AS THE "CUSTOMS BROKER ACT OF 2004," AND FOR OTHER PURPOSES

Introduced by Senator Mar Roxas

To the Committees on Civil Service and Government Reorganization; and Trade and Commerce

Senate Bill No. 254, entitled

AN ACT PROVIDING FOR UPGRADE OF THE STANDARD SALARY OF ALL GOVERNMENT PERSONNEL, PROVIDING BENEFITS FOR EARLY RETIREMENT AND VOLUNTARY SEPARATION FROM GOVERNMENT SERVICE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 6758, ENTITLED AN ACT PRESCRIBING A REVISED COMPENSATION AND POSITION CLASSIFICATION SYSTEM IN THE GOVERNMENT, AND FOR OTHER PURPOSES

Introduced by Senator Mar Roxas

To the Committees Civil Service and Government Reorganization; and Finance

Senate Bill No. 255, entitled

AN ACT ALLOWING THE OMBUDSMAN TO EXAMINE ALL THE BANK DEPOSITS OF PUBLIC OFFICERS WITH THE LATTER'S WRITTEN CONSENT BY AMENDING SECTION 8 OF REPUBLIC ACT NO. 6713, OTHERWISE KNOWN AS THE CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES

Introduced by Senator Mar Roxas

To the Committee on Banks, Financial Institutions and Currencies

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Senate Bill No. 256, entitled

AN ACT TO PROVIDE A PERCENTAGE OF THE VALUE OF FORFEITED PROPERTIES DERIVED FROM ANTI-CORRUPTION CASES PROSECUTED BY THE OMBUDSMAN TO BE EARMARKED FOR THE OFFICE OF THE OMBUDSMAN AMENDING FOR THIS PURPOSE SECTION 6 OF REPUBLIC ACT NO. 1379 OTHERWISE KNOWN AS THE FORFEITURE LAW

Introduced by Senator Mar Roxas

To the Committee on Justice and Human Rights

Senate Bill No. 257, entitled

AN ACT ALLOWING PRIVATE PROSECUTORS TO ASSIST THE OFFICE OF THE OMBUDSMAN IN THE INVESTIGATION AND PROSECUTION OF CASES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 6770 OTHERWISE KNOWN AS THE OMBUDSMAN ACT OF 1989

Introduced by Senator Mar Roxas

To the Committee on Justice and Human Rights

Senate Bill No. 258, entitled

AN ACT INCREASING THE NUMBER OF SANDIGANBAYAN DIVISIONS, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1606, AS AMENDED BY R.A. NO. 7975 AND R.A. 8249, AND FOR OTHER PURPOSES

Introduced by Senator Mar Roxas

To the Committees on Justice and Human Rights; and Finance

Senate Bill No. 259, entitled

AN ACT STREAMLINING THE JURISDICTION OF THE SANDIGANBAYAN, AMENDING FOR THE PURPOSE

PRESIDENTIAL DECREE NO. 1606, AS AMENDED BY R.A. NO. 7975 AND R.A. 8249, AND FOR OTHER PURPOSES

Introduced by Senator Mar Roxas

To the Committee on Justice and Human Rights

Senate Bill No. 260, entitled

AN ACT PROVIDING PROTECTION AND BENEFITS TO PERSONS WHO DISCLOSE CONDUCT CONSTITUTING GRAFT AND CORRUPTION AND TO WITNESSES FOR THE PROSECUTION THEREOF, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES

Introduced by Senator Mar Roxas

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

Senate Bill No. 261, entitled

AN ACT CONSTITUTING THE NATIONAL PROSECUTION SERVICE INTO AN AUTONOMOUS OFFICE OF THE PROSECUTOR GENERAL AND FOR OTHER PURPOSES

Introduced by Senator Pangilinan

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

Senate Bill No. 262, entitled

AN ACT REORGANIZING AND MODERNIZING THE NATIONAL BUREAU OF INVESTIGATION AND PROVIDING NECESSARY FUND THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Pangilinan

To the Committees on Justice and Human Rights; and Finance

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Senate Bill No. 263, entitled

AN ACT AMENDING SECTION 31 OF REPUBLIC ACT NO. 6770, OTHERWISE KNOWN AS THE "OMBUDSMAN ACT OF 1989," AS AMENDED ALLOWING PRIVATE LAWYERS TO ACT AS PROSECUTORS ON BEHALF OF THE OMBUDSMAN

Introduced by Senator Pangilinan

To the Committee on Justice and Human Rights

Senate Bill No. 264, entitled

AN ACT PENALIZING ENFORCED OR INVOLUNTARY DISAPPEARANCE AND FOR OTHER PURPOSES

Introduced by Senator Pangilinan

To the Committees on Justice and Human Rights; Constitutional Amendments, Revision of Codes and Laws; and Finance

Senate Bill No. 265, entitled

AN ACT EXPANDING THE EXCEPTIONS FROM THE NIGHT WORK PROHIBITION OF WOMEN EMPLOYEES, THEREBY AMENDING ARTICLE 131 OF PRESIDENTIAL DECREE FOUR HUNDRED FORTY-TWO (P.D. 442), AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES

Introduced by Senator Pangilinan

To the Committee on Labor, Employment and Human Resources Development

Senate Bill No. 266, entitled

AN ACT CREATING AN INDEPENDENT COMMISSION TO CONDUCT A THOROUGH FACT-FINDING INVESTIGATION OF ALLEGATIONS OF GRAFT AND CORRUPTION IN THE ARMED FORCES OF THE PHILIPPINES

Introduced by Senator Pangilinan

To the Committees on National Defense and Security; Justice and Human Rights; and Finance

Senate Bill No. 267, entitled

AN ACT STRENGTHENING AND EXPANDING THE JURISDICTION OF THE PHILIPPINE COMMISSION ON THE PROMOTION AND DEVELOPMENT OF SCUBA SPORTS, AMENDING FOR THIS PURPOSE LETTER OF INSTRUCTION NO. 745, AND FOR OTHER PURPOSES

Introduced by Senator Pangilinan

To the Committees on Tourism; and Games, Amusement and Sports

Senate Bill No. 268, entitled

AN ACT FURTHER ENSURING THE USE OF GENERIC NAMES IN THE MANUFACTURE, PRESCRIPTION, AND DISTRIBUTION OF DRUGS AND MEDICINES AMENDING FOR THE PURPOSE CERTAIN SECTIONS OF REPUBLIC ACT NUMBERED 6675, OTHERWISE KNOWN AS THE "GENERICS ACT OF 1988," AND FOR OTHER PURPOSES

Introduced by Senator Loren Legarda

To the Committee on Health and Demography

Senate Bill No. 269, entitled

AN ACT EXEMPTING THE BANK DEPOSITS OF SENIOR CITIZENS FROM THE 20% WITHHOLDING TAX ON INTEREST INCOME, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7432

Introduced by Senator Legarda

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

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Senate Bill No. 270, entitled

AN ACT ESTABLISHING THE CAREER EXECUTIVE SYSTEM

Introduced by Senator Lacson

To the Committee on Civil Service and Government Reorganization

Senate Bill No. 271, entitled

AN ACT AMENDING ARTICLE 97 OF ACT NO. 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE

Introduced by Senator Pimentel Jr.

To the Committee on Justice and Human Rights

Senate Bill No. 272, entitled

AN ACT CREATING THE INDEPENDENT POLICE CONTROL COMMISSION, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Pimentel Jr.

To the Committees on Public Order and Illegal Drugs; Justice and Human Rights; and Finance

Senate Bill No. 273, entitled

AN ACT PROVIDING FOR MOTORCYCLE LANES ON ALL MAIN ROADS AND HIGHWAYS THROUGHOUT THE COUNTRY, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES

Introduced by Senator Pimentel Jr.

To the Committees on Public Works; and Finance

Senate Bill No. 274, entitled

AN ACT GRANTING INCENTIVES TO SUBDIVISION HOMEOWNERS ASSOCIATIONS TO DEVELOP AND MAINTAIN FORESTED AREAS

WITHIN THEIR SUBDIVISIONS, AND FOR OTHER PURPOSES

Introduced by Senator Pimentel Jr.

To the Committees on Environment and Natural Resources; and Urban Planning, Housing and Resettlement

Senate Bill No. 275, entitled

AN ACT TOTALLY BANNING LOGGING OPERATIONS FOR THE NEXT TWENTY-FIVE YEARS

Introduced by Senator Pimentel Jr.

To the Committee on Environment and Natural Resources

Senate Bill No. 276, entitled

AN ACT AUTHORIZING THE LAND MANAGEMENT BUREAU TO CONDUCT A SURVEY OF CADASTRAL LOTS IN THE ENTIRE COUNTRY, AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Pimentel Jr.

To the Committees on Justice and Human Rights; and Finance

Senate Bill No. 277, entitled

AN ACT TO ESTABLISH THE MAGNA CARTA FOR BARANGAYS

Introduced by Senator Pimentel Jr.

To the Committees on Local Government; and Finance

Senate Bill No. 278, entitled

AN ACT TO REGULATE THE CARRYING OF FIREARMS, PROVIDE PENALTIES FOR ITS VIOLATION AND FOR OTHER PURPOSES

Introduced by Senator Pimentel Jr.

To the Committee on Public Order and Illegal Drugs

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Senate Bill No. 279, entitled

AN ACT INSTITUTING A NATIONAL
MARKET CODE OF THE PHILIP-
PINES

Introduced by Senator Pimentel Jr.

**To the Committees on Local Government;
and Trade and Commerce**

Senate Bill No. 280, entitled

AN ACT ELEVATING THE PHILIPPINE
NORMAL UNIVERSITY TO BECOME
THE COUNTRY'S NATIONAL
UNIVERSITY FOR TEACHER
EDUCATION; ESTABLISHING A
SYSTEM OF NATIONAL TEACHER
TRAINING AND DEVELOPMENT;
APPROPRIATING FUNDS THEREFOR;
AND FOR OTHER PURPOSES

Introduced by Senator Pimentel Jr.

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

Senate Bill No. 281, entitled

AN ACT PUNISHING THE WILLFUL
FAILURE TO PAY CHILD SUPPORT

Introduced by Senator Gordon

**To the Committee on Youth, Women and
Family Relations**

Senate Bill No. 282, entitled

AN ACT TO REHABILITATE AND
REFORM PRISONERS THROUGH
PRISON WORK AND ALLOW
THE PRODUCTIVE ENGAGEMENT
OF QUALIFIED PRISONERS IN
REFORESTATION, INFRASTRUCTURE,
AND GOVERNMENT PROJECTS

Introduced by Senator Gordon

**To the Committees on Justice and Human
Rights; and Finance**

Senate Bill No. 283, entitled

AN ACT AMENDING SECTION 42,
CHAPTER 7, SUBTITLE II, TITLE
VIII OF EXECUTIVE ORDER NO.
292, AS AMENDED, OTHERWISE
KNOWN AS THE ADMINISTRA-
TIVE CODE OF 1987

Introduced by Senator Gordon

**To the Committees on National Defense
and Security; and Constitutional Amendments,
Revision of Codes and Laws**

Senate Bill No. 284, entitled

AN ACT AMENDING SECTION 26
OF REPUBLIC ACT NO. 6975, AS
AMENDED, OTHERWISE KNOWN
AS THE DEPARTMENT OF THE
INTERIOR AND LOCAL GOVERN-
MENT ACT OF 1990

Introduced by Senator Gordon

**To the Committees on Public Order and
Illegal Drugs; and Local Government**

Senate Bill No. 285, entitled

AN ACT AMENDING SECTION 86(A)(6)
OF REPUBLIC ACT NO. 8424, AS
AMENDED, OTHERWISE KNOWN
AS THE NATIONAL INTERNAL
REVENUE CODE OF 1997

Introduced by Senator Gordon

To the Committee on Ways and Means

Senate Bill No. 286, entitled

AN ACT AMENDING SECTION 86(A)(4)
OF REPUBLIC ACT NO. 8424, AS
AMENDED, OTHERWISE KNOWN
AS THE NATIONAL INTERNAL
REVENUE CODE OF 1997

Introduced by Senator Gordon

To the Committee on Ways and Means *AS*

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Senate Bill No. 287, entitled

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

Introduced by Senator Gordon

**To the Committee on Constitutional
Amendments, Revision of Codes and Laws**

Senate Bill No. 288, entitled

AN ACT PUNISHING THE SNATCHING
OF MOBILE PHONES AND OTHER
RELATED GADGETS

Introduced by Senator Gordon

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

Senate Bill No. 289, entitled

AN ACT REQUIRING THE REGISTRA-
TION OF SUBSCRIBER IDENTITY
MODULE (SIM) CARDS IN MOBILE
PHONES

Introduced by Senator Gordon

**To the Committees on Public Services; and
Trade and Commerce**

Senate Bill No. 290, entitled

AN ACT REPEALING THE CRIME OF
PREMATURE MARRIAGES IN
ARTICLE 351 OF THE REVISED
PENAL CODE

Introduced by Senator Gordon

**To the Committees on Youth, Women and
Family Relations; and Constitutional Amend-
ments, Revision of Codes and Laws**

Senate Bill No. 291, entitled

AN ACT DECLARING THE CONFERMENT
OF A DOCTORATE DEGREE AS
EQUIVALENT TO ENTRY LEVEL

CAREER EXECUTIVE SERVICE
OFFICER ELIGIBILITY IN THE
CIVIL SERVICE

Introduced by Senator Lacson

**To the Committees on Civil Service and
Government Reorganization; and Education,
Arts and Culture**

Senate Bill No. 292, entitled

AN ACT ABOLISHING THE PRES-
IDENTIAL COMMISSION ON GOOD
GOVERNMENT (PCGG)

Introduced by Senator Pimentel Jr.

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

Senate Bill No. 293, entitled

AN ACT AMENDING SECTION 2 OF
REPUBLIC ACT ONE HUNDRED
FIFTY SEVEN, OTHERWISE KNOWN
AS AN ACT CREATING THE
BUREAU OF INVESTIGATION
(NOW KNOWN AS THE NATIONAL
BUREAU OF INVESTIGATION),
PROVIDING FUNDS THEREFOR,
AND FOR OTHER PURPOSES, AS
AMENDED

Introduced by Senator Pimentel Jr.

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

Senate Bill No. 294, entitled

AN ACT REGULATING SHIPPING
VESSELS COASTING PHILIPPINE
WATERS FOR THE PROTECTION
OF SHORES

Introduced by Senator Manny Villar

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

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Senate Bill No. 294, entitled

AN ACT ESTABLISHING MINIMUM
STANDARDS OF FAIR CONDUCT
IN FRANCHISE SALES AND FRAN-
CHISE BUSINESS RELATIONSHIPS

Introduced by Senator Manny Villar

To the Committee on Trade and Commerce

Senate Bill No. 296, entitled

AN ACT REQUIRING BUSINESS
ESTABLISHMENTS TO GIVE
EXACT CHANGE TO CONSUMERS

Introduced by Senator Manny Villar

To the Committee on Trade and Commerce

Senate Bill No. 297, entitled

AN ACT ESTABLISHING THE SMALL
AND MEDIUM ENTERPRISES
STOCK EXCHANGE

Introduced by Senator Manny Villar

**To the Committees on Banks, Financial
Institutions and Currencies; Economic Affairs;
and Finance**

Senate Bill No. 298, entitled

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

Introduced by Senator Manny Villar

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

Senate Bill No. 299, entitled

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

Introduced by Senator Manny Villar

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

Senate Bill No. 300, entitled

AN ACT PRESCRIBING SCHOOL BUS
SAFETY STANDARDS AND FOR
OTHER PURPOSES

Introduced by Senator Manny Villar

To the Committee on Public Services

ADDITIONAL REFERENCE OF BUSINESS

RESOLUTIONS

Proposed Senate Resolution No. 55, entitled

RESOLUTION DIRECTING THE APPRO-
PRIATE SENATE COMMITTEES TO
CONDUCT AN INQUIRY, IN AID
OF LEGISLATION, INTO THE
EFFECTS TO THE PHILIPPINE
ECONOMY OF THE SURGE OF THE
PHILIPPINE PESO AGAINST THE
US DOLLARS, WITH THE END IN
VIEW OF INTRODUCING REMEDIAL
MEASURES TO ASSIST THE EXPORT
INDUSTRY AND OVERSEAS
FILIPINO WORKERS FROM PHILIP-
PINE CURRENCY VOLATILITY

Introduced by Senator Loren Legarda

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

Proposed Senate Resolution No. 56, entitled

RESOLUTION DIRECTING THE APPRO-
PRIATE SENATE COMMITTEE/S TO
CONDUCT, IN AID OF LEGISLATION,
AN INQUIRY INTO THE OPERATIONS
OF THE PERFORMANCE INVEST-
MENT PRODUCT CORP. (PIPC) AND
OTHER CORPORATIONS WITH
SIMILAR TRANSACTIONS, WITH
THE END IN VIEW OF INSTITUTING
REMEDIAL MEASURES THAT

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**WOULD PROTECT PHILIPPINE
INVESTORS AGAINST FRAUDULENT
INVESTMENT SCHEMES**

Introduced by Senator Loren Legarda

**To the Committees on Trade and Commerce;
and Banks, Financial Institutions and Currencies**

Proposed Senate Resolution No. 57, entitled

**RESOLUTION CALLING A CAUCUS
OF ALL SENATORS IN THE
14TH CONGRESS TO ESTABLISH
STRATEGIC MEASURES AND
PRIORITY LEGISLATION TO SOLVE
THE MOST URGENT PROBLEMS OF
OUR NATION AND RESTORE
CONFIDENCE IN GOVERNMENT**

Introduced by Senator Gordon

To the Committee on Rules

**ACKNOWLEDGMENT OF THE PRESENCE
OF GUESTS**

At this juncture, Senator Pangilinan also acknowledged the presence of the following guests: Dr. Paquis of the Philippine Nurses Association; Elsie de Veyra of the Ecological Waste Coalition of the Philippines; and Lea Francisco of the Filipino-American Coalition for Environmental Solidarity.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:27 p.m.

RESUMPTION OF SESSION

At 4:46 p.m., the session was resumed.

At this juncture, Senator Pangilinan manifested that the Majority and Minority were ready to nominate and elect the various committee chairs.

**PARLIAMENTARY INQUIRY
OF SENATOR GORDON**

Senator Gordon believed that following Senate tradition and the Rules of the Senate, the Body must

first vote on committee members before voting on the chairs. He added that usually before the nomination, a caucus is called so that the Senators could express their preferences for committees. He wondered if a caucus had been held for this purpose.

Senator Pangilinan stated that as the Records of the Senate would show, the practice has been to nominate first the committee chairs and then their members.

However, Senator Gordon cited Section 18 which states: "The membership of the permanent committees, including their respective Chairmen, shall be chosen by the Senate. The Chairman of each committee may designate the Vice Chairman or such Vice Chairmen of his committee and create such subcommittees as may be deemed necessary." He argued that Section 18 presupposes that the Body elects the committee members along with the chairs who then have the privilege of designating their vice chairs. He believed that the Rules are stated in such a way that the members can actually select their committees without knowing the chairs. He asked whether the Body was following this process or creating a new tradition. He recalled that when the committees were organized the last time, the senators were asked to indicate their preference and afterwards, the chairmanships were distributed among the Majority and Minority.

Senator Pangilinan maintained that the Body has not deviated from the Rules in choosing the committee chairs and members, as he cited Volume I, Session No. 3 of the Records of the 11th Congress showing that Majority Leader Drilon nominated on July 30, 1998, the committee chairs and afterwards, their members. He added that the nomination and election of committee chairs and members were done in the same manner during the 12th and 13th Congresses.

At this juncture, the Chair stated that the Rules do not require that members be elected first as it recalled that since it became a senator, the tradition has been that the committee chairs are elected first.

REMARKS OF SENATOR ARROYO

Senator Arroyo stated that Section 18 means that the membership of the committees, including their chairpersons, would have to be presented to the Body. Having been a senator for two congresses, he noted that the practice has been that by prior understanding, the membership is presented by the

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ruling coalition and the first in the list is automatically the committee chair.

Senator Pangilinan informed the Body that during the 13th Congress, the committee chairs were elected on Wednesday, August 11, 2004, upon the nomination of the Majority Leader, and the members were elected on August 18, 2004.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:56 p.m.

RESUMPTION OF SESSION

At 5:01 p.m., the session was resumed.

Senator Gordon stated that Rules were put in place so that the Body would know the basis of its action, and in this case, he maintained that the election of the committee members and the Chairs is a simultaneous act. He said that if the Body wanted to depart from the Rules, then it should amend the Rules.

Senator Arroyo stated that anything the Body does in plenary session sets a precedent. He asserted that Section 18 explicitly describes the manner in which the committee members, including the chairs, are elected which is on a simultaneous basis, as Senator Gordon has pointed out.

Senator Arroyo stressed that if a controversy arises between practice and the text of the Rule, the Body should follow the text of the rule because a practice cannot be legitimized if it is contrary to the Rules. He posited that nobody questioned the practice in 2001 or 2004 but now that Senator Gordon was questioning it on the basis of Section 18, then the text of the Rule should be followed.

Although he had said that he was not interested in any chairmanship, Senator Arroyo admitted that he was in the dark as to his membership in any committee. For the greater harmony of the Senate, he suggested that the Body defer the matter till the next day since the controversy was not too difficult to resolve. He urged the Body to talk things over.

Senator Pangilinan disagreed with the interpretation of Senators Gordon and Arroyo that Section 18

provides for the simultaneous election of committee chairs and members. He believed that the practice of electing the committee chair first and, thereafter, the members after a series of consultations, has been consistent with Section 18.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 5:09 p.m.

RESUMPTION OF SESSION

At 5:37 p.m., the session was resumed.

Restating his earlier manifestation that whatever the Body decides to do would set a precedent, Senator Arroyo asserted that, as Section 18 provides, the presentation of committee chairs and members should be done simultaneously. He surmised that if this was not followed in the past, it was only because there was no objection to the practice of electing committee chairs and members.

Senator Arroyo believed that presenting the committee chairs only, without naming the members, would be in violation of Section 18.

In support of the manifestation of Senator Arroyo, Senator Gordon affirmed that despite many of its practices, the Senate should not divorce itself from the reality that it has to follow the Rules. He believed that it is not whimsical to presuppose a situation where the Majority, prior to coming into the session hall, had already identified which committee chairmanships would be taken and who would join the particular committees.

Senator Gordon stressed the need for communication between the Majority and Minority as he rued that he, as well as other Members, is also in the dark as to which committee he would belong. Changing the Rules, he warned, would result in confusion and endless debates. He pointed out that since time immemorial, the Rules were done in anticipation of the practice of the Majority to select their particular chairs and members to the committees. It is not practice that dictates the rules, he argued, but it is the Rules that should guide the act.

Senator Gordon said that he would not want to make it appear that the Senate is taking orders from ~~the~~

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unseen hands—whether of the Administration or of the leaders of the opposition—because the senators owe allegiance only to the citizenry who elected them. He said that if there is a need to suspend or amend the Rules, then this should be done properly. The best course of action, he believed, is for the Senators to go into caucus so that the Majority and Minority can select the committee chairs and members.

Senator Pangilinan said that on the contrary, the practice of selecting first the committee chairs and subsequently the members does not violate Section 18 because it does not say that the committee chairs and members shall be chosen by the Senate simultaneously, or on the same day, or at the same time. He pointed out that it is not the committee members but the Senate in plenary session that selects the committee chairs. Thus, he said, the practice of selecting first the chair and subsequently the members a few days later is consistent with Section 18.

Moreover, Senator Pangilinan explained that it has been customary to allow some time for the Senators to confer with one another to conform with the proportionate representation of the Majority and the Minority and the interest of each one. He noted that some Senators who would like to be members of a particular committee are prevented from doing so because proportional representation does not allow it.

Senator Gordon also invoked Section 21 of the Rules which states, “Whenever a motion regarding who should be a member of a permanent committee is presented, no objection against the proposed membership of any Senator in particular shall be considered. The objections, if any, must be formulated against the proposed membership therein as a whole.” He noted that Section 21 is consistent with Section 18, adding that the real practice of the Senate has been for the Majority and the Minority to confer and decide on the committee chairmanships and memberships beforehand even though it is not certain who decides how these assignments are actually made. This, he said, is precisely why he suggested that the Body hold a caucus to define the members of the Majority and Minority, determine the preference of the senators, and determine those qualified for a particular committee.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 5:48 p.m.

RESUMPTION OF SESSION

At 5:49 p.m., the session was resumed.

Senator Arroyo believed that Section 21 can be understood to mean that the Senate in plenary session cannot object to the nomination or membership of any senator until the entire slate, including the committee chair, is elected and constituted. This, he stressed, goes with Senator Gordon’s view that the nomination and election of a committee chair and its members must be presented before the Body simultaneously.

REMARKS OF SENATOR ESCUDERO

Senator Escudero agreed with Senator Pangilinan that the Senate’s previous practice of nominating and electing committee chairs and members does not conflict with either Section 18 or Section 21, pointing out that the Rules neither prohibits the election of members to a committee piecemeal nor the election of the entire membership in one sitting. He believed that the rationale behind Section 21 is that more often than not, committee chairmanships and memberships are determined through a consensus by the Majority and the Minority and that a plenary vote merely formalizes the same. He pointed out that regardless of whether committee members are elected sequentially or simultaneously, any objection to the membership of any member would have to wait until the entire membership is complete. He added that the right to object is not taken away simply because the members are elected sequentially, and that the only instance whereby membership can be objected to by a particular Senator would be if the very composition of the Majority and Minority is questioned which, in turn, would entail a revamp of the entire Chamber. He urged the Body to organize the committees at the soonest possible time as the House of Representatives has already accomplished this task.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 5:58 p.m.

RESUMPTION OF SESSION

At 5:59 p.m., the session was resumed. *AK*

PO

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 6:02 p.m.

RESUMPTION OF SESSION

At 6:03 p.m., the session was resumed.

MOTION OF SENATOR PANGILINAN

Senator Pangilinan called for a division of the House on the motion to nominate the committee chairs.

DIVISION OF THE HOUSE

Thereafter, the Chair requested those in favor of the motion to raise their hands and, thereafter, requested those against it to do the same.

With 11 senators voting in favor, two against and three abstentions, the motion was approved by the Body.

EXPLANATIONS OF VOTE

By Senator Legarda

Senator Legarda explained that based on the discussion with the Minority Leader, she voted yes to the election of the committee chairs, adding that she was, in fact, the Minority's emissary to Senate President Villar.

By Senator Zubiri

Senator Zubiri said that he abstained from voting as he felt the need for the Members to have more dialogue on the matter of committee chairmanships. While he had an inkling of what committee chairmanships he would be getting, he admitted that he was unsure if these would be his field of expertise. Nevertheless, he assured the Body that he would not be an obstructionist and would work for whatever committee that would be assigned to him.

*By Senator Arroyo**

At the instance of Senator Arroyo, there being no objection, the following explanation of his vote was inserted into the Record of the Senate and Journal:

*As modified by Senator Arroyo on August 7, 2007

I do not intend to reopen the debate on the interpretation of Section 18 in conjunction with Section 21 of the Rules of the Senate. However, the Senate is and should be governed by the rules that it adopts, not to ignore it all because of the changing winds of convenience.

These provisions are not new. The Senate of 1960, which had on its rolls, such illustrious senators as Claro Recto, Lorenzo Tanada, Arturo Tolentino, Cipriano Primicias, Quentin Paredes, Lorenzo Sumulong, Francisco "Soc" Rodrigo, Pacita Madrigal Gonzales, Ferdinand Marcos and Fernando Lopez had the occasion to witness what these rules are all about.

Permit me, therefore, for the guidance of the Senate in the future, that the following excerpts from the Congressional Record of the Senate of January 25, 1960, page 13, be read into the Record and the Journal of August 6, 2007:

xxx that since the action taken by this Chamber may constitute a precedent to be referred to later by subsequent legislators as a form to be followed, I wish to call the attention of this Chamber to the following:

xxx another rule of the Senate provides that the election is indivisible. That is, the election of all the members of the Committee should be as a whole, and that no objection may be made to any individual member of the committee. I understand that the background for this proceeding is to avoid any question of personality entering the records and the actuations of the Chamber.

I call attention to Section 22 of Chapter XII of the Rules of the Senate which reads:

Whenever a motion regarding who should be members of a committee is presented, no objection against the proposed membership of any Senator in particular shall be considered.

The objections, if any, must be formulated against the proposed membership therein as a whole.

xxx I do not believe that when the Members of this Chamber drafted and formulated the Rules of the Senate, it was intended that any of these Rules should be disregarded. *AS*

Likewise, the following appears in the Congressional Record of the Senate of January 16, 1951, page 66:

Sen. Justiniano Montano: Formations of committees are not voted individually, but they are created collectively and must, therefore, be dissolved collectively. On this point, I request that the Secretary read Rule 22, Chapter XI of the Rules of the Senate.

Secretary: "Sec. 22. Whenever a motion regarding who should be members of a committee is presented, no objection against the proposed membership if any Senator in particular shall be considered.

The objections, if any, must be formulated against the proposed membership therein, as a whole."

Senator Montano: As a matter of fact, in accordance with practice and rules, there is no discussion anent chairmanship when we create and form a committee. The rules and practices of legislative bodies only dictate that the first named on the list submitted to compose a particular committee is considered as the head or chairman thereof.

Also, the following appears in the Congressional Record of the Senate of January 25, 1960, page 15:

Senator Rodrigo : I would like to raise a point of order and I believe this takes precedence.

xxx I believe according to the rules, members of committees must be nominated and elected as a whole including the chairman and other members of those committees and we should not vote individually either for the chairman or for some members of the committees, and I would cite the rules pertaining to this Section 22, Chapter XII which reads:

"Whenever a motion regarding who should be members of a committee is presented, no objection against the proposed membership of any Senator in particular shall be considered.

The objections, if any, must be formulated against the proposed membership therein as a whole."

xxx According to this section, it is very clear that whenever the membership of committees is proposed to the Senate, the whole membership must be proposed from the chairman up to the last member, otherwise we cannot follow the rule I just read, because that rule categorically states that whenever there is any objection to the membership of a committee, the objection must be to the membership as a whole.

COMMITTEE CHAIRMANSHIPS

Senator Pangilinan, on the part of the Majority, nominated the following senators as chairs of the committees hereunder indicated:

Senator Defensor Santiago

Committees on Foreign Relations;
and Energy

Senator Lapid

Committee on Games, Amusement and Sports

Senator Revilla

Committee on Public Works

Senator Enrile

Committee on Finance

Senator Honasan

Committee on Public Order
and Illegal Drugs

Senator Angara

Committees on Agriculture and Food;
Banks, Financial Institutions and
Currencies; and Science and Technology

Senator Gordon

Committees on Constitutional
Amendments, Revision of Codes and
Laws; Tourism; and Government
Corporations and Public Enterprises

Senator Cayetano (P)

Committees on Environment and Natural
Resources; and Health and Demography

Senator Pangilinan

Committee on Accounts

Senator Ejercito Estrada

Committee on Labor, Employment and
Human Resources Development

Senator Cayetano (A)

Committees on Accountability of
Public Officers and Investigations;
and Education, Arts and Culture

AK

Senator Escudero

Committees on Ways and Means;
and Justice and Human Rights

Senator Zubiri

Committees on Urban Planning, Housing
and Resettlement; and Cooperatives

MANIFESTATION OF SENATOR ARROYO

Senator Arroyo manifested his objection to the election of the committee chairs ahead of the election of committee members on the ground that it is a violation of Sections 18 and 21 of the Rules.

Senator Cayetano raised a point of order on the ground that the objection of Senator Arroyo was on the motion that the Body had already voted upon earlier; hence, it is not a new objection.

Senator Pangilinan stated that the objection of Senator Arroyo shall be treated as a manifestation.

The Chair took note of the manifestation.

Upon motion of Senator Pangilinan, there being no objection, the aforementioned Senators were elected chairs of the committees to which they were nominated.

COMMITTEE MEMBERSHIPS

Upon nomination by Senator Pimentel, on the part of the Minority, there being no objection, the following senators were elected to the committees hereunder indicated, subject to the ratio of the membership of the Minority in the committees:

Committee on National Defense and Security

Chairman - Senator Biazon
Members - Senators Lacson,
Trillanes, Legarda,
Madrigal, and Aquino

Committee on Trade and Commerce

Chairman - Senator Roxas
Members - Senators Lacson,
Trillanes, Legarda,
Madrigal, Aquino
and Biazon

Committee on Local Government

Chairman - Senator Aquino
Members - all Minority Senators

*Committee on Civil Service
and Government Reorganization*

Chairman - Senator Trillanes
Members - all Minority Senators

*Committees on Economic Affairs; and Social
Justice, Welfare and Rural Development*

Chairman - Senator Legarda
Members - all Minority senators

*Committees on Peace, Unification and
Reconciliation; Youth, Women and Family
Relations; and Cultural Communities*

Chairman - Senator Madrigal
Members - all Minority senators

INQUIRY OF SENATOR BIAZON

Senator Biazon asked what would happen to the Committee on Civil Service and Government Reorganization chaired by Senator Trillanes who has not been allowed by the court to perform his functions in the Senate, considering that a number of bills had already been referred to said committee. He believed that the election of the vice chair would be appropriate.

In reply, Senator Pimentel suggested that the matter be kept open because the courts are expected to decide on the issue sooner than later. He nominated Senator Lacson as the vice chair.

Senator Lacson declined the nomination.

Upon nomination by Senator Pimentel, there being no objection, Senator Legarda was elected vice chair of the Committee on Civil Service and Government Reorganization.

JUDICIAL AND BAR COUNCIL

Senator Pangilinan manifested that he is the Majority's nominee to the Judicial and Bar Council.

ANNOUNCEMENT OF THE CHAIR

The Chair requested the Members to submit their committee preferences within the day.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 6:16 p.m. *HP*

RESUMPTION OF SESSION

At 6:17 p.m., the session was resumed.

MANIFESTATION OF SENATOR LEGARDA

Senator Legarda manifested that Senator Trillanes, who is celebrating his birthday today, has sent a letter to all the Members, to wit:

August 6, 2007

To the Distinguished Members of the Senate:
Greetings!

First of all, through this letter, I am hoping that I could extend my heartfelt gratitude to our esteemed Minority Leader, Sen. Nene Pimentel, for initiating and pushing for the adoption of the *Senate resolution expressing its sense that I be allowed to participate in sessions and other functions.* Likewise, I would like to thank our Senate President, Sen. Manny Villar, the members of the Minority as well as the other distinguished senators who supported the said resolution.

Unfortunately, as fate would have it, or in this case, as GMA would have it, my physical participation in this august Chamber is not going to happen. At least, not yet.

Nonetheless, I was moved by such gesture of concern for a beleaguered colleague and it was very much appreciated. Be assured that should any senator of the Republic be placed in a similar predicament or is similarly persecuted in the future, you can count on me to fight for the independence and integrity of the Senate and, more importantly, to fight for your right to fulfill your duty to your country and people.

Like all of you here, I am just a lowly public servant who wants to serve. This is precisely why, during the recent campaign, I consciously sought out the consent of the people for my

utmost desire to serve them. And last May 14, through their votes, the people responded as they clearly gave their consent and I am forever grateful for that.

However, it is quite tragic to point out that one who has a mandate from the people is not allowed to serve while one who never had such mandate is allowed to wreak havoc on our society. Then again, such situation is too anomalous to possibly go on unrectified.

Having said then, I look forward to the day that I would finally be allowed to work side by side with all of you as we pass meaningful legislation for the good of our country and people.

May God's will be done always.

(Sgd.) ANTONIO "Sonny" TRILLANES IV

ANNOUNCEMENT OF THE CHAIR


The Chair announced that Senator Gordon also celebrated his birthday the previous day.

ADJOURNMENT OF SESSION

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

It was 6:20 p.m.

I hereby certify to the correctness of the foregoing.


EMMA LIRIO-BEYES
Secretary of the Senate
[Handwritten initials and marks]

Approved on August 7, 2007