



**REPUBLIC OF THE PHILIPPINES**

**S e n a t e**

**Pasay City**

# **Journal**

**SESSION NO. 8**

Tuesday, August 7, 2007

**FOURTEENTH CONGRESS  
FIRST REGULAR SESSION**

**SESSION NO. 8**  
Tuesday, August 7, 2007

**CALL TO ORDER**

At 4:22 p.m., the Senate President, Hon. Manny Villar, called the session to order.

**PRAYER**

Senate President Pro Tempore Jinggoy Ejercito Estrada led the prayer, to wit:

*O Diyos naming makapangyarihan, Ikaw ang lumikha ng langit at lupa, at lahat ng nasa kapaligiran katulad ng mga halaman at puno, hayop, mga bundok, bukid, ilog at dagat. Ikaw rin ang nagpapasikat ng araw at naghahatid ng ulan. Ipinagdarasal namin na buksan Mo ang kalangitan upang bumuhos nang masagana ang tubig na siyang papawi sa pagkauhaw ng aming mga bukid at siyang magpupuno ng aming inumin na aming ikabubuhay sa araw-araw.*

*Hinihiling rin namin na diligin Po Ninyo ng katotohanan, kalayaan, katarungan at katinuan ang aming bayan na matagal na ring nauuhaw sa buhay na matuwid, makatarungan, masagana at makabayang pamamalakad. Hayaan Po Ninyong mahugasan ng masaganang ulan ng Inyong kabutihang at katarungan ang dumi at bahid na likha ng mga taong mapagsamantala, kurakot at walang iniisip kundi ang sariling kapakanan.*

*Panginoon, katulad ng sariwang kapaligiran matapos umulan, gawin Ninyong sariwa, bago at kahali-halina ang Mataas na Kapulungang ito.*

*Salamat at binigyan Mo ng sariwang simoy ng hangin ang kapulungang ito, at hinihiling din namin na bigyan Ninyo ng direksyon ang hanging ito upang magabayan ang lahat ng aming gawain. Nawa ay ipagkaloob Mo sa amin, Panginoon, ang pagkakataong maglingkod at magampanan ang aming tungkulin bilang isang matibay at nagkakaisang kapulungan. Pangibabawin Ninyo sana ang*

*katnuan sa araw-araw upang maisakatuparan namin ang paggawa ng batas na mag-aangat ng buhay ng aming mga kababayan.*

*Panginoon, inaasahan namin na igagawad Mo ang aming kahilingang ito sa Inyong mga anak na nagsusumikap na gampanan ang tungkuling iniatang sa amin ng aming mga kababayang Pilipino sa abot ng aming kakayahan.*

*Ito Po ang aming samo't dalangin sa matamis na Ngalan ng Inyong Anak na si Hesus.*

Amen.

**ROLL CALL**

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

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.	Pangilinan, F. N.
Defensor Santiago, M.	Pimentel Jr., A. Q.
Ejercito Estrada, J.	Revilla Jr., R. B.
Enrile, J. P.	Roxas, M.
Escudero, F. J. G.	Villar, M.
Gordon, R. J.	Zubiri, J. M. F.

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

Senators Angara and Madrigal were on official mission.

Senator Trillanes was unable to attend the session.

**ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS**

Senator Pangilinan acknowledged the presence of Mayor Elvie Templonuevo and husband, former Mayor Ernesto Templonuevo, of Numancia, Aklan;

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Land Bank Gawad Pitak Cooperative Awardees; students from the College of Science and Technology of the Adamson University; Robert Sillen, California Federal Award Receiver; Barbara Perzigian, General Manager of Grand Hotel Cupertino Inn; Mr. Rafael Navea; and Mr. Mark Pangilinan, a Fil-Am entrepreneur based in Guam.

## MANIFESTATION OF SENATOR ARROYO

Senator Arroyo read into the record the following statement:

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.

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

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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.

In closing, Senator Arroyo requested that the foregoing manifestation be inserted into the Record of the Senate and the Journal of August 6, 2007, as his explanation of vote on the motion to nominate the various committee chairs.

#### **APPROVAL OF THE JOURNAL AS AMENDED**

Upon motion of Senator Pangilinan, there being no objection, the Body dispensed with the reading of the Journal of Session No. 7 and considered it approved subject, at the instance of Senator Arroyo, to the insertion of the explanation of his vote.

#### **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. 301, entitled

AN ACT AMENDING EXECUTIVE ORDER 292, OTHERWISE KNOWN AS THE ADMINISTRATIVE CODE

OF 1987, BY GRANTING THE PHILIPPINE MILITARY ACADEMY (PMA) THE POWER TO CONFER MASTERAL DEGREES UPON OFFICERS OF THE ARMED FORCES OF THE PHILIPPINES (AFP)

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 302, entitled

AN ACT GRANTING UNMARRIED WOMEN WITH CHILDREN SAME BASIC PERSONAL EXEMPTION AND ADDITIONAL EXEMPTION FOR DEPENDENTS AS ENJOYED BY MARRIED WOMEN AMENDING FOR THE PURPOSE THE NATIONAL INTERNAL REVENUE CODE OF 1997

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committee on Ways and Means**

Senate Bill No. 303, entitled

AN ACT STRENGTHENING THE PENAL PROVISIONS WITH RESPECT TO DELINQUENT PARENTS, AMENDING FOR THE PURPOSE ARTICLES 276, 277, AND 278 OF THE REVISED PENAL CODE, AS AMENDED

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 304, entitled

AN ACT AMENDING SECTION 69 OF BATAS PAMBANSA BLG. 881, AS AMENDED, OTHERWISE KNOWN AS THE OMNIBUS ELECTION CODE <sup>AS</sup>

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Introduced by Senator Jinggoy Ejercito  
Estrada

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

Senate Bill No. 305, entitled

AN ACT DECRIMINALIZING CERTAIN  
ACTS OF VAGRANCY AMENDING  
FOR THE PURPOSE ARTICLE TWO  
HUNDRED TWO OF ACT NO. 315  
AS AMENDED, OTHERWISE KNOWN  
AS THE REVISED PENAL CODE

Introduced by Senator Jinggoy Ejercito  
Estrada

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

Senate Bill No. 306, entitled

AN ACT TO PRESCRIBE THE  
ESTABLISHMENT OF PILOT  
TRIBAL COMMUNITIES AND/OR  
HOUSING IN EACH AND EVERY  
REGION IN THE PHILIPPINES,  
INCLUDING METRO MANILA,  
WHICH SHALL SERVE AS MODEL  
HUMAN SETTLEMENTS THAT  
WILL ADHERE, TO THE EXTENT  
PRACTICABLE, TO THE CULTURE  
AND TRADITIONS OF THE NATIONAL  
TRIBAL COMMUNITIES, WHILE  
PROVIDING THE BASIC CONVE-  
NIENCES OF MODERN LIVING,  
APPROPRIATING FUNDS THEREFOR  
AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito  
Estrada

**To the Committees on Cultural Commu-  
nities; Urban Planning, Housing and Resettle-  
ment; and Finance**

Senate Bill No. 307, entitled

AN ACT ESTABLISHING A BARANGAY  
HUMAN RIGHTS ACTION CENTER  
IN EVERY BARANGAY IN THE  
COUNTRY

Introduced by Senator Jinggoy Ejercito  
Estrada

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

Senate Bill No. 308, entitled

AN ACT REPEALING REPUBLIC ACT  
NUMBERED 9136, OTHERWISE  
KNOWN AS THE ELECTRIC POWER  
INDUSTRY REFORM ACT OF 2001

Introduced by Senator Jinggoy Ejercito  
Estrada

**To the Committees on Energy; and Public  
Services**

Senate Bill No. 309, entitled

AN ACT TO PROTECT INDIVIDUALS  
FROM HAVING THEIR MONEY  
INVOLUNTARY COLLECTED AND  
USED FOR POLITICAL ACTIVITIES  
BY A CORPORATION, ORGANIZ-  
ATION OR GROUP

Introduced by Senator Jinggoy Ejercito  
Estrada

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

Senate Bill No. 310, entitled

AN ACT AMENDING REPUBLIC ACT  
NO. 8505, OTHERWISE KNOWN AS  
THE RAPE VICTIM ASSISTANCE  
AND PROTECTION ACT OF 1998

Introduced by Senator Jinggoy Ejercito  
Estrada

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

Senate Bill No. 311, entitled

AN ACT TO DECLARE APRIL 27 OF  
EVERY YEAR AS A SPECIAL NON-  
WORKING HOLIDAY THROUGH-  
OUT THE COUNTRY TO COMME-  
MORATE THE VICTORY OF LAPU-  
LAPU

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LAPU AND HIS MEN OVER THE SPANIARDS LED BY FERNANDO MAGALLANES IN THE HISTORIC BATTLE OF MACTAN ON APRIL 27, 1521, TO BE KNOWN AS LAPU-LAPU DAY OR ADLAW NI LAPU-LAPU

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 312, entitled

AN ACT AMENDING ARTICLE 178 OF THE REVISED PENAL CODE (ACT NO. 3815, AS AMENDED) BY INCREASING THE PENALTY PROVIDED THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 313, entitled

AN ACT PROVIDING FOR THE CREATION OF A COMMISSION ON THE FAMILY

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committees on Youth, Women and Family Relations; Civil Service and Government Reorganization; and Finance**

Senate Bill No. 314, entitled

AN ACT ALLOWING MARRIED OR LEGALLY SEPARATED WOMEN TO USE THEIR MAIDEN FIRST NAME AND SURNAME, AMENDING FOR THE PURPOSE ARTICLES 370 AND 372 OF REPUBLIC ACT NO. 386, AS AMENDED, OTHERWISE KNOWN AS THE CIVIL CODE OF THE PHILIPPINES AND

ARTICLE 63 OF EXECUTIVE ORDER NO. 209 OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 315, entitled

AN ACT INSTITUTING AN INCENTIVE PAY SYSTEM, BASED ON PRODUCTIVITY AND PERFORMANCE, FOR ALL OFFICIALS AND EMPLOYEES OF THE GOVERNMENT, AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 316, entitled

AN ACT TO INSTITUTE THE NATIONAL COMMISSION ON THE FAMILY AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committees on Youth, Women and Family Relations; and Finance**

Senate Bill No. 317, entitled

AN ACT TO PROVIDE FOR LABOR REPRESENTATION IN THE BOARD OF DIRECTORS OF GOVERNMENT-OWNED-AND-CONTROLLED CORPORATIONS

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committees on Government Corporations and Public Enterprises; and Labor, Employment and Human Resources Development**

Senate Bill No. 318, entitled

AN ACT AMENDING SECTION 11 OF REPUBLIC ACT NUMBERED 3019, OTHERWISE KNOWN AS THE "ANTI-GRAFT AND CORRUPT PRACTICES ACT," BY INCREASING THE PRESCRIPTIVE PERIOD FOR ITS VIOLATION FROM FIFTEEN (15) YEARS TO THIRTY (30) YEARS AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 319, entitled

AN ACT AMENDING ARTICLE 179 OF THE REVISED PENAL CODE (ACT NO. 3815, AS AMENDED) BY INCREASING THE PENALTY PROVIDED THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 320, entitled

AN ACT CREATING THE NATIONAL COUNCIL FOR INFORMATION TECHNOLOGY AND DEVELOPMENT (NCITD), DEFINING ITS OBJECTIVES, POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 321, entitled

AN ACT CREATING THE NATIONAL ACADEMY OF SPORTS AS AN

ATTACHED AGENCY OF THE PHILIPPINE SPORTS COMMISSION, PROVIDING ITS STRUCTURE, POWERS AND FUNCTIONS THEREOF, AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committees on Games, Amusement and Sports; Civil Service and Government Reorganization; and Finance**

Senate Bill No. 322, entitled

AN ACT PROVIDING FOR THE INCLUSION OF A REPRESENTATIVE OF THE PRIVATE SECTOR IN THE BOARD OF DIRECTORS OF THE NATIONAL IRRIGATION ADMINISTRATION, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 3601, AS AMENDED, AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committees on Agriculture and Food; and Finance**

Senate Bill No. 323, entitled

AN ACT AMENDING REPUBLIC ACT NUMBER 7227 OTHERWISE KNOWN AS THE "BASES CONVERSION AND DEVELOPMENT AUTHORITY ACT OF 1991" AS AMENDED BY REPUBLIC ACT NUMBER 7917, EXPANDING THE ALLOCATION OF REVENUES FROM THE SALE, LEASE, JOINT-VENTURE AGREEMENTS AND OTHER TRANSACTION INVOLVING MILITARY BASES AND RESERVATIONS, ALLOCATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committees on Government Corporations and Public Enterprises; National Defense and Security; and Ways and Means**

## Senate Bill No. 324, entitled

AN ACT TO ENCOURAGE, PROMOTE AND ALLOW PRIVATE COMPANIES AND INDIVIDUALS TO DONATE INFORMATION TECHNOLOGY EQUIPMENT (ITE) TO EDUCATIONAL AND/OR RESEARCH INSTITUTIONS BY PROVIDING TAX INCENTIVES THEREFOR, AMENDING FOR THE PURPOSE SECTIONS 34 AND 101 OF THE NATIONAL INTERNAL REVENUE CODE (NIRC), AS AMENDED, AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committee on Ways and Means**

## Senate Bill No. 325, entitled

AN ACT ESTABLISHING THE PHILIPPINE PUBLIC BROADCASTING SYSTEM, AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committees on Public Information and Mass Media; Government Corporations and Public Enterprises; Ways and Means; and Finance**

## Senate Bill No. 326, entitled

AN ACT REQUIRING GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS (GOCCs) AND AGENCIES TO ASSIGN TWENTY-FIVE PERCENT OF THEIR ADVERTISING EXPENDITURES FOR ADVERTISEMENT IN THE REGIONAL, PROVINCIAL, MUNICIPAL AND CITY PUBLICATIONS AND RADIO STATIONS

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committees on Government Corporations and Public Enterprises; and Public Information and Mass Media**

## Senate Bill No. 327, entitled

AN ACT GRANTING TAX INCENTIVES TO BROADCAST AND PRINT MEDIA DEVOTING AIR TIME AND SPACE TO EDUCATIONAL PROGRAMS, AND TO ADVERTISERS OR SPONSORS SUPPORTING SUCH PROGRAMS AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committees on Public Information and Mass Media; Education, Arts and Culture; and Ways and Means**

## Senate Bill No. 328, entitled

AN ACT INSTITUTING THE NATIONAL TRAFFIC ENGINEERING CENTER, DEFINING ITS FUNCTIONS, PROVIDING APPROPRIATIONS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committees on Public Services; Public Works; and Finance**

## Senate Bill No. 329, entitled

AN ACT TO REQUIRE THE GIVING OF FREE MEDICAL AND DENTAL SERVICE TO INDIGENT CHILDREN

Introduced by Senator Jinggoy Ejercito Estrada

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

## Senate Bill No. 330, entitled

AN ACT TO ESTABLISH THE NATIONAL YOUTH CENTER OF THE PHILIPPINES AND FOR OTHER PURPOSES



Introduced by Senator Jinggoy Ejercito  
Estrada

**To the Committees on Youth, Women and  
Family Relations; and Finance**

Senate Bill No. 331, entitled

AN ACT ESTABLISHING THE PHILIPPINE NAVAL ACADEMY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito  
Estrada

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

Senate Bill No. 332, entitled

AN ACT REQUIRING EVERY OFFICER AND ENLISTED PERSONNEL OF THE ARMED FORCES OF THE PHILIPPINES TO UNDERGO AN ORIENTATION COURSE ON THE CULTURE, LANGUAGE, DIALECT, WAY OF LIVING, HABIT, TRADITION AND THE LIKE OF THE CULTURAL COMMUNITIES WHERE THEY ARE DEPLOYED OR TO BE POSTED

Introduced by Senator Jinggoy Ejercito  
Estrada

**To the Committees on National Defense  
and Security; and Finance**

Senate Bill No. 333, entitled

AN ACT STRENGTHENING THE PHILIPPINE INFORMATION AGENCY (PIA), AMENDING FOR THIS PURPOSE EXECUTIVE ORDER NO. 100 ALSO KNOWN AS "CREATING THE PHILIPPINE INFORMATION AGENCY" BY PROVIDING AN ADDITIONAL FUNCTION, ESTABLISHING A NATIONWIDE WELFARE FUND AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito  
Estrada

**To the Committees on Public Information  
and Mass Media; and Finance**

Senate Bill No. 334, entitled

AN ACT ESTABLISHING THE NATIONAL MANPOWER DATA AND PLACEMENT CENTER, AND PROVIDING FUNDS THEREFOR

Introduced by Senator Jinggoy Ejercito  
Estrada

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

Senate Bill No. 335, entitled

AN ACT ESTABLISHING A NATIONAL ACCREDITING AGENCY FOR TEACHER EDUCATION INSTITUTIONS (NAATEI)

Introduced by Senator Jinggoy Ejercito  
Estrada

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

Senate Bill No. 336, entitled

AN ACT PROHIBITING THE PRESENTATION TO THE MEDIA OR THE PUBLIC OF MERE SUSPECTS IN CRIMINAL INVESTIGATIONS PRIOR TO THE FILING OF THE FORMAL CHARGES AGAINST THEM

Introduced by Senator Jinggoy Ejercito  
Estrada

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

Senate Bill No. 337, entitled

AN ACT AMENDING ARTICLE 177 OF EXECUTIVE ORDER NO. 209, OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES

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Introduced by Senator Jinggoy Ejercito  
Estrada

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

Senate Bill No. 338, entitled

AN ACT INCREASING THE PENALTY  
FOR ELECTION OFFENSES AND  
CLASSIFYING CERTAIN ELEC-  
TION OFFENSES AS HEINOUS  
CRIMES AND FOR OTHER  
PURPOSES

Introduced by Senator Jinggoy Ejercito  
Estrada

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

Senate Bill No. 339, entitled

AN ACT APPROPRIATING A PORTION  
OF THE FEES COLLECTED FROM  
DEPARTING INTERNATIONAL  
PASSENGER AT ALL PHILIPPINE  
INTERNATIONAL AIRPORTS TO  
ACCRUE TO THE DEPARTMENT  
OF TOURISM AND FOR OTHER  
PURPOSES

Introduced by Senator Jinggoy Ejercito  
Estrada

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

Senate Bill No. 340, entitled

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

Introduced by Senator Jinggoy Ejercito  
Estrada

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

Senate Bill No. 341, entitled

AN ACT INSTITUTING CHILDREN'S  
WELFARE FUND FOR THE PRO-  
TECTION AND REHABILITATION  
OF ABANDONED, ABUSED AND  
SEXUALLY EXPLOITED CHILD-  
REN, AMENDING FOR THIS  
PURPOSE REPUBLIC ACT NO. 7610,  
OTHERWISE KNOWN AS THE  
SPECIAL PROTECTION OF CHILD-  
REN AGAINST CHILD ABUSE,  
EXPLOITATION AND DISCRIMINA-  
TION ACT

Introduced by Senator Jinggoy Ejercito  
Estrada

**To the Committees on Youth, Women and  
Family Relations; and Finance**

Senate Bill No. 342, entitled

AN ACT EXEMPTING FROM REAL  
PROPERTY TAX THE TREES AND  
OTHER IMPROVEMENTS ON LANDS  
COVERED BY CERTIFICATES  
OF STEWARDSHIP CONTRACTS  
UNDER THE INTEGRATED SOCIAL  
FORESTRY PROGRAM

Introduced by Senator Jinggoy Ejercito  
Estrada

**To the Committee on Ways and Means**

Senate Bill No. 343, entitled

AN ACT TO INTEGRATE IN THE  
CURRICULA OF ALL EDUCA-  
TIONAL INSTITUTIONS INCLUD-  
ING NON-FORMAL, INDIGENOUS  
LEARNING AND OUT-OF-SCHOOL  
YOUTH PROGRAMS, A COURSE  
ON PHILIPPINE SOCIETY AND THE  
ENVIRONMENT

Introduced by Senator Jinggoy Ejercito  
Estrada

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

## Senate Bill No. 344, entitled

AN ACT AMENDING SECTION 46 OF REPUBLIC ACT 8189 OTHERWISE KNOWN AS "THE VOTERS REGISTRATION ACT OF 1996" BY INCREASING THE PENALTY PROVIDED AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

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

## Senate Bill No. 345, entitled

AN ACT GRANTING FRANKING PRIVILEGE TO THE NATIONAL LABOR RELATIONS COMMISSION AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committees on Public Services; and Finance**

## Senate No. 346, entitled

AN ACT ESTABLISHING THE WORKERS' COMPENSATION PROGRAM, THE WORK CONTINGENCY INSURANCE FUND, THE PHILIPPINE WORKERS' COMPENSATION AUTHORITY AND DEFINING THEIR POWERS AND FUNCTIONS, AMENDING FOR THIS PURPOSE ARTICLES 166 TO 288-A OF TITLE 2, BOOK IV OF PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE "LABOR CODE OF THE PHILIPPINES," AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Jinggoy Ejercito Estrada

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

## Senate Bill No. 347, entitled

AN ACT PROHIBITING AND PENALIZING THE UNAUTHORIZED USE, EXPLOITATION, INTERCONNECTION WITH, OR RECEPTION OF ANY SIGNAL OR SERVICE OF EXISTING CABLE TELEVISION (CATV) OR CABLE INTERNET SYSTEM NETWORK AND PRESCRIBING PENALTIES THEREFOR

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committees on Public Information and Mass Media; and Justice and Human Rights**

## Senate Bill No. 348, entitled

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

Introduced by Senator Jinggoy Ejercito Estrada

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

## Senate Bill No. 349, entitled

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

Introduced by Senator Jinggoy Ejercito Estrada

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

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Senate Bill No. 350, entitled

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

Introduced by Senator Jinggoy Ejercito Estrada

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

**ADDITIONAL REFERENCE OF BUSINESS**

**RESOLUTION**

Proposed Senate Resolution No. 58, entitled

**RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO REVIEW THE PROPOSED REVENUE REGULATION INCREASING THE MINIMUM MONTHLY QUARTERLY GROSS RECEIPTS IN COMPUTING THE PERCENTAGE TAX OF DOMESTIC CARRIERS AND KEEPERS OF GARAGES**

Introduced by Senator Lacson

**To the Committees on Ways and Means; and Public Services**

**COMMITTEE CHAIRMANSHIPS**

Upon nomination by Senator Pangilinan, on the part of the Majority, there being no objection, the following senators were elected chairs of the committees hereunder indicated:

**Senator Revilla**

Committee on Public Information and Mass Media

**Senator Cayetano (P)**

Committee on Ethics and Privileges

**MEMBERSHIP IN THE SENATE ELECTORAL TRIBUNAL**

Upon nomination by Senator Pimentel, on the part of the Minority, there being no objection, the following were elected members of the Senate

Electoral Tribunal: Senators Lacson and Aquino and, if the Minority is entitled to three, Senator Madrigal.

*At this juncture, Senate President Villar relinquished the Chair to Senate President Pro Tempore Ejercito Estrada.*

**PRIVILEGE SPEECH OF SENATOR ZUBIRI**

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

I rise on an issue that envelops the earth, an issue that occupied the attention of generations of scientists but is just now arising in public consciousness.

In the last 30 years, the world's average temperature has risen dramatically. Mercury is rising and Mother Earth is feverish. The number one culprit is greenhouse gas emissions from the burning of fossil fuels to feed our industries and run our motor vehicles.

A lot of scientific studies have found out that this rise in world's temperature is causing dramatic climate change. The rise in the world's sea level, abnormal weather patterns, strong typhoons, tornadoes, *el niño* and *la niña* phenomena, heavy rains which cause flooding in many parts of the world, and the loss of biodiversity are just some of the effects of climate change.

Rapid global warming and climate change are issues that affect our country, being an archipelago in the biggest ocean of our earth – an ocean considered as the main driver of the world's climate systems.

We have experienced the early warning signs talked about by Filipino and foreign scientists.

The early warning signs are heat waves and period of unusually warm weather, ocean warming, sea-level rise and coastal flooding, glaciers melting, the Arctic and Antarctic melting and warming.

I just showed the Body some of the newspaper headlines yesterday, showing that these are issues of the day: villages submerged in South East Asia and South Asia, drought all over Luzon and some parts of Mindanao.

The harbingers are: spreading disease, early spring arrival, plant and animal range shifts and population changes, coral reef bleaching, downpours, heavy snowfalls and heavy flooding, and droughts and fires.

Early warning signs are measurable events but are not so easily perceived as signs while

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harbingers manifest the chain of events over time and say definitively that what is being warned has come about.

They are vital signs and symptoms – of a very sick earth – that scientists record and for which governments spend billions of dollars to diagnose, and of late, to heal.

### *Mother Earth is sick*

Climate change and its negative impacts are noticed first by the most vulnerable who work the land but who often have the least control over resources to avert oncoming disasters.

For many, global warming and climate change were discussed in the comfort of schools or from armchairs watching the news. Long ago, anyone of us could have said “what of an ice cap melting that’s so far away.” Besides, the earth underwent cataclysmic climatic changes and it has bounced back and managed to host new species. When drastic climate change wiped out the dinosaurs, mammals and man flourished.

The debate rages on. One camp says global warming fits a normal pattern of the earth’s climate since it was born and that we are merely in one of those cycles of climatic changes. The other camp says that warming is coming in convulsions and man holds most of the blame, especially since the Industrial Revolution.

What is it really? Climate change refers “to the variation in the earth’s global climate or in regional climates over time. It describes changes in the variability or average state of the atmosphere over time scales ranging from decades to millions of years. These changes can be caused by processes internal to the Earth, and external forces such as, variations in sunlight intensity and more recently, human activities.”

The climatic changes we are experiencing are factual, said NASA study of global temperature. They analyzed and gathered data “(1) over land, (2) satellite measurements of sea surface temperature since 1982, and (3) a ship-based analysis for earlier years.”

### *We have been forewarned*

Climate scientists at Goddard Institute for Space Studies also corrected previously accepted conclusions that most global warming occurred before 1940. It said: “Global warming has now increased the weather by almost a degree in centigrade in the past century. It is no longer correct to say that ‘most global warming occurred before 1940.’ More specifically, there

was slow global warming, with large fluctuations, over the century up to 1975 and subsequent rapid warming after that.

### *Men’s climate-altering activities*

Let me return to the melting polar ice caps. It is ordinarily believed that melted ice will cool ocean water and just raise sea levels. But a further life-threatening result of melting polar ice caps is that extremely cold water sinks and pushes warmer air on the sea surface upwards. This, in combination with altered ocean currents, greatly produces extreme weather situations like stronger cyclones and heavy precipitation in altered patterns of type, frequency, density and coverage.

Tornados that hit Nueva Ecija, Pampanga, Bulacan and the hale in Baguio are among them. The devastation of supertyphoons, which hit hard Bicol, demolished houses, and destroyed crops and infrastructure, are similarly effects of global warming. The excessive downpour which produced landslides in Leyte and buried people and properties is another.

Last month, heavy and persistent rainfall caused similar landslides in Compostela Valley and Bukidnon. On the Luzon mainland, Albay cries out for water.

Global warming causes a redistribution of rainfall. Lots of it in one area and lacking in another.

We can only surmise what other negative effects of global warming in our country have not reached us or remains unreported.

If we can accept that our activities have interfered with the climate systems that are bringing on these disasters, then we can identify areas of activity that need correction.

How we produce and use power, farm, manufacture goods – consuming our goods wastefully – had caused the thickening of the layer of greenhouse gases in the atmosphere, of which carbon dioxide is the most prevalent.

Our own climate scientists have determined that our country’s greenhouse gases emissions come from activities associated with energy – accounting for almost 50% of our greenhouse emissions for power and fuel; agriculture at 33%, industry at 11 %, and waste at 7 %.

The greenhouse gases hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulphur hexafluoride (SF<sub>6</sub>), carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O) trap infrared waves

that should be radiated back into space and thus causing the greenhouse gases effects. These greenhouse gases reabsorb these infrared waves, re-emit these downward thereby causing lower *temperatures to warm.*

*Extreme weather events  
and the extended dry spell*

It is easy to dismiss literary allusions to global warming and climate change. The images of a sick old man representing the Earth and of *nature being raped became tired old clichés.* They are resurrected because we are now suffering the effects, and the future of our children is greatly at risk. We have not been good stewards, thus, we are suffering.

More than that, at greater risk are those who work the soil like farmers in the vegetable bowl in the *Cordilleras to farmers in the rice bowl* of Central Luzon; those who harvest resources from lakes, rivers and seas; and those who eke out a living as marginal fishers from coastal areas, or even operators of the most luxurious beach resorts. Livestock growers in the piggeries lately have been struck by cholera.

It is ironic that we, who control the resources to combat global warming, are one of the last to know. It is more ironic that global warming impacts most negatively on people who are already poor.

Long before the National Disaster Coordinating Council came out with its report, farmers in La Union, Ilocos Norte, Ilocos Sur, Abra, Nueva Vizcaya, Apayao, Benguet, Mt. Province and Kalinga have experienced decreasing harvests and inability to plant new crops.

But months before, in May this year, the Cebu City Disaster Coordinating Council reported that the dry spell affected the livelihood of about 30 percent of the city's mountain residents and damaged millions worth of *agricultural crops.*

The Ilocos region expects that 808,000 metric tons of rice will be destroyed if the dry spell persists till the end of August.

The NDCC report assessed damage of P52 million worth of rice and corn in Quirino province and P267 million worth of rice and corn in Isabela due to the dry spell. Some 42,000 hectares of fishponds in Isabela also "dried up". At risk too are the aquaculture in Bulacan, Cavite, Pangasinan, Iloilo, Negros, Bohol, Cebu, Zamboanga, Surigao, South Cotabato, Davao and Sulu.

Communities that depend on ground water are likewise under the brunt of the long dry spell. In Bulacan, that would be 20 towns and San Jose del Monte City. Likewise, other towns in Bulacan supplied by Angat Dam suffer with the dam's water level falling to 171.79 meters or more than eight meters below the critical level. Vegetable and rice farms are also affected at 40 hectares and 28,000 hectares, respectively.

Water for irrigation had been cut in half from 25 cu m/sec to 12.5 cu m/sec. This has negative impact on 18,178 hectares of farmlands in Bulacan and Pampanga, affecting thousands of farmers.

Rapid global warming causes other changes in addition to sea level rise, intensity of extreme weather events and changes in the amount and pattern of precipitation. Other effects include changes in agricultural yields, species extinctions and increases in the ranges of disease vectors.

Doctors undertook a study that concentrated on seven landfall tropical cyclones and the relation to hospital admission of eight diseases (gastroenteritis, dengue fever, hepatitis, influenza, measles, typhoid fever, bronchopneumonia, and tetanus) for the period 1984 to 1988. They found that admissions on mosquito-borne diseases and water-borne diseases had increased due to global warming.

Another reason for worry is that because of the lack of rainfall "the energy sector has increased the use of coal and oil to compensate for the limited load from hydroelectric plants. National Power Corporation said that almost 19 percent on the average of the generation mix from 2001 to 2006 came from hydroelectric plants, peaking last year at 23 percent. The generation mix is derived from coal, geothermal, hydro, natural gas and oil-based plants. With the decrease in the capacity of hydroelectric plants to produce power, the slack is now being taken up by coal, oil, natural gas and geothermal energy-fed power plants."

Hydroelectric plants of San Roque, Binga and Magat in Northern Luzon and Angat and Pantabangan in Central Luzon have low water levels.

Because our alternative energy resources have not yet been fully tapped, the development in the energy sector alone could set us back with so many tons of carbon dioxide emissions, one of the largest greenhouse gases and the target of international treaties on climate change, the latest of which is the Kyoto Protocol.

On October 22, 2003, the Philippine Senate ratified the only international treaty to combat

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global warming, the Kyoto Protocol. The Kyoto Protocol legally binds 141 State Parties to reduce the global discharge of greenhouse gases (GHGs) and sets legally binding targets and timetables for developed countries to reduce their collective GHG emissions by 5% of their 1990 levels during the period 2008-2012. The Kyoto Protocol was adopted at the Third Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) in 1997. Its worldwide entry into force was on 16 February 2005.

This treaty seeks to reverse the rapid upward trend of GHG. It urged governments to improve energy efficiency, reform the energy and transportation sectors, promote renewable forms of energy, phase out inappropriate fiscal measures and market imperfections, limit methane emissions from waste management and energy systems, and protect forests and other carbon "sinks."

It is a positive development that we have acceded and ratified the Kyoto Protocol. Its ultimate objective is to prevent "dangerous man-made interference with the climate system."

What had the Philippines done since then? We have to think global but act local. We want to save the world but we must act locally. We have done part of our share. We have passed RA 9367 or the Biofuels law last year and I congratulate Sen. Miriam Defensor Santiago, Senator Gordon, Senator Angara, Senator Pimentel and my other colleagues who had championed this measure. With that law, instead of importing our oil, we can now plant "oil" in our soil, thus, saving the country of dollar reserves from imported fuel while providing our farmers alternative crops to plant and increase their agricultural productivity. The use of biofuel will drastically reduce CO<sub>2</sub> emissions and increase efficiency of our motor vehicles. However, that is not enough. That is only part of our energy problem on greenhouse gases.

A complimentary and equally important bill succumbed to the "virus" that usually afflicts important measures in the legislative mill, which prevents their enactment into laws, that is, the "lack of material time." Due to lack of time in the 13<sup>th</sup> Congress, the renewable energy bills did not pass this Chamber.

And so, this early, we are renewing our call, sounding off the alarm and raising the ante, that the Senate acts fast in passing the Renewable Energy Bill of which, I understand, Senator Defensor Santiago is the principal author and

which several of our colleagues have filed, as well as this Representation.

Let us support this bill for once it is passed, it will ignite the development and utilization of renewable energy in the country. This will redound to a net-benefit of as much as \$1.2 billion through the development of about 2,500 MW of renewable energy-based on-grid power projects. The country will also substantially reduce its dependence and avoid having to import crude oil or fuels typically used by conventional power plants. But more important than the economic benefits of using renewable energy are the benefits to the environment. The country will avoid the harmful effects on its citizens and on the environment of greenhouse gas emissions from the conventional power plants. We may even be able to sell carbon emissions credits through trading mechanisms to be set up under the Kyoto Protocol.

All the effects of passing this bill point to positive direction. Let us become visionary leaders. Let us muster the political will and courage and have the sense of urgency in passing legislation for renewable energy.

In 2003, this Senate had demonstrated its political will and vision for our future when it ratified the Kyoto Protocol and passed the Biofuels law. Mother Earth is seriously ill and needs intensive care. We must do our share to stop the world from hemorrhaging. It is now our time to rise again and secure our future, our children's future, and the future of generations to come.

## INTERPELLATION OF SENATOR LEGARDA

At the outset, Senator Legarda commended Senator Zubiri for his speech and associated herself with his advocacy for environmental protection and conservation. She expressed her support for the passage of the renewable energy bill, wishing that it would not go the way of two other unfunded and *inefficiently implemented environmental laws, namely, the Clean Air Act, principally sponsored by Senator Honasan in 1999, and the Ecological Solid Waste Management Act she principally authored and sponsored in 2001.* She noted that eight years after the passage of the Clean Air Act, many women and children still suffer from upper respiratory ailments, while not all of the 43,000 barangays in the country segregate wastes at source six years after it was mandated by law. She hoped that the Biofuels Act principally authored and sponsored by Senator Zubiri would be funded and implemented. *W* *10*

Senator Legarda underscored that the Philippines is rich in human and natural resources, and that what the people need is a change of mindset as regards environmental issues. She pointed out that environment is about sustenance, survival and life; that the land and soil are the skin; the forests and trees, the lungs; and the rivers and seas, the bloodstreams and lifeblood of the Earth.

As regards carbon emission credits through trading mechanisms to be set up under the Kyoto Protocol, Senator Legarda informed the Body that she met with the International Capital Finance (ICAF), a New York and London-based company that trades in carbon emissions credits. Even as she conceded that carbon credits trading is a pioneering endeavor that would take quite a while before it is eventually implemented, she nonetheless believed that it would solve the environmental, social and economic problems of a Third World country like the Philippines which is a signatory to the Kyoto Protocol.

Asked if there are ongoing projects in the Philippines that are funded through traded carbon emissions credits, Senator Zubiri explained that the Kyoto Protocol provides for industrial countries with high carbon emissions to buy carbon credits from developing countries with ongoing projects like solar energy production or reforestation. He said that the carbon credits act like a fine imposed on the polluting industrial nation which is channeled as support for the less polluting developing nation.

Senator Zubiri said that based on the report of DENR Secretary Atienza during the LEDAC, there are two geothermal projects in the Philippines like the Bangui North Wind Project that are already earning from carbon credits sold to polluting industrial nations. He also cited eight big farms that are producing renewable energy from biomass, and that the San Carlos Bioenergy Plant in San Carlos, Negros Occidental, currently being built, would be producing 10 megawatts of power from bagasse.

Senator Legarda disclosed that there are five proposed projects in the Philippines that are pending accreditation at the United Nations for credit trading. She explained that all projects that wish to be accredited to sell carbon credits to signatories of the Kyoto Protocol would have to go through the UNDP which regulates the trade of carbon credits.

At this point, Senator Enrile asked what carbon credit is all about and how one could earn a carbon

credit that he could sell for a value. Senator Zubiri explained that under the Kyoto Protocol, the Philippines, as a developing country, shall benefit through its participation in the Clean Development Mechanism (CDM), under which industrialized countries are committed to finance emission reduction activities in developing countries and to receive carbon credits. The mechanism, he said, would attract capital for projects which would assist in the shift to a more prosperous but less carbon-intensive economy.

Asked by Senator Enrile on the market mechanism that is used to convert carbon credit into a value for the project owner, Senator Zubiri said that the formula can be found in the UNFCCC website. He said that for the North Wind Project, there is an estimated 70,000 carbon credits which could be sold for 5 to 8 euros.

In layman's term, Senator Zubiri said that one credit is equivalent to one ton of carbon dioxide emission. To illustrate, he said that a small power plant that uses coal to generate 20 megawatts of energy produces about 70,000 tons of CO<sub>2</sub>; if the plant instead uses wind power which has no CO<sub>2</sub> emission, this translates to carbon credits which can be sold.

Asked by Senator Enrile if the carbon credit is equal to the quantum of tons of coal that can be saved from producing a certain quantum of electricity or power, Senator Zubiri explained that carbon credits are measured in terms of carbon dioxide emissions not only of coal plants but also of bunker fuel plants.

Replying to further queries on the computation of carbon credits, Senator Zubiri gave the assurance that he would provide the formula at a later time.

In summary, Senator Legarda explained that carbon credits are actual certificates awarded to countries that are successful in reducing their greenhouse gas emissions. She said that countries that have gone beyond their quotas for carbon credits because of excessive emissions from industrial sources would have to buy carbon credits from a developing country by financing, for instance, a reforestation project, a wind farm or a hydropower plant. She said that the carbon emissions that were lessened because of the environmental project would be credited to the industry of the country which is a signatory to the Kyoto Protocol. For instance, she said, if a signatory like Italy goes beyond its quota, it would be penalized



by the United Nations by requiring it to fund a reforestation project in 1,000 hectares of denuded land in Palawan, the computation of which would be done by UN scientists.

Based on the illustration, Senator Enrile wondered how the wind farm in Bangui, Ilocos Norte could profit if it owns the carbon credits. He asked whether the money in exchange for the carbon credits would be given by Italy to the wind farm or to the Republic of the Philippines, or whether it is the Republic of the Philippines that would buy the carbon credits of the Bangui wind farm.

Senator Legarda replied that possible investors actually fund the projects – whether country to country or country to private sector – and the carbon emissions would be quantified in terms of carbon credits to the country funding the project, whether wind farm or reforestation project in the Philippines. Senator Zubiri added that another mechanism is for the industrialized country to invest in renewable energy or clean energy in the developing country. He pointed out that in Bangui, for instance, one kilowatt produced is equivalent to one kilo of carbon dioxide emission from coal.

Senator Legarda said that in an earlier meeting, the UN Representative to the Philippines admitted that she was not very familiar with the computations on carbon credit since it is a pioneering venture.

Senator Legarda pointed out that the Philippines is at the center of the center of marine biodiversity in the world, but she wondered why there is less concern about protecting and conserving the resources of the country. She asked whether territorial waters, which had been declared protected areas under the NIPAS Act, and areas where there are mining deposits have already been delineated, as she recalled that ten years ago in a privilege speech in the Chamber, she requested that the appropriate agencies delineate the protected areas.

In reply, Senator Zubiri stated that he is passionately involved with the conservation of marine resources, being a member of the Concerned Divers for the Philippines which does regular reef cleanups, and that he is as dismayed as Senator Legarda over the fact that the delineation has not been done yet. However, he acknowledged the efforts of the DENR, particularly the Protected Areas and Wildlife Bureau, to declare the Tubbataha

reef as a marine reserve. Moreover, he pointed out that the Verde Island Passage in the Mindoro and Batangas areas, the Apo Island Protected Marine Reserve in Negros Oriental, the Apo Reef Marine Reserve also in Mindoro and several other areas in the provinces of Cebu, Bohol and Palawan are biodiversified areas teeming with marine resources. However, he lamented that there is still no law or a comprehensive plan to balance the need to protect these resources and utilize their tourism potential, on the one hand, and the needs of fisherfolk, on the other hand. He said that he would join Senator Legarda in filing a bill on the comprehensive use of marine resources.

Senator Legarda said that while so many areas have already been declared as protected areas either by executive orders or by law, the National Mapping and Resource Information Authority (NAMRIA) has yet to delineate their boundaries, thereby creating problems such as encroachment by businessmen and inhabitants.

On the need to plant trees to avert global warming, Senator Legarda asked on the number of hectares that remain as primary forest area. Senator Zubiri replied that conservatively it is estimated at 10 percent of the 30 million hectares of land area or about 1.5 million hectares.

Senator Legarda requested that she be given the latest data on the total primary or old-growth forest area. Senator Zubiri gave assurance that he would request the Protected Areas and Wildlife Bureau and the Forest Management Bureau of the DENR, as well as NAMRIA and NGOs like Haribon Foundation and World Wildlife Fund, to provide the latest data, a copy of which he would give to Senator Legarda in the next day's session.

Asked why President Macapagal Arroyo failed to mention her environmental agenda in the recent *State of the Nation Address (SONA)*, Senator Zubiri replied that like Senator Legarda, he was disappointed that the President failed to do so.

Senator Legarda expressed the view that what is needed is a "green mindset" and that the advocacy of Albert Gore on global warming is not only for the United States but also for the rest of the world, including developing countries like the Philippines.

In closing, she congratulated Senator Zubiri on his maiden privilege speech as she expressed the hope that measures that are green in nature would

have the support of all the parties. She made reservation to continue her interpellation at a later date.

Senator Zubiri said that he was honored that the first person to interpellate him is someone who ran on the platform of environmental protection in 1998, a cause which both of them championed in Congress at one time or another. He stated that regardless of party affiliation, all senators should unite on the issue of environment because at the end of the day, each one of them has one home left, Mother Earth.

#### INTERPELLATION OF SENATOR GORDON

At the onset, Senator Gordon congratulated Senator Zubiri on his privilege speech about the environment which has been the Senator's advocacy for a long time as attested to by his authorship of the Biofuels Act.

Asked how much money the government is allocating to educate the public and students, in particular, on the serious problem of global warming or climate change, Senator Zubiri admitted that he has no idea how much the Executive Branch is spending on environmental concerns, pointing out that environmental protection should be included in the curricula of elementary and high schools. Similarly, he stated that he was not aware of the number of local government units that are implementing comprehensive waste management programs.

Senator Gordon maintained that government must be ready to commit an adequate amount to respond to the serious problems of global warming and the need to protect and manage the environment.

Asked if he would agree to a proposal to use prisoners convicted of minor offenses to plant trees in areas like Nueva Ecija, Senator Zubiri replied in the affirmative.

Senator Zubiri also noted that the concerned agencies do not have the budget to monitor and implement the necessary programs. As an environmentalist, he said that he would like the government to fully implement the conservation measures for the protection of the country's resources and the people's health.

Asked whether he would agree that government has a problem with respect to prioritization of concerns, Senator Zubiri replied in the affirmative.

At this point, Senator Gordon announced and acknowledged the presence of cadets from the Philippine Military Academy.

In reply to queries, Senator Zubiri stated that the 25-megawatt Bangui wind power plant in Ilocos Norte, which is the first in Southeast Asia, costs about US\$45 million. However, he said that the 15 turbine power plants, each costing \$3 million, would eventually come out cheaper than carbon or fossil fuel plants that require daily supply of coal and bunker fuel which are expensive.

On whether government has plans to expand wind power in the country, Senator Zubiri said that former Energy Secretary Lotilla had told him that during his watch, the agency had plans of putting up wind farms in certain suitable areas in Northern Luzon and in some island provinces where the wind patterns are quite strong.

As regards the other sources of energy, Senator Zubiri stated that other kinds of energy are solar, geothermal, and hydroelectric, pointing out that the one-megawatt Cagayan de Oro Power and Light Company (Cepalco) is able to light up several barangays using solar power.

Asked whether the 37 hydro power plants in Lanao del Norte are being developed, Senator Zubiri replied in the affirmative, adding that hydropower plants are actually being built in Visayas and Mindanao.

On whether hydroelectric power plants might be counterproductive because of drought, Senator Zubiri said that hydroelectric power plants may be unstable but the problem could be addressed by building more coal-fired plants and power barges that use bunker fuel which, he warned, do emit more carbon. It would be important, he stated, to bring down the harmful effects of greenhouse gas emission to restore the normal climate pattern.

In reply to a query, Senator Zubiri said that the biggest wet steam-generating plant in Leyte produces about 300 megawatts of power.

In terms of cost requirements, asked which kind of power is the most expensive, Senator Zubiri replied that it is solar power.

As regards the Mactan power plant, Senator Zubiri clarified that the geothermal plant is still being

run by the Napocor but its assets could not easily be privatized under the provision of the EPIRA. He agreed to the observation that the Mactan power plant is deteriorating and that government must exercise extraordinary diligence in overseeing these assets, adding that these should be utilized efficiently.

As regards alternative sources of power, Senator Zubiri pointed out that ethanol plants produce about ten megawatts of power and sell eight megawatts to the grid, which is very cheap. He stated that with respect to nuclear power, he is averse to the idea because the Philippines is situated along the Pacific ring of fire and therefore prone to earthquakes. He cited the recent accident in the Kashiwazaki nuclear power plant in Japan that was caused by an earthquake. He stated that while in the long run the most inexpensive source of energy is nuclear power, like any environmentalist, he still has serious reservations about it.

Senator Gordon observed that the government is not moving fast enough to install hydropower plants precisely because of the cost and neither is it expanding the geothermal plants. However, he suggested that government look into nuclear power plants because other countries like Taiwan and Japan, which are prone to earthquakes, have such plants with fail-safe mechanisms. He expressed confidence that with extraordinary diligence in operating these plants, any accident could be averted. In response, Senator Zubiri emphasized that precisely, the Body has to pass the Renewable Energy Bill which offers an incentive package to investors. At present, he said, it is expensive to put up renewable energy plants unless the players are given the same benefits being enjoyed by pioneering industries because with such benefits, the players would be able to import equipment at a lower cost.

Noting the adverse effects of carbon emissions on the health of drivers and even commuters of public transport vehicles that are not air-conditioned, Senator Gordon asked whether the Department of Health has done something to address the problem. Senator Zubiri admitted that indeed people have spent hundreds of millions of pesos on respiratory diseases, the incidence of which has increased through the years. He added that unlike in California, the country's own Clean Air Act has not been implemented efficiently nor effectively.

To the observation that the government is exposing millions of people to the harmful effects of carbon monoxide poisoning and ends up spending more because it is not facing the hard decisions on this issue, Senator Zubiri said that precisely, this was the reason he had pushed for the passage of the BioFuels Act as its implementation would bring down by 30 percent carbon monoxide and benzene emissions.

To the contention that the Philippines still has a long way to go as it is requiring only a minimum blend of one percent biodiesel and 10% of bioethanol compared to other countries, Senator Zubiri expressed confidence that the situation would improve as more bioethanol plants are put up.

On whether the government is implementing hazard mapping in the light of the cycle of disasters caused by climate change, Senator Zubiri said that the DENR had planned to conduct geo-hazard mapping following the landslides in Dingalan, Aurora, but he was uncertain whether this had actually been undertaken.

Senator Gordon lamented that seemingly the government has not learned from past experiences as in the case of typhoon *Reming* and wondered whether it has plans to mitigate the damage that would be wrought by natural calamities. He pointed out that Senate Bill No. 145 (Disaster Preparedness and Mitigation Act of 2007) proposes to implement a national program for disaster mitigation and education. Senator Zubiri replied that while the National Disaster Coordinating Council (NDCC) is tasked to touch base with local government communities on disaster preparedness and that NGOs like the Red Cross are actively involved in training volunteers at the barangay level, he was not aware of budgets for specific NDCC programs.

Senator Gordon cited the prediction of experts that global warming would not only cause the sinking of major areas such as Manila and the Maldives but would also endanger livelihood and spread diseases. He expressed concern that nothing might come out of plans for disaster preparation and mitigation unless money and resources are set aside for these programs and their implementation are monitored. He also suggested that the Philippine representatives to the upcoming international convention on climate change in Bali, Indonesia ask the aid of developed nations to help the country cope with climate change through innovative means such as carbon credits or debt-for-

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nature swaps. Senator Zubiri agreed as he urged that his speech be referred to either the Committee on Energy or the Committee on Environment and Natural Resources so that the Senate could be briefed on the plans of the national government to fight the effects of global warming.

#### **RESERVATIONS TO INTERPELLATE**

Senator Pangilinan manifested that Senators Madrigal, Pimentel, Enrile and Aquino have made reservations to interpellate on the privilege speech of Senator Zubiri.

#### **SUSPENSION OF THE PRIVILEGE HOUR**

Upon motion of Senator Pangilinan, there being no objection, the privilege hour was suspended to a later time.

#### **COMMITTEE CHAIRMANSHIP**


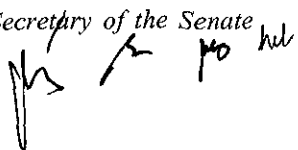
Upon nomination by Senator Pangilinan, on the part of the Majority, there being no objection, Senator Honasan was elected chair of the Committee on Agrarian Reform.

#### **ADJOURNMENT OF SESSION**

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

*It was 6:31 p.m.*

I hereby certify to the correctness of the foregoing.

  
EMMA LIRIO-REYES  
Secretary of the Senate  


Approved on August 13, 2007