

**REPUBLIC OF THE PHILIPPINES**

**S e n a t e**

**Pasay City**

# **Journal**

**SESSION NO. 9**

Monday, August 13, 2007

**FOURTEENTH CONGRESS  
FIRST REGULAR SESSION**

**SESSION NO. 9**  
Monday, August 13, 2007

**CALL TO ORDER**

At 3:51 p.m., the Senate President, Hon. Manny Villar, called the session to order.

**PRAYER**

Sen. Juan Ponce Enrile led the prayer, to wit:

Merciful God, our heavenly Father,  
we recognize You as the ultimate lawgiver  
of the eternal laws of the universe.

Each particle, each atom, every phenomenon of  
nature follows the path that You designed.

The cycle of season,  
the simplicity that governs day and night,  
the balance created by birth and death,  
the irreversible nature of time –  
Such is the wisdom of Your laws  
That there is no one exempt from it.

These basic laws reflect just a fraction  
of Your Wisdom!

We, the members of this Senate,  
can only aspire for a similar perfection.

As we go about in our duties of making  
human laws, conducting hearings,  
and meeting with our constituents,  
we ask You, dear Lord, for clarity  
of thought, for purity of intent,  
and for simplicity of design of  
our temporal rules.

Guide us to recognize that each one was  
created for a purpose.

Help us to be patient with one another  
Lead us to discover the uniqueness  
of each thought.

Banish from our minds the habit of suspicion.  
Fortify us to form one family  
who calls you God.

So that we may grow closer to a world  
That is rich in hope, made strong by integrity,  
and living in the bliss of cooperation,  
freedom, and concern for all.

We ask these, through Christ, our Lord,  
Amen.

**NATIONAL ANTHEM**

The Kammer Chor Manila of the Shrine of Mary Queen of Peace led the singing of the national anthem and thereafter rendered the song entitled, *Ang Aking Bayan*.

**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.	Honasan, G. B.
Aquino III., B. S. C	Lacson, P. M.
Arroyo, J. P.	Lapid, M. L. M.
Biazon, R. G.	Legarda, L.
Cayetano, A. P. C. S.	Madrigal, M. A.
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 22 senators present, the Chair declared the presence of a quorum.

Senator Trillanes was unable to attend the session.

**ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS**

At this juncture, Senator Pangilinan acknowledged the presence of Mayor Tito Sarion of Daet, Camarines Norte; and former Mayor Myrna Torres and Mayor Exel Torres of Tigbauan, Iloilo.

**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. 8 and considered it approved. *AB*

*AB*

**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. 351, entitled

AN ACT MAKING MUNICIPAL SEA WATER WITHIN THE FIFTEEN-KILOMETER RADIUS JURISDICTION PART OF THE INTERNAL REVENUE ALLOTMENT COMPUTATION FOR MUNICIPALITIES

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committees on Local Government; and Environment and Natural Resources**

Senate Bill No. 352, entitled

AN ACT RESTORING, REHABILITATING AND MODERNIZING THE OLD AND EXISTING LINES OF THE PHILIPPINE NATIONAL RAILWAYS (PNR), EXTENDING THESE LINES FURTHER AS PROVIDED UNDER REPUBLIC ACT NO. 6366, TO PROVIDE A VIABLE PUBLIC RAILWAY TRANSPORT AND APPROPRIATING FUNDS NECESSARY THEREFOR

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 353, entitled

AN ACT ESTABLISHING THE NATIONAL DEFENSE UNIVERSITY OF THE PHILIPPINES 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. 354, entitled

AN ACT TO ENSURE EQUAL EMPLOYMENT OPPORTUNITIES TO MUSLIMS AND TRIBAL FILIPINOS

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committees on Labor, Employment and Human Resources Development; and Social Justice, Welfare and Rural Development**

Senate Bill No. 355, entitled

AN ACT TO PROFESSIONALIZE THE PRACTICE OF PRISON MANAGEMENT AND SET FOR THAT PURPOSE THE QUALIFICATIONS FOR SUPERINTENDENTS OF THE NATIONAL PRISON SYSTEM AND WARDENS OF PROVINCIAL, CITY, OR MUNICIPAL JAILS

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 356, entitled

AN ACT AMENDING BATAS PAMBANSA BLG. 881, OTHERWISE KNOWN AS THE OMNIBUS ELECTION CODE OF THE PHILIPPINES, AS AMENDED, AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 357, entitled

AN ACT MANDATING THE USE OF RECYCLABLE OR BIODEGRADABLE MATERIALS FOR THE PACKAGING OF CONSUMER PRODUCTS

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Introduced by Senator Jinggoy Ejercito Estrada

**To the Committees on Environment and Natural Resources; Trade and Commerce; and Ways and Means**

Senate Bill No. 358, entitled

AN ACT TO AMEND ARTICLE XXII, SECTION 261 (DD) OF BATAS PAMBANSA BLG. 881, OTHERWISE KNOWN AS THE OMNIBUS ELECTION CODE, AS AMENDED, TO INCLUDE OTHER FORMS OF ELECTORAL FRAUD, PRESCRIBING PENALTIES 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. 359, entitled

AN ACT TO PROMOTE RURAL HEALTH BY PROVIDING FOR AN ACCELERATED PROGRAM FOR THE CONSTRUCTION OF A POTABLE WATER SUPPLY SYSTEM IN EVERY BARANGAY IN THE COUNTRY WITHIN THREE YEARS

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 360, entitled

AN ACT ESTABLISHING EMERGENCY RICE RESERVES AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 361, entitled

AN ACT REGULATING THE POWER OF THE PHILIPPINE AMUSEMENT AND GAMING CORPORATION (PAGCOR) TO ESTABLISH, OPERATE AND MAINTAIN CASINOS IN THE COUNTRY, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1869, AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committee on Rules**

Senate Bill No. 362, entitled

AN ACT PROVIDING FOR A NATIONAL SECURITY POLICY AND PLANNING FRAMEWORK AND CREATING AN INSTITUTIONAL MECHANISM FOR IMPLEMENTATION AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 363, entitled

AN ACT BROADENING THE SCOPE OF COMPLIANCE AND EXPANDING THE CONDUIT NETWORK FOR AGRI-AGRA CREDIT, AMENDING FOR THIS PURPOSE PRESIDENTIAL DECREE 717, OTHERWISE KNOWN AS THE AGRI-AGRA LAW

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committees on Banks, Financial Institutions and Currencies; and Agriculture and Food**

Senate Bill No. 364, entitled

AN ACT PROVIDING FOR GREATER FISCAL AUTONOMY IN FAVOR OF LOCAL GOVERNMENT UNITS (LGUs) *AS*

*PS*

IN THE CHOICE OF DEPOSITORY BANKS, AMENDING SECTION 311 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committee on Local Government**

Senate Bill No. 365, entitled

AN ACT REPEALING SECTION 90 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991, PROHIBITING AND LIMITING THE PRACTICE OF PROFESSION BY ELECTED LOCAL GOVERNMENT OFFICIALS

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committee on Local Government**

Senate Bill No. 366, entitled

AN ACT ESTABLISHING THE NATIONAL EMPLOYMENT ASSISTANCE CENTER OF THE PHILIPPINES AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 367, entitled

AN ACT LIBERALIZING THE LICENSING OF TRAVEL AND TOUR AGENCIES

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committee on Tourism**

Senate Bill No. 368, entitled

AN ACT CREATING THE BAKERY INDUSTRY DEVELOPMENT BOARD

AS ATTACHED AGENCY OF THE DEPARTMENT OF TRADE AND INDUSTRY, AMENDING FOR THIS PURPOSE TITLE X, BOOK IV OF EXECUTIVE ORDER 292, OTHERWISE KNOWN AS THE ADMINISTRATIVE CODE OF 1987, AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 369, entitled

AN ACT PROVIDING FOR A NATIONAL BAMBOO AND RATTAN DEVELOPMENT PROGRAM, HARMONIZING ECOLOGICAL BALANCE WITH INDUSTRIAL DEVELOPMENT AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committees on Environment and Natural Resources; Local Government; and Finance**

Senate Bill No. 370, entitled

AN ACT AMENDING SECTION 325 (A) OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991, AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committee on Local Government**

Senate Bill No. 371, entitled

AN ACT PROVIDING FOR THE PROMOTION OF BIO-ORGANIC FARMING IN THE PHILIPPINES

Introduced by Senator Jinggoy Ejercito Estrada

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

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Senate Bill No. 372, entitled

AN ACT PROVIDING FOR THE SUSTAINABLE MANAGEMENT OF FOREST RESOURCES AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committees on Environment and Natural Resources; Ways and Means; and Finance**

Senate Bill No. 373, entitled

AN ACT INSTITUTING FAMILY PRIVACY PROTECTION AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 374, entitled

AN ACT DECLARING AS AGAINST PUBLIC POLICY THE RELEASE OR INTRODUCTION OF GENETICALLY-MODIFIED ORGANISMS INTO THE ENVIRONMENT AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 375, entitled

AN ACT CONVERTING THE NATIONAL EDUCATION TESTING AND RESEARCH CENTER (NERTC) INTO A NATIONAL EDUCATION ASSESSMENT AND EVALUATION AUTHORITY (NEAEA), DEFINING ITS STRUCTURE, POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 376, entitled

AN ACT DECLARING THE TWENTY-SEVENTH DAY OF JULY OF EVERY YEAR A SPECIAL NATIONAL HOLIDAY IN OBSERVANCE OF THE FOUNDING ANNIVERSARY OF THE IGLESIA NI CRISTO (INC) AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 377, entitled

AN ACT PROVIDING FOR THREE SMALL FARMERS' REPRESENTATIVES IN THE NATIONAL IRRIGATION ADMINISTRATION (NIA) BOARD BY AMENDING REPUBLIC ACT NO. 3601, AS AMENDED BY PRESIDENTIAL DECREE NO. 552 AND FURTHER AMENDED BY EXECUTIVE ORDER 292, DATED JULY 25, 1987, ENTITLED AN ACT CREATING THE NATIONAL IRRIGATION ADMINISTRATION

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committee on Agriculture and Food**

Senate Bill No. 378, entitled

AN ACT AMENDING ARTICLES 135 AND 137 OF THE LABOR CODE (PD 442 AS AMENDED) SO AS TO EXPAND THE PROHIBITED ACTS OF DISCRIMINATION AGAINST WOMEN ON ACCOUNT OF SEX, AGE, ETHNIC ORIGIN OR BELIEFS

AK

ps

Introduced by Senator Jinggoy Ejercito  
Estrada

**To the Committees on Labor, Employment  
and Human Resources Development; and  
Youth, Women and Family Relations**

Senate Bill No. 379, entitled

AN ACT AMENDING SECTION 42  
OF BATAS PAMBANSA BILANG  
129, AS AMENDED, OTHERWISE  
KNOWN AS THE JUDICIARY  
REORGANIZATION ACT OF 1981,  
EXEMPTING AFFECTED MEMBERS  
OF THE JUDICIARY AS MAY  
HEREIN BE QUALIFIED FROM THE  
CONTINUOUS SERVICE REQUIRE-  
MENT

Introduced by Senator Jinggoy Ejercito  
Estrada

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

Senate Bill No. 380, entitled

AN ACT PROVIDING FOR A WORKING  
TIME FLEXIBILIZATION IN THE  
PRIVATE SECTOR AND FOR OTHER  
PURPOSES, THEREBY AMENDING  
ARTICLES 83, 85 AND 87 OF  
PRESIDENTIAL DECREE FOUR  
HUNDRED FORTY TWO (PD 442),  
AS AMENDED, OTHERWISE KNOWN  
AS THE LABOR CODE OF THE  
PHILIPPINES

Introduced by Senator Jinggoy Ejercito  
Estrada

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

Senate Bill No. 381, entitled

AN ACT TO RECRUIT, HIRE, AND  
TRAIN ADDITIONAL SCHOOL-  
BASED GUIDANCE COUNSELORS,  
PSYCHOLOGISTS, SCHOOL SOCIAL  
WORKERS AND MENTAL HEALTH  
PERSONNEL

Introduced by Senator Jinggoy Ejercito  
Estrada

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

Senate Bill No. 382, entitled

AN ACT CREATING THE AKLAN  
AIRPORT AUTHORITY, AND FOR  
OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito  
Estrada

**To the Committees on Government  
Corporations and Public Enterprises; Public  
Services; Ways and Means; and Finance**

Senate Bill No. 383, entitled

AN ACT FIXING THE RATES OF  
INTEREST UPON LOANS AND  
FORBEARANCES BY AMENDING  
CERTAIN SECTIONS OF ACT  
NUMBER TWENTY-SIX HUNDRED  
AND FIFTY-FIVE (ACT NO. 2655),  
AS AMENDED

Introduced by Senator Jinggoy Ejercito  
Estrada

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

Senate Bill No. 384, entitled

AN ACT PROVIDING FOR THE  
ELECTIONS OF THE SECTORAL  
REPRESENTATIVES TO THE SANG-  
GUNIANG BAYAN, SANGGUNIANG  
PANLUNGSOD, AND SANGGUNIANG  
PANLALAWIGAN, FIXING THE  
DATES THEREOF, AND FOR OTHER  
PURPOSES

Introduced by Senator Jinggoy Ejercito  
Estrada

**To the Committees on Constitutional  
Amendments, Revision of Codes and Laws;  
Local Government; and Finance**

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Senate Bill No. 385, entitled

AN ACT LIBERALIZING THE CIVIL AVIATION INDUSTRY, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 776 OTHERWISE KNOWN AS THE CIVIL AERONAUTICS ACT OF THE PHILIPPINES AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committee on Public Services**

Senate Bill No. 386, entitled

AN ACT PROMOTING BARANGAY JUSTICE BY AMENDING ARTICLE ELEVEN HUNDRED FIFTY-FIVE OF REPUBLIC ACT NUMBERED THREE HUNDRED AND EIGHTY-SIX, OTHERWISE KNOWN AS THE CIVIL CODE OF THE PHILIPPINES

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 387, entitled

AN ACT TO PROMOTE THE DEVELOPMENT OF THE PHILIPPINE MUSIC INDUSTRY, AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 388, entitled

AN ACT GRANTING THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES (NCIP) A NEW TEN (10) YEAR PERIOD WITHIN WHICH TO TAKE APPROPRIATE LEGAL ACTION FOR THE CANCELLATION OF OFFICIALLY DOCUMENTED

TITLES WHICH WERE ILLEGALLY ACQUIRED, AS PROVIDED UNDER SECTION 64 OF REPUBLIC ACT NO. 8371, OTHERWISE KNOWN AS AN ACT TO RECOGNIZE, PROTECT AND PROMOTE THE RIGHTS OF INDIGENOUS CULTURAL COMMUNITIES/INDIGENOUS PEOPLES, CREATING THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES, ESTABLISHING IMPLEMENTING MECHANISMS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committee on Cultural Communities**

Senate Bill No. 389, entitled

AN ACT CREATING THE NATIONAL NUCLEAR RADIATION SAFETY BOARD AND DEFINING ITS SCOPE, FUNCTIONS AND POWERS

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committees on Science and Technology; and Finance**

Senate Bill No. 390, entitled

AN ACT AMENDING ARTICLE 177 OF THE REVISED PENAL CODE (ACT NO. 3815, AS AMENDED) BY INCREASING THE PENALTY PROVIDED THEREIN, AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 391, entitled

AN ACT TO PROHIBIT GENDER DISCRIMINATION IN EMPLOYMENT ADVERTISING *AS*

*ms*



Introduced by Senator Jinggoy Ejercito  
Estrada

**To the Committees on Labor, Employment  
and Human Resources Development; and  
Youth, Women and Family Relations**

Senate Bill No. 392, entitled

AN ACT AMENDING ART. 236 OF  
EXECUTIVE ORDER NO. 209, ALSO  
KNOWN AS THE FAMILY CODE  
OF THE PHILIPPINES

Introduced by Senator Jinggoy Ejercito  
Estrada

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

Senate Bill No. 393, entitled

AN ACT TO REQUIRE HOSPITALS TO  
ESTABLISH AND IMPLEMENT  
SECURITY PROCEDURES TO  
REDUCE THE LIKELIHOOD OF  
INFANT PATIENT ABDUCTION  
AND BABY SWITCHING, INCLUD-  
ING PROCEDURES FOR IDENTIFY-  
ING ALL INFANT PATIENTS IN THE  
HOSPITAL IN A MANNER THAT  
ENSURE IT WILL BE EVIDENT IF  
INFANTS ARE MISSING FROM THE  
HOSPITAL

Introduced by Senator Jinggoy Ejercito  
Estrada

**To the Committee on Health and Demo-  
graphy**

Senate Bill No. 394, entitled

AN ACT TO PROHIBIT ANY EMPLOYER,  
LABOR CONTRACTOR AND  
LABOR ORGANIZATION FROM  
DISCRIMINATING AGAINST ANY  
INDIVIDUAL BECAUSE OF THE  
INDIVIDUAL'S AGE

Introduced by Senator Jinggoy Ejercito  
Estrada

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

Senate Bill No. 395, entitled

AN ACT PENALIZING DISOBEDIENCE  
TO THE WRIT OF HABEAS CORPUS  
AND OTHER ACTS AND FOR  
OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito  
Estrada

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

Senate Bill No. 396, entitled

AN ACT DEFINING CERTAIN INDICA-  
TIONS OF PSYCHOLOGICAL IN-  
CAPACITY AS A GROUND FOR THE  
DECLARATION OF NULLITY OF  
MARRIAGE, AMENDING ARTICLE  
36 OF EXECUTIVE ORDER NO. 209,  
AS AMENDED, OTHERWISE  
KNOWN AS THE FAMILY CODE  
OF THE PHILIPPINES

Introduced by Senator Jinggoy Ejercito  
Estrada

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

Senate Bill No. 397, entitled

AN ACT AMENDING ARTICLE 1991 OF  
R.A. NO. 386, ALSO KNOWN AS THE  
CIVIL CODE OF THE PHILIPPINES

Introduced by Senator Jinggoy Ejercito  
Estrada

**To the Committee on Constitutional Amend-  
ments, Revision of Codes and Laws**

Senate Bill No. 398, entitled

AN ACT TO ESTABLISH WITHIN  
THE DEPARTMENT OF HEALTH  
A PERMANENT COUNCIL ON  
NUTRITION AND HEALTH

Introduced by Senator Jinggoy Ejercito  
Estrada

**To the Committees on Health and Demo-  
graphy; and Finance**

*AS*

*ms*

Senate Bill No. 399, entitled

AN ACT SUPPORTING EFFECTIVE PROGRAMS THAT PROVIDE ASSISTANCE TO PARENTS WHO WANT TO HELP THEIR CHILDREN BECOME SUCCESSFUL READERS

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 400, entitled

AN ACT DECLARING UNLAWFUL THE COMMERCIAL USE OF TELEPHONES FOR MAKING INDECENT OR OBSCENE COMMUNICATIONS AND PROVIDING PENALTIES THEREFOR

Introduced by Senator Jinggoy Ejercito Estrada

**To the Committee on Public Services**

#### **ADDITIONAL REFERENCE OF BUSINESS**

##### **RESOLUTIONS**

Senate Concurrent Resolution No. 2, entitled

CONCURRENT RESOLUTION PROVIDING FOR THE LEGISLATIVE CALENDAR FOR THE FIRST REGULAR SESSION OF THE FOURTEENTH CONGRESS OF THE PHILIPPINES

Introduced by Senator Pangilinan

**To the Committee on Rules**

Proposed Senate Resolution No. 59, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE LAPSES IN THE IMPLEMENTATION OF REPUBLIC ACT NO. 9367, OTHER-

WISE KNOWN AS THE BIOFUELS ACT OF 2006

Introduced by Senator Zubiri

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

Proposed Senate Resolution No. 60, entitled

RESOLUTION DIRECTING THE COMMITTEE ON NATIONAL DEFENSE AND SECURITY TO INQUIRE, IN AID OF LEGISLATION, ON THE REPORTED DEFECTIVE AMMUNITIONS BEING USED BY THE ARMED FORCES OF THE PHILIPPINES (AFP), PARTICULARLY ON THE PROCUREMENT, STORAGE AND HANDLING THEREOF

Introduced by Senator Biazon

**To the Committee on National Defense and Security**

Proposed Senate Resolution No. 61, entitled

RESOLUTION HONORING TEACHER MUSA DIMASIDSING, WHO WAS MURDERED AFTER EXPOSING ALLEGED POLL FRAUD; URGING THE RELEVANT GOVERNMENT AGENCIES TO IMMEDIATELY RESOLVE THE MURDER CASE; AND DIRECTING THE APPROPRIATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE HAZARDS EXPERIENCED BY TEACHERS DURING ELECTIONS

Introduced by Senator Mar Roxas

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

Proposed Senate Resolution No. 62, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE/S TO INVESTIGATE, IN AID OF LEGISLATION, THE CIRCUMSTANCES

16

AROUND THE PESO RISING IN VALUE AS AGAINST THE US DOLLAR AND ITS IMPACT ON THE LIVES OF THE FAMILIES OF OUR OVERSEAS FILIPINO WORKERS AND TO INSTITUTE SAFEGUARD MEASURES TO MITIGATE WHATEVER ITS NEGATIVE IMPACT MAY BE ON THE LIVES OF OUR OVERSEAS FILIPINO WORKERS AND THEIR FAMILIES

Introduced by Senator Pimentel Jr.

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

Proposed Senate Resolution No. 63, entitled

RESOLUTION CONGRATULATING THE FILIPINO BOXERS LED BY GERRY PEÑALOSA, DIOSDADO GABI, MICHAEL DOMINGO, A. J. BANAL, Z GORES AND REY BAUTISTA, FOR WINNING THE BOXING WORLD CUP OVER MEXICO HELD LAST AUGUST 12, 2007 IN ARCO ARENA, SACRAMENTO, CALIFORNIA, U.S.A.

Introduced by Senator Manuel "Lito" M. Lapid

**To the Committee on Rules**

Proposed Senate Resolution No. 64, entitled

RESOLUTION COMMENDING WITH THE HIGHEST ESTEEM THE 6-MAN FILIPINO BOXING TEAM FOR PROUDLY CARRYING THE COLORS OF OUR FLAG IN TRIUMPH BY CAPTURING THE "WORLD CUP OF BOXING" CHAMPIONSHIP TITLE BY DEFEATING THE HIGHLY REGARDED MEXICAN TEAM THROUGH A SCORE OF 5-1 IN THE INTERNATIONAL BOUT HELD LAST AUGUST 12, 2007 IN ARCO ARENA, SACRAMENTO, CALIFORNIA

Introduced by Senator Honasan

**To the Committee on Rules**

## SECOND ADDITIONAL REFERENCE OF BUSINESS

### RESOLUTIONS

Proposed Senate Resolution No. 65, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON AGRARIAN REFORM AND OTHER APPROPRIATE SENATE COMMITTEES, TO CONDUCT A REVIEW, ON THE IMPLEMENTATION OF THE COMPREHENSIVE AGRARIAN REFORM LAW TO DETERMINE THE POSSIBILITY OF EXTENDING FUNDING AND OTHER APPROPRIATE AMENDMENTS TO THE LAW

Introduced by Senator Biazon

**To the Committees on Agrarian Reform; and Finance**

Proposed Senate Resolution No. 66, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE PROLIFERATION OF CHINA-MADE PRODUCTS CONTAINING FORMALDEHYDE

Introduced by Senator Miriam Defensor Santiago

**To the Committees on Health and Demography; and Trade and Commerce**

Proposed Senate Resolution No. 67, entitled

RESOLUTION TO INSTITUTIONALIZE THE *SUMMER SA SENADO* PROGRAM, THEREBY RECOGNIZING THE VITAL ROLE OF THE YOUTH IN NATION BUILDING

Introduced by Senator Miriam Defensor Santiago

**To the Committee on Rules** *MS*

*PO*

Proposed Senate Resolution No. 68, entitled

**RESOLUTION DIRECTING THE PROPER  
SENATE COMMITTEE TO CONDUCT  
AN INQUIRY, IN AID OF LEGISLA-  
TION, ON THE DEVELOPMENT  
OF HYDROGEN ENERGY TECH-  
NOLOGIES CONSISTENT WITH  
ENVIRONMENTAL PROTECTION,  
SUSTAINABLE DEVELOPMENT,  
AND ECONOMIC PROSPERITY**

Introduced by Senator Miriam Defensor  
Santiago

**To the Committees on Energy; and  
Environment and Natural Resources**

Proposed Senate Resolution No. 69, entitled

**RESOLUTION COMMENDING THE FIVE  
FILIPINO FIGHTERS WHO WON THE  
2007 BOXING WORLD CUP**

Introduced by Senator Manny Villar

**To the Committee on Rules**

**SUSPENSION OF SESSION**

Upon motion of Senator Pangilinan, the session  
was suspended.

*It was 4:20 p.m.*

**RESUMPTION OF SESSION**

At 4:20 p.m., the session was resumed.

**PARLIAMENTARY INQUIRY  
OF SENATOR ARROYO**

Senator Arroyo asked why Senator Pimentel, the  
Minority Leader, is seated in the second row under  
the new seating arrangement, considering that the  
practice in the Senate and the House of Represent-  
atives has always been that the Minority Leader is  
seated in the front row opposite the Majority Leader  
to expedite the Chamber's work.

The Chair stated that it was Senator Pimentel who  
requested the seat assignment so that the Minority  
senators could occupy the seats at the back.

Senator Pimentel clarified that the Minority  
senators, in fact, requested to occupy the first to  
the third rows at their side of the aisle, leaving the  
last row to the Majority senators. He believed that  
Senator Arroyo's proposal would be feasible if the  
occupants of the first row transferred to the last row  
and the Minority senators moved forward.

**SUSPENSION OF SESSION**

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

*It was 4:23 p.m.*

**RESUMPTION OF SESSION**

At 4:25 p.m., the session was resumed.

Upon resumption, Senator Pangilinan stated that  
it has been agreed that the matter on the seating  
arrangement would be held in abeyance, and the  
senators would follow the existing arrangement in the  
meantime.

**PRIVILEGE HOUR**

*(Resumption)*

Upon motion of Senator Pangilinan, there being  
no objection, the Body resumed the privilege hour  
for the continuation of the interpellations on Senator  
Zubiri's speech.

Thereupon, the Chair recognized Senator Zubiri  
and Senator Arroyo for his interpellation.

**INTERPELLATION OF SENATOR ARROYO**

Asked by Senator Arroyo whether the maiden  
speech of Senator Zubiri on global warming would  
help him in the electoral protest that had been lodged  
against him, Senator Zubiri replied that he would  
devote his time in the Senate to his advocacy for the  
environment and renewable energy that he started  
when he was elected for the first time as congressman  
in the Eleventh Congress.

**INTERPELLATION  
OF SENATOR MADRIGAL**

Senator Madrigal noted that Senator Zubiri's  
speech touched on studies on global warming and the  
warning of the Goddard Institute for Space Studies.  
She stated that in March 2007, scientists, climatologists

and other weather experts in the United Kingdom concluded that there have been several periods of global warming in the 4.5 billion-year history of the earth, notably the Medieval Warm Period when the earth's temperature was warmer than today; Holocene Maximum Period; and the Little Ice Age in the 17<sup>th</sup> century when temperatures were so low. She said that contrary to the documentary of Al Gore, this study shows that from 1940 to 1980, the earth experienced a cooling period because of the carbon emissions. She said that she would like to bring the film to the Senate for the proper committees that may want to watch it.

Asked whether he would agree with the opinion of NASA Administrator Michael Griffin that "to assume that climate change is a problem is to assume that the state of the earth's climate today is the best climate that the earth could have or even had and that people should take steps to make sure that it does not change," Senator Zubiri replied that the climate being experienced today actually contradicts that finding, adding that people have actually experienced the drastic change in the weather patterns which are inexplicable. Population growth, he pointed out, has affected the environment immensely. He believed that the weather is not at its optimum today because the weather patterns in Bukidnon alone have changed drastically since his family migrated to that province. He recalled that during his childhood, afternoon showers were experienced during the summer months and even when there was an El Niño phenomenon, areas in Mindanao which were heavily forested experienced continuous rainfall. Nonetheless, he agreed that the people should take steps to ensure that the climate does not change for the worst.

Senator Madrigal pointed out that Mr. Griffin wanted to prove that carbon emission is not the only culprit for climate change and that the climate has been changing over the centuries. She took note of the following points raised in the UK documentary:

- ◆ The Antarctic ice core samples show that the rise in carbon dioxide levels lagged behind temperature rise by 800 years; thus, carbon emission cannot be the culprit;
- ◆ If the earth was laboring under an accelerated greenhouse effect caused by human-produced carbon dioxide, the troposphere should heat up faster than the surface of the planet, but the data collected from satellites and weather balloons do not support this presumption;

- ◆ The UN's much-vaunted Intergovernmental Panel on Climate Change (IPCC) report was heralded as closing the argument of man-made global warming, but as the documentary explains, the IPCC's conclusion was politically driven and dissenting scientists were deliberately censored while listing them as participants, leading many to threaten legal action against the IPCC to have their names removed from the report;
- ◆ The scientists who were invited to participate in the IPCC report exposed the fundamental flaws contained throughout the document.

She indicated that she would provide the documents to be inserted into the Record. She said that she is still against mining and logging but the issue of global warming is a very detailed and technical issue that should be looked into.

Senator Zubiri said that the UN report for Sustainable East Asia Energy Outlook shows that there is an overwhelming consensus of scientific opinion that climate change is mainly caused by human activities such as the burning of fossil fuels. He pointed out the importance of reducing carbon emissions caused by vehicles, industrial plants and power generators which are among the main contributors to global pollution.

Senator Madrigal stated that the global warming issue should not be made far-reaching and be confused with pollution. She noted that the issue of global warming is like looking at the macro and micro views for it is an issue in and of itself. Quoting from Senator Zubiri's speech, she pointed out, however, that the link between global warming and the melting of the polar ice caps has not been proven even as she contended that the landslides in Compostela Valley and in Luzon were not so much the result of too much rain as of too much logging. She recalled the carnage in Dingalan, Aurora when the stockpile of illegally cut logs fell on 2,000 victims who, to this day, have not received much help from the government.

Asked to explain the mechanics of carbon credit trading as provided for under the Kyoto Protocol, Senator Zubiri stated that the Kyoto Protocol has a program of carbon credits for renewable energy projects where one ton of carbon dioxide reduced is equivalent to one carbon credit which can be traded in a carbon credit market. For example, he said, 25 megawatts of wind power produced is calculated to reduce about 75,000 tons of carbon dioxide which

is converted to 75,000 tons of carbon credits. He explained that, under the Kyoto Protocol's Clean Development Mechanism (CDM), developed countries are mandated to reduce their greenhouse gas emissions levels while developing countries which embark on renewable energy projects, like wind and solar energy production, earn carbon credits which can be sold to developed countries through bilateral trade agreements or through brokers. He informed the Body that the price of carbon emission receipts depends on the stage of the CDM project – conceptualization, approval, verification, and registration with the UN Framework for Climate Change. He suggested that the Body invite experts to speak on the matter in a committee hearing.

Senator Madrigal asked how carbon credit trading reduces pollution even as she pointed out that the Kyoto Protocol actually encourages developed countries like China to continue polluting the environment as long as it buys carbon credits. She underscored that there are no studies on carbon trading; the price of carbon emission receipts cannot be determined in the free market; and there is no monitoring body for such trading. She added that an unequal trading balance would result as developing countries like the Philippines do not have enough alternative energy to trade with heavy polluters like China. Senator Zubiri stated that carbon credit trading is not an all-encompassing program, but is just one of the mechanisms to help reduce carbon emissions.

Senator Madrigal pointed out two critical factors that have major bearing on carbon trading: 1) whether the market price of the permit is higher or lower than the cost incurred within the company for keeping one unit of CO<sub>2</sub> emissions below the limit; and 2) whether the company would be affected by the fine imposed for emitting non-covered CO<sub>2</sub> units.

Senator Madrigal disclosed that critics have doubted whether the trading schemes can work, as there may be too many credits given by government such as in the first phase of the European Union scheme when a large surplus was discovered and the price for credits bottomed out and effectively collapsed with no noticeable reduction in emissions. She added that this is the problem in any type of market mechanism where profit is the sole determining factor.

As regards the potential “evils” of carbon trading, Senator Madrigal read the following article entitled, “*Industry caught in carbon smokescreen*”

that appeared in the 25 April 2007 edition of the *Financial Times*:

Companies and individuals rushing to go green have been spending millions on “carbon credit” projects that yield few if any environmental benefits.

A *Financial Times* investigation has uncovered widespread failings in the new markets for greenhouse gases, suggesting some organisations are paying for emissions reductions that do not take place.

Others are meanwhile making big profits from carbon trading for very small expenditure and in some cases for clean-ups that they would have made anyway.

The growing political salience of environmental politics has sparked a “green gold rush”, which has seen a dramatic expansion in the number of businesses offering both companies and individuals the chance to go “carbon neutral”, offsetting their own energy use by buying carbon credits that cancel out their contribution to global warming.

The burgeoning regulated market for carbon credits is expected to more than double in size to about \$68.2bn by 2010, with the unregulated voluntary sector rising to \$4bn in the same period.

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The FT investigation found:

- Widespread instances of people and organisations buying worthless credits that do not yield any reductions in carbon emissions.
- Industrial companies profiting from doing very little – or from gaining carbon credits on the basis of efficiency gains from which they have already benefited substantially.
- Brokers providing services of questionable or no value.
- A shortage of verification, making it difficult for buyers to assess the true value of carbon credits.
- Companies and individuals being charged over the odds for the private purchase of European Union carbon permits that have plummeted in value because they do not result in emissions cuts.

Senator Madrigal stated that the *Financial Times* article cited specific examples of various companies which have been involved in questionable practices involving credit trading, to wit: *As*

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Some companies are benefiting by asking "green" consumers to pay them for cleaning up their own pollution. For instance, DuPont, the chemicals company, invites consumers to pay \$4 to eliminate a tonne of carbon dioxide from its plant in Kentucky that produces a potent greenhouse gas called HFC-23. But the equipment required to reduce such gases is relatively cheap. DuPont refused to comment and declined to specify its earnings from the project, saying it was at too early a stage to discuss.

The FT has also found examples of companies setting up as carbon offsetters without appearing to have a clear idea of how the markets operate. In response to FT inquiries about its sourcing of carbon credits, one company, carbonvoucher.com, said it had not taken payments for offsets.

Blue Source, a U.S. offsetting company, invites consumers to offset carbon emissions by investing in enhanced oil recovery, which pumps carbon dioxide into depleted oil wells to bring up the remaining oil. However, Blue Source said that because of the high price of oil, this process was often profitable in itself, meaning operators were making extra revenues from selling "carbon credits" for burying the carbon.

Senator Madrigal pointed out that critics have also argued that carbon trade will only serve to strengthen the already existing inequalities between wealthy and underdeveloped nations as well as corporations because the market shares in the new carbon market will be allocated on the basis of who is already the largest polluter and who is fastest to exploit the market. She averred that the new "carbocrats" would therefore be the global oil, chemical, and car corporations, and the richest nations, the very groups that created the problem of climate change in the first place.

Moreover, Senator Madrigal disclosed that last February, it was reported that a loophole in an important part of the Kyoto Protocol has caused nearly \$6 billion; this is because the Clean Development Mechanism (CDM) allows investors in countries that have Kyoto Protocol targets to buy carbon credits by investing in projects that reduce emissions in developing countries, credits that are essentially permits to pollute in their own countries.

Senator Madrigal observed that the controversy centers around the inclusion of refrigerant-producing factories that generate the powerful greenhouse gas HFC-23 as a by-product, many of which are in

China, where investors can get CDM credits for destroying HFC-23, a relatively cheap process. She added that critics of this practice say that it is very wasteful to use the CDM to ensure destruction of HFC-23, when it would be far cheaper to simply give the factories the money to install the equipment to destroy the gas.

Senator Madrigal said that according to Michael Wara of Stanford University, in the journal *Nature*, "Hfc-23 emitters can earn almost twice as much from the CDM credits as they can from selling refrigerant gases – by any measure a major distortion of the market," and that "it would cost only \$100 million to pay producers to capture and destroy HFC-23 compared to \$6 billion in CDM credits." Since almost 30% of projects in the CDM pipeline were destroying HFC-23, she said that Wara has proposed that the obvious solution was to limit the CDM to carbon dioxide, rather than the six greenhouse gases covered by the UN's Kyoto Protocol.

Furthermore, Senator Madrigal stated that economists have also pointed out the disadvantages of carbon trading schemes compared to emission taxes which they argue are a simple and economically efficient means of achieving the same objective, and that the possible problems with cap-and-trade systems such as carbon trading include: 1) permit prices may be unstable and therefore unpredictable; 2) cap-and-trade systems tend to pass the quota rent to business; 3) cap-and-trade systems could become the basis for international trade in the quota rent resulting in very large transfers across frontiers; 4) cap-and-trade systems are seen to generate more corruption than a tax system; 5) the administration and legal costs of cap-and-trade systems are higher than with a tax; and 6) a cap-and-trade system is seen to be impractical at levels of individual household emissions.

Saying that while she is in favor of nations agreeing to curb carbon emissions not only for global warming purposes but for ecological and health purposes, she warned against being caught up in the rhetoric of the Kyoto Protocol which offer loopholes of developing countries to continue polluting. Senator Zubiri said that the Kyoto Protocol is still on its infancy; in fact, it will hold only its second round of meetings in Bali, Indonesia. He bared that earlier that day, he had a meeting with Larry Acera, a DOST awardee for being one of the top scientists in the Philippines and chairman and founder of AMG Energy that runs one of the biggest solar and wind

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projects in California, who recounted how he had seen for the first time environmentalist hippies, geek and nerd scientists, and businessmen working together to come up with mechanisms to drastically reduce greenhouse emissions and pollution. He agreed with Senator Madrigal that if a mechanism is money-driven, then definitely greed would come into play. However, he believed there is hope in a mechanism under the Kyoto Protocol that penalizes developed countries \$40 per ton if their gas emissions do not go down by 5%. To offset the penalty, he said that the developed countries would be buying carbon credits from developing countries such as the Philippines which have the highest population rates.

Senator Zubiri expressed hope that Senator Madrigal could join him during the second round of talks in Bali. Senator Madrigal declined, believing that Senator Zubiri has more patience in such conventions. She said that she has gone to many United Nations and IPU conferences and learned the weak voice of the Philippines.

Asked by Senator Madrigal if the President is the hindrance to legislating and enforcing existing laws that address the problems on logging, mining, water, and toxic waste dumping in the Philippines, Senator Zubiri replied that while he has had his share of disagreements and discussions with the Executive department on mining and other environment policies, the latter is completely supportive of the programs on renewable energy. He expressed hope that the Senate could continue its oversight functions to implement all the environment measures such as the Clean Air Act, and show the public that as a "green" Senate, it believes that the environment is worth fighting for.

With respect to the Japan-Philippines Economic Partnership Agreement (JPEPA), Senator Zubiri stated that during the LEDAC meeting, he was presented the second *note verbale* from the Japanese Foreign Affairs Ministry guaranteeing that no toxic wastes or materials would be shipped to the Philippines for dumping or storage purposes. Nonetheless, he assured Senator Madrigal that he would be discussing the matter lengthily in the course of the committee hearings before he shall decide on the JPEPA ratification.

Senator Madrigal warned that the JPEPA, which shall impact on trade and environmental concerns, the Basel Ban, and R A 6969, might be brought to the Senate under many guises. She expressed concern

that it would be hard to trust government not to sneak in even more toxic wastes as she pointed out that the trade for toxic dumping has become a smuggler's paradise.

On another matter, Senator Zubiri believed that it would be best to reforest the denuded mountain areas with jatropha plants, which can be used in biodiesel production and provide livelihood opportunities as well.

Asked whether diesel produced by jatropha would pollute less than petroleum diesel, Senator Zubiri replied that it would actually pollute less than fossil fuel-based diesel products.

Senator Madrigal noted that according to the study conducted by the University of Chicago, jatropha is an invasive species that uses water but it is not a good tree for watersheds, and she wondered whether government would sacrifice indigenous hardwood and possible forestland for jatropha plantations in 700,000 hectares of land in Palawan and Mindanao. She pointed out that jatropha is a wonder drug in Africa whose climate and geographical considerations are different from the Philippines' and its long-term effects would be worse than the immediate benefits.

Senator Zubiri assured the Body that he would be the first to oppose any plan to plant jatropha in existing rainforest areas, although he pointed out that there is still a big debate on the benefits of jatropha in preventing soil erosion when planted in close proximity to one another, producing more oxygen, and providing livelihood opportunities which shall also discourage the *kaingin* system and help in curbing deforestation. He said that jatropha seeds alone, which could continuously burn for about 30 minutes to an hour, would be a good substitute for coal and woodchips. He noted that many states in India have replaced diesel with jatropha fuel. He cited a farmer in Bukidnon who has 100 jatropha trees on his property and makes use of its oil to run his diesel generator and tractors. Acknowledging that there are advantages as well as disadvantages to the use of jatropha fuel, he said that the matter has to be studied further.

Senator Madrigal pointed out the dangers of planting jatropha as she stressed that it should be planted away from existing forests.

Asked if he is familiar with Western Mining Corporation, an Australian-based company which is supposedly conducting mining operations in Bukidnon,



Senator Zubiri replied in the negative as he gave the assurance that the governor of Bukidnon, who happens to be his father, gave word that he would not allow large-scale mining operations in the province and that he would definitely act on whoever is operating mines at present.

Regarding the Gango Gold Rush site in Bukidnon, Senator Zubiri assured Senator Madrigal that large-scale miners have been banned from the area; and that Bukidnon's local government is not profiting from the site where several small families are presently working. He gave assurance that the DENR is monitoring and implementing strict measures to ensure a safe environment. He stated that the people of Bukidnon are environmentalists who started the move against logging operations in their province.

On Pearl Asia Mining reportedly operating in the area, Senator Zubiri said that it might just be a small corporation but he would make inquiries about the company.

Asked if the impact of a large-scale mining on the environment is the same as the impact of a small-scale mining, Senator Zubiri replied that in the Gango Gold Rush site, only close to one hundred families are operating in the area. He said that the provincial government of Bukidnon is doing its best to come up with livelihood opportunities to address the situation which is quite difficult as thousands of residents also make a living by collecting gold dust.

To the suggestion that the residents be given agricultural livelihood alternatives, Senator Zubiri invited Senator Madrigal to visit the area and meet with the tribal *datus* to make an accurate assessment of the situation.

In closing, Senator Madrigal believed that it is not the *kaingeros* but the large-scale miners and loggers protected by the military that are responsible for the deforestation.

## INTERPELLATION OF SENATOR AQUINO

Asked by Senator Aquino whether the privilege speech focused on global warming and on the use of biofuels as a solution to the problem, Senator Zubiri replied in the affirmative.

As regards the administration's thrust, emphasis and focus with respect to the Biofuels Act, Senator Zubiri stated that government's involvement is limited

only to its participation in the National Biofuels Board and in ensuring the implementation of the mandated fuel mixes. He said that the Department of Energy (DOE) would see to it that there is a 5% ethanol blend by 2009, and that the 1% biodiesel blend presently being implemented would be doubled by 2011. He underscored that the Biofuels Act is primarily a private sector endeavor that entails the building of processing plants and facilities and buying of biofuel feedstocks from provinces such as Tarlac, Pampanga, Negros, Iloilo, Bukidnon and Davao. He said that the Biofuels Act generates employment as each of the 10 plants expected to be built would employ about 2,000 construction workers, and directly benefits coconut farmers, as copra prices have shot up to P25/kilo because copra is now being utilized as biodiesel fuel component.

Upon further queries, Senator Zubiri clarified that the law does not mandate the planting of *jatropha* trees; rather, it directs the Department of Agriculture (DA) to assist the Sugar Regulatory Administration (SRA) and the Philippine Coconut Authority (PCA) and other feedstock producers in coming up with programs to provide credit assistance to farmers in addition to other programs such as the Agriculture and Fisheries Modernization Act (AFMA) that are in place. However, he stressed that there is nothing in the law that prevents government agencies from coming up with ways to improve the country's energy independence program.

Asked what government is doing to solve the problem of global warming insofar as utilization of biofuels is concerned, Senator Zubiri replied that precisely, he filed Proposed Senate Resolution No. 59 (directing the appropriate Senate committee to conduct an inquiry on the lapses of the implementation of the Biofuels Act) to allow the Senate to invite DOE officials in charge of the renewable energy program and explain to the senators their plans and proposals for implementing the Biofuels Act.

Senator Aquino wondered whether there are budgetary allocations for increasing biofuel feedstock as he expressed concern that the energy independence program might have been launched as mere platitude to appease the environment-conscious Filipinos but would likely not be realized as other issues such as easing the conversion of vehicular engines and other related matters have not been fully discussed. Senator Zubiri said that he did not have the necessary information which is precisely

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why he would like to have energy officials give a briefing on the matter.

On whether toxicity studies on jatropha have been made, Senator Zubiri said that jatropha is highly toxic and that, in fact, he had witnessed one demonstration wherein four goats placed inside a cage with the plant refused to eat it. Nevertheless, he believed that jatropha, which has medicinal uses, is an alternative energy source which could offset diesel importation from Saudi Arabia and other members of the OPEC. He conceded that while there would be lobbyists against the use of jatropha and other alternative fuel considering that a large sector would lose income with the infusion of such renewable energy sources, he would still encourage the continued study of the use of these alternatives.

Senator Aquino asked whether there have been any studies on the economic feasibility of using jatropha for biofuels. He pointed out that because harvesting of jatropha seeds is done manually, there have been instances wherein the pickers have developed allergies. He expressed concern over the fact that government would be promoting a toxic product that has never been commercially planted in the country, and has not even determined whether the plant should be promoted as food or fuel.

Asked whether the country is moving towards the goal of lessening its dependence on foreign oil, Senator Zubiri stated that three ethanol projects are being built at present which would generate at least 5,000 new jobs. He said that he has been meeting with potential investors in biofuel which is indeed becoming one of the biggest industries in the country so much so that the DOE has certified as urgent the request of about nine companies to set up biofuels plants. He stressed the need for a biofuels program given the increasing price of crude which has reached \$74 per barrel. He pointed out that Thailand has already come up with its own biofuels program and Brazil has implemented an 85% ethanol blend in certain areas.

Moreover, Senator Zubiri believed that lessening sugar production *per se* would not be a problem because of health concerns especially with the incidence of diabetes, the growing health fad being to lessen sugar intake. He pointed out that the sugar industry would be facing a dilemma by 2010 when the Asian Free Trade Agreement (AFTA) takes effect and the tariff on all imported agricultural products shall only be 5% tariff. He said that this would translate to a decrease in the price of sugar

from Thailand at P650 to P750 per bag which is way below the composite price of P1,050; and that the pricing would impact sugar cane farmers in Tarlac, Bukidnon, Negros, Iloilo who might eventually cease production. He believed that the Biofuels Act has given way to a new industry that would redirect raw materials from the production of sugar to the production of fuel that is of high value; environment-friendly because it brings down the carbon monoxide, methane, and benzene emissions; and offers job opportunities and new hopes to the sugar cane farming communities. He informed the Body that the PHILSUTECH has changed the term "sugar planters" to "sugar cane growers" because they grow sugar cane for both the sugar and fuel industries.

Senator Aquino recalled that in the early '70s, when OPEC jacked up the price of crude thereby causing an economic shake-up, even America, an oil producing country, suffered a shortage. At that time, he said, there were private sector initiatives in the Philippines to promote alcohol as an alternative to oil but none of them succeeded because the process of converting the vehicles from oil to alcohol was expensive.

Senator Aquino asked whether shifting from oil to biofuels makes economic sense, and if there is indeed a drive to promote it as a solution to global warming as well, whether such is part of the administration's thrusts. Senator Zubiri replied that the failure of the gasohol program in the '70s was due to equipment failure because the hydrous alcohol contained moisture that caused knocking in the combustion system of the vehicles. He pointed out that Brazil nonetheless was able to perfect the technology for anhydrous alcohol and it eventually paved the way to making the country the international leader on biofuels. He noted that Brazil, the leader in ethanol production, has been encouraged by the European Union to increase its export. It makes sense, he said, to produce ethanol at \$40 to \$50 per barrel rather than buy crude at \$74 per barrel, adding that thousands of agricultural and plant site workers would find employment in the process. He asserted that it would give an alternative to an industry that was thought of as a sunset industry.

As for the price of sugar, Senator Zubiri clarified that class "C" sugar, the reserve sugar, is P480 per bag. He disclosed that out of 100 bags of sugar produced, 10% is class "A", meaning sugar for the U.S. market, the cost of which is P750 per bag; 80%

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is class "B", meaning sugar for local consumption and it is protected by a 65% tariff; the last 10% is class "C", the surplus sugar for the domestic reserve which is the cheapest at P480 per bag. The growing of sugar cane for the 10% surplus production, he stated, represents a loss for the farmers and it is for this reason that he has proposed that instead it be used in the production of biofuels without dislocating the supply for food. He pointed out that Thailand is experiencing a countryside development because of its biofuels program, resulting in employment for thousands of workers in 22 biofuel plants and contributing to their improved lifestyle.

Senator Aquino asked whether Senator Zubiri would join the effort to put an end to the wasteful expenditures on the biofuels program that could run to hundreds of millions of pesos when, in fact, what is needed are small-scale undertakings to determine its viability and its direction. In reply, Senator Zubiri gave assurance that he is against wasteful spending of public money. However, he emphasized that government must spend on research and development.

#### **REFERRAL OF SPEECH TO COMMITTEE**

Upon motion of Senator Pangilinan, there being no objection, the Chair referred the speech of Senator Zubiri and the interpellations thereon to the Committee on Environment and Natural Resources.

#### **THIRD ADDITIONAL REFERENCE OF BUSINESS**

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

#### **RESOLUTIONS**

Proposed Senate Resolution No. 70, entitled

**RESOLUTION COMMENDING THE FILIPINO BOXERS WHO WON THE WORLD CUP FOR THE PHILIPPINES OVER MEXICO, FOR THEIR CONTINUED COMMITMENT TO EXCELLENCE IN THEIR FIELD AND FOR BRINGING GLORY TO OUR COUNTRY**

Introduced by Senator Gordon

**To the Committee on Rules**

Proposed Senate Resolution No. 71, entitled

**RESOLUTION COMMENDING THE SAN MIGUEL-PILIPINAS NATIONAL BASKETBALL TEAM FOR THEIR VALIANT EFFORT AND DETERMINATION TO BRING HONOR TO THE COUNTRY THROUGH THEIR LAUDABLE PERFORMANCE IN THE 24<sup>TH</sup> FIBA ASIA CHAMPIONSHIP FOR MEN**

Introduced by Senator Gordon

**To the Committee on Rules**

#### **FOURTH ADDITIONAL REFERENCE OF BUSINESS\***

#### **RESOLUTION**

Proposed Senate Resolution No. 72, entitled

**RESOLUTION DIRECTING THE COMMITTEE ON NATIONAL DEFENSE AND SECURITY TO INQUIRE AND INVESTIGATE, IN AID OF LEGISLATION, THE ALLEGED DIRECT KNOWLEDGE AND INVOLVEMENT OF RANKING GOVERNMENT OFFICIALS IN THE RECENT AMBUSH AND MUTILATION BY EXTREMIST GROUPS OF FOURTEEN SOLDIERS BELONGING TO THE PHILIPPINE MARINE CORPS, WITH THE END VIEW OF DETERMINING THE CULPABILITY AND LIABILITY OF SAID OFFICIALS AS WELL AS TO DETERMINE THE TRUE NATIONAL POLICY AS REGARDS THE SECURITY SITUATION IN MINDANAO**

Introduced by Senator Antonio F. Trillanes IV

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

#### **PROPOSED SENATE RESOLUTION NO. 63**

Upon motion of Senator Pangilinan, there being no objection, the Body considered Proposed Senate Resolution No. 63, entitled

\*As corrected by Senator Pangilinan on August 14, 2007 *AS*

RESOLUTION CONGRATULATING THE FILIPINO BOXERS LED BY GERRY PENALOSA, DIOSDADO GABI, MICHAEL DOMINGO, A.J. BANAL, Z GORES AND REY BAUTISTA, FOR WINNING THE BOXING WORLD CUP OVER MEXICO HELD LAST AUGUST 12, 2007 IN ARCO ARENA, SACRAMENTO, CALIFORNIA, U.S.A.,

taking into consideration Proposed Senate Resolution Nos. 64, 69 and 70.

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

**ADOPTION OF PROPOSED SENATE RESOLUTION NO. 63**

Upon motion of Senator Pangilinan, there being no objection, Proposed Senate Resolution No. 63, taking into consideration Proposed Senate Resolution Nos. 64, 69 and 70, was adopted by the Body.

**SUSPENSION OF SESSION**

Upon motion of Senator Pangilinan, the session was suspended.

*It was 6:31 p.m.*

**RESUMPTION OF SESSION**

At 6:33 p.m., the session was resumed.

**COMMITTEE MEMBERSHIPS**

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

***Oversight Committee on Labor***

Chair : Ejercito Estrada  
 Members :  
     Escudero                      Revilla

***Committee on Rules***

Members :  
     Arroyo                      Cayetano (P)  
     Cayetano (A)              Escudero  
     Enrile

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:

***Committee on Accountability of Public Officers and Investigations***

Members :  
     Biazon                      Legarda  
     Aquino                      Trillanes  
     Madrigal                    Lacson

***Committee on Accounts***

Members :  
     Roxas                      Lacson  
     Legarda                      Madrigal

***Committee on Agrarian Reform***

Members :  
     Madrigal                    Lacson  
     Legarda

***Committee on Agriculture and Food***

Members :  
     Biazon                      Legarda  
     Trillanes                    Aquino

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

Members :  
     Legarda                      Roxas  
     Lacson

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

Members :  
     Trillanes                    Biazon  
     Madrigal

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

Members :  
     Biazon                      Legarda  
     Madrigal                    Roxas

***Committee on Cooperatives***

Members :  
     Legarda                      Madrigal  
     Biazon

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***Committee on Cultural Communities***

Members :  
 Legarda Trillanes

***Committee on Economic Affairs***

Members :  
 Biazon Madrigal  
 Aquino

***Committee on Education, Arts  
and Culture***

Members :  
 Biazon Trillanes  
 Aquino Roxas  
 Madrigal

***Committee on Energy***

Members :  
 Biazon Trillanes  
 Madrigal Pimentel  
 Legarda

***Committee on Environment  
and Natural Resources***

Members :  
 Legarda Aquino  
 Trillanes Biazon  
 Madrigal

***Committee on Ethics and Privileges***

Members :  
 Madrigal Lacson

***Committee on Finance***

Members :  
 Biazon Legarda  
 Roxas Trillanes  
 Madrigal Lacson

***Committee on Foreign Relations***

Members :  
 Biazon Trillanes  
 Madrigal Roxas  
 Legarda

***Committee on Games, Amusement  
and Sports***

Members :  
 Legarda Biazon  
 Trillanes

***Committee on Government Corporations  
and Public Enterprises***

Members :  
 Biazon Roxas  
 Aquino

***Committee on Health and Demography***

Members :  
 Biazon Legarda  
 Madrigal Aquino

***Committee on Justice and Human Rights***

Members :  
 Biazon Madrigal  
 Aquino

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

Members :  
 Legarda Biazon  
 Lacson Aquino  
 Madrigal

***Committee on Local Government***

Members :  
 Biazon Trillanes  
 Madrigal Lacson  
 Legarda

***Committee on National Defense and Security***

Chair : Biazon\*  
 Members :  
 Madrigal Aquino  
 Legarda Pimentel  
 Trillanes

***Committee on Peace, Unification  
and Reconciliation***

Chair : Madrigal  
 Members :  
 Lacson Legarda

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

Members :  
 Madrigal Aquino  
 Legarda

\*As corrected by Senator Pimentel on August 14, 2007

***Committee on Public Order and Illegal Drugs***

Members :  
 Biazon Lacson  
 Madrigal

***Committee on Public Services***

Members :  
 Biazon Trillanes  
 Madrigal Lacson

***Committee on Public Works***

Members :  
 Biazon Aquino  
 Lacson Madrigal  
 Trillanes

***Committee on Rules***

Members :  
 Lacson Legarda

***Committee on Science and Technology***

Members :  
 Madrigal Trillanes

***Committee on Social Justice, Welfare and Rural Development***

Members :  
 Lacson Trillanes

***Committee on Tourism***

Members :  
 Madrigal Legarda

***Committee on Trade and Commerce\****

Members :  
 Biazon Trillanes  
 Madrigal

***Committee on Urban Planning, Housing and Resettlement***

Members :  
 Biazon Legarda  
 Madrigal

***Committee on Ways and Means***

Members :  
 Roxas Lacson  
 Legarda Madrigal  
 Trillanes

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

Members :  
 Legarda Lacson  
 Biazon

**COMMISSION ON APPOINTMENTS**

Upon nomination by Senator Pimentel, on the part of the Minority, there being no objection, the following senators were elected to the Commission on Appointments: Senators Madrigal, Legarda, Biazon, Roxas and Trillanes.

**SENATE ELECTORAL TRIBUNAL**

Upon nomination by Senator Pimentel, on the part of the Minority, there being no objection, the following senators were elected to the Senate Electoral Tribunal: Senators Lacson and Aquino.

**OVERSIGHT COMMITTEE MEMBERSHIPS**

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

***Joint Congressional Oversight Committee on Clean Air Act***

Members :  
 Madrigal Legarda

***Joint Congressional Oversight Committee on Clean Water Act***

Members :  
 Madrigal Biazon

***Congressional Oversight Committee on Ecological Solid Waste Management Act of 2000***

Members :  
 Legarda Lacson

***Congressional Oversight Committee on Fisheries and Agricultural Modernization***

Members :  
 Legarda Biazon

***Joint Congressional Power Commission***

Members :  
 Pimentel Madrigal  
 Lacson Biazon

\*As corrected by Senator Pimentel on August 14, 2007

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***Congressional Oversight Committee on Labor***

Members :  
 Pimentel                      Aquino

***Congressional Oversight Committee on Electronic Commerce***

Member :                      Madrigal

***Select Oversight Committee on Intelligence and Confidential Funds, Programs and Activities***

Members :  
 Lacson                      Trillanes  
 Biazon

***Oversight Committee on Visiting Forces Agreement***

Members :  
 Lacson                      Biazon

***Congressional Oversight Committee on the Anti-Money Laundering Law***

Members :  
 Lacson                      Madrigal

***Congressional Oversight Committee on the Dangerous Drugs Act***

Members :  
 Lacson                      Biazon

***Oversight Committee on the Proper Implementation of the National Internal Revenue Code***

Members :  
 Lacson                      Biazon

***Oversight Committee on the Official Development Act***

Members :  
 Roxas                      Trillanes

***Oversight Committee on ARMM Organic Act***

Members :                      Pimentel

***Joint Congressional Oversight Committee on the Government Procurement Act***

Member :                      Madrigal

***Congressional Oversight Committee on the Special Purpose Vehicle Act***

Members :  
 Aquino                      Trillanes

***Congressional Oversight Committee on Overseas Voting Act of 2003***

Members :  
 Madrigal                      Aquino  
 Pimentel

***Joint Oversight Committee on the Chain Saw Act***

Members :  
 Biazon                      Trillanes

***Oversight Committee on Alternative Dispute Resolution***

Member :                      Trillanes

***Oversight Committee on Lateral Attrition***

Members :  
 Trillanes                      Madrigal

***Congressional Oversight on the Optical Media Board***

Member :                      Madrigal

**PARLIAMENTARY INQUIRY OF SENATOR BIAZON**

Saying that members vote under certain circumstances during committee hearings, Senator Biazon asked whether a replacement for Senator Trillanes, while he is in detention, could be appointed to the committees of which he is a member.

Senator Pangilinan replied that under the Rules of the Senate, the vote of a member who is not present cannot be counted. Nonetheless, he gave assurance that the Committee on Rules would look into the matter.

At this point, Senator Pimentel disclosed that he has just received a call from Senator Lacson who informed him that for the duration of the confinement of Senator Trillanes, he is authorized to take the Senator's place in the committees.

On another matter, Senator Biazon stressed the need to constitute the Select Committee on Intelligence in view of certain developments in Basilan and Sulu, that were blamed on the failure of intelligence which is within the jurisdiction of said committee.

Asked on status of the constitution of the committee, Senator Pangilinan stated that it has not

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been constituted in the 13th Congress in spite of a proposal to do so. He said that the Committee on Rules would make the necessary recommendations on the matter.

Senator Biazon then moved that the Senate Select Committee on Intelligence be constituted.

**REFERRAL OF INQUIRY/MOTION  
TO THE COMMITTEE ON RULES**


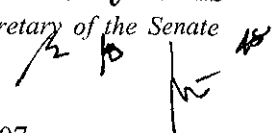
Upon motion of Senator Pangilinan, there being no objection, the Chair referred Senator Biazon's inquiry and motion to the Committee on Rules.

**ADJOURNMENT OF SESSION**

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

*It was 6:51 p.m.*

I hereby certify to the correctness of the foregoing.

  
EMMA LIRIO-REYES  
Secretary of the Senate  


Approved on August 14, 2007