



REPUBLIC OF THE PHILIPPINES

S e n a t e

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SESSION NO. 11

Tuesday, August 21, 2007

**FOURTEENTH CONGRESS
FIRST REGULAR SESSION**

SESSION NO. 11
Tuesday, August 21, 2007

CALL TO ORDER

At 4:05 p.m., the Senate President, Hon. Manny Villar, called the session to order.

PRAYER

Sen. Richard J. Gordon read the prayer prepared by his daughter, to wit:

Dear Lord, today we pray and commemorate the life of Sen. Benigno Aquino Jr., a distinguished alumnus of the University of the Philippines and a member of the Upsilon Sigma Phi Fraternity, certainly an assertive leader that deserves to be the example for our people in terms of changing the ways that have brought us to perdition in this country.

Dear Lord, God of all, we call You by different names, but You listen anyway. We come to You today one nation composed of different tribes and different faiths but we still are one nation. We call on You, dear Lord, and ask that You bring peace to our country.

We pray for our soldiers, young men and women, who have chosen to serve their country, too many of whom have spilled their blood. We pray that You protect them and keep them safe. Return them safely to fulfill dreams unrealized so that they may bless Your Name through the lives they live.

Guide us so that we may contribute to bringing about Your peace. Give us wisdom so that we may find ways to uplift our people's lives. Lead us so that we may do what is right in Your sight.

Thank you very much, Lord.

ROLL CALL

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

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

With 19 senators present, the Chair declared the presence of a quorum.

Senators Lapid and Zubiri were on official mission, the latter abroad.

Senator Legarda was absent due to health reasons.

Senator Trillanes was unable to attend the session.

ACKNOWLEDGMENT OF THE PRESENCE OF GUEST

At this juncture, Senator Pangilinan acknowledged the presence of former President Corazon C. Aquino.

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. 10 and considered it approved. *AS mg*

REMARKS OF SENATOR DEFENSOR SANTIAGO

Senator Defensor Santiago paid her respect to former President Aquino whom she considers to be one of the most admired presidents of the country, indeed a unique distinction given the array of suspicious characters who had occupied that office. She welcomed the former president to the Chamber.

POINT OF ORDER OF SENATOR DEFENSOR SANTIAGO

Thereupon, Senator Defensor Santiago raised a point of order, noting that the Office of the President has not yet officially transmitted the Japan-Philippine Economic Partnership Agreement (JPEPA) to the Senate, although the document had been referred to the Senate in the last Congress.

As she invoked the principle of statutory construction that a special law will serve to repeal or amend a general law or practice, she stated that while the general tradition in the Senate is that proceedings on bills in the past Congress need not be replicated in the new Congress, there is the last paragraph of Section 101 of the Rules of the Senate which states, "All proceedings on treaties shall terminate upon the expiration of the term of the Senators elected in the preceding elections and the same shall be taken up in the succeeding sessions of the Senate, as if presented for the first time."

She stated that while she would be delighted to consider the JPEPA as submitted to the Senate and referred to the Committee on Foreign Relations, she is restricted by said rule whose technical limitations would have to be applied in this case. She recalled that when she was designated as chair of the Committee two weeks ago, she wrote the Executive Secretary to remind him that under the Senate Rules, the JPEPA has to be referred to the Senate anew. The Committee, she emphasized, will have no jurisdiction unless the JPEPA is sent by Malacañang to the Senate, and without the Senate concurrence, JPEPA does not exist in legal contemplation.

In reaction, Senator Pangilinan gave assurance that he would make the necessary representation with the Presidential Legislative Liaison Office to inquire into the transmittal of the document.

REMARKS OF SENATOR PIMENTEL

Senator Pimentel expressed the view that the more liberal interpretation of the Rules of the Senate is that since the Senate, as a continuing body, has already acquired jurisdiction over the JPEPA, there is no need to wait for another referral. He expressed hope that the Body would adhere to that line of reasoning to avoid being bogged down by the failure of Malacañang to endorse the JPEPA to the Senate for ratification.

Senator Defensor Santiago agreed but she expressed concern that should the Senate ratify the Agreement, the losing parties could bring a case to the Supreme Court which could, in turn, declare that all the Senate proceedings on the JPEPA were void because of its own rules. However, she noted that the Supreme Court had already ruled that both Houses of Congress can amend their rules anytime. She stated that if this is the unanimous sentiment of the Body, it could amend Section 101 which would allow the Senate to consider the JPEPA to have been submitted to it and therefore allow the Committee to schedule a public hearing on it.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:15 p.m.

RESUMPTION OF SESSION

At 4:18 p.m., the session was resumed.

REFERRAL OF THE POINT OF ORDER OF SENATOR DEFENSOR SANTIAGO

Upon motion of Senator Pangilinan, there being no objection, the point of order of Senator Defensor Santiago was referred to the Committee on Rules.

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. 501, entitled

AN ACT CREATING AND ESTABLISHING THE INSTITUTE FOR

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STRATEGIC STUDIES, AND FOR
OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito
Estrada

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

Senate Bill No. 502, entitled

AN ACT CREATING THE LOCAL
EMPLOYMENT AUTHORITY,
DEFINING ITS POWERS AND
FUNCTIONS AND APPROPRIATING
FUNDS THEREFOR

Introduced by Senator Jinggoy Ejercito
Estrada

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

Senate Bill No. 503, entitled

AN ACT AMENDING SECTION 186 OF
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. 504, entitled

AN ACT AMENDING SECTION 10 OF
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. 505, entitled

AN ACT AMENDING ARTICLE 264 OF
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. 506, entitled

AN ACT AMENDING SECTIONS 251
AND 252 OF 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. 507, entitled

AN ACT ESTABLISHING THE MOVE-
MENT TO HELP ERADICATE RAPE
AND OTHER FEMALE ABUSES
“(MOTHER),” MANDATING THE
COMPULSORY TEACHING OF
SELF DEFENSE TO ALL FEMALE
CONSTITUENTS, APPROPRIATING
FUNDS THEREFOR, AND FOR
OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito
Estrada

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

Senate Bill No. 508, entitled

AN ACT TO RESTORE THE TAX
EXEMPTION PRIVILEGES OF ELEC-
TRIC COOPERATIVES CREATED ¹⁶⁰

UNDER P.D. 269, OTHERWISE KNOWN AS THE "NATIONAL ELECTRIFICATION ADMINISTRATION DECREE," AMENDING FOR THIS PURPOSE SECTIONS 193 AND 234 (d) OF R. A. NO. 7160 OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

Introduced by Senator Jinggoy Ejercito Estrada

To the Committees on Cooperatives; and Ways and Means

Senate Bill No. 509, entitled

AN ACT AMENDING SECTION 144 OF BATAS PAMBANSA BLG. 68, OTHERWISE KNOWN AS THE CORPORATION CODE OF THE PHILIPPINES BY INCREASING THE RANGE OF PENALTIES FOR VIOLATION OF ITS PROVISIONS AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

To the Committees on Trade and Commerce; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 510, entitled

AN ACT AMENDING ARTICLE 266-B OF THE REVISED PENAL CODE AND FOR OTHER PURPOSES

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. 511, entitled

AN ACT INSTITUTING THE LABELING OF IMPORTED MEAT AND MEAT FOOD PRODUCTS

Introduced by Senator Jinggoy Ejercito Estrada

To the Committees on Trade and Commerce; and Agriculture and Food

Senate Bill No. 512, entitled

AN ACT TO INSTITUTE A FREE PUBLIC COLLEGE EDUCATION SYSTEM IN THE PHILIPPINES AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 513, entitled

AN ACT ESTABLISHING A "TULONG-DUNONG PROGRAM" FOR STUDENTS OF UNDERPRIVILEGED FAMILIES AND AUTHORIZING THE APPROPRIATION OF ONE HUNDRED MILLION PESOS (Php 100,000,000.00) FOR THE PURPOSE

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 514, entitled

THE PUBLIC ASSEMBLY ACT OF 2007

Introduced by Senator Jinggoy Ejercito Estrada

To the Committee on Justice and Human Rights

Senate Bill No. 515, entitled

AN ACT PROVIDING FOR A MAGNA CARTA FOR JOURNALISM

Introduced by Senator Jinggoy Ejercito Estrada

To the Committees on Public Information and Mass Media; and Labor, Employment and Human Resources Development

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Senate Bill No. 516, entitled

AN ACT PROVIDING FOR A MAGNA CARTA OF AGRICULTURAL DEVELOPMENT WORKERS

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 517, entitled

AN ACT ESTABLISHING AT LEAST ONE (1) SPECIAL EDUCATION (SPED) CENTER FOR EACH SCHOOL DIVISION AND AT LEAST THREE (3) SPED CENTERS IN EVERY SCHOOL DIVISION FOR CHILDREN WITH SPECIAL NEEDS (CSN), CREATING THE IMPLEMENTING MACHINERY THEREOF, PROVIDING GUIDELINES FOR GOVERNMENT FINANCIAL ASSISTANCE AND OTHER INCENTIVES AND SUPPORT 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. 518, entitled

AN ACT RATIONALIZING THE FINANCIAL REGULATION OF WATER UTILITIES, CREATING THE WATER REGULATORY COMMISSION AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 519, entitled

AN ACT AMENDING SECTION 7(b) OF REPUBLIC ACT NO. 6713, OTHER-

WISE KNOWN AS THE CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES, SO AS TO LENGTHEN THE PERIOD OF PROHIBITED EMPLOYMENT IN THE CASE OF MEMBERS OF THE CABINET

Introduced by Senator Jinggoy Ejercito Estrada

To the Committees on Civil Service and Government Reorganization; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 520, entitled

AN ACT AMENDING SECTION 285 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991, PROVIDING FOR THE REALLOCATION OF THE INTERNAL REVENUE ALLOTMENT OF LOCAL GOVERNMENT UNITS

Introduced by Senator Jinggoy Ejercito Estrada

To the Committees on Local Government; and Finance

Senate Bill No. 521, entitled

AN ACT STRENGTHENING THE LOCAL GOVERNMENT ACADEMY OF THE PHILIPPINES, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

To the Committees on Local Government; Ways and Means; and Finance

Senate Bill No. 522, entitled

AN ACT PROVIDING FOR THE SALARIES OF BARANGAY OFFICIALS AMENDING SEC. 393 OF REPUBLIC

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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. 523, entitled

AN ACT PROVIDING FOR THE
PHILIPPINE NATIONAL POLICE
MODERNIZATION PROGRAM, AND
FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito
Estrada

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

Senate Bill No. 524, entitled

AN ACT IMPOSING AN ADDITIONAL
PENALTY ON ALL PERSONS WHO
SHALL THEREAFTER COERCE,
INFLICT INJURY OR KILL ANY
BONAFIDE MEMBER OF THE
MEDIA IN THE COURSE OF OR IN
THE PERFORMANCE OF HIS OR
HER DUTIES

Introduced by Senator Jinggoy Ejercito
Estrada

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

Senate Bill No. 525, entitled

AN ACT PROVIDING FOR A COLLEGE
EDUCATION TRUST FUND FOR
CHILDREN OF GSIS AND SSS
MEMBERS

Introduced by Senator Jinggoy Ejercito
Estrada

**To the Committees on Government
Corporations and Public Enterprises; and
Education, Arts and Culture**

Senate Bill No. 526, entitled

AN ACT PROVIDING FOR THE
ESTABLISHMENT OF THE MAGNA
CARTA OF STUDENTS

Introduced by Senator Jinggoy Ejercito
Estrada

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

Senate Bill No. 527, entitled

AN ACT PROVIDING A MAGNA
CARTA FOR DAY CARE WORKERS

Introduced by Senator Jinggoy Ejercito
Estrada

**To the Committees on Social Justice,
Welfare and Rural Development; Civil Service
and Government Reorganization; and Finance**

Senate Bill No. 528, entitled

AN ACT ESTABLISHING A PROGRAM
FOR THE CONSTRUCTION, MAIN-
TENANCE, REHABILITATION, AND
REPAIR OF SCHOOL BUILDINGS
IN THE PUBLIC ELEMENTARY
AND SECONDARY SCHOOLS
NATIONWIDE, APPROPRIATING
FUNDS THEREFOR, AND FOR
OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito
Estrada

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

Senate Bill No. 529, entitled

AN ACT EXPANDING THE PRO-
HIBITED ACTS OF DISCRIMINA-
TION AGAINST WOMEN ON
ACCOUNT OF SEX, AMENDING
FOR THE PURPOSE ARTICLES 135
AND 137 OF P.D. 442, AS AMENDED,
OTHERWISE KNOWN AS THE
LABOR CODE OF THE PHILIP-
PINES

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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. 530, entitled

AN ACT STRENGTHENING THE COMMISSION ON HIGHER EDUCATION (CHED), AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7722, ENTITLED AN ACT CREATING THE COMMISSION ON HIGHER EDUCATION, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 531, entitled

AN ACT TO AMEND ARTICLE XXII, SECTION 261(dd) OF BATAS PAMBANSA BLG. 881, OTHERWISE KNOWN AS THE OMNIBUS ELECTION CODE OF THE PHILIPPINES, 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. 532, entitled

AN ACT TO INCLUDE THE STUDY OF THE FAMILY CODE (E.O. 209, AS AMENDED BY E.O. 227) IN THE TERTIARY OR COLLEGIATE LEVEL CURRICULUM AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

To the Committees on Education, Arts and Culture; and Youth, Women and Family Relations

Senate Bill No. 533, entitled

AN ACT EXPANDING THE PURPOSES AND APPLICATION OF THE SPECIAL EDUCATION FUND (SEF) AMENDING FOR THE PURPOSE SECTION 272 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 Committees on Local Government; and Education, Arts and Culture

Senate Bill No. 534, entitled

AN ACT PROCLAIMING THE CHOCOLATE HILLS AS NATIONAL PATRIMONY AND GEOLOGICAL MONUMENTS, PROVIDING PENALTIES FOR THEIR PILLAGE, DEFACEMENT AND DESPOIL, AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

To the Committees on Environment and Natural Resources; and Tourism

Senate Bill No. 535, entitled

AN ACT PROVIDING HIGHER EDUCATIONAL OPPORTUNITIES FOR WOMEN, ESTABLISHING A WOMEN'S HIGHER EDUCATION SCHOLARSHIP FUND AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

To the Committees on Education, Arts and Culture; Youth, Women and Family Relations; and Finance

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Senate Bill No. 536, entitled

AN ACT FURTHER STRENGTHENING VOLUNTARY ARBITRATION AS THE PREFERENTIAL MODE OF LABOR DISPUTE SETTLEMENT, AMENDING FOR THIS PURPOSE ARTICLES 217, 260, 261, 262-A, 262-B, 263 (G) AND ARTICLE 277 (F), AND INCORPORATING A NEW ARTICLE 262-D OF PRESIDENTIAL DECREE NO. 442, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, AS AMENDED

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 537, entitled

AN ACT DEFINING JURISDICTION OVER LABOR CASES BETWEEN THE NATIONAL LABOR RELATIONS COMMISSION AND THE REGIONAL OFFICES OF THE DEPARTMENT OF LABOR AND EMPLOYMENT, AMENDING FOR THIS PURPOSE, ARTICLES 129 AND 217 OF PRESIDENTIAL DECREE FOUR HUNDRED FORTY-TWO (P.D. 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. 538, entitled

AN ACT QUALIFYING THE KILLING OF MEMBERS OF BROADCAST AND PRINT MEDIA ON THE OCCASION OF THE EXERCISE OF THEIR FUNCTIONS AS SUCH, AS A CRIME OF MURDER PUNISHABLE UNDER ARTICLE 248 OF THE REVISED PENAL CODE, AS AMENDED

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 539, entitled

AN ACT GRANTING HAZARD PAY TO ALL DULY-APPOINTED BARANGAY TANOD BRIGADES DURING THEIR INCUMBENCY, APPROPRIATING FUNDS THEREFOR

Introduced by Senator Jinggoy Ejercito Estrada

To the Committees on Local Government; and Finance

Senate Bill No. 540, entitled

AN ACT PROVIDING FOR A NEW LOCAL GOVERNMENT CODE OF THE PHILIPPINES

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 541, entitled

AN ACT ESTABLISHING THE PHILIPPINE COAST GUARD AS AN ATTACHED AGENCY TO THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS, FURTHER AMENDING REPUBLIC ACT NO. 5173 AND PRESIDENTIAL DECREE 601, AND FOR OTHER PURPOSES

Introduced by Senator Jinggoy Ejercito Estrada

To the Committees on National Defense and Security; Civil Service and Government Reorganization; Ways and Means; and Finance

Senate Bill No. 542, entitled

AN ACT INTRODUCING EDUCATIONAL REFORMS AND SUPPORTING THE PLANNING AND IMPLEMENTATION OF EDUCATIONAL REFORMS IN SECONDARY INSTITUTIONS

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 543, entitled

AN ACT TO ENSURE THAT OLDER OR DISABLED PERSONS ARE PROTECTED FROM INSTITUTIONAL, COMMUNITY AND DOMESTIC VIOLENCE AND SEXUAL ASSAULT AND TO IMPROVE OUTREACH EFFORTS AND OTHER SERVICES AVAILABLE TO OLDER OR DISABLED PERSONS VICTIMIZED BY SUCH VIOLENCE

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 544, entitled

AN ACT DEFINING THE CRIME OF ECONOMIC ESPIONAGE AND PROVIDING PENALTIES THEREFOR

Introduced by Senator Jinggoy Ejercito Estrada

To the Committees on Trade and Commerce; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 545, entitled

AN ACT TO ESTABLISH A NATIONAL PROGRAM THAT WILL PROVIDE PREGNANT WOMEN WITH ALTERNATIVES TO ABORTION

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 546, entitled

AN ACT TO REQUIRE THAT FOOD, MEAT AND POULTRY PRODUCTS THAT CONTAIN A GENETICALLY ENGINEERED MATERIAL, BE LABELED ACCORDINGLY

Introduced by Senator Jinggoy Ejercito Estrada

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

Senate Bill No. 547, entitled

AN ACT TO REDUCE MEDICAL MISTAKES AND MEDICATION-RELATED ERRORS

Introduced by Senator Jinggoy Ejercito Estrada

To the Committees on Health and Demography; and Finance

Senate Bill No. 548, entitled

AN ACT PROTECTING THE RIGHTS OF CHILDREN WHO ARE VICTIMS OF CRIME AND ESTABLISHING A VICTIM'S BILL OF RIGHTS FOR CHILDREN

Introduced by Senator Jinggoy Ejercito Estrada

To the Committees on Justice and Human Rights; and Youth, Women and Family Relations

Senate Bill No. 549, entitled

AN ACT GRANTING WOMEN EQUAL OPPORTUNITY TO ATHLETIC SCHOLARSHIP AND TO PRIZES OF SPORTS

Introduced by Senator Jinggoy Ejercito Estrada

To the Committees on Youth, Women and Family Relations; and Education, Arts and Culture

Senate Bill No. 550, entitled

AN ACT PENALIZING INCEST

Introduced by Senator Jinggoy Ejercito Estrada

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

PRIVILEGE SPEECH OF SENATOR AQUINO

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

On this day in 1983, my father, Ninoy Aquino, was summarily executed on his return from exile in the United States.

What happened on the tarmac of the Manila International Airport on August 21, 1983, would push an entire country to demand its right to democracy and freedom. It was the beginning of a new chapter in this country's history. It was also the day that heralded our quest for justice in his name.

My father was executed in the presence of law enforcers and national security officials who, ironically, were there to provide him with security in the face of threats announced by the government. None of these individuals, except the lower ranking officials, have been punished for their offenses – complicity at worst, and criminal incompetence, at the very least.

My father's murder may have sparked the beginning of our long and arduous road to the restoration of democracy, but he was also only one among many whose lives became the currency with which we were to buy back our freedom.

Given the lack of democratic space and academic freedom during martial law, we have had to rely on figures generated by research conducted after this period. Findings by political scientist Alfred McCoy state that a total of 3,257 cases of political killings occurred during martial

law. In addition, there were 35,000 torture victims and 70,000 illegal detention cases. Most of these cases remain unsolved.

I stand here before you today not only as Ninoy Aquino's son and namesake, but as one Filipino who benefited from the sacrifice of his life and that of many others.

Where are we today, as a country and a democracy sworn to serve and protect its citizens, 24 years after the murder of Ninoy Aquino?

Early this year, the office of the UN High Commissioner for Human Rights sent Philip Alston, UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, to investigate claims by human rights organizations that more than 800 political activists, human rights workers, trade union officials, journalists, lawyers and judges have been murdered throughout the country since 2001, the year President Gloria Arroyo came to power.

In his report to the UN following his visit to the Philippines, Alston stated that he had found "strong and consistent evidence leading to the conclusion that a significant number of these killings are due to the actions of the military." The way in which key institutions and actors approached their responsibilities in relation to such grave human rights concerns, Alston stressed, was significantly influenced by a "passivity bordering on abdication of responsibility."

A resolution by the European Parliament issued in April this year stressed the need to "stop inciting violence towards certain political or civil society groups, and to restore normal accountability mechanisms to check government abuses."

Alongside these are pronouncements by the Catholic Bishops' Conference of the Philippines and civil society groups calling on the President to "seriously address" the spate of political killings that has become a dark cloud hovering over our democracy.

Despite these collective statements of concern, the government's decision to adopt a position of denial with regard to the gravity of the problem makes one wonder about this administration's capacity, and indeed, willingness, to protect its citizens and seek justice on their behalf.

Take the case of Jonas Burgos, farmer and son of the late press freedom icon and hero, ^{ASC}

YES

Joe Burgos, who, according to the statements of witnesses, was abducted by armed men on April 28, 2007, while having lunch in a Quezon City restaurant located in a mall.

A single piece of physical evidence – missing license plates traced to a vehicle impounded in the 56th Infantry Battalion's camp in Bulacan – has linked members of the AFP to Jonas' still unexplained disappearance.

Edita Burgos, Jonas' mother, has exhausted all constitutional means of finding any information on the fate of her son.

She has written to President Arroyo, met with Executive Secretary Eduardo Ermita, and asked AFP Chief of Staff General Hermogenes Esperon Jr. to give her a copy of the military Provost Marshal's investigation into the missing plates.

She has petitioned before the Supreme Court for a writ of *habeas corpus*, and has continued to petition the courts for a copy of the said investigation.

Where has Mrs. Burgos' faith in our democratic institutions taken her?

General Esperon has denied her request for a copy of the Provost Marshal's report, saying it would "set a bad precedent," directly in opposition to Article III, Section 7 of the Constitution, which recognizes the right of people to information on matters of public concern.

The Provost Marshal himself failed to attend a Court of Appeals hearing on Mrs. Burgos' petition that he disclose the results of the report, saying he was "caught in a traffic jam."

Presidential Task Force Against Media Harassment head Senior State Prosecutor Emmanuel Velasco ordered the National Bureau of Investigation (NBI) to summon for questioning five military officers suspected of having been involved in the disappearance of Jonas. He was consequently relieved by Justice Secretary Raul Gonzalez from the Jonas case.

The Supreme Court has ordered the AFP, through its Commander-in-Chief, to produce Jonas. To this, National Security Adviser Norberto Gonzales and Executive Secretary Eduardo Ermita have said that they could not possibly produce someone they did not have in their custody. Their standard reply to the order has been "We will try."

While consistently denying allegations that they had anything to do with Jonas' disappearance, military officials have publicly accused

Jonas of being a member of the New People's Army, as if to vindicate themselves from a crime they insist they did not commit.

The circumstances surrounding his disappearance, his abduction in a restaurant inside the crowded mall in broad daylight display the sense of impunity with which the perpetrators committed the crime.

I read in the newspaper today that the kidnap victim in Antipolo City, a 41-year-old Indian businessman, was rescued after three kidnappers were killed in a shootout with the police. Operatives of the Police Anti-Crime and Emergency Response, the Quezon City Police District, and the Rizal Police launched the manhunt for Mr. Singh after witnesses saw armed men forced him into a vehicle Sunday morning. He was rescued Sunday night.

This case illustrates that our law enforcement officials are capable of solving cases of disappearance through their sense of urgency.

Unfortunately, this kind of prompt action is currently absent in the Jonas Burgos case. What makes his case any different from any other kidnapping continues to be a mystery.

To "revive our righteous indignation and spur our united search for the elusive solution to this pestering problem," the Supreme Court led a National Consultative Summit on Extrajudicial Killings, bringing together some 400 delegates and observers representing virtually all sectors of society.

Never in the annals of the judiciary has it convened a summit for any cause. The National Consultative Summit on Extrajudicial Killings was as bold as it was unprecedented.

Unfortunately, this innovation by the highest court in our land in the name of the rule of law, hailed as a "landmark summit" by broad sectors of society, did not even merit a mention in Gloria Macapagal Arroyo's State of the Nation Address.

The attitude that this administration has adopted on the Jonas Burgos case, and indeed, on the entire issue of political killings and disappearances — compliant at worst, uncaring and incompetent at the very least — bears a chilling similarity to the authorities that stood by, watched, and did nothing as my father was murdered on August 21, 1983.

My father once said that "the true test of a democracy is not the ability to protect your

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friends but the rights of those whom you might consider your enemies.”

In a democracy, the right to due process, free speech and reliable information is given to every individual, regardless of where they stand in the ideological spectrum.

In a democracy, one’s faith in institutions of government is justified by the ability of these institutions to uphold and protect these basic constitutional rights.

These were the freedoms that my father died fighting for.

The rights restored by Ninoy Aquino’s sacrifice, and that of many nameless others, come with the burden of responsibility to uphold and protect the same, especially when they are threatened by the very institutions that are mandated to protect and preserve them.

It is because of this responsibility that we, who now enjoy these rights and freedoms, should refuse to accept that the restoration of democracy, however incomplete it might yet be, has failed the likes of Jonas and Edita Burgos.

While denouncing the institutions of government that have, by their inaction, abdicated their democratic duties, we should also note with pride the existence of those who, by their actions, continue to provide us with hope.

The Senate as an institution has demonstrated independence, courage and resolve by consistently resisting attempts by the Executive to prevent it from exercising its constitutionally-mandated duty to protect our freedom and liberties.

It was no stroke of luck or coincidence that our people gave the Opposition a clear and resounding mandate in the last elections. The message could not be clearer: In the face of continuing threats to our fragile democracy, the Senate must continue to play the role of an effective check on the abuse of executive power, and a steadfast guardian of our civil liberties and the rule of law.

The Supreme Court has sought to use its constitutional powers over the practice of law to increase protection for civil liberties and to exact accountability from those who violate them.

In the last few days, we have heard Chief Justice Reynato Puno speak of the use of the writ of *amparo*, a special constitutional writ to

protect or enforce a constitutional right in consonance with the high court’s power to do so. In addition, the writ of *amparo* also provides the families of victims of disappearances the right to access information pertaining to their cases.

We in the Senate should throw our full support behind this and other recommendations arising from the Summit: to define “*extrajudicial killing*” through legislation, to propose a law allowing search for missing persons in military camps and to have separate rules for writ of *habeas corpus* for cases of extrajudicial killings and enforced disappearances.

As a coequal, independent branch of government, the Senate must assert its prerogative, specifically its power of oversight, to hold the Executive accountable for its actions, and for that matter, its inaction, at all times.

In matters affecting the national interest and general welfare of our people, no institution of government should be beyond review. Any attempt to insulate them from scrutiny through executive orders and memorandum circulars should be condemned and opposed at all cost.

My father died to bring democracy back to life in our country. It was the highest possible price anyone could have paid. It is now up to us to make the institutions of democracy work for our citizens, so that never again should any person’s life be sacrificed in the name of his beliefs.

The ball is now in our hands.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:45 p.m.


RESUMPTION OF SESSION

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

At this juncture, Senator Lacson requested that his technical staff be allowed to install an audio-visual equipment for his presentation.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:46 p.m. 

RESUMPTION OF SESSION

At 4:48 p.m., the session was resumed.

Senator Pangilinan announced that the interpellations on the speech of Senator Aquino would take place after the speech of Senator Lacson.

PRIVILEGE SPEECH OF SENATOR LACSON

Likewise availing himself of the privilege hour, Senator Lacson delivered the following speech:

THE LIGHTHOUSE THAT BROUGHT DARKNESS

Two years ago, the country was caught in a political maelstrom brought about by revelations arising from the voice tapes taken of a man and a woman, the identities of whom have since been laid public.

It all started when on June 6, 2005, no less than Press Secretary Ignacio Bunye, in his office in Malacañang itself, bared two compact disc recordings, one probably real, the other obviously doctored, where a man and a woman's conversations were quite audible.

(audio-visual presentation)

The resulting uproar reached higher decibels when three days after, a press conference was held in Makati City by the former Deputy Director of the National Bureau of Investigation, Atty. Samuel Ong, who claimed to have the "master tape" of the mysterious voice recordings with highly indecent conversations relative to the 2004 presidential elections.

In that press conference was presented the story of how operatives of the Intelligence Service Armed Forces of the Philippines (ISAFP) tapped the cell phone conversations of several people, including some very powerful personages in and out of the current administration. As you will see in the succeeding presentation, it was not just Virgilio Garcillano who became the subject of intense technical surveillance operations by the ISAFP. There were many more from both sides of the political fence. Central to the revelations of Atty. Samuel Ong was the persona of Vidal Doble Jr., the man who was supposed to tell the nation how the cell phone conversations of the high and the mighty were eavesdropped upon, and recorded for posterity.

Unfortunately for the Filipino people, that was not to be. For two years and running, the nation has been kept in the dark about the truth behind "Hello Garci" because the man who knew

how conversations were illegally tapped for political and other purposes could not speak out. His family was kidnapped in Kidapawan, North Cotabato, brought to Manila, detained in the basement of the official residence of the Chief of Staff of the Armed Forces of the Philippines inside Camp Aguinaldo, Quezon City, to which he himself was to be brought later. Thus was his silence on the issue guaranteed by the terror of fear for his family. When he was haled before the House of Representatives as a resource person, Vidal Doble Jr. was obviously not a free man.

In an effort to seek closure to an issue that continues to hound the politics of this nation, with repercussions on the legitimacy of the mandate of the present leadership, I present today the sworn statement of Vidal Doble Jr., who has finally found the courage of his convictions, and will tell the people, through us in this august Chamber, freely, the whole unvarnished truth – the what's, when's, where's, who's why's and how's of the "Hello Garci" tapes. With your indulgence, please allow me to share with you some excerpts from Doble's testimony:

Dati po akong sundalo na na-assign sa Intelligence Service Armed Forces of the Philippines sa Unit ng Military Intelligence Group 21.

Q. *Ano po 'tong Military Intelligence Group 21?*

A. *Military Intelligence Group 21, ito ang technical group ng ISAFP.*

Q. *Ano po ang posisyon ninyo dito sa Military Intelligence Group na ito?*

A. *Bale ako po ang dating noncommissioned officer-in-charge or team leader ng Wire Section.*

Q. *Kailan po kayo unang na-assign dito sa MIG 21, Mr. Doble?*

A. *I was assigned in MIG 21 sometime March of 1994.*

Q. *At noong nasa MIG 21 pa kayo, ano ang natatandaan ninyong project for operations ng grupo ninyo?*

A. *Nagkaroon po kami ng project diyang na kung tawagin ay Project Lighthouse.*

Q. *Itong Project Lighthouse na ito, ano ang mission ng project na ito?*

A. *Bale, krineate ito para ma-monitor ang iba't-ibang personalities, lalung-lalo na iyong mga against sa Arroyo administration.*

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- Q. *Sino iyong mga personalities na namonitor ng Project Lighthouse?*
- A. *Si late FPJ, Horacio "Boy" Morales, Rez Cortez, Magdalo Group, Gringo Honasan.*
- Q. *Nabanggit mo, Mr. Doble, itong Magdalo group, sinu-sino sa Magdalo group ang naging target ng Project Lighthouse?*
- A. *Bale sila Captain at ngayon ay elected senator na si Antonio Trillanes, Captain Faeldon, Captain Gambala, at Captain Maestrocampo.*
- Q. *At sinu-sino naman ang bumubuo nitong Project Lighthouse?*
- A. *Bale 14 kami diyan na puro sundalo na kinuha ni Captain Rebong.*
- Q. *At sino ang leader ninyo sa Project Lighthouse?*
- A. *Bale ang pinakalider namin o pinuno ay ang dati naming Group Commander na si Col. Paul Sumayo, Capt. Frederick Rebong, at Capt. Lindsay Rex Sagge.*
- Q. *Itong mga officers na nabanggit mo, lahat sila ay member ng anong unit?*
- A. *Si Captain Sumayo po ay wala na ngayon sa ISAFP.*
- Si Captain Rebong, ang pagkakaalam ko ay nag-schooling abroad. Si Captain Sagge naman ay nasa MIG 21 pa rin.*
- Q. *Itong Project Lighthouse na ito, ilang teams ito, kung natatandaan mo pa?*
- A. *Bale apat na teams kami diyan.*
- Q. *Aling team ka naging member?*
- A. *Bale napabilang ako sa Team 2 na ang team leader namin ay si Master Sgt. Alex Villedo; iyong isang kasama ko pa ay si TSgt. Ariel Pitate ng Philippine Air Force.*
- Q. *Ikuwento mo nga kung paano naging proseso ninyo sa pagmonitor ng mga target personalities sa Project Lighthouse.*
- A. *Iyon nga, binigyan kami ng units na 3600 ni Captain Rebong na may kapabilidad na mag-monitor ng mga tawag.*

- Q. *At noong pagmonitor ninyo, puro mga Opposition personalities lamang na nabanggit mo, sila lamang iyong minonitor ng Project Lighthouse?*
- A. *Mayroon din pong sa administration katulad ng kay Michael Defensor.*
- Q. *Si Mike Defensor, minonitor ninyo rin sa Lighthouse?*
- A. *Opo.*
- Q. *Sino pa ang ibang namonitor ninyo sa Project Lighthouse?*
- A. *Iyon na nga, si dating Comelec Commissioner Virgilio Garcillano.*
- Q. *Gaano katagal ninyo namonitor si former Commissioner Garcillano?*
- A. *Matagal din, mula nang mag-umpisa iyang Project Lighthouse. Noong una nga, hindi naming alam na iyong sinasa-bing Gary, iyon na pala si Atty. Virgilio Garcillano.*
- Q. *So, paano ninyo nalaman na iyong mino-monitor ninyong personality na iyon, target na iyon, ay si Garcillano?*
- A. *Sa tagal din ng pagmonitor naming na nangagaling sa mga tawag. Minsan, may tumawag sa cellphone niya na kung puwede makausap si Commissioner Virgilio Garcillano.*
- Q. *Okay. So, sinu-sino naman ang naka-usap nito ni Garcillano na namonitor ninyo?*
- A. *Iyan na nga, nagulat kaming lahat nang tumawag si Pangulong Arroyo kay Virgillio Garcillano, na ang tinatanong n'ya ay iyong tungkol sa dagdag na isang milyon.*
- Q. *So, ibig sabihin, kayo rin ang naka-monitor noong conversation ni Presidente Arroyo at kay Garcillano?*
- A. *Opo.*
- Q. *So, ikaw ba mismo ang nakarinig sa conversation na iyon?*
- A. *Opo, dahil that time, ang team po namin ang duty.*
- Q. *Pagkatapos ninyo namonitor itong mga conversations na ito, anong ginagawa ninyo sa Lighthouse?*

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- A. *Bale nire-record po namin iyan at ibinibigay kay Captain Rebong.*
- Q. *So, lahat ng recorded conversations, na kay Captain Rebong lahat?*
- A. *Hindi po, bale naiiwan sa amin iyong tinatawag na master tape.*
- Q. *So, bukod doon sa binigay ninyo kay Captain Rebong, may mga master tapes din kayong hawak?*
- A. *Opo.*
- Q. *Saan naman napunta iyong mga master tapes na iyon?*
- A. *Iyon nga po, bale iyong apat po sa master tapes ay naibigay ko kay Lito Santiago na tauhan ni dating NBI Deputy Director Samuel Ong.*
- Q. *Pagkatapos mo binigay iyong mga master tapes na iyon kay Lito Santiago, anong nangyari?*
- A. *Iyon na nga po, dumeretso na po kami sa San Carlos Seminary sa Makati.*
- Q. *So, kasama ka noon ni Atty. Samuel Ong sa San Carlos Seminary noong mga panahon na iyon?*
- A. *Opo.*
- Q. *Anong ginawa ni Atty. Ong doon noong nandoon kayo sa San Carlos Seminary?*
- A. *Bale nagpatawag siya ng presscon sa mga media para ibunyag nga iyong sinasabing Garci tapes.*
- Q. *So, kasama ka ba doon sa mga nagbunyag tungkol doon sa Garci tapes?*
- A. *Ako po iyong nagbigay kay Lito ng mga tapes.*
- Q. *Pagkatapos doon sa San Carlos Seminary, ano na ang nangyari?*
- A. *Iyon na nga po, sinundo po ako ni Bishop Socrates Villegas.*
- Q. *At saan naman kayo pumunta ni Bishop?*
- A. *Bale dinala na ako sa Camp Aguinaldo sa quarters ng dating Chief of Staff na si General Abu.*
- Q. *So, pumunta kayo sa quarters ni General Abu?*
- A. *Opo.*
- Q. *Anong ginawa ninyo roon?*
- A. *Doon ko na nga po nakita iyong dalawang anak ko at iyong misis ko na nandoon sila naka-detain sa basement ng quarters ni General Abu.*
- Q. *So, ibig mong sabihin, kinulong ng AFP sa quarters ni General Abu iyong pamilya mo noong panahon na iyon?*
- A. *Iyon ang nakita ko nang dalhin ako doon ni Bishop Villegas.*
- Q. *Okay, so anong nangyari pagkatapos malaman mo na sila ay nakakulong doon sa quarters na iyon?*
- A. *Iyon na nga po, hindi po natuloy iyong dapat kong pagbunyag tungkol sa Garci tapes.*
- Q. *Dahil nakakulong iyong pamilya mo?*
- A. *Opo.*
- Q. *Noong ikinulong iyong pamilya mo, ano naman ang nangyari sa iyo? Saan ka napunta?*
- A. *Ibinalik po kami sa ISAFP kasama ang pamilya ko.*
- Q. *At gaano katagal naman kayo naka-custody sa ISAFP?*
- A. *Ang pamilya ko ay nasa custody ng ISAFP mula June 2005 hanggang April of 2006, samantalang ako ay June 2005 hanggang madischarge nito lang February 2007.*
- Q. *Bakit ka nadischarge sa ISAFP, Mr. Doble?*
- A. *Dahil hindi na po ako nag-reenlist.*
- Q. *So, desisyon mong hindi ka na magpare-enlist sa ISAFP?*
- A. *Opo.*
- Q. *Sa ngayon, bakit ka lumalabas, from the last time nagkaroon nitong isyu tungkol sa Garci tapes, dalawang taon na ang nakaraan? Bakit ngayon ka lumalabas tungkol dito?*
- A. *Dahil nakita ko pa rin itong nakaraang May 14, 2007 elections na ganoon pa rin ang dayaan, walang pinagbago mula noong lumabas iyong May 14 presidential election. Nagkaroon ng dayaan.*

(At this juncture, Senator Enrile asked the identity of the person asking questions. Senator Lacson replied that it was Atty. Alex Abesado.)

A: *Wala na akong dapat ikatakot dahil civilian na ako. Para matapos na itong issue na ito na bumabagabag sa kalooban ko.*

This is extremely alarming – that elements of the Intelligence Service Armed Forces of the Philippines (ISAFP) could eavesdrop with ease on the conversations of whomsoever they choose, or whomsoever they are ordered to spy upon.

The targets of Project Lighthouse were not terrorists by any stretch of its definition. In any case, Congress had not yet passed any anti-terrorism law at the time of the commission of these crimes.

The intelligence project itself is a paradox for it was not the “lighthouse” that we know. It was the “lighthouse” that brought darkness into this benighted land.

But not only had the ISAFP been ordered to do its dastardly deed; no less than the leadership of the Armed Forces of the Philippines became party to covering up for the crimes they committed by threatening vital witnesses who sought to tell the truth.

Again, with your indulgence, let me present in graphic form how the objects of their spying desire had been eavesdropped upon, how “Project Lighthouse” went about like a Big Brother listening to, and recording, the conversations between Little Sister and an elections commissioner named Virgilio Garcillano. This Representation would have wanted to present a live wiretap demonstration before this Chamber, but for RA 4200, the Anti Wire-Tapping Act. Besides, I would need the assistance of a telecom service provider.

Notice how their technique is as simple as it is fraught with the most fearful of implications. What is frightening is the reality that we have all remained vulnerable while using any type of telecommunications equipment. It only takes a service provider willing to cooperate and conspire with whoever has knowledge in basic electronic surveillance.

The following is a four-step procedure on how “Hello Garci” was tapped and taped:

Step 1: A cell phone conversation is coursed through the cell site of the service provider;

Since Garci’s cell phone was one of the objects of wiretap as per Project Lighthouse, any conversation involving the use of his cell phone would, as a matter of course, trigger the nearest cell site.

Step 2: The service provider splits the signal and relays it to a cell phone unit that can record voice calls (in this case, a Nokia 3600);

Following the principle of a cloned cell phone, it was at this point when a service provider would intervene by intercepting and splitting the voice signals of Garci and whoever was involved in the cell phone conversation with him, then relay the same, real time, to the Nokia 3600 cell phone in the possession of the ISAFP operatives right inside the office of the MIG-21 or Military Intelligence Group 21 also known as the “Technical Intelligence Group” of ISAFP.

Step 3: The conversation is recorded as a digital file to the duplicate cell phone’s memory card, and is transferred to a computer;

This procedure bares the crudeness of the operation. According to Vidal Doble, they had to hastily remove the memory card from the duplicate cell phone, transfer the stored data to a computer, then quickly return the same memory card back into the Nokia 3600 unit as they might miss recording any incoming or outgoing calls.

Step 4: The file is then transferred to a cassette, compact disc or other media. In this case, a cassette tape... and, there we go... we have the infamous and notorious “Hello Garci” tapes.

Now that we all know how simple a cell phone wiretap operation is being undertaken, *isang simpleng payo lamang ang maibabahagi ko sa inyong lahat – kung may gagawin kayong kalokohan, tulad ng kumpare kong Senador Bong Revilla, Jr. at Senador Lito Lapid, mabuti pang kausapin na lang ninyo nang personal ang kinalolokohan ninyo.*

Levity aside, we are indebted to Mr. Vidal Doble Jr. for finally surfacing to give us the truth, about how “Project Lighthouse” brought the nation into the dark, applying clandestine acts to achieve sinister ends. Although he was prevented by fear for his safety and that of his family who were virtually kidnapped by the Armed Forces of the Philippines, detained at the basement of the quarters of the then Chief of Staff of the AFP Efren Abu and altogether detained for years in its restrictive custody, he has now come to bare the truth, so that the

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Senate investigations into the farce that was the elections of 2004 can be put to its closure.

It comes at a time when the institution that has been entrusted by the people and the Constitution to guarantee clean, honest, and orderly elections, indeed to guarantee the fundamental right of people in a democracy to freely choose their leaders, has once again failed miserably in the recently concluded 2007 mid-term elections.

When will they ever learn? Maybe the better question is "Will they ever change?"

The characters mentioned in the "Hello Garci" tapes of 2005 have not been subjected to any proper investigation, much less by the Comelec itself. They have not been prosecuted for crimes against the sovereign electorate. In fact, they have remained in the woodwork of the Commission on Elections.

Not only that, some of them have been promoted or reshuffled, the better to ensure that elections will remain unclean, dishonest and incredible. Thus, we saw the spectacle of Lintang Bedol obfuscating and lying in an attempt to explain away the cheating. We have seen how votes were padded by Provincial Election Supervisor (PES) Lilian Radam in South Cotabato, and we have seen how the special elections in Lanao del Sur would have been fabricated shamelessly, had it not been for the alertness of the media people and PPCRV volunteers. We wondered how a character straight out of "Hello Garci," a Ray Sumalipao from Lanao, was promoted from Provincial Election Supervisor to Regional Director after being implicated in the "Hello Garci" controversy.

If Doble had been allowed to validate the truth behind "Hello Garci" in 2005, would the likes of Maguindanao Provincial Election Supervisor Lintang Bedol still exist in the rolls of the Commission on Elections?

Dahil hindi nabigyan ng pagkakataon noon si Doble na maibunyag ang katotohanan, nakuha pa ring linlangin ni Lintang Bedol at ng kanyang mga kauri sa Comelec ang sambayanan nitong nakarang halalan.

Makakita pa kaya tayo ng malinis na sistema ng halalan sa loob ng nag-iisang buhay nating ito sa balat ng mundo?

Kailan pa magkakaroon ang sambayanan ng tunay na pag-asa na ang karapatang pumili ng mga mamumuno sa kanila ay hindi dadaanin sa pag-iimbot ng iilang may maitim na budhi at halang ang kaluluwa?

Will we ever see a Comelec that knows how to count the truth?

I am posing this challenge to Commissioner Rene Sarmiento who, more than a month ago, with all noise and bravado, called for the re-opening of the "Hello Garci" controversy.

Mr. Commissioner, I am telling you now — we have "Exhibit A" in the person of Vidal Doble Jr. I challenge you to make good on your promise. Hopefully, with your declared resolve, you could be instrumental in redeeming the Comelec from its present image as a cheating machinery into a true guardian of democracy.

Something else deeply troubles this humble Representation. What ought to be the noble profession of arms to protect the sovereign people has been so debased by the political leadership into becoming an instrument to thwart that sovereign will, and destroy the institutions of that same democracy that the soldiers of the Filipino people are sworn to uphold. Truly, nothing could be darker, nothing could be more sinister.

It is in quest of this elusive imperative that we, in the Senate, must vow — never again — to allow cheating in future elections.

And, it is in quest of this elusive imperative that we must realize how "Project Lighthouse" brought our politics into abysmal depths of darkness.

With full knowledge, we should then see to it that those who must be charged should get their just desserts. And this abomination of electoral cheating must never again be the lay of the land.

I respectfully move that the Committee on National Defense and Security, which in the previous Congress had been prevented by a conspiracy of silence and double-dealing from ferreting out the truth on this dark episode in our political history, now resume its investigation in this Fourteenth Congress.

Mr. Vidal Doble Jr. has assured me that he would attend if summoned. And I humbly ask the Committee to summon the various other persons who, together, constituted the cast of characters in this privilege speech, including, but not limited to, Retired General Efren Abu, former Chief of Staff of the Armed Forces; Bishop Socrates Villegas; Col. Paul Sumayo; Capt. Frederick Rebong; and all the members of the teams that implemented "Project Lighthouse." I dare Malacañang to invoke the constitutionally infirm EO 464 given the recent Supreme Court ruling. Madam President Gloria Macapagal

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Arroyo, your Memo Circular 108 has no basis in law. I challenge Malacañang to allow the truth to prevail for a change. The Filipino people deserve *nothing less*.

REQUEST OF SENATOR ENRILE

Senator Enrile requested Senator Lacson to provide the Members a copy of the privilege speech and the video presentation so that these could be studied.

SUGGESTION OF SENATOR ESCUDERO

Senator Escudero suggested that the telecommunications company that might have been involved in the incident be invited to a public hearing. Senator Lacson said that he would like Mr. Vidal Doble to be invited first, to identify the telecommunications company involved.

MOTION TO REFER THE SPEECH TO COMMITTEE

Senator Pangilinan moved that the speech be referred to the Committee on National Defense and Security.

Senator Gordon questioned why the speech would be referred to the Committee on National Defense and Security when the alleged crime was against the electoral system which was sought to be reformed.

Senator Lacson clarified that it was the Committee on National Defense and Security which started the investigation on the wiretapping controversy. However, he said that he would not object to the referral of the speech to the Committee on Constitutional Amendments, Revision of Codes and Laws.

For his part, Senator Enrile stated that if any crime was committed, it was against public service since the instrument used involved telecommunications. He therefore opined that the referral should be to the Committee on Public Services.

As chair of the Committee on National Defense and Security, Senator Biazon believed that when E.O. 464 was invoked, the Committee has done its job. He informed the Body that based on the hearings conducted, two bills were filed: 1) controlling and regulating the sale, purchase and use of wiretapping equipment; and 2) prohibiting the Armed Forces

of the Philippines from performing electoral duties. He suggested that the Committee be designated as a secondary committee as it has to resolve pending issues.

Senator Enrile suggested that the matter remain with the Committee on National Defense and Security which started the investigation.

Noting that aspects of the speech could fall under the jurisdiction of several committees, Senator Escudero suggested that the speech be referred to the Committee of the Whole with the Committee on National Defense and Security as the lead committee.

Senator Pangilinan underscored that the creation of the Committee of the Whole in the past was done sparingly even as he clarified that he was not objecting to the referral of the speech to the Committee of the Whole. But he requested that the Committee on Rules be allowed first to look into the matter and make its necessary recommendation by Monday next week.

At this juncture, Senator Lacson reminded the Body that he was keeping Mr. Doble in a safe house and he would like to be done with his testimony as prolonging it could be counterproductive. He suggested that a hearing be called within the week.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was *suspended*.

It was 5:27 p.m.

RESUMPTION OF SESSION

At 5:33 p.m., the session was resumed.

CONSTITUTION OF THE SENATE AS COMMITTEE OF THE WHOLE AND REFERRAL OF SPEECH

Senator Pangilinan withdrew his motion to refer the speech to the Committee on National Defense and Security.

Pursuant to Section 14, Rule X of the Rules of the Senate, upon motion of Senator Pangilinan, there being no objection, the Body constituted itself into a Committee of the Whole to consider the points raised by Senator Lacson in his privilege speech.

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Senator Pangilinan stated that notices would be sent the Members at the soonest possible time for the convening of the Committee of the Whole.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 5:33 p.m.

RESUMPTION OF SESSION

At 5:34 p.m., the session was resumed.

PARLIAMENTARY INQUIRY OF SENATOR BIAZON

Senator Biazon asked whether the testimonial and other documentary evidences, including transcripts of proceedings of the Committee on National Defense and Security in the last Congress could be accepted and used by the Committee of the Whole.

Senator Pangilinan stated that the matter could be raised when the Committee of the Whole shall have been convened. Upon query, he affirmed that witnesses could be summoned again to appear before the Committee of the Whole.

PRIVILEGE SPEECH OF SENATOR AQUINO (Resumption)

Upon motion of Senator Pangilinan, there being no objection, the Body resumed the interpellations on Senator Aquino's speech.

Thereupon, the Chair recognized Senator Aquino and Senator Madrigal for her interpellation.

INTERPELLATION OF SENATOR MADRIGAL

Initially, Senator Madrigal commended Senator Aquino for his privilege speech in commemoration of his father's martyrdom.

Noting the staggering number of political killings under martial law – 3,257 political killings, 35,000 torture victims and 70,000 illegal detention cases – she asked how these political killings then would compare with the extrajudicial killings under the present administration.

Compared with other countries that underwent military rule, Senator Aquino believed that the Philippines' record under martial law was far below Argentina's 8,000 missing persons, although it exceeded Chile's 2,115 and Brazil's 266. He clarified that nobody had claimed that extrajudicial killings in the country at present had reached 3,257. He said that he was not aware of a situation under the present administration similar to that under martial law when many of the victims were tortured, mutilated and dumped on the road for public display in order to impress upon the citizens the foolhardiness of being a critic of the martial law regime.

Asked on the justification for the declaration of martial law, Senator Aquino recalled the spate of bombings in the Metro Manila area to give the impression of anarchy at that time but a perpetrator, a member of the Philippine Constabulary, who was arrested, was never tried, much less investigated, thereby giving credence to the popular belief that the anarchy prevailing at that time was contrived. He noted many similarities under the present administration when certain situations were made to appear worse in order to increase the panic factor so as to curtail, for instance, opposition to the Human Security Act.

Asked about "Operation Sagittarius" that the late Senator Aquino was supposed to reveal, Senator Aquino recalled that his late father, in one of his privilege speeches, stood up to expose the plan to impose martial law which was code-named *Oplan Sagittarius*, and later it was discovered that then President Marcos had a group called the *Rolax 12*, so-called because there were 12 copies of the plan distributed to the members, each of whom was assigned a zodiac sign as a security measure. He said that he would furnish Senator Madrigal with a copy of the speech that contained the details of the plan to impose martial law.

Asked if the revelation of *Oplan Sagittarius* hastened the imposition of martial law, Senator Aquino replied that it should be recalled that the Constitutional Convention called in 1971 managed to pass only the lowering of the voting age from 21 to 18, and at that time, the desire of government officials to extend themselves in power seemed to be hitting a roadblock and the deadline of their terms in 1973 was fast approaching. He surmised that the exposure of the plan did not hasten the imposition of the martial law regime, rather, it emboldened the orchestrators because the expected cry and tumult that the activists

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were promising did not seem to occur after the revelation of *Oplan Sagittarius*.

Senator Madrigal lauded the speech for mentioning the call of Philip Alston, UN High Commissioner on Human Rights (UNHCHR) Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, to investigate claims by human rights organizations in the Philippines on the murder of 800 or more political activists, human rights workers, trade union officials, journalists, lawyers and judges since 2001, the year that President Arroyo came into power. She said that she was an active participant during the investigations conducted by Mr. Alston and his team in the Philippines, and she was also in Geneva when the first human rights preamble and its summary came out.

During the fourth session of the Human Rights Council, Senator Madrigal said that she noted down some of the things that Mr. Alston said when he took the floor: that the military is in total denial; that he had little reason for optimism because the government was schizophrenic; that he was a little disturbed when General Esperon commented that "the military was determined to continue as before"; and that there was no evidence that the Communists were in fact killing each other.

Relative thereto, Senator Madrigal read into the record the following preliminary note on the visit of Philip Alston to the Philippines on February 12-21, 2007 which he submitted to the Human Rights Council:

**UNITED
NATIONS**

A

General Assembly

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GENERAL

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22 March 2007

ENGLISH ONLY

HUMAN RIGHTS COUNCIL

Fourth session

Agenda item 2

**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251
OF 15 MARCH 2006 ENTITLED "HUMAN RIGHTS COUNCIL"**

Preliminary note on the visit of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, to the Philippines (12-21 February 2007) **

I. INTRODUCTION

1. I visited the Philippines at the invitation of the Government from 12 to 21 February 2007. I met with key government officials, including the President, the Executive Secretary, the National Security Adviser, the Secretaries for Defense and Justice, members of Congress, the Chief Justice, the Chief of Staff of the Armed Forces of the Philippines (AFP), the Chair of the Human Rights Commission, and the Ombudsman. Approximately half of my mission was devoted to meetings with representatives of civil society, in Manila, Baguio and Davao. Pending the submission of my final report to the Human Rights Council, this interim report provides a brief overview of my activities and identifies some of the issues which are of the most concern to me. Comments provided by the Government on a draft of this report are acknowledged with appreciation.

* Reissued for technical reasons.

** The note was submitted late in order to reflect the most recent information. It is being circulated in the language of submission only.

Handwritten initials

2. The Government cooperated in the organization and conduct of my mission in an exemplary fashion. As I indicated in my departing press conference, the fact of the invitation itself reflected a clear recognition of the gravity of the problem, a willingness to permit outside scrutiny, and a very welcome preparedness to engage on the issues. Civil society was equally engaged and I received very detailed and systematic information which contributed enormously to the success of the mission.

II. PRINCIPAL CONCERNS AND GOVERNMENT RESPONSES

3. *In a nutshell, my visit was prompted by reports of a large number of extrajudicial killings, especially of leftist activists and journalists, over the past six years or so. While the estimates vary from 100 to 800 or more, I concluded that it is not productive to play the numbers game and seek to confirm any definitive number. No one disputes that large numbers have been killed. Especially problematic is the fact that the impact has been to intimidate vast numbers of civil society actors, to send a message of vulnerability to all but the most well connected, and to severely undermine political discourse.*

4. In considering how to respond to the problem, it is not helpful to dwell unduly at this stage on the reluctance of the military, the police and some key ministers to come to terms with the reality and seriousness of the problem. Suffice it to note that the Government itself was sufficiently motivated to appoint both a high-level independent commission to investigate the problem (the Melo Commission) and a national-level police task force (with military cooperation) to investigate alleged killings promptly and bring prosecutions (Task Force Usig). In recent months, the Government has ordered a range of initiatives, including:

- The Department of National Defense (DND) and the Armed Forces of the Philippines (AFP) have been requested to draft an updated document on Command Responsibility;
- The Department of Justice (DOJ), DND, and the Commission on Human Rights (CHR) have been asked to constitute a Joint Fact-Finding body in relation to the alleged involvement of military personnel in the killings, and to charge and prosecute those responsible;
- The DOJ has been asked to broaden and enhance the Witness Protection Program (WPP);
- The Chief Justice of the Supreme Court has announced the creation of 99 Special Courts to try those accused of killings of a political or ideological nature;
- The Department of Foreign Affairs (DFA) has formally requested assistance from the European Union and others to provide funds in response to the killings;[†]
- An additional 25 million pesos (US\$ 510,000) has been provided to the CHR to enable it to better address the problem; and
- The Presidential Human Rights Committee (as distinct from the CHR) has been rejuvenated.

5. The fact that there has been such a strong institutional response at the national level is initially encouraging. This in turn has been mirrored by the deep concerns expressed by a diverse range of actors within the international community. Taken together, these responses attest to the high saliency of the issue and the urgent need to identify measures which might help to end the spate of killings. The remainder of this interim report is devoted to that challenge.

[†] Press release from the Office of the President, "PGMA fires off several directives to stop extrajudicial killings", 30 Jan. 2007, at <http://www.op.gov.ph/news.asp?newsid=17122>

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III. THE ROAD AHEAD

6. The consequences of a failure to end extrajudicial killings in the Philippines will be dire. Efforts to resolve the various insurgencies will be set back significantly. Incentives to opposition groups to head for the hills rather than seek to engage in democratic politics will be enhanced, and international support for the Government will be undermined. A multifaceted and convincing governmental response is thus urgent.

7. In essence, the problem must be tackled at two different, but complementary, levels. At one level, there is indeed a need for more staff, more resources, and more specialist expertise, a better witness-protection programme, and the strengthening of key institutions. The recent Government actions noted above have gone a considerable way in that direction. But such steps are premised almost entirely on the assumption that the key interventions required concern resources and expertise. The hope seems to be that if there can be better investigators, more forensic capacity, more focused judicial action, and more sustained action by the joint military/police task force, the problems will be resolved. But the strong risk is that these measures will treat only some of the symptoms of the crisis, and will fail to address meaningfully two of the most important underlying causes of a great many of the killings.

8. Those causes constitute the second level at which an effective national response is required. The first cause has been variously described as "vilification," "labelling," or guilt by association. It involves the characterization of most groups on the left of the political spectrum as "front organizations" for armed groups whose aim is to destroy democracy. The result is that a wide range of groups – including human rights advocates, labour union organizers, journalists, teachers unions, women's groups, indigenous organizations, religious groups, student groups, agrarian reform advocates, and others – are classified as "fronts" and then as "enemies of the State" that are accordingly considered to be legitimate targets. The second cause is the extent to which aspects of the Government's counter-insurgency strategy encourage or facilitate the extrajudicial killings of activists and other "enemies" in certain circumstances. The final report will elaborate at length on this issue.

A. Orders of battle

9. While these two causes tend to operate separately from one another in many settings, they also come together in various ways. The most dramatic illustration is the "order of battle" approach adopted systematically by the Armed Forces of the Philippines (AFP), and in practice often by the Philippines National Police (PNP). In military terms, an order of battle is defined as "an organizational tool used by military intelligence to list and analyze enemy military units'." The AFP adopts an order of battle in relation to the various regions and sub-regions in which they operate. A copy of a leaked document of this type, from 2006, was provided to me and I am aware of no reason to doubt its authenticity. The document, co-signed by senior military and police officials, calls upon "all members of the intelligence community in the [relevant] region ... to adopt and be guided by this update to enhance a more comprehensive and concerted effort against the CPP/NPA/NDF (Communist Party of the Philippines/New People's Army/National Democratic Front)." The document, some 110 pages in length, lists hundreds of groups and individuals who have been classified, on the basis of intelligence, as members of organizations which the military deems "illegitimate." Newspapers carry almost daily reports of senior military officials urging that such groups be neutralized and calling upon the populace to recognize that to support their candidates in the upcoming elections would be to support the enemy. This practice was openly and adamantly defended by nearly every member of the military with whom I spoke. When a significant number of individuals killed in incidents implicating the armed forces or police are also listed on an order of

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battle, it raises serious questions about the appropriateness of this practice. It may be, as I was told, a "political war," but when such political war is conducted by soldiers rather than civilians, politics too quickly comes to involve guns as well as words. An interim recommendation emerges from this analysis and is outlined below.

B. Restoring accountability at all levels

10. One of the key impediments to the effectiveness of many of the measures announced by the Government in recent weeks is the fact that many of the accountability mechanisms which are invoked as checks on governmental abuses have been rendered ineffectual in dealing with such issues. On paper, they remain strong. In practice, they are of all too little use, and often this is the result of official design. These issues will be examined in detail in my final report but for present purposes, it is sufficient to focus upon some key examples of institutional passivity in the face of large numbers of killings.

11. There is a passivity, bordering on an abdication of responsibility, which affects the way in which key institutions and actors approach their responsibilities in relation to such human rights concerns. For example, in discussions with me, the chair of the Senate Committee on Justice and Human Rights insisted that there was no role for Congress because no new legislation was required, given that murder was already a punishable offense. He openly denied that Congress should play any proactive oversight role regarding the executive's execution of the law. He added that military promotions of those widely suspected of human rights violations were no concern of his Committee and had not been held up by the Congressional Commission on Appointments because no witnesses had come forward to object. He had not and did not intend to hold hearings into the widespread problem of extrajudicial killings because it was a matter for the Executive, rather than the Congress.

12. The Secretary of Justice, and his colleagues, were perplexed at the proposition that prosecutors, whose role is absolutely central in the Philippine justice system, had some broader responsibility to take steps to uphold respect for human rights. Instead, their role was seen as a passive one. If a file presented to them was insufficient, their role was simply to return it and hope that the police would do better next time. It was not for them to observe or respond to clearly shoddy dossiers designed to ensure that the police could be said to have done their job while at the same time no prosecution would follow. The Government position is that prosecutors must show "total impartiality" and thus they cannot be directed to adapt their methods of work to ensure that everything possible is done to promote respect for human rights. That position seems to me to be highly problematic.

13. The Ombudsman's office, despite the existence of a separate unit designed to investigate precisely the type of killings that have been alleged, has done almost nothing in recent years in this regard. The Government itself acknowledges that of 44 complaints submitted from 2002 to 2006, alleging extrajudicial executions attributed to State agents, the Ombudsman's office concluded that it was unable to act on even a single case. While such a result in relation to five or even ten cases might be justifiable when it reaches the level of 44 cases, the conclusion must be that the office is failing in its responsibilities. Many explanations were offered for its inactivity, but none were convincing. Moreover, in at least some situations, the office operates as a *de facto* subsidiary of the Department of Justice.

14. Finally, the Executive branch has stymied the legislature's efforts to oversee the execution of laws. Military officers are seldom permitted to appear before Congress other than at budget hearings. A high-ranking government official recounted with genuine puzzlement the efforts of the Committee on Human

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Rights of the House of Representatives to obtain the testimony of senior military officers. This was considered self-evidently preposterous and was successfully avoided. Official policy, now in the form of a "memorandum circular" provides that any official requested to "appear before either House of Congress" shall "forward the request...to the President through the Executive Secretary" who "shall consider whether the subject matter of the inquiry is in aid of legislation and/or falls within the scope of executive privilege." This restrictive approach tends to make congressional oversight meaningless in practice.

IV. INTERIM RECOMMENDATIONS

15. I recommend that:

(a) The Government should immediately direct all military officers to cease making public statements linking political or other civil society groups to those engaged in armed insurgencies. If such characterizations are ever to be made, it must be by civilian authorities, on the basis of transparent criteria, and in conformity with the human rights provisions of the Constitution and relevant treaties;

(b) The Government should commit to restoring the effectiveness of constitutionally mandated accountability arrangements, especially in relation to the role of congressional oversight;

(c) In conjunction with the Executive branch of Government, the Supreme Court should use its constitutional powers over the practice of law to impress upon prosecutors that they have a duty to the public to uphold and protect human rights by acting to ensure the effective investigation of cases and protection of witnesses;

(d) The Ombudsman's office should begin to take seriously its independent constitutional role in responding to extrajudicial killings plausibly attributed to public officials;

(e) The Government should provide the Special Rapporteur with a copy of an "order of battle" relating to one of the zones in the country in which significant conflict is currently occurring.

MANIFESTATION OF SENATOR MADRIGAL

Senator Madrigal expressed her desire to coauthor the bills on human rights and extrajudicial killings, and on the possible review of the Anti-Terrorism Law in light of the revelation of Senator Lacson on wiretapping activities.

Senator Aquino said he would be honored to make Senator Madrigal a coauthor of the bills. He said he would provide her copies of all the bills once they are finalized.

SUSPENSION OF SESSION

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

It was 5:55 p.m.

RESUMPTION OF SESSION

At 5:57 p.m., the session was resumed.

INTERPELLATION OF SENATOR ROXAS

At the outset, Senator Roxas conveyed how impressed he was with the strength of the idea of Ninoy Aquino which he now felt as freshly as when he first felt it 23 years ago when he learned of the assassination while he was abroad. He said that he felt the idea as strongly again today when he participated in the mass commemorating Ninoy's martyrdom—the very powerful idea was of giving oneself totally.

Senator Roxas then lauded Senator Aquino for his progeny—that the shoes that he fits so well in his first privilege speech were one of integrity, devotion to duty and country—and for desiring to continue on

dreaming the impossible dream. He then concurred with the observation that the Senate stands as a bastion for democratic principles, thus, it should take up the challenge since the ball is in its hands.

At this point, Senator Roxas asked on the courses of action that Senator Aquino envisions so that the Chamber would not be left merely with a speech, a resolution, or a committee hearing, but rather gain substantial traction in ensuring that human rights abuses are prevented and human rights violators brought before the court of justice.

Senator Aquino said that aside from the courses of action mentioned in his speech, it should be noted that the basic premise for the perpetration of any evil act is when people choose to either simply criticize or be apathetic, emulating an ostrich in the desert that sticks its head on the sand. He said that what the Senate could initially do is ask either General Esperon or the Secretary of National Defense to answer one simple question: "How does an investigation into missing plates affect national security, so much so that the distraught mother of Jonas Burgos is not entitled the very slim lead in terms of helping her son?" He said that if the Senate gets a satisfactory answer to that question, then it would continue to support the military and the DND in their endeavors.

Senator Aquino also stated that the Constitution provides the Senate two main avenues of approach—the budget and the power of the Commission on Appointments. He said that the continuation of any wrongdoing would mean a tacit acceptance, if not approval, by the Senate of the acts.

Therefore, in the aspect of budget, Senator Aquino said that the immediate step that the Senate could take is to make the people or agencies who are accountable for wrongdoings pay the penalty for their actions; for instance, the budget of the ISAFP should be scrutinized to make sure that any excess funds utilized for acts not sanctioned by the Constitution are curtailed by the simple expediency of having the logistics withdrawn from them. On the other hand, he underscored the need to make the Commission on Appointments stronger as possible. Relative thereto, he said that he is in the final stage of drafting a bill that seeks to limit the number of times that an appointee can be bypassed.

Senator Roxas asked whether an internal check and balance exists within the military establishments.

Further, he asked where one should run to in case of abuses and how these abuses are ferreted out, as he noted that these are oftentimes covered up because of the very strong "Band of Brothers" syndrome that occurs particularly in the officers corps of the military.

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

In reply, Senator Aquino said that the Internal Affairs Service, which was established under the PNP law, envisioned to be an independent arm whose sole function was to police the police. He pointed out that once a policeman made a career choice and joined a particular service like the IAS, he would not be allowed to transfer to another unit, the idea being to insulate him from any pressure with regard to promotions, budgetary support, perks and the like and thereby ensure professionalism within the ranks.

As far as the Armed Forces of the Philippines is concerned, Senator Aquino pointed out that the Office of the Inspector General is the only body that should investigate matters like the missing car plates in an army camp in Bulacan. He believed that the Senate should conduct a review on how to make the Internal Affairs Service a truly functional and independent unit of the PNP and institute the same within the AFP.

Senator Roxas agreed with the suggestion of Senator Aquino as he gave assurance that he would support such initiatives for the PNP and the military.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 6:07 p.m.

RESUMPTION OF SESSION

At 6:08 p.m., the session was resumed.

REFERRAL OF SPEECH TO THE COMMITTEE

Upon motion of Senator Pangilinan, there being no objection, the Chair referred the speech of Senator Aquino and the interpellations thereon to the Committee on Justice and Human Rights. *AK*

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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:

Committee on Cooperatives

Members :

Angara	Revilla
Gordon	Cayetano (P)
Honasan	

Committee on Urban Planning, Housing, and Resettlement

Members :

Angara	Cayetano (A)
Honasan	Enrile
Revilla	Escudero

Committee on Public Services

Chair : Senator Enrile

Committee on Foreign Relations

Members :

Enrile	Zubiri
Angara	Lapid
Gordon	Revilla
Honasan	

Committee on Energy

Members :

Enrile	Honasan
Arroyo	Zubiri
Angara	Revilla
Gordon	Lapid

Joint Congressional Power Commission

Members :

Enrile	Gordon
Arroyo	

Legislative Oversight Committee on the Visiting Forces Agreement

Members :

Enrile	Honasan
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CHANGES IN COMMITTEE MEMBERSHIPS

Upon motion of Senator Pangilinan, on the part of the Majority, there being no objection, the following changes in committee memberships were approved by the Body:

Committee on Health and Demography

Senator Honasan in lieu of Senator Arroyo

Committee on Environment and Natural Resources

Senator Gordon in lieu of Senator Arroyo

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

*It was 6:11 p.m.***RESUMPTION OF SESSION**


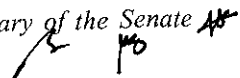
At 6:12 p.m., the session was resumed.

ADJOURNMENT OF SESSION

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

It was 6:12 p.m.

I hereby certify to the correctness of the foregoing.


EMMA LIRIO-REYES
Secretary of the Senate 

Approved on August 22, 2007