



REPUBLIC OF THE PHILIPPINES

S e n a t e

Pasay City

Journal

SESSION NO. 34

Wednesday, November 19, 2008

**FOURTEENTH CONGRESS
SECOND REGULAR SESSION**

SESSION NO. 34
Wednesday, November 19, 2008

CALL TO ORDER

At 3:10 p.m., the Senate President, Hon. Juan Ponce Enrile, called the session to order.

PRAYER

Sen. Ma. Ana Madrigal led the prayer, to wit:

Dear God,

We thank You for the grace that You have showered upon this Chamber of recent days.

May You bless this momentous change.

May the victors be magnanimous.

May You remove rancor and bitterness.

May You bless us with clarity and transparency.

May evil be banished.

May truth and justice triumph.

For the good of all according to the free will of all.

So be it.

So it is.

So it must be.

May light and love and power

Restore the plan on Earth.

Amen.

ROLL CALL

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

Angara, E. J.

Aquino III, B. S.

Arroyo, J. P.

Biazon, R. G.

Cayetano, C. P. S.

Ejercito Estrada, J.

Enrile, J. P.

Honasan, G. B.

Lapid, M. L. M.

Legarda, L.

Madrigal, M. A.

Pangilinan, F. N.

Pimentel Jr., A. Q.

Zubiri, J. M. F.

With 14 senators present, the Chair declared the presence of a quorum.

Senators Cayetano (A), Escudero, Gordon, Revilla, Roxas and Villar arrived after the roll call.

Senator Defensor Santiago was absent on account of sickness.

Senator Lacson was absent.

Senator Trillanes was unable to attend the session as he was under detention.

APPROVAL OF THE JOURNAL

Upon motion of Senator Zubiri, there being no objection, the Body dispensed with the reading of the Journal of Session No. 33 and considered it approved.

REFERENCE OF BUSINESS

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

**MESSAGES FROM THE
HOUSE OF REPRESENTATIVES**

Letter from the Secretary General of the House of Representatives, informing the Senate that on

11 November 2008, the House of Representatives passed House Bill No. 5116, entitled

AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY ONE TO DECEMBER THIRTY-ONE, TWO THOUSAND NINE, AND FOR OTHER PURPOSES,

in which it requested the concurrence of the Senate.

To the Committee on Finance

Letter from the Secretary General of the House of Representatives, informing the Senate that on 11 November 2008, the House of Representatives elected Representatives Gullas (E), Villafuerte (L) and Javier (E) as additional conferees to the Bicameral Conference Committee on the disagreeing provisions of House Bill No. 4312 and Senate Bill No. 2264, both entitled

AN ACT AMENDING THE COOPERATIVE CODE OF THE PHILIPPINES TO BE KNOWN AS THE PHILIPPINE COOPERATIVE CODE OF 2008.

To the Committee on Rules

BILLS ON FIRST READING

Senate Bill No. 2867, entitled

AN ACT DEFINING AS A CRIME THE ACT OF DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR PROHIBITED DRUGS AND SUBSTANCES AND PROVIDING FOR PENALTIES THEREFOR

Introduced by Senator Ramon "Bong" Revilla Jr.

To the Committee on Justice and Human Rights; and Public Services

Senate Bill No. 2868, entitled

AN ACT AMENDING SECTIONS 91 AND 97 OF REPUBLIC ACT

NO. 8550, OTHERWISE KNOWN AS THE PHILIPPINE FISHERIES CODE OF 1998, AND PROVIDING STIFFER PENALTIES THEREFOR

Introduced by Senator Ramon "Bong" Revilla Jr.

To the Committees on Agriculture and Food; and Environment and Natural Resources

Senate Bill No. 2869, entitled

AN ACT STRENGTHENING ADULT EDUCATION PROGRAMS FOR WORKERS AND EMPLOYEES, AMENDING FOR THE PURPOSE ART. 210 OF P. D. NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES

Introduced by Senator Ramon "Bong" Revilla Jr.

To the Committee on Labor, Employment and Human Resources Development

Senate Bill No. 2870, entitled

AN ACT ESTABLISHING A COST SHARING SCHEME TO PROVIDE FOR A HOSPITAL CARE PROGRAM IN LOCAL GOVERNMENT UNITS AND FOR OTHER PURPOSES

Introduced by Senator Antonio "Sonny" F. Trillanes IV

To the Committees on Local Government; and Health and Demography

Senate Bill No. 2871, entitled

AN ACT REGULATING THE PRACTICE OF CHIROPRACTIC CARE IN THE PHILIPPINES

Introduced by Senator Antonio "Sonny" F. Trillanes IV

To the Committee on Civil Service and Government Reorganization

Senate Bill No. 2872, entitled

AN ACT REQUIRING ALL OWNERS OR OPERATORS OF TELEVISION NETWORKS OR STATIONS AND PRODUCERS OF TELEVISION NEWS PROGRAMS TO HAVE THEIR NEWS PROGRAMS BROADCAST WITH CLOSED-CAPTION AND PROVIDING PENALTIES FOR VIOLATION THEREFOR

Introduced by Senator Ramon "Bong" Revilla Jr.

To the Committee on Public Information and Mass Media

Senate Bill No. 2873, entitled

AN ACT REVITALIZING THE COCONUT INDUSTRY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Angara

To the Committees on Agriculture and Food; Government Corporations and Public Enterprises; Ways and Means; and Finance

Senate Bill No. 2874, entitled

AN ACT CONVERTING THE NEGROS STATE COLLEGE OF AGRICULTURE (NSCA) IN THE CITY OF KABANKALAN, PROVINCE OF NEGROS OCCIDENTAL INTO A STATE UNIVERSITY, TO BE KNOWN AS THE CENTRAL PHILIPPINE STATE UNIVERSITY (CPSU), AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Ramon "Bong" Revilla Jr.

To the Committee on Rules

Senate Bill No. 2875, entitled

AN ACT AMENDING ARTICLE 82 OF PRESIDENTIAL DECREE NO. 442, OTHERWISE KNOWN AS THE

LABOR CODE OF THE PHILIPPINES,
AS AMENDED

Introduced by Senator Manny Villar

To the Committee on Labor, Employment and Human Resources Development

Senate Bill No. 2876, entitled

AN ACT PROVIDING PROTECTION TO CREDIT CARD HOLDERS BY SETTING A CEILING ON INTEREST RATES AND SURCHARGES AND PROHIBITING HIDDEN PENALTIES OR COSTS IMPOSED BY BANKS AND SIMILAR FINANCIAL INSTITUTIONS ON PURCHASES AND CASH ADVANCES MADE THROUGH CREDIT FACILITY

Introduced by Senator Manny Villar

To the Committee on Banks, Financial Institutions and Currencies

Senate Bill No. 2877, entitled

AN ACT IMPOSING HARSHER PENALTIES FOR ELECTION OFFENSES ATTENDED BY VIOLENCE, COERCION, INTIMIDATION, FORCE OR THREATS, AND FOR OTHER PURPOSES

Introduced by Senator Manny Villar

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

Senate Bill No. 2878, entitled

AN ACT PROVIDING FOR THE ESTABLISHMENT OF BREAST CARE CENTERS IN EVERY REGION NATIONWIDE, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Manny Villar

To the Committees on Health and Demography; Local Government; and Finance

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Senate Bill No. 2879, entitled

AN ACT MANDATING EACH CITY OR MUNICIPALITY TO CREATE A RIVER DEVELOPMENT AUTHORITY FOR THE PRESERVATION, PROTECTION AND DEVELOPMENT OF ALL RIVERS, RIVER SYSTEMS, AND NATURAL WATERWAYS WITHIN ITS JURISDICTION, DEFINING ITS POWERS AND FUNCTIONS AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Manny Villar

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

Senate Bill No. 2880, entitled

AN ACT REQUIRING INCLUSION OF ENTREPRENEURSHIP AS A SEPARATE SUBJECT IN THE HIGH SCHOOL CURRICULUM

Introduced by Senator Manny Villar

To the Committees on Education, Arts and Culture; and Trade and Commerce

Senate Bill No. 2881, entitled

AN ACT ENHANCING THE TRANSPARENCY OF THE PROCUREMENT PROCESS BY MANDATING THE VIDEO RECORDING OF ALL PROCUREMENT-RELATED CONFERENCES, THEREBY AMENDING REPUBLIC ACT NO. 9184, OTHERWISE KNOWN AS THE "GOVERNMENT PROCUREMENT REFORM ACT OF 2003," PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES

Introduced by Senator Antonio "Sonny" F. Trillanes IV

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

Senate Bill No. 2882, entitled

AN ACT PROVIDING FOR MANDATORY ANNUAL INSPECTION OF ALL PUBLIC AND PRIVATE SCHOOL BUILDINGS BY THE CITY OR MUNICIPAL ENGINEER OR BUILDING OFFICIAL AND FOR OTHER PURPOSES

Introduced by Senator Antonio "Sonny" F. Trillanes IV

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

RESOLUTIONS

Proposed Senate Resolution No. 750, entitled

RESOLUTION EXPRESSING THE CONCERN OF THE SENATE THAT THE PHILIPPINES RANKED FIFTH IN THE GLOBAL SURVEY ON HUNGER

Introduced by Senator Ramon "Bong" Revilla Jr.

To the Committee on Rules

Proposed Senate Resolution No. 751, entitled

RESOLUTION COMMENDING NONITO DONAIRE JR. FOR WINNING THE INTERNATIONAL BOXING FEDERATION FLYWEIGHT DIVISION HELD LAST NOVEMBER 1, 2008 (U.S. TIME) IN LAS VEGAS, NEVADA

Introduced by Senator Ramon "Bong" Revilla Jr.

To the Archives

Proposed Senate Resolution No. 752, entitled

RESOLUTION DIRECTING THE COMMITTEE ON NATIONAL DEFENSE AND SECURITY TO LOOK INTO THE GOVERNMENT'S IMPLEMENTATION OF AND COMMITMENT TO THE HYOGO FRAMEWORK FOR

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ACTION IN VIEW OF ENABLING COMMUNITIES TO BUILD THEIR RESILIENCE, MITIGATE AND PREVENT DEVASTATING EFFECTS OF DISASTERS ON LIVES, PROPERTY, THE ECONOMY AND THE ENVIRONMENT DUE TO CLIMATE CHANGE IMPACTS

Introduced by Senate Loren Legarda

To the Committee on National Defense and Security

Proposed Senate Resolution No. 753, entitled

RESOLUTION URGING THE SENATE COMMITTEE ON PUBLIC SERVICES; TOURISM AND OTHER APPROPRIATE COMMITTEES TO CONDUCT A THOROUGH INVESTIGATION AND INQUIRY, IN AID OF LEGISLATION, INTO THE SINKING OF M/B DON DEXTER OFF THE COAST OF MASBATE, WITH THE END IN VIEW OF DRAFTING A LEGISLATION THAT WILL IMPOSE STRICTER RULES IN GRANTING/ISSUING PERMITS TO SMALL MARINE VESSELS THAT FERRY LOCAL AND INTERNATIONAL PASSENGERS TO REDUCE SEA ACCIDENTS

Introduced by Senator Manny Villar

To the Committees on Public Services; and Tourism

COMMUNICATION

Letter from Sr. Deputy Executive Secretary and Acting Head, PLLO Joaquin C. Lagonera of the Office of the President of the Philippines, dated 29 October 2008, transmitting to the Senate a copy of the Local Peace and Security Assembly (LPSA) Action Agenda/Resolutions for consideration by the Senate in deliberating its concurrence on Proclamation No. 1377.

To the Committees on Peace, Unification and Reconciliation; National Defense and Security; and Finance

COMMITTEE REPORTS

Committee Report No. 228, submitted jointly by the Committees on Science and Technology; Education, Arts and Culture; and Finance, on Senate Joint Resolution No. 14, introduced by Senators Angara, "Compañera" Pia S. Cayetano, Enrile, Pimentel Jr. and Ramon "Bong" Revilla Jr., entitled

JOINT RESOLUTION EXTENDING THE TERM OF THE CONGRESSIONAL COMMISSION ON SCIENCE AND TECHNOLOGY, AND ENGINEERING (COMSTE) FOR ONE (1) MORE YEAR,

recommending its adoption with amendments.

Sponsor: Senator Angara

To the Calendar for Ordinary Business

Committee Report No. 229, submitted by the Committee on Foreign Relations re

THE REPORTED UNDECLARED CASH CARRIED BY RETIRED PNP POLICE DIRECTOR ELISEO DE LA PAZ, WHICH WAS BEYOND RUSSIA'S CUSTOM'S LIMIT FOR DEPARTING PASSENGERS,

recommending the adoption of the recommendations and their immediate implementation.

Senators Angara, Ramon "Bong" Revilla Jr, and Manuel "Lito" M. Lapid: Concur on Recommendation No. 1

Senator Gordon: Concur on Recommendation

Senator Juan Miguel F. Zubiri: I concur except for Recommendation Nos. 2 and 3

Sponsor: Senator Miriam Defensor Santiago

To the Calendar for Ordinary Business

MOTION OF SENATOR ESCUDERO

Preliminarily, Senator Escudero recalled that last Monday, Senate President Enrile asked the committee

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chairs to remain in place so as not to paralyze the operation of the committees and the Senate as a whole. On the same day, he stated that the Blue Ribbon Committee was supposed to send out invitations to the hearing on Tuesday on the "fertilizer fund scam" but, he disclosed, Senator Cayetano (A), committee chair, refrained from doing so out of courtesy and respect for the new Senate President. He said that Senate President Enrile intimated to Senator Cayetano (A) that he should, nonetheless, send out the invitations for the hearing but while invitations were subsequently sent, he was not sure if the Majority would reorganize the committees, the Blue Ribbon Committee, in particular.

Thereafter, Senator Escudero moved that Senator Cayetano (A) be authorized to continue as chair of the Blue Ribbon Committee for the purpose of the hearings on the fertilizer fund scam until his replacement shall have been officially elected by the Senate.

The Chair stated that the incumbent committee chairs should remain in their posts and perform their duties until they are replaced. Until his replacement shall have been designated, the Chair allowed Senator Cayetano (A) to proceed with the scheduled hearing of the Blue Ribbon Committee.

Senator Escudero informed the Body that Senator Cayetano (A) had expressed willingness to continue performing his responsibility as committee chair with respect to the hearing on the fertilizer fund scam. He expressed confidence in Senator Cayetano (A), and hoped that he would retain the committee chairmanship.

The Chair stated that the matter would be dealt with in due time.

INQUIRY OF SENATOR BIAZON

Senator Biazon inquired when the resignation of Senator Cayetano (A) as Blue Ribbon Committee chair would take effect or if it was being withdrawn.

The Chair replied that the resignation would take effect when it is accepted by the Body and his successor shall have been nominated and elected by the Body.

Senator Escudero agreed with the Chair. Assuming that the acceptance of the resignation

would not be necessary, he believed the motion takes precedence.

The Chair advised the senators not to create any hiatus in the performance of functions of the committees and the Senate.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Zubiri acknowledged the presence in the gallery of Tangub City government officials headed by City Vice Mayor Edemar Alota.

Senate President Enrile welcomed the guests to the Senate.

QUESTION OF PRIVILEGE OF SENATOR EJERCITO ESTRADA

Rising to a question of personal and collective privilege, Senator Ejercito Estrada delivered the following statement:

I rise on a matter of personal and collective privilege in connection with the current change of leadership in the Senate.

In the banner headline today in the *Philippine Daily Inquirer*, it reads "ERAP HAND IN COUP SEEN."

Ako po ay tumatayo ngayon upang ihayag na walang katotohanan ang nakasaad sa Philippine Daily Inquirer na ang ama ko, si Pangulong Estrada, ay may kinalaman sa naganap na palitan ng liderato sa Senado. Nabanggit sa nasabing pahayagan na meron daw kasamahan akong senador ang nagsabi ngunit hindi niya binulgar ang pangalan.

Binanggit ng nasabing senador and I quote, "This is an opposition plot, and Erap is the master manipulator who played on their greed. I don't think there was money involved here; its just preying on their ambitions."

Kung sino man ang senador na ito, dapat sigurong igalang natin ang kaniyang hinala ngunit hindi ito nanga-ngahulugang ito ay katotohanan.

In fact, I would not have joined the sudden removal of Senator Villar as Senate President if it were for another senator.

I would just like to remind my colleagues the reason why I voted for Senator Enrile is that he is the Chairman *Emeritus* of the *Pwersa ng*

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Masang Pilipino of which I am the executive vice president. In this Chamber, we are the only ones belonging to the said party not to mention the fact that when my father was still a senator, they were the only two opposition senators at the time. Senate President Enrile's friendship with my family goes a long way and even beyond political relationship.

As a matter of fact, during the infamous impeachment of President Estrada, Sen. Juan Ponce Enrile was one friend who remained steadfast and was unwavering in his support for my father.

In addition, just to emphasize the point, at the time that one of my esteemed colleagues here wanted to topple Senate President Manny Villar and to have a change in leadership a few months ago, that senator even asked a close friend of my father to call in the wee hours of the morning to inform him about the planned change. I did not join the said move.

Bagama't ang pagmamahal at paggalang ko sa aking ama ay walang hanggan, ang aking pagpapasiya sa lahat ng bagay na nauukol sa aking pagkasenador at sa anumang bagay na may kinalaman bilang mambabatas, ang lahat ng aking desisyon ay isinasangayon ko una sa Diyos, sa aking konsiyensiya at sa ikabubuti ng nakararami ng ating mga kababayan lalo na ang mahihirap.

As a loving and obedient son, I just informed President Estrada of a rumored coup last Sunday night and that was it. I informed President Estrada of my decision the day after.

I believe that Senate President Enrile is not only capable to guide this Chamber's new direction because of his wide and varying experiences in government but can, in fact, lead this august Chamber into the excellence that we dream of.

As Senate President Pro Tempore during the stewardship of former Senate President Manny Villar, I was loyal and obedient to my responsibilities and did my best.

Nararapat lamang siguro na isantabi na natin lahat ang nakaraan at harapin natin ang kinabukasan bilang mga iginagalang na lider ng ating bansa.

Tayo po ay magkapit-bisig at magtulungan upang isulong ang mga panukalang batas na mag-aangat sa antas ng kabuhayan ng ating kapwa Pilipino.

To my detractors, please help me channel my energies and capabilities to be a more productive

member of this Chamber and put aside politics in order for us to push for reforms and help uplift the plight of our suffering countrymen.

Finally, I would like to announce to all and sundry, especially to our people, that as soon as charter change and the extension of the President's term will be pursued, I will immediately resign from the Majority and lead to strongly oppose the said move.

STATEMENT OF THE SENATE PRESIDENT

Affirming the statement of Senator Ejercito Estrada, Senate President Enrile stated that neither former President Estrada nor anyone in Malacañang Palace had anything to do with the change of leadership in the Senate, as he emphasized that it was purely an internal act. He advised people who are prone to speculate and intrigue to refrain from doing so, or else, he would tell them to go somewhere else.

COMMITTEE REPORT NO. 55 ON SENATE BILL NO. 2317 (Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 2317 (Committee Report No. 55), entitled

AN ACT PROHIBITING CHILD PORNOGRAPHY, IMPOSING PENALTIES FOR THE COMMISSION THEREOF AND FOR OTHER PURPOSES.

Senator Zubiri stated that the parliamentary status was the period of individual amendments.

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

Thereupon, the Chair recognized Senator Madrigal, Sponsor of the measure, who stated that all committee and individual amendments were already incorporated into the measure.

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

There being no individual amendment, upon motion of Senator Zubiri, there being no objection, the Body closed the period of individual amendments.

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**APPROVAL OF SENATE BILL NO. 2317
ON SECOND READING**

Submitted to a vote, there being no objection, Senate Bill No. 2317 was approved on Second Reading.

COAUTHORS

Senator Madrigal manifested that Senators Gordon and Legarda are coauthors of Senate Bill No. 2317.

**ACKNOWLEDGMENT
OF THE PRESENCE OF GUESTS**

At this juncture, Senator Zubiri acknowledged the presence of Bishop Iñiguez and the *Akap Bata* Movement who are all in support of Senate Bill No. 2317.

Senate President Enrile welcomed the guests to the Senate.

**SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 2317**

Upon motion of Senator Zubiri, there being no objection, the Body suspended consideration of the measure.

SPECIAL ORDER

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of Committee Report No. 228 on Senate Joint Resolution No. 14 from the Calendar for Ordinary Business to the Calendar for Special Orders.

**COMMITTEE REPORT NO. 228 ON
SENATE JOINT RESOLUTION NO. 14**

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Second Reading, Senate Joint Resolution No. 14 (Committee Report No. 228), entitled

**JOINT RESOLUTION EXTENDING THE
TERM OF THE CONGRESSIONAL
COMMISSION ON SCIENCE AND
TECHNOLOGY, AND ENGINEER-
ING (COMSTE) FOR ONE (1) MORE
YEAR.**

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, with the permission of the Body, upon motion of Senator Zubiri, only the title of the resolution was read without prejudice to the insertion of its full text into the Record of the Senate.

Thereupon, the Chair recognized Senator Angara for sponsorship.

**SPONSORSHIP SPEECH
OF SENATOR ANGARA**

Senator Angara presented for consideration and approval of the Body Senate Joint Resolution No. 14, as he delivered his sponsorship speech as follows:

EXTENDING COMSTE'S TERM

Today, I seek your approval for the extension of the term of COMSTE, which is the Commission on Science, Mathematics and Engineering which we created last year. As of October, the panels of experts who have been appointed have already completed their evaluation of where we are, and their strategic recommendations of where we should go — in six strategic areas, namely: food and agriculture; energy and environment; IT and IT-enabled services; health; semiconductors and electronics; science, math and engineering.

While already substantial, the work of the Commission is just beginning. We have compiled their recommendations, but details and costs of each sector need to be worked out. They need to finalize their bills and measures that they have recommended and also go on public consultations with key stakeholders as well as the science and technology community.

We have a tendency to equate science and technology as a topic that we put to the backburner. We think sometimes that it is not an important aspect of our life, as important as the many social and political issues we are being confronted with. But little do we realize that S&T has a direct impact on our daily lives especially on our economy. Our biggest exports are in electronics, and a major employer right now is the IT outsourcing sector. We can only expect significant job creation in the energy sector, especially in clean energy. Needless to say, we need to work on agriculture and on the production of food.

Today, to put it mildly, we live in uncertain times. While domestically we have immersed

ourselves in issues related to politics, the cloud of doubt brought about by the financial crisis has grown darker and is growing darker every month. A few months ago, we were hit by food, and then fuel and now the subprime mortgage crisis of Wall Street.

Today, this U.S.-originated crisis has spread, spilling over to the rest of the world. Already, major economies of the U.S., European Union and Japan are in recession; the attrition has begun. Citigroup, the biggest financial and banking group in the world, has just announced that they will lay off 50,000 people. Companies in Silicon Valley have started to issue earnings downgrades – that means they are going to earn less and begin to lay off. Retail stores like Macy's and Best Buy are having difficulty. Circuit City, another retail store for electronics, has declared bankruptcy, and even the U.S. automotive giants like GM, Ford and Chrysler are now seeking a bailout from their government as they may go bankrupt by yearend unless a huge bailout, something like US\$25 billion is extended to this sector. This is just the United States. Our good friend, Senator Roxas, knows that this kind of massive layoff is spreading everywhere in Japan, in Europe, as well as here in Asia.

We have, for many decades, not kept up with the pace of investments needed to match what our neighbors have put in. Just recently, I was invited to a conference in Shanghai before energy venture capitalists and investors. China just announced a half-trillion dollar stimulus package and so with Japan, the U.S., the UK and many other countries. This just goes to show that if we are alert and vigilant and watchful and, above all, ready, we can catch part of that foreign investments and bring it our way, keep our people employed and earning rather than other countries like Vietnam beating us in the race.

Now, I would like to link what all these events happening outside our shores to our own domestic situation. We may think that our economy is not S&T dependent, but in reality, it is very science and technology dependent. Take, for example, the electronics and semiconductor sector which employs around 300,000 Filipinos directly, not counting the indirect employment it generates, and the US\$31 billion worth of exports it generates.

Remember, I talked earlier about the weakness of the retail sector in the U.S. This means that people are not going to buy and will not buy because they are too distracted by house foreclosures, and so the last thing on their mind is to buy new i-phones or new computers. And

with less orders for electronic products, the need for customer support activities like call centers may be affected. So, all of these things can significantly affect not just big business but also the ordinary employee on the street and his plans. Therefore, negative news in New York, in London or in Tokyo can mean plant closures in Baguio, in General Trias, Cavite, Davao or Bacolod. That is the practical impact of this development going around the world.

If the orders to our export factories here are being cut, our workers, certainly, will be laid off or, at the very least, their work schedules will be cut. This is a serious problem, but it can also serve as a good opportunity for us to retool and retrain our industries. If the government can forge a coalition, a private-public partnership, we can work together to strengthen this industry, the electronics industry, so that when people realize that they eventually have to purchase new computers and new cellphones, the manufacturing orders will go not to China, not to India or to Vietnam, but to us here in the Philippines.

So, this is where the COMSTE will step in. By working closely with industry sectors like electronics or IT, government can be instrumental in making them more competitive. For example, one of the things we are contemplating, amidst this crisis, is to implement a bridge training program – that we should retrain and retool those people who may be laid off during this downturn so that when the good times return, they will be prepared, and even prepared better. Our industry, therefore, will become stronger and more vibrant.

It is this mindset, this long-term and strategic partnership between government and the private sector, that I would like COMSTE to make a difference. In COMSTE, we have members from the private sector. And if I may say so, some of the top practitioners in the private sector are members of our panel, and so are the top academicians in our country. So it institutionalizes the concept of a public-private partnership, something we do not see a lot of in this country. The new strategy is not for government alone, nor for the industry alone, but for them to work together.

COMSTE will be effective and significant because we are working on both the source—which is education, and the destination—which is the industry. By fixing the source of our well-trained graduates—the school system—we are able to give industry what it needs, a strong and capable workforce. For example, the education

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panel of COMSTE has recommended that we strengthen and expand our science section in each elementary and high school. Right now, we have 116 pilot science high schools and about 58 pilot schools in elementary. We want to expand that and we are implementing it in the 2009 budget so that those pilot schools in science will become 250.

By the same token, COMSTE, by working with the various sectors, will give the students who pursue S&T courses, a good career option, instead of just allowing them to graduate and then leave for jobs abroad.

COMSTE aims to create opportunities for S&T workers by encouraging entrepreneurs to create jobs and encouraging investors to put money in these new ideals.

A month ago, in Washington, D.C., I met with some of our most distinguished Filipino scientists based in Washington and Maryland who are so keen to help us, and they are trying to figure out how they can do it. In other words, we have a vast reservoir of Filipino talents waiting outside to be tapped, if only we have the imagination and the will to search out for them.

Two ways that COMSTE will do to create opportunities for them and the Filipino scientists: the first one is a proposed bill called "Fair Access to Capital" for technology, and the second is a proposed measure called "Human Capital Development bill."

The Fair Access to Capital bill seeks to correct an imbalance in the availability of capital for science and technology entrepreneurs who normally do not have physical collateral, but instead, I believe, a more important and mighty capital—intellectual capital.

The Human Capital Development bill will be implemented when the PEZA and the BOI Incentives System expire. It seeks to replace blanket incentives with some identified and selected incentives that will be earned by companies. The companies can earn these incentives by investing in the training of their workers.

I will not enumerate today the many very practical doable recommendations that each of the six panels have already put on the table. But let me just state what they have done so far, as of today.

COMSTE seeks to create a bigger pool of S&T professionals from our public schools and universities. And, therefore, we need to upgrade

and strengthen those schools and universities in both faculty curriculum and physical plans.

At the same time, COMSTE also seeks to create opportunities for those new S&T graduates and professionals by encouraging industry, entrepreneurs and investors to create new jobs. One concrete example of this is the Renewable Energy Law which we just passed about a month-and-a-half ago. Through our energy panel and the electronics panel combined, we are seeking ways to create an environment that will take advantage of the tremendous package of incentives granted under this Act, so that we can create a local renewable energy sector and also create thousands upon thousands of green jobs.

The key word here is not just investments in R&D. The marching cry should be coordination. We should coordinate the efforts of the private sector and the public sector and academe so that, together, these three great pillars of our society will begin to work as a team. Teamwork, synergy, coordination—those are the crying needs of the times.

We have, in the past, regarded the academe and the research community as separate from industry. So we have a situation where the academicians from UP do not know what the people from Intel or Philips are doing. It is the same in other industries. And, therefore, we have not seen the kind of academe-industry collaboration or public-private partnerships that produce significant innovation, significant industries, significant jobs. So it is not just a question of putting money in S&T. We also need to change the culture and the way we do things. As a great British economist said, "Innovation and change will only thrive if there is a culture that promotes and encourages." That is what we are trying to aim through this initiative.

But to do all of what we seek to achieve, we need to allow COMSTE to complete the task. Therefore, we need to extend the term of the COMSTE until the end of the Fourteenth Congress so that a few years from now, we can see the Philippines among the ranks of the rapidly developing economies in Asia, and not in the same place where we are languishing at the bottom of the competition league, because we failed to do what we need to do, because we lack the will to do it, yet we have abundant manpower to be able to do the job.

On that note, I seek the approval of this resolution so that we can once again revive change and innovation in our society.

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TERMINATION OF THE PERIOD OF INTERPELLATIONS

There being no reservation for interpellation, upon motion of Senator Zubiri, there being no objection, the Body closed the period of interpellations.

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 3:59 p.m.

RESUMPTION OF SESSION

At 4:00 p.m., the session was resumed.

COMMITTEE AMENDMENTS

Upon motion of Senator Angara, there being no objection, the following amendments were approved by the Body, one after the other:

1. On page 2, on the first resolatory clause, replace the phrase "for (1) one more year" with UNTIL THE END OF THE FOURTEENTH CONGRESS; and
2. On page 1, amend the title of the resolution to read: JOINT RESOLUTION EXTENDING THE TERM OF THE CONGRESSIONAL COMMISSION ON SCIENCE AND TECHNOLOGY AND ENGINEERING (COMSTE) UNTIL THE END OF THE FOURTEENTH CONGRESS.

TERMINATION OF THE PERIOD OF COMMITTEE AMENDMENTS

There being no other committee amendment, upon motion of Senator Zubiri, there being no objection, the Body closed the period of committee amendments and proceeded to the period of individual amendments.

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

There being no individual amendment, upon motion of Senator Zubiri, there being no objection, the Body closed the period of individual amendments.

APPROVAL OF SENATE JOINT RESOLUTION NO. 14 ON SECOND READING

Submitted to a vote, there being no objection, Senate Joint Resolution No. 14 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF SENATE JOINT RESOLUTION NO. 14

Upon motion of Senator Zubiri, there being no objection, the Body suspended consideration of the resolution.

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 4:02 p.m.

RESUMPTION OF SESSION

At 4:08 p.m., the session was resumed.

SPECIAL ORDER

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of Committee Report No. 86 on Senate Bill No. 2494 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 86 ON SENATE BILL NO. 2494

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Second Reading, Senate Bill No. 2494 (Committee Report No. 86), entitled

AN ACT AMENDING ARTICLE 131 OF ACT NO. 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AS AMENDED, TO UPHOLD THE RIGHT OF RESIDENTS TO PRIVACY FROM MASS OR CONCERTED ACTIONS NOT DIRECTED TO THE PUBLIC.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, with the permission of the Body, upon

[Signature]

motion of Senator Zubiri, only the title of the bill was read without prejudice to the insertion of its full text into the Record of the Senate.

The Chair recognized Senator Escudero for the sponsorship.

SPONSORSHIP REMARKS OF SENATOR ESCUDERO

At the instance of Senator Escudero, the following explanatory note of Senate Bill No. 1747, introduced by Senator Defensor Santiago, was adopted as the sponsorship speech of Senate Bill No. 2494:

EXPLANATORY NOTE

The Constitution, Article III, Section 4, provides:

No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.

In line with such declaration, the Penal Code, Article 131, paragraph 3, penalizes a public officer or employee who shall prohibit or hinder any person from addressing, either alone or together with others, any petition to the authorities for the correction of abuses or redress of grievances.

However, the people's right to peaceably assemble, though fundamental and constitutionally protected, is not absolute. Reasonable regulations based on time, place and manner may be necessary to further significant governmental interests, and are permitted. The nature of a place, "the pattern of its normal activities, dictate the kinds of regulations of time, place, and manner that are reasonable." *Cox v. Louisiana*, 379 U. S. 559 (1965); *Adderley v. Florida*, 385 U. S. 39 (1966). For instance, making a speech in a library would certainly infringe upon the convenience and welfare of others, but that same speech should be perfectly appropriate in a park.

This proposed bill focuses on one area that may certainly be considered as deserving of governmental interest, that is, the protection of residential privacy. The Penal Code failed to specify certain exceptions to the rule that no public officer or employee shall prohibit or hinder any person from addressing, either alone or together with others, any petition to the authorities for the correction of abuses or redress of grievances.

The U.S. Supreme Court, whose decisions have certainly influenced our own interpretation of constitutional issues, has had the opportunity to address cases where the right to peaceably assemble was weighed against residential privacy. In the case of *Carey v. Brown* 447 US 455, the Court held that:

"The State's interest in protecting the well-being, tranquility, and privacy of the home is certainly of the highest order in a free and civilized society." Our prior decisions have often remarked on the unique nature of the home, "the last citadel of the tired, the weary, and the sick," *Gregory v. Chicago*, 394 U. S. 111, 125 (1969) (*Black, J., concurring*), and have recognized that "[p]reserving the sanctity of the home, the one retreat to which men and women can repair to escape from the tribulations of their daily pursuits, is surely an important value."

This bill contemplates the mass or concerted action that is narrowly directed at the household, not the public. The type of picketers or rallyists banned by the new section are those who do not seek to disseminate a message to the general public, but simply aims to intrude upon the targeted resident, and to do so in an especially offensive way.

The protection of the unwilling listener is an important aspect of residential privacy. The home should offer security from those who seek to enforce their opinions and conduct upon other persons. "That we are often 'captives' outside the sanctuary of the home and subject to objectionable speech...does not mean we must be captives everywhere." *Rowan v. Post Office Dept.*, 397 U. S. 738 (1970). Instead, a special benefit of the privacy all citizens enjoy within their own walls, which the State may legislate to protect, is an ability to avoid intrusions."

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2494

Upon motion of Senator Escudero, there being no objection, the Body suspended consideration of the bill.

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 4:09 p.m. *JS*

JS

RESUMPTION OF SESSION

At 4:10 p.m., the session was resumed.

SPECIAL ORDER

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of Committee Report No. 87 on Senate Bill No. 2495 from the Calendar for Ordinary Business to the Calendar for Special Orders.

**COMMITTEE REPORT NO. 87
ON SENATE BILL NO. 2495**

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Second Reading, Senate Bill No. 2495 (Committee Report No. 87) entitled,

AN ACT CRIMINALIZING NECROPHILIA
AND IMPOSING APPROPRIATE
PENALTIES THEREFOR, INCORPORATING
FOR THIS PURPOSE
ARTICLE 335-A INTO ACT NO. 3815,
AS AMENDED, OTHERWISE KNOWN
AS THE REVISED PENAL CODE.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, with the permission of the Body, upon motion of Senator Zubiri, only the title of the bill was read without prejudice to the insertion of its full text into the Record of the Senate.

The Chair recognized Senator Escudero for the sponsorship.

**SPONSORSHIP REMARKS
OF SENATOR ESCUDERO**

At the instance of Senator Escudero, the following explanatory note of Senate Bill No. 1038, introduced by Senator Villar, was adopted as the sponsorship speech of Senate Bill No. 2495:

EXPLANATORY NOTE

Forcible or violent violation of a woman's chastity under any circumstance is a most detestable crime (See, *People vs. Barbo*, 56 SCRA 459, 467 citing *Blackstone*). Indeed, it is declared an heinous crime and penalized, in qualified cases, with the penalty of death (Art. 335 of the Revised Penal Code as amended by R.A. No. 7659).

Cursory review of our penal statutes reveals that sexual violation of or sexual intercourse with a female corpse is patently beyond the pale of our criminal justice system. At most, desecration of the dead in this regard merely gives rise to liability for damages (Art. 309, New Civil Code).

Under existing provisions of the Revised Penal Code, only defamation to blacken the memory of one who is dead is criminalized (Art. 553, R.P.C. i.e. libel).

This bill seeks to plug this distinct lacuna in the law by penalizing necrophiles or those who morbidly derive sexual gratification by copulating with a corpse. That such forcible imposition of manhood is directed against a lifeless female does not make the grisly act any less detestable and heinous. In fact, this vicious bestiality is notoriously offensive and revolting to the feelings of the living even as it grossly desecrates the dead.

Passage of this bill is earnestly recommended.

**SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 2495**

Upon motion of Senator Zubiri, there being no objection, the Body suspended consideration of the bill.

SPECIAL ORDER

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of Committee Report No. 88 on Senate Bill No. 2498 from the Calendar for Ordinary Business to the Calendar for Special Orders.

**COMMITTEE REPORT NO. 88
ON SENATE BILL NO. 2498**

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Second Reading, Senate Bill No. 2498 (Committee Report No. 88), entitled

AN ACT AMENDING ARTICLE 359 OF
ACT NO. 3815, OTHERWISE KNOWN
AS THE REVISED PENAL CODE,
AS AMENDED.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, with the permission of the Body, upon

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motion of Senator Zubiri, only the title of the bill was read without prejudice to the insertion of its full text into the Record of the Senate.

The Chair recognized Senator Escudero for the sponsorship.

SPONSORSHIP REMARKS OF SENATOR ESCUDERO

At the instance of Senator Escudero, the following explanatory note of Senate Bill No. 729, introduced by Senator Revilla, was adopted as the sponsorship speech of Senate Bill No. 2498:

EXPLANATORY NOTE

Since the fall of the Marcos' dictatorship, and our consequent reacquaintance with democracy, our country has slowly begun abusing its new-found freedom. It seems we are now quick to point the accusing finger at public officers, sometimes intentionally accusing them of false criminal and administrative charges, indifferent to the repercussions such an act could create.

It is great that our country's public officials now are no longer deemed as "untouchables" in the eye of the public. Their constituents now have the right to blow the whistle on public officers who abuse their powers and are involved in illegal acts. This keeps these officials in check and on their toes. What the people should learn to realize though is that just as public servants must be responsible in using their powers, they too must be careful of their freedom.

To date, there are no means with which to protect public officials from individuals bringing malicious accusations at them, yet the Revised Penal Code provides aggravated criminal liability for any public officer found taking advantage of his position. There should be a counter-balance to this law, otherwise, anyone can just falsely accuse a public official of a crime without fear of prosecution except for a counter-suit. And in such cases, the defendant, being a public officer, will have to suffer loss of integrity (which he may never regain regardless of the outcome of the case). More importantly, the public official may be hindered from doing his duties competently.

In the end, it is the public who ultimately suffers. It is a waste of the government's time and money to investigate these false accusations only to dismiss them later on. This bill punishes false accusers of government officials so that it

may serve as a deterrent to the former, who may use the complaint to disparage and embarrass the latter.

Hence, the passage of this bill is immediately sought.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2498

Upon motion of Senator Zubiri, there being no objection, the Body suspended consideration of the bill.

SPECIAL ORDER

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of Committee Report No. 89 on Senate Bill No. 2499 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 89 ON SENATE BILL NO. 2499

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Second Reading, Senate Bill No. 2499 (Committee Report No. 89), entitled

AN ACT AMENDING ARTICLES 363 AND 364 OF ACT NO. 3815 OTHER- WISE KNOWN AS THE REVISED PENAL CODE.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, with the permission of the Body, upon motion of Senator Zubiri, only the title of the bill was read without prejudice to the insertion of its full text into the Record of the Senate.

The Chair recognized Senator Escudero for the sponsorship.

SPONSORSHIP REMARKS OF SENATOR ESCUDERO

At the instance of Senator Escudero, the following explanatory note on Senate Bill No. 943, introduced by Senator Legarda, was adopted as the sponsorship speech of Senate Bill No. 2499:

EXPLANATORY NOTE

This bill seeks to increase the penalty of the crime of incriminatory machination, amending for

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the purpose Articles 363 and 364 of the Revised Penal Code, to deter persons from committing the same due to the increased penalty.

The Revised Penal Code defines incriminatory machinations by two distinct crimes, to wit: incriminating innocent person and intriguing against honor. Incriminating innocent person is committed by any person who, by any act not constituting perjury, shall directly incriminate or impute to an innocent person the commission of a crime, while intriguing against honor is committed by any person who intrigues another for the principal purpose of blemishing the honor or reputation of a person.

By its nature, incriminatory machinations refer to acts done for mere vexing, harassing or injuring one's adversary and which tend to directly cause false prosecution. The present penalties imposed by the law are not commensurate to the injury or damage caused to the victim of false prosecution and intrigue. There is therefore a need to punish with greater severity individuals who are found guilty of incriminatory machinations.

This bill aims to do just that by increasing the penalty for incriminating innocent persons from *arresto mayor* or imprisonment for one month and one day to six months, to *prision mayor*, which means imprisonment from six years and one day to twelve years. The bill likewise increases the penalty for intriguing against honor from *arresto menor* or imprisonment for one to 30 days, to *prision correccional*, which means imprisonment from six months and one day to six years.

In view of the foregoing, immediate passage of the bill is earnestly sought.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2499

Upon motion of Senator Escudero, there being no objection, the Body suspended consideration of the bill.

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 4:13 p.m.

RESUMPTION OF SESSION

At 4:15 p.m., the session was resumed.

COMMITTEE REPORT NO. 108 ON SENATE BILL NO. 2666 (Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 2666 (Committee Report No. 108), entitled

AN ACT STRENGTHENING THE COMPREHENSIVE AGRARIAN REFORM PROGRAM (CARP), AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 6657, OTHERWISE KNOWN AS THE "COMPREHENSIVE AGRARIAN REFORM LAW OF 1988," AS AMENDED, AND APPROPRIATING FUNDS THEREFOR.

Senator Zubiri stated that the parliamentary status was still the period of interpellations.

Thereupon, the Chair recognized Senator Honasan, Sponsor of the measure, and Senator Pimentel for the continuation of his interpellation.

INTERPELLATION OF SENATOR PIMENTEL (Continuation)

Senator Pimentel pointed out that one of the most disturbing aspects of the implementation of the Comprehensive Agrarian Reform Program (CARP) is the inclusion of the Autonomous Region of Muslim Mindanao (ARMM), which did not take place during the term of Agrarian Reform Secretary Pangandaman, when originally it was not covered and apparently, it was made so that money could be expended through the autonomous region. In connection therewith, he bared that the Presidential Agrarian Reform Council (PARC), through Executive Committee Resolution No. 96-6302, approved the flow of funds to the ARMM on January 25, 1996. He asked what the basis was for the inclusion of ARMM in the CARP's coverage as he doubted that a simple resolution could modify or amend an existing law.

In reply, Senator Honasan stated that Section 81, Chapter 16 of the Muslim Mindanao Autonomy Act No. 43, an internal law, authorized the release of the funds -- to be sourced from the Agrarian Reform

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Fund created under Sections 20 and 21 of Executive Order No. 229 – to implement the agrarian reform program in the ARMM for a period of 15 years.

To the observation that the release of funds from the CARP to the ARMM was not really intended for agrarian reform but for the operation of the autonomous region, Senator Honasan noted that with the special law creating the ARMM, some of the powers and authority of the national government were devolved to the autonomous region such as the power to formulate internal rules that, in turn, served as basis for the release of the funds under CARP. Specifically, he stated that under Section 49 (Rules and Regulations) of R.A. No. 6657, the PARC and the Department of Agrarian Reform (DAR) have the power to issue rules and regulations to carry out the objectives and purposes of the law.

But Senator Pimentel argued that the power of the PARC and the DAR to issue rules and regulations cannot go beyond the requirements of the Comprehensive Agrarian Reform Law.

Asked if the requirement of PARC Resolution No. 9663-02 that there should be a Memorandum of Agreement between the DAR and the ARMM was observed, Senator Honasan replied in the affirmative.

Upon further query, Senator Honasan stated that the ARMM law was approved in 1995, thus, the funding would be until 2010.

Senator Pimentel stressed that the data was important because the present agrarian reform secretary had informed the Committee that in 2007, the amount of P200 million was allocated to the ARMM but it was actually received by Governor Zaldy Ampatuan. He asked if there is any document showing that the amount was really received by the governor. Senator Honasan replied that an official receipt was issued, a copy of which would be submitted to Senator Pimentel.

Senator Pimentel expressed support for the extension of the CARP but in light of the many documents still to be produced, he stated that there should be a strict accounting of the money that was funneled to the program so that the people would know whether it was misused or misplaced. Senator Honasan informed the Body that some of the questions raised might be answered in next week's hearing to which persons alleged to have been recipients of the fund were invited.

Senator Pimentel lauded Senator Honasan for taking up the cause of the farmer-beneficiaries in the Senate, otherwise, a well-intentioned program might just die a natural death. He suggested that the Committee invite the ARMM provincial agrarian reform officers (PAROs) who were identified by Secretary Pangandaman to have received the funds. Senator Honasan agreed and pointed out that the issue could not be ignored as another group of farmers is ready to march from Bicol to Manila to highlight the plight of the intended beneficiaries of the program.

Proceeding to a related matter, Senator Pimentel requested the Committee for a detailed accounting of the share of the Marcos money, supposedly in billions of pesos, that went into CARP that was reported to have been dissipated in just a matter of two years. Senator Honasan replied that the money was channeled to the program and documents pertinent thereto would have to be scrutinized.

Further, Senator Pimentel thanked the Committee for providing him the list of the Agrarian Reform Program consultants as of December 31, 2007. He said that he would read the names into the record and find out if they were really qualified for the position and if there were any adverse reports on them. Adverting to the list, he asked whether Crisanto Afafe Jr., an irrigation engineer, is still with ERCDP and what the acronym stands for.

Relative thereto, Senator Pimentel disclosed that he has a copy of a letter addressed to the chair of the Committee supposedly from a certain Mr. Narciso Nieto which was signed by someone else but the same was being repudiated by the official. He stressed that the executive departments should be a little more sensitive to the requirements of the Senate and that it is high time the institution taught their officials lessons in ordinary courtesy. Senator Honasan stated that he had been informed that Undersecretary Nieto was attending a ministerial meeting abroad and precisely, he wanted to know the identity of the officer-in-charge who sent the letter on Mr. Nieto's behalf.

Finally, Senator Pimentel maintained that there should be at least one responsible person who can act for and in behalf of an official. Thereafter, he asked for a deferment of the discussion on the measure until next week to which Senator Honasan agreed. *AK*

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SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2666

Upon motion of Senator Zubiri, there being no objection, the Body suspended consideration of the bill.

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 4:41 p.m.

RESUMPTION OF SESSION

At 4:55 p.m., the session was resumed.

MANIFESTATION OF SENATOR CAYETANO (A)

Preliminarily, Senator Cayetano (A) thanked Senate President Enrile and Senator Escudero for their vote of confidence in requesting that he continue some of the hearings of the Blue Ribbon Committee. However, he believed it would be best if a new committee chairman is named so he could take over the investigations.

He gave assurance that while the Committee would make all the necessary preparations for the hearing on Tuesday, there are still confidentiality and security issues that have not come forth. He expressed willingness to assist the new chair and even serve as a member of the committee as well as help draft and prepare the committee report.

Moreover, Senator Cayetano (A) opined that Tuesday's hearing could be postponed for a few days if there are any problems. He gave assurance that the BROOM, led by Director General Rudy Quimbo, is prepared for the turnover.

SENATE CONFEREES

Upon nomination by Senator Zubiri, on the part of the Majority, there being no objection, the Chair designated the following to constitute the Senate panel in the Bicameral Conference Committee on the disagreeing provisions of Senate Bill No. 2213 and House Bill No. 5229: Senator Gordon as chairman, and Senators Legarda and Zubiri as members.

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 4:58 p.m.

RESUMPTION OF SESSION

At 4:59 p.m., the session was resumed.

SENATE CONFEREES

On the part of the Minority, upon nomination by Senator Pimentel, there being no objection, the Chair also designated the following as members of the Senate panel in the Bicameral Conference Committee on the disagreeing provisions of Senate Bill No. 2213 and House Bill No. 5229: Senators Aquino and Cayetano (P).

MANIFESTATION OF SENATOR GORDON

Senator Gordon requested that the Body allow Senator Lapid, who has expressed interest in joining the Senate contingent to the Bicameral Conference Committee, to attend committee meetings that might be held before Monday since Senator Legarda might not be able to attend the Bicameral Conference as she would be on official mission by that time.

ADDITIONAL MEMBER

Upon motion of Senator Zubiri, there being no objection, the Chair designated Senator Lapid as additional member of the Senate panel in the Bicameral Conference Committee on the disagreeing provisions of Senate Bill No. 2213 and House Bill No. 5229, on the part of the Majority.

COSPONSOR

Upon her request, Senator Legarda was made cosponsor of Senate Bill No. 2499.

MANIFESTATION OF SENATOR ZUBIRI

Senator Zubiri manifested that Senator Legarda would submit her cosponsorship speech on the measure for insertion into the Journal and the Record of the Senate. *Ab*

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COSPONSORSHIP SPEECH OF SENATOR LEGARDA

Pursuant to the manifestation of Senator Zubiri, following is the cosponsorship speech of Senator Legarda on Senate Bill No. 2499 which was deemed read into the Journal and the Record of the Senate:

I humbly submit my cosponsorship for this bill that seeks to increase the penalty of the crime of incriminatory machinations, amending for the purpose Articles 363 and 364 of the Revised Penal Code.

The Revised Penal Code defines incriminatory machinations by two distinct crimes, to wit: incriminating innocent person and intriguing against honor. Incriminating innocent person is committed by any person who, by any act not constituting perjury but directly tending to cause prosecution, shall directly incriminate or impute to an innocent person the commission of a crime, while intriguing against honor is committed by any person who intrigues another for the principal purpose of blemishing the honor or reputation of a person.

As currently provided in the Revised Penal Code, the present penalties imposed by the law are not commensurate to the injury or damage caused to the victim of false prosecution and intrigue. There is therefore a need to punish with greater severity the individuals who are found guilty of incriminatory machinations.

This measure proposes to increase the penalty for incriminating innocent persons from *arresto mayor* or imprisonment from one month and one day to six months, to *prision mayor*, which means imprisonment from six years and one day to twelve years.

The bill likewise increases the penalty for intriguing against honor from *arresto menor* or imprisonment from one to 30 days, to *prision correccional*, which means imprisonment from six months and one day to six years. The penalty of fine is also being increased from a measly P200 to P50,000.

With these proposed amendments, we are thus deterring commission of acts done for mere vexing, harassing or injuring one's adversary that tend to directly cause false prosecution. I join the distinguished sponsor in requesting our colleagues' positive action on this significant piece of legislation.

INQUIRY OF SENATOR MADRIGAL

Senator Madrigal inquired why different rules are being applied to the Members insofar as the recording of their attendance is concerned. She bemoaned that there had been instances when she was marked "late" for not being at her desk during roll call while other senators were marked "present" even though they had not set foot inside the session hall or stood at their desks or only made a very brief appearance in the session hall. She believed that such treatment is unfair, adding that she had been marked "tardy" several times even when she was not.

She stressed that it is not only a travesty to the integrity of the Senate but also cheating the country. She said that she has more admiration for Members who came in late but put in a full, hard day's work in the session hall or in their offices than those who showed their faces at the door and were marked "present" for the particular session.

She asked the new leadership to address the issue by having an honor system that would consider those Members who are at their desks to be marked "present" and thereby show that the Senate is doing its best to be transparent. She also asked that the rules be equally applied.

REMARKS OF SENATOR GORDON

Senator Gordon shared the observation of Senator Madrigal, adding that just the previous day, he was marked as having "arrived after the roll call" even though he was late for only one minute and he was in the Senate the whole afternoon meeting with constituents and working on resolutions and other official matters.

In view thereof, he suggested that the matter be resolved by conducting a final roll call 20 minutes after the actual start of the session to dissuade other Members from just making a brief appearance in the session hall so they could be marked "present" and then leave afterwards which is unfair to the taxpayers. He asked that the matter on what constitutes tardiness or absence be clarified. He also recommended that the Body set a specific time for the start of the session so that the Members would come on time.

For her part, Senator Madrigal suggested that a count be made of the Members who actually stay throughout the entire session.

RESPONSE OF THE CHAIR

At this juncture, the Chair stated that by tradition, Members who respond to the roll call are considered "present," those who do not appear at all are considered "absent," and those who arrived after the roll call are considered as having "arrived after the roll call."

Senator Madrigal stated that it is unfair to the other Members if one is marked "present" even though he only waved through the door of the session hall and never even entered the premises.

The Chair noted that at the very least, the concerned Member was present, particularly since other Members were not even present when their names were called. Moreover, the Chair believed that the matter is within the prerogative of any senator.

Senator Madrigal suggested that the matter of attendance be referred to the Committee on Rules.

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 5:08 p.m.

RESUMPTION OF SESSION

At 5:11 p.m., the session was resumed.

REMARKS OF SENATOR ZUBIRI

Senator Zubiri sympathized with Senators Madrigal and Gordon as he recalled that he, himself, spoke on the same matter a few months ago. He notified the Members that the matter would be referred to the Committee on Rules so as to clarify when a Member shall be marked "present" during the roll call, "arrived after the roll call," and "absent."

Senator Gordon asserted that the problem is that no senator wants to be tardy and while the rules provide that the session shall start at three o'clock in the afternoon on weekdays, it starts much later when a quorum is achieved. He noted that he and Senator Roxas have raised the matter because sometimes when the roll is called, the senators are still finishing their meetings or hearings. He suggested that the chair of the Committee on Rules take this aspect into consideration so that the senators need not bring up the matter of attendance again.

REFERRAL TO COMMITTEE


Upon motion of Senator Zubiri, there being no objection, the Chair referred the matter of the attendance of the senators to the Committee on Rules.

ADJOURNMENT OF SESSION

Upon motion of Senator Zubiri, there being no objection, the Senate President Pro Tempore declared the session adjourned until three o'clock in the afternoon of Monday, November 24, 2008.

It was 5:13 p.m.

I hereby certify to the correctness of the foregoing.


EMMA LIRIO-REYES
Secretary of the Senate

Approved on November 24, 2008