



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 81
Tuesday, May 10, 2011

FIFTEENTH CONGRESS
FIRST REGULAR SESSION

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CALL TO ORDER

At 3:20 p.m., the Senate President, Hon. Juan Ponce Enrile, called the session to order.

PRAYER

Sen. Vicente C. Sotto III led the prayer, to wit:

Dear Lord Almighty, we implore You to guide us with Your infinite wisdom and boundless understanding as we begin today's session and deliberate on the complex problems of our nation.

Grant us, O Lord, the humility to accept the reality that without You, we can do so little, but with Your divine grace and benevolence, we can do so much.

Teach us, O Lord, to give more and expect less, to love more and hate less, to trust more and doubt less, to hope more and despair less.

We ask You, O Lord, to enlighten our brethren who, perhaps for the greater public good and mind, have unwittingly shoot the foundations of our faith and the sanctity of life.

Stir them back to the path of righteousness as we fully realize that even with our limitations and weaknesses, there is nothing that we cannot achieve in this august hall and in our daily lives for as long as You continue to bless us with Your unconditional love and compassion.

Thank You, Lord, dear God.
Amen.

ROLL CALL

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

Angara, E. J.	Honasan, G. B.
Arroyo, J. P.	Lapid, M. L. M.
Cayetano, A. P. C. S.	Legarda, L.
Cayetano, P. S.	Osmeña III, S. R.
Drilon, F. M.	Revilla Jr., R. B.
Ejercito Estrada, J.	Sotto III, V. C.
Enrile, J. P.	Zubiri, J. M. F.
Guingona III, T. L.	

With 15 senators present, the Chair declared the presence of a quorum.

Senators Escudero, Lacson, Recto, Trillanes and Villar arrived after the roll call.

Senators Defensor Santiago and Marcos were on sick leave.

Senator Pangilinan was on official mission.

APPROVAL OF THE JOURNAL

Upon motion of Senator Sotto, there being no objection, the Body dispensed with the reading of the Journal of Session No. 80 (May 9, 2011) and considered it approved.

MANIFESTATION OF SENATOR ZUBIRI

Senator Zubiri expressed gratitude for the felicitations of the Chamber the previous day on his

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graduation from the University of the Philippines' Open University with a degree in Masters in Environment and Natural Resources Management.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Sotto acknowledged the presence in the gallery of the following delegates from the *Reform ARMM* coalition: Datu Abdullah Dalidig, Mufti Samanoden Ampaso, Datu Lowell Macabangen, Prof. Edgardo Ramirez, Tom Villarin, Atty. Anwar Malang, Ms. Samira Gutoc, Norkhalila Mae Mambuay and Datu Pendatun Disimban.

Senate President Enrile welcomed the guests to the Senate.

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

PRIVILEGE SPEECH OF SENATOR SOTTO

Availing himself of the privilege hour, Senator Sotto delivered a speech on the misappropriation of funds for the Family Health program for the LGUs.

Following is the full text of the speech:

Article VI, Section 29 (1) of our Constitution provides: "No money shall be paid out of the Treasury except in pursuance of an appropriation made by law."

Budgetary allocation, therefore, is a determinant of government policy—meaning, that we fund those activities which we consider as important for the welfare of the nation and our people.

The raging debate these past months on the pros and cons on the Reproductive Health bill, specifically proposed Senate Bill No. 2378 and House Bill No. 5043, has obscured a clear view of the matter. While we appear to be debating on what will happen in the future, the reality is that it is already being implemented here and now in the budget of the Department of Health.

The proposed programs contained in the RH bill are similar to those being implemented and currently funded by the government through the Department of Health.

I should have really no problem with this, but I have realized that not only are present

funds misappropriated, there is also obvious corruption in its implementation and the House of Representatives version will institutionalize it.

The 2010 DOH budget for family health, including family planning, includes provisions for support to Maternal, Neonatal and Child Health and Nutrition (MNCHN). The DOH has decided to execute this budget provision in support of the implementation of Administrative Order No. 2008-0029 or the Strategy to Rapidly Reduce Maternal and Neonatal Mortality. *Maganda. Sino ang kukontra diyan?* The strategy identifies coordinated interventions at each life stage towards improvements of intermediate health outcomes such as Contraceptive Prevalence Rate (CPR), antenatal care (ANC), Facility-Based Delivery (FBD) and Fully Immunized Children (FIC). These interventions are best delivered through an area-wide, local government unit-led network of public and private providers capable of delivering the core package of MNCHN services. To support the local implementation of this strategy, DOH shall provide grants to LGUs funded by the 2010 budget provision for MNCHN.

With information coming from the DOH itself, their 2008 budget awarded grants to LGUs in support of Contraceptive Self-Reliance (CSR) in their localities. From the 2009 budget, DOH awarded grants to LGUs based on their 1) performance in achieving MNCHN health outcomes; 2) capacity to provide MNCHN services; and 3) commitment to pursue improvement in services for better outcomes in the future.

The total grant to LGUs is P423 million distributed to 16 regional funds for MNCHN purposes only. The total amount available for LGUs in each region is P1 million for each province/highly urbanized city plus an amount proportionate to the estimated number of poor women of reproductive age in each province/highly urbanized city.

Everything looks well and good up to this point except that, when I started my inquiries to LGUs, whether they received the money indicated under the family health program of the Department of Health supposedly allotted to them, to my astonishment, the answer is "No." *Walang natatanggap.*

Take the case of Ilocos Norte. This can be attested to by Sen. Ferdinand R. Marcos Jr. The Department of Health records indicated that said province was supposed to have received the amounts of P644,525.60 for 2008, P602,590 for 2009 and P2,470,379 for 2010.

MF

Yet, when I asked the heads of the LGUs concerned, I was told they did not receive a single centavo.

I have managed to obtain a certification from the budget officer that no funds were infused to the family health program of Ilocos Norte.

This Representation was given the same information relative to the Province of Batangas, as can be attested to by Sen. Ralph Recto whom I sought help, as well as the Province of Quezon and other key cities which have given this Representation their verbal confirmation of this anomalous situation, and I am just awaiting their respective certifications, the same that I have already received from Batangas, Ilocos Norte, and Lucena City in Quezon.

If this is really the case, can we afford that this continues to happen? The House of Representatives version of the RH bill enhances these expenditures. Can we be assured that taxpayers' money will no longer be wasted?

I am sure that the legal luminaries in this hall, headed by Senate President Juan Ponce Enrile, are very much aware of the legal maxim that states *Falsus in unus, falsus in omnibus*. False in one, false in all.

There are reasonable grounds to believe that the funds appropriated for the family health program for the LGUs did not actually end up with the intended beneficiaries.

It need not be said that it is also our duty to ensure the proper utilization of public funds. What we are dealing here are not just few hundreds or few thousands of pesos but hundreds of millions of pesos, hundreds of millions of hard-earned taxpayers' money.

As a duly-elected representative of the people, I feel strongly about this since we are and we will be held accountable to them. Thus, it is only proper that we remain vigilant at all times in allocating properly and ensuring necessary disposition of taxpayers' money.

While advocates of the RH bill are focusing on various issues such as overpopulation, poverty, contraception, abortion and so on, it is best that we look into the here and now because I smell that there is something rotten in this state of affairs.

Pag-usapan muna natin itong kasalukuyang pinagkakagastusan ng Department of Health. Ngayon pa lang ay anomalous na. Ito rin malamang ang magiging kalakaran ng laman ng RH bill kapag nagkataon. Huwag

muna nating pagdebatihan kung kailangan ba ang contraception, maternal health at iba pa. Doon pa lang sa pera, nagkatao na.

In the light of all the foregoing, I now seek referral of this information to the appropriate Senate committees for their investigation and proper inquiry.

REFERRAL OF SPEECH TO COMMITTEES

Upon motion of Senator Sotto, there being no objection, the Chair referred his privilege speech to the Blue Ribbon Committee, and to the Committees on Health, and Finance.

REFERENCE OF BUSINESS

The Deputy Secretary for Legislation, Atty. Edwin B. Bellen, read the following matters and the Chair made the corresponding referrals:

BILL ON FIRST READING

Senate Bill No. 2790, entitled

**AN ACT REQUIRING MANDATORY
INSTALLATION OF SPEED LIMITERS
IN PUBLIC UTILITY VEHICLES (PUVs)**

Introduced by Senator Trillanes IV

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

RESOLUTION

Proposed Senate Resolution No. 444, entitled

**RESOLUTION DIRECTING THE SENATE
COMMITTEE ON ENVIRONMENT
AND NATURAL RESOURCES TO
CONDUCT AN INQUIRY, IN AID
OF LEGISLATION, INTO GOVERN-
MENT REGULATORY POLICIES IN
LANDSLIDE AND OTHER NATURAL
HAZARD-PRONE MINING AREAS
TO ENSURE THE SAFETY OF
MINING COMMUNITIES IN LIGHT
OF THE COMPOSTELA VALLEY
LANDSLIDE ON APRIL 22, 2011**

Introduced by Senator Legarda

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To the Committee on Environment and Natural Resources

COMMUNICATIONS

Letter from the Presidential Commission on Good Government, dated 18 January 2011, submitting to the Senate its last quarter report on the utilization of its Confidential and Intelligence Fund for FY 2010 in the amount of Two Million Five Hundred Pesos Only (P2.5M), in compliance with Section 22 of Republic Act No. 9970 (The General Appropriations Act of 2010).

To the Committee on Finance

Letter from the Commission on Audit, dated 8 March 2011, furnishing the Senate with copies of the reports on the results of audit of the accounts and operations for CY 2009 of thirty-one (31) Government-Owned and Controlled Corporations, pursuant to Section 2, Article IX-D of the Philippine Constitution and Section 43 of P.D. No. 1445 (Government Auditing Code of the Philippines).

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

Letter from the *Bangko Sentral ng Pilipinas*, dated 16 March 2011, furnishing the Senate with copies of BSP Circular Nos. 714 and 715, series of 2011, dated 4 March 2011, in compliance with Section 15(a) of Republic Act No. 7653 (The New Central Bank Act).

To the Committee on Banks, Financial Institutions and Currencies

Letter from the *Bangko Sentral ng Pilipinas*, dated 29 March 2011, furnishing the Senate with a certified corrected copy of BSP Circular No. 714, dated 10 March 2011, in compliance with Section 15(a) of Republic Act No. 7653 (The New Central Bank Act).

To the Committee on Banks, Financial Institutions and Currencies

Letter from the Embassy of Japan, dated 29 March 2011, transmitting to the Senate the letter from Nishioka Takeo, President, House of Councillors, National Diet of Japan, expressing gratitude for

the condolences the Senate extended to the victims of the earthquake and tsunami which hit Japan.

To the Archives

Letter from the Climate Change Commission, dated 30 March 2011, submitting to the Senate its Accomplishment Report 2010, pursuant to Section 20 of Republic Act No. 9729 (Climate Change Act of 2009).

To the Committee on Climate Change

Letter from the *Bangko Sentral ng Pilipinas*, dated 30 March 2011, submitting to the Senate data on outstanding Philippine external debt as of 31 December 2010, which were noted by the Monetary Board on 25 March 2011.

To the Committees on Finance; and Economic Affairs

Letter from the *Bangko Sentral ng Pilipinas*, dated 4 April 2011, furnishing the Senate with certified copies of BSP Circular Nos. 716 and 717, series of 2011, dated 25 March 2011, in compliance with Section 15(a) of Republic Act No. 7653 (The New Central Bank Act).

To the Committee on Banks, Financial Institutions and Currencies

Letter from the Office of the President of the Philippines, dated 4 April 2011, transmitting to the Senate a certified copy of Republic Act No. 10148, entitled

AN ACT GRANTING PHILIPPINE CITIZENSHIP TO MARCUS EUGENE DOUTHIT,

which lapsed into law on 12 March 2011.

To the Archives

Letter from the *Bangko Sentral ng Pilipinas*, dated 5 April 2011, furnishing the Senate with a certified copy of BSP Memorandum No. M-2011-019, dated 29 March 2011, in compliance with Section 15(a) of Republic Act No. 7653 (The New Central Bank Act).

To the Committee on Banks, Financial Institutions and Currencies

Position Paper of Energy Development Corporation, submitted 7 April 2011, re Proposed Senate Resolution No. 299, entitled: RESOLUTION CONDEMNING THE VIOLENT DEATH OF PROMINENT BOTANIST LEONARDO CO AND TWO OTHER COMPANIONS WHO WERE ALLEGEDLY CAUGHT IN A CROSSFIRE IN THE LEYTE PROVINCE AND DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE MILITARY'S PROBABLE BREACH OF THE RULES OF ENGAGEMENT BY INDISCRIMINATELY FIRING WITHOUT VERIFYING THEIR TARGETS.

To the Committee on National Defense and Security

Letter from the Office of the President of the Philippines, dated 19 April 2011, transmitting to the Senate a certified copy of Memorandum Order No. 13 dated 18 April 2011, entitled

CREATING AN INTER-AGENCY EXECUTIVE COMMITTEE TO MONITOR THE IMPLEMENTATION OF THE COMMITMENTS MADE IN THE 2010 NATIONAL SUMMIT ON PERSONS DEPRIVED OF LIBERTY.

To the Committees on Justice and Human Rights; and Finance

ADDITIONAL REFERENCE OF BUSINESS

MESSAGES OF THE PRESIDENT OF THE PHILIPPINES

Letters of His Excellency, President Benigno S. Aquino III, dated 31 March 2011 and 3 May 2011, respectively, submitting to the Senate for its consideration and concurrence the following:

CONSULAR AGREEMENT BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE PEOPLE'S REPUBLIC OF CHINA, which was signed on 29 October 2009 in Manila; and

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE STATE OF QATAR

FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME, which was signed on 14 December 2008 in Doha.

To the Committee on Foreign Relations

BILLS ON FIRST READING

Senate Bill No. 2791, entitled

AN ACT PROVIDING FOR A MANDATORY NATIONWIDE CHILD NUTRITION PROGRAM IN ALL PUBLIC ELEMENTARY SCHOOLS AND BARANGAY DAY CARE CENTERS

Introduced by Senator Villar

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

Senate Bill No. 2792, entitled

AN ACT AMENDING REPUBLIC ACT NO. 7042, AS AMENDED BY REPUBLIC ACT NO. 8179, OTHERWISE KNOWN AS THE FOREIGN INVESTMENTS ACT OF 1991, AND FOR OTHER PURPOSES

Introduced by Senator Villar

To the Committee on Economic Affairs

Senate Bill No. 2793, entitled

AN ACT PROVIDING A FRAMEWORK FOR NATIONAL SUSTAINABLE SANITATION PROGRAM, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Villar

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

Senate Bill No. 2794, entitled

AN ACT TO PROMOTE THE WELL-

BEING AND HEALTH OF THE CITIZENS THROUGH THE CREATION OF COMMUNITY FITNESS CENTERS IN ALL BARANGAYS NATIONWIDE AND APPROPRIATING FUNDS FOR THE PURPOSE

Introduced by Senator Villar

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

Senate Bill No. 2795, entitled

AN ACT TO INCLUDE ETHNIC ORIGIN IN NATIONAL SURVEYS, CENSUSES AND OTHER DATA-GATHERING METHODS CONDUCTED BY THE NATIONAL STATISTICS OFFICE (NSO)

Introduced by Senator Villar

To the Committees on Cultural Communities; and Finance

Senate Bill No. 2797, entitled

AN ACT RAISING THE AGE OF COMPULSORY RETIREMENT FOR GOVERNMENT EMPLOYEES FROM SIXTY-FIVE (65) TO SEVENTY (70) YEARS OLD, AMENDING FOR THE PURPOSE SECTION 13 OF REPUBLIC ACT NO. 8291, OTHERWISE KNOWN AS THE GOVERNMENT SERVICE INSURANCE SYSTEM ACT OF 1997

Introduced by Senator Defensor Santiago

To the Committees on Government Corporations and Public Enterprises; and Civil Service and Government Reorganization

Senate Bill No. 2798, entitled

AN ACT EXEMPTING MANUFACTURERS AND IMPORTERS OF HYBRID VEHICLES FROM THE PAYMENT OF CERTAIN TAXES

Introduced by Senator Defensor Santiago

To the Committees on Ways and Means; and Trade and Commerce

Senate Bill No. 2799, entitled

AN ACT TO PREVENT MAIL, TELEMARKETING, AND INTERNET FRAUD TARGETING SENIOR CITIZENS AND TO EDUCATE THE PUBLIC, SENIOR CITIZENS, THEIR FAMILIES, AND THEIR CAREGIVERS ABOUT HOW TO IDENTIFY AND COMBAT FRAUDULENT ACTIVITY

Introduced by Senator Defensor Santiago

To the Committees on Trade and Commerce; and Social Justice, Welfare and Rural Development

Senate Bill No. 2800, entitled

AN ACT ESTABLISHING THE CHILDREN'S CANCER HOSPITAL OF THE PHILIPPINES, PROVIDING FUNDS THEREFOR

Introduced by Senator Trillanes IV

To the Committees on Health and Demography; Ways and Means; and Finance

Senate Bill No. 2801, entitled

AN ACT DEPLOYING POLICE PERSONNEL TO ACT AS MARSHALS IN ALL PUBLIC UTILITY BUSES

Introduced by Senator Trillanes IV

To the Committees on Public Order and Dangerous Drugs; Public Services; and Finance

Senate Bill No. 2803, entitled

AN ACT TO AMEND ARTICLES 180, 183 AND 184 OF SECTION TWO, CHAPTER TWO, TITLE FOUR OF ACT NO. 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AS AMENDED

Introduced by Senator Lacson

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

Senate Bill No. 2804, entitled

AN ACT ESTABLISHING A THIRTY (30)-BED HOSPITAL IN THE SECOND DISTRICT OF ANTIPOLLO CITY, TO BE KNOWN AS THE ANTIPOLLO 2ND DISTRICT HOSPITAL, AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Lacson

To the Committee on Rules

Senate Bill No. 2805, entitled

AN ACT TO STRENGTHEN THE FOOD SAFETY REGULATORY SYSTEM IN THE COUNTRY TO PROTECT CONSUMER HEALTH AND FACILITATE MARKET ACCESS OF LOCAL FOODS AND FOOD PRODUCTS, AND FOR OTHER PURPOSES

Introduced by Senator Angara

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

Senate Bill No. 2806, entitled

AN ACT PROVIDING FOR THE SPECIAL PROTECTION OF CHILDREN IN SITUATIONS OF ARMED CONFLICT AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

Introduced by Senator Trillanes IV

To the Committees on Youth, Women and Family Relations; National Defense and Security; and Finance

Senate Bill No. 2807, entitled

AN ACT REPEALING REPUBLIC ACT NO. 5180, AS AMENDED, "AN ACT PRESCRIBING A UNIFORM SYSTEM OF PRELIMINARY INVESTIGATION BY PROVINCIAL AND CITY FISCALS AND THEIR ASSISTANTS, AND BY STATE ATTORNEYS OR THEIR ASSISTANTS"

Introduced by Senator Escudero

To the Committee on Justice and Human Rights

RESOLUTIONS

Proposed Senate Resolution No. 445, entitled

RESOLUTION RECOMMENDING THE REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARDS TO ACT WITH DISPATCH THE DEMAND OF WORKERS FOR WAGE INCREASE AFFORDING THEM TO COPE WITH RISING COSTS OF LIVING IN ACCORDANCE WITH WAGE RATIONALIZATION ACT (REPUBLIC ACT NO. 6727)

Introduced by Senator Villar

To the Committee on Labor, Employment and Human Resources Development

Proposed Senate Resolution No. 446, entitled

RESOLUTION URGING THE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED POSSIBLE WATER SHORTAGE IN METRO MANILA IN ORDER TO FORMULATE AND PREPARE POLICIES AND PROGRAMS INCLUDING IMMEDIATE MEASURES TO HALT ITS OCCURRENCE

Introduced by Senator Villar

To the Committee on Public Services

Proposed Senate Resolution No. 447, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON NATIONAL DEFENSE AND SECURITY, COMMITTEE ON PEACE, UNIFICATION AND RECONCILIATION, AND OTHER APPROPRIATE COMMITTEES TO CONDUCT A STUDY, IN AID OF

LEGISLATION, ON THE FINDINGS AND CONCLUSIONS OF THE WORLD BANK REPORT 2011: CONFLICT, DEVELOPMENT AND SECURITY WITH THE END IN VIEW OF ESTABLISHING CAPABLE, ACCOUNTABLE AND LEGITIMATE INSTITUTIONS IN THE COUNTRY FOR CONFLICT MEDIATION TO COMBAT THE SAME

Introduced by Senator Villar

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

Proposed Senate Resolution No. 448, entitled

RESOLUTION URGING THE COMMITTEES ON TRADE AND COMMERCE; AND ECONOMIC AFFAIRS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE IMPACT OF THE JAPAN SITUATION TO THE PHILIPPINE MARKET AND TO FILIPINO WORKFORCE

Introduced by Senator Villar

To the Committees on Trade and Commerce; and Economic Affairs

Proposed Senate Resolution No. 449, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON REVISITING REPUBLIC ACT NO. 6541, OR THE BUILDING CODE OF THE PHILIPPINES, PRESIDENTIAL DECREE NO. 1586, AND OTHER PERTINENT LAWS IN LIGHT OF GROWING PUBLIC CONCERNS ON THE IMPACT OF GEOLOGIC HAZARDS ON THE STRUCTURAL INTEGRITY OF HOUSES AND BUILDINGS IN THE COUNTRY

Introduced by Senator Defensor Santiago

To the Committees on Public Works; and Environment and Natural Resources

Proposed Senate Resolution No. 450, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED EXORBITANT FEES IMPOSED BY PUBLIC SCHOOL OFFICIALS FOR GRADUATION EXERCISES

Introduced by Senator Defensor Santiago

To the Committee on Education, Arts and Culture

Proposed Senate Resolution No. 451, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON STRENGTHENING REPUBLIC ACT NO. 7610 (SPECIAL PROTECTION OF CHILDREN AGAINST ABUSE, EXPLOITATION AND DISCRIMINATION ACT), REPUBLIC ACT NO. 9775 (AN ACT DEFINING THE CRIME OF CHILD PORNOGRAPHY), REPUBLIC ACT NO. 9231 (AN ACT PROVIDING FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOR), AND OTHER RELATED LAWS IN ORDER TO ENSURE THE PROTECTION OF CHILDREN APPEARING IN BROADCAST MEDIA

Introduced by Senator Defensor Santiago

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

Proposed Senate Resolution No. 452, entitled

RESOLUTION URGING THE SENATE COMMITTEES ON ENVIRONMENT AND NATURAL RESOURCES; AND LOCAL GOVERNMENT TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED HIGH MERCURY VAPOR LEVELS DETECTED IN TONDO, MANILA WITH THE END IN VIEW OF

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ENFORCING MERCURY POLLUTION PREVENTION MEASURES TO ENSURE PUBLIC HEALTH AND SAFETY

Introduced by Senator Villar

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

Proposed Senate Resolution No. 453, entitled

RESOLUTION URGING THE SENATE COMMITTEE ON YOUTH, WOMEN AND FAMILY RELATIONS AND OTHER APPROPRIATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE IMPLEMENTATION OF REPUBLIC ACT 9262 OR THE ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT OF 2004 AMIDST THE RISING TREND IN DOCUMENTED/REPORTED CASES SINCE ITS PASSAGE

Introduced by Senator Villar

To the Committee on Youth, Women and Family Relations

Proposed Senate Resolution No. 454, entitled

RESOLUTION CONGRATULATING AND COMMENDING THE POUND-FOR-POUND KING AND OCTUPLE BOXING CHAMPION CONGRESSMAN EMMANUEL DAPIDRAN PACQUIAO OTHERWISE KNOWN AS THE PEOPLE'S CHAMP MANNY "PACMAN" PACQUIAO FOR SUCCESSFULLY DEFENDING HIS WORLD BOXING ORGANIZATION WELTERWEIGHT WORLD TITLE FROM AMERICAN BOXER "SUGAR" SHANE MOSLEY AT THE MGM GRAND GARDEN ARENA IN LAS VEGAS, NEVADA, U.S.A. ON 7 MAY 2011

Introduced by Senator Lapid

To the Committee on Rules

Proposed Senate Resolution No. 455, entitled

RESOLUTION CONGRATULATING AND COMMENDING FILIPINO JEWELLERY DESIGNERS CHERRIE MARIE G. IPAPO, MANUELITO KNOI ESMANE, SHAMAINE NG AND EVELYN BUEN-CHUA FOR EMERGING VICTORIOUS AT THE OPEN CATEGORY OF THE 8TH INTERNATIONAL SOUTH SEA PEARL JEWELLERY DESIGN COMPETITION AWARDED ON 7 MARCH 2011 DURING THE 2011 HONG KONG INTERNATIONAL JEWELRY SHOW IN HONG KONG, PEOPLE'S REPUBLIC OF CHINA

Introduced by Senator Lapid

To the Committee on Rules

Proposed Senate Resolution No. 456, entitled

RESOLUTION CONGRATULATING AND HONORING EMMANUEL "MANNY PACMAN" DAPIDRAN PACQUIAO FOR HIS STUNNING VICTORY OVER AFRICAN AMERICAN SHANE MOSLEY IN THE WORLD BOXING ORGANIZATION WELTERWEIGHT DEFENSE BOUT HELD AT THE MGM GRAND GARDEN IN LAS VEGAS, NEVADA, USA ON MAY 8, 2011 WHICH CAST HIS REPUTATION AS THE FIRST AND ONLY MAN IN PROFESSIONAL BOXING TO BECOME A WORLD TITLE-HOLDER IN EIGHT (8) DIFFERENT WEIGHT DIVISIONS AND SUCCESSFULLY DEFEND IT FROM THIS LATEST CHALLENGE

Introduced by Senator Zubiri

To the Committee on Rules

Proposed Senate Resolution No. 457, entitled

RESOLUTION COMMENDING CONGRESSMAN MANNY PACQUIAO FOR HIS OUTSTANDING VICTORY AGAINST SUGAR SHANE MOSLEY

AND FOR RETAINING HIS
WORLD BOXING ORGANIZATION
WELTERWEIGHT TITLE

Introduced by Senator Legarda

To the Committee on Rules

Proposed Senate Resolution No. 458, entitled

RESOLUTION DIRECTING THE SENATE
COMMITTEE ON ENVIRONMENT
AND NATURAL RESOURCES TO
LOOK INTO THE STATUS OF
IMPLEMENTATION OF EXECUTIVE
ORDER NO. 52 WHICH MANDATED
THE CREATION OF THE GREEN
BRIGADE IN THE SANGGUNIANG
KABATAAN IN ALL BARANGAYS
IN 1998

Introduced by Senator Legarda

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

COMMITTEE REPORTS

Committee Report No. 30, prepared and submitted jointly by the Committees on Science and Technology; Constitutional Amendments, Revision of Codes and Laws; Education, Arts and Culture; Justice and Human Rights; Trade and Commerce; Public Information and Mass Media; and Finance, on Senate Bill No. 2796, with Senators Trillanes IV, Angara, Enrile, Ejercito Estrada, Lapid, Villar, Defensor Santiago, Marcos Jr. and Revilla Jr. as authors thereof, entitled

AN ACT DEFINING CYBERCRIME,
PROVIDING FOR PREVENTION,
INVESTIGATION AND IMPOSITION
OF PENALTIES THEREFOR AND
FOR OTHER PURPOSES,

recommending its approval in substitution of Senate Bill Nos. 14, 52, 134, 275, 665, 828, 983, 1081, 1475, 1963, 2214, 2451, 2534, 2674 and 2721, taking into consideration Proposed Senate Resolution Nos. 75, 164 and 254.

Sponsor: Senator Angara

To the Calendar for Ordinary Business

Committee Report No. 32, submitted jointly by the Committees on Education, Arts and Culture; Games, Amusement and Sports; Ways and Means; and Finance, on Senate Bill No. 2620, introduced by Senator Cayetano (P), entitled

AN ACT CREATING AND ESTABLISHING
THE PHILIPPINE HIGH
SCHOOL FOR SPORTS,

recommending its approval with amendments, taking into consideration House Bill No. 3825

Sponsor: Senator Angara

To the Calendar for Ordinary Business

Committee Report No. 33, prepared and submitted by the Committee on Justice and Human Rights, on Senate Bill No. 2808, with Senators Honasan II, Villar, Defensor Santiago, Escudero and Revilla Jr. as authors thereof, entitled

AN ACT AMENDING ARTICLE 39
OF ACT NO. 3815, AS AMENDED,
OTHERWISE KNOWN AS THE
REVISED PENAL CODE,

recommending its approval in substitution on Senate Bill Nos. 117, 1292, 2317, 2371 and 2695, taking into consideration House Bill No. 600.

Sponsor: Senator Escudero

To the Calendar for Ordinary Business

SPECIAL ORDER

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 29 on Senate Joint Resolution No. 9 from the Calendar for Ordinary Business to the Calendar for Special Orders.

**COMMITTEE REPORT NO. 29
ON SENATE JOINT RESOLUTION NO. 9**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Joint Resolution No. 9 (Committee Report No. 29), entitled

RESOLUTION EXTENDING THE

no ps

PERIOD OF EXISTENCE OF THE
JOINT CONGRESSIONAL POWER
COMMISSION.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, with the permission of the Body, upon motion of Senator Sotto, 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 Osmeña, Sponsor of the measure.

**SPONSORSHIP SPEECH
OF SENATOR OSMEÑA**

In sponsoring the resolution, Senator Osmeña presented to the Body for its plenary consideration Senate Joint Resolution No. 9 which seeks to extend for another 10 years the period of existence of the Joint Congressional Power Commission (JCPC).

Hereunder is the full text of the sponsorship speech:

The JCPC, as we know, was created by the Electric Power Industry Reform Act of 2011 (better known as the EPIRA) to oversee the implementation of the law, which mandates wide-ranging reforms from the restructuring of the vast and extremely complex power industry, the privatization of government-owned generating plants/transmissions, changing regulatory regimes, and allowing competition in the generation and supply subsectors.

The EPIRA envisioned that within three years of its approval, or by 2004, the power industry would already have been well on its way to being fully competitive. That did not happen. What was required was that at least 70% of NPC's generating assets and IPP contracts would have been privatized to allow private sector groups to compete against each other; that power shortages would become a thing of the past; that for the first time, even electricity customers would have had the choice from whom to buy their electricity.

Corollary to these reforms was the urgent need to stop the bleeding of the government treasury. The National Power Corporation was operating at a loss from all causes imaginable—signing up too much power, inefficiency in operations, expensive sweetheart deals—as we remember the IMPSA-CBK and the Casecan contracts—and subsidies both hidden and

explicit. The consumer was helpless; he had to pay for all those foolish stuff. Of equal or greater concern was that the industry was heading towards a decline – an issue of the reliability of power. There was danger that government might not be able to maintain its capacity and then would fail to finance the future growth in the demand for electricity.

It was only in 2006, or five years later, that a significant reform was implemented – the operationalization of the Wholesale Electricity Spot Market (WESM). And it took two more agonizing years after that before another milestone could be achieved—the privatization of a significant portion of NPC's generating assets and independent power producer contracts.

All those years, the JCPC did its best to shepherd the executive agencies on a path towards implementing the EPIRA reforms. The Commission encountered resistance almost every step of the way. This Representation remembers, for example, the inventiveness of the executive agencies in coming up with one improbable excuse after another to justify the delays in the privatization program. Without prodding from the JCPC, I could not imagine how even excruciatingly slower implementation would have been.

To recall, the JCPC was tasked to, among others, set the guidelines and overall framework to monitor and ensure the proper implementation of the EPIRA; review and evaluate the performance of industry participants in relation to the set objectives and timelines; ensure transparency in the privatization process; and determine inherent weaknesses in the law and recommend necessary remedial legislation or executive measures.

The JCPC was originally programmed to be *functus officio* on the 26th of June 2011.

In the hearing conducted by the Committee on Energy, the executive agencies under the Department of Energy and the private sector participants have expressed support for extending the period of existence of the JCPC. A lot of EPIRA reforms have yet to be accomplished. EPIRA itself has to be strengthened through amendments which the JCPC, with its wealth of institutional memory and expertise, could propose to both houses of Congress.

Indeed, key structural changes introduced in the EPIRA have yet to be implemented, among which are:

1. The remaining NPC generation assets and IPP contracts have to be privatized. As of

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October 2010, 91.7% of the total generated capacity of assets in Luzon and Visayas or 4,320.33 megawatts have been privatized and about 66% of the total IPP contracts in both Luzon and the Visayas. Not included and not yet subject to privatization are all the NPC assets in Mindanao.

2. Retail competition and open access on distribution wires have to commence soon, and would encounter birthing pains;
3. The WESM governance body has to give way to the formation of an Independent Market Operator;

We are encountering resistance on this.

4. NPC has to adapt to its new singular role as provider of missionary electrification; and
5. The inclusion of the entire island of Mindanao in the national grid and the privatization of government-owned generating assets in that island must still take place.

The JCPC has also been tasked to oversee the:

1. Determination, fixing and approval by the ERC of the Universal Charge (UC) for purposes of paying the stranded debts and stranded contract costs of NPC and the stranded contract costs of the distribution utilities; and
2. The equalization of taxes and royalties applied to indigenous or renewable energy resources vis-à-vis imported energy fuels.

On top of these functions under the EPIRA, the JCPC was likewise tasked to exercise oversight over the implementation of the recently enacted Republic Act No. 9513, or the "Renewable Energy Act of 2008". This would entail ensuring proper establishment of, among others:

1. The Feed-in Tariff System (FIT System) that obligates electric power industry players to source electricity from renewable energy generators at specified prices for a specific duration;
2. The Renewable Portfolio Standards (RFS), which refers to the policy of encouraging the increased use of renewable resources by requiring a certain percentage of the energy supplied by the electric power industry participants to come from renewable resources by a given date;
3. The Renewable Energy Market, where the trading of renewable energy certificates

equivalent to an amount of power generated from renewable resources is made;

4. The Green Energy Option, which empowers end-users to choose renewable energy in meeting their energy needs; and,
5. The Net-metering for Renewable Energy System, which enables customers to use their own generation to offset their consumption over a billing period.

While it has substantially carried out its twin mandates under the two laws, there is certainly a lot more that the JCPC has to do.

It is, therefore, necessary to give the JCPC a 10-year term extension, from June 26, 2011 to June 26, 2021, to see to it that despite the extremely long delays and setbacks, the reforms of the EPIRA will come into total fruition and to ensure that the goals and objectives of the Renewable Energy Act of 2008 are fully achieved.

The resolution has been signed by 17 members of the Senate, without amendments.

INTERPELLATION OF SENATOR ARROYO

Preliminarily, Senator Arroyo expressed the view that the Joint Congressional Power Commission (JCPC) is of a higher category among congressional oversight committees because it is the only one denominated as a commission and created by a statute, namely the EPIRA. In reply, Senator Osmeña stated that the JCPC should not be perceived as being more powerful than other oversight committees as he pointed out that the oversight committees for the Anti-Money Laundering Law and Biofuels Act were also mandated by laws. He added that the Renewable Energy Act of 2008 has also designated the JCPC as its oversight committee.

On whether the JCPC has its own budget, Senator Osmeña replied that like other oversight committees, the JCPC is funded by the Senate and the House of Representatives.

In closing, Senator Arroyo expressed support for the measure, noting that it would be difficult to implement the EPIRA without the JCPC.

SUSPENSION OF CONSIDERATION OF SENATE JOINT RESOLUTION NO. 9

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

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SPECIAL ORDER

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 32 on Senate Bill No. 2620 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 32 ON SENATE BILL NO. 2620

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading Senate Bill No. 2620 (Committee Report No. 32), entitled

AN ACT CREATING AND ESTABLISHING THE PHILIPPINE HIGH SCHOOL FOR SPORTS.

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

Thereupon, the Chair recognized Senator Angara for his sponsorship.

SPONSORSHIP SPEECH OF SENATOR ANGARA

Senator Angara stated that Senate Bill No. 2620 seeks to establish a Philippine High School for Sports to address the physical development of the youth, the principal author of which is Senator Cayetano (P).

Following is the full text of his speech:

Filipinos are well-known for their passion for sports. And we hail our athletes as modern-day heroes, accord them the highest respect and adulation. But how good are Filipinos in sports? Through 20 Olympic games since 1924, we have won nine medals – two silver and seven bronze medals. However, the Olympic gold has eluded us for 87 years.

In the Asian Games, we have bagged a total of 364 medals, of which 62 are gold. This places the Philippines as among the 10 winningest countries in Asia. But compare this with the achievement of three countries —China, Japan and Korea – which have medals by the thousands.

In the Southeast Asian Games, we are fourth in the medal tally among 11 nations, behind Thailand, Indonesia and Malaysia.

I do not mean to undervalue our athletes' achievements. On the contrary, we should be immensely proud of our athletes for these hard-fought victories, for triumphing in spite of the shortcomings of our national sports infrastructure and policies.

However, we have to acknowledge the fact that we are not as competitive in the international sporting arena as we would like to be.

Filipinos are not lacking in talent or skill. Filipinos can easily develop agility and speed. We show admirable endurance and tenacity. And when Filipino athletes compete, they do so not in the name of personal glory but for national pride.

But without appropriate training and support, raw talent can only go so far. We cannot expect to produce another Manny Pacquiao without an environment and a culture that foster sports.

A study published in the *Journal of Sports Economics* mentions several factors that contribute to Olympic success among the ASEAN countries: demography – the nature of the population mix; geography – the physical location; the level of economic development; economic wealth; how government regards sports and development; and most important – a culture that nurtures sports.

Through policy making, the government can influence these factors directly and indirectly. One way is to take a two-pronged strategy for sports development.

First, we have to develop a broad base of talents at the grassroots. This way, we can also inculcate interest and aptitude in sports, especially among the youth. Then, we should identify the most promising and talented among them and put them in elite training.

In some of the most successful sporting countries, sports activities do not exist in a vacuum – it is nurtured in special schools.

Russia, for instance, created sports schools as early as the 1930s. These are of three kinds: Children and Youth Sports School, Olympic Reserve School, and School of High Sports Mastery.

Germany is also pioneering in this regard. It has a Children's and Youth Sports Schools that have produced many of its Olympic champions.

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Australia is an outstanding example of sports development. Australia supports elite training through the Australian Institute of Sports which provides 300 athletic scholarships every year. And they do grassroots development through high schools like Westfields Sports High School in Sydney and Endeavour Sports High School in New South Wales.

China, in the last two or three decades, established almost 3,000 special schools for athletes, the biggest network of sports facilities in the world.

Canada has the Nations Sports School which provides academic programs for elite athletes in different Olympic sports.

Among our Asian peers, there are the Singapore Sports School, the Bukit Jalil Sports School in Malaysia, the Andra Pradesh Sports School in India, and the Sports School in Brunei. Thailand also has 11 sports high schools under its Department of Physical Education.

Clearly, these special athletics academies have significantly boosted – and will continue to boost – the performance of these nations in international sporting competition. We hope to do the same in the future, if we put the right set of policies and infrastructure for our talented athletes.

And therefore, we seek the support of our colleagues to establish our very own Philippine High School for Sports (PHSS) to develop world-class athletes, as well as encourage the Filipino youth to excel in both sports and education.

The Philippine High School for Sports will have a mixed curriculum of academic and sports components – an academic component which emphasizes multiple intelligence disciplines and a sports component that will initially offer six disciplines, namely, athletics, basketball, boxing, football, taekwondo and tennis.

It will become, we hope, our premier laboratory school for the holistic training of future Filipino athletes.

But we do not underestimate the difficulties of setting up such a school and we do not set up this school simply to win medals. We are setting this school, ultimately to promote the values of excellence and sportsmanship among our youth.

We want the future students of this school to serve as models to young Filipinos that one can do well in sports without having to sacrifice education. Conversely, we want to encourage our youth to take up physical activities and

avoid a sedentary lifestyle that will be detrimental to their health in the long term.

We are a proud nation of sports fans. But we want, not only to be passionate fans, but a proud nation of sports champions. Having internationally victorious athletes does not have to be a rare occurrence among Filipinos, provided that we give sufficient infrastructure, funding and training support. Let us build a sports culture befitting our passion.

COSPONSORSHIP SPEECH OF SENATOR CAYETANO (P)

In expressing her support for Senate Bill No. 2620, Senator Cayetano (P) delivered the following statement:

It is the policy of the State to recognize the vital role of the youth in nation-building and to promote and protect their physical, moral, spiritual, intellectual and social well-being.

Through the years, the Philippines has produced world-class athletes. Just this weekend, our very own Congressman Manny Pacquiao defended his WBO Welterweight title in his 14th straight fight by lopsided unanimous decision against Shane Mosley.

However, the sad reality is we can only count on a handful of these athletes who have exemplified athletic prowess and brought back pride to our country.

Since 1924, when the Philippines first participated in the Olympics, it has garnered only a total of nine medals, two silvers and seven bronzes. And it was only during the 1932 Los Angeles Summer Olympics that the Philippine Team bagged multiple medals, three bronze medals, to be exact. Our performance in the Southeast Asian (SEA) Games is no different. Our overall ranking has exhibited erratic behavior over the years. In the 23rd SEA Games, we placed overall champion while in the 24th SEA Games, we landed at sixth place.

We can attribute many reasons for these results. But one of them would definitely be the readiness and preparedness of our athletes.

In the current public education system, there are no opportunities to obtain quality education with emphasis on sports development. I specify public education because I do know that there are private schools that put a lot of emphasis on sports. But a majority of our youth are in public schools. Sports development has always taken a backseat. Schools conveniently

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squeeze in sports usually as a once-a-week subject in the regular academic curricula. Many times this is even put aside when there are other activities to focus on.

Many of our national level athletes are not given the chance to finish college and this can be attributed partly to poor elementary and secondary education. It is difficult for them to balance their school and their training, especially if they had very poor support during their elementary and secondary years. Consequently, this lessens their chance of realizing their dreams of optimizing their potentials as athletes.

Late last year, I had the privilege of sharing my dream of establishing a Philippine High School for Sports (PHSS) with Fr. Tito Caluag. We are optimistic that the establishment of a Philippine High School for Sports will provide both the minimum required educational and skills development as well as elite sports training. With this two-pronged approach, the development of a broader base of talent from which the elite athletes in a given sport are to be chosen and enhanced would be possible. The future PHSS will be established on the basic philosophy of education that sports and physical development is an element in the education and formation of the youth.

As a side bar, let me share some noteworthy stories of real-life athletes, some I have met, some I have only read about in books, both all over the world and in our own country.

I have met a number of athletes who excel in sports and also excel in school. They are athletes who are "A" students in the United States and who go on to win scholarships, not just because of their athletic prowess but because they also are intellectually capable of keeping up with the standard of these elite schools. There are also many athletes like that in the Philippines. But the only way they are able to compete and also stay and excel in school is that their families can support them and, possibly, they live in an area where there is a good school and a training center. And so these athletes are a fairly rare breed because it is not that easy to put together these elements – the good schools, the good training program, the parents who give support and have the financial means to do so. So, this is what we intend to achieve by this bill.

That is the reason why I stand before this august Chamber to sponsor Senate Bill No. 2620, under Committee Report No. 32, which seeks to create and establish the Philippine High School for Sports.

Budding athletes are best trained and honed in the early years. The Philippines has a pool of talented youth who have great potential in various sports. However, like I said, due to financial constraints, inaccessibility of training centers, and lack of support, these talented youth are unable to optimize their full potential. The PHSS will therefore serve as the avenue where talented students can get this opportunity and develop and cultivate their abilities, skills and knowledge in their preferred sports, while obtaining quality secondary education and, if possible, excelling as students as well.

The existence of high school for sports abroad shows that there is a direct correlation between the establishment of a high school for sports and an increase in the number of wins. Senator Angara, chairman of the Committee on Education, Culture and Sports, showed us that in India, Thailand, Malaysia, Brunei and other Asian countries, there are high school for sports. In Singapore, for example, the Singapore Sports School was only opened in April 2004 but with adequate budgetary allocation, it has brought the country a number of noteworthy accomplishments. This is also the case in Australia. They have nine sports high school. And if we consider the small population of Australia compared to the U.S and China, we will see that they have fared very well in the Olympics and this can definitely be attributed to the school system which includes sports.

Indeed, the Filipinos have a lot of potential to bring home the gold for our country. For the fulfillment of this long-term aspiration, for the upliftment of the quality of our sports program, and for the betterment of future Filipino athletes and coaches, and to allow our Filipino youth to achieve their dreams, I thus seek the immediate approval of Senate Bill No. 2620.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2620

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

SPECIAL ORDER

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 33 on Senate Bill No. 2808 from the Calendar for Ordinary Business to the Calendar for Special Orders.

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**COMMITTEE REPORT NO. 33
ON SENATE BILL NO. 2808**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 2808 (Committee Report No. 33), entitled

**AN ACT AMENDING ARTICLE 39
OF 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 Sotto, 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 outset, Senator Escudero requested that the explanatory notes of Senate Bill No. 117, introduced by Senator Honasan; Senate Bill No. 1292, introduced by Senator Villar; Senate Bill No. 2371, introduced by Senator Defensor Santiago; Senate Bill No. 2371, himself as the author; and Senate Bill No. 2695, introduced by Senator Revilla, be inserted into the Record of the Senate and be considered as part of the sponsorship speech of Senate Bill No. 2808.

Senator Escudero stated that the measure would make a world of a difference for the accused as it seeks to amend the relevant provision of the Revised Penal Code on subsidiary imprisonment. He explained that subsidiary imprisonment is the penalty imposed upon any accused or convict who is unable to pay a fine imposed by the court at the rate of P8 per day, which was the minimum daily wage rate in the 1950s. He said that the penalty was amended in 1952 from P2 to P8. He stated that the bill seeks to impose a floating rate equivalent to the highest minimum wage rate prevailing in the Philippines at the time of the rendition of the judgment of conviction by the trial court. At present, he said that the highest minimum wage rate prevailing in the country is P404 per day in the NCR, thus, such amount would be the subsidiary imprisonment once the bill becomes a law; and it would be continually adjusted according to the

minimum wage rate set by the Regional Tripartite Wages and Productivity Boards.

Senator Escudero stated that the bill was signed with the annotation "without amendments" nor was there any reservation for interpellation by the members of the Committee on Justice and Human Rights. He urged the early approval the bill as he noted that the House of Representatives had earlier approved House Bill No. 600, the counterpart measure of Senate Bill No. 2808.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 4:29 p.m.

RESUMPTION OF SESSION

At 4:31 p.m., the session was resumed.

**SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 2808**

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

COMMITTEE MEMBERSHIP

Upon nomination of Senator Sotto, there being no objection, the following senators were elected to the Oversight Committee on Bases Conversion:

- Chair* : Cayetano (A)
- Members* : Sotto
- Guingona
- Marcos
- Arroyo

**SECOND ADDITIONAL
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. 2809, entitled

**AN ACT ESTABLISHING THE PHILIP-
PINE AIR FORCE ACADEMY**

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(PAFA) AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Angara

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

Senate Bill No. 2810, entitled

AN ACT REORGANIZING AND MODERNIZING THE NATIONAL BUREAU OF INVESTIGATION, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Revilla Jr.

To the Committees on Justice and Human Rights; and Finance

COMMITTEE REPORT

Committee Report No. 34, prepared and submitted jointly by the Committees on Climate Change; Ways and Means; and Finance, on Senate Bill No. 2811, with Senators Enrile, Legarda, Recto and Drilon as authors thereof, entitled

AN ACT ESTABLISHING THE PEOPLE'S SURVIVAL FUND TO PROVIDE LONG-TERM FINANCE STREAMS TO ENABLE THE GOVERNMENT TO EFFECTIVELY ADDRESS THE PROBLEM OF CLIMATE CHANGE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9729, OTHERWISE KNOWN AS "THE CLIMATE CHANGE ACT OF 2009," AND FOR OTHER PURPOSES,

recommending its approval in substitution of Senate Bill No. 2558.

Sponsors: Senators Legarda, Recto, Drilon and Enrile

To the Calendar for Ordinary Business

SPECIAL ORDER

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of

Committee Report No. 34 on Senate Bill No. 2811 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 34 ON SENATE BILL NO. 2811

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 2811 (Committee Report No. 34), entitled

AN ACT ESTABLISHING THE PEOPLE'S SURVIVAL FUND TO PROVIDE LONG-TERM FINANCE STREAMS TO ENABLE THE GOVERNMENT TO EFFECTIVELY ADDRESS THE PROBLEM OF CLIMATE CHANGE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9729, OTHERWISE KNOWN AS "THE CLIMATE CHANGE ACT OF 2009," AND FOR OTHER PURPOSES.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, with the permission of the Body, upon motion of Senator Sotto, 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 Legarda for the sponsorship.

SPONSORSHIP SPEECH OF SENATOR LEGARDA

Preliminarily, Senator Legarda recalled that the Climate Change Bill filed in 2007 contained a provision that sought to establish an adaptation fund but it was deleted by the Body during the period of amendments; later, however, the Climate Change Law created the Commission on Climate Change. She said that she was glad Senate President Enrile has authored the measure, entitled "The People's Survival Fund," which is similar to the 2007 version of the Climate Change bill.

The full text of her speech follows:

The United Nations reported that over the past two decades, the number of recorded disasters has doubled from approximately 200 to over 400 per year. Nine out of every 10 of these disasters are said to be climate-related.

Disasters do not only abound. They have also become deadlier. And with climate change, the country is foreseen to suffer stronger typhoons, sea level rise, more flashfloods, more devastating droughts and increased incidence of water and vector-borne diseases.

Without early adaptive action, the continued annual rise in sea levels can decimate the livelihood of entire Filipino coastal communities irretrievably and, through the intrusion of saltwater, irrevocably damage countless farms.

Without urgent climate action, persistent increases in temperature in many Philippine regions can irreparably destroy soil and crop productivity and cause the slow, irreversible death of our coral reefs.

Without concerted effort, changes in average rainfall can inundate and cause the collapse of local economies. Regions like Southern Tagalog and the Bicol region may become wet beds of misery defined by crop failures and aggravated impoverishment.

These are just some of the non-episodic impacts of the climate crisis, which are projected to both amplify the effects of wrong development policies and which can, in all too many cases, represent immediate and long-term calamities to localities unprepared for changes in the world's climate.

Climate change poses immediate and long-term threats to the well-being of our people. It may very well undermine our most basic development aspirations. Without decisive response from leaders today, it will certainly increase by several magnitudes the burden carried by vulnerable Filipino population, particularly women in poor communities, who have contributed least to the global problem.

In the midst of these challenges, we may ask ourselves, "What are we actually doing about this?"

If there is one indisputable fact, it is that our communities continue to be vulnerable. Unabated urbanization, the growing concentration of people in unsafe urban settlements and exposed coastal areas, poverty, to name a few, continue to put our people in harm's way.

A major stumbling block to our efforts has been the less than serious efforts at the community level to undertake adaptation measures because resources are very scarce. Where these resources are available, they are used for anything but measures to help our people adapt to climate change realities.

For many, climate change continues to be an abstract concept, understood only when disasters strike.

This brings me to the core of the measure I bring before this Chamber for consideration. The ill effects of a changing climate can be prevented if we consider climate change adaptation not as a cost but a wise investment.

It is not for us to stop natural hazards for that is God's domain; but it is certainly within our power to make sure that institutions established to serve our people on the ground are given the means to create safer and more resilient societies.

No conscientious leader, national or local, would want to see the poor and most vulnerable constantly drawn back by disasters into abject poverty for lack of government action.

No responsible politician would want the government to waste millions on public infrastructure that can be instantly destroyed by floods.

As national leaders, we have the mandate to introduce change and to ensure that it happens.

The lessons of Typhoons *Ondoy* and *Pepeng* two years ago have taught us that we should not train our sights merely on enhancing our capacities merely to respond, to recover, and to rebuild after each and every disaster. We cannot content ourselves with merely reacting to disasters. We need to build and to maintain the ability of our communities to manage climate realities effectively. To achieve this, we need to strengthen capacities of our communities and those who live in it to recognize and reduce the risks themselves. To do this, we need to be proactive if we are to win against disaster and climate change.

In October 2009, our country adopted the Climate Change Act, which we authored and sponsored. This legislative milestone mandates the mainstreaming of climate change into policy formulation and poverty reduction strategies, and provides the framework strategy on climate change. This law places the local governments in the frontline of the formulation, planning and implementation of climate change action plans in their respective areas. It also created the Commission on Climate Change. In fact, in the gallery today is the vice chair of the Commission, Commissioner Sering and one of the three commissioners, Commissioner Saño. This body is tasked to coordinate, monitor and evaluate the programs and action plans of the government relating to climate change.

Considered a legislative model by the United Nations International Strategy for Disaster Reduction and the Inter-Parliamentary Union, our Climate Change Act puts our country in the global map for having set a global benchmark for policy-setting.

Now it is time to further strengthen our Climate Change policy with a complementing policy on climate finance. This will bring into fruition our climate change strategies, plans, and programs in ways that will allow us to tailor these within the context of local, community-based realities. Doing so also recognizes the risks brought about by the glacial pace by which the international climate treaty negotiations have been undertaken. From the disappointing Copenhagen round of talks in 2009 and the dismal outcome of the 2010 Cancun meeting, it is clear that we must take stronger domestic steps and focus on supporting those standing at the frontline of the climate crisis – local governments and communities.

It is time to create further progress in our efforts. The first step begins here in our Chamber. The swift and unanimous approval of the measure I present before the Chamber today will provide resources that will support ground level work of local governments and communities.

This proposal is anchored on the fact that we need to decentralize responsibilities and resources for climate change efforts. It is time we provided the means to motivate local participation and create programs that matter to our people.

The Committee on Climate Change, jointly with the Committees on Ways and Means, and Finance, submits for this Chamber's consideration, Senate Bill No. 2811, titled "An Act Establishing the People's Survival Fund to Provide Long-Term Finance Streams to Enable the Government to Effectively Address the Problem of Climate Change, Amending for the Purpose Republic Act No. 9729, otherwise known as "The Climate Change Act of 2009," and for Other Purposes."

Senate Bill No. 2811 seeks to create a People's Survival Fund, as a special trust fund for the financing of adaptation programs and projects based on the National Strategic Framework and the National Climate Change Action Plan.

The fund shall be sourced from public sources, foreign or local, including but not limited to the following:

(a) 10% from cash dividends declared by all government-owned and -controlled corporations;

- (b) 5% of the proceeds from the sale of certified or verified emissions reduction carbon credits generated from domestic activities; and
- (c) 10% of the monies collected under Republic Act No. 8794, otherwise known as the Motor Vehicles User's Charge.

As seed money for the Fund, a one-time collection or allocation in the amount of P50 million will be allotted from the President's Contingency Fund.

The fund may also receive private donations.

It shall be supplementary to any annual appropriations allocated by relevant government agencies for climate change-related programs and projects and by LGUs.

The Fund shall also encourage counterpart funding arrangements among local governments, community organizations, the private sector, and other entities.

It shall be used to support local governments' adaptation activities, in the areas of: water resources management, land management, agriculture and fisheries, health, infrastructure development, natural ecosystems including mountainous and coastal ecosystems; the improvement of the monitoring of vector-borne diseases triggered by climate change, and in this context, improving disease control and prevention; forecasting and early warning systems as part of preparedness for climate-related hazards; supporting institutional development of local governments for preventive measures, planning, preparedness and management of impacts relating to climate change, including contingency planning, in particular, for droughts and floods in areas prone to extreme climate events; strengthening existing and where needed, establish regional centers and information networks for rapid response to extreme climate events; serving as a guarantee for risk insurance needs for farmers, agricultural workers and other stakeholders; and community adaptation support programs by local organizations accredited by the Commission.

A People's Survival Fund Board, lodged under the Commission on Climate Change, will be created to approve project proposals submitted by local government units and community-based institutions for funding.

The Board shall be composed of the Secretary of the Department of Finance as chair, vice-chairperson of the Commission on Climate Change, Secretary of the Department of Budget

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and Management, Director-General of the National Economic and Development Authority (NEDA), Secretary of the Department of the Interior and Local Government (DILG), a representative from the business sector, and a representative from the NGOs, to provide overall strategic guidance in the management and use of the Fund.

The Climate Change Office, created per RA 9729, shall evaluate and review the project proposals, and with the concurrence and endorsement of a majority of the climate change commissioners appointed by the President, recommend approval of project proposals to the PSF Board.

The Commission will uphold the highest standards of transparency and ensure public access to information to widen the reach and impact of our climate change policies.

For the sound and judicious management of the Fund, the Commission, upon recommendation of the PSF board, shall appoint a government financial institution, with sound track record on fund management, as portfolio manager and trustee of the Fund.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2811


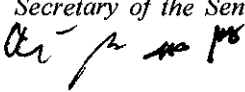
Upon motion of Senator Sotto, there being no objection, the Body suspended consideration of the bill.

ADJOURNMENT OF SESSION

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

It was 4:46 p.m.

I hereby certify to the correctness of the foregoing.


EMMA LIRIO REYES
Secretary of the Senate


Approved on May 11, 2011