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Journal

SESSION NO. 91

Monday, May 30, 2005

**THIRTEENTH CONGRESS
FIRST REGULAR SESSION**

SESSION NO. 91
Monday, May 30, 2005

CALL TO ORDER

At 4:22 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

PRAYER

Sen. Mar Roxas led the prayer, to wit:

In a little over a week, we will be celebrating Independence Day. For a few, this will be a day of parades and balloons, pomp and ritual. For so many others, it will be another day to wonder what the fuss is all about. While, indeed, there is a holiday, we have not secured for our people their freedom from basic needs, ignorance and injustice.

Refresh in us, dear Lord, the ideals of our founding fathers. Renew in us our commitment to do all that we can for our nation and for our people so that sooner rather than later, we can celebrate truly an Independence Day as our people celebrate the blessings of our democracy and our nation.

All these we ask through Christ, our Lord.

Amen.

NATIONAL ANTHEM

The NBI Chorale led the singing of the national anthem and, thereafter, rendered the song entitled *Isang Panalangin*.

ROLL CALL

Upon direction of the Chair, the Secretary of the Senate, Oscar G. Yabes, called the roll, to which the following senators responded:

Angara, E. J.	Lim, A. S.
Arroyo, J. P.	Madrigal, M. A.
Defensor Santiago, M.	Magsaysay Jr., R. B.
Drilon, F. M.	Osmeña III, S. R.
Ejercito Estrada, J.	Pangilinan, F. N.
Ejercito Estrada, L. L. P.	Pimentel Jr., A. Q.
Enrile, J. P.	Revilla Jr., R. B.
Flavier, J. M.	Roxas, M.
Lacson, P. M.	Villar, M. B.
Lapid, M. L. M.	

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

Senator Cayetano arrived after the roll call.

Senator Gordon was on official mission.

Senators Biazon and Recto were absent.

APPROVAL OF THE JOURNAL

Upon motion of Senator Pangilinan, there being no objection, the Body dispensed with the reading of the Journal of Session No. 90 and considered it approved, subject to the following corrections made by Senator Arroyo:

1. On page 287, right column, third paragraph, change the figure "P5,529,129,000" to "P1,529,129,000"; and
2. On page 290, left column, first paragraph, after the word "blood" insert the phrase "as attested by a character witness in the person of Sen. Juan Ponce Enrile."

REFERENCE OF BUSINESS

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

BILL ON FIRST READING

Senate Bill No. 2028, entitled

AN ACT GRANTING A ONE-TIME TAX
AMNESTY ON ALL UNPAID

18/10

NATIONAL INTERNAL REVENUE TAXES IMPOSED BY THE NATIONAL GOVERNMENT FOR TAXABLE YEAR 2003 AND PRIOR YEARS AND FOR OTHER PURPOSES

Introduced by Senator Ramon "Bong" Revilla Jr.

To the Committee on Ways and Means

RESOLUTIONS

Proposed Senate Resolution No. 266, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON PUBLIC ORDER AND ILLEGAL DRUGS TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, TO DETERMINE WHETHER OR NOT THE RULES OF ENGAGEMENT WERE FOLLOWED IN THE INCIDENTS INVOLVING THE MISTAKEN SHOOTING OF A FAMILY VAN BY MEMBERS OF THE SPECIAL WEAPONS AND TACTICS TEAM OF THE PHILIPPINE NATIONAL POLICE AND THE SHOOTOUT BETWEEN THE NATIONAL ANTI-KIDNAPPING TASK FORCE AND SUSPECTED KIDNAPPERS WHICH RESULTED TO THE DEATH OF A FOUR-YEAR OLD GIRL, WITH THE END VIEW OF RECOMMENDING AND REVIEWING POLICY MEASURES TO AVOID A REPETITION OF THESE UNFORTUNATE EVENTS

Introduced by Senator Villar Jr.

To the Committee on Public Order and Illegal Drugs

Proposed Senate Resolution No. 267, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON PUBLIC ORDER AND ILLEGAL DRUGS TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, INTO THE FINDINGS OF THE NETHERLANDS-

BASED INTERNATIONAL ASSOCIATION OF PEOPLE'S LAWYERS WHICH LABELED THE PHILIPPINES AS THE MOST DANGEROUS PLACE FOR LAWYERS AND JUDGES, WITH THE END VIEW OF RECOMMENDING POLICY MEASURES TO PROTECT THE MEMBERS OF THE LEGAL PROFESSION AND TO PREVENT THE SPATE OF VIOLENCE AND INTIMIDATION DIRECTED AGAINST THEM

Introduced by Senator Villar Jr.

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

COMMUNICATION

Letter from Undersecretary Catherine H. Bello of the PLLO, Office of the President of the Philippines, dated 24 May 2005, transmitting to the Senate two original copies of Republic Act No. 9337, entitled

AN ACT AMENDING SECTIONS 27, 28, 34, 106, 107, 108, 109, 110, 111, 112, 113, 114, 116, 117, 119, 121, 148, 151, 236, 237 AND 288 OF THE NATIONAL INTERNAL REVENUE CODE OF 1997, AS AMENDED, AND FOR OTHER PURPOSES,

which was approved and signed into law on even date, by Her Excellency, President Gloria Macapagal Arroyo.

To the Archives

PRIVILEGE SPEECH OF SENATOR EJERCITO ESTRADA (J)

Availing himself of the privilege hour, Senator Ejercito Estrada (J) delivered the following speech:

TO GUARD AGAINST PRIOR RESTRAINT

As a Member of this Body, it is incumbent upon this Representation to serve not only as a duly elected legislator but also to see to it that our basic tenets of freedom and justice are preserved, thereby ensuring the Filipino way of life.

WJS

I speak of the alleged aborted attempt by the Movie and Television Review and Classification Board or the MTRCB to infringe upon one of the country's cherished and guaranteed basic rights – freedom of speech and of the press.

Last May 17, 2005, the MTRCB issued Memorandum Circular No. 07-05 which sought to require networks to submit for its review certain television programs prior to telecast.

The infamous memorandum is hereby quoted as follows:

“We wish to inform you all of the Decision of the Third Division of the Supreme Court dated January 17, 2005, that public affairs programs, news documentaries, socio-political editorials, and all other programs of the same category, are television programs that are subject to MTRCB review and approval in accordance with Section 3 of Presidential Decree 1986.

In view of this, please be advised to submit materials of the aforementioned television programs to the Board for review and approval prior to telecast, effective immediately.”

What caught my eye is that this infamous memorandum required networks to submit for review and approval programs prior to telecast.

This requirement, in my humble opinion, goes against the very tenor of the constitutional guarantee which states that, “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.”

As could be expected in any democracy, this infamous memorandum was met not only with indignation but with outright protest from various sectors. Political leaders from opposite sides of the fence unanimously deplored this blatant attempt at censoring freedom.

Faced with an onslaught of protests, the media reported yesterday that the MTRCB Chair had “modified her May 17 order” which now states that the Board will only conduct a review of these programs after they have been aired and only under certain conditions.

Although many would say that this issue is now moot and academic, I believe that we must not conveniently brush this issue aside but invite scrutiny since this issue touches the very cornerstone of our way of life.

In my humble observation, this attempt at prior restraint by a government agency hints of how far this current administration is willing to go so as to protect its image domestically and internationally. Our basic freedom should not be curtailed just so the party in power can resort to cosmetic attempt to salvage its very sagging image.

I am very thankful that this blatant attempt did not escape the ever-watchful eyes of our countrymen.

For the first time in months, since the present dispensation has spawned divisiveness in our society, we saw people united against a threat to our basic freedom.

We saw people from every stratum of society regardless of party affiliation uniting as one voice in denouncing this vile and vicious attempt to stifle our individuality.

Yet the question that lingers in my mind is: “What would have happened if the MTRCB did not modify its original memorandum and no one dared to question this directive?”

To my mind, we would have a society where everyone would think the same. We would have a society where one would think twice before inviting debate regarding a particular issue and if such debate does take place, there would only be one side to such debate; a society where individual thought would have to be suppressed in deference to the state and its official policy; a society where human beings would no longer be

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citizens but rather become automatons chanting the state slogan.

If this is the portent of things to come then I say there is really cause for alarm. The MTRCB attempt at prior restraint may have been aborted but the stifling of freedom comes in many forms – there are many ways to skin a cat, so to speak.

In closing, I congratulate the brave men and women of this country for standing up and going beyond party affiliations to denounce this blatant attack on our basic right and I exhort everyone to keep a watchful vigil lest our basic right is stolen from right beneath our eyes.

INTERPELLATION OF SENATOR PIMENTEL

At the onset, Senator Pimentel asked whether the MTRCB circular had already been withdrawn. Senator Ejercito Estrada (J) replied that according to a newspaper report, it had been withdrawn.

Senator Pimentel commented that the mere fact that the circular was issued at all was the reason Senator Ejercito Estrada (J) denounced it as an attempt to curtail the freedom of speech without which the country would become a totalitarian state.

Senator Pimentel said that just the same, it is important to tell the people that they must be very vigilant in guarding the freedoms that they now enjoy, otherwise, these might be removed from them before they knew it. He asserted that any attempt to prevent the airing of talk shows by any bureaucrat would constitute prior restraint and a violation of the Constitution. He expressed the hope that such an act would never be repeated by any government official or entity because once the freedom of speech is curtailed, the other freedoms the people enjoy might be next in line. He associated himself with the privilege speech.

At this juncture, asked by Senator Ejercito Estrada (J) why the MTRCB issued the circular, Senator Pimentel replied that apparently, the MTRCB based the circular on a presidential decree issued by the Marcos regime that does not have any basis in a democratic society. He surmised that somebody was trying to impress his superior in the Executive branch. He said that such an attempt to curtail the

freedom of the people would backfire on the President because the people would always perceive that she was aware of the issuance of the circular.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Pangilinan, there being no objection, the Chair referred the speech and the interpellation thereon to the Committee on Public Information and Mass Media.

COMMITTEE REPORT NO. 26 ON SENATE BILL NO. 1952

(Continuation)

Upon motion of Senator Pangilinan, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1952 (Committee Report No. 26), entitled

AN ACT GRANTING PHILIPPINE CITIZENSHIP TO MAHMOUD A.M. ASFOUR.

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

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

INTERPELLATION OF SENATOR PIMENTEL (Continuation)

In reply to a query of Senator Pimentel, Senator Arroyo stated that Mr. Asfour is from Jordan. He agreed to the observation that Jordan has been a hospitable place for overseas Filipino workers.

Asked if any Filipino had been granted citizenship by the Jordanian parliament, Senator Arroyo replied that he was not aware of any such case. He stated that when the Philippine Congress grants Philippine citizenship to a foreigner, it is not on the basis of reciprocity but on what the candidate has done for the country which merits his being given citizenship.

On whether a foreigner would be granted Philippine citizenship regardless of whether he is rich or poor provided that he has been a good person, Senator Arroyo replied that in the case of an Iraqi who hates Saddam Hussein and has chosen to live in the Philippines for which he has done a lot of good things for a long time to merit citizenship,

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Congress can exercise discretion about granting him Philippine citizenship.

Senator Pimentel said that while Mr. Asfour had already passed the scrutiny of the House of Representatives, it is important that his outstanding qualities that make him worthy of a Philippine citizenship should be put into the record. In response, Senator Arroyo cited the following accomplishments of Mr. Asfour: 1) finished his Bachelor of Science and Arts in Cairo, Egypt; 2) completed the equivalent of Master of Banking in Athens, Greece; 3) took advanced banking courses; 4) conferred the degree of Doctor of Philosophy in Pedagogy *honoris causa* by the Nueva Vizcaya Polytechnic College for his efforts in spreading and propagating the teachings of Dr. Jose P. Rizal; 5) worked with the First National City Bank, the Saudi American Bank, Saudi Holland Bank and the National Commercial Bank; acquired extensive experience in credit and investment of special assets; 6) elected Deputy Commander of the Knights of Rizal for the provinces of Nueva Vizcaya and Isabela; 7) awarded the Distinguished Service Medal of Rizal for outstanding service to the people of the said provinces. He stated that additionally Mr. Asfour undertook in Nueva Vizcaya the Provincial Campus Summer Science Technology and Environment and various livelihood projects; and sponsored the construction of the SPC Gymnasium in Bambang and the Municipal Gymnasium in Bayombong. He added that Ms. Asfour is married to a Filipina with whom he has three children and that he wants to live and die in the Philippines.

Upon further query, Senator Arroyo replied that Mr. Asfour migrated to the Philippines in 1984 and has been a resident of the country since then; and he considers Bayombong as his home.

On whether there is derogatory information on Mr. Asfour's conduct as a resident from 1984 to the present, Senator Arroyo replied in the negative. He added that congressmen from Cagayan Valley are supportive of the bill. He affirmed that the PNP, NBI and the Bureau of Immigration have issued clearances for Mr. Asfour.

Asked if Mr. Asfour was active in the last presidential elections, Senator Arroyo replied that he was not aware of Mr. Asfour's political affiliation.

Senator Pimentel stated that for as long as there are no serious accusations against Mr. Asfour, he

deserves to be granted Philippine citizenship. Senator Arroyo gave the assurance that the Committee does not have any derogatory information on Mr. Asfour.

INTERPELLATION OF SENATOR ROXAS

Asked by Senator Roxas why the application for Philippine citizenship of Mr. Asfour took the congressional route, Senator Arroyo said that Philippine citizenship can be granted by the Executive through an administrative process through which the individual has to prove he meets all the requirements to become a citizen, or by Congress when a group sponsors the citizenship of an individual in recognition of his accomplishments and services.

Moreover, Senator Arroyo recalled that in the Twelfth Congress, the House of Representatives approved on Third Reading the bill granting Filipino citizenship to Mr. Asfour but the Senate failed to pass its own version before it adjourned. The bill, he said, was refiled in the House during the present Congress, passed on Third Reading and then transmitted to the Senate.

Asked if there is no difference whether the citizenship was granted either way, Senator Arroyo replied in the affirmative.

INQUIRY OF THE CHAIR

The Chair asked how much taxes Mr. Asfour has paid as a resident alien for the past several years. Senator Arroyo replied that Mr. Asfour has been faithfully paying his tax obligations but could not recall the amount.

On whether the taxes are on income earned in the Philippines, Senator Arroyo replied in the affirmative.

In closing, the Chair requested the applicant to submit his income tax payments for the past five years, for records purposes. Senator Arroyo agreed.

REMARKS OF SENATOR PANGILINAN

Initially, Senator Pangilinan informed the Body that in the 12th Congress, the Committee on Justice and Human Rights that he chaired heard the bill granting Filipino citizenship to Mr. Asfour and while it came out with a committee report, for lack of time, it was not deliberated upon in plenary.

Senator Pangilinan recalled that the "love affair" of Mr. Asfour with the Philippines began sometime in the mid-70s when Mr. Asfour met an accident and his car was stalled in the desert of Saudi Arabia. He said that Mr. Asfour, in near death, was rescued by a Filipino truck driver, the only passerby who bothered to help. He expressed the belief that Mr. Asfour made a commitment to repay the heroic act of the Filipino by going to the Philippines and that the citizenship of his adopted country is something he holds dear.

MANIFESTATION OF SENATOR PANGILINAN

Senator Pangilinan manifested that Senator Defensor Santiago would interpellate on the bill in the next day's session.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1952

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

COMMITTEE REPORT NO. 24 ON HOUSE BILL NO. 3696

(Continuation)

Upon motion of Senator Pangilinan, there being no objection, the Body resumed consideration, on Second Reading, of House Bill No. 3696 (Committee Report No. 24), entitled

AN ACT FURTHER AMENDING THE FRANCHISE OF VISAYAN ELECTRIC COMPANY INC., GRANTED UNDER ACT NO. 3499, AS AMENDED, TO CONSTRUCT, OPERATE AND MAINTAIN A DISTRIBUTION SYSTEM FOR THE CONVEYANCE OF ELECTRIC POWER TO THE END-USERS IN THE CITIES OF CEBU, MANDAUE AND TALISAY AND THE MUNICIPALITIES OF MINGLANILLA, NAGA, SAN FERNANDO, CONSOLACION AND LILO-AN, PROVINCE OF CEBU, AND RENEWING/ EXTENDING THE TERM OF THE FRANCHISE TO ANOTHER TWENTY-FIVE YEARS FROM THE DATE OF APPROVAL OF THIS ACT.

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

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

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

APPROVAL OF HOUSE BILL NO. 3696 ON SECOND READING

Submitted to a vote, there being no objection, House Bill No. 3696 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 3696

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

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the Chair suspended the session.

It was 5:04 p.m.

RESUMPTION OF SESSION

At 5:05 p.m., the session was resumed.

ADJOURNMENT OF SESSION

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

It was 5:05 p.m.

I hereby certify to the correctness of the foregoing.


OSCAR G. YABES
Secretary of the Senate
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Approved on May 31, 2005