



REPUBLIC OF THE PHILIPPINES

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Journal

SESSION NO. 94

Monday, June 6, 2005

**THIRTEENTH CONGRESS
FIRST REGULAR SESSION**

SESSION NO. 94
Monday, June 6, 2005

CALL TO ORDER

At 3:54 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

PRAYER

Sen. Joker P. Arroyo led the prayer, to wit:

As the First Regular Session of the Thirteenth Congress draws to a close, we pause and pray in thanksgiving to the good Lord for our having been able, after great doubts, trepidation, and debate, to enact measures intended for the commonweal, which the Filipino people hope will ease and repair the country's damaged situation.

And may the forthcoming recess reinvigorate and prepare the Members for the tasks set forth for the Second Regular Session.

For all these gifts, we thank You Lord and pray that in Your infinite mercy, help and guide us in the work ahead.

Amen.

NATIONAL ANTHEM

The Black Nazarene Chorale led the singing of the national anthem and, thereafter, rendered the song entitled *O Pilipinas*.

ROLL CALL

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

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

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

Senators Gordon and Recto arrived after the roll call.

Senator Lacson was on official mission.

Senator Angara was absent.

DEFERMENT OF THE APPROVAL OF THE JOURNAL

Upon motion of Senator Pangilinan, there being no objection, the Body deferred the approval of the Journal of Session No. 93 to a later hour.

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. 2034, entitled

AN ACT ESTABLISHING THE CIVIL SERVICE CODE OF THE PHILIPPINES AND FOR OTHER PURPOSES

Introduced by Senator Lacson

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

Senate Bill No. 2036, entitled

AN ACT AMENDING SEC. 6, 27, 28 AND 29 OF REPUBLIC ACT NO. 9280 OTHERWISE KNOWN AS THE CUSTOMS BROKERS ACT OF 2004, AND FOR OTHER PURPOSES

Introduced by Senators Pimentel Jr., Lacson and Magsaysay Jr.

To the Committees on Civil Service and Government Reorganization; and Ways and Means

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RESOLUTION

Proposed Senate Resolution No. 272, entitled

RESOLUTION DIRECTING THE COMMITTEES ON HEALTH AND DEMOGRAPHY; AND CULTURAL COMMUNITIES TO CONDUCT A JOINT INQUIRY, IN AID OF LEGISLATION, ON THE SPATE OF MALARIA-INFESTED INDIGENOUS COMMUNITIES IN THE PROVINCE OF PALAWAN

Introduced by Senator M. A. Madrigal

To the Committees on Health and Demography; and Cultural Communities

COMMITTEE REPORT

Committee Report No. 27, prepared and submitted by the Committees on Labor, Employment and Human Resources Development; and Civil Service and Government Reorganization on Senate Bill No. 2035, with Senators Ramon "Bong" Revilla Jr., Pimentel Jr., Jinggoy Ejercito Estrada, Pangilinan and Lacson as authors thereof, entitled

AN ACT RATIONALIZING THE COMPOSITION AND FUNCTIONS OF THE NATIONAL LABOR RELATIONS COMMISSION, AMENDING FOR THIS PURPOSE ARTICLES 213, 214, 215, AND 216 OF P.D. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES,

recommending its approval in substitution of Senate Bill Nos. 1204, 1543, 1771, and 1841, taking into consideration Proposed Senate Resolution No. 231.

Sponsor: Senator Jinggoy Ejercito Estrada

To the Calendar for Ordinary Business

**APPROVAL OF HOUSE BILL NO. 3696
ON THIRD READING**

Upon motion of Senator Pangilinan, there being no objection, the Body considered, on Third Reading,

House Bill No. 3696, printed copies of which were distributed to the senators on May 31, 2005.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Pangilinan, there being no objection, Secretary Yabes read only the title of the bill, to wit:

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.

Secretary Yabes called the roll for nominal voting.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor

Arroyo	Lim
Biazon	Madrigal
Cayetano	Magsaysay
Defensor Santiago	Osmeña
Drilon	Pangilinan
Ejercito Estrada (J)	Pimentel
Ejercito Estrada (L)	Recto
Enrile	Revilla
Flavier	Roxas
Lapid	Villar

Against

None

Abstention

None

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With 20 senators voting in favor, none against and no abstention, the Chair declared House Bill No. 3696 approved on Third Reading.

APPROVAL OF SENATE BILL NO. 1952 ON THIRD READING

Upon motion of Senator Pangilinan, there being no objection, the Body considered, on Third Reading, Senate Bill No. 1952, printed copies of which were distributed to the senators on May 31, 2005.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Pangilinan, there being no objection, Secretary Yabes read only the title of the bill, to wit:

AN ACT GRANTING PHILIPPINE
CITIZENSHIP TO MAHMOUD A.M.
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Secretary Yabes called the roll for nominal voting.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor

Arroyo	Madrigal
Biazon	Magsaysay
Cayetano	Osmeña
Drilon	Pangilinan
Ejercito Estrada (J)	Pimentel
Ejercito Estrada (L)	Recto
Enrile	Revilla
Flavier	Roxas
Lapid	Villar
Lim	

Against

Defensor Santiago

Abstention

None

With 19 senators voting in favor, one against and no abstention, the Chair declared Senate Bill No. 1952 approved on Third Reading.

EXPLANATION OF VOTE OF SENATOR DEFENSOR SANTIAGO

In explaining her negative vote, Senator Defensor Santiago stated that she was not voting against the

person but that she was standing on the principle that citizenship should be acquired by judicial conferment.

SUSPENSION OF SESSION

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

It was 4:05 p.m.

RESUMPTION OF SESSION

At 4:06 p.m., the session was resumed.

PRIVILEGE SPEECH OF SENATOR PIMENTEL

In his privilege speech, Senator Pimentel reacted to the recent statement of Secretary Ignacio Bunye on the May 2004 presidential elections.

The full text of his statement follows:

BUNYE HAS PROVIDED SMOKING GUN OR HAS OPENED A CAN OF WORMS THAT SHOW MASSIVE ELECTORAL FRAUD IN THE PRESIDENTIAL ELECTION OF MAY 2004

After Mr. Bunye made the irresponsible charge over radio and television yesterday (June 5) that members of the opposition are planning to reveal the contents of conversations between President Gloria Macapagal Arroyo and a member of the Commission on Elections to tamper with the results of the last presidential election, I have been badgered by the media and by some of our constituents to respond to it.

Before I could accommodate the demands of the media and our constituents, I would like to ask Mr. Bunye to shed light on the following questions since it was he who brought the matter up for public discussion:

1. Did the conversation he was referring to have two parties: the President, Gloria Macapagal Arroyo, and the still unconfirmed Comelec Commissioner Virgilio Garcillano?
2. Did the conversation occur on May 17, 2004? Or on other dates?

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3. Did the conversation take place when the canvassing of the presidential votes was ongoing?

4. At the time of conversation, was President Arroyo tailing her main rival, Fernando Poe Jr., in the presidential race?

-- In the conversation, did President Arroyo ask Mr. Garcillano to get copies of Namfrel copies of municipal COCs?

-- In the conversation, did Mr. Garcillano assure her that he will get advance copies of the Namfrel quick count because Namfrel was sympathetic to President Arroyo?

5. Or was Mr. Bunye referring to a conversation between President Arroyo and Mr. Garcillano sometime in late May where President Arroyo expressed concern about the threat of Senator Biazon to open the ballot boxes in Tawi-Tawi if he is cheated and that he (Biazon) had claimed President Arroyo might lose there?

-- In the conversation, did President Arroyo urge Mr. Garcillano to delay the senatorial canvass to avoid a fight between two of her allies? And did Mr. Garcillano accede to her request?

6. Or was Mr. Bunye referring to a conversation between President Arroyo and Mr. Garcillano also in late May on the statement of votes, election returns of Sulu which President Arroyo wanted to correspond and about which Mr. Garcillano assured her that the documents would "correspond" otherwise the Comelec would not count the results?

7. Or was Mr. Bunye referring to a conversation between President Arroyo and Mr. Garcillano again in late May, 2004, where President Arroyo expressed concern about the affidavits of teachers and board of canvassers who witnessed some cheating and that they were made to cheat?

-- In the conversation, did Mr. Garcillano assure President Arroyo that Fernando Poe Jr.'s votes were switched to favor her?

8. Or was Mr. Bunye referring to a conversation in the same month of May, 2004, between President Arroyo and Mr. Garcillano where she asked if she had lost some forty thousand plus votes in Cotabato? To which, Mr. Garcillano replied that her loss would not be more than forty thousand because he had already talked to a certain Atty. Vidol?

9. Or was Mr. Bunye referring to another conversation in May 2004 between President Arroyo and Mr. Garcillano where the latter assured her that whatever she loses in other places would be compensated in Lanao?

-- In the conversation, did President Arroyo insist that her lead over Fernando Poe Jr. should not be less than one million votes to which Mr. Garcillano said that as of the date of their conversation, she would lead FPJ by some 982 thousand votes with the promise that he could get more for her in Lanao because there were seven municipalities still to be canvassed?

10. Or was Mr. Bunye referring to a conversation between President Arroyo and Mr. Garcillano in early June about a ballot box from Camarines Norte that was found empty at the canvassing of votes in Congress?

11. Or was he referring to a conversation again in early June between President Arroyo and Mr. Garcillano that discussed the Lanao del Sur and Basilan statement of votes that did not match the certificate of canvass? In the course of the conversation, Mr. Garcillano told President Arroyo not to worry because he had already talked even with the Chairman of the Board of Canvassers in Sulu, and that he would talk with Election Officer Pagundaran so that members of the Board of Canvassers would not testify.

-- In the conversation, did Mr. Garcillano tell President Arroyo that in Basilan and Lanao del Sur, votes were added to her and that the ones who did it, did it quite well?

-- In the conversation, did Mr. Garcillano assure President Arroyo that he will take care of Lanao del Sur and Basilan as he had already talked with Abdullah earlier about it and that he would talk also with Atty. Macalintal?

-- In the conversation, did President Arroyo ask Mr. Garcillano about the election results in Tawi-Tawi? And did Mr. Garcillano assure President Arroyo that he would take care of everything?

12. Or was Mr. Bunye referring to a conversation between President Arroyo and Mr. Garcillano in early June about making sure that the election documents in Maguindanao are consistent?

-- In the same conversation, did Mr. Garcillano tell President Arroyo that

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General Lomibao was in Zamboanga already and that he (Garcillano) had people working for President Arroyo who he wanted to present to Police General Lomibao?

-- And in the same conversation, did President Arroyo approve Mr. Garcillano's plans?

13. Or was Mr. Bunye referring to a conversation between President Arroyo and Mr. Garcillano in the 2nd week of June 2004 about the Namfrel presscon in Lanao del Sur? In the conversation, did Mr. Garcillano assure President Arroyo that he was handling it?
14. Or was Mr. Bunye referring to a conversation in June when the lady asked if Mr. Garcillano got her text message about Tipo-Tipo? Did Mr. Garcillano tell the lady that his people were looking for Jasmi Ali so that they could control her?

-- In the conversation, did Mr. Garcillano also tell the lady that they would ask the family of Jasmi Ali to get her out of Zamboanga?

15. Or was Mr. Bunye referring to a conversation between President Arroyo and Mr. Garcillano on June 10 where President Arroyo asked if Mr. Garcillano had already talked with Mr. Abalos? And Mr. Garcillano told her that Mr. Abalos had told him to go to Mindanao and that if there was any problem, for her to just call him (Garcillano)?

-- In the conversation, did President Arroyo express worry about a problem in South Upi where a local candidate was proclaimed by the Comelec? Also, did President Arroyo tell Mr. Garcillano that what was important was that the problem should not affect the top position (meaning the presidency)? to which Mr. Garcillano replied that it would not reach the top because he was the one in charge of that and that it was all up to him?

Without the expected categorical replies from Mr. Bunye on the questions raised, we, in the opposition would find it difficult to make a credible rebuttal to his buckshot charges. The ball is in his hands; he may dribble it to kill time if he wants; or he may toss it back to the opposition with the clarifications sought so that the dialogue could continue in terms more understandable to our people.

If Mr. Bunye would respond without equivocation to the questions we raised, then we, in the

opposition, could probably help strengthen our laws to insure the security of our communications even in the face of the need to fight international terrorism.

If, however, Mr. Bunye prefers to live like a riddle who speaks in enigmatic terms, then, he would be responsible for the downgrading of President Arroyo in the minds and in the tongues of people who would pass on from mouth-to-mouth the virulent information provided by him that she (President Arroyo) had used the Comelec, through Mr. Garcillano, to cheat and win in the last presidential election.

Ironic as it sounds, Mr. Bunye has himself provided the smoking gun that tends to show ineluctably that massive cheating did take place in the presidential election of 2004 through the Comelec specifically in the person of Mr. Garcillano that brought President Arroyo a new term in Malacañang.

In closing, may I ask Mr. Bunye if he does not mind an addendum by way of a question: Is that the reason why the President cannot get rid of Mr. Garcillano and had to reappoint him to the Comelec despite his sordid record as a Comelec official and despite his having been bypassed by the Commission on Appointments several times?

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:18 p.m.

RESUMPTION OF SESSION

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

MANIFESTATION OF SENATOR OSMEÑA

In view of the absence of the tape recording or the transcript, Senator Osmeña made reservation to interpellate Senator Pimentel the following day or the day after.

COMMITTEE REPORT NO. 25 ON SENATE BILL NO. 2012

(Continuation)

Upon motion of Senator Pangilinan, there being no objection, the Body resumed consideration,

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on Second Reading, of Senate Bill No. 2012 (Committee Report No. 25), entitled

AN ACT REQUIRING MANDATORY BASIC IMMUNIZATION SERVICES AGAINST HEPATITIS-B FOR INFANTS, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 996, AS AMENDED, AND APPROPRIATING FUNDS THEREFOR.

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

Thereupon, the Chair recognized Senator Cayetano, Sponsor of the measure.

SUSPENSION OF SESSION

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

It was 4:20 p.m.

RESUMPTION OF SESSION

At 4:21 p.m., the session was resumed.

INTERPELLATION OF SENATOR MADRIGAL

Asked by Senator Madrigal which organizations conducted the studies on Hepatitis-B upon which she based the research for the bill, Senator Cayetano stated that these were, among other organizations, the WHO, UNICEF, Philippine Pediatrics Society, the Philippine Foundation for Vaccination, the DOH, NGOs, municipal health officers and midwives associations.

On how Hepatitis-B is contracted, Senator Cayetano stated that it can be contracted primarily in a perinatal manner wherein the infection is passed on by the mother to the infant at the time of birth. The disease, she said, can be transmitted person-to-person or through needle-sharing in the case of drug addicts, blood transfusions, and unsanitary use of needles.

Upon further queries, Senator Cayetano stated that there is a 90% chance that an infected mother can pass on the virus to her child and that there are recorded instances of child-to-child transmission in

the household. She added that since newborns have a very low resistance, the bill seeks to immunize them within 24 hours after birth as recommended by the WHO and the DOH.

Asked on the effects of the vaccine on infants that are newborn or up to one-week old, Senator Cayetano replied that numerous studies worldwide have shown that there is an effectivity rate of 95% that the infant would be hepatitis-free if the immunization is given within 24 hours. However, she noted that studies have also shown that delaying the immunization by a few days could reduce the effectivity rate and increase the risk of infection from 50% to 70%. She underscored that there are minimal side effects and even mild reactions like fever and localized inflammations are relatively rare. She read a portion of a study, to wit:

“Hepatitis-B vaccine has an outstanding record of safety and effectiveness. Since 1982, over one billion doses of Hepatitis-B vaccine have been used worldwide. The vaccine is given as a series of three intramuscular doses. Studies have shown that the vaccine, if the three doses are completed, is 95% effective in preventing children and adults from developing chronic infection. At least 95% of infants, children and adolescents develop protective antibody levels after three doses of vaccine. The response rate drops with age from 90% for adults under 40 years to about 70% for those aged 60 years.”

Further, Senator Cayetano stated that anaphylaxis, the only known serious reaction to Hepatitis-B vaccine, happens once in every 600,000 doses. She said that the potential infection from plasma-derived vaccine has always been a concern since it was first used. She added that it has been proven that intense purification and sterilization procedures can prevent the transmission of the virus.

Senator Madrigal expressed doubt that the studies used by Senator Cayetano were made by multinationals that have no interests. She requested that she be furnished with copies of the studies.

Senator Cayetano stated that among the vaccines developed, Hepatitis-B vaccine is considered as one of the safest. She noted that according to a study, 30 countries are giving vaccinations at birth; unfortunately, the Philippines is not one of them. She stressed that other countries have done their own research on the matter, with or without assistance from local or international organizations.

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As to the components of the vaccines, Senator Cayetano stated that the vaccine mainly contains harmless protein of the virus itself that provides the Hepatitis-B surface antigen that gives a child immunity from the virus.

As regards the components thimerosal and aluminum phosphate, Senator Cayetano explained that these are additives used to preserve the vaccine. She added that the vaccines need to be kept in a certain temperature to preserve its efficacy.

Asked if she was aware of a study by the Australian Poisons Information Center showing that thimerosal, aluminum phosphate and formaldehyde are known carcinogens, Senator Cayetano replied that the level of preservatives used in the vaccines has been determined to be nontoxic. She stated that as chair of the Committee on Health and Demography, she has to double check the standards used in studies. She maintained that Hepatitis-B vaccine has been declared as one of the safest, adding that the Committee would keep in mind the study mentioned by Senator Madrigal.

At this juncture, Senator Madrigal inquired about the sources of the studies used by the Committee, specifically if these were prepared by multinational drug companies like Bristol Myers Squibb, Merck or Bayer. Replying thereto, Senator Cayetano stated that the studies were documented by WHO, and a Filipino expert on liver cases has assured her that the studies were not conducted by private interest groups. She also cited a report showing that thimerosal continues to be used as a preservative in Hepatitis-B vaccine available in many countries, that it is particularly important in preventing bacterial contamination when multidose vials are used. The report, she said, upholds the view that the vaccine is safe for the general public and especially for infants.

Underscoring the need to weigh factors including risks and benefits, Senator Cayetano related that during a hearing, she inquired if it is recommended for a mother who is diagnosed with Hepatitis-B to breastfeed and evidence showed that there is extremely minimal risk of injury.

However, Senator Madrigal informed the Body of a study that documented the long-term adverse effects of vaccine which include chronic immunological and neurological disorders such as

autism, attention deficit/hyperactivity disorder, dyslexia, allergies, cancer and other conditions, many of which barely existed thirty years before the mass vaccination programs. She added that the study also revealed that vaccine components include known carcinogens such as thimerosal, aluminum phosphate and formaldehyde. According to the Australian study, she pointed out, there is no safe amount of formaldehyde which can be injected into a living human body.

Senator Madrigal disclosed that according to an extensive research done by Harris Coulter, PhD, childhood immunization causes low grade encephalitis among infants on a much wider scale – 15% to 20% – than public health authorities were willing to admit; and that sequelae – conditions known to result from a disease – of encephalitis include learning disability, damage to brain tissue, epilepsy, sleeping and eating disorders, sexual disorders, asthma, diabetes and impulsive violent behavior. She expressed concern about the composition of the vaccines that multinational companies have tried to dump on third world countries when these have not met international standards. A Filipina mother, she stressed, would find it appalling to have chemicals injected into her 24-hour-old infant.

Senator Cayetano reiterated that the Hepatitis-B vaccine has been known to be one of the safest of all vaccines. She, however, opined that continued studies reveal the need to change and upgrade several medical practices.

As regards the multinational companies that supply drugs and vaccines that may not necessarily be what the Filipinos need, Senator Cayetano clarified that the UNICEF purchases the drugs from a number of sources and distributes them to countries including the Philippines. She added that the UNICEF's choice of manufacturers could be relied upon.

On the observation that the multinational companies are dumping substandard medication on third world countries, Senator Cayetano said that these countries are aware of the issue but in the case of the Hepatitis-B vaccine, these are distributed by the UNICEF and used even by the developed countries.

Senator Cayetano stated that the current 34% to 40% vaccination rate among infants means that 1.5 million children are exposed to hepatitis annually,

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and of this number, 60,000 would die of liver-related diseases. She said it is imperative to put these matters in perspective and look at the damage that a carrier inflicts on other people. Further, she stated that risk is part of daily life, thus, government must weigh the risks and continually update itself on international standards; and if it has the money, it should also conduct the necessary studies.

As regards the disabilities caused by vaccines among children, Senator Cayetano related that she knows the worries of a parent who has a disabled child for she has gone through it. However, as a legislator, she welcomed studies that determine factors that put children at greater risks. As in the case of her 6-month old son, she related that watching him injected with a thick syringe was not a pleasant sight, however, as a mother, she knew the good it would do and allowed her son to go through it.

On another issue, Senator Madrigal disclosed that in July 1998, 15,000 French citizens filed a class suit against the French government, accusing it of understating the risks and exaggerating the benefits of Hepatitis-B vaccination. Senator Cayetano replied that the WHO representative has explained to her that there was no sufficient evidence to show that Hepatitis-B vaccination caused certain effects. The controversy temporarily stopped the vaccination but it has since resumed, she said.

Senator Madrigal pointed out that in October of the same year, the French health minister suspended the Hepatitis-B vaccine requirement for school-children after cases of chronic arthritis, multiple sclerosis, and other auto-immune and neurological disorders were reported following the vaccination. She added that included in the list of disorders associated with the vaccine are anaphylactic shock, heart and liver conditions, juvenile onset of diabetes, Louis-Bar's syndrome, Bell's palsy, transverse myelitis, seizures and many other conditions which are all documented in medical journals and noted by the vaccine manufacturer, Smith Kline and Beecham Pharmaceuticals.

Senator Cayetano recalled that she mentioned earlier that anaphylactic shock is a very serious reaction to Hepatitis-B vaccine. However, she noted that the risk, estimated at one in every 600,000 doses, is very low. She added that anaphylaxis does not occur solely as a result of Hepatitis-B

vaccination as it may also occur in any other vaccinations. She pointed out that any medicine has a long list of allergic reactions and risks that the doctors must explain to the patients and the patients themselves should also look out for them.

Stressing the need to look at the overall picture, Senator Cayetano maintained that given the success rates of vaccinations against measles, diphtheria and polio, the same should be followed in the case of hepatitis. This, she said, does not change the fact that there are risks; however, if alternatives are developed or if research companies can find other options to lower the risks, then it must be done. She reasoned that with all the studies on hand, and all factors weighed, immunization would definitely prevent more diseases.

Senator Madrigal observed that one of the problems of the mandatory immunization is that children may not be at risk at all. She disclosed that in the U.S., Hepatitis-B cases are very rare and according to the data gathered by the Center for Disease Control, less than .5% of the population are carriers and nearly all of them are in the hospitals.

Asked about the occurrence of Hepatitis-B in the worldwide population, Senator Cayetano said that there are 400 million carriers, and as mentioned in her speech, there is a high prevalence of Hepatitis-B among Asians. She noted that 78% of the reported hepatitis cases are in the Western Pacific region, specifically in American Samoa, Australia, Brunei, Cambodia, China, Cook's Island, Micronesia, Fiji, French Polynesia, Guam, Hong Kong, Japan, Kiribati, Laos, Macau, Malaysia, Marianas Island, Marshall Island, Mongolia, Nauru, New Caledonia, New Zealand, Palau, Papua New Guinea, Philippines, Korea, Samoa, Singapore, Solomon Islands, Tokelao, Tonga, Tuvalu, Vanuatu, Vietnam, and Wallis and Fortuna Islands. All these countries, she said, already require Hepatitis-B vaccination at birth, except for four or five which require the vaccination shortly after birth. She stressed that she does not have the percentage of the population affected with Hepatitis-B, however, as mentioned in her speech, according to the WHO report, more than two billion of the global population have been exposed to the virus at some point - 360 million people are chronically infected and carriers of the virus; some 700,000 people would die of complications of Hepatitis-B. * MB

Asked about the breakdown of those who are chronically dying of the disease and those exposed to the disease, Senator Cayetano pointed that what is probably documented is the mortality rate of people dying from complications of Hepatitis-B. She explained that Hepatitis-B is a silent killer whose effects are shown in the prime of a person's life but a person dies from its complications.

Senator Madrigal argued that there is no data to prove that the vaccine is safe and that if a child was vaccinated, he would not die of Hepatitis-B when he gets older. She said that she would not be convinced until she has the necessary documentations.

Senator Cayetano underscored that in the previous interpellations, she repeatedly gave the information that the vaccine is safe and that it has an effectivity rate of 95% in terms of preventing a person from becoming a carrier of Hepatitis-B and from developing chronic liver disease as supported by a number of studies conducted by other Asian countries. She stated that she could report on the findings of numerous doctors of medicine from respectable local and international health organizations but if these are not sufficient for Senator Madrigal, then she could not provide further information.

On the statement that she did not look at the problem with a wider perspective and that the data she presented seemed to be an advertisement for multinational companies, Senator Cayetano said that she did not talk to any multinational company. She disclosed that she consulted the WHO, UNICEF, the Philippine Pediatric Society that highly recommended the bill, the Philippine Foundation for Vaccination, the Department of Health, and the municipal and barangay health officers and workers who are the front liners. She stressed that Senator Madrigal could look at the position papers submitted by various groups.

Senator Madrigal remarked that the people consulted by Senator Cayetano are one-sided. She then requested that she be furnished with a list of doctors who have a good relationship with multinational companies that every time they prescribe a medicine to patients, they specify the brand name.

Asked whether she wants a list of doctors associated with the Philippine Medical Association,

Senator Madrigal replied in the affirmative, saying that she would look into their multinational affiliation. She stated that only 1% or 2% of doctors in the country prescribe generic medicine.

Senator Cayetano pointed out that doctors are required to indicate the generic name in the prescription. She stated that she would ask the Philippine Medical Association and the Philippine Pediatric Society to provide the list of doctors. She added that she would also forward to Senator Madrigal's office a book, entitled *Viral Hepatitis-B* by Dr. Ernesto Domingo, who is connected with the University of the Philippines, that includes local and international studies. She said that she would like to draw the attention of her colleagues to the critical state of health care in the country. Government, she underscored, should address the concern that 1.5 million children are exposed annually to Hepatitis-B.

Senator Madrigal said that developed countries are seeking to put an end to mandatory immunization because of the adverse effects of the Hepatitis-B vaccine. She pointed out that according to the U.S. National Vaccine Information Center, a survey conducted in 1998 revealed that two out of three Americans want informed consent rights on vaccinations, 45% oppose Hepatitis-B vaccination for children who are entering school, and 59% of those who were told about the risks said they were less likely to support mandatory vaccination. In other developed countries, she said, citizens are given a choice.

Senator Cayetano stated that in the case of infectious diseases like Hepatitis-B, government should address the issue in the same way that vaccination, which used to be a major problem in the country, has been addressed through mandatory immunization. A mandatory immunization system, she pointed out, has lowered the incidence of diphtheria from one for every 100,000 to zero; from 7.5 for every 100,000 to one in the case of tetanus; and .4 for every 100,000 to .1 in the case of polio. She stated that if Senator Madrigal would encounter these cases personally, she would appreciate the very sad and emotionally difficult condition of living with children who are afflicted by these diseases or losing a child to a preventable disease. She said that while she lost a baby who had a birth defect that was not preventable, it is unimaginable not to protect children from disease that could be

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prevented. The argument that there are some risks involved, she pointed out, would be subjecting millions of children to diseases, disabilities and even death.

Senator Madrigal said that she lost two of her relatives, aged 60 and 70, to liver cirrhosis and liver and pancreatic cancer, and it was proven that the Hepatitis-B vaccine weakened their livers. She stated that she has done years of research since then.

Senator Cayetano stated that if a person was already infected with Hepatitis-B, the vaccine would neither do him more harm nor do him any good. She maintained that immunization during infancy is the key, adding that the Philippine Cancer Society has launched campaigns to prevent lung cancer through the avoidance of smoking and liver cancer through immunization against Hepatitis-B.

In reply to further queries, Senator Cayetano stated that Hepatitis-A is a food-borne illness that does not lead to a chronic disease; on the other hand, Hepatitis-B, which is prevalent in the Philippines, can lead to chronic diseases and can be contracted through blood transfusion, mother-to-child transmission, sharing of contaminated needles and sexual contact. She stated that Hepatitis-C is not prevalent in the country but it can also lead to chronic diseases and can be contracted through blood transfusion and sharing of contaminated needles. However, she pointed out that there is no vaccine available against the virus. She added that there are other types of hepatitis – D, E, F and G – which are uncommon.

Upon query, Senator Cayetano stated that 40% of those who have Hepatitis-B contracted it through mother-to-child transmission.

Senator Madrigal suggested that Senator Cayetano present a pie chart showing the percentages of Filipinos who acquired the virus through mother-to-child transmission, blood transfusion, contaminated needles and sexual contact.

Senator Cayetano said that the pie chart would show that 40% of those who have Hepatitis-B acquired it through mother-to-child transmission. She stated that the Department of Health has not received the kind of funding it needed to conduct studies with the most accurate statistical breakdown of all the diseases that now afflict Filipinos. She said

that the bill focused on the data on the Philippine experience and those of similarly situated neighboring countries. She reiterated that the transmission of Hepatitis-B virus from child-to-child is well documented because infants and children have very low immunity and, therefore, are more susceptible to the disease. It is for this reason, she said, that the bill is seeking immunization at birth to prevent the transmission of the virus. As to the other statistics, she stressed that she also wanted answers to such questions as she expressed regret that not all those data are available in the Philippines. However, she posited that all the neighboring countries would not have embarked on costly 20-year or 30-year immunization programs if immunization is not an effective way of combating Hepatitis-B.

Senator Madrigal reasoned that because of the absence of data, the freedom of a healthy mother who has not been infected with Hepatitis-B to choose whether to allow her child to be immunized or not would be curtailed. She added that there is no risk that a child or an infant would contact the disease through sex or a dirty needle. She believed that it is cruel to subject newly born infants to vaccination and mandating it through law is unconstitutional.

Senator Cayetano said that it is on record that vaccination was able to bring down the prevalence of diphtheria, measles and polio in the country. However, Senator Madrigal argued that the data on vaccination against those diseases should not be compared with vaccination against Hepatitis-B. Senator Cayetano contended that the data can be compared because Hepatitis-B can be prevented if infants are vaccinated at birth. She stated that liver cancer is the fourth leading cause of death in the Philippines and she would be remiss in her job if she insisted on more data when the studies of neighboring countries show that they have already brought down the prevalence of Hepatitis-B through immunization of infants at birth. She stressed that the request for more data would delay the campaign against the disease to which 1.5 million Filipino children are exposed every year.

On the assertion that it would be better to teach people to engage in safe sex because it is cheaper than the vaccine, Senator Cayetano stated that it is a required subject matter as far as she is concerned but she believed that it will not address the mother-to-child transmission which is the

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most prevalent way of passing on the disease. She reiterated that the data on mother-to-child transmission had already been established in many countries. She recalled that the immunization programs in these countries started with the mothers who were infected with the Hepatitis-B virus and later on were expanded to include all children and infants at birth.

On whether the WHO, UNICEF, DOH and other groups were united in recommending the enactment of the measure without the data, Senator Cayetano replied that all those that recommended the bill saw much of the data that were mentioned in her sponsorship speech but she cannot force Senator Madrigal to accept them.

Senator Madrigal said that she could not be convinced to support the bill at this point because the internationally funded organizations like the WHO and UNICEF cannot even come up with a data on the various forms of transmission of the Hepatitis-B virus in the Philippines.

Saying that she would defer to the best judgment of every senator, Senator Cayetano believed that all of them are entitled to their own opinion and she could only convince them to the best of her ability. In this regard, she read the pertinent portion of a document on the Philippine situation from 1980 to 1994, to wit:

Point prevalence studies in two poor rural communities showed exposure rate for all age groups to be 52% and 58%. The HBsAg positivity rates were 8.8% and 12%, respectively. The rural age-specific HBsAg prevalence shows an early peak (in persons 3-4 years old) in some communities and a late peak (in persons 30-40 years old) in other communities. Family studies suggest that the prevalence of HBsAg and HBeAg among parents of the young children in an "early peak" and a "late peak" village cannot fully account for the difference in the pattern of prevalence of all markers or the HBsAg marker.

Susceptibility to Hepatitis-B virus infection declined significantly with age, to only 60% in the age group 50 years and older.

Senator Cayetano pointed out that the data truly showed that the infectious rate was at the very young age at which point good sexual behavior is not taught. Senator Madrigal maintained that the

problem of Hepatitis-B cannot be possibly addressed unless one sees the whole picture.

Senator Cayetano gave the assurance that she would provide all the data as she asked what Senator Madrigal exactly needed since all the senators had already been provided with the fact sheets and studies on Hepatitis-B in many countries including its prevalence rate among infants and children. Senator Madrigal requested that she be provided with the following: a pie chart showing the percentage of infants born every year who contract Hepatitis-B from their mothers; and the percentage of infected persons who got it through sexual contact and contaminated needles.

As to the number of children born annually who contracted the disease from their mothers, Senator Cayetano informed the Body that the estimated births for 2005 is 2.5 million and the prevalence rate of hepatitis on the infancy level is 8% to 12%. She surmised that the incidence would be higher for newborn infants.

Senator Madrigal requested data from the Department of Health and the National Statistics Office on the number of children born for the past five years with Hepatitis-B transmitted from the mothers; an independent study on the cost-benefit analysis of immunization; the chemical composition of the Hepatitis-B vaccine and the possible side effects, especially on newborn infants; a study on the correlation between vaccination and sudden infant death syndrome (SIDS); an independent comparative study between vaccination and alternative medicines and their effectiveness; statistics on the country's current birth rate; incidence of Hepatitis-B infections in the Philippines; and DOH records on the effectiveness of the vaccine. She suspended her interpellation until such time that the data would be furnished her.

INTERPELLATION OF SENATOR EJERCITO ESTRADA (L)

Senator Ejercito Estrada (L) informed the Body of a 1998 London study conducted by Dr. Andrew Wakefield who raised the possible connection between MMR immunizations and autism, a severe and permanent developmental disorder among children.

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Asked whether a study had been made in the Philippines on the connection between the MMR vaccines and autism and/or other child development-related illnesses, Senator Cayetano replied that she was not aware of any local study made on the matter.

Replying to further queries, Senator Cayetano said that the recombinant type of vaccine is currently used in the Philippines. She informed the Body that UNICEF provides the vaccines which it buys from six accredited suppliers, namely, Green Cross and Lucky Gold Star from Korea; Merck from the U.S.A.; CIGB from Cuba; GlaxoSmithKlein from Belgium; and Shanta Biotech from India.

Noting that vaccines can cause debilitating side effects such as flu-like symptoms, fatigue and anorexia, Senator Ejercito Estrada (L) asked whether the DOH is sure that the vaccine is 100% safe for newborns even as she cited the case of her son, Senator Jinggoy Estrada, who developed severe headache and fever after receiving a dose of Interferon.

Senator Cayetano clarified that Interferon is not a vaccine even as she assured the Body that Hepatitis-B vaccine has been shown to be one of the safest vaccines ever developed by man. She disclosed that there is a very small percentage of reported incidents of minor side effects which usually occurred in adults. Moreover, she explained that a child is recommended to have the vaccination instead of the pregnant mother because, unlike tetanus vaccines, the child must receive his own dose of Hepatitis-B vaccine for higher effectivity.

Senator Ejercito Estrada (L) bared a disturbing news report about the results of a Hepatitis-B vaccination campaign in France in the mid-1990s which was criticized by Dr. Marc Gerard for failing to properly assess beforehand any possible side effects such as multiple sclerosis. She asked whether the DOH has any data proving or disproving the claim. Senator Cayetano believed that data are made available to the DOH by the various agencies it works with like the WHO and UNICEF which, together with the Philippine Pediatrics Society and the Philippine Society for Vaccination, support the need for vaccination despite incidents such as the one mentioned in the foregoing report. She said that despite the study of Dr. Gerard, many parents in France today still choose to have their children

vaccinated. She stressed that in many other countries vaccination is still the preferred choice of mothers and doctors.

On the report's charge that giant drug manufacturers like GlaxoSmithKline exaggerated the number of Hepatitis-B carriers and patients in France, Senator Ejercito Estrada (L) asked whether such a case could also happen in the Philippines. Senator Cayetano replied that the Philippine situation is different from France because hepatitis is endemic in the Philippines. She cited an independent study made by the University of the Philippines confirming the high prevalence rate of hepatitis in the country which is consistent with international studies conducted by WHO.

Asked whether a child who had received three shots would still need a booster shot later in life, Senator Cayetano stated that the three shots would be sufficient and a booster shot may be given 20 years later. She believed that this would be a good time for those who were immunized in the early '90s to receive their booster shots.

Asked what concrete steps the Department of Health had taken to prevent adults from contracting Hepatitis-B, Senator Cayetano replied that it has recommended Hepatitis-B vaccination for those working in high-risk areas such as the medical profession. Relative thereto, she conceded that due to a limited budget, the DOH has not come up with campaigns other than infant immunization. She noted that people are more concerned about other ailments such as AIDs rather than hepatitis which is equally if not more lethal.

Moreover, Senator Cayetano clarified that aside from recommending vaccination for health care workers who are exposed to the virus in the course of their work, there has been no campaign for adult vaccination. She recalled that as a result of her personal experience with the disease, she had herself vaccinated against Hepatitis-B. She pointed out that Hepatitis-B immunization is effective for people below 40 years old but it diminishes at age 60.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2012

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

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ADDITIONAL REFERENCE OF BUSINESS

The Secretary of the Senate read the following matter which the Chair referred to the Committee on Trade and Commerce:

RESOLUTION

Proposed Senate Resolution No. 273, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON TRADE AND COMMERCE TO CONDUCT AN INQUIRY INTO CONSUMER COMPLAINTS AGAINST UNDESIRABLE TRADE PRACTICES OF PRIVATE CORPORATIONS FOR THE PURPOSE OF CRAFTING PROPOSED AMENDMENTS TO THE CORPORATION CODE, THE CONSUMER ACT OF THE PHILIPPINES AND OTHER LAWS, OR DRAFTING NEW BILLS TO STRENGTHEN THE PROTECTION OF THE RIGHTS OF CONSUMERS

Introduced by Senators Serge Osmeña, Flavier, Recto, M.A. Madrigal, Pimentel Jr., Jinggoy Ejercito Estrada, Lim, Luisa "Loi" P. Ejercito Estrada, Ramon "Bong" Revilla Jr., Arroyo, Biazon, Manuel "Lito" Lapid, Pangilinan and Gordon

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 5:59 p.m.

RESUMPTION OF SESSION

At 5:59 p.m., the session was resumed.

APPROVAL OF THE JOURNAL AS CORRECTED

Upon motion of Senator Pangilinan, there being no objection, the Body dispensed with the reading of the Journal of Session No. 93 and considered it approved, subject to the following corrections made by Senator Cayetano:


1. On page 313, right column, fifth paragraph, first sentence, between the words "that" and "with," insert the word WORLDWIDE; and between the words "of" and "tuberculosis," insert the words MALARIA AND;
2. On page 314, left column, third paragraph, second sentence, between the words "that" and "barangay," insert the words MIDWIVES AND and delete the phrase "and nutrition scholars"; and
3. On the same page, right column, second paragraph, first sentence, after the word "population," insert the phrase WITH THE HEPATITIS-B VACCINE.

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 6:02 p.m.

I hereby certify to the correctness of the foregoing.


OSCAR G. YABES
Secretary of the Senate
18/6/05 *eh* *N*

Approved on June 7, 2005