



**REPUBLIC OF THE PHILIPPINES**

**S e n a t e**

**Pasay City**

# **Journal**

**SESSION NO. 71**

Wednesday, April 30, 2008

**FOURTEENTH CONGRESS  
FIRST REGULAR SESSION**

**SESSION NO. 71**  
Wednesday, April 30, 2008

**CALL TO ORDER**

At 3:37 p.m., the Senate President, Hon. Manny Villar, called the session to order.

**PRAYER**

Sen. Benigno Simeon C. Aquino III led the prayer, to wit:

Almighty Father, may we all be reminded that the world is presently in a food crisis. This crisis, if not properly attended to, portends intense suffering especially for those who have the least. Such circumstances can only arise from our indifference and poor judgment. For this, we have no one to blame but ourselves.

May I remind all of us that a problem not attended to grows, instead of diminishes. The time to act is today and it cannot wait for tomorrow.

Loving Father, may we, Your children, count on Your all-encompassing love to help us avoid the consequences of our folly. Help us focus on realistic goals and pursuits that will yield not just short-term benefits but also lasting rewards for the future citizens of the world. Let us remember that the gift of free choice carries with it the responsibility to opt for that which is good for most, if not for all, but never for self over the interests of many.

Amen.

**ROLL CALL**

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

Aquino III, B. S. C.	Honasan, G. B.
Arroyo, J. P.	Lacson, P. M.
Biazon, R. G.	Lapid, M. L. M.
Cayetano, A. P. C. S.	Legarda, L.
Cayetano, C. P. S.	Pangilinan, F. N.
Defensor Santiago, M.	Pimentel Jr., A. Q.
Ejercito Estrada, J.	Revilla Jr., R. B.
Enrile, J. P.	Villar, M.
Escudero, F. J. G.	Zubiri, J. M. F.

With 18 senators present, the Chair declared the presence of a quorum.

Senators Angara, Madrigal and Roxas arrived after the roll call.

Senator Gordon was absent on account of sickness.

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

**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. 70 and considered it approved.

**ACKNOWLEDGMENT  
OF THE PRESENCE OF GUESTS**

At this juncture, Senator Pangilinan acknowledged the presence in the gallery of Mayor Marvic Padilla and the members of the Sanguniang Bayan of Diadi, Nueva Vizcaya.

Senate President Villar welcomed the guests to the Senate. *MP*

*MP*

**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. 2216, entitled

AN ACT TO AMEND REPUBLIC ACT NO. 3046, ENTITLED "ACT TO DEFINE THE BASELINES OF THE TERRITORIAL SEA OF THE PHILIPPINES, AS AMENDED BY REPUBLIC ACT NO. 5446, AND FOR OTHER PURPOSES"

Introduced by Senator Enrile

**To the Committees on Foreign Relations; National Defense and Security; and Finance**

Senate Bill No. 2217, entitled

AN ACT AMENDING SECTIONS 24(A), 35(A) AND (B) AND 51(A)(2)(B) OF REPUBLIC ACT NO. 8424 OTHERWISE KNOWN AS THE NATIONAL INTERNAL REVENUE CODE OF 1997, AS AMENDED, AND FOR OTHER PURPOSES

Introduced by Senator Ramon "Bong" Revilla Jr.

**To the Committee on Ways and Means**

Senate Bill No. 2218, entitled

AN ACT TRANSFERRING THE ORGANIZATION, OPERATION AND MANAGEMENT OF THE METRO MANILA FILM FESTIVAL FROM THE METRO MANILA DEVELOPMENT AUTHORITY TO THE FILM DEVELOPMENT COUNCIL OF THE PHILIPPINES (FDCCP), AND PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Ramon "Bong" Revilla Jr.

**To the Committees on Public Information and Mass Media; Education, Arts and Culture; and Finance**

Senate Bill No. 2219, entitled

AN ACT PROVIDING FOR A FAIR AND EQUITABLE TERMS FOR THE RELEASE OF MEDICAL PRACTITIONERS' PROFESSIONAL FEES WITHHELD BY HOSPITALS OR MEDICAL CLINICS FOR FAILURE OF THE PATIENT TO PAY HOSPITAL BILLS AND PENALIZING VIOLATIONS THEREFOR

Introduced by Senator Miriam Defensor Santiago

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

Senate Bill No. 2220, entitled

AN ACT TO DEFINE THE PARAMETERS OF RESPONSIBILITY OF AN EMPLOYER IN CASES OF SEXUAL HARASSMENT IN THE WORKPLACE

Introduced by Senator Miriam Defensor Santiago

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

Senate Bill No. 2221, entitled

AN ACT INCREASING THE MATERNITY BENEFITS OF WOMEN WORKERS IN GOVERNMENT AND IN THE PRIVATE SECTOR, AND FOR OTHER PURPOSES

Introduced by Senator Miriam Defensor Santiago

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

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Senate Bill No. 2222, entitled

AN ACT BANNING PUBLIC OFFICERS AND EMPLOYEES FROM SMOKING WITHIN THE WORK PREMISES DURING OFFICIAL WORK HOURS AND PROVIDING PENALTIES THEREFOR

Introduced by Senator Miriam Defensor Santiago

**To the Committee on Civil Service and Government Reorganization**

Senate Bill No. 2223, entitled

AN ACT REQUIRING PERSONS WHO MAY REGISTER AS VOTERS TO PRESENT ANY PROOF OF LEGAL RESIDENCE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8189, OTHERWISE KNOWN AS THE VOTERS REGISTRATION ACT OF 1996 AND PROVIDING PENALTIES THEREFOR

Introduced by Senator Miriam Defensor Santiago

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

Senate Bill No. 2224, entitled

AN ACT PROVIDING MEASURES TO ENHANCE THE ACCEPTABILITY OF AGRICULTURAL LANDS AS SECURITY FOR LOANS OBTAINED FROM LENDERS, BANKS, AND OTHER FINANCIAL INSTITUTIONS THEREBY PROMOTING ACCESS TO RURAL CREDIT, PROVIDING MECHANISMS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Miriam Defensor Santiago

**To the Committees on Agrarian Reform; and Justice and Human Rights**

Senate Bill No. 2225, entitled

AN ACT PROVIDING FOR A MANDATORY PERIOD TO RELOCATE SQUATTERS, GRANTING DISTURBANCE FEES TO OWNERS OF ILLEGALLY OCCUPIED RESIDENTIAL LAND, AND PENALIZING VIOLATIONS THEREOF

Introduced by Senator Miriam Defensor Santiago

**To the Committees on Urban Planning, Housing and Resettlement; and Local Government**

Senate Bill No. 2226, entitled

AN ACT AUTHORIZING LOCAL GOVERNMENT UNITS TO APPLY THE SHARE OF THE PROCEEDS DERIVED FROM THE DEVELOPMENT AND UTILIZATION OF HYDROTHERMAL, GEOTHERMAL, AND OTHER SOURCES OF ENERGY FOR ELECTRIFICATION OF OTHER AREAS WITHIN THE PROVINCE WHERE THE SOURCE OF ENERGY IS LOCATED, AMENDING FOR THE PURPOSE SECTION 294 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

Introduced by Senator Miriam Defensor Santiago

**To the Committees on Local Government; and Energy**

Senate Bill No. 2227, entitled

AN ACT STRENGTHENING THE REGULATORY FUNCTIONS OF THE PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION (POEA) AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995

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Introduced by Senator Antonio "Sonny" F.  
Trillanes IV

**To the Committees on Labor, Employment and Human Resources Development; and Foreign Relations**

Senate Bill No. 2228, entitled

AN ACT ESTABLISHING AND PROVIDING FOR A FREE PUBLIC PRE-SCHOOL EDUCATION AND FOR OTHER PURPOSES

Introduced by Senator Antonio "Sonny" F.  
Trillanes IV

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

Senate Bill No. 2229, entitled

AN ACT CREATING THE NATIONAL ENVIRONMENTAL PROTECTION AGENCY, DEFINING ITS POWERS, FUNCTIONS AND RESPONSIBILITIES, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Antonio "Sonny" F.  
Trillanes IV

**To the Committees on Environment and Natural Resources; Civil Service and Government Reorganization; and Finance**

Senate Bill No. 2231, entitled

AN ACT PROVIDING AN ASSISTANCE PROGRAM FOR OVERSEAS FILIPINO WORKERS IN DISTRESS, BOTH DOCUMENTED AND UNDOCUMENTED, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Manny Villar

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

## RESOLUTION

Proposed Senate Resolution No. 377, entitled

RESOLUTION COMMENDING MR. FELICIANO JAIME ATIENZA FOR WINNING THE NEW YORK TIMES 2008 ESOL TEACHER OF THE YEAR AWARD

Introduced by Senator Manny Villar

**To the Committee on Rules**

## COMMITTEE REPORT

Committee Report No. 46, prepared and submitted by the Committee on Public Order and Illegal Drugs, on Senate Bill No. 2230, with Senators Enrile, Manuel "Lito" M. Lapid, Manny Villar and Gregorio B. Honasan II as authors thereof, entitled

AN ACT FURTHER AMENDING THE PROVISIONS OF PRESIDENTIAL DECREE NO. 1866, AS AMENDED, ENTITLED CODIFYING THE LAWS ON ILLEGAL/UNLAWFUL POSSESSION, MANUFACTURE, DEALING IN, ACQUISITION OR DISPOSITION OF FIREARMS, AMMUNITION OR EXPLOSIVES OR INSTRUMENTS USED IN THE MANUFACTURE OF FIREARMS, AMMUNITION OR EXPLOSIVES, AND IMPOSING STIFFER PENALTIES FOR CERTAIN VIOLATIONS THEREOF, AND FOR OTHER PURPOSES,

recommending its approval in substitution of Senate Bill Nos. 1883, 2158, and 2189, taking into consideration House Bill No. 3242.

Sponsors: Senators Gregorio B. Honasan II, Enrile, Manuel "Lito" M. Lapid and Manny Villar

**To the Calendar for Ordinary Business**

## ADDITIONAL REFERENCE OF BUSINESS

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

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April 22, 2008, the House of Representatives approved the Bicameral Committee Report on the disagreeing provisions of House Bill No. 1890, entitled

AN ACT ENLARGING THE ORGANIZATIONAL STRUCTURE OF THE COURT OF TAX APPEALS, AMENDING FOR THE PURPOSE CERTAIN SECTIONS OF THE LAW CREATING THE COURT OF TAX APPEALS, AND FOR OTHER PURPOSES,

and Senate Bill No. 2009, entitled

AN ACT FURTHER EXPANDING THE ORGANIZATIONAL STRUCTURE OF THE COURT OF TAX APPEALS, AMENDING FOR THE PURPOSE CERTAIN SECTIONS OF THE LAW CREATING THE COURT OF TAX APPEALS, AND FOR OTHER PURPOSES

**To the Archives**

Letter from the Secretary General of the House of Representatives, informing the Senate that on April 29, 2008, the House of Representatives approved the Bicameral Committee Report on the disagreeing provisions of House Bill No. 2844, entitled

AN ACT PROVIDING FOR CHEAPER MEDICINES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8293 OR THE INTELLECTUAL PROPERTY CODE, REPUBLIC ACT NO. 6675 OR THE GENERICS ACT AND REPUBLIC ACT NO. 5921 OR THE PHARMACY LAW, AND FOR OTHER PURPOSES,

and Senate Bill No. 1658, entitled

AN ACT TO PROVIDE FOR QUALITY AFFORDABLE MEDICINES.

**To the Archives**

**BILLS ON FIRST READING**

Senate Bill No. 2232, entitled

AN ACT AMENDING SECTION 6 OF REPUBLIC ACT NO. 8794

Introduced by Senator Francis "Chiz" G. Escudero

**To the Committee on Ways and Means**

Senate Bill No. 2233, entitled

AN ACT ESTABLISHING THE PHILIPPINE AIR FORCE ACADEMY AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Manny Villar

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

**RESOLUTIONS**

Senate Joint Resolution No. 11, entitled

JOINT RESOLUTION SUSPENDING THE IMPLEMENTATION OF REPUBLIC ACT NO. 9367, OTHERWISE KNOWN AS THE BIOFUELS ACT OF 2006, UNTIL SUCH TIME THAT THE COUNTRY IS ASSURED THAT ALL THE RESOURCES SUCH AS LANDS, TECHNOLOGY, ORGANIZATIONAL STRUCTURES AND OTHERS NEEDED TO ENSURE THE FORMULATION OF A PROGRAM TO ATTAIN THE COUNTRY'S FOOD SUFFICIENCY, ESPECIALLY RICE SELF-SUFFICIENCY, ARE ALREADY IN PLACE

Introduced by Senator Biazon

**To the Committees on Energy; and Agriculture and Food**

Proposed Senate Resolution No. 378, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON URBAN PLANNING, HOUSING AND RESETTLEMENT TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE RELOCATION OF FAMILIES AFFECTED BY THE NORTHRAIL-SOUTHRAIL LINKAGE PROJECT *AS*

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Introduced by Senator Biazon

**To the Committee on Urban Planning,  
Housing and Resettlement**

**CHANGE OF REFERRAL**

Upon motion of Senator Escudero, there being no objection, the Body approved the change of referral of Senate Bill Nos. 2022 and 2204 from the Committee on Justice and Human Rights to the Committee on Environment and Natural Resources; and Senate Bill Nos. 44 and 1497 and Proposed Senate Resolution No. 298 from the Committee on Justice and Human Rights to the Committees on Public Order and Illegal Drugs, and National Defense and Security.

**PRIVILEGE SPEECH OF SENATOR PIMENTEL**

Availing himself of the privilege hour, Senator Pimentel called the Body's attention to issues concerning the labor sector, particularly the demand for wage increase which, he acknowledged, is not a simple matter because there is need to consider not only the needs of the workers but also the capital requirement of their employers to continue business operations reasonably under the present circumstances. For instance, he pointed out that the sudden increase in the wage of the workers would have adverse effects on the capacity of the business sector to continue operation but there is also need to address the plight of workers, most of whom can no longer afford the ordinary requirements of daily life.

In this regard, Senator Pimentel urged the Committee on Labor, Employment and Human Resources Development to look into the matter and come up with recommendations to address the needs of the workers, taking into consideration the overall needs of an environment that is supportive to business. He also underscored the need to provide safeguards to the most oppressed sectors of the society, particularly the construction workers who are exposed to multiple physical hazards. He said that the Committee should also urge companies and the local government units to provide non-wage benefits to all workers so that they can cope with the demands of life under the present circumstances.

**REFERRAL OF SPEECH TO COMMITTEE**

Upon motion of Senator Pangilinan, there being no objection, the Chair referred the privilege speech

of Senator Pimentel to the Committee on Labor, Employment and Human Resources Development.

**ACKNOWLEDGMENT  
OF THE PRESENCE OF GUESTS**

At this juncture, Senator Angara acknowledged the presence of four Fourth Year high school students from the Manila Science High School who received the second place award for their research paper on synthesizing and extracting bacteria from glowing fresh sea squids as a non-toxic and non-hazardous way of curing leukemia.

Senate President Villar congratulated and welcomed the students to the Senate.

**RESOLUTION OF COMMENDATION**

In view of the manifestation of Senator Angara, upon motion Senator Pangilinan, there being no objection, the Body approved, subject to style, a resolution commending and congratulating the high school students cited by Senator Angara.

**COMMITTEE REPORT NO. 39  
ON SENATE BILL NO. 2077  
(Continuation)**

Upon motion of Senator Pangilinan, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 2077 (Committee Report No. 39), entitled

**AN ACT ESTABLISHING THE PRE-  
NEED CODE OF 2008.**

Senator Pangilinan stated that the parliamentary status was the period of individual amendments. He recalled that the Body agreed to close the period of interpellations and proceeded to the period of committee amendments subject to the condition that the Members would be allowed to raise clarificatory questions during the period of amendments.

Thereupon, the Chair recognized Senator Angara, Sponsor of the measure, and Senator Aquino for his inquiry.

**INQUIRIES OF SENATOR AQUINO**

Preliminarily, Senator Aquino noted that in the explanatory note on the bill, Senator Angara wrote

that "there is an urgent need to fully regulate so as to protect not only the industry but the planholders as well."

Asked if the statement still holds, Senator Angara replied in the affirmative. He said that the Committee took pains to include provisions that would not only rehabilitate the pre-need industry but also help the planholders, especially educational planholders who may have lost their investments. For those pre-need companies that collapsed, he stated that in the meantime, and upon the advice of a large number of lawyers, the Committee came to the conclusion that the matter is best left to the courts to process the claims of planholders who were adversely affected. He said that investors might not be able to get back 100% of their investments but they might be able to get back a substantial amount.

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

Asked whether the flaws in the regulatory law led to the collapse of the pre-need companies, Senator Angara replied in the affirmative, saying that the law was fatally lacking because there was no regulatory framework for the conduct of business. He added that while the Securities and Exchange Commission (SEC) regulates the industry, it does not have a code of laws that would govern the conduct of this business.

Citing Section 16 of the bill, Senator Aquino inquired if the advertising of pre-need plans would be subject to the scrutiny of a third party. Senator Angara stated that the provision is similar to a requirement in the Securities Act that in selling securities, no misrepresentation or falsity of any kind or degree should be allowed. He said that legal authorities describe selling pre-need plans as similar to selling securities.

Asked why the SEC is authorized to waive the required pre-approval when this ensures that public interest shall be served, Senator Angara replied that at the proper time, the Committee would welcome amendments to the provision.

Senator Aquino stated that at the proper time, he would propose an amendment prohibiting a director or officer of a pre-need company from serving as a director or officer of a company that stands to

benefit from the investment of the trust fund, underscoring that a person charged with placing the trust fund should not benefit from it. In reaction, Senator Angara gave assurance that the Committee would consider a cross-holding prohibition. He emphasized that the purpose of the prohibition is to maintain an arm's length transaction between the directors and officers of a pre-need company and the directors and officers of an affiliate company that manages the trust fund, noting that affiliates tend to favor one another.

Senator Aquino clarified that the prohibition should be on the person determining where the funds should be placed, be he a dominant owner or a substantial owner, as he pointed out that the objective of placing the trust fund is to realize the maximum return but not to benefit him. He said that the person should not be a director or officer of a receiving firm, for instance.

Senator Angara pointed out that the name of the person might not even appear in the corporate books and in the stockholders' list, yet he might be the one directing or practically electing the sets of officers or directors, and as such, he has to be characterized as the dominant shareholder or beneficiary.

Proceeding to Section 26 (*Investment of the Trust Funds*) of the bill, Senator Aquino queried whether it is prudent to do away with the limited choices imposed through the SEC guidelines on where trust funds of a pre-need company should be invested, as he believed that relaxing the areas where these funds could be invested may not necessarily result in better and more prudent management of their assets. Senator Angara stated that the Committee would be willing to incorporate the instruments listed in the SEC guidelines. For his part, Senator Aquino clarified that his proposed amendment would be to retain the instruments listed in the SEC guidelines.

#### **INTERPELLATION OF SENATOR ENRILE**

Asked by Senator Enrile on the meaning of the term "risk-based principles" on line 21 of page 6, Senator Angara replied that "risk-based principles on capital adequacy" is a formula used by banks to determine whether their bank capitalization is adequate by subjecting the same to risk; if the risk is higher than normal, then the BSP will require additional

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reserve to cover it. He agreed to include a definition of the term in the bill.

On line 23, Senator Enrile asked on the standard in the delegation to the SEC of the power to prescribe a higher minimum unimpaired capital of pre-need companies. Senator Angara clarified that pre-need companies are required to put up a higher unimpaired paid-up capital because they have "traditional educational plans" that are open-ended, that is, the tuition of the insured would be paid many years from now. Moreover, he said that a higher unimpaired paid-up capital would be required to avoid a repeat of the situation when, at the time of the tuition-fee deregulation, many of the pre-need companies experienced difficulties in paying the claims of the insured.

Asked if the proviso on lines 19 and 20 would apply to all pre-need companies, Senator Angara replied that it applies to pre-need companies with traditional educational plan, while the proviso on lines 21 to 24 applies to all pre-need companies. He reiterated that the description "traditional" applies only to educational plan because a pre-need company also offers memorial, burial, pension or retirement plans.

Senator Enrile asked on the limitation or restriction on the discretion of the SEC to revise the required minimum unimpaired capital of companies so that it would not be abused. Senator Angara expressed willingness to provide the standards at the proper time.

Senator Enrile stated that in renewing licenses, the SEC must have enough time to check whether the pre-need company has performed well. Given the big volume of companies doing pre-need business, he asked on the manner of renewing the licenses so as to avoid an interruption in their operation. In reply, Senator Angara stated that the deadline for the renewal of licenses is every 30<sup>th</sup> of June, so that if a company's license has not been renewed after June 30, it continues to exist but it must temporarily suspend the selling of pre-need plans.

On the observation that this could be a source of graft because the SEC could sit down on the application for renewal of the companies and even on the renewal of licenses of sales counselors, Senator Angara said that the burden of renewing the licenses of pre-need companies might not be too great as there are only about 34 companies, but he agreed that it would take more time to process the renewal of licenses of thousands of sales counselors.

However, Senator Enrile pointed out that the SEC has to go over voluminous records to check the operational performance of the 34 companies. Senator Angara said that on the contrary, the SEC could just go over some checklist to see if the company is in good standing.

In the case of sales counselors, Senator Enrile suggested that the renewal be made on their birthdates to stagger the renewal period as well as to check the performance of each one. Senator Angara said that this would be a practical suggestion because it would make monitoring of performance easier.

As regards the frequency of continuing education programs for sales counselors, Senator Angara stated that this would be done yearly.

On the concern that the sales counselors might have difficulty earning a living if they are constantly attending classes, Senator Angara said that even lawyers are undergoing continuing education programs as required by the Supreme Court. He clarified that the mandatory education requirement is designed to professionalize the sales counselors and enable them to learn innovations, if there are any, during the succeeding year.

Senator Enrile expressed reservation in making it an annual requirement on the ground that it would entail great expense on the part of the sales counselors. Senator Angara gave assurance that the Committee would be willing to accept amendments at the proper time.

At this point, Senator Roxas asked if the licensing of the company is simply to register the company, and that it is a separate approval process from the approval of the plans to be sold. Senator Angara replied in the affirmative.

Replying to the concern raised by Senator Enrile, Senator Angara acknowledged that if a company has just been registered in June, it is impractical to have its license suddenly expire in July. He said that he would introduce an amendment so that the registration requirement would happen one year after registration in the case of corporate bodies, and on birthdates in the case of persons.

Asked who would prescribe the requirements for the renewal of licenses, Senator Angara replied that it would be the SEC. *AS*

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To Senator Enrile's observation that the bill does not indicate the limitations on the SEC in the exercise of the delegated power, Senator Angara agreed to insert the same in the bill.

Senator Enrile stressed the need to tighten the provisions of the bill to make it a good law, pointing out that the term "employee" in Section 9, for instance, is too broad as he could be a clerk or a janitor who should not even be included in the list. Senator Angara clarified that the persons listed in the section refer to those occupying executive-level positions. He agreed to delete the term "employee."

As regards Section 16 (*Advertising of Pre-Need Plans*), Senator Enrile doubted whether the SEC would be able to review all the advertising materials that shall be submitted to it for approval. Acknowledging that it would be a burdensome task for the SEC, Senator Angara suggested finding a middle ground as he pointed out that the main aim is to prevent the dissemination to the public of false or misleading advertisement.

Senator Enrile believed that there should be no prior restraint but false or misleading advertisements should be penalized by the cancellation of the pre-need company's license. Senator Angara agreed.

#### **SUSPENSION OF SESSION**

Upon motion of Senator Pangilinan, the session was suspended.

*It was 4:40 p.m.*

#### **RESUMPTION OF SESSION**

At 4:40 p.m., the session was resumed.

#### **MANIFESTATION OF SENATOR PANGILINAN**

Senator Pangilinan manifested that Senator Roxas has sought leave to raise clarificatory questions on the bill on Monday or Tuesday next week.

#### **MANIFESTATION OF SENATOR ANGARA**

Senator Angara manifested that the individual amendments of Senators Madrigal and Legarda have

been accepted by Committee and were, in fact, incorporated in the draft as committee amendments.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2077**

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

#### **SUSPENSION OF SESSION**

Upon motion of Senator Pangilinan, there being no objection, the session was suspended.

*It was 4:41 p.m.*

#### **RESUMPTION OF SESSION**

At 4:43 p.m., the session was resumed.

#### **COMMITTEE CHAIRMANSHIP**

After consultation with the Minority Leader, upon nomination by Senator Pangilinan, there being no objection, Senator Lacson was elected acting chair of the Committee on Civil Service and Government Reorganization in place of Senator Legarda, who had relinquished the same in lieu of her workload.

#### **PROPOSED SENATE RESOLUTION NO. 377**

Upon motion of Senator Pangilinan, there being no objection, the Body considered Proposed Senate Resolution No. 377, entitled

RESOLUTION COMMENDING MR. FELICIANO JAIME ATIENZA FOR WINNING THE NEW YORK TIMES 2008 ESOL TEACHER OF THE YEAR AWARD.

With the permission of the Body, only the title of the resolution was read without prejudice to the insertion of its full text into the Record of the Senate.

#### **ADOPTION OF PROPOSED SENATE RESOLUTION NO. 377**

Upon motion of Senator Pangilinan, there being no objection, Proposed Senate Resolution No. 377 was adopted by the Body.

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**ADJOURNMENT OF SESSION**

Upon motion of Senator Pangilinan, there being no objection, Senate President Pro Tempore Ejercito Estrada declared the session adjourned until three o'clock in the afternoon of Monday, May 5, 2008.

*It was 4:45 p.m.*

I hereby certify to the correctness of the foregoing.

  
EMMA LIRIO-REYES  
Secretary of the Senate  
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Approved on May 5, 2008