

RECORD OF THE SENATE

WEDNESDAY, SEPTEMBER 3, 2003

OPENING OF THE SESSION

At 3:55 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

The President. The 18th session of the Senate in the Third Regular Session of the Twelfth Congress is hereby called to order.

The Minority Leader, Sen. Vicente C. Sotto III, will lead the Chamber in prayer.

Everybody rose for the prayer.

PRAYER

Senator Sotto.

Father in heaven, with contrite hearts we come before You, humbly seeking Your divine intervention in the events of our daily lives. We confess with our hearts and our lips that we are not worthy of Your holy presence, but owing to Your own goodness and love for us, You are always there when we call upon.

Yes, Lord, we now ask for the forgiveness of our sins and our transgression of Your laws and of Your statutes even as we seek for Your grace for us to be able to forgive our brothers and sisters who have caused us pain and sorrow.

Lord, there is so much that You have blessed us with and yet we fail to acknowledge and thank You for these blessings for we continue to be blinded by our inordinate desires to satisfy our wants for worldly and material success. Allow us now to thank You for our very own life for You are indeed the source of life itself. Thank You too for the food that we eat, the water that we drink, and the air that we breathe. Yes, Lord, we also praise and thank You for our democratic way of life in these beautiful land of our birth which You have given us. Thank You, Lord, for giving us the opportunity to serve You by serving others. Thank You for Your patience with us despite our unworthiness and unfaithfulness. Thank You for bearing with our infirmities. Truly Your mercy and Your compassion know no bounds, Your grace is unfathomable. O God, grant us today a fresh outpouring of Your love, Your compassion, and Your mercy.

Father, as we seek peace in our country today, remind us that real peace can be found in You alone by

Your grace. May we never forget that serenity, unity and contentment can only be found in You.

Lord, immerse our hearts, our minds, and our spirit in this truth. Father, help us to learn to accept Your will even when You answer over prayers with a *no* and may we also be grateful for Your *yes*. May we follow the example You have set for us in Your words to freely, responsibly, and lovingly express our minds and our emotions. Thank You, Lord, for the assurance that no matter what we do, Your acceptance for us will remain the same for You are a faithful God. And finally, Lord, grant us the courage, the zeal, and the strength to fight for Your Kingdom here on earth as we will traverse this earthly life only once. And may we not grow weary in planting the seeds of Your love and of Your work in the hearts of the people whom we will encounter today.

Amen and Amen.

The President. Thank you, Senator Sotto. The Secretary will please call the roll.

ROLL CALL

The Secretary, reading:

Senator Edgardo J. Angara	Present*
Senator Teresa Aquino-Oreta	Present
Senator Joker P. Arroyo	Present
Senator Robert Z. Barbers	Present
Senator Rodolfo G. Biazon	Present*
Senator Noli "Kabayan" De Castro	Present
Senator Luisa "Loi" P. Ejercito Estrada	Present
Senator Juan M. Flavio	**
Senator Gregorio B. Honasan	Absent
Senator Robert S. "JAWO" Jaworski	Present
Senator Panfilo M. Lacson	**
Senator Loren B. Legarda	Present
Senator Ramon B. Magsaysay Jr.	Present
Senator John Henry R. Osmeña	Present
Senator Sergio R. Osmeña III	Present
Senator Francis N. Pangilinan	Present
Senator Aquilino Q. Pimentel Jr.	Present
Senator Ralph G. Recto	Present
Senator Ramon B. Revilla	Absent
Senator Vicente C. Sotto III	Present
Senator Manuel B. Villar Jr.	Present
The President	Present

* Arrived after the roll call
** On official mission

5. Senate Bill No. 2553 is not supported by pertinent data and study that would show that the proposed measure fulfills the goals and objectives of the CARL in line with the constitutional tenet that the State shall promote social justice in all phases of national development; and

6. Senate Bill No. 2553 does not guarantee the security or the protection of the government's investment in agrarian reform.

Senator Pangilinan. Mr. President.

The President. Sen. Francis N. Pangilinan is recognized.

EXPLANATION OF VOTE OF SENATOR PANGILINAN

Senator Pangilinan. Mr. President, I will also express my negative vote and my explanation of vote to be submitted at a later hour.

The President. Please reflect the negative vote of Senator Pangilinan and his written explanation will be submitted at a later hour.

The following is the written explanation of vote of Senator Pangilinan:

EXPLANATION OF VOTE OF SENATOR PANGILINAN

Senator Pangilinan. Nothing less than the 1987 Constitution guarantees the right of farmers to own directly or collectively the lands they till based on the social justice principle of equitable distribution and ownership of lands. This guarantee is specifically enumerated in Sections 6 and 27 of the Comprehensive Agrarian Reform Law of 1988, which provides for retention limits by the landowner up to five hectares and the prohibition on transferability of awarded lands for a period of 10 years.

Senate Bill No. 2553 intends to lift the 5-hectare retention limits imposed by Section 6 of RA 6657, the Comprehensive Agrarian Reform Law, by authorizing the sale of lands to any person or landowner for that matter, and such sale or disposition will no longer be subject to subsequent coverage under Section 6 of RA 6657. In effect, agrarian reform law's imposition of retention limit is rendered nugatory.

This will likewise open the floodgates of landlord consolidation, thus, defeating the very essence of agrarian

reform. Landlords, taking advantage of the dire financial situation of their tenant-beneficiaries, or any other beneficiary who is financially vulnerable, shall easily reacquire lands that were formerly covered and distributed by the law.

Moreover, the lifting of the 10-year limit in transferability of awarded land likewise has its flaws. This will place agrarian reform beneficiaries (ARBs) in a situation that easily induces them to dispose of awarded land as an easy way out of unpaid loans.

The avowed purpose of the bill that says ARBs shall have access to credit facilities of commercial institutions is misplaced and seemingly unsupported by existing conditions. The hesitance of commercial banks to lend to agrarian reform beneficiaries is a known fact. In the Senate bill itself, commercial banks are not even mandated to extend credit facilities to ARBs armed with farmlands as collateral. There is therefore no guarantee that commercial banks will allow ARB access to credit facilities with the passage of the bill, due to the high risk involved in the agricultural sector. ARBs will consequently be left with no choice but to succumb to the mercy and machinations of informal lenders. In effect, ARBs remain restricted as before. The assurance of providing ARBs with one of the fundamental factors of production, that is, capital through credit extension, is shown to be inexistent.

Since the passage of RA 6657, it has been subjected to numerous amendments, a number of which have in fact diluted its essence. Changes relating to exemption and conversion of certain types of landholdings, on administrative procedures with the Department of Agrarian Reform and others, have worked to the detriment of the intended beneficiaries of land reform—those who actually till the land. It is my firm belief that we should not diminish the land reform program further.

With the above arguments and concerns in mind, I cast a negative vote on Senate Bill No. 2553.

The President. The Majority Leader is recognized.

BILL ON THIRD READING
S. No. 2155—Magna Carta for the Working Child

Senator Legarda. Mr. President, I move that we vote on Third Reading on Senate Bill No. 2155.

The President. Is there any objection? *[Silence]* There being none, voting on Third Reading on Senate Bill No. 2155 is now in order.

Senator Legarda. May we ask the Secretary to read the certification.

The President. The Secretary will read the certification.

The Secretary.

MALACAÑANG
Manila

September 02, 2003

HON. FRANKLIN M. DRILON
Senate President
Philippine Senate
Pasay City

Dear Senate President Drilon:

Pursuant to the provisions of Article VI, Section 26(2) of the 1987 Constitution, I hereby certify to the necessity of the immediate enactment of Senate Bill No. 2155, under Committee Report No. 52, entitled

AN ACT ADOPTING A MAGNA CARTA FOR THE WORKING CHILD PROVIDING FOR STRONGER DETERRENCE AND PROTECTION AGAINST CHILD LABOR AND IMPOSING STIFFER PENALTIES FOR ITS VIOLATION AND FOR OTHER PURPOSES,

to address the public emergency consisting of the deplorable exploitation of minors committed by unscrupulous person who takes advantage of their predicament thereby necessitating a stronger deterrence and stiffer penalties against those guilty of such exploitation.

Best wishes.

Very truly yours,

(Sgd.) GLORIA MACAPAGAL ARROYO

cc: HON. JOSE C. DE VENECIA
Speaker
House of Representatives
Quezon City

The President. We shall now vote on the bill and the Secretary will call the roll.

The Secretary. Senators

Angara	Yes
Aquino-Oreta	Yes
Barbers	Yes
Biazon	Yes
De Castro	Yes
Ejercito Estrada	Yes
Jaworski	Yes
Legarda	Yes
Magsaysay Jr.	Yes
Osmeña (J)	Yes
Osmeña (S)	Yes
Pangilinan	Yes
Recto	Yes
Sotto III	Yes
Villar Jr.	Yes
The President	Yes

APPROVAL OF S. NO. 2155 ON THIRD READING

The President. With 16 affirmative votes, no negative vote, and no abstention, Senate Bill No. 2155 is approved on Third Reading.

Before the next business on the Floor, may the Chair know from Sen. Sergio R. Osmeña III whether or not he can already name the conferees on the Bicameral Conference Committee...?

SUSPENSION OF SESSION

The Chair will suspend the session for one minute, if there is no objection. *[There was none.]*

It was 4:21 p.m.

RESUMPTION OF SESSION

At 4:30 p.m., the session was resumed.

The President. The session is resumed.

SPECIAL ORDERS

Senator Legarda. Mr. President, I move that we transfer from the Calendar for Ordinary Business to the Calendar for Special Orders Committee Report No. 62 on Proposed Senate Resolution No. 342, entitled

RESOLUTION CONCURRING IN THE RATIFICATION OF THE AGREEMENT BETWEEN THE