

## RECORD OF THE SENATE

MONDAY, SEPTEMBER 18, 2000

### OPENING OF THE SESSION

*At 3:24 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.*

**The President.** The 18th session of the Third Regular Session of the Eleventh Congress is hereby called to order.

Let us all stand for the opening prayer to be led by Sen. Francisco S. Tatad in behalf of Sen. John Henry Osmeña.

After the prayer, the Singing Knights Choir will lead us in the singing of the national anthem. The Choir will also render another song, entitled *Isang Dugo, Isang Lahi, Isang Musika*.

*Everybody rose for the prayer.*

### PRAYER

**Senator Tatad.** Mr. President, this is a prayer prepared by Sen. John H. Osmeña.

Heavenly Father,

We come to You today with so many troubles and burdens besetting us. The Mindanao conflict, uncertain peace and order, and social unrest continue to prevail in our midst.

We seek guidance, strength and wisdom from You today as we face once again our duty and responsibility to the Filipino people.

We put our trust in You alone because we know that we can endure all these difficulties. We will hold on to Your promise that we can do all things through Christ who strengthens us.

This we ask in the name of our Lord Jesus Christ.

Amen.

### NATIONAL ANTHEM

*Everybody remained standing for the singing of the national anthem.*

### ROLL CALL

**The President.** The Secretary will please call the roll.

**The Acting Secretary [Atty. Reyes], reading:**

Senator Teresa Aquino-Oreta .....	Absent
Senator Robert Z. Barbers .....	**
Senator Rodolfo G. Biazon .....	Present
Senator Renato L. Compañero Cayetano ....	Present
Senator Anna Dominique M. L. Coseteng ...	Present
Senator Miriam Defensor Santiago .....	Present
Senator Juan Ponce Enrile .....	**
Senator Juan M. Flavie .....	Present
Senator Teofisto T. Guingona Jr. ....	Present
Senator Gregorio B. Honasan .....	Present
Senator Robert S. Jaworski .....	Absent **
Senator Loren B. Legarda-Leviste .....	Present
Senator Ramon B. Magsaysay Jr. ....	Present
Senator Blas F. Ople .....	Present
Senator John Henry R. Osmeña .....	*
Senator Sergio R. Osmeña III .....	Present
Senator Aquilino Q. Pimentel Jr. ....	Present
Senator Ramon B. Revilla .....	Present
Senator Raul S. Roco .....	Present
Senator Vicente C. Sotto III .....	Present
Senator Francisco S. Tatad .....	Present
The President .....	Present

**The President.** With 17 senators present, there is a quorum.

**Senator Tatad.** Mr. President.

**The President.** The Majority Leader is recognized.

### THE JOURNAL

**Senator Tatad.** Mr. President, I move that we dispense with the reading of the *Journal* of Session No. 17, Wednesday, August 30, 2000 and consider it approved.

**The President.** Is there any objection? *[Silence]* There being none, the motion is approved.

**Senator Tatad.** Mr. President, I move that we proceed to the Reference of Business.

**The President.** Is there any objection? *[Silence]* There being none, the motion is approved.

The Secretary will read the Reference of Business.

\* Arrived after the roll call

\*\* On official mission

\*\*\* On account of illness

underscore the fact that we should all be interested in making sure that the operations succeed, and then as soon as they are successful, then we can have free play of media.

Now, another point that has been raised is about the role of Libya. I share the concern expressed by Senator Roco as Libya is identified in the international media as an enemy of the international legal order—if we can put it that way.

But if we recall, Mr. President, Ambassador Azzarouk was brought in very early in the day on the basis of his past experience. He had been successful in acting as middleman in securing the release of one or two hostages before and I believe that was the reason. But I do recall in a conversation at the Senate Lounge where Senators Roco and Enrile were present, I think Chairman Nur Misuari said the money here is not Libyan but European, that Libya was merely acting as a conduit. In fact, Misuari said it is German. And from the literature that I have read, it seems to me that there is a very strong relationship between Germany and Libya. There are a number of German projects in Libya, and so this is a plausible explanation.

Now, Mr. President, does the use of foreign money to secure the release of foreign hostages, in the gentleman's view, constitute a policy on the part of the Philippine government to use ransom in these situations?

**Senator Pimentel.** I think, not explicitly. Although the government knows that ransom is being paid, and we are not objecting to it, implicitly, it looks like we are enunciating a policy of no ransom; but actually, as long as the money does not come from us, we tolerate it. But, as the gentleman knows, the fact alone that several millions of dollars have been paid in the last hostage crisis in Sulu has generated a host of problems for our country.

**Senator Tatad.** In the sense that the money has been used to procure arms?

**Senator Pimentel.** To procure arms and to give the impression that the Philippine government is unable, incapable and inept in solving a hostage situation typified by the Sipadan hostages.

**MOTION OF SENATOR TATAD  
(That the Senate Adopt a Resolution Expressing  
Full Support to the Estrada Administration  
in Suppressing the Abu Sayyaf)**

**Senator Tatad.** Because of that, Mr. President, we are all in support of this resolution. I would now join the distinguished gentleman from Mindanao in moving that the Senate

adopt a resolution, subject, of course, to style, and expressing full and unqualified support for the initiative of the Estrada administration in suppressing the Abu Sayyaf kidnapping-for-ransom activities in southern Philippines.

**Senator Pimentel.** Probably, Mr. President, including a phrase or so allowing some kind of a media coverage for the remaining days of the cleansing operation now going on in Sulu.

**The President.** Allowing media access subject to specific rules. There is a resolution so stated by the proponent and elaborated by the Majority Leader.

Senator Roco is recognized.

**Senator Roco.** I heard the Majority Leader say "full and unqualified support." While I support the sense of full support for the government objective here, the term "unqualified" should be modified to the extent that there may be violations of the rules of war. There may be acts that the Senate should be guarding against. I think to that extent, the sense, we agree.

**Senator Tatad.** Mr. President, I concur.

**Senator Roco.** Thank you, Mr. President.

**The President.** Remove the word "unqualified". All right. Is there any objection to the adoption of the resolution as proposed? [*Silence*] There being none, the motion is approved.

The Majority Leader is recognized.

**BILL ON SECOND READING  
S. No. 1742 — Lifting the Political Ad Ban  
(Continuation)**

**Senator Tatad.** Mr. President, I move that we now resume consideration of Senate Bill No. 1742 as reported out under Committee Report No. 71.

**The President.** Is there any objection? [*Silence*] There being none, the motion is approved. Resumption of consideration of Senate Bill No. 1742 is now in order.

**Senator Tatad.** We are still in the period of amendments. I ask that the distinguished sponsor, Sen. Raul S. Roco, be recognized.

**The President.** Sen. Raul S. Roco is recognized.

Senator Roco. Thank you, Mr. President. We have two small committee amendments, and we ask the permission of the Body to submit them now so that the individual amendments can come tomorrow with a very clean draft.

#### COMMITTEE AMENDMENTS

The first amendment, Mr. President, is on page 2, before Section 5, or between lines 21 and 22. I propose to insert a new section, to read as follows:

**SECTION 5. EQUAL ACCESS TO MEDIA SPACE AND TIME.** - ALL REGISTERED PARTIES AND *BONA FIDE* CANDIDATES SHALL HAVE EQUAL ACCESS TO MEDIA SPACE AND TIME. THE FOLLOWING GUIDELINES SHALL BE FOLLOWED SUBJECT TO THE RULES AND REGULATIONS TO BE ISSUED BY THE COMELEC:

1. PRINT ADVERTISEMENTS SHALL NOT EXCEED ONE-EIGHTH (1/8) PAGE, TWICE A WEEK PER NEWSPAPER, MAGAZINE, TABLOID OR OTHER PUBLICATIONS, DURING THE CAMPAIGN PERIOD.

2. THE TOTAL AIRTIME AVAILABLE FOR EACH REGISTERED PARTY AND *BONA FIDE* CANDIDATE WHETHER BY PURCHASE OR DONATION, SHALL NOT EXCEED A TOTAL OF ONE (1) MINUTE PER DAY PER TELEVISION OR RADIO STATION DURING THE CAMPAIGN PERIOD. THE UTILIZATION OF THE AIRTIME SHALL BE DETERMINED BY THE PARTY OR CANDIDATE.

There are two reasons for this proposal, Mr. President:

The first is, originally, the committee was inclined to just leave all these rules to the Comelec. But at the constant reminder from our colleagues, at least, in terms of space and time, it seemed more prudent to put it here. The other reason is parliamentary tactical. The House version already has a five-minute limitation per station, per radio or per TV station. That is a lot on a daily basis. So that if we have no corresponding version, it is difficult to argue against their five minutes. So I am suggesting a one minute hoping that we could, at the appropriate time, at least agree maybe to two or 2 1/2 or something like that. So that is the recommendation of the committee.

The President. Sen. Aquilino Q. Pimentel Jr. is recognized.

Senator Pimentel. Mr. President, would the gentleman kindly consider changing the phrase "SUBJECT TO THE RULES OF THE COMMISSION ON ELECTIONS" or wording to that effect?

Senator Roco. We can remove it. THE FOLLOWING GUIDELINES SHALL BE FOLLOWED. Period (.)

Senator Pimentel. Or if the gentleman would be pleased, perhaps, we can put AS MAY BE AMPLIFIED BY THE COMMISSION ON ELECTIONS. In other words, we will not allow them to restrict what we decide here subject to their authority or something.

Senator Roco. All right. Then we say, THE FOLLOWING GUIDELINES MAY BE AMPLIFIED ON BY THE COMELEC.

Senator Pimentel. Yes. That is correct. Thank you, Mr. President.

Senator Roco. We accept that amendment, Mr. President.

The President. Sen. Renato L. Compañero Cayetano is recognized.

Senator Cayetano. Mr. President, would the good gentleman from Camarines Sur accept some suggestions as a committee amendment?

Senator Roco. Of course, Mr. President.

Senator Cayetano. Mr. President, is it possible that not only in terms of time but also putting up a ceiling of the amount that may be spent for a political advertisement, in all forms of media, may be considered by the Chair so that later on we could look at it not only in terms of time but also in terms of ceiling in the amount that may be spent?

Senator Roco. Yes. It happens to be a separate section. It is the subsequent section. So certainly, the suggestions to that effect will be more than welcomed by the committee. But we can take it up in the subsequent section.

Senator Cayetano. Thank you, Mr. President.

The President. Just for the record. We are using as the basis the version of Senate No. 1742 containing the committee amendments as of August 28, 2000.

Senator Roco. That is correct, Mr. President, and we are hoping that tomorrow it will be therefore "As of September 18."

The President. Is there any objection? [Silence] There being none, the amendment is hereby approved.

Senator Roco. Thank you, Mr. President. Another new section immediately following which shall now be Section 6,

has already been inferred in prior sections but we thought it should be made specific. The new proposed Section 6 will read:

**SEC. 6. RIGHT TO REPLY.** - ALL REGISTERED PARTIES AND *BONA FIDE* CANDIDATES SHALL HAVE THE RIGHT TO REPLY TO CHARGES PUBLISHED AGAINST THEM. THE REPLY SHALL BE GIVEN PUBLICITY BY THE NEWSPAPER, TELEVISION AND/OR RADIO STATION WHICH FIRST PRINTED OR AIRED THE CHARGES WITH THE SAME PROMINENCE OR IN THE SAME PAGE OR SECTION OR IN THE SAME TIME SLOT AS THE FIRST STATEMENT.

As we stressed, by way of explanation, the three competing policy goals, Mr. President, are: (1) The right of the people to be informed.

(2) The freedom of the press; and

(3) The right of *bona fide* candidates not to be harassed.

And so when we look at it altogether, Mr. President, that is the intention of this right to reply. So, if we may get the consent of the Chamber, that is our final proposed amendment.

**The President.** Is there any objection to the proposed amendment by the committee? [*Silence*] There being none, the amendment is approved.

**MANIFESTATION OF SENATOR ROCO  
(For the Secretariat to Place the Committee on  
Electoral Reforms and People's Participation  
as the Sponsor of the Committee Report)**

**Senator Roco.** Thank you, Mr. President.

Now, just a correction that is administrative in character. After the committee report was first given out, subsequent to that after we had sponsored, we had divided the committee so that the committees that originally sponsored this were the Committee on Constitutional Amendments, Revision of Codes and Laws; and the Committee on Electoral Reforms and People's Participation.

In having divided the two committees, the Secretariat would be advised *mutatis mutandis* to therefore modify this in accordance with the new Rules. It is not a substantive matter, but the report is now by the Committee on Electoral Reforms and People's Participation and we do not need approval. It should have been done automatically. We will just call attention to it so that the committee can, in its revision as of September 19, be so advised.

**The President.** The Secretariat will note the manifestation of the sponsor.

**Senator Roco.** That is all, Mr. President.

**The President.** Before we close that, I assume that the amendment to the numbering of the sections should be necessary.

**MOTION OF SENATOR ROCO  
(To Renumber the Present Sections of S. No. 1742)**

**Senator Roco.** There should be an automatic motion to renumber the present Sections 5, 6, 7, 8, and 9 to whatever they become.

**The President.** Is there any objection? [*Silence*] There being none, the motion is approved.

**SUSPENSION OF CONSIDERATION OF S. NO. 1742**

**Senator Tatad.** Mr. President, that being the last proposal from the chairman, I move that we suspend consideration of Senate Bill No. 1742.

**The President.** Is there any objection? [*Silence*] There being none, the motion is approved. The period of committee amendments is hereby terminated, and consideration of Senate Bill No. 1742 is hereby suspended.

**Senator Roco.** Thank you, Mr. President.

**SPECIAL ORDERS**

**Senator Tatad.** Mr. President, I move that we transfer from the Calendar for Ordinary Business to the Calendar for Special Orders, Committee Report No. 45 on Senate Bill No. 1588, entitled

**AN ACT GRANTING THE DEPARTMENT OF  
JUSTICE THE AUTHORITY TO SETTLE  
MINOR CRIMINAL OFFENSES.**

**The President.** Is there any objection? [*Silence*] There being none, the motion is approved.

**BILL ON SECOND READING  
S. No. 1588 -- DOJ Authority to Settle Minor  
Criminal Offenses**

**Senator Tatad.** Mr. President I move that we consider Senate Bill No. 1588 as reported out under Committee Report No. 45.