

RECORD OF THE SENATE

TUESDAY, SEPTEMBER 27, 2005

OPENING OF THE SESSION

At 4:08 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

The President. The 24th session of the Senate in the Second Regular Session of the Thirteenth Congress is hereby called to order.

Let us all rise for the opening prayer to be led by Sen. Edgardo J. Angara, which will be read by Sen. Aquilino Q. Pimentel Jr.

Everybody rose for the prayer.

PRAYER

Senator Pimentel. This is the prayer of Senator Angara.

Lord, our Creator, we give thanks to You for blessing us with yet another day to work and be fruitful.

As we come together in session today, loving Father, I ask that You fill our hearts with inspiration, gratitude and appreciation for all of Your blessings.

Help us to be courageous and resilient in our work, ever mindful that our people rely on us, their lawmakers, to lead in reforming this land.

Grant unto us Your wisdom and Your guidance to make beneficial choices for the citizens of our country.

Teach us to become truly dutiful and humble servants of You and our people.

In the words of Mother Teresa:

Make us worthy, Lord, to serve our fellow-men throughout the world who live and die in poverty and hunger. Give them, through our hands, this day their daily bread, and by our understanding love, give peace and joy.

Amen.

ROLL CALL

The President. The Secretary will please call the roll.

The Secretary, reading:

Senator Edgardo J. Angara	**
Senator Joker P. Arroyo	Present
Senator Rodolfo G. Biazon	Present
Senator Compañera Pia S. Cayetano	**
Senator Miriam Defensor Santiago	Present
Senator Jinggoy Ejercito Estrada	Present
Senator Luisa "Loi" P. Ejercito Estrada	Present
Senator Juan Ponce Enrile	Present
Senator Juan M. Flavie	Present
Senator Richard J. Gordon	Present
Senator Panfilo M. Lacson	Present
Senator Manuel "Lito" M. Lapid	**
Senator Alfredo S. Lim	Present*
Senator M.A. Madrigal	Present
Senator Ramon B. Magsaysay Jr.	**
Senator Sergio R. Osmeña III	Present
Senator Kiko Pangilinan	Present
Senator Aquilino Q. Pimentel Jr.	Present
Senator Ralph G. Recto	Present
Senator Ramon Bong Revilla Jr.	Present
Senator Mar Roxas	Present
Senator Manny Villar	Present
The President	Present

The President. With 18 senators present, there is a quorum.

The Majority Leader is recognized.

ACKNOWLEDGMENT OF THE OFFICIAL VISIT OF STUDENTS AND INSTRUCTORS OF DR. FELIMON AGUILAR MEMORIAL COLLEGE; AND COUNCILOR ZALDY OCON OF CAGAYAN DE ORO CITY

Senator Pangilinan. Mr. President, we would like to place on record that the following are with us in the gallery: 120 third year college students from Dr. Felimon Aguilar Memorial College of Las Piñas City; Councilor Zaldy Ocon of Cagayan de Oro; and the students of Dr. Felimon Aguilar Memorial College who are with their instructors namely, Ma. Maria Nelisa Aton, Atty. Margaret Boot, Atty. Cynthia Soledad and Ed Garcia.

JOURNAL

Mr. President, I move that we dispense with the reading of the *Journal* of the 23rd session, September 26, 2005, and consider it approved.

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

* Arrived after the roll call

** On official mission

So I would say, Mr. President, that it is about time that we really exerted all our efforts to achieve the removal or elimination of the defects in the system to ensure that the result of the election in this country which, I think, is the main cause of political instability, will be achieved before the next election.

Senator Pimentel. There is no question about that. I join the distinguished gentleman in that concern.

Now, let me put into the *Record* that I received some suggestions that because of the extraordinary circumstances obtaining in the country today, the discussion of the budget should be tackled by the Senate Committee of the Whole. I do not know how that will strike our colleagues. But if we do that, the advantage is that we will begin to see the entirety of the budgetary requirements in one setting, as it were, rather than if this were taken up by various committees and subcommittees of the Senate.

Now, of course, the usual difficulty is to get a more serious discussion going, with follow-up questions by the senators if this is done instead of by a Committee of the Whole by the committees themselves because we have more leeway in the smaller committee levels, Mr. President.

But, in all honesty, I find some merit to that proposal that this Chamber should constitute itself as a Committee of the Whole and then tackle the entirety of the budgetary requirements of the government as presented by the House, Mr. President.

Senator Biazon. Of course, we may have to examine our scheduling of the deliberations as we consider the budget of each agency that will be brought before us. If there is sufficient time for that, I will support such a proposal, Mr. President.

Senator Pimentel. As a matter of fact, Mr. President, it just came to my mind that maybe instead of holding regular sessions, our regular sessions should focus on the budget already and then tackle the budget as a Committee of the Whole of the Senate. I mean, this is out of the ordinary, but we are living in extraordinary times also.

Senator Biazon. If there is a formal presentation of such a proposal, Mr. President, I tend to support such a proposal.

Senator Pimentel. Yes, we will discuss this with the Majority Leader, Mr. President, because, after all, I think there is no need to duplicate our work to show that we are working. If we devote the time of the Senate in tackling the budget as it comes from the House, I think we will have fulfilled our job. After all, it is the budget that really gives flesh and meaning to the acts of the government agencies. Without the budget, what are we talking about?

So, Mr. President, I will propose that to the Majority Leader at one point and probably, of course, to Senator Villar because that means that he will probably be the Floor Leader in that discussion at the very least, with the President of the Senate as the presiding officer.

Senator Biazon. I would like to thank the gentleman, Mr. President, for raising up again, awakening again the need for us to take a look at preserving the integrity of the electoral process in our country.

Thank you, Mr. President.

Senator Pimentel. Thank you, Mr. President.

The President. The Majority Leader is recognized.

MOTION OF SENATOR PANGILINAN
(Referral of Senator Pimentel's Privilege Speech together with the Interpellations to the Constitutional Amendments, Revision of Codes and Laws Committee)

Senator Pangilinan. Mr. President, since there are no other reservations. I move that we refer the privilege speech of Senator Pimentel, together with the interpellations thereon to the Committee on Constitutional Amendments, Revision of Codes and Laws.

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

SUSPENSION OF SESSION

Senator Pangilinan. Mr. President, I move that we suspend the session for one minute.

The President. Is there any objection? *[Silence]* There being none, the session is suspended for one minute.

It was 4:51 p.m.

RESUMPTION OF SESSION

At 4:52 p.m., the session was resumed.

The President. The session is resumed. The Majority Leader is recognized.

BILL ON SECOND READING
S. No. 1956 – Rental Reform Act of 2005
(Continuation)

Senator Pangilinan. Mr. President, I move that we resume consideration of Senate Bill No. 1956 as reported out under Committee Report No. 17.

human intervention can cause changes in the results of the election beginning with the preparation of the election returns.

Senator Pimentel. Absolutely, Mr. President. Let me just interject at this point that even at the precinct level, *napipervisyo tayong mga* national candidates because nobody cares for us. I mean, the election inspector who is, let us say, engaged by the political party concerned, his or her main function is to ensure that his/her mayor and the councilors or the governor are not cheated locally.

Senator Biazon. Yes, Mr. President.

Senator Pimentel. Frank Drilon? Never mind Frank Drilon, he will win all over. So never mind his votes. Nobody will take care of that as far as the election inspectors are concerned at the precinct level. Therefore, if they have a very well-oiled, let us say, cheating machine, the cheating can begin at the precinct which, to my knowledge, was done in the last presidential elections.

Senator Biazon. Mr. President, we know the defects in the system. We probably also know the solutions to correct these defects in the system brought about by human frailties and human intentions, for example. What can the Legislature do to contribute towards the attainment of the correction of these defects?

Senator Pimentel. I think Congress has already, more or less, done its job subject perhaps to some modifications like ensuring that we acquire the state-of-the-art machinery, for example, to automate our electoral process. But I think Congress should also put its foot down on anomalies that are done or attributable to the Commission on Elections. I think *kailangang masampolan itong mga member ng* Commission on Elections. We either file impeachment proceedings against them or file directly with the Ombudsman criminal cases for dereliction of duty or some such anomalies in the performance of their duties. I know that this is a little questionable because conventional wisdom taught us in the law school that these people, like the members of the Commission on Elections, can only be removed by impeachment.

Senator Biazon. That is correct, Mr. President.

Senator Pimentel. I have made some research on U.S. jurisprudence which says that impeachable officials may also be charged criminally, the idea being that nobody is above the law. So if we cannot do it through impeachment, we can file criminal cases against them, which I have done incidentally.

Senator Biazon. Mr. President, if I remember correctly, the total modernization package for the electoral process was costing anywhere from a little more than P3 billion. If the gentleman remembers right?

Senator Pimentel. Yes, Mr. President.

Senator Biazon. Right. There is now a proposed budget for the year 2006, and we received information that there is earmarked in the submitted proposed national budget about P8 billion "to heal the wounds of EDSA."

Would the gentleman consider, for example, a realignment of that P8-billion budget if the equipment bought by Comelec and already paid for by the Republic of the Philippines cannot be used because of certain technical and legal impediments?

The fact that, according to the gentleman from Cagayan de Oro, these pieces of equipment are already outmoded anyway, would the gentleman consider supporting a proposition that part of that P8-billion "healing the wounds of EDSA" budget be realigned for purposes of procuring these pieces of equipment within next year? If we are going to procure equipment to modernize the electoral process, it must have to be done not later than next year because 2007 will only be around the corner.

So the question is: Would the gentleman consider, for example, a realignment of that proposed P8-billion "healing the wounds of EDSA" budget for the purchase of new equipment?

Senator Pimentel. Mr. President, I have it on good authority, the authority of Sen. Manny Villar, that the only wound that needs to be healed is the wound that Gloria carries around as President of the nation. Remove her and the wound is gone. So I do not think that needs P8 billion to do it.

But in any event, Mr. President, before we plow another huge amount into the coffers of the Comelec, I think Congress must demand an accounting from the Comelec *muna*. "*Ano ang ginawa ninyo rito sa perang ibinigay sa inyo?*" And then we should ask them to justify the disbursements of those funds because otherwise, we might only be sinking good money after bad, if we do not make sure that we can trust the people there in the Comelec to do what is right for our people.

Senator Biazon. Mr. President, maybe the Committee on Rules may try to examine the last remarks of the gentleman from Cagayan de Oro, whether or not on the basis of that last remark we can refer these interpellations to the appropriate committee to do just that—to ask an accounting of the expenditure of these funds by Comelec towards its modernization—because, indeed, we may be running out of time if we again suffer this question of illegitimacy of people who may be elected again in 2007. It may not just be a question of political instability that we will again witness and have to contend with, but it may even be more serious than that.

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

Senator Osmeña III. That is the extent of my amendments. I would like to thank the good sponsor.

Senator Biazon. I would like to thank the gentleman from Cebu for providing a refinement to this proposed law, Mr. President.

AMENDMENT OF THE CHAIR

The President. Would the sponsor consider a grammatical amendment on page 1, line 4? Instead of the word "FOR", it should be OF—"...continuing program OF encouraging..." Just a matter of style.

Senator Biazon. It is accepted, Mr. President.

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

Is there any other amendment, Mr. Majority Leader?

Senator Osmeña III. Just a reminder, Mr. President, if I may. In the title, the word "RENTALS" should be amended, to read "RENT."

The President. It has been amended in the version of September 19, Senator Osmeña.

Senator Biazon. It is so indicated by those marks, Mr. President.

The President. All right. The Majority Leader is recognized.

Senator Pangilinan. I believe the Minority Leader has some amendments, Mr. President.

The President. The Minority Leader is recognized.

SUSPENSION OF SESSION

Senator Pangilinan. Mr. President, I move that we suspend the session for one minute.

The President. Is there any objection? *[Silence]* There being none, the session is suspended for one minute.

It was 4:58 p.m.

RESUMPTION OF SESSION

At 4:59 p.m., the session was resumed.

The President. The session is resumed.

Senator Pangilinan. Mr. President, the Minority Leader no longer wishes to propose his amendment after conferring with the sponsor of the measure. Since there are no other reservations, I move that we terminate the period of amendments.

The President. Is there any objection? *[Silence]* There being none, the period of amendments is hereby terminated.

Senator Biazon. Thank you, Mr. President.

APPROVAL OF S. NO. 1956 ON SECOND READING

Senator Pangilinan. Mr. President, I move that we vote on Second Reading on Senate Bill No. 1956, as amended.

The President. Is there any objection? *[Silence]* There being none, we shall now vote on Second Reading on Senate Bill No. 1956, as amended.

As many as are in favor of the bill, say *aye*.

Several Members. *Aye.*

The President. As many as are against the bill, say *nay* *[Silence]*

The *ayes* have it; Senate Bill No. 1956, as amended, is approved on Second Reading.

SUSPENSION OF CONSIDERATION OF S. NO. 1956

Senator Pangilinan. Mr. President, I move that we suspend consideration of the measure.

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

SUSPENSION OF SESSION

Senator Pangilinan. Mr. President, I move that we suspend the session for one minute.

The President. Is there any objection? *[Silence]* There being none, the session is suspended for one minute.

It was 5:00 p.m.

RESUMPTION OF SESSION

At 5:53 p.m., the session was resumed.

The President. The session is resumed.