



REPUBLIC OF THE PHILIPPINES  
**Senate**  
Pasay City

# Journal

**SESSION NO. 64**  
Tuesday, March 11, 2014

**SIXTEENTH CONGRESS**  
**FIRST REGULAR SESSION**

**SESSION NO. 64**  
Tuesday, March 11, 2014

**CALL TO ORDER**

At 3:16 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

**PRAYER**

The Body observed a minute of silent prayer.

**ROLL CALL**

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

Angara, S.	Honasan, G. B.
Aquino, P. B. IV B.	Lapid, M. L. M.
Binay, M. L. N. S.	Legarda, L.
Cayetano, A. P. C. S.	Poe, G.
Drilon, F. M.	Recto, R. G.
Ejercito, J. V. G.	Revilla Jr., R. B.
Enrile, J. P.	Sotto III, V. C.
Estrada, J.	Trillanes IV, A. F.
Guingona III, T. L.	Villar, C. A.

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

Senators Cayetano (P), Escudero and Osmeña arrived after the roll call.

Senators Defensor Santiago, Marcos and Pimentel were on official mission.

**DEFERMENT OF APPROVAL  
OF THE JOURNAL**

Upon motion of Senator Cayetano (A), there being no objection, the Body deferred to a later day the consideration and approval of the Journal of Session No. 63 (March 10, 2014) to give the senators ample time to submit their written explanation of their vote on Senate Bill No. 1733, the People's Right to Information Act of 2013.

**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. 2164, entitled

AN ACT QUALIFYING THE CRIME OF  
LIBEL COMMITTED AGAINST  
PUBLIC OFFICERS OR PUBLIC  
FIGURES, AMENDING FOR THIS  
PURPOSE ARTICLE 354 AND 361  
OF ACT NO. 3815, AS AMENDED,  
OTHERWISE KNOWN AS THE  
"REVISED PENAL CODE" AND  
CONSEQUENTLY SECTION 4  
PARAGRAPH C, SUBPARAGRAPH

4 OF REPUBLIC ACT NO. 10175,  
OTHERWISE KNOWN AS THE  
CYBERCRIME PREVENTION ACT  
OF 2012

Introduced by Senator Sonny Angara

**To the Committees on Justice and Human  
Rights; and Public Information and Mass Media**

Senate Bill No. 2165, entitled

AN ACT DESIGNATING PHILIPPINE  
NATIONAL PERFORMING ARTS  
COMPANIES, DEFINING THEIR  
ROLES AND FUNCTIONS AS SUCH,  
AND APPROPRIATING FUNDS  
THEREFOR

Introduced by Senator Sonny Angara

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

Senate Bill No. 2166, entitled

AN ACT PROVIDING FOR THE MAGNA  
CARTA OF STUDENT-ATHLETES

Introduced by Senator Cayetano (P)

**To the Committees on Education, Arts and  
Culture; and Games, Amusement and Sports**

### RESOLUTION

Proposed Senate Resolution No. 562, entitled

RESOLUTION DIRECTING THE COM-  
MITTEE ON BANKS, FINANCIAL  
INSTITUTIONS AND CURRENCIES  
TO CONDUCT AN ASSESSMENT,  
IN AID OF LEGISLATION, ON THE  
IMPLEMENTATION OF THE ANTI-  
MONEY LAUNDERING ACT OF  
2011 (R.A. 9160), AS AMENDED BY  
R.A. 9194 (2003), R.A. 10167 (2012)  
AND R.A. 10365 (2013), FOR THE  
PURPOSE OF DETERMINING  
CHALLENGES AND ISSUES IN THE  
ENFORCEMENT OF THE COUNTRY'S  
ANTI-MONEY LAUNDERING  
REGIME, WITH THE END IN VIEW

OF RECOMMENDING FURTHER  
MEASURES TO PROMOTE EFFICIENT  
COMPLIANCE WITH THE LAW  
AND TO STRENGTHEN THE ANTI-  
MONEY LAUNDERING REGIME

Introduced by Senator Guingona III

**To the Committee on Banks, Financial  
Institutions and Currencies**

### PROPOSED SENATE RESOLUTION NO. 559

With the permission of the Body, upon motion of  
Senator Cayetano (A), the Body considered Proposed  
Senate Resolution No. 559, entitled

RESOLUTION CONGRATULATING AND  
COMMENDING ANGELI DIONE  
BARBAS GOMEZ FOR HONORING  
THE PHILIPPINES WITH THE  
MISS TOURISM INTERNATIONAL  
2013-2014 TITLE IN PUTRAJAYA,  
MALAYSIA ON 31 DECEMBER 2013.

Secretary Yabes read the text of the resolution  
to wit:

WHEREAS, the Philippine Senate has on  
several occasions paid tribute to outstanding  
Filipinos for bringing home pride and glory to  
the country by reaping awards in international  
events and competitions;

WHEREAS, 20-year old *Mutya ng Pilipinas*  
Tourism International 2013 title holder Angeli  
Dione Barbas Gomez made the country proud  
when she won the 17<sup>th</sup> Miss Tourism International  
crown on 31 December 2013, at Putrajaya,  
Malaysia, beating 59 other candidates from all  
over the world;

WHEREAS, Miss Tourism International is  
an annual New Year's Eve beauty pageant that  
"serves as a platform to educate and promote  
tourism and cultural exchange among the  
participating beauty queens";

WHEREAS, by being crowned this year's  
Miss Tourism International, Angeli Dione Gomez  
showed the world the excellence of Filipino  
beauty;

WHEREAS, the honor earned by our Filipino  
beauty queen deserves to be commended.

NOW, THEREFORE, BE IT RESOLVED, as it  
is hereby resolved by the Senate of the

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Philippines, To congratulate and commend Angeli Dione Barbas Gomez for honoring the Philippines with the Miss Tourism International 2013-2014 title in Putrajaya, Malaysia on 31 December 2013.

#### **ADOPTION OF PROPOSED SENATE RESOLUTION NO. 559**

Upon motion of Senator Cayetano (A), there being no objection, the Body adopted Proposed Senate Resolution No. 559, subject to style.

#### **SUSPENSION OF SESSION**

Upon motion of Senator Cayetano (A), the session was suspended to allow the senators to congratulate Ms. Angeli Dione Barbas Gomez.

*It was 3:23 p.m.*

#### **RESUMPTION OF SESSION**

At 3:29 p.m., the session was resumed.

#### **ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS**

At this juncture, Senator Cayetano (A) acknowledged the presence in the gallery of the following guests:

- Pete Dacuycuy, PR consultant and adviser, and Vicky Bugayong, administrative assistant of Mutya ng Pilipinas, Inc.;
- Iloilo City Press Corps members, namely: Head of Delegation Lydia Pendon (Manila Times/Sun.StarNetwork/Philippine News Agency), Runelyn Jamolo (Radyo ng Bayan Iloilo), Joel Franco (RMN 774), Rodgen Losbañes (Bombo Radyo), Ramonito Capilihan (Super Radyo DYSI), Evelyn Josue (IBC TV 12), Glenda Sologastoa (Panay News), Montessa Caoyonan (The Metropolitan Times), Rafael Tillafflor, Jr. (News Express), Joselito Villasis (Hublas nga Kamatuoran); Josephine P. Agudo of the Iloilo City Mayor's Office; and Lucy Montealto-Sinay and Richard Sombrero of the Iloilo City Public Information Office (PIO);
- Delegates from Central Luzon Media

Association, Nueva Ecija Chapter headed by Mel DC Ciriaco;

- Students from Polytechnic University of the Philippines (PUP) Parañaque, headed by Paula Macatangay;
- Students from the College of Arts and Letters of the University of Rizal System (URS) in Angono, Rizal;
- Japanese delegates from Meiji University, namely: Aya Hikami, Hidenori Kiyamoto, Masahiro Ogawa, Toshiyuki Ouchi, Megumi Takagi, Teruhisa Komuro, and Satoshi Tada, accompanied by Bien de Guzman and Arthur Archie Tiu of De La Salle University College of Law;
- Students from Ramon Magsaysay Technical University College of Law in Zambales; and
- Mr. John Peter F. Marzan, ABC President of *the Liga ng mga Barangay* in Pateros City.

#### **COMMITTEE REPORT NO. 20 ON HOUSE BILL NO. 353 (Continuation)**

Upon motion of Senator Cayetano (A), there being no objection, the Body resumed consideration, on Second Reading, of House Bill No. 353 (Committee Report No. 20), entitled

**AN ACT MANDATING THE TELECOMMUNICATIONS SERVICE PROVIDERS TO SEND FREE MOBILE ALERTS IN THE EVENT OF NATURAL AND MAN-MADE DISASTERS AND CALAMITIES.**

Senator Cayetano (A) stated that the parliamentary status was still the period of interpellations.

Thereupon, the Chair recognized Senator Revilla, sponsor of the measure.

#### **SUSPENSION OF SESSION**

Upon motion of Senator Cayetano (A), the session was suspended.

*It was 3:33 p.m.*

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**RESUMPTION OF SESSION**

At 3:34 p.m., the session was resumed.

**MANIFESTATION OF SENATOR SOTTO**

Expressing support for the passage of the measure, Senator Sotto said that in consultation with Senator Enrile, the Minority would no longer interpellate given the importance of the measure in light of the many natural calamities besetting the country.

**TERMINATION OF THE PERIOD OF INTERPELLATIONS**

There being no interpellation, upon motion of Senator Cayetano (A), there being no objection, the Body closed the period of interpellations and proceeded to the period of committee amendments.

**TERMINATION OF THE PERIOD OF COMMITTEE AMENDMENTS**

There being no committee amendment, upon motion of Senator Cayetano (A), there being no objection, the Body closed the period of committee amendments and proceeded to the period of individual amendments.

**MANIFESTATION OF SENATOR CAYETANO (A)**

Senator Cayetano (A) manifested that he would introduce Senator Legarda's proposed amendments which he was adopting as his own.

**SUSPENSION OF SESSION**

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

*It was 3:35 p.m.*

**RESUMPTION OF SESSION**

At 3:39 p.m., the session was resumed.

**WITHDRAWAL OF MANIFESTATION**

Following his consultation with Senator Legarda and the Sponsor, Senator Cayetano (A) said that he was withdrawing his earlier manifestation.

**TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS**

There being no individual amendment, upon motion of Senator Cayetano (A), there being no objection, the Body closed the period of individual amendments.

**APPROVAL OF HOUSE BILL NO. 353 ON SECOND READING**

Submitted to a vote, there being no objection, House Bill No. 353 was approved on Second Reading.

**SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 353**

Upon motion of Senator Cayetano (A), there being no objection, the Body suspended consideration of the bill.

**COMMITTEE REPORT NO. 21 ON HOUSE BILL NO. 3187**

*(Continuation)*

Upon motion of Senator Cayetano (A), there being no objection, the Body resumed consideration, on Second Reading, of House Bill No. 3187 (Committee Report No. 21), entitled

AN ACT GRANTING COTABATO LIGHT AND POWER COMPANY A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN A DISTRIBUTION SYSTEM FOR THE CONVEYANCE OF ELECTRIC POWER TO THE END-USERS IN THE CITY OF COTABATO AND PORTIONS OF THE MUNICIPALITIES OF DATU ODIN SINSUAT AND SULTAN KUDARAT, BOTH IN THE PROVINCE OF MAGUINDANAO.

Senator Cayetano (A) stated that the parliamentary status was the period of interpellations.

Thereupon, the Chair recognized Senator Revilla, sponsor of the measure.

**TERMINATION OF THE PERIOD OF INTERPELLATIONS**

There being no interpellation, upon motion of

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Senator Cayetano (A), there being no objection, the Body closed the period of interpellations and proceeded to the period of amendments.

#### **TERMINATION OF THE PERIOD OF AMENDMENTS**

There being no committee or individual amendment, upon motion of Senator Cayetano (A), there being no objection, the Body closed the period of amendments.

#### **APPROVAL OF HOUSE BILL NO. 3187 ON SECOND READING**

Upon motion of Senator Cayetano (A), there being no objection, House Bill No. 3187 was approved on Second Reading.

#### **SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 3187**

Upon motion of Senator Cayetano (A), there being no objection, the Body suspended consideration of the bill.

#### **MANIFESTATION OF SENATOR CAYETANO (A)**

Senator Cayetano (A) informed the Body that Senate Bill No. 2138 (streamlining the jurisdiction of the Sandiganbayan) would not be taken up that day to give the members more time to study the measure.

#### **COMMITTEE REPORT NO. 19 ON SENATE BILL NO. 27**

*(Continuation)*

Upon motion of Senator Cayetano (A), there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 27 (Committee Report No. 19), entitled

#### **AN ACT TO EFFECTIVELY INSTILL HEALTH CONSCIOUSNESS THROUGH PICTURE-BASED WARNINGS ON TOBACCO PRODUCTS.**

Senator Cayetano (A) stated that the parliamentary status was still the period of interpellations.

Thereupon, the Chair recognized Senator Cayetano (P), sponsor of the measure.

#### **SUSPENSION OF SESSION**

Upon motion of Senator Cayetano (A), the session was suspended.

*It was 3:43 p.m.*

#### **RESUMPTION OF SESSION**

At 3:45 p.m., the session was resumed.

#### **INTERPELLATION OF SENATOR ESCUDERO**

At the outset, Senator Escudero stated that he was in favor of the bill but had concerns on some of its transitory provisions.

Asked whether Section 5 (*Picture-based Health Warning*) meant that cigarette packages without graphic health warnings could no longer be sold 90 days after the effectivity of the Act, Senator Cayetano (P) replied in the affirmative. She explained that Section 10 (*Prohibition on Sales*) mandates cigarette manufacturers and distributors to remove all their displays of non-compliant tobacco products within 120 days from the effectivity of the law; on the other hand, under Section 15 (*Picture-Based Health Warning Guidelines*), the Department of Health (DOH) would issue a template of picture-based health warnings to be used by the cigarette manufacturers 30 days after the bill is enacted into law. She added that the DOH will come up with a new set of picture-based health warning templates every year.

Asked if Section 15 mandates cigarette companies to print picture-based health warnings on their product packages two months after the DOH issues the templates of the same, Senator Cayetano (P) replied in the affirmative, but she stated that the Committee would be open to the request of the manufacturers for a reasonable transition timeline. She said that despite some very unreasonable recommendations when she initially sponsored the bill, the four cigarette companies in the country have expressed their support for the measure and merely asked that they be given a specific period for compliance.

Adverting to Section 10 (*Prohibition on Sales*), Senator Escudero asked whether the cigarette manufacturers would have to comply 120 days after the effectivity of the Act even if there is a 30-day

deadline for the DOH to come up with the templates. Senator Cayetano (P) explained that the prohibition could be tagged to the other periods so that if the templates for the pictures are released, the cigarette manufacturers would not be shortchanged on the transition time for the printing and production of the same. She assured that the provision was not intended to put the manufacturers in a situation where it would be difficult for them to comply. She also surmised that the old cigarette stocks sold in *sari-sari* stores would most likely have been consumed before the new stock with the new graphic warnings would be sold. Senator Escudero expressed his intention to propose recommendations to reconcile or make more consistent reference to either the effectivity of the Act or the issuance by the DOH of its picture-based warning.

Asked whether the printing of the picture-based health warnings by the DOH would also apply to tobacco products sold for export, Senator Cayetano (P) replied that the provision would be modified during the period of amendments to exclude tobacco exports.

Given the minimum display and prohibition on small packages, Senator Escudero asked whether cigarettes should then be sold only under certain packages, as he noted that there are cigarettes sold in sachets of five or packs of 10 despite the mandate under the National Internal Revenue Code that it should be sold in packs of 20s. Senator Cayetano (P) clarified that it was not the intention of the bill to interfere with the marketing or production decision of the companies, but that the practice of selling cigarettes in sticks should not be used as a means to circumvent the law. She recalled issuing a warning to the manufacturer during the hearing that if they sell cigarettes in smaller quantities or packages, she would propose a provision requiring a flap in the packaging to ensure that a picture-based warning is still displayed.

Senator Escudero noted that one of the reasons why smoking has proliferated among the youth is that the Philippines is the only country in the world where one can buy cigarettes — repackaged in small bottles or plastic containers without any label or marking — on a per-stick basis in *sari-sari* stores and by ambulant cigarette vendors. Senator Cayetano (P) said that the bill, if it is intended to be a health measure, should stop the selling of cigarettes by the stick. She acknowledged that the proposal might be construed as an interference with the commercial discretion of cigarette companies on how to sell their

products, but she maintained that a provision to that effect could be upheld because in many countries, cigarette prices have been raised precisely to make it difficult for young children to purchase them. She admitted that cigarette sale practices were not covered by the bill, only that the package must contain graphic warning, whether sold by stick or by pack.

Asked if the bill prohibits *sari-sari* stores from repackaging cigarettes or placing them in bottled or plastic containers, Senator Cayetano (P) replied that the bill has provisions which require that the tobacco product must always be in a packaging that prominently displays the graphic warning. She said that even if the bill cannot explicitly prohibit the transfer or repackaging of the cigarettes to another container, it can explicitly provide that the graphic warning must be visibly and prominently displayed.

Asked by Senator Escudero whether cigarettes manufactured abroad and exported to the Philippines must be compliant with the DOH-issued picture-based warning, Senator Cayetano (P) replied in the affirmative, pointing out that Philippine-made cigarettes exported to Thailand and Singapore are compliant with the graphic warnings required by the laws of said countries.

Asked by Senate President Drilon whether Philip Morris cigarettes, for instance, that are exported to Thailand and Singapore already contain graphic warnings, Senator Cayetano (P) replied in the affirmative. She recalled that in the previous Congress, when the cigarette manufacturers expressed their difficulty in providing picture-based warnings, the Committee pointed out to them that they were already capable of doing so because the cigarettes which they exported to other countries already included graphic warnings. She said that eventually, the cigarette manufacturers did not raise any objection to the proposal on picture-based warning.

Asked by Senator Escudero if it was discussed during the committee deliberations the possibility of other countries raising this issue as a non-tariff barrier to trade by citing, for instance, WTO and JPEPA provisions, Senator Cayetano (P) replied in the negative, pointing out that many of the Philippines' neighboring countries already have picture-based warning requirement.

At this juncture, Senator Cayetano (P) showed to the Body a sample of a pack of cigarettes with

graphic warning manufactured by Philip Morris Philippines in Tanauan, Batangas, for export to Thailand.

To the observation that the period for compliance with the rotational picture-based warning policy to be implemented by the DOH on a year-to-year basis should be relaxed, Senator Cayetano (P) said that the reason for the yearly rotation is to prevent people from being desensitized when they see the same pictures all the time. She said that the intention of the bill is to keep the pictures fresh so that one would always get shocked by the dangers that smoking does to the human body.

At this point, Senator Escudero requested the Committee to provide him with data on a reasonable period that could be used to apply the provisions of the law, including information submitted by those favoring a shorter period and those suggesting a longer period of transition, so that he could find reason and basis for proposing a period that is justifiable and acceptable to all concerned.

Senator Cayetano (P) said that she would provide Senator Escudero with the information. She added that the Committee would also put a timeline on the bill so that everyone could understand the entire process starting from the DOH up to the manufacturing and to the visibility of the graphic pictures, taking into account the retail side.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 27**

Upon motion of Senator Cayetano (A), there being no objection, the Body suspended consideration of the bill.

#### **CHANGE OF REFERRAL**

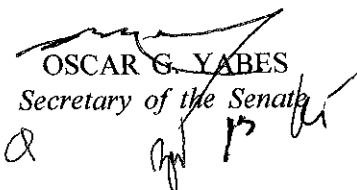
Upon motion of Senator Cayetano (A), there being no objection, the Body approved the change of referral of Senate Bill No. 1358 (hazard allowance for science and technology personnel in government) from the Committee on Civil Service and Government Reorganization to the Committee on Science and Technology.

#### **ADJOURNMENT OF SESSION**

Upon motion of Senator Cayetano (A), there being no objection, the Chair declared the session adjourned until three o'clock in the afternoon of the following day.

*It was 4:05 p.m.*

I hereby certify to the correctness of the foregoing.

  
OSCAR G. YABES  
Secretary of the Senate

Approved on March 12, 2014