



**REPUBLIC OF THE PHILIPPINES**  
**Senate**  
Pasay City

# **Journal**

**SESSION NO. 72**  
Monday, May 19, 2014

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

**SESSION NO. 72**  
Monday, May 19, 2014

**CALL TO ORDER**

At 3:11 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

**PRAYER**

Sen. Paolo Benigno “Bam” B. Aquino IV led the prayer, to wit:

*Amang Makapangyarihan,*

*Nagpapasalamat kami sa araw na Inyong ibinigay sa amin at sa mga biyang aming natatanggap sa araw-araw.*

*Sa simula ng linggong ito, bigyan po Ninyo kami ng kalakasan ng katawan, tamang pag-iisip at mabuting puso upang maisakatuparan ang aming tungkulin sa Inang Bayan.*

*Nawa’y patuloy kaming maging daan ng Inyong pagmamahal, katotohanan at karunungan.*

*Idinadalangin po namin ang aming kapwa Pilipino, sa patuloy na pag-unlad ng ating bansa, na bawat Pilipino ang siyang makaranas ng pag-asensong ito.*

*Patuloy rin po Ninyong pagtibayin ang samahan ng aming mga pamilya, mga komunidad at ng buong bayan.*

*Lahat po ng ito ay iniaalay namin sa kadakilaan ng Inyong pangalan.*

Amen.

**NATIONAL ANTHEM**

The Naval Architecture and Marine Engineering Institute (NAMEI) Polytechnic Institute Glee Club led the singing of the national anthem and thereafter rendered the song, entitled “*Tunay na Ligaya.*”

**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.	Marcos Jr., F. R.
Cayetano, P. S.	Osmeña III, S. R.
Drilon, F. M.	Pimentel III, A. K.
Ejercito, J. V. G.	Poe, G.
Enrile, J. P.	Recto, R. G.
Escudero, F. J. G.	Revilla Jr., R. B.
Estrada, J.	Sotto III, V. C.
Guingona III, T. L.	Villar, C. A.

With 22 senators present, the Chair declared the presence of a quorum.

Senator Trillanes was on official mission abroad.

Senator Defensor Santiago was on indefinite qualified medical leave as indicated in her letter dated May 14, 2014.

## APPROVAL OF THE JOURNAL

Upon motion of Senator Cayetano (A), there being no objection, the Body dispensed with the reading of the Journal of Session No. 71 (May 14, 2014) and considered it approved.

## APPROVAL OF SENATE BILL NO. 2138 ON THIRD READING

Upon motion of Senator Cayetano (A), there being no objection, the Body considered, on Third Reading, Senate Bill No. 2138, printed copies of which were distributed to the senators on May 13, 2014.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Cayetano (A), there being no objection, Secretary Yabes read only the title of the bill, to wit:

AN ACT FURTHER AMENDING  
PRESIDENTIAL DECREE NO. 1606,  
AS AMENDED.

Secretary Yabes called the roll for nominal voting.

## RESULT OF THE VOTING

The result of the voting was as follows:

### *In favor*

Angara	Lapid
Aquino	Legarda
Binay	Marcos
Cayetano (A)	Osmeña
Cayetano (P)	Pimentel
Drilon	Poe
Ejercito	Recto
Escudero	Revilla
Guingona	Sotto
Honasan	Villar

### *Against*

None

### *Abstention*

Enrile  
Estrada

With 20 senators voting in favor, none against,

and two abstentions, the Chair declared Senate Bill No. 2138 approved on Third Reading.

## EXPLANATIONS OF VOTE

*By Senator Guingona*

Senator Guingona explained that he cast and affirmative vote because based on the latest report in December 2013, there were 2,862 cases in the Sandiganbayan that still needed to be resolved. He said that as legislators, it is their duty to give substance to the will of the people through legal and administrative reforms, and that while he originally wanted a more expanded court by increasing the number of Sandiganbayan justices and divisions as embodied in Senate Bill No. 472, he acknowledged that the current amendments to the Sandiganbayan law would ensure that the court could act more quickly on the hearing of pending cases before it. He stated, nonetheless, that he would still pursue the necessary reforms for the Sandiganbayan.

*By Senator Cayetano (A)*

Senator Cayetano (A) explained that he voted in favor of the bill in the belief that the role of the Judiciary is indispensable not only in dispensing justice but also in ensuring the eradication of graft and corruption in the country. Saying that speed is also an element aside from fairness, he said that his support for the bill was without prejudice to other reforms that the Supreme Court and Congress should consider, for instance, the creation of special criminal courts or the enactment of measures that would fund the courts to empower them to deal with the number of cases and the enormity of the problem of corruption in the country.

## MANIFESTATION OF SENATOR PIMENTEL

Senator Pimentel observed that it has been the practice in the Senate that during the Third Reading, a description of the bill is made prior to its submission for approval. He suggested that the full title of the bill be instead read for the third time in conformity with the requirements of the Constitution. In response, Senator Cayetano (A) explained that upon motion of the Majority Leader, the Senate President usually asks the Secretary to read the title of the bill, while in cases of resolutions, with the permission of the Body, both the title and the body are sometimes read. He also emphasized that such practice is so stated in the scenarios that are prepared for the day.

## APPROVAL OF SENATE BILL NO. 1831 ON THIRD READING

Upon motion of Senator Cayetano (A), there being no objection, the Body considered, on Third Reading, Senate Bill No. 1831, printed copies of which were distributed to the senators on March 13, 2014.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Cayetano (A), there being no objection, Secretary Yabes read only the title of the bill, to wit:

AN ACT EXTENDING THE CORPORATE LIFE OF THE PHILIPPINE NATIONAL RAILWAYS FOR ANOTHER FIFTY (50) YEARS, FURTHER AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 4156, ENTITLED "AN ACT CREATING THE PHILIPPINE NATIONAL RAILWAYS, PRESCRIBING ITS POWERS, FUNCTIONS AND DUTIES, AND PROVIDING FOR THE NECESSARY FUNDS FOR ITS OPERATIONS", AS AMENDED.

Secretary Yabes called the roll for nominal voting.

### RESULT OF THE VOTING

The result of the voting was as follows:

#### *In favor*

Angara	Honasan
Aquino	Lapid
Binay	Legarda
Cayetano (A)	Marcos
Cayetano (P)	Osmeña
Drilon	Pimentel
Ejercito	Poe
Enrile	Recto
Escudero	Revilla
Estrada	Sotto
Guingona	Villar

#### *Against*

None

#### *Abstention*

None

With 22 senators voting in favor, none against, and no abstention, the Chair declared Senate Bill No. 1831 approved on Third Reading.

## ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Cayetano (A) acknowledged the presence in the gallery of farmers who are members of the *Kilusan para sa Ugnayan ng mga Samahang Magniniyog* headed by Oscar "Ka Oca" Santos, former congressman from Quezon Province and former chair of the Philippine Coconut Authority. He stated that they are representing several coconut farmers groups and that they have filed a bill to create a special trust fund and board that would handle the coco levy fund.

Senate President Drilon welcomed the guests to the Senate.

## MANIFESTATION OF SENATOR VILLAR

At this juncture, Senator Villar informed the coconut farmers and the Body that her committee held its first hearing on the bill regarding the disposition of the coco levy fund in Davao del Sur. She said the bill is currently being studied by the committee's technical working group and that, hopefully, it would be passed in the next session.

## MANIFESTATION OF SENATOR CAYETANO (A)

Senator Cayetano (A) congratulated Senator Estrada and the Senate Defenders team for winning the basketball game against the LGU Vanguards which enabled them to qualify for the quarterfinals of the UNTV Cup Season 2.

Responding to the queries of Senate President Drilon and Senator Recto, Senator Angara said that the Senate Defenders have won three games that might not be too impressive but was nonetheless unexpected from the team.

## REFERENCE OF BUSINESS

The Secretary of the Senate read the following matters and the Chair made the corresponding referrals:

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**MESSAGE FROM THE  
HOUSE OF REPRESENTATIVES**

Letter from the Secretary General of the House of Representatives, informing the Senate that on 12 May 2014, the House of Representatives passed the following House bills, in which it requested the concurrence of the Senate:

House Bill No. 1001, entitled

AN ACT PROVIDING FOR THE ESTABLISHMENT OF A DISTRICT HOSPITAL IN THE MUNICIPALITY OF SANTA ELENA, PROVINCE OF CAMARINES NORTE AND APPROPRIATING FUNDS THEREFOR

**To the Committees on Health and Demography; and Finance**

House Bill No. 1246, entitled

AN ACT ESTABLISHING A SATELLITE OFFICE OF THE LAND TRANSPORTATION OFFICE (LTO) IN THE MUNICIPALITY OF IROSIN, SORSOGON AND APPROPRIATING FUNDS THEREFOR

**To the Committees on Public Services; and Finance**

House Bill No. 2028, entitled

AN ACT ESTABLISHING A LAND TRANSPORTATION OFFICE (LTO) DISTRICT OFFICE IN THE CITY OF ANTIPOLLO, PROVINCE OF RIZAL AND APPROPRIATING FUNDS THEREFOR

**To the Committees on Public Services; and Finance**

House Bill No. 2095, entitled

AN ACT CONVERTING THE LAND TRANSPORTATION OFFICE (LTO) EXTENSION OFFICE LOCATED IN THE MUNICIPALITY OF STA. MARIA, PROVINCE OF BULACAN INTO A REGULAR LTO DISTRICT

OFFICE, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

**To the Committees on Public Services; and Finance**

House Bill No. 2188, entitled

AN ACT ESTABLISHING A LAND TRANSPORTATION OFFICE (LTO) DISTRICT OFFICE IN THE CITY OF BAYBAY, PROVINCE OF LEYTE AND APPROPRIATING FUNDS THEREFOR

**To the Committees on Public Services; and Finance**

House Bill No. 3217, entitled

AN ACT CONVERTING THE KABACAN LAND TRANSPORTATION OFFICE (LTO) EXTENSION OFFICE IN THE MUNICIPALITY OF KABACAN, PROVINCE OF COTABATO INTO A REGULAR LTO DISTRICT OFFICE

**To the Committees on Public Services; and Finance**


House Bill No. 4117, entitled

AN ACT DECLARING APRIL 27 OF EVERY YEAR A SPECIAL NON-WORKING HOLIDAY IN THE CITY OF LAPU-LAPU IN HONOR OF THE HEROISM OF LAPU-LAPU AGAINST FERDINAND MAGELLAN DEPICTED IN THE HISTORIC BATTLE OF MACTAN

**To the Committee on Local Government**

House Bill No. 4118, entitled

AN ACT DECLARING OCTOBER 26 OF EVERY YEAR A SPECIAL NON-WORKING HOLIDAY IN THE PROVINCE OF CATANDUANES TO BE KNOWN AS THE FOUNDATION DAY OF CATANDUANES



**To the Committee on Local Government**

House Bill No. 4119, entitled

AN ACT DECLARING JULY 4 OF EVERY YEAR A SPECIAL NON-WORKING HOLIDAY IN THE CITY OF CADIZ, PROVINCE OF NEGROS OCCIDENTAL IN COMMEMORATION OF ITS CHARTER DAY ANNIVERSARY

**To the Committee on Local Government**

House Bill No. 4120, entitled

AN ACT DECLARING MARCH 31 OF EVERY YEAR A SPECIAL NON-WORKING HOLIDAY IN THE CITY OF PANABO, PROVINCE OF DAVAO DEL NORTE TO BE KNOWN AS PANABO CITY DAY

**To the Committee on Local Government**

House Bill No. 273, entitled

AN ACT CONVERTING THE BAYAWAN CITY LAND TRANSPORTATION OFFICE (LTO) EXTENSION OFFICE INTO A REGULAR LTO DISTRICT OFFICE

**To the Committees on Public Services; and Finance**

House Bill No. 540, entitled

AN ACT ESTABLISHING A DISTRICT OFFICE OF THE LAND TRANSPORTATION OFFICE (LTO) IN THE CITY OF BACOOR, PROVINCE OF CAVITE AND APPROPRIATING FUNDS THEREFOR

**To the Committees on Public Services; and Finance**

House Bill No. 577, entitled

AN ACT ESTABLISHING A LAND TRANSPORTATION OFFICE IN THE MUNICIPALITY OF NABUNTURAN,

COMPOSTELA VALLEY PROVINCE AND APPROPRIATING FUNDS THEREFOR

**To the Committees on Public Services; and Finance**

House Bill No. 652, entitled

AN ACT CONVERTING THE EXTENSION OFFICE OF THE LAND TRANSPORTATION OFFICE IN THE MUNICIPALITY OF SANCHEZ MIRA, PROVINCE OF CAGAYAN INTO A REGULAR DISTRICT OFFICE, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

**To the Committees on Public Services; and Finance**

House Bill No. 4121, entitled

AN ACT DECLARING OCTOBER 24 OF EVERY YEAR A SPECIAL NON-WORKING HOLIDAY IN THE MUNICIPALITY OF PILI, PROVINCE OF CAMARINES SUR IN COMMEMORATION OF THE FEAST DAY OF ITS PATRON SAINT, ST. RAPHAEL, THE ARCHANGEL, TO BE KNOWN AS THE MUNICIPALITY OF PILI DAY

**To the Committee on Local Government**

House Bill No. 4122, entitled

AN ACT DECLARING THE THIRD FRIDAY OF OCTOBER OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY OF BAUNGON, PROVINCE OF BUKIDNON TO BE KNOWN AS ARAW NG BAUNGON

**To the Committee on Local Government**

House Bill No. 4125, entitled

AN ACT DECLARING THE NORTHWEST PANAY PENINSULA LOCATED IN THE MUNICIPALITIES OF NABAS, MALAY AND BURUANGA,

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PROVINCE OF AKLAN AND IN THE MUNICIPALITIES OF LIBERTAD AND PANDAN, PROVINCE OF ANTIQUE AS A PROTECTED AREA UNDER THE CATEGORY OF NATURAL PARK, PROVIDING FOR ITS MANAGEMENT

**To the Committees on Environment and Natural Resources; and Finance**

House Bill No. 4146, entitled

AN ACT INCREASING THE PRESCRIPTIVE PERIOD FROM FIFTEEN (15) YEARS TO THIRTY (30) YEARS FOR THE VIOLATION OF REPUBLIC ACT NO. 3019, OTHERWISE KNOWN AS THE "ANTI-GRAFT AND CORRUPT PRACTICES ACT," AMENDING SECTION 11 THEREOF

**To the Committee on Justice and Human Rights**

House Bill No. 4147, entitled

AN ACT RATIONALIZING AND STRENGTHENING THE PROBATION SYSTEM, AMENDING FOR THE PURPOSE THE PERTINENT PROVISIONS OF PRESIDENTIAL DECREE NO. 968, OTHERWISE KNOWN AS THE "PROBATION LAW OF 1976," AS AMENDED

**To the Committee on Justice and Human Rights**

and House Bill No. 3984, entitled

AN ACT ALLOWING THE FULL ENTRY OF FOREIGN BANKS IN THE PHILIPPINES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7721

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

**BILLS ON FIRST READING**

Senate Bill No. 2225, entitled

AN ACT AMENDING TITLE I, CHAPTER 3,

OF EXECUTIVE ORDER NO. 209, OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES, PRESCRIBING AN ADDITIONAL GROUND FOR ANNULMENT

Introduced by Senator Legarda

**To the Committee on Women, Family Relations and Gender Equality**

Senate Bill No. 2227, entitled

AN ACT EXEMPTING MARGINAL INCOME EARNERS FROM INCOME TAX, VALUE ADDED TAX AND PERCENTAGE TAX AMENDING FOR THAT PURPOSE THE PERTINENT PROVISIONS OF REPUBLIC ACT NO. 8424, OTHERWISE KNOWN AS THE NATIONAL INTERNAL REVENUE CODE OF 1997, AS AMENDED, AND FOR OTHER PURPOSES

Introduced by Senator Paolo Benigno "Bam" Aquino IV

**To the Committee on Ways and Means**

**RESOLUTIONS**

Proposed Senate Resolution No. 648, entitled

RESOLUTION EXPRESSING THE PROFOUND SYMPATHY AND SINCERE CONDOLENCES OF THE SENATE ON THE DEATH OF OLYMPIAN ANTHONY N. VILLANUEVA

Introduced by Senator Maria Lourdes Nancy S. Binay

**To the Committee on Rules**

Proposed Senate Resolution No. 649, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED

PS

**ESCALATION OF ORGANIZED  
CRIME SYNDICATES ENGAGED  
IN SEXTORTION IN THE COUNTRY**

Introduced by Senator Maria Lourdes Nancy  
S. Binay

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

Proposed Senate Resolution No. 650, entitled

**RESOLUTION DIRECTING THE PROPER  
SENATE COMMITTEES TO CONDUCT  
AN INQUIRY, IN AID OF LEGIS-  
LATION, ON THE REPORTED  
INCIDENT IN CEBU OF A  
NEWBORN CHILD WHOSE MOUTH  
WAS COVERED WITH TAPE BY  
AN ATTENDING NURSE**

Introduced by Senator Maria Lourdes Nancy  
S. Binay

**To the Committees on Health and Demo-  
graphy; and Youth**

Proposed Senate Resolution No. 651, entitled

**RESOLUTION DIRECTING THE COM-  
MITTEE ON YOUTH TO CONDUCT  
AN INVESTIGATION, IN AID OF  
LEGISLATION, ON THE EXPLOIT-  
ATION AND ABUSE OF MINORS  
BY CYBERSEX SYNDICATES AND  
THE RAMPANT SPREAD OF  
ONLINE CHILD PORNOGRAPHY**

Introduced by Senator Paolo Benigno "Bam"  
Aquino IV

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

Proposed Senate Resolution No. 652, entitled

**RESOLUTION DIRECTING THE APPRO-  
PRIATE SENATE COMMITTEES TO  
CONDUCT AN INQUIRY, IN AID  
OF LEGISLATION, ON THE SEA-  
WORTHINESS OF VESSELS TO  
ENSURE SAFE AND EFFICIENT  
OPERATIONS IN ORDER TO AVOID  
MARITIME ACCIDENTS WHICH**

**HAVE PLAGUED THE PHILIPPINE  
SEAS IN THE PAST DECADES**

Introduced by Senator Paolo Benigno "Bam"  
Aquino IV

**To the Committee on Public Services**

**COMMITTEE REPORT**

Committee Report No. 29, prepared and submitted jointly by the Committees on Education, Arts and Culture; and Games, Amusement and Sports, on Senate Bill No. 2226, with Senators Defensor Santiago, Cayetano (P.), Cynthia A. Villar and Members of the Committees as authors thereof, entitled

**AN ACT PROTECTING THE AMATEUR  
NATURE OF STUDENT-ATHLETES  
IN THE PHILIPPINES BY REGULAT-  
ING THE RESIDENCY REQUIRE-  
MENT AND PROHIBITING THE  
COMMERCIALIZATION OF  
STUDENT-ATHLETES,**

recommending its approval in substitution of Senate Bill Nos. 1252 and 2166.

Sponsor: Senator Cayetano (P.)

**To the Calendar for Ordinary Business**

**INQUIRY/MANIFESTATION  
OF SENATOR REVILLA**

Asked by Senator Revilla how his vote on Senate Bill No. 2138 was recorded, the Chair replied that it was in the affirmative.

Senator Revilla requested that his affirmative vote be changed to an abstention.

**SUSPENSION OF SESSION**

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

*It was 3:40 p.m.*

**RESUMPTION OF SESSION**

At 3:43 p.m., the session was resumed.

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

Senator Cayetano (A) stated that according to the Secretariat, Senator Revilla's vote was recorded in the affirmative and that the result of the voting had already been announced. He explained that under the Rules, a senator who voted in the affirmative is allowed to move for the reconsideration.

Recognizing the circumstances of Senator Revilla and his office and since the result of the voting was already announced, Senator Cayetano (A) noted that Senator Revilla only wanted to put on record that his intention was to abstain.

Senator Revilla concurred with the manifestation of Senator Cayetano (A).

## **INSTRUCTION OF THE CHAIR**

Thereupon, Senate President Drilon instructed the Secretariat to reflect in the record that Senator Revilla intended to abstain from the voting.

## **SUSPENSION OF SESSION**

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

*It was 3:44 p.m.*

## **RESUMPTION OF SESSION**

At 3:46 p.m., the session was resumed.

## **SPECIAL ORDER**

Upon motion of Senator Cayetano (A), there being no objection, the Body approved the transfer of Committee Report No. 29 on Senate Bill No. 2226 from the Calendar for Ordinary Business to the Calendar for Special Orders.

## **COMMITTEE REPORT NO. 29 ON SENATE BILL NO. 2226**

Upon motion of Senator Cayetano (A), there being no objection, the Body considered, on Second Reading, Senate Bill No. 2226 (Committee Report No. 29), entitled

### **AN ACT PROTECTING THE AMATEUR NATURE OF STUDENT-ATHLETES**

### **IN THE PHILIPPINES BY REGULATING THE RESIDENCY REQUIREMENT AND PROHIBITING THE COMMERCIALIZATION OF STUDENT-ATHLETES.**

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, with the permission of the Body, upon motion of Senator Cayetano (A), only the title of the bill was read without prejudice to the insertion of its full text into the Record of the Senate.

The Chair recognized Senator Cayetano (P) for the sponsorship.

## **SPONSORSHIP SPEECH OF SENATOR CAYETANO (P)**

Senator Cayetano (P) presented to the Body Senate Bill No. 2226, otherwise known as the Student-Athletes Protection Act of 2014.

*The full text of Senator Cayetano's sponsorship speech follows:*

I rise today in my unrelenting pursuit to protect the rights and freedoms of student-athletes in our country. In the past, I have battled against rulings that impede our country's sports development. And today, I train the spotlight on a great abuse of authority which threatens our youth's participation in competitive sports as well as their right to quality education.

In connection with this, I rise today to sponsor Senate Bill No. 2226 under Committee Report No. 29, entitled "An Act Protecting the Amateur Nature of Student-Athletes in the Philippines by Regulating the Residency Requirement and Prohibiting the Commercialization of Student-Athletes."

This coming school year ushers in a new batch of college freshmen desirous of achieving higher education in the course of further developing themselves, and among these young hopefuls are student-athletes.

One would think that the student-athletes would have the pick of schools. But this is not the case for many of them as their right to choose the school they want to study in is restricted by the residency rules imposed by athletic associations.

What is a residency rule? It is a rule that requires a student-athlete who transfers from one school to another to sit out the incoming school year; in some cases, more than one school year, two

*Jo*

years. In other words, "*bangko*." *Ibabangko siya* for one or two years.

These kinds of residency rules are being imposed on students who transfer from high school to college, students who transfer from college to college, and students within high schools.\*

During our numerous hearings and consultations, it was established that athletes thrive during competition. And to deprive an athlete of this, to bench them for a significant period could be damaging to their physical development as well as their emotional and mental state.

It is also clear that the residency rules were meant to address piracy. In fact, this is the root of the problem. I agree that piracy, when it includes the offer of extravagant luxuries to student athletes, should be prohibited. We must remember that a right to quality education is enshrined in the Constitution. The right to choose one's school, given that a student complies with the requirements should also not be impaired. Residency rules may, in fact, control piracy to some extent, but to sacrifice a student-athlete's right and well-being in exchange? While the vast majority of student-athletes are not similarly situated, all of these student-athletes pay the price of being benched for two years should they deem it in their best interest to study in a school other than the school they came from.

Pirating outstanding athletes from high school to college has become rampant because of offers of extravagant luxuries. Student-athletes should not bear the burden of problems that schools, athletic associations, even alumni impose upon themselves.

Case in point is swimmer Mikee Bartolome who graduated high school from UST and went to UP for college. She had long dreamt to study in UP more so because her siblings are currently studying there. In fact, one is also a swimmer, a member of the varsity and her father works for the UP's coaching staff. However, Mikee's previous high school did not release her which meant she could not represent UP in any of the UAAP's swimming competition. Left with no choice, Mikee had to go to court to fight for her right to study in UP and to compete at the same time.

Fortunately, the court rendered its decision and granted a TRO in favor of Mikee, in time for her to compete. However, come competition day, Mikee was boycotted by some member-schools of the UAAP which instructed their swimmers to either not show up or to remain on the blocks when the whistle was blown. Mikee mustered all the strength that she had and she still competed.

With tears on her face while swimming, she won the swimming competition that day and was thereafter greeted and congratulated by other student-athletes including her former teammates who boycotted her and did not join the competition.\*

This just shows that the problems lie not with the student-athletes but maybe with the parents, maybe the coaching staff, maybe the alumni, the school officials and the athletic associations. What price did Mikee have to bear? She was humiliated, she was tortured and she swam despite the emotional baggage that she carried. Are these the values that we want to teach the youth?\*

Aside from Mikee, there are other athletes who are suffering because of these residency rules. Some high school athletes who were not initially taken by their university should have had the freedom to play for another university. Instead, they were not released by their school and were parked in the university's Team B or Team C. God willing that these athletes would soar and don another uniform. But no, that would not be allowed so the school has deemed it necessary to park the students instead of molding them into the student leaders that they could be. They would rather clip their wings and park them in a training team.\*

We should be outraged by the traumatic experiences that these student-athletes have to go through. There are many of them but they abide by these rules because they are afraid. In some cases, there are student-athletes who choose to sit out on the bench for two years. Why? Because they have a younger sibling still in the high school who would lose their high school scholarship or who would incur the ire of the high school if the older sibling would fight for his right to play for the university of his choice.\*

So there are many situations where it is very clear that so many of the student-athletes are suffering. By doing nothing, these deplorable incidents stand to be repeated again and again, under the continued enforcements by various athletic associations of the so-called residency rules.

I am heartened by the support from some athletic associations and individual schools. Nevertheless, the problem has reached all corners of the country and with the opening of a new school year, it is my simple desire that the student-athletes get what they deserve — the opportunity to study and play in the school of their choice. Everyone has the right to education and the student-athlete should not be stripped of such right and freedom of choice the moment he wears his jersey.

\*As corrected by Sen. Cayetano (P) on May 20, 2014

\*As corrected by Sen. Cayetano (P) on May 20, 2014

## **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2226**

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

## **MOTION TO CONSIDER HOUSE BILL NO. 4084**

Senator Cayetano (A) moved that the Body resume consideration, on Second Reading, of House Bill No. 4084 (Committee Report No. 27), entitled

**AN ACT GRANTING PHILIPPINE  
CITIZENSHIP TO ANDRAY BLATCHE.**

## **SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 3:56 p.m.*

## **RESUMPTION OF SESSION**

At 4:14 p.m., the session was resumed.

## **WITHDRAWAL OF MOTION**

Senator Aquino withdrew the motion to resume consideration of House Bill No. 4084.

## **COMMITTEE REPORT NO. 19 ON SENATE BILL NO. 27 (Continuation)**

Upon motion of Senator Aquino, 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 Aquino stated that the parliamentary status was still the period of interpellations.

Thereupon, the Chair recognized Senator Cayetano (P), sponsor of the measure, and Senator Enrile for the continuation of his interpellation.

## **INTERPELLATION OF SENATOR ENRILE (Continuation)**

At the outset, Senator Enrile pointed out the two punitive remedies embodied in the measure, namely, (1) the filing of a criminal case; and (2) the filing of an administrative case for any violations of the law. He pointed out that the penalties for both criminal and administrative offenses, which are punitive in nature, are in the form of fines.

At this juncture, Senator Enrile cited two provisions in the measure, to wit:

### *Section 16 (Administrative Power):*

The filing of an administrative case for an act constituting a violation of the administrative regulations to be issued by the DOH shall not preclude the simultaneous or subsequent filing of criminal charges for the same act constituting a violation under this Act, through criminal proceedings authorized under Section 14 of this Act. In the same manner, neither shall the filing of criminal charges preclude the filing of administrative cases.

### *Section 18 (Citizen Suits)*

The administrative, civil and criminal actions allowed under this section shall be alternative and cumulative and shall not preclude any other person from filing a similar action.

Asked whether the aforementioned provisions do not violate double jeopardy as defined under the Bill of Rights of the Constitution, Senator Cayetano (P) replied that sufficient jurisprudence would point out that double jeopardy only applies to criminal proceedings, thus, the filing of different cases in different jurisdictions would not constitute double jeopardy. Asked for authoritative jurisprudence by the Supreme Court of the Philippines on the matter, she said that the judicial records are replete with cases where both administrative and criminal cases are filed in regular courts. She nevertheless agreed to submit examples of cases of this nature.

Asked to clarify the meaning of the phrase "alternative and cumulative" in Section 18, Senator Cayetano (P) explained that the phrase meant that a case may be filed in either venue, for instance, an administrative case at the administrative level or a criminal case before the regular courts.

Senator Enrile said that he would understand if

*P*

administrative cases are filed against civil servants who violate certain laws or those who fail to perform their duties in enforcing the law. He then asked if administrative cases would also apply to manufacturers, importers, wholesalers or even itinerant vendors of cigarettes. Senator Cayetano (P) replied that there are other agencies like the DTI and the FDA that handle administrative cases especially as regards consumer complaints even if they do not involve erring officials. She stated that both the DTI and the FDA receive complaints from private individuals, for instance, with respect to adulterated foods and labeling problems, among others.

Senator Enrile asked whether there are cases where violators have been charged both criminally and administratively, and subsequently fined or imprisoned for their violations. He further requested examples of cases where a combination of criminal and administrative charges were filed. He expressed doubt that an administrative agency could commit a person to lose his liberty. Senator Cayetano (P) assured that the data would be submitted as requested.

The Chair asked Senator Cayetano (P) whether an administrative case would constitute a prejudicial question that can suspend the criminal case, as is the rule in civil cases pending while the criminal case is being undertaken. Senator Cayetano (P) explained that during the initial crafting of the bill, concerns were raised as regards possible cases that might get stuck at the administrative level, and the recommendation was to allow separate civil or criminal cases to proceed.

Senator Enrile said that his understanding of lines 13 to 18 on page 10 is that for the same act, the complainant would file both criminal and administrative cases against the erring manufacturers, importers or wholesaler. He noted that Section 16 authorizes the filing of either criminal or administrative charge or both, and that years later, one can file a criminal case for the same act because either priorly or subsequently, some administrative or criminal charge could be filed either way.

Senator Enrile also noted that administrative, civil and criminal actions allowed under Section 18 shall be alternative and cumulative, and he asked how the word "cumulative" relates to the provision on penalties for non-compliance. Senator Cayetano (P) replied that the intent of the provision was to ensure that other remedies are available in different forums despite the

pendency of administrative cases. She clarified that there was no intention to create confusion or to give the impression that the accused could be harassed with multiple suits. At the proper time, she said that amendments could be made to further clarify the provision.

Relative thereto, Senator Enrile stated that second paragraph of Section 17 is, in effect, a legislative authorization for agents of the DOH to conduct searches without warrants, and to file criminal charges as well. Senator Cayetano (P) replied that under the FDA law and other existing laws, the FDA and health authorities have always had the authority to conduct inspections of any facility that concerns health, whether hospitals, restaurants, food manufacturing or cosmetic and drug manufacturing facilities. She maintained that the DOH and its authorized agents have the right to conduct inspections on establishments within its jurisdiction, on any matter relating to health. She pointed out that this has been ongoing and is directly related to issuance of permits and licenses to do business. She said that the agency does not have to wait for a report because conducting such inspections is a task incumbent upon it. She said that she has consistently deplored the lack of inspection agents available to the FDA because as a consequence it has been unable to visit all the establishments under its jurisdiction. She disclosed that the trend in the past years has been toward self-regulation, with the company submitting documentary evidence of their compliance which the agency would validate in their inspection process.

Senator Enrile agreed that health inspectors generally inspect sanitation in food establishments, markets or restaurants, especially during outbreaks of intestinal diseases like dysentery, cholera, typhoid and others. However, he pointed out that tobacco products are not carriers of infectious diseases, but are regulated because the resulting diseases that they cause are long term in gestation.

Senator Cayetano (P) replied that with more reason, additional attention should be given in funding inspectors to prevent the spread of infectious diseases. She assured that the provision would be further reviewed because she would not want the implementing agency to be focusing on defending the constitutionality of the provisions instead of focusing on the law's implementation.

Adverting to lines 32 and 33 of page 10, and lines 1 and 2 of page 11, Senate President Drilon

asked if the sample obtained in the course of the inspection, as described in the receipt issued by the inspector, could be used as evidence in a criminal case. Senator Cayetano (P) replied that it is a current practice by the FDA. However, she said that she has yet to find out if it would be admitted as valid evidence or just the fruit of a poisonous tree.

Since the bill would authorize local government employees to inspect the establishments, Senator Enrile suggested that everyone who would perform such inspections should be recorded, indicating their purpose as well, so that nobody would be using that authority for unnecessary and illegal purposes.

Senator Cayetano (P) recalled that when she was a practicing lawyer with BFAD, now FDA, evidence acquired during inspection are presented in administrative cases. She added that in a counterfeit case, which is both criminal and civil in nature, samples obtained in inspections are also utilized after consultation with an FDA representative. Senator Enrile requested for sample cases where a combination of administrative, criminal and judicial fines are obtained simultaneously or cumulatively.

Senator Cayetano (P) cited the case of *Addition Hills Mandaluyong Civic and Social Organization, Inc. vs. Megaworld Properties and Holdings, Inc.*, G.R. No. 175039, April 18, 2012, wherein the case of *Republic vs. Lacap*, G.R. No. 158253, March 2, 2007, was quoted as regards exceptions on the doctrine of exhaustion of administrative remedies and the related doctrine of primary jurisdiction, to wit:

“Nonetheless, the doctrine of exhaustion of administrative remedies and the corollary doctrine of primary jurisdiction, which are based on sound public policy and practical considerations, are not inflexible rules. There are many accepted exceptions, such as: (a) where there is estoppel on the part of the party invoking the doctrine; (b) where the challenged administrative act is patently illegal, amounting to lack of jurisdiction; (c) where there is unreasonable delay or official inaction that will irretrievably prejudice the complainant; (d) where the amount involved is relatively small so as to make the rule impractical and oppressive; (e) where the question involved is purely legal and will ultimately have to be decided by the courts of justice; (f) where judicial intervention is urgent; (g) when its application may cause great and irreparable damage; (h) where the controverted acts violate due pro-

cess; (i) when the issue of non-exhaustion of administrative remedies has been rendered moot; (j) when there is no other plain, speedy and adequate remedy; (k) when strong public interest is involved; and, (l) in *quo warranto* proceedings.”

Asked whether the cases arose from the filing of a criminal charge simultaneously with the administrative case which would impose a fine and an equally punitive sanction, Senator Cayetano (P) replied that in the case she read the court was reiterating doctrines over the years that have allowed for the exception to the rule. She said that she did not have the facts but that she would be happy to research more on the specific cases and the remedies available and would report it to the Body.

At this juncture, Senator Enrile requested to suspend his interpellation on the bill.

## INQUIRY OF THE CHAIR

Asked by the Chair if Senators Cayetano (P) and Enrile would continue with the interpellation on Senate Bill No. 27 the following day, Senator Enrile that he would do so on the condition that Senator Cayetano (P) furnishes him with the documents of the specific cases mentioned earlier.

Senator Cayetano (P) said that she would gladly produce the documents.

## SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 27

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

## CHANGE OF REFERRAL

Upon motion of Senator Angara, there being no objection, the Body approved the transfer of the referral of Senate Bill No. 2124 (ICT Education Act of 2014) from the Committee on Education, Arts and Culture to the Committee on Science and Technology.

Senator Angara moved for the transfer of the referral of Senate Bill No. 1971 (amending Section 4, Fisheries and Aquatic Resources Municipal Water Act) from the Committee on Agriculture and Food to the Committee on Local Government.

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The Chair inquired if the referral of Senate Bill No. 1971 was consistent with the rules governing committee jurisdictions. Senator Angara explained that the change of referral was requested by Senator Villar because it pertains to municipal waters and territory under local government units.

### **SUSPENSION OF SESSION**

Upon motion of Senator Angara, the session was suspended.

*It was 4:53 p.m.*

### **RESUMPTION OF SESSION**

At 4:54 p.m., the session was resumed.

Thereupon, the Chair deferred the transfer of the referral of Senate Bill No. 1971.

In view thereof, Senator Angara withdrew his motion.

### **CHANGE OF REFERRALS**

Upon motion of Senator Angara, there being no objection, the Chair approved the transfer of the referrals of the following Senate bills to the Committee

on Public Works as the primary committee, and to the Committee on Justice and Human Rights as the secondary committee:


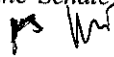
1. Senate Bill No. 2145 (Acquisition of Right of Way); and
2. Senate Bill No. 2180 (Procedure for Acquisition of Right of Way).

### **ADJOURNMENT OF SESSION**

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

*It was 4:56 p.m.*

I hereby certify to the correctness of the foregoing.

  
OSCAR G. YABES  
Secretary of the Senate  


Approved on May 20, 2014