



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 74
Wednesday, May 21, 2014

**SIXTEENTH CONGRESS
FIRST REGULAR SESSION**

SESSION NO. 74
Wednesday, May 21, 2014

CALL TO ORDER

At 3:13 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

PRAYER

Sen. Alan Peter "Compañero" S. Cayetano led the prayer, to wit:

"Whoever is slow to anger is better than the mighty, and he who rules his spirit than he who takes a city."

Proverbs 16:32

Lord, Father God,

We lift up to You our nation; we lift up to You our work; we lift up to You our President; we lift up to You the Supreme Court and the Senate.

We ask, Lord Father God, that we will have a humble spirit. We ask, Lord Father God, that we, especially our people, even our media, will act not out of anger, act out of reason, and that we will be able to find a way out of all these chaos.

We ask also, Lord, that this Chamber will be able to do its work, will be able to deliver the bills, the resolutions, the services that our people need, especially as rainy season and as classes start.

Lord, as we lift up to You ourselves, we ask for Your forgiveness, for Your mercy and for Your blessing upon this nation. We lift this up to You, in Jesus' Mighty Name.

Amen.

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.	Lapid, M. L. M.
Binay, M. L. N. S.	Legarda, L.
Cayetano, A. P. C. S.	Marcos Jr., F. R.
Cayetano, P. 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.	Villar, C. A.
Honasan, G. B.	

With 17 senators present, the Chair declared the presence of a quorum.

Senators Escudero, Osmefia and Pimentel arrived after the roll call.

Senators Aquino and Guingona were on official mission.

Senator Trillanes was likewise on official mission abroad.

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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. 73 (May 20, 2014) and considered it approved.

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. 2233, entitled

AN ACT STRENGTHENING THE SUGARCANE INDUSTRY BY ESTABLISHING THE SUGARCANE INDUSTRY DEVELOPMENT FUND, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Legarda

To the Committees on Agriculture and Food; Government Corporations and Public Enterprises; Ways and Means; and Finance

Senate Bill No. 2234, entitled

AN ACT PROVIDING FOR THE DEVELOPMENT AND PROMOTION OF FARM TOURISM IN THE PHILIPPINES AND FOR OTHER PURPOSES

Introduced by Senator Joseph Victor Ejercito

To the Committees on Agriculture and Food; Tourism; and Ways and Means

Senate Bill No. 2235, entitled

AN ACT AMENDING SECTIONS 443, 454, 463 AND 477 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS "THE LOCAL GOVERNMENT

CODE OF 1991", AND FOR OTHER PURPOSES

Introduced by Senator Marcos Jr.

To the Committees on Local Government; and Public Works

RESOLUTIONS

Proposed Senate Resolution No. 654, entitled

RESOLUTION URGING THE APPROPRIATE SENATE COMMITTEE TO REVIEW, IN AID OF LEGISLATION, THE PROLIFERATION OF CYBER EXTORTION OR BLACKMAILING IN THE INTERNET WITH THE INTENTION OF STRENGTHENING AND TIGHTENING EXISTING RELEVANT LAWS AND PROTECTING WOMEN, CHILDREN AND INNOCENT VICTIMS

Introduced by Senator Grace Poe

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

Proposed Senate Resolution No. 655, entitled

RESOLUTION DIRECTING THE COMMITTEE ON ACCOUNTABILITY OF PUBLIC OFFICERS AND INVESTIGATIONS (BLUE RIBBON COMMITTEE) TO RE-OPEN THE INQUIRY, IN AID OF LEGISLATION, ON THE P728-MILLION FERTILIZER FUND SCAM IN LIGHT OF RECENT DEVELOPMENTS AND REVELATIONS WITH REGARD TO THE FOLLOWING: (1) THE DISMISSAL BY THE OMBUDSMAN OF THE CASE AGAINST FORMER PRESIDENT GLORIA MACAPAGAL-ARROYO FOR THE ALLEGED MISUSE OF THE FERTILIZER FUND; (2) VITAL INFORMATION ON THE SCAM NEWLY REVEALED BY WITNESSES; AND (3) THE ALLEGED INVOLVEMENT OF JANET LIM-NAPOLES AND HER CO-CONSPIRATORS IN THE SCAM

Introduced by Senator Cayetano (A. P.)

To the Committee on Accountability of Public Officers and Investigations

Proposed Senate Resolution No. 656, entitled

RESOLUTION DIRECTING THE COMMITTEE ON GAMES, AMUSEMENT AND SPORTS, AND OTHER APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE SAFETY STANDARDS AND PRACTICES BEING IMPLEMENTED IN THE COUNTRY'S BOXING EVENTS WITH THE END IN VIEW OF ENSURING THE SAFETY OF OUR FILIPINO BOXERS

Introduced by Senator Lapid

To the Committee on Games, Amusement and Sports

Proposed Senate Resolution No. 657, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE IMPENDING TUITION FEE INCREASES IN EDUCATIONAL INSTITUTIONS NATIONWIDE

Introduced by Senator Maria Lourdes Nancy S. Binay

To the Committee on Education, Arts and Culture

Proposed Senate Resolution No. 658, entitled

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

Introduced by Senator Maria Lourdes Nancy S. Binay

To the Committee on Health and Demography

COMMUNICATION

Petition from the Pambansang Kilusan ng mga Samahan ng Magsasaka, et al. RE: INDIRECT INITIATIVE TO ENACT NATIONAL LEGISLATION ENTITLED "AN ACT TO SPUR RURAL DEVELOPMENT IN THE COCONUT SECTOR BY ESTABLISHING THE COCONUT FARMERS' TRUST FUND, PROVIDING FOR THE MANAGEMENT THEREOF AND FOR OTHER PURPOSES".

To the Committee on Agriculture and Food

INQUIRY OF SENATOR ESTRADA

Asked by Senator Estrada when the Malampaya probe would start, Senator Cayetano (A) replied that the probe, which was supposed to start the following day, has been postponed and that he did not know when it would be rescheduled. He said that like Senator Estrada, he too was disappointed when he learned that the probe was postponed.

On the reason for the postponement of the Malampaya probe, Senator Cayetano (A) said that according to news reports, the chairperson of COA will not be available on the aforementioned date, but he pointed out that committee hearings cannot depend only on one resource person because whether it is the PDAF scam or the Malampaya fund scam, in both cases, the COA, DOJ and Mrs. Napoles will be summoned. He stated that he was not privy if there are other reasons for its postponement. He said that he would communicate with Senator Guingona regarding the schedule of the Blue Ribbon Committee hearing.

PRIVILEGE SPEECH OF SENATOR LEGARDA

Availing herself of the privilege hour, Senator Legarda delivered the following speech as the international community will be commemorating the International Day for Biological Diversity on May 22, 2014:

THE STATE OF BIODIVERSITY IN THE PHILIPPINES

The Philippines is one of the megadiverse countries, a group of nations hosting two-thirds of the earth's biodiversity and about 70% to 80% of the world's plant and animal species. It also ranks fifth in the number of plant species, fourth in bird endemism, fifth in mammal endemism, and maintains five percent of the world's flora. A lot

more await to be discovered even as we now have one of the highest rates of discovery of new species in the world.

These numbers, however, should not give us a false sense of complacency. Great challenges face us in the task of protecting and preserving our rich biodiversity.

The international community will mark the International Day for Biological Diversity tomorrow. I deliver this speech amid all the political tensions and all the various problems facing our country and our world today. It offers an opportune time for us to reflect on glaring issues that face us today – food security, water quality and supply, disasters, climate change and global warming. All these are relevant to biodiversity.

We are all consumers and we contribute to the decline of the world's resources because of our insatiable demand for new things. One is never enough for many of us.

The rate of extraction and consumption is way faster than the rate at which the Earth can replenish its resources.

This is consistent with the Millennium Ecosystems Assessment, which revealed that humans have altered ecosystems more rapidly and extensively in the past 50 years than in any period in history.

The increasing loss of biodiversity, particularly in Asia, is being attributed to habitat loss, over-exploitation, pollution, invasive alien species and climate change.

The Threat of Climate Change

Further endangering the precarious situation of our country's biodiversity is climate change. Among the impacts of climate change is the loss of thousands of species as well as changes in natural ecosystems. The rise in average global temperatures renders many species unable to quickly adapt to new conditions.

The Intergovernmental Panel on Climate Change (IPCC) predicts that with a 1.5 to 2.5-degree Celsius rise in temperature in a span of 50 to 100 years will put 30% of species on the brink of extinction.

A 4-degree Celsius rise in global temperature is not far from impossible. The continuing rise in the Earth's temperature is expected to create impacts leading to slower economic growth and will create "new poverty traps" throughout the 21st century.

Rich yet hungry

The biggest irony of all is the reality that in the midst of plenty and bountiful resources, millions of the world's humanity remain hungry.

There are 3.9 million hungry families in the Philippines in the last quarter of 2013. In coastal areas, we would expect people to have access to marine resources, yet they are among the most deprived, with four out of 10 coastal residents living under the poverty line.

PAGASA has warned us of an impending El Niño in June. This threatens clearly our food and water security. Prolonged drought would drastically cut down the production of local crops like rice, corn, sugar cane, vegetables and other agricultural products, and can also cause a decrease in fisheries yield. Clearly, we cannot just dismiss these threats.

What is the Solution?

It lies within us. If we want to avoid hunger, we need to stop our practice of exploiting the world's resources as if there is no tomorrow. The world is not just about us. There is a future and resources that need to be protected and conserved for those who will be born beyond our time.

The first step towards building a sustainable community is one, to respect biodiversity and to correct one of the biggest misconceptions about the environment—that natural resources are infinite. It can no longer be business as usual. We all need to stop craving for and taking more than what we need.

Second, building sustainability is a collaborative effort. Protection of our resources is a joint responsibility of local government units and our local communities. Local communities should be empowered through a transparent system that clarifies access and ownership of resources. People need to understand what is at stake. Only then can we expect them to be a part of the solution.

Third, we need tools and the medium by which to effect change. We need to promote green skills and green jobs. There has to be incentives for our citizens to take interest in acquiring green skills such as management in agriculture, forestry, horticulture, environmental, information technology and other careers that contribute to environmental preservation.

We should also strengthen efforts to encourage more renewable energy investments in the country because this industry does not only promote clean and indigenous energy, but

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can also provide thousands of jobs for our people. The International Renewable Energy Agency (IRENA) estimated that 800,000 new green jobs were generated in 2013 with countries like the Philippines still with vast untapped potential in the field of renewable energy industry.

Legislative Solutions

We have several proposed measures aimed at strengthening climate adaptation mechanisms and conserving biodiversity.

Senate Bill No. 100 or the Integrated Coastal Management Act seeks to put in place a comprehensive framework that will promote the sustainable development of the coastal and marine environment and resources. Section 8 of the said measure ensures the participation of the civil society and of the corporate and private sectors.

Senate Bill No. 1369 or the National Land Use Act seeks to institutionalize a national land use policy to ensure a rational, holistic and just allocation, utilization, management and development of the country's land resources.

We already have the Climate Change Act, which created the Climate Change Commission, and the NDRRMC Law.

Among the priorities under the action plan for the initial period from 2011 to 2016 is the identification of eco-towns. What is an eco-town? An eco-town is "a planning unit composed of municipalities or a group of municipalities located within and around boundaries of critical key biodiversity areas, which are at high risk to climate change. Eco-towns will be built around protected areas and key biodiversity areas, using ecosystem-based approach that will scale up best practices."

As we have said before, the ground level work and the parallel environmental initiatives here in the Senate may not get screaming headlines as they do other political issues. But they represent big, determined steps perhaps bigger for the Filipinos and the rich biodiversity we thrive in.

As we celebrate the International Day for Biological Diversity tomorrow, I urge everyone: let us renew our commitment to preserve what remains of our natural resources by taking action today.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Angara, there being no objection, the Chair referred the speech of Senator

Legarda to the Committee on Environment and Natural Resources.

SUSPENSION OF SESSION

Upon motion of Senator Angara, the session was suspended.

It was 3:31 p.m.

RESUMPTION OF SESSION

At 3:31 p.m., the session was resumed.

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

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

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

MANIFESTATION OF SENATOR ENRILE

Senator Enrile stated that he already informed the sponsor of the measure that he was terminating his interpellation to give way to Senator Sotto's interpellation.

INTERPELLATION OF SENATOR SOTTO

At the outset, Senator Sotto stated that being a former very heavy smoker himself, he was supportive of the measure, and that in his interpellation, he would raise some issues that have given similar measures rough sailing in the past. He hoped that the Committee would be able to explain not only to the Members, but to the public as well, the importance of passing the measure. As he was showing a picture of a smoker's body, he said that he would present what the measure is up against, citing, for instance,

the reaction of a group of smokers — laughing and lighting up a cigarette — when they were shown the picture.

Senator Sotto said that Senate Bill No. 27 proposes that the graphic health warning cover 60% in front and 60% in the back of the packages in order to increase awareness of the health hazards of smoking, and to bring down the number of smokers. Senator Cayetano (P) affirmed, saying that the emphasis would be on the youth who, when they see the graphic warning on the packages, would already see and become aware of the health hazards related to smoking.

Senator Sotto remarked that it would be difficult to make the smokers quit and that it would be lucky if 10% would stop smoking. Senator Cayetano (P) acknowledged that studies, copies of which she would furnish Senator Sotto as soon as she has them, have shown that those who are already addicted to smoking are desensitized. She explained that the target of the bill are the new ones so that they would not get initiated into the habit.

Senator Sotto said that it was the same strategy used in fighting the problem of illegal drugs as preventive education targets mostly those aged 13 years old.

Senator Sotto asked if the result of the Philippine Global Adult Tobacco Survey conducted by the Philippine Department of Health (DOH) and the National Statistics Office (NSO), and with technical assistance from the WHO and the U.S. Centers for Disease Control, was accurate in its figures that 94% of adults in the Philippines believe that smoking causes serious illness; 95% believe that smoking can cause lung cancer; 81% believe that smoking can cause heart attack; 75% believe that smoking can cause stroke; and 94% of the adult Filipinos are aware of the health hazards of smoking.

Senator Cayetano (P) replied that they have the same figures. She believed that smoking is a worldwide problem. She said human beings have a weakness for things that may not be good for them but once they get addicted to it, which would be anything from sweets, to tobaccos, to drugs, to *lechon*, it would be very difficult to stop once the habits are already in place. Senator Sotto said that nothing beats willpower, having quitted smoking on September 30, 1987.

Asked what the Committee's projection is on the decrease of smoking rates after the implementation of the bill requiring the 60:60 graphic health warning on tobacco packages, Senator Cayetano (P) said that she would like to use the statistics from other countries as a comparison. She stated that in a study conducted by Canada, during the time that it had text warnings on cigarettes, the prevalence rate of smoking among teenagers aged 15 to 19 stayed between 27% and 29% every year; when graphic health warnings were introduced, the rate gradually went down from 25% in 2000 to 11% in 2012, meaning, over 12 years the prevalence rate decreased by more than 10%. She said that she was using the statistics as an indicator that there would be positive effects on the youth when it comes to smoking.

As regards the predominant sizes of the graphic health warnings being practiced globally, specifically the 60%:60%, Senator Cayetano (P) replied that there are countries that used only 30% of the packaging size, while others were up to 100% — 100% on one side and none on the other side. She then read the breakdown by regions, as follows: *Western Pacific Region*: Australia, 82.5%; Brunei, 75%; New Zealand, 60% (30% in the front and 90% in the back); Cook Islands, 60% (30% in the front and 90% in the back); and for other countries, 50%; *American Region*: Uruguay has 80%, both front and back; Canada has 75%, both front and back; Mexico, an average of 65% because 30% is in the front and 100% in the back; Ecuador, 60% both sides; and 50% for nine other countries. She added that 54 countries require at least 50% on the packaging, which, she assumed, is the average.

Senator Sotto said that he would submit a copy of the list he had received which, he said, ranges from 0%; 0%:30%; 0%:100%; 30%:30%; 10%:10%; 15%:15%, all the way to 80%:80% in all other countries. He explained that he was bringing up the issue of the sizes of the picture-based health warning because according to those who were very apprehensive of the sizes, size does not influence the consumer's intention to quit. He cited Vietnam and Bangladesh which require only 30%:30%, but more people there are quitting or have intention to quit, compared to Thailand, which has GHWs of 50%:50%; and Brazil with GHWs of 0%:100%.

Senator Sotto recalled Senator Enrile mentioning that in the Philippines, 70% of cigarette consumers buy on a per piece basis or "*tingi*" so they do not

have the chance to look at the package. He then asked if there were studies showing the percentage of Filipino smokers who read the current text warnings on packs only. Senator Cayetano (P) replied that she has asked the resource persons to provide the data. Saying that she does not disagree with the data that Senator Sotto presented, she pointed out that the success of any program to reduce the number of smokers in the country would actually be dependent on different programs, graphic warning being only one of them. Also, she said that she personally felt that the price of the tobacco product itself is a very big factor — the more prohibitive the price, the less the chances of the youth and anyone else on a tight budget having access to it. She stated that it is also possible that there may be a country that has a small graphic warning on its tobacco product packages but still has a successful rate because of other programs in place. She emphasized that the objective of reducing smoking in the Philippines, particularly among the youth should not end with graphic health warnings, as it should not be the be-all and end-all of a cessation program.

As regards the effect of the existing text warning on cigarettes packs on Filipino smokers, Senator Cayetano (P) said that based on the Global Adult Tobacco Survey 2009, 90.6% noticed the text warning, but only 38.2% of them thought of quitting.

Senator Sotto said that a court ruling and some studies show that oversized health warnings are unnecessary because they do not materially reduce smoking rates, to wit:

- Ruling of the U.S. Appellate Court (*R.J. Reynolds, et al. vs. FDA, et al.*) invalidating U.S. FDA regulation requiring 50% GHW on both front and back panels of cigarette packs because it was not demonstrated that the proposed health warnings will directly advance government's interest of reducing number of Americans who smoke, and further noting that the U.S. FDA itself conceded that the projection of a 0.088% drop in U.S. smoking rates after the implementation of the proposed GHWs is "not statistically distinguishable from zero."
- Gospodinov and Irvine Report admitting that it failed to detect any significant prevalence effect of heavy duty warnings on cigarette packages in Canada after their introduction in 2000.
- Report by Casey B. Mulligan of the University

of Chicago, concluding that the 50% graphic warnings introduced in December 2000 played no discernable role in the decline of smoking rates or reduction in cigarette smoking in Canada.

- Report of Research and Development Europe, a research institute providing assistance on improving policy and decision-making in the European region, concluding that increasing the cigarette pack health warning sizes to 50%, 75%, or even 100% will have no additional effect in reducing smoking prevalence.

On the other hand, Senator Sotto cited a study that concluded that after noticing health warnings, more consumers thought about quitting in Vietnam and Bangladesh, countries with only 30% text health warning on the front and back of cigarette packs. He also mentioned another study noting that oversized GHWs would surely diminish the manufacturer's ability to differentiate their products by using trademarks without sufficient evidence that such oversized health warnings reduce smoking incidents substantially more than textual warnings or more reasonably sized GHWs.

In response, Senator Cayetano (P) said that she would have to check the U.S. case that Senator Sotto cited, because the U.S. Supreme Court has not yet ruled on a pending case before it regarding FDA regulations on graphic health warnings. As regards the data claiming negligible decline of the prevalence rate, she said that she would have to look into it considering that the graphic health warning has not yet been implemented in the U.S.

As to the prevalence rates in Canada, Senator Cayetano (P) noted that they have different data on the matter because her version indicated decreased rates. At this point, she read into the record the following summary:

"During the past 14 years 1999-2012, the Canadian Tobacco Use Monitoring Survey (CTUMS) has reported a decline in the overall current smoking rate among Canadians aged 15 years and older from 25% in 1999 to 16% in 2012. The population aged 15 years and older increased by about 4.4 million Canadians; the number of current smokers has decreased by 1.5 million; former smokers increased by 1.9 million; and never smokers increased by 4.0 million. Overall, we saw the population increase by about 15% while ever smokers (current and former combined) did not change."

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Senator Cayetano (P) said she still has to check other records for purposes of global comparison.

Senator Sotto noted that the data he cited was based on Nikolay Gospodinov and Ian J. Irvine's *Global Health Warnings on Tobacco Packaging: Evidence from the Canadian Experiment* and on a study conducted by Casey B. Mulligan, a professor of Economics at the University of Chicago.

Senator Cayetano (P) said that she would try to reconcile the data, taking into consideration the fact that different factors affect the rates, like in the case of the report she cited where the increase in population did not result in the increase in the number of smokers. She said that she would be happy to dissect the data given in order to determine the programs implemented in other countries which proved to be effective despite smaller graphic warnings. She agreed with Senator Sotto that graphic warnings are considered controversial in the U.S. and Canada.

Senator Cayetano (P) stated that the objective of the measure is to have a visual warning that could be seen easily regardless of its size especially if the packaging is small. She said that the Committee was trying to be reasonable in its approach by not requiring 80%, 90% or 100%, noting that the framework convention suggested 30% or more. She said that during the hearing, she, in fact, discouraged the suggested minimum size.

Asked what the House version of the bill provides, Senator Cayetano (P) replied that the bills are still in the committee level.

At this juncture, Senate President Drilon interjected that the graphic health warning bill would be taken up with the House leadership in their regular monthly meeting where Senator Sotto would also be attending, adding that the House version has not yet been officially referred to the Senate. In response, Senator Cayetano (P) said that the various bills in House provide ranges from 30% to 85%.

Asked if she would agree to 50%, Senator Cayetano (P) said that she could consider 50%, but definitely not 30% because some packages are so small that 30% could look like an ID picture which could be very different from the real thing. Senator Sotto agreed that 50% would be reasonable, saying that the proposal could be discussed during the period of amendments.

Noting that Section 5 of the bill requires that the warning be placed on the top portion of the principal display area, Senator Sotto asked whether it is the global predominant practice in terms of location for health warnings. He expressed concern that the fiscal stamp, which the BIR plans to implement, could cover the health warnings on the top portion. He also noted that in flip-top boxes, once the flip-top is removed, the health warning would no longer be seen. He asked whether the health warning could be placed at the lower portion instead as doing so could preserve the integrity of the health warning inasmuch as the plan of the Committee was to put 50% in front and 50% at the back.

Senator Cayetano (P) expressed her amenability to the suggestion. She clarified that the law would require that nothing should obstruct the health warnings.

At this point, Senator Sotto narrated that he was once a smoker and was hooked into the habit for 22 years, but he decided to quit one day after experiencing difficulty in breathing and feeling that he was dying, which he all blamed on smoking. He said that it has been 27 years since the last time he smoked. Senator Cayetano (P) said that a testimony from somebody like Senator Sotto would carry a much greater impact than a graphic warning among the youth. Senator Sotto shared that the journey was not easy considering that he was surrounded by smokers and there were instances when his brother would blow smoke on his face to tease him, but he was able to successfully quit smoking with the help of prayers.

Noting Senator Sotto's experience, Senator Cayetano (P) said that there was really a need for different programs which are aimed at reducing the smoking population like Republic Act 9211 which bans smoking in enclosed places. She said that some of the bars in Metro Manila are already implementing the said law although violation is still rampant in some establishments like casinos.

Senator Sotto recalled that he has a smoker friend who used to operate a bar in Makati. He narrated that his friend attempted to circumvent the law by putting a small room for non-smokers in his restaurant, while the rest of the place was reserved for smokers. He said that when then Mayor Jejomar Binay came to the restaurant and found out how the owner circumvented the implementation of the law, the establishment was eventually ordered closed.

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Senator Cayetano (P) disclosed that she wrote the airport manager of NAIA 3 regarding a supposed smoking lounge with an enclosed area which was turned into a complete bar and restaurant by the owner. She said that she was still waiting for the response of the manager.

Senator Sotto stated that reducing the number of smokers is a work in progress and is not an impossible feat. At this point, he said that he will no longer raise questions on the issue concerning the Department of Health in view of the assurance that Senator Cayetano (P) was open to amendments at the appropriate time as relayed to him by Senator Enrile.

As regards the provision requiring tobacco products for export to bear graphic health warnings, Senator Cayetano (P) said that such provision in the bill would also be amended.

MANIFESTATION OF SENATOR ENRILE

Senator Enrile suggested that in order to avoid possible questions of arbitrariness, a range may be established, perhaps between 30% to 50% — where DOH could exercise discretion depending on its study in the course of time.

In reply, Senator Cayetano (P) reiterated that as discussed in earlier interpellations, there was no intention to give DOH such discretion; instead, the bill would indicate the actual fixed percentage and DOH would simply implement the mandated requirement. As regards the confusion brought about by the words “at least” as mentioned in the bill, she clarified that the purpose really was to give the manufacturers the goodwill that they may voluntarily provide for a bigger graphic warning.

TERMINATION OF THE PERIOD OF INTERPELLATIONS

There being no further interpellation, upon motion of Senator Cayetano (A), there being no objection, the Body closed the period of interpellations.

MANIFESTATION OF SENATOR CAYETANO (A)

Senator Cayetano (A) said that the committee amendments on the measure would be taken up on the next session day.

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.

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 Monday, May 26, 2014.

It was 5:05 p.m.

I hereby certify to the correctness of the foregoing.

OSCAR G. YABES
Secretary of the Senate
[Signature]

Approved on May 26, 2014