



Congressional Record

PLENARY PROCEEDINGS OF THE 14th CONGRESS, SECOND REGULAR SESSION

HOUSE OF REPRESENTATIVES

Vol. 2

Thursday, October 9, 2008

No. 25c

RESUMPTION OF SESSION

At 10:00 a.m., the session was resumed with Deputy Speaker Simeon A. Datumanong presiding.

THE DEPUTY SPEAKER (Rep. Datumanong). The session is resumed.

SUSPENSION OF SESSION

THE DEPUTY SPEAKER (Rep. Datumanong). The session is suspended.

It was 10:00 a.m.

RESUMPTION OF SESSION

At 10:01 a.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Datumanong). The session is resumed.

The Dep. Majority Leader is recognized.

REP. VELARDE. Mr. Speaker, I move that we proceed to the Additional Reference of Business.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

ADDITIONAL REFERENCE OF BUSINESS

The Secretary General read the following House Bills and Resolution on First Reading, and Committee Reports, and the Deputy Speaker made the corresponding references:

BILLS ON FIRST READING

House Bill No. 5283, entitled:

“AN ACT EXEMPTING THE BUREAU OF INTERNAL REVENUE AND BUREAU OF CUSTOMS FROM THE COVERAGE OF REPUBLIC ACT NO. 6758, OTHERWISE KNOWN AS THE SALARY STANDARDIZATION LAW WITH THEIR ANNUAL COLLECTIONS TO BE USED AS BASIS FOR SALARIES AND BONUSES OF OFFICIALS AND EMPLOYEES AND FOR OTHER PURPOSES”

By Representative Suarez

TO THE COMMITTEE ON APPROPRIATIONS

House Bill No. 5297, entitled:

“AN ACT TO REQUIRE EVERY STUDENT TO PLANT TREES EVERY YEAR”

By Representative Rodriguez

TO THE COMMITTEE ON BASIC EDUCATION AND CULTURE, THE COMMITTEE ON HIGHER AND TECHNICAL EDUCATION AND THE COMMITTEE ON APPROPRIATIONS

House Bill No. 5300, entitled:

“AN ACT TO ESTABLISH A CATTLE-FATTENING STATION AND AGRO-FEEDS EXPERIMENTAL FARM IN EACH OF THE MUNICIPALITIES OF RIZAL, PINUKPUK AND THE CITY OF TABUK IN THE PROVINCE OF KALINGA, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES”

By Representative Agyao

TO THE COMMITTEE ON AGRICULTURE AND FOOD AND THE COMMITTEE ON APPROPRIATIONS

House Bill No. 5309, entitled:

“AN ACT ESTABLISHING EDUCATIONAL TECHNOLOGY CLEARINGHOUSES”

By Representative Santiago (N.)

TO THE COMMITTEE ON BASIC EDUCATION AND CULTURE

House Bill No. 5310, entitled:

“AN ACT TO ESTABLISH ADVERTISING REQUIREMENTS FOR ALCOHOLIC BEVERAGES”

By Representative Santiago (N.)

TO THE COMMITTEE ON PUBLIC INFORMATION

House Bill No. 5311, entitled:

“AN ACT REQUIRING THAT FIREARMS SOLD, MANUFACTURED OR IMPORTED BE MADE CHILD-PROOF”

By Representative Santiago (N.)

TO THE COMMITTEE ON REVISION OF LAWS

House Bill No. 5312, entitled:

“AN ACT GRANTING PRIORITY TO HONOR GRADUATES OF STATE COLLEGES & STATE

UNIVERSITIES IN THE APPOINTMENT OF
CIVIL SERVICE EMPLOYEES"

By Representative Santiago (N.)
TO THE COMMITTEE ON CIVIL SERVICE AND
PROFESSIONAL REGULATION

House Bill No. 5313, entitled:

"AN ACT ESTABLISHING A PROGRAM FOR
PUBLIC EDUCATION ON PROSTATE
CANCER"

By Representative Santiago (N.)
TO THE COMMITTEE ON HEALTH

House Bill No. 5314, entitled:

"AN ACT EXEMPTING PLEDGE OF PERSONAL
PROPERTY COVERING A LOAN OF MONEY
NOT EXCEEDING TEN THOUSAND PESOS
FROM DOCUMENTARY STAMP TAX,
AMENDING FOR THE PURPOSE SECTION 199
OF THE NATIONAL INTERNAL REVENUE
CODE OF 1997, AS AMENDED"

By Representative Nograles
TO THE COMMITTEE ON WAYS AND MEANS

House Bill No. 5315, entitled:

"AN ACT AMENDING FURTHER REPUBLIC ACT
NUMBERED THREE THOUSAND FIVE
HUNDRED NINETY-ONE, AS AMENDED,
OTHERWISE KNOWN AS THE 'CHARTER OF
THE PHILIPPINE DEPOSIT INSURANCE
CORPORATION' AND FOR OTHER
PURPOSES"

By Representatives Nograles and Lopez
TO THE COMMITTEE ON BANKS AND
FINANCIAL INTERMEDIARIES

House Bill No. 5316, entitled:

"AN ACT DECLARING CERTAIN ILLEGAL
PRACTICES OF RICE TRADERS AS
ECONOMIC SABOTAGE AND IMPOSING
STRICTER GUIDELINES IN THE
IMPORTATION, PROCESSING, STORAGE AND
DISTRIBUTION OF RICE AND FOR OTHER
PURPOSES"

By Representative Violago
TO THE COMMITTEE ON AGRICULTURE AND
FOOD

House Bill No. 5317, entitled:

"AN ACT CONVERTING THE HIMAMAYLAN-
TAYASAN ROAD, PASSING THROUGH
BARANGAY CARABALAN, MUNICIPALITY
OF HIMAMAYLAN, NEGROS OCCIDENTAL
AND BARANGAYS LANIGPA, BULOD,
CUNALUM AND ISI, MUNICIPALITY OF
TAYASAN, NEGROS ORIENTAL INTO A
NATIONAL ROAD, AND APPROPRIATING
FUNDS THEREFOR"

By Representatives Arroyo (I.) and Limkaichong
TO THE COMMITTEE ON PUBLIC WORKS AND
HIGHWAYS AND THE COMMITTEE ON
APPROPRIATIONS

RESOLUTION

House Resolution No. 828, entitled:

"RESOLUTION CALLING FOR A LEGISLATIVE
INQUIRY, IN AID OF LEGISLATION, INTO THE
PRACTICE OF THE NATIONAL ROAD BOARD
OF IMPLEMENTING PROJECTS FUNDED
FROM THE MOTOR VEHICLE USER'S
CHARGE (MVUC) DIRECTLY TO THE
REGIONAL OFFICES OF THE DEPARTMENT
OF PUBLIC WORKS AND HIGHWAYS (DPWH)
DESPITE THESE PROJECTS FALLING WITHIN
THE AUTHORITY OF THE DISTRICT
OFFICES"

By Representative Matugas
TO THE COMMITTEE ON RULES

ADDITIONAL COAUTHORS

Rep. Ma. Victoria R. Sy-Alvarado for House Bill No.
400;

Rep. Anna York P. Bondoc for House Bills No. 1311,
1821, 2731 and 4144;

Rep. Glenn A. Chong for House Bills No. 1386, 1955,
and 2186;

Rep. Edgar S. San Luis for House Bill No. 4139;
Reps. Carmen L. Cari, Nur G. Jaafar, and Jose Antonio
F. Roxas for House Bill No. 4272;

Rep. Emmanuel Joel J. Villanueva for House Bill No.
4380;

Reps. Rozzano Rufino B. Biazon, Arnulfo P. Fuentebella,
Florencio C. Garay, Raul T. Gonzales Jr., Arthur "Dodo" Y.
Pingoy Jr., Joseph F. Violago, Roque R. Ablan Jr., Felix R.
Alfelor Jr., Edelmiro A. Amante, Jose S. Aquino II, Ignacio
"Iggy" Arroyo, Franklin P. Bautista, Del R. De Guzman,
Antonio M. Diaz, Wilfrido Mark M. Enverga, Arnulfo F. Go,
Alfredo "Thirty" D. Marañon III, Florencio Gabriel "Bem"
G. Noel, Emil L. Ong, Jesus Crispin C. Remulla, Herminia
B. Roman, Jose Antonio F. Roxas, Marcelino "Marcy" R.
Teodoro, Irwin C. Tieng, Niel "Junjun" C. Tupas Jr., Alfonso
V. Umali Jr., Reynaldo S. Uy, Rodolfo G. Valencia, Cynthia
A. Villar and Eduardo C. Zialcita for House Bill No. 4631;

Rep. Pedro "Loloy" P. Romualdo for House Bill No.
4751;

Rep. Maria Evita "Ivy" R. Arago for House Bill No.
4974;

Reps. Jeffrey "Jeff" P. Ferrer and Judy J. Syjuco for
House Bill No. 5043;

Rep. Cesar G. Jalosjos for House Bill No. 5151;
Rep. Eufrocino M. Codilla Sr. for House Bills No. 5291,
5312, 5313, 5314 and 5315; and

Rep. Roilo S. Golez for House Resolution No. 751.

COMMITTEE REPORTS

Report by the Committee on Economic Affairs (Committee
Report No. 1412), re H.R. No. 833, entitled:

"A RESOLUTION ADDRESSING THE
REPERCUSSIONS OF A STRONG PESO ON
THE PHILIPPINE ECONOMY BY URGING THE
BANGKO SENTRAL NG PILIPINAS (BSP) TO
TEMPER VOLATILE MOVEMENTS IN THE

EXCHANGE RATE, THE DEPARTMENT OF FINANCE TO ASSIST EXPORTERS THROUGH TARGETED FISCAL INCENTIVES, THE DEVELOPMENT BANK OF THE PHILIPPINES (DBP) TO RELAX RULES ON ITS HEDGING PROGRAM, THE PHILIPPINE OVERSEAS AND EMPLOYMENT ADMINISTRATION (POEA) TO LOWER CHARGES TO OVERSEAS FILIPINO WORKERS (OFW), AND FOR THE DEPARTMENT OF AGRICULTURE (DA) TO TAKE ADVANTAGE OF THE STRONG PESO BY STOCKPILING ON THE SUPPLY OF IMPORTED INPUTS”

recommending its adoption pursuant to House Resolution No. 383; directing the House Committee on Economic Affairs to look into the Economic Impact of the Strengthening Value of the Philippine Peso, together with the Report of the Committee on its study, findings, and recommendations.

Sponsors: Representatives Durano and Casiño
TO THE COMMITTEE ON RULES

Report by the Committee on Economic Affairs (Committee Report No. 1413), re H.R. No. 834, entitled:

“A RESOLUTION URGING THE NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY (NEDA) AND THE BANGKO SENTRAL NG PILIPINAS (BSP) TO BE MORE PRO-ACTIVE IN DEALING WITH ANTICIPATED DISRUPTIONS TO THE PHILIPPINE ECONOMY, AS IN THE CASE OF THE ECONOMIC RECESSION IN THE U.S., AND ITS IMPACT ON THE ECONOMY BY PREPARING A ROAD MAP AND CORRESPONDING COURSES OF ACTION AND TO RE-ORIENT THE ECONOMY TOWARDS GREATER ECONOMIC SELF-RELIANCE BY DEVELOPING AND STRENGTHENING THE DOMESTIC INDUSTRIES AND MODERNIZING THE AGRICULTURE SECTOR WHILE ENHANCING OUR INTERNATIONAL COMPETITIVENESS THROUGH ECONOMIC REFORMS”

recommending its adoption pursuant to House Resolution No. 428; directing the Committee on Economic Affairs to Look into the Possible Repercussions of the Ongoing Economic Slowdown in the United States, Together with the Report of the Committee on its study, findings, and recommendations.

Sponsors: Representatives Durano and Casiño
TO THE COMMITTEE ON RULES

Report by the Committee on Housing and Urban Development (Committee Report No. 1414), re H.R. No. 652, entitled:

“RESOLUTION COMMENDING THE PAG-IBIG FUND FOR ITS EXEMPLARY CONTRIBUTION IN THE GOVERNMENT’S BATTLE AGAINST HOMELESSNESS AND POVERTY”

recommending its adoption without amendment.

Sponsor: Representative Valencia
TO THE COMMITTEE ON RULES

Report by the Committee on Housing and Urban Development (Committee Report No. 1415), re H.R. No. 835, entitled:

“RESOLUTION URGING THE HOUSING AND URBAN DEVELOPMENT COORDINATING COUNCIL (HUDCC) AND THE SOCIAL HOUSING FINANCE CORPORATION (SHFC) TO PREPARE A COMPREHENSIVE SOCIAL HOUSING PROGRAM UNDER THE COMMUNITY MORTGAGE PROGRAM (CMP) FOR THE INFORMAL SETTLERS AND SLUM DWELLERS IN CALAPAN CITY, ORIENTAL MINDORO”

recommending its adoption in substitution of House Resolution No. 648.

Sponsor: Representative Valencia
TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1416), re H.B. No. 5324, entitled:

“AN ACT CONVERTING THE MAKIWALO INTEGRATED SCHOOL IN BARANGAY MAKIWALO, MUNICIPALITY OF MONDRAGON, PROVINCE OF NORTHERN SAMAR INTO A NATIONAL HIGH SCHOOL TO BE KNOWN AS MAKIWALO NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 3250.

Sponsors: Representatives De Guzman, Lagman and Daza
TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1417), re H.B. No. 5325, entitled:

“AN ACT SEPARATING THE ALEGRIA NATIONAL HIGH SCHOOL-VERIATO ANNEX IN BARANGAY VERIATO, MUNICIPALITY OF SAN ISIDRO, PROVINCE OF NORTHERN SAMAR FROM THE ALEGRIA NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS VERIATO NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 3251.

Sponsors: Representatives De Guzman, Lagman and Daza
TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1418), re H.B. No. 5326, entitled:

“AN ACT CONVERTING THE CALABANGA NATIONAL HIGH SCHOOL IN THE MUNICIPALITY OF CALABANGA, PROVINCE OF CAMARINES SUR INTO A NATIONAL SCIENCE HIGH SCHOOL TO BE KNOWN AS

CALABANGA NATIONAL SCIENCE HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 3454.

Sponsors: Representatives De Guzman, Lagman and Villafuerte

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1419), re H.B. No. 5327, entitled:

“AN ACT ESTABLISHING A NATIONAL HIGH SCHOOL IN BARANGAY BANTOL, MARILOG DISTRICT, CITY OF DAVAO TO BE KNOWN AS BANTOL NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 3520.

Sponsors: Representatives De Guzman, Lagman and Ungab

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1420), re H.B. No. 5328, entitled:

“AN ACT SEPARATING THE LOS ANGELES NATIONAL HIGH SCHOOL–ANTICALA ANNEX IN BARANGAY ANTICALA, CITY OF BUTUAN, PROVINCE OF AGUSAN DEL NORTE FROM THE LOS ANGELES NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS ANTICALA NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 3243.

Sponsors: Representatives De Guzman, Lagman and Aquino

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1421), re H.B. No. 5329, entitled:

“AN ACT SEPARATING THE TUNGAO NATIONAL HIGH SCHOOL–FLORIDA ANNEX IN BARANGAY FLORIDA, CITY OF BUTUAN, PROVINCE OF AGUSAN DEL NORTE FROM THE TUNGAO NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS FLORIDA NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 3244.

Sponsors: Representatives De Guzman, Lagman and Aquino

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report

No. 1422), re H.B. No. 5330, entitled:

“AN ACT ESTABLISHING A NATIONAL HIGH SCHOOL IN BARANGAY APOLONIO SAMSON, QUEZON CITY TO BE KNOWN AS APOLONIO SAMSON NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 3399.

Sponsors: Representatives De Guzman, Lagman and Susano

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1423), re H.B. No. 5331, entitled:

“AN ACT SEPARATING THE BERNARDO D. CARPIO NATIONAL HIGH SCHOOL–CABANTIAN ANNEX IN BARANGAY CABANTIAN, DISTRICT OF BUHANGIN, CITY OF DAVAO FROM THE BERNARDO D. CARPIO NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS CABANTIAN NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 2559.

Sponsors: Representatives De Guzman, Lagman and Garcia (V.)

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1424), re H.B. No. 5332, entitled:

“AN ACT SEPARATING THE F. BANGOY NATIONAL HIGH SCHOOL–PANACAN ANNEX IN BARANGAY PANACAN, CITY OF DAVAO FROM THE F. BANGOY NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS DR. SANTIAGO DAKUDAO SR. NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 2563.

Sponsors: Representatives De Guzman, Lagman and Garcia (V.)

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1425), re H.B. No. 5333, entitled:

“AN ACT SEPARATING THE LEPANTO NATIONAL HIGH SCHOOL–BALILI ANNEX IN BARANGAY BALILI, MUNICIPALITY OF MANKAYAN, PROVINCE OF BENGUET FROM THE LEPANTO NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS BALILI NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 2629.

Sponsors: Representatives De Guzman, Lagman and Dangwa

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1426), re H.B. No. 5335, entitled:

“AN ACT CONVERTING THE CAROLINA NATIONAL HIGH SCHOOL IN BARANGAY CAROLINA, CITY OF NAGA, PROVINCE OF CAMARINES SUR INTO A NATIONAL TECHNICAL AND VOCATIONAL HIGH SCHOOL TO BE KNOWN AS CAROLINA NATIONAL HIGH SCHOOL OF ARTS AND TRADES, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 3238.

Sponsors: Representatives De Guzman, Lagman and Villafuerte

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1427), re H.B. No. 5336, entitled:

“AN ACT SEPARATING THE SIAYAN NATIONAL HIGH SCHOOL–MANGILAY ANNEX IN BARANGAY MANGILAY, MUNICIPALITY OF SIAYAN, PROVINCE OF ZAMBOANGA DEL NORTE FROM THE SIAYAN NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS MANGILAY NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 3247.

Sponsors: Representatives De Guzman, Lagman and Labadlabad

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1428), re H.B. No. 5337, entitled:

“AN ACT SEPARATING THE KIBUNGAN NATIONAL HIGH SCHOOL–TACADANG ANNEX IN BARANGAY TACADANG, MUNICIPALITY OF KIBUNGAN, PROVINCE OF BENGUET FROM THE KIBUNGAN NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS TACADANG NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 2927.

Sponsors: Representatives De Guzman, Lagman and Dangwa

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1429), re H.B. No. 2270, entitled:

“AN ACT SEPARATING THE KAMORA NATIONAL HIGH SCHOOL–ADAOAY EXTENSION IN BARANGAY ADAOAY, MUNICIPALITY OF KABAYAN, PROVINCE OF BENGUET, FROM KAMORA NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS THE ADAOAY NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR”

recommending its approval with amendments.

Sponsors: Representatives De Guzman, Lagman and Dangwa

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1430), re H.B. No. 5338, entitled:

“AN ACT SEPARATING THE POLANCO NATIONAL HIGH SCHOOL–SILAWÉ ANNEX IN BARANGAY SILAWÉ, MUNICIPALITY OF POLANCO, PROVINCE OF ZAMBOANGA DEL NORTE FROM THE POLANCO NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS SILAWÉ NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 3048.

Sponsors: Representatives De Guzman, Lagman, Jalosjos-Carreon and Jalosjos

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1431), re H.B. No. 5339, entitled:

“AN ACT SEPARATING THE RIZAL NATIONAL SCHOOL OF ARTS AND TRADE–MACUTAY ANNEX IN BARANGAY MACUTAY, MUNICIPALITY OF RIZAL, PROVINCE OF KALINGA FROM THE RIZAL NATIONAL HIGH SCHOOL OF ARTS AND TRADE, CONVERTING IT INTO AN INDEPENDENT NATIONAL SCHOOL TO BE KNOWN AS MACUTAY–PALAO NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 3174.

Sponsors: Representatives De Guzman, Lagman, Agyao and Mamba

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1432), re H.B. No. 5340, entitled:

“AN ACT SEPARATING THE PINES CITY NATIONAL HIGH SCHOOL–BONIFACIO ANNEX IN BARANGAY CRESENCIA

VILLAGE, GUIPAD, CITY OF BAGUIO FROM THE PINES CITY NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS GUIPAD VALLEY NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 2436.

Sponsors: Representatives De Guzman, Lagman and Domogan

TO THE COMMITTEE ON RULES

THE DEPUTY SPEAKER (Rep. Datumanong). The Dep. Majority Leader is recognized.

SUSPENSION OF SESSION

REP. VELARDE. Mr. Speaker, we move for a suspension of the session.

THE DEPUTY SPEAKER (Rep. Datumanong). The session is suspended for a few minutes.

It was 10:04 a.m.

RESUMPTION OF SESSION

At 10:07 a.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Datumanong). The session is resumed.

The Dep. Majority Leader is recognized.

REP. VELARDE. Mr. Speaker, may I present an omnibus motion for the consideration on Second Reading of the following local bills:

House Bill No. 839 under Committee Report No. 1365;
House Bill No. 5280 under Committee Report No. 1367;
House Bill No. 91 under Committee Report No. 1368;
House Bill No. 280 under Committee Report No. 1369;
House Bill No. 373 under Committee Report No. 1370;
House Bill No. 1010 under Committee Report No. 1371;
House Bill No. 1566 under Committee Report No. 1372;
House Bill No. 1653 under Committee Report No. 1373;
House Bill No. 1892 under Committee Report No. 1374;
House Bill No. 2089 under Committee Report No. 1375;
House Bill No. 2258 under Committee Report No. 1376;
House Bill No. 2320 under Committee Report No. 1377;
House Bill No. 2586 under Committee Report No. 1378;
House Bill No. 2468 under Committee Report No. 1379;
House Bill No. 2494 under Committee Report No. 1380;
House Bill No. 2697 under Committee Report No. 1381;
House Bill No. 5284 under Committee Report No. 1382;
House Bill No. 521 under Committee Report No. 1383;
House Bill No. 5285 under Committee Report No. 1384;
House Bill No. 5286 under Committee Report No. 1385;
House Bill No. 2160 under Committee Report No. 1386;
House Bill No. 2495 under Committee Report No. 1387;
House Bill No. 5287 under Committee Report No. 1388;
House Bill No. 5288 under Committee Report No. 1389;

* See MEASURES CONSIDERED (printed separately)

House Bill No. 5289 under Committee Report No. 1390;
House Bill No. 5290 under Committee Report No. 1391;
House Bill No. 5292 under Committee Report No. 1395;
House Bill No. 5293 under Committee Report No. 1396;
House Bill No. 5294 under Committee Report No. 1397;
House Bill No. 5295 under Committee Report No. 1398;
House Bill No. 5296 under Committee Report No. 1399;
House Bill No. 5298 under Committee Report No. 1400;
House Bill No. 5299 under Committee Report No. 1401;
House Bill No. 5301 under Committee Report No. 1403;
House Bill No. 5302 under Committee Report No. 1404;
House Bill No. 5303 under Committee Report No. 1405;
House Bill No. 5304 under Committee Report No. 1406;
House Bill No. 5305 under Committee Report No. 1407;
House Bill No. 4964 under Committee Report No. 1408;
House Bill No. 5306 under Committee Report No. 1409;
House Bill No. 5307 under Committee Report No. 1410;
House Bill No. 5308 under Committee Report No. 1411;

and

House Bill No. 5291 under Committee Report No. 1393.
I so move, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection? (*Silence*) The Chair hears none; the omnibus motion is approved.*

REP. VELARDE. Mr. Speaker, I move that their respective Explanatory Notes be considered the sponsorship remarks on the measures.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. VELARDE. There being no interpellations and speeches *en contra*, I move to terminate the period of sponsorship and debate.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. VELARDE. I move that we adopt committee amendments, if there are any.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. VELARDE. There being no individual amendments, Mr. Speaker, we move to close the period of amendments.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. VELARDE. We move for the approval on Second Reading of the said measures.

VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Datumanong). As may as are in favor, please say *aye*.

SEVERAL MEMBERS. *Aye*.

THE DEPUTY SPEAKER (Rep. Datumanong). As many as are against, please say *no*.

FEW MEMBERS. *No*.

APPROVAL OF HOUSE BILLS
ON SECOND READING

THE DEPUTY SPEAKER (Rep. Datumanong). The *ayes* have it; the different local bills enumerated by the Dep. Majority Leader are approved on Second Reading.

REP. VELARDE. Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). The Dep. Majority Leader is recognized.

SUSPENSION OF SESSION

REP. VELARDE. Mr. Speaker, we move for a suspension of session.

THE DEPUTY SPEAKER (Rep. Datumanong). The session is suspended for a few minutes.

It was 10:12 a.m.

RESUMPTION OF SESSION

At 10:21 a.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Datumanong). The session is resumed.

The Sr. Dep. Majority Leader is recognized.

CONSIDERATION OF H. B. NO. 5116
Continuation

PERIOD OF SPONSORSHIP AND DEBATE

REP. GONZALES (N.). Mr. Speaker, I now move that we resume the consideration of House Bill No. 5116, and request that the Secretary General be directed to read only the title of the measure.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Secretary General is directed to read only the title of the bill.

THE SECRETARY GENERAL. House Bill No. 5116, entitled: AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY

ONE TO DECEMBER THIRTY-ONE TWO THOUSAND NINE, AND FOR OTHER PURPOSES.

REP. GONZALES (N.). Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). The Sr. Dep. Majority Leader is recognized.

REP. GONZALES (N.). I now move that we consider the budget of the Philippine Drug Enforcement Agency (PDEA) and the Dangerous Drugs Board (DDB) under the Other Executive Offices. And for this purpose, may I ask for the recognition of the honorable Gentleman from Tawi-Tawi to sponsor the bill, and the Sr. Dep. Minority Leader, the Hon. Golez, to interpellate.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection? (*Silence*) The Chair hears none; the distinguished Sr. Dep. Minority Leader is recognized to interpellate, and the distinguished assistant Sponsor, the Gentleman from Tawi-Tawi, is recognized to sponsor the bill.

The Sr. Dep. Minority Leader may now proceed with his interpellation or manifestation.

REP. GOLEZ. Thank you very much, Mr. Speaker.

Mr. Speaker, first of all I would like to greet our distinguished Sponsor, our colleague from Tawi-Tawi, the DDB family under Chairman Sotto, and the PDEA family under retired General Santiago.

Mr. Speaker, I am not going to interpellate. I would just like to manifest, as I have manifested yesterday during the debate on General Principles, my observation that the drug problem today remains to be a big problem. There have been so many instances when the President and many other leaders of our country made statements about the gravity of the drug problem so, of course, we all know that the budget should be making a statement on this issue. This Representation is, however, very disappointed that we are not putting our money where our mouth is.

The PDEA, in my manifestation yesterday, has a budget for this year of P170.8 million for capital outlay. But in the proposed budget, it has been reduced very significantly by 75.2 percent to only P42.3 million. Based on my humble experience, I know that the fight against illegal drugs is a capital outlay-intensive program. It needs mobility and special equipment on a nationwide basis because the problem is nationwide. However, in this proposed budget, it seems that we are not supporting this program because of the amount that was allocated as the capital outlay budget of the PDEA.

And therefore, at the proper time, Mr. Speaker, this Representation will be recommending that we restore to the present level—the 2008 level, at least—the capital outlay budget of the PDEA. The same will be true with respect to the case of the DDB.

Having said that, Mr. Speaker, I would like to state that there is no other Member of the minority who would like to interpellate the budget of the DDB and the PDEA, and therefore, I move that we terminate the period of interpellation and debate on the budgets of both the Dangerous Drugs Board and the PDEA.

REP. GONZALES (N.). We join the minority in its motion, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection to the motion of the minority and the majority to terminate the debate and interpellation on the budgets of the DDB and the PDEA? (*Silence*) The Chair hears none; the motion is approved.

The debate on the budgets of the DDB and the PDEA is terminated. (*Applause*)

SUSPENSION OF SESSION

REP. GONZALES (N.). May I ask for a few minutes suspension of the session, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). The session is suspended for a few minutes.

It was 10:27 a.m.

SUSPENSION OF SESSION

At 10:30 a.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Datumanong). The session is resumed.

The Sr. Dep. Majority Leader is recognized.

REP. GONZALES (N.). Mr. Speaker, I now move that we consider the budget of the Office of the Vice-President (OVP). For this purpose, may I ask that we recognize the distinguished Chairman of the sponsoring committee, the Hon. Cua, and likewise, to interpellate, the Dep. Minority Leader, the Hon. Antonino-Custodio.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection to the motion? (*Silence*) The Chair hears none; the distinguished Chairman of the Committee on Appropriations is recognized to sponsor the budget of the OVP, and the distinguished Dep. Minority Leader is recognized for her interpellation or manifestation.

REP. ANTONINO-CUSTODIO. Mr. Speaker, before we terminate the deliberation on the OVP's budget, may we ask for the recognition of the person who is representing the said office.

REP. CUA (J.). Mr. Speaker, present in this august hall is Atty. Luna, who is representing the OVP.

REP. ANTONINO-CUSTODIO. Mr. Speaker, the minority has no questions on the budget of the OVP. We therefore move for the termination of the period of interpellation and debate on the budget of the OVP.

REP. GONZALES (N.). We join the motion, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection to the motion of the minority and the majority to terminate the debate on the budget of the OVP? (*Silence*) The Chair hears none; the debate on the budget of the OVP is terminated.

REP. GONZALES (N.). Mr. Speaker, I now move that we

consider the budget of the Presidential Management Staff (PMS) under Other Executive Offices. For this purpose, may I ask for the recognition of the distinguished Sponsor, the Hon. Carmencita Reyes, and likewise, the Dep. Minority Leader, the Hon. Antonino-Custodio, who will make a manifestation.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection? (*Silence*) The Chair hears none; the distinguished Lady from Marinduque, is recognized for the sponsorship, and the distinguished Dep. Minority Leader is recognized for her interpellation or manifestation.

REP. REYES (C.). Thank you, Mr. Speaker.

REP. ANTONINO-CUSTODIO. Mr. Speaker, before we move for the termination of the debates, may we ask for the recognition as well of the officer who is representing the PMS.

REP. GONZALES (N.). The honorable Secretary Remonde is here.

REP. ANTONINO-CUSTODIO. Thank you very much, Mr. Speaker.

On behalf of the minority, there being no interpellators on the budget of the PMS, we move for the termination of the period of interpellation and debate on the budget of the PMS.

REP. GONZALES (N.). We join the motion, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). There is a motion by the minority and the majority to terminate the period of debate on the budget of the PMS. Is there any objection? (*Silence*) The Chair hears none; the debate on the budget of the PMS is now terminated.

REP. REYES (C.). Mr. Speaker, while this Representation sponsoring the PMS budget is grateful to the minority and the majority for approving the budget right away, may I place on record our plea to increase the budget of the PMS to the amount that they have been asking for. This Representation wishes to state that the amount of P12 million slashed by the Department of Budget Management (DBM) represents only the increase in personal services for the 10-percent increase in salary, and the maintenance and other operating expenses (MOOE) because of the increase of cost of operation. May I place on record my opening statement in the Journals of this august Body.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). The Sr. Dep. Majority Leader is recognized.

REP. GONZALES (N.). Mr. Speaker, I now move that we consider the budget of the Presidential Legislative Liaison Office (PLLO). For this purpose, may I ask for the recognition of the distinguished Chairman of the sponsoring committee, the Hon. Cua, and likewise, the Dep. Minority Leader Darlene Antonino-Custodio for her manifestation.

May we also inform the Body that Secretary Jake Lagoneria is present here today.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there

any objection? (*Silence*) The Chair hears none; the motion is approved.

The distinguished Chairman of the Committee on Appropriations sponsoring the budget of the PLLO is recognized, and the Dep. Minority Leader is recognized for her manifestation or interpellation.

REP. ANTONINO-CUSTODIO. Mr. Speaker, we would like to recognize the Hon. Jake Lagonera who is here with us today, and Asec. Bernie Sayo, who is always in the House of Representatives.

Mr. Speaker, on behalf of the minority, there being no interpellators, we move for the termination of the period of interpellation and debate on the budget of the PLLO.

REP. GONZALES (N.). We join the minority in its motion.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection to the motion of the minority and the majority to terminate the period of debate on the budget of the PLLO? (*Silence*) The Chair hears none; the motion is approved.

The period of debate on the budget of the PLLO is now terminated.

SUSPENSION OF SESSION

REP. GONZALES (N.). May I ask for a few minutes suspension of the session, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). The session is suspended for a few minutes.

It was 10:36 a.m.

RESUMPTION OF SESSION

At 10:43 a.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Datumanong). The session is resumed.

The Sr. Dep. Majority Leader is recognized.

REP. GONZALES (N.). Mr. Speaker, I move that we resume the consideration of House Bill No. 5116 by taking up the budget of the Games and Amusements Board (GAB) under Other Executive Offices. For this purpose, may I ask for the recognition of the distinguished Sponsor, the Hon. Daza, and likewise, the honorable Dep. Minority Leader, the Hon. Antonino-Custodio for her interpellation or manifestation.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The honorable Gentleman from Northern Samar is recognized to sponsor the budget of the GAB, and the distinguished Dep. Minority Leader is recognized for her manifestation or interpellation.

REP. DAZA. Mr. Speaker, thank you very much. Good morning.

Before we begin, I just want to acknowledge the presence

of the Chairman of the Games and Amusements Board, Chairman Eric Buhain, and Commissioner Angel Bautista who are present with us this morning.

THE DEPUTY SPEAKER (Rep. Datumanong). The distinguished Dep. Minority Leader is recognized.

REP. ANTONINO-CUSTODIO. Mr. Speaker, on behalf of the minority, there being no interpellators for the budget of the GAB, we move to terminate the period of interpellation and debate on the budget of the said agency.

REP. GONZALES (N.). We join the motion of the minority.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection to the motion of the minority and the majority to terminate the period of debate on the budget of the GAB? (*Silence*) The Chair hears none; the motion is approved.

The period of debate on the budget of the GAB is now terminated.

REP. GONZALES (N.). Mr. Speaker, I now move that we consider the budget of the Philippine Racing Commission (Philracom). For this purpose, may I ask for the recognition of the distinguished Sponsor, the Hon. Daza, and likewise, the honorable Dep. Minority Leader, the Hon. Antonino-Custodio, for her manifestation.

THE DEPUTY SPEAKER (Rep. Datumanong). The distinguished Sponsor is recognized.

REP. DAZA. Thank you, Mr. Speaker.

Please allow me to acknowledge the presence of the Chairman of the Philracom, the Hon. Jose Ferdinand Rojas II.

THE DEPUTY SPEAKER (Rep. Datumanong). The distinguished Dep. Minority Leader is recognized for her manifestation or interpellation.

REP. ANTONINO-CUSTODIO. Mr. Speaker, on behalf of the minority, there being no interpellators, we move for the termination of the period of interpellation and debate on the budget of the Philracom.

REP. GONZALES (N.). We join the minority in its motion, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection to the motion of the minority and the majority to terminate the period of interpellation and debate on the budget of the Philracom? (*Silence*) The Chair hears none; the motion is approved.

The period of debate on the budget of the Philracom is now terminated.

REP. GONZALES (N.). I now move, Mr. Speaker, to consider the budget of the Philippine Sports Commission (PSC). For this purpose, may I ask for the recognition of the distinguished Sponsor, the Hon. Daza, and likewise, the Dep. Minority Leader, the Hon. Antonino-Custodio for her manifestation.

THE DEPUTY SPEAKER (Rep. Datumanong). The distinguished Sponsor is recognized.

REP. DAZA. Thank you, Mr. Speaker.

Here with us this morning are the representatives of the PSC: Chairman William Butch Ramirez, Commissioner Ritchie Garcia, Commissioner Eric Loretizo, Commissioner Akiko Thompson, and our Executive Director, Father Vicente Uy.

THE DEPUTY SPEAKER (Rep. Datumanong). The distinguished Dep. Minority Leader is recognized.

REP. ANTONINO-CUSTODIO. Mr. Speaker, on behalf of the minority, there being no interpellators, we move for the termination of the period of interpellation and debate on the budget of the PSC.

REP. GONZALES (N.). We join the motion of the minority, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The period of debate on the budget of the PSC is now terminated.

SUSPENSION OF SESSION

REP. GONZALES (N.). May I ask for a few minutes suspension of the session, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). The session is suspended for a few minutes.

It was 10:48 a.m.

RESUMPTION OF SESSION

At 10:52 a.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Datumanong). The session is resumed.

REP. GONZALES (N.). Mr. Speaker, I now move that we consider the budget of the Southern Philippines Development Authority (SPDA). For this purpose, may I ask for the recognition of the distinguished Sponsor, the Hon. Jaafar, and also the Dep. Minority Leader, the Hon. Antonino-Custodio, for her manifestation.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection to the motion? (*Silence*) The Chair hears none; the motion is approved.

The Gentleman from Tawi-Tawi is recognized for his sponsorship, and the distinguished Dep. Minority Leader is recognized for her manifestation or interpellation.

REP. JAAFAR. Thank you, Mr. Speaker.

Mr. Speaker, the current budget of the SPDA, under the leadership or administration of the agency, the Hon. Jerry Tomawis, has an appropriation of P111,943,000. Since its reactivation by virtue of Executive Order (EO) No. 371, Series

of 1996, the SPDA has invigorated or enhanced the economic activity in the area, thereby creating opportunities for our people. Although said appropriations may be measly vis-à-vis the total national budget, the SPDA does not see this as an impediment in their journey to progress. They always take heart in fulfilling their vision of creating an economically progressive and socially responsive society.

Honorable Ladies and Gentlemen of this Chamber, may I earnestly request for the approval of the proposed allocation for the SPDA.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). The distinguished Dep. Minority Leader is now recognized. She may proceed to manifest or interpellate.

REP. ANTONINO-CUSTODIO. Mr. Speaker, on behalf of the minority, there being no interpellators coming from the minority, we move for the termination of the period of interpellation and debate on the budget of the SPDA.

REP. GONZALES (N.). We join the motion of the minority, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection to the motion? (*Silence*) The Chair hears none; the motion is approved.

The period of debate on the budget of the SPDA is now terminated.

SUSPENSION OF SESSION

REP. GONZALES (N.). May I ask for a suspension of the session.

THE DEPUTY SPEAKER (Rep. Datumanong). The session is suspended for few minutes.

It was 10:55 a.m.

RESUMPTION OF SESSION

At 10:55 a.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Datumanong). The session is resumed.

The Sr. Dep. Majority Leader is recognized.

REP. GONZALES (N.). Mr. Speaker, under the Department of Environment and Natural Resources' (DENR) budget, I move that we consider the budget of the National Commission on Indigenous Peoples (NCIP). May we recognize the distinguished Sponsor of the said budget, the Hon. Singson, and likewise, to interpellate the Sponsor, the distinguished Lady from Gabriela, the Hon. Ilagan.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection to the motion? (*Silence*) The Chair hears none; the motion is approved.

The distinguished Gentleman from Ilocos Sur, Dep. Speaker Singson, is recognized to sponsor the budget, and the distinguished Lady from Gabriela is recognized for her interpellation.

REP. ILAGAN. Thank you, Mr. Speaker.

At the outset, let me greet the representatives of the commission. Good morning May we also know if the good director of the commission is present for this morning's budget hearing.

REP. SINGSON (E.). Mr. Speaker, the Commissioner is here. He is present right now.

REP. ILAGAN. May we know who the most recent appointee of the commission is, Mr. Sponsor, because we have received word that there is a new head of the commission.

REP. SINGSON (E.). The Chairman, Mr. Speaker, is Atty. Insigne. He is the head of the agency.

REP. ILAGAN. Thank you very much for the information, Mr. Speaker.

Once again, good morning. I just have a few clarificatory questions.

In the 11 years that the Indigenous Peoples' Rights Act (IPRA) has been implemented and the NCIP has been mandated by this law to protect the indigenous peoples' rights, only 48.52 percent of the ancestral domains or lands with applications for titles have been given titles. To date, 182 Certificate of Ancestral Domain Titles (CADTs) and 278 applications for indigenous peoples' (IP) lands have yet to be approved for titles. This is a very slow rate of approval of applications. And so our question is, at the rate the NCIP is issuing titles for IP lands, CADTs, and Certificate of Ancestral Land Titles (CALTs), may we know if the commission can fast-track the approval of the processing of these CADTs or CALTs?

REP. SINGSON (E.). Mr. Speaker, the agency is doing its best to fast-track, in pursuant to its mandate, the approval of applications. First, I would like to just mention that the agency has completed the approval of 55 ADs—that means ancestral domain—equivalent to 1.363,000 million hectares and an additional 30 ADs, which are about 601,000 hectares. Another 63 ADs are undergoing social preparation, and this will amount to 1.2 million hectares. The total size of surveyed ancestral land is 6,682,000 hectares. There are 26 ancestral land surveys ongoing, involving 3,673,900 hectares. There are 481 ancestral lands—amounting to 3,444,000 hectares—undergoing social preparation.

The agency is doing its best to implement its mandate, however, Mr. Speaker, as we all know, sometimes agencies need more funds to move and make things faster. At present though, considering the meager amount of P500 million the agency has as a budget, I suppose the accomplishment is significant.

REP. ILAGAN. Thank you, Mr. Speaker.

Between the issuance of CADTs and CALTs, obviously, there is a declining trend in the issuance of the CALTs, and most IPs are farmers relying on land for food. So the delay in the issuance of the title can mean hunger and poverty for them.

Going back, why is it more difficult to issue a CALT compared to compliance certificates or CADTs also?

REP. SINGSON (E.). As I have said, Mr. Speaker, the agency needs more money to move, especially when we talk of ancestral lands. The lands have to be measured, and the agency needs money to do it.

I just want to inform the Lady that for this year, there were seven CALTs issued covering 1,237 hectares, and 22 CADTs covering 782,294 hectares of land.

REP. ILAGAN. Thank you, Mr. Speaker.

May we request from the commission a copy of the update on how many CADTs or CALTs have been distributed as of this time.

REP. SINGSON (E.). Gladly, Mr. Speaker. We will give the Lady a copy of the information.

REP. ILAGAN. Thank you very much, Mme. Speaker.

May I now move on to an alarming trend in our country, and that is the increasing incidence of IP-land grabbing by large local and foreign companies interested in putting up agribusiness and mining sites. For example, we have had cases where the Bugkalots of Pao and the Kakidugan in Nueva Vizcaya were displaced and even harassed by some mining companies. What has the commission done to proactively prevent further troubles among the tribes or between the tribes and these mining companies which have been allowed to enter IP lands?

REP. SINGSON (E.). Mr. Speaker, the agency, of course, has to enforce always the requirements that have to be met before any mining company goes to the area. There is, for example, this free, prior and informed consent that has to be secured. As mandated by law, the agency will see to it that the IPs are protected.

REP. ILAGAN. That is true, Mr. Speaker, because time and again, it is brought up in our committee hearings that the acquisition of free, prior and informed consent is not thoroughly done, and that the process itself is highly questionable. This is an issue which crops up again and again in committee hearings. The NCIP is usually, at the end of all the questionings, brought up by stakeholders because the complaint is that the process is not done properly. So this is my way of manifesting that this very important process of getting free, prior and informed consent should be done correctly so that we avoid quarrels. By doing this process properly, we avoid questions later on when a particular piece of land is being discussed for issuance to a mining company or for approval by the existing IP group in the area.

REP. SINGSON (E.). The Lady is right, Mr. Speaker. With regard to mining companies, the problems the agency encountered with them are not only on ancestral domain areas but also in other areas. This is why this matter really needs consultation.

To help prevent this, the agency has adopted a policy that they also involve the church, like the Catholic Bishops' Conference of the Philippines (CBCP), and other NGOs that may wish to help protect the right of the IPs. This is what the agency is doing now. Of course, sometimes, the agency is criticized for issuing or giving a permit, but when the time comes that there are complaints, the agency also comes to

the rescue. It does its best to involve everybody so that information is properly disseminated and the rights of the IPs are protected.

REP. ILAGAN. Thank you, Mr. Speaker.

May I move on now to the problems encountered by our IPs in areas which are already the focus of interest of mining companies. Some companies even hire military and paramilitary groups to guard their business interests, such as in the case of the Subanon in Zamboanga del Norte where there is a very big presence of the 44th Infantry Battalion of the Armed Forces of the Philippines and the CAFGUS. Some problems have erupted between the IPs and the company. We have also had complaints coming from IPs in Panay—the Tumandoks—whose ancestral domain is also being threatened because of the presence of the big military group that has been given the right to stay in that area. There have been a lot of incidents where military people have been accused of food blockade and harassing the IPs. And so my question is, can the NCIP do something to prevent these encounters that usually result in disasters or that result in fatalities? It has been reported by Karapatan that 85 people belonging to IP tribes have been killed since 2001, all of them in relation to conflicts that arose because of the presence of the military personnel that have been hired by companies to guard their business interests.

REP. SINGSON (E.). That is a correct observation, Mr. Speaker. Sometimes, probably because of the big investment of these companies, they really do their best to protect their interests. They even go as far as hire military personnel and security guards to help them in their intention to protect their business. And because of this, some of our IPs are being terrorized and their rights are being violated. Of course, that is a big problem for the NCIP, so it is trying its best to protect the people there by representing them to the military, to the higher-ups to resolve this conflict. As I have said, overzealous mining companies really use all kinds of methods to pursue their business interests.

REP. ILAGAN. Yes, that is true, I agree with the Sponsor, Mr. Speaker. That is why I took this up, to remind the NCIP that their mandate is really to side with the IPs and to protect their rights. This brings me to a project or a program under the NCIP. Under the MFO1 formulation of policy guidelines, plans and programs, conduct of studies and documentation, there is a program for children—indigenous peoples' children—involved in armed conflict. The title of the program is, "Disarmament, Demobilization, Rehabilitation and Reintegration Program." May I know the rationale behind this particular project?

REP. SINGSON (E.). The NCIP normally documents cases and refers them to the proper agencies concerned for help or rehabilitation and to help protect the IPs in that area. I would like to assure the Lady that this agency is really doing its best to protect the IPs. As I have said, it is unfortunate that we have companies that are so overzealous when it comes to protecting their business that they use armed groups. But the NCIP, even with that condition, is doing its best to protect the IPs by involving the national government and all the agencies that may be able to help.

REP. ILAGAN. Thank you, Mr. Sponsor.

Mr. Speaker, one of the laudable projects of the NCIP is its scholarship program. As a former teacher, I have handled some IP students and I have seen the importance of providing support to these students who want to acquire a college education and who are most likely motivated also to go back to their own tribes to teach their fellow IPs. But I have realized that this scholarship program is not enough. Perhaps the NCIP can devise other support systems so that the IPs do not rely purely on scholarships, that there would be other ways of ensuring that these IP scholars can finish their studies, and that they can benefit from the education that we provide to them. We need to provide them with more support in other ways and not just assistance with their tuition fees. A very big problem really is how to cope with the day-to-day requirements of going to school; providing them with financial support for their tuition fees may not be sufficient. So may I know if the NCIP is also creatively thinking of ways in order to ensure that a scholar can finish his or her studies?

REP. SINGSON (E.). Yes, the NCIP also provides some assistance to IP grantees. And the Lady is right; there needs to be more assistance in order for the grantee to be able to pursue her or his studies. As of now, we have educational funds that are being given to them. And in some instances, the agency also gives assistance in kind.

REP. ILAGAN. Thank you, Mr. Speaker.

At this point, may I suggest that we assess the scholarship programs provided by the NCIP and that we also choose or suggest strongly the type of courses that they should take. Because I am struck by a report—and it is in the documents—that we encourage our IP scholars to take up courses that will enable them to be employed in call centers. My point is that there is a more urgent concern and need, and that is for our IP scholars to go back to their own people, to their own tribes. This is so, after having benefited from the scholarship program, they can also pass on to the other members of the tribe the education that they have acquired. If we can provide more support or a bigger scholarship grant for those who would take up Education or courses that would help alleviate the poverty of the tribal groups, then I think that would be very helpful. I suggest that the scholarship program be evaluated once again so that we can really help the tribes, the IPs.

REP. SINGSON (E.). Yes, in fact, by next year, the NCIP will conduct an impact study on the scholarship program, the educational program. The agency, the NCIP, will gladly accept proposals, especially those coming from Congress. That will be done next year.

REP. ILAGAN. Thank you very much, Mr. Speaker.

It is my hope that we can work well with the NCIP, and that it would be given the support that it badly needs so that it can carry out its mandate. Hopefully, the Commission would also be reminded that its primary objective is really to promote and protect the rights of IPs.

Good morning.

REP. SINGSON (E.). I would like to thank the distinguished Lady for her questions.

REP. ILAGAN. Thank you, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). The Sr. Dep. Majority Leader is recognized.

REP. GONZALES (N.). Mr. Speaker, I move that we suspend in the meantime the consideration of the budget of the NCIP.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection? *(Silence)* The Chair hears none; the motion is approved.

REP. GONZALES (N.). Mr. Speaker, I now move that we take up the budget of the Office on Muslim Affairs (OMA). For this purpose, may I ask for the recognition of the distinguished Sponsor, the Hon. Jaafar, and likewise, the honorable Party-List Representative from the Anak ng Mindanao, Mujiv Hataman.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection? *(Silence)* The Chair hears none; the motion is approved.

REP. HATAMAN. Mr. Speaker.

SUSPENSION OF SESSION

THE DEPUTY SPEAKER (Rep. Datumanong). The session is suspended for one minute.

It was 11:18 a.m.

RESUMPTION OF SESSION

At 11:19 a.m., the session is resumed.

THE DEPUTY SPEAKER (Rep. Datumanong). The session is resumed.

The distinguished Dep. Speaker Singson is recognized to sponsor the budget of the OMA.

REP. HATAMAN. Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). And the distinguished Gentleman from Anak Mindanao is recognized for his manifestation or interpellation.

REP. HATAMAN. Mr. Speaker, on the part of the minority, there being no Member who wishes to interpellate, I move to terminate the period of interpellation and debate on the budget of the OMA.

REP. GONZALES (N.). We join the minority in its motion, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection to the motion?

REP. PADILLA. Mr. Speaker.

REP. PICHAY. Objection, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). What is the pleasure of the Gentleman from Surigao del Sur?

REP. PICHAY. We still want to interpellate. Why will the period of interpellation be terminated?

SUSPENSION OF SESSION

REP. GONZALES (N.). May I ask for a suspension of the session.

THE DEPUTY SPEAKER (Rep. Datumanong). The session is suspended.

It was 11:20 a.m.

RESUMPTION OF SESSION

At 11:20 a.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Datumanong). The session is resumed.

The distinguished Gentleman from Surigao is recognized.

REP. PICHAY. Mr. Speaker, I withdraw my objection. I thought the motion was for the termination of the deliberation on the budget of the NCIP. Since it was for the termination of the period of deliberation and interpellation on the budget of the OMA, I second the motion.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection to the motion?

REP. PADILLA. Mr. Speaker. I just have a manifestation, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). What is the pleasure of the Gentleman from Nueva Vizcaya?

REP. PADILLA. My manifestation is, the group of Independents would like to join the minority and the majority in its motion to terminate the period of deliberation on the budget of the OMA, but with the note that this Representation submitted a concern to the OMA during the subcommittee meeting, of which the distinguished Acting Speaker was privy. I am happy to note, upon the report of the Hon. Jaafar, that the point that was raised by this Representation was properly considered by the said office.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). There being no objection to the motion, the motion is approved.

The period of interpellation on the budget of the OMA is terminated.

REP. GONZALES (N.). Mr. Speaker, may I now move that we resume the debate on the budget of the NCIP.

May we recognize the Sponsor, the honorable Dep. Speaker Singson, to be interpellated by the distinguished Representative Dilangalen.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection to the motion? The Chair hears none; the motion is approved.

The distinguished Dep. Speaker Singson is recognized

to continue the sponsorship of the budget of the NCIP, and the distinguished Gentleman from Shariff Kabunsuan and Cotabato City is recognized for his interpellation.

REP. DILANGALEN. Thank you very much, Mr. Speaker.

I would like to concentrate my interpellation on the scholarship program for members of the cultural minorities.

As an introduction, Mr. Speaker, many members of the cultural minorities are recipients of my scholarship program which is funded out of our Priority Development Assistance Fund (PDAF), and this is coursed through the Department of Social Welfare and Development (DSWD). I am also in close contact with one of the leaders of the IP's in our area, the honorable Mayor Ramon Piang of the Municipality of Upi in Shariff Kabunsuan province, formerly Maguindanao.

I have a concern here, Mr. Speaker. Previously, the directors of the NCIP in our area had the courtesy to coordinate with the Office of the District Representative, and I am very thankful that there is this close coordination. However, for two terms already, the NCIP directors in our area have taken for granted the office of the Congressman in my district. I have sent my chief of staff to the Office of the Regional Director, but we were just given the runaround. I inquired about the scholarship program for members of cultural communities in my area, but they would not give us a definitive answer. Before I realized it, the scholarship program has become riddled with corruption.

For this reason, Mr. Speaker, in open session, I would like the director of the NCIP in our area to be relieved. If she will not be relieved, then I move that we suspend the deliberation on the budget of the agency because this is uncalled for, and I do not like regional directors taking for granted the office of the Congressmen. Under the General Appropriations Act (GAA), they should always coordinate with the office of the Congressmen.

SUSPENSION OF SESSION

THE DEPUTY SPEAKER (Rep. Datumanong). With the permission of the Gentlemen on the floor, the session is suspended for a few minutes.

It was 11:25 a.m.

RESUMPTION OF SESSION

At 11:36 a.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Datumanong). The session is resumed.

The distinguished Gentleman from Shariff Kabunsuan and Cotabato City is recognized.

REP. SINGSON (E.). Mr. Speaker, with regard to ...

THE DEPUTY SPEAKER (Rep. Datumanong). Please be advised that the Chair has recognized the Gentleman from Shariff Kabunsuan.

The Gentleman from Shariff Kabunsuan is waiving in favor of the distinguished Sponsor. The distinguished Sponsor may now proceed with his manifestation or statement.

REP. SINGSON (E.). Mr. Speaker, after consulting with the agency and the regional director concerned with regards to the concern of the Hon. Dilangalen, the agency has promised that the concern will be addressed. Also, if and when the concerned officials will still not be able to address the concern of that area, then the agency will take the proper action against the officials assigned in the area.

REP. DILANGALEN. Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). The Gentleman from Shariff Kabunsuan and Cotabato City is recognized.

REP. DILANGALEN. With the full assurance of the leadership of the NCIP that their regional officials will closely coordinate with the office of the Congressmen, and after considering the plea of the regional director to be given a chance to still serve and my sincere interest in uplifting the status of the IPs or indigenous peoples in our area—specifically and especially the terrorized—I would like to terminate my interpellation and withdraw my motion. The matter has been settled already, Mr. Speaker.

Thank you very much, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). The motion of the Gentleman from Shariff Kabunsuan has been withdrawn. Instead, he filed a motion to terminate the period of interpellation on the budget of the NCIP.

REP. DILANGALEN. Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). The Gentleman from Shariff Kabunsuan is recognized.

REP. DILANGALEN. I am terminating my interpellation, not the interpellation on the budget of the NCIP.

THE DEPUTY SPEAKER (Rep. Datumanong). The clarification has been noted.

The distinguished Gentleman from Cagayan de Oro City is recognized.

REP. RODRIGUEZ. Thank you, Mr. Speaker, and good morning to our distinguished Sponsor.

The NCIP is an utter failure in the Second District of Cagayan de Oro. This particular agency of the government has failed to assist the indigenous peoples of the City of Cagayan de Oro.

Last year, they promised to give scholarships to the indigenous peoples in my barangays in Cagayan de Oro City, namely, Upper Tablon, Indahag, Upper Agusan, and Balubal. Up to today, no scholar has been enrolled because there has been no release since 2007. Those that I have recommended in different colleges were not able to study last June, and I am being faulted by all the indigenous people there in Cagayan de Oro. The parents came to me and they were crying because their daughters and sons, whom I recommended, were not enrolled last June. The promise of the NCIP last 2007—as I remember, in October—was that they would provide funds for the scholars. When June came, not one of our indigenous children was able to enroll because the NCIP failed to deliver

on its promise. That is why this is an agency that should be abolished. This is an agency that has never been able to assist in any single manner the indigenous people of Cagayan de Oro.

Mr. Speaker, I would like to ask from them why nothing has been released to Cagayan de Oro. For example, there was a request made during our fiesta for assistance for the dance presentations of the Higaonons. However, there was no action on the part of the NCIP on this request. I also requested for assistance in the application for ancestral domain titles of the Tagoloan ancestral domain area. The IPs went back and forth to the office until they have spent all their money for transportation, but nothing has happened to their application.

REP. SINGSON (E.). Mr. Speaker.

REP. RODRIGUEZ. Nothing has happened, Mr. Speaker. And so, I would like to know why this is happening. Because I will not only ask for a deferment, I would move for the abolition of the NCIP.

REP. SINGSON (E.). Mr. Speaker, can I answer the Gentleman's concern?

First of all, I would like to inform the honorable Gentleman from Cagayan de Oro that the NCIP has allotted P150,000 for its scholarship program. It is true that the recipients have not received it yet because the fund has just been released. The documentation is still ongoing. The agency is assuring the Gentleman, however, that they will process that documentation quickly so that the P150,000 will reach the recipients soon.

As for the additional grantees, I just want to inform the Gentleman that the reason it has not been processed yet is that there have been no funds released yet for the 2008 scholarship program for Cagayan de Oro. I would like to assure the honorable Gentleman that as soon as the DBM releases the requested amount, then not only will the P150,000 be given out, there will also be an additional allocation for the requested scholarship grantees.

REP. RODRIGUEZ. Mr. Speaker, these scholarship funds for 2007 have not yet been released even up to now, when 2008 is already about to end. I would like to know why. My scholars were supposed to start attending school last June 2008 because the funds we earmarked for Cagayan de Oro is from the 2007 budget. The funding was never released, and therefore, my scholars were not able to go to school. How can we give back the one year our scholars in Cagayan de Oro lost?

REP. SINGSON (E.). Mr. Speaker, the answer given to me by the agency is that they are awaiting full documentation. They are waiting for the names of the scholars.

REP. RODRIGUEZ. What does the Gentleman mean that they are waiting for documentation? We gave them to the NCIP about 10 months ago. What documentation are they talking about? I cannot accept that because I am really mad at what is happening. It is not me but my scholars who were crying because they could not enroll in the colleges of Cagayan de Oro. How can we give back the one year these scholars

from the Higaonon tribes lost? How can we manage to restore the one year they lost?

SUSPENSION OF SESSION

REP. SINGSON (E.). May I request for a few minutes suspension of the session, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). The session is suspended for a few minutes.

It was 11:45 a.m.

RESUMPTION OF SESSION

At 11:47 a.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Datumanong). The session is resumed.

The distinguished Sponsor may now respond to the question of the interpellator.

REP. SINGSON (E.). Mr. Speaker, I just conferred with the agency concerned. According to them, to fast-track and to facilitate the release of the amount, the agency will countercheck the names submitted by the honorable Gentleman from Cagayan de Oro. As soon as they get all the names, as submitted by the Congressman, then the budget for 2007 will be released immediately since this amount is ready to be released. I would like also to assure the Gentleman that the additional names that have been submitted for 2008 will also be processed, and that they will be included. As soon as we get the release from the DBM, then that amount will also be released to the recipients.

REP. RODRIGUEZ. Mr. Speaker, this 2007 budget has been delayed for more than one year. Can we get the assurance that we will get it this month? We will try to enroll them in November, at the start of the second semester, because if we do not, then the children will lose a year. Can we get the assurance that all the amount that was earmarked in 2007 will be released this October so that I can enroll my scholars this coming second semester? I will talk to the different schools in Cagayan de Oro and ask them to accept these scholars from the indigenous groups.

REP. SINGSON (E.). Yes, Mr. Speaker.

REP. RODRIGUEZ. When in October will that be? This has already been delayed for one year and four months.

REP. SINGSON (E.). The central office will immediately coordinate with the Gentleman's. As soon as they get all the names, as I have said, the fund will be released.

REP. RODRIGUEZ. Would it be possible to release the funds at the end of October at the latest? We need to do this by then because enrollment is on the first week of November.

REP. SINGSON (E.). Yes, since the amount is ready, there will be no, I think, problems in the release of that budget.

REP. RODRIGUEZ. The budget for 2008 should also be released because that is supposed to be for the scholars this year. I should also have the earmarked fund from the 2008 budget.

Anyway, these are all going to the students. In fact, I think this fund is going to the schools; this will not go to the Congressmen. That is why I have already lined up our indigenous peoples in Cagayan de Oro who are going to enroll. We need to also get the 2008 budget released this October 2008 so that they can all enroll for the second semester.

REP. SINGSON (E.). Yes, Mr. Speaker, the agency is following it up with the DBM. They have been assured that it will be released since they are also aware that the students are going to enroll again in October. They will also process the additional allocation that will be given to the Gentleman's district.

REP. RODRIGUEZ. Let me now proceed to the matter of the ancestral domains.

The indigenous peoples have been going to me and wondering how come the NCIP is unable to help them. They have been going back and forth. Those applying for ancestral domain titles in Tablon for example, have been coming to see me and have been writing to me. What I tell them is that I have been following it up with the NCIP, but nothing has happened in the ancestral domain claim in Upper Tablon, Cagayan de Oro. Why is that so? I have been following-up with the NCIP for one year, but nothing has happened.

REP. SINGSON (E.). Mr. Speaker, I was informed that the work and financial plans have been processed, and the approval of the area will be done as soon as everything is submitted to the office.

REP. RODRIGUEZ. Mr. Speaker, what is the timetable? As I understand, they will still conduct a survey. Is it not that the survey should be paid for by the NCIP because these people cannot spend for the survey? What is the status now of that? May I know? I cannot even talk to our director there. It is very difficult to get in touch with him. So what is the status? What is the time line? And what is supposed to be done about this? I need answers because the IPs are always following up the status with me.

REP. SINGSON (E.). Yes, Mr. Speaker.

With regard to the query on when will it be finished, I was assured that it will be done by early next year.

REP. RODRIGUEZ. What is the status now? What will be done?

REP. SINGSON (E.). The status is that they have already done the survey.

REP. RODRIGUEZ. The survey is already finished? I thought that wala pang survey.

REP. SINGSON (E.). The survey is ongoing because they just got the funds, Mr. Speaker.

REP. RODRIGUEZ. Ongoing? I have been told by them that there has been no action yet as of this time. Does "ongoing" mean that they are currently surveying, or the funds are there but the survey has yet to start? Which is which?

REP. SINGSON (E.). I said ongoing because they just got the funds for the survey.

REP. RODRIGUEZ. So it is not yet ongoing. They are just about to start the survey; there has been no survey yet. Is that correct, Mr. Speaker?

REP. SINGSON (E.). Yes, Mr. Speaker, the actual survey has not been conducted yet.

REP. RODRIGUEZ. How much does that survey cost? Why is it taking so much time? I have been requesting for this for one year, but up to now, there has been no survey conducted yet.

REP. SINGSON (E.). Mr. Speaker, the estimate for the survey is about P400,000.

REP. RODRIGUEZ. Will bidding on that be open to surveyors in Cagayan de Oro?

REP. SINGSON (E.). Mr. Speaker, the NCIP has their own surveyors.

REP. RODRIGUEZ. Very good.

REP. SINGSON (E.). This is in order to cut expenses.

REP. RODRIGUEZ. The surveyors will come from where? From Manila?

REP. SINGSON (E.). From the region, Mr. Speaker.

REP. RODRIGUEZ. They will come from the region?

REP. SINGSON (E.). Yes, from the region. They have a surveyor in the region.

REP. RODRIGUEZ. Good. So we should start the survey immediately. I will meet with the indigenous peoples of Tablon and tell them that it takes a budget hearing to be able to start a survey. Finally, one year later, there will be a survey.

I will now go to the next point. Why is it that our requests for assistance for cultural development programs like cultural dance presentations are not given even the courtesy of a reply? Nothing. No single centavo was given as assistance to these people who wanted help in organizing and presenting themselves during the fiesta of Cagayan de Oro last August. Why?

REP. SINGSON (E.). Mr. Speaker, there is, I think, a procedure that has to be followed before the office can assist such activities financially. And I was informed that they did not receive a formal request.

REP. RODRIGUEZ. There were letters sent. I was shown letters by the Higaonon tribe which performed last August.

They complained to me about the fact that they were not assisted. In fact, there was even no reply made to their letter. May I know why there was no reply made to letters of indigenous peoples requesting for assistance when this is the National Commission on Indigenous Peoples?

REP. SINGSON (E.). Mr. Speaker, the agency sometimes cannot act on some requests because there is lack of funding for particular kinds of project. Actually, the agency does not fund all festivities or festivals that are being conducted, but they help in some way. The NCIP is assuring the Gentleman, however, that in the event that there will be a formal request, then the agency will act on it.

REP. RODRIGUEZ. In the future, will there be support? There were only two requests made for one entire year—the total of which did not even amount to more than a hundred thousand pesos—and yet they were denied, Mr. Speaker. In the future, can the request be considered considering that there is no other agency the IPs could go to except the NCIP? I, myself, have contributed to these IPs. I gave them money to help in their preparation for their dance performances during the fiesta. However, we would like to see not only the Congressmen but also the NCIP provide financial assistance because that is the mandate of the NCIP. Will there be a commitment that, in the future, requests will be answered and will be given some allocation?

REP. SINGSON (E.). Yes, Mr. Speaker, the NCIP will do its best to grant requests, and we will make a commitment to the Gentleman that the next request will be granted.

I just want to inform the Gentleman from Cagayan de Oro that the total budget for these kinds of activities is only P269,000. That is why when we had the hearing, we had to take the cudgels for making a request for additional budget for this activity because, as the good Representative mentioned, P269,000 is a measly amount for a nationwide budget, Mr. Speaker.

REP. RODRIGUEZ. Mr. Speaker, in view of the commitment to release or make available the funds for 2007 and 2008 by the end of October so that we could at least enroll our scholars from indigenous groups in school in November; in view of the commitment that the ancestral domain claim of the IPs of Upper Tablon, Cagayan de Oro City, is now going to be worked on through this survey which should be started soon; in view of the commitment to assist cultural events involving the IPs; and in view of the fact that the commitment is made by the Hon. Eric Singson, whose word I value and who has committed to work on these issues I brought up, I am not going to talk anymore with the chairman of this particular agency, Mr. Insigne. He is my good friend in the Prosecutor's Office, a good friend who has failed me, who has failed the city of Cagayan de Oro. I am going to follow this up with the chairman of the Committee on Indigenous Peoples himself as I am tired of having to follow up through telephone calls and cellphone text messages without anything happening to our requests. And so, with the commitments he made, may I ask the distinguished Sponsor if he can take the cudgels for the city of Cagayan de Oro.

REP. SINGSON (E.). Yes, Mr. Speaker.

REP. RODRIGUEZ. So I will not have to deal with these inefficient and incompetent people in the NCIP?

REP. SINGSON (E.). Yes, Mr. Speaker.

I would like to thank the Gentleman for his confidence. I will try my best to help Cagayan de Oro.

REP. RODRIGUEZ. Thank you very much, Mr. Speaker.

Because of that, I would therefore end my interpellation and bank on the commitments of the distinguished Sponsor, my good friend Eric Singson, that the IPs of Cagayan de Oro will be given their fair share.

Thank you very much, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). The Sr. Dep. Majority Leader is recognized.

SUSPENSION OF CONSIDERATION OF H.B. NO 5116

REP. GONZALES (N.). Mr. Speaker, I move that we suspend the consideration of House Bill No. 5116.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. GONZALES (N.). Mr. Speaker, I now move that we take up bills on Third Reading.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

APPROVAL ON THIRD READING OF CERTAIN MEASURES

REP. GONZALES (N.). Mr. Speaker I move that we approve on Third Reading certain bills.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

On successive motions of Rep. Neptali M. Gonzales, there being no objection, the Body proceeded to approve on Third Reading the following measures, printed copies of which were distributed to the Members on September 15, 2008 pursuant to Section 57, Rule X of the House Rules:

1. House Bill No. 4913, entitled: AN ACT AMENDING SECTIONS 4 AND 20 OF PRESIDENTIAL DECREE NO. 1616, AS AMENDED.

2. House Bill No. 4916, entitled: AN ACT EMPOWERING THE LOCAL SANGGUNIAN, EXCEPT THE SANGGUNIAN BARANGAY, TO DECLARE LOCAL HOLIDAYS, AMENDING FOR THE PURPOSE SECTION 13 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991.

3. House Bill No. 4925, entitled: AN ACT GRANTING GOOD CONDUCT TIME ALLOWANCE TO PRISONERS WHO PARTICIPATE IN LITERACY, SKILLS AND VALUES DEVELOPMENT PROGRAMS IN PENAL INSTITUTIONS, AMENDING FOR THE PURPOSE ARTICLE 97 OF ACT NO. 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE.

4. House Bill No. 4981, entitled: AN ACT PROVIDING FOR THE REGIONALIZATION OF THE DEPARTMENT OF EDUCATION PAYROLL SERVICES DIVISION AND PROVIDING FOR FUNDS THEREFOR.

The Chair directed the Secretary General to call the roll for nominal voting. Thereafter, pursuant to the Rules of the House, a second roll call was made. Per Journal No. 25, the result of the voting on Third Reading on the aforesaid bills is as follows: 162 affirmative votes, no negative vote and no abstention.

Affirmative:

Abante	Crisologo
Abaya	Cruz-Gonzales
Ablan	Cua (J.)
Agbayani	Cuenco
Agyao	Dangwa
Albano	Datumanong
Alcala	De Guzman
Almario	De Venecia
Alvarez (A.)	Defensor (A.)
Antonino-Custodio	Del Mar
Apostol	Del Rosario
Aquino	Diasnes
Arago	Dimaporo
Arbison	Duavit
Arenas	Dueñas
Arroyo (D.)	Dumarpa
Arroyo (I.)	Dumpit
Asilo	Durano
Bautista	Emano
Biazon	Escudero
Bichara	Estrella (C.)
Binay	Estrella (R.)
Biron	Ferrer
Bonoan-David	Garay
Bravo	Garcia (A.)
Briones	Garcia (P.)
Cabilao	Garcia (P.F.)
Cajes	Garcia (V.)
Cari	Garin
Casiño	Gatlabayan
Castro	Go
Cayetano	Golez
Cerilles	Gonzales (A.)
Chatto	Gonzales (N.)
Chavez	Gonzalez
Chipeco	Guingona
Chong	Gullas
Chungalao	Gunigundo
Clarete	Hofer
Codilla	Hontiveros-Baraquel
Coquilla	Ilagan
Coscolluela	Jaafar

Jala	Rodriguez
Jalosjos	Rodriguez-Zaladarriaga
Jalosjos-Carreón	Roman
Jikiri	Romarate
Joson	Romualdez
Labadlabad	Romualdo
Lacson	Romulo
Lagman	Roxas
Lim	Salimbangon
Limkaichong	Salvacion
Lopez (C.)	San Luis
Macapagal Arroyo	Santiago (J.)
Madrona	Seares-Luna
Magsaysay	Silverio
Malapitan	Susano
Marañon	Sy-Alvarado
Mariano	Syjuco
Matugas	Taliño-Mendoza
Maza	Tañada
Mendoza	Teves
Miraflores	Tieng
Nava	Tupas
Nicolas	Ungab
Noel	Uy (E.)
Nograles	Uy (R.S.)
Ocampo	Uy (R.A.)
Olaño	Valdez
Ong	Valencia
Padilla	Velarde
Pancho	Villafuerte
Pancrudo	Villanueva
Piamonte	Villar
Pichay	Villarosa
Pingoy	Violago
Plaza	Yap
Ramiro	Yu
Remulla	Zamora (R.)
Reyes (C.)	Zialcita
Reyes (V.)	Zubiri
Robes	

Negative:

None

Abstention:

None

APPROVAL ON THIRD READING
OF CERTAIN MEASURES

REP. GONZALES (N.). Mr. Speaker, I move that we approve on Third Reading certain bills.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

On successive motions of Rep. Neptali M. Gonzales, there being no objection, the Body proceeded to approve on Third Reading the following measures, printed copies of which were distributed to Members on September 29, 2008 pursuant to Section 57, Rule X of the House Rules:

1. House Bill No. 3590, entitled: AN ACT ESTABLISHING AN "ADOPT-A-WILDLIFE SPECIES PROGRAM," PROVIDING INCENTIVES THEREFOR, AND FOR OTHER PURPOSES.

2. House Bill No. 4997, entitled: AN ACT GRANTING COMPULSORY COVERAGE TO ACCREDITED BARANGAY HEALTH WORKERS IN THE NATIONAL HEALTH INSURANCE PROGRAM, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 7883, AND FOR OTHER PURPOSES.

Upon direction of the Chair, the Secretary General conducted a nominal voting, a first and then a second call, pursuant to the House Rules, on each of the above-mentioned measures, and the result was—yeas 163, nays none, abstention none—as follows:

YEAS

Abante	De Guzman
Abaya	De Venecia
Ablan	Defensor (A.)
Agbayani	Del Mar
Agyao	Del Rosario
Albano	Diasnes
Alcala	Dimaporo
Almario	Duavit
Alvarez (A.)	Dueñas
Antonino-Custodio	Dumarpa
Apostol	Dumpit
Aquino	Durano
Arago	Emano
Arbison	Escudero
Arenas	Estrella (C.)
Arroyo (D.)	Estrella (R.)
Arroyo (I.)	Ferrer
Asilo	Garay
Bautista	Garcia (A.)
Biazon	Garcia (P.F.)
Bichara	Garcia (P.P.)
Binay	Garcia (V.)
Biron	Garin
Bonoan-David	Gatlabayan
Bravo	Go
Briones	Golez
Cabilao	Gonzales (A.)
Cajes	Gonzales (N.)
Cari	Gonzalez
Casiño	Guingona
Castro	Gullas
Cayetano	Gunigundo
Cerilles	Hofer
Chatto	Hontiveros-Baraquel
Chavez	Ilagan
Chipeco	Jaafar
Chong	Jala
Chungalao	Jalosjos
Clarete	Jalosjos-Carreon
Codilla	Jikiri
Coquilla	Joson
Coscolluela	Labadlabad
Crisologo	Lacson
Cruz-Gonzales	Lagman
Cua (J.)	Lim
Cuenca	Limkaichong
Dangwa	Lopez (C.)
Datumanong	Macapagal Arroyo

Madrona	Romulo
Magsaysay	Roxas
Malapitan	Salimbangon
Marañon	Salvacion
Mariano	San Luis
Matugas	Santiago (J.)
Maza	Seares-Luna
Mendoza	Silverio
Miraflores	Susano
Nava	Sy-Alvarado
Nicolas	Syjuco
Noel	Taliño-Mendoza
Nogales	Tañada
Ocampo	Teves
Olaño	Tieng
Ong	Tupas
Padilla	Ungab
Pancho	Uy (E.)
Pancrudo	Uy (R.S.)
Piamonte	Uy (R.A.)
Pichay	Valdez
Pingoy	Valencia
Plaza	Velarde
Ramiro	Villafuerte
Remulla	Villanueva
Reyes (C.)	Villar
Reyes (V.)	Villarosa
Robes	Violago
Rodriguez	Yap
Rodriguez-Zaldarriaga	Yu
Roman	Zamora (R.)
Romarate	Zialcita
Romualdez	Zubiri
Romualdo	

APPROVAL ON THIRD READING
OF CERTAIN MEASURES

REP. GONZALES (N.). Mr. Speaker, I move that we approve on Third Reading certain bills.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

On successive motions of Rep. Neptali M. Gonzales, there being no objection, the Body proceeded to approve on Third Reading the following measures, printed copies of which were distributed to Members on October 2, 2008 pursuant to Section 57, Rule X of the House Rules:

1. House Bill No. 3040, entitled: AN ACT GRANTING THE CONVERGENCE INFORMATION AND COMMUNICATIONS TECHNOLOGY SOLUTIONS, INC. A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE, AND MAINTAIN TELECOMMUNICATIONS SYSTEMS THROUGHOUT THE PHILIPPINES.

2. House Bill No. 3058, entitled: AN ACT GRANTING THE INFORMATION BROADCAST UNLIMITED, INC. A FRANCHISE TO CONSTRUCT, INSTALL,

ESTABLISH, OPERATE, AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS IN THE PHILIPPINES.

3. House Bill No. 5146, entitled: AN ACT GRANTING THE PANAY TELEPHONE CORPORATION (PANTELCO III) A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN LOCAL EXCHANGE NETWORK IN THE MUNICIPALITIES OF CABATUAN, JANIUAY AND BADIANGAN, ALL IN THE PROVINCE OF ILOILO.

Upon direction of the Chair, the Secretary General conducted a nominal voting, a first and then a second call, pursuant to the House Rules, on each of the above-mentioned measures, and the result was—yeas 163, nays none, abstention none—as follows:

YEAS

Abante	Cruz-Gonzales
Abaya	Cua (J.)
Ablan	Cuenco
Agbayani	Dangwa
Agyao	Datumanong
Albano	De Guzman
Alcala	De Venecia
Almario	Defensor (A.)
Alvarez (A.)	Del Mar
Antonino-Custodio	Del Rosario
Apostol	Diasnes
Aquino	Dimaporo
Arago	Duavit
Arbison	Dueñas
Arenas	Dumarpa
Arroyo (D.)	Dumpit
Arroyo (I.)	Durano
Asilo	Emano
Bautista	Escudero
Biazon	Estrella (C.)
Bichara	Estrella (R.)
Binay	Ferrer
Biron	Garay
Bonoan-David	Garcia (A.)
Bravo	Garcia (P.F.)
Briones	Garcia (P.P.)
Cabilao	Garcia (V.)
Cajes	Garin
Cari	Gatlabayan
Casiño	Go
Castro	Golez
Cayetano	Gonzales (A.)
Cerilles	Gonzales (N.)
Chatto	Gonzalez
Chavez	Guingona
Chipeco	Gullas
Chong	Gunigundo
Chungalao	Hofer
Clarete	Hontiveros-Baraquel
Codilla	Ilagan
Coquilla	Jaafar
Coscolluela	Jala
Crisologo	Jalosjos

Jalosjos-Carreón	Rodriguez-Zaldarriaga
Jikiri	Roman
Joson	Romarate
Labadlabad	Romualdez
Lacson	Romualdo
Lagman	Romulo
Lim	Roxas
Limkaichong	Salimbangan
Lopez (C.)	Salvacion
Macapagal Arroyo	San Luis
Madrona	Santiago (J.)
Magsaysay	Seares-Luna
Malapitan	Silverio
Marañon	Susano
Mariano	Sy-Alvarado
Matugas	Syjuco
Maza	Taliño-Mendoza
Mendoza	Tañada
Miraflores	Teves
Nava	Tieng
Nicolas	Tupas
Noel	Ungab
Nogales	Uy (E.)
Ocampo	Uy (R.S.)
Olaño	Uy (R.A.)
Ong	Valdez
Padilla	Valencia
Pancho	Velarde
Pancrudo	Villafuerte
Piamonte	Villanueva
Pichay	Villar
Pingoy	Villarosa
Plaza	Violago
Ramiro	Yap
Remulla	Yu
Reyes (C.)	Zamora (R.)
Reyes (V.)	Zialcita
Robes	Zubiri
Rodriguez	

APPROVAL ON THIRD READING OF CERTAIN MEASURES

REP. GONZALES (N.). Mr. Speaker I move that we approve on Third Reading certain bills.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

On successive motions of Rep. Neptali M. Gonzales, there being no objection, the Body proceeded to approve on Third Reading the following measures, printed copies of which were distributed to Members on October 6, 2008 pursuant to Section 57, Rule X of the House Rules:

1. House Bill No. 5151, entitled: AN ACT TRANSFERRING THE PHILIPPINE COAST GUARD TO THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS AS AN ATTACHED AGENCY AND REDEFINING ITS ORGANIZATION AND PERSONNEL ADMINISTRATION, AMENDING

REPUBLIC ACT NO. 5173, AND FOR OTHER PURPOSES.

2. House Bill No. 5169, entitled: AN ACT SEPARATING THE LAMBUNAO NATIONAL HIGH SCHOOL-JAYUBO ANNEX IN BARANGAY JAYUBO, MUNICIPALITY OF LAMBUNAO, PROVINCE OF ILOILO FROM THE LAMBUNAO NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS JAYUBO NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR.

3. House Bill No. 5172, entitled: AN ACT SEPARATING THE MALAMIG NATIONAL HIGH SCHOOL-MALIGAYA ANNEX IN BARANGAY MALIGAYA, MUNICIPALITY OF GLORIA, PROVINCE OF ORIENTAL MINDORO FROM THE MALAMIG NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS PRESIDENT DIOSDADO MACAPAGAL MEMORIAL NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR.

4. House Bill No. 5173, entitled: AN ACT ESTABLISHING AN ANNEX OF THE HIMPIPIA NATIONAL HIGH SCHOOL TO BE LOCATED IN BARANGAY LIBERTAD, MUNICIPALITY OF ABUYOG, PROVINCE OF LEYTE TO BE KNOWN AS HIMPIPIA NATIONAL HIGH SCHOOL ANNEX AND APPROPRIATING FUNDS THEREFOR.

5. House Bill No. 5174, entitled: AN ACT ESTABLISHING AN ANNEX OF THE MAKINHAS NATIONAL HIGH SCHOOL TO BE LOCATED IN BARANGAY CIABU, CITY OF BAYBAY, PROVINCE OF LEYTE TO BE KNOWN AS MAKINHAS NATIONAL HIGH SCHOOL ANNEX, AND APPROPRIATING FUNDS THEREFOR.

6. House Bill No. 5217, entitled: AN ACT CONVERTING THE ROMBLON STATE COLLEGE IN THE MUNICIPALITY OF ODIONGAN, PROVINCE OF ROMBLON INTO A STATE UNIVERSITY TO BE KNOWN AS ROMBLON STATE UNIVERSITY AND APPROPRIATING FUNDS THEREFORE.

Upon direction of the Chair, the Secretary General conducted a nominal voting, a first and then a second call, pursuant to the House Rules, on each of the above-mentioned measures, and the result was—yeas 163, nays none, abstention none—as follows:

YEAS

Abante
Abaya
Ablan
Agbayani
Agyao
Albano
Alcala
Almario
Alvarez (A.)
Antonino-Custodio
Apostol
Aquino
Arago

Arbison
Arenas
Arroyo (D.)
Arroyo (I.)
Asilo
Bautista
Biazon
Bichara
Binay
Biron
Bonoan-David
Bravo
Briones

Cabilao
Cajes
Cari
Casiño
Castro
Cayetano
Cerilles
Chatto
Chavez
Chipeco
Chong
Chungalao
Clarete
Codilla
Coquilla
Coscolluela
Crisologo
Cruz-Gonzales
Cua (J.)
Cuenco
Dangwa
Datumanong
De Guzman
De Venecia
Defensor (A.)
Del Mar
Del Rosario
Diasnes
Dimaporo
Duavit
Dueñas
Dumarpa
Dumpit
Durano
Emano
Escudero
Estrella (C.)
Estrella (R.)
Ferrer
Garay
Garcia (A.)
Garcia (P.F.)
Garcia (P.P.)
Garcia (V.)
Garin
Gatlabayan
Go
Golez
Gonzales (A.)
Gonzales (N.)
Gonzalez
Guingona
Gullas
Gunigundo
Hofer
Hontiveros-Baraquel
Ilagan
Jaafar
Jala
Jalosjos
Jalosjos-Carreon
Jikiri

Joson
Labadlabad
Lacson
Lagman
Lim
Limkaichong
Lopez (C.)
Macapagal Arroyo
Madrona
Magsaysay
Malapitan
Marañon
Mariano
Matugas
Maza
Mendoza
Miraflores
Nava
Nicolas
Noel
Nogralas
Ocampo
Olaño
Ong
Padilla
Pancho
Pancrudo
Piamonte
Pichay
Pingoy
Plaza
Ramiro
Remulla
Reyes (C.)
Reyes (V.)
Robes
Rodriguez
Rodriguez-Zaldarriaga
Roman
Romarate
Romualdez
Romualdo
Romulo
Roxas
Salimbangon
Salvacion
San Luis
Santiago (J.)
Seares-Luna
Silverio
Susano
Sy-Alvarado
Syjuco
Taliño-Mendoza
Tañada
Teves
Tieng
Tupas
Ungab
Uy (E.)
Uy (R.S.)
Uy (R.A.)

Valdez	Violago
Valencia	Yap
Velarde	Yu
Villafuerte	Zamora (R.)
Villanueva	Zialcita
Villar	Zubiri
Villarosa	

RECONSIDERATION OF H.B. NO. 5210
ON SECOND READING

REP. GONZALES (N.). Mr. Speaker, to allow perfecting amendments, I move that we reconsider the approval of House Bill No. 5210 on Second Reading.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection? *(Silence)* The Chair hears none; the motion is approved.

House Bill No. 5210 is reconsidered on Second Reading.

INDIVIDUAL AMENDMENT

REP. GONZALES (N.). Mr. Speaker, with the consent and approval of the committee, I move that we approve the individual amendment to delete the words "GOODS AND SERVICES" on page 4, line 2, and replace the same with the word MEDICINES, so that the entire sentence will now read as follows: SALE OF MEDICINES TO SENIOR CITIZENS AS DEFINED UNDER REPUBLIC ACT 9257.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection? *(Silence)* The Chair hears none; the amendment is approved.

REP. GONZALES (N.). There being no more committee or individual amendments, I now move that we close the period of amendments, Mr. Speaker.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection? *(Silence)* The Chair hears none; the motion is approved. The period of amendments is closed.

REP. GONZALES (N.). I now move, Mr. Speaker, that we approve House Bill No. 5210 on Second Reading, as amended.

VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Singson, E.). As many as are in favor of approving House Bill No. 5210 on Second Reading, please say *aye*.

SEVERAL MEMBERS. *Aye*.

THE DEPUTY SPEAKER (Rep. Singson, E.). As many as are against, please say *no*.

FEW MEMBERS. *No*.

APPROVAL OF H.B. NO. 5210
ON SECOND READING

THE DEPUTY SPEAKER (Rep. Singson, E.). The *ayes*

have it; House Bill No. 5210 is approved on Second Reading.

SUSPENSION OF SESSION

REP. GONZALES (N.). Mr. Speaker, I move that we suspend the session until 1:15 p.m. today.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection? *(Silence)* The Chair hears none; the motion is approved.

The session is suspended until 1:15 p.m. today.

It was 12:13 p.m.

RESUMPTION OF SESSION

At 1:17 p.m., the session was resumed with Deputy Speaker Amelita C. Villarosa presiding.

THE DEPUTY SPEAKER (Rep. Villarosa). The session is resumed.

The Floor Leader is recognized.

REP. DE GUZMAN. Mme. Speaker, I move that we suspend the session for a few minutes.

THE DEPUTY SPEAKER (Rep. Villarosa). The session is suspended.

It was 1:17 p.m.

RESUMPTION OF SESSION

At 1:23 p.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Villarosa). The session is resumed.

The Floor Leader is recognized.

CONSIDERATION OF H. B. NO. 5116
Continuation

PERIOD OF SPONSORSHIP AND DEBATE

REP. ROMULO. Mme. Speaker, I move that we resume consideration of House Bill No. 5116 and that the Secretary General be directed to read the title thereof.

THE DEPUTY SPEAKER (Rep. Villarosa). Is there any objection? *(Silence)* The Chair hears none; the motion is approved.

The Secretary General is directed to read the title of the bill.

THE SECRETARY GENERAL. House Bill No. 5116, entitled: AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY ONE TO DECEMBER THIRTY-ONE, TWO THOUSAND NINE, AND FOR OTHER PURPOSES.

REP. ROMULO. Mme. Speaker, I move that we resume the consideration of the budget of the NCIP. For that purpose, may we recognize the Sponsor, the distinguished Dep. Speaker, Hon. Singson.

THE DEPUTY SPEAKER (Rep. Villarosa). The Hon. Singson from Ilocos Sur is recognized.

REP. ROMULO. And Mme. Speaker, likewise, may we recognize the distinguished Dep. Minority Leader, the Hon. Antonino-Custodio, for her manifestation or interpellation.

THE DEPUTY SPEAKER (Rep. Villarosa). The Hon. Antonino-Custodio is recognized for her interpellation.

REP. ROMULO. The Lady will deliver a manifestation, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Villarosa). The Hon. Antonino-Custodio is recognized for her manifestation.

REP. ANTONINO-CUSTODIO. Mme. Speaker, I would like first to thank the Chairman for actually facilitating some of the problems that are facing my district. I hope that the cooperation will still go on as we resolve a lot of these pending problems.

With that, Mme. Speaker, on behalf of the minority, there being no other interpellator, we move to terminate the period of interpellation and debate on the budget of the NCIP.

REP. ROMULO. Mme. Speaker, on the part of the majority, there being no other Member who has signified his intention to interpellate, we join the motion of the Dep. Minority Leader to terminate the period of interpellation and debate for the budget of the NCIP.

THE DEPUTY SPEAKER (Rep. Villarosa). There is a motion on the part of the minority, joined by the majority, for the termination of the period of interpellation and debate. Is there any objection? (*Silence*) The Chair hears none; the period of interpellation and debate on the budget of the NCIP is hereby terminated.

REP. SINGSON (E.). Thank you very much, Mme. Speaker. (*Applause*)

SUSPENSION OF SESSION

REP. ROMULO. Mme. Speaker, I move for a suspension of the session.

THE DEPUTY SPEAKER (Rep. Villarosa). The session is suspended.

It was 1:25 p.m.

RESUMPTION OF SESSION

At 2:27 p.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Villarosa). The session is resumed. The Sr. Dep. Majority Leader is recognized.

REP. GONZALES (N.). Mme. Speaker, I now move that we resume the consideration of House Bill No. 5116 and request that the Secretary General be directed to read only the title of the measure.

THE DEPUTY SPEAKER (Rep. Villarosa). The Secretary General is directed to read the title of the bill.

THE SECRETARY GENERAL. House Bill No. 5116, entitled: AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY ONE TO DECEMBER THIRTY-ONE, TWO THOUSAND AND NINE, AND FOR OTHER PURPOSES.

REP. GONZALES (N.). Mme. Speaker, I move that we take up the budget of the Department of Agrarian Reform (DAR). For this purpose, may I request that the Chair recognize the distinguished Sponsor of the said budget, the Hon. Biazon, likewise, to interpellate him, the Party-List Representative from Anakpawis, the Hon. Rafael Mariano.

THE DEPUTY SPEAKER (Rep. Villarosa). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Hon. Biazon is recognized for his sponsorship speech and the Hon. Mariano for his interpellation.

REP. BIAZON. Thank you, Mme. Speaker. Distinguished colleagues, good afternoon.

This afternoon, this Representation is sponsoring the budget of the DAR, which has a total budget proposal of P16,147,207,000. This is broken down into the budget of the DAR at P10,684,929,000, and the proposed appropriation of P5,168,607,000 for the Agrarian Reform Fund (ARF).

Mme. Speaker, this Representation is ready to answer questions from the Members of the House of Representatives with regard to the proposed budget of the DAR for 2009.

Thank you very much, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Villarosa). The Hon. Mariano is recognized for his interpellation.

REP. MARIANO. Maraming salamat po, Mme. Speaker. Meron lamang po akong mga ilang tanong, at sana po ay mapaulnakan ito ng distinguished Sponsor, Mme. Speaker.

REP. BIAZON. Willingly, distinguished colleague.

REP. MARIANO. This morning, I received a concrete response to the previous queries of this Representation addressed to the Secretary of the DAR during the budget deliberations at the Committee on Appropriations, and also at the subcommittee level or hearing. At bago ko po puntahan iyong mahahalagang laman nitong liham po nila na naka-address sa Kinatawang ito, dated October 7, 2008, ay nais ko lang pong itanong, Mme. Speaker, gaano po ba kahalaga, from the point of view ng DAR, ang agrarian reform program sa pag-unlad ng ating national economy?

REP. BIAZON. Ang Saligang Batas ng ating bansa ay binibigyan ng malaking halaga ang agrarian reform. Sinisikap ng kagawaran na matupad ito batay sa mga available resources na maaaring ibigay ng ating pamahalaan

REP. MARIANO. Thank you, Mme. Speaker.

Sa pananaw po at paninindigan nga ng Kinatawang ito mula sa Anakpawis Party-List, lubhang napakahalaga ang pagpapatupad, ang implementation ng agrarian reform program sa ating bansa. Unang-una na, hindi magkakaroon ng tunay na pag-unlad ang sektor ng ating agrikultura kung ito ay hindi tinatrato as the very foundation of our economy, kung hindi maipatutupad ang isang tunay na social justice measure tulad ng programa sa repormang agraryo. Nakikiisa po ba ang Sponsor sa pananaw at paninindigang ito ng Kinatawan mula sa Anakpawis Party-List?

REP. BIAZON. Batay sa ating pakikipag-usap sa Kalihim ng DAR, tinitingnan talaga nila bilang isang pundasyon ng katibayan ng progreso sa ating bansa ang agrarian reform maliban pa sa pagbibigay halaga sa karapatan ng ating mga magsasaka. Kaya nga ang DAR ay isa rin doon sa mga nag-aantabay sa magiging pagkilos ng Kamara ng Kongreso tungkol doon sa nakahain na panukalang batas sa Kamarang ito.

REP. MARIANO. Nakikiisa rin po ba ang Sponsor sa paninindigan at paniniwala ng Kinatawang ito na tanging sa pamamagitan ng isang tunay na redistributive measure as a social justice measure maipatutupad ang genuine agrarian reform program in the country, lalong-lalo na po in the Philippine countryside, Mme. Speaker?

REP. BIAZON. Iyon ang mandato ng departamento kaya iyan ay kanilang sinasang-ayunan at kinikilala na kanilang misyon.

REP. MARIANO. At hindi po ba hindi natin mapapalaya, we cannot fully emancipate from feudal bondage ang ating mga magsasaka, landless peasants or farmers, and agricultural workers kung hindi maipatutupad ang isang tunay at puspusang reporma sa lupa, Mme. Speaker?

REP. BIAZON. Iyon ang esensiya ng sinasabing emancipation kaya talagang may pagsang-ayon diyan sa pahayag na iyan.

REP. MARIANO. Mare-realize po ba ang hangarin o layunin ng isang tunay na social justice measure through the implementation of a genuine and thorough agrarian reform program kung hindi mabe-break up ang land monopoly control ng malalawak na lupain sa ating bansa na nasa kamay ng iilan, Mme. Speaker?

REP. BIAZON. Sa kasalukuyan, masasabi natin na ang tagumpay ng layunin na iyan ay hindi lamang nasa DAR, lalo na at nakatali rin ang tagumpay na iyan sa pagpasa ng ilang mga batas na maaaring gawin o ipasa ng ating Kamara.

REP. MARIANO. At hindi po ba totoo na we can only truly and fully rectify the historical social injustices na

napakatagal na pong nararanasan ng ating mga landless peasants and toiling masses in the country through land redistribution, Mme. Speaker?

REP. BIAZON. Masasabi nga na sa ngayon ay hindi pa natin nakakamit iyong pinaka-ideal na sitwasyon para sa ating mga magsasaka. Dahil dito, patuloy ang layunin at ang pakikipagtulungan ng lahat ng mga sangay ng pamahalaan upang makamit ang mga objectives na iyan. Tulad ng nasabi kanina, kailangang mayroong coordinated effort between the different branches of government.

REP. MARIANO. Thank you, distinguished Sponsor.

Sa karanasan po ng mga bansa na ang mga ekonomiya ngayon ay maituturing natin na maunlad o sumusulong, at masasabi nating talagang developed ang kanilang agricultural and industrial sector, umunlad sila dahil sa dumaan sila sa institution o implementation ng genuine agrarian reform program. Ang ginawa muna nila was to emancipate o liberate iyong kalakhan ng kanilang productive forces na nasa agriculture sector. Sa karanasan po ng marami at hindi lamang iilang bansa sa buong mundo, hindi nila inabot ang tunay na industriyalisasyon kung hindi sila nag-institute at nag-implement ng agrarian reform program. Hindi sila umunlad kung hindi nila tinrato ang kanilang agrikultura as the very foundation ng kanilang national economy, with their industrial sector serving as the leading factor.

Hindi po ba ganito ang karanasan ng hindi lang iilang mga bansa na nag-institute ng agrarian reform program para lamang umunlad ang kanilang buong ekonomiya, distinguished Sponsor?

REP. BIAZON. May iba't ibang paraan ang iba't ibang mga bansa para makamit ang progreso. May ibang mga bansa katulad ng Hong Kong na malinaw naman na ang sector ng agraryo sa kanila kung minsan ay non-existent, pero umunlad naman. Pero hindi rin natin maikakaila iyong sinabi ng ating kasamahan na miyembro ng party-list na ang ibang bansa ay ginamit na pundasyon ang agrarian reform tungo sa seguridad ng kanilang ekonomiya, sa pagiging maunlad.

REP. MARIANO. Opo, kasi nga po kung iyong single biggest productive force, na nasa agricultural sector, ay hindi ma-i-emancipate mula sa various forms of exploitation—tawagin man iyang feudal and semi-feudal exploitation—hindi masisimulan iyong pag-unlad ng kanayunan o ng sektor ng agrikultura. At sa ganitong sitwasyon, ang nasabing mga produktibong puwersa ay hindi magkakaroon ng sapat at malakas na purchasing power na magiging daan o rekisito para magkaroon ng malakas na local o domestic market ang isang bansa. Ang ibig ko pong sabihin, Mme. Speaker, kung iyong mga magsasaka natin o productive forces natin na nasa agricultural sector ay mananatiling walang sariling lupa at biktima ng iba't ibang anyo ng exploitation, hindi natin mari-release hindi lamang iyong kanilang lakas-paggawa para ituon sa mas pag-unlad ng sektor ng agrikultura. Hindi ho uunlad kung iyong kanilang nalilikhang kita, ani o produkto ay hindi maiiwan sa kanilang kamay o kanilang bulsa kundi patuloy na mapupunta lamang sa kamay ng iilang nananatiling nagmomonopoly sa malalawak na lupain sa ating bansa. Nakikiisa po ba ang Kinatawan mula sa Muntinlupa sa ganitong pananaw ng Kinatawang ito, Mme. Speaker?

REP. BIAZON. Tayo ay nakikiisa doon sa pananaw na iyon sapagkat kinikilala natin na ang bawat sektor talaga ay may mga kani-kanilang hangarin. Kung ang mga sektor ng mga manggagawa ay may hangarin na mapaunlad ang kanilang buhay sa pamamagitan ng pagkamtan ng mga fair practices sa labor, ganoon din siyempre sa mga magsasaka kung saan ang hinahanap nila ay makamit nila ang tunay na produkto ng kanilang pagsisikap at pagtatrabaho sa lupa.

REP. MARIANO. Am I correct, Mme. Speaker, that pag ma-liberate natin ang kalakhan ng productive forces ng ating bansa—mga magsasaka, manggagawang-bukid, agricultural workers, and even plantation workers—through the implementation of a genuine and thoroughgoing agrarian reform program ay marami tayong benepisyo na tatamasahin? Ang agrikultura natin ay uunlad; matutugunan ang means of subsistence ng ating populasyon, ng mamamayang Filipino; may panggagalingan ng raw materials ang sektor ng industriya bunga ng produksyon ng sektor ng agrikultura; ang kanayunan ay magsisilbing malaking merkado ng ating bansa; at kung ano man ang kinakailangang labor force ng industrial sector, kung umuunlad ang sektor ng agrikultura natin, ang rural sector natin ang magpo-provide ng kinakailangang labor force ng industrial sector. Gayundin kung mayroong sapat na kita o savings pa nga ang mga magsasaka, malaking kontribusyon iyon sa accumulation ng local capital ng ating bansa. Kapag dumating ang pagkakataon at kalagayang iyon ay mag-isip-isip na rin ang ating gobyerno na talagang hindi na natin kailangang umasa pa sa foreign debt and foreign investment or foreign capital. Hindi po ba ganoon ang mangyayari kapag na-liberate natin ang ating mga magsasaka and other productive forces natin sa kanayunan from the bondage of the soil they till?

REP. BIAZON. Bagaman kinikilala na mahabang proseso pa bago natin makamit ang tunay na liberation mula sa foreign debt, kinikilala rin ng Kinatawag ito ang prinsipyo na binanggit ng ating kasamahan. Ito ay hindi lamang bilang Sponsor ng budget ng DAR, kung hindi bilang isa na ring Kinatawag ng aking sariling distrito at miyembro ng Partido Liberal. Pinaniniwalaan natin na ang pag-unlad ng indibidwal ay magtutungo sa pag-unlad ng buong bansa.

REP. MARIANO. Thank you, Mme. Speaker.

Pupunta na po ako rito sa pinaka-magpapalamanan doon sa ating unang bahagi ng diskurso, distinguished Sponsor.

Sa atin po bang bansa, sa kasalukuyan, ilang hektarya po ba talaga ang privately owned agricultural lands?

REP. BIAZON. Hihingi lang po ako ng ilang sandali upang kunin ang pigura mula sa DAR.

REP. MARIANO. Opo, puwede po.

REP. BIAZON. Mme. Speaker, ang itinatanong po ng ating kasamahan, kung babalikan ko, ay ang balanse ng pribadong lupain na tina-target para sa agrarian reform. Ang pigura na ibinigay sa akin ng DAR ay 1,085,533 hectares.

REP. MARIANO. Iyan po yata iyong balanse sa working scope ng implementation ng land acquisition and distribution ng DAR?

REP. BIAZON. Ayon sa datos na naririto sa akin ngayon, the total scope of private agricultural lands is 3,353,784 hectares. We have already accomplished the distribution of 2,268,251 hectares, so there is 1,085,533 hectares awaiting acquisition and redistribution. Iyan ay sa private agricultural lands.

REP. MARIANO. Mme. Speaker, nariyan naman po ang kagalang-galang na Secretary of the DAR, ang undersecretaries, and assistant secretaries ng DAR, baka po maaari natin silang tanungin. Ang tanong ko nga po at nais pong malaman ng Kinatawag ito—at sa kabatiran na rin ng ating mga kasamahang Kinatawag sa Kapulungang ito—ay base sa available data and information mayroon ang DAR o alin mang government agency, gaano kalaki ang kabuuang lupaing matatawag nating private agricultural lands? Maaari po na ang bahagi noon ay nai-distribute na at bahagi naman ay target pa lang for acquisition and distribution. Mayroon po bang hawak na datos ang DAR sa ngayon o hindi pa po ito maipo-provide?

REP. BIAZON. Ayon sa DAR, batay sa kanilang validation na isinagawa nang dalawang beses, ang kabuuan na laki ay 3,353,784 hectares. Ito iyong nabanggit ko kanina na nandoon sa table na ito, nasa ilalim ng tinatawag na scope ng kanilang coverage.

REP. MARIANO. Thank you, distinguished Sponsor.

Kasi po mayroon akong hawak dito na datos at ang source po nito ay ang DAR. Noong taong 1988 ay inilunsad po iyong land registration program—o operation po yata ang tawag doon ng DAR—at mayroon po silang tinatawag na Listasaka Final Report or landholdings registration by regions as of July 18, 1988. Ang pagkakaalam ko po, ang Republic Act (RA) 6657 o ang Comprehensive Agrarian Reform Law (CARL) of 1988 was enacted into law on June 10, 1988, at sa pagkaka-alala ko, it took effect on June 15 ng nasabi ding taon. Mme. Speaker, nakalagay po rito sa title niya, “Concentration of Agricultural Land Ownership as of 1988.” Dito po, ang ipinakikita, mayroong 1,554,594 landowners ang nag-participate sa registration. Ang area covered po noong registration na iyon ay sinasabing 7,666,643 hectares. At dito po, mayroon pa silang kategoriya. Iyong 50 hectares to 100 hectares, mayroon po na 4,990 owners ang nag-register. Kumakatawan iyon sa 0.32 porsiyento ng mga owners na nag-participate sa registration. At doon naman po sa mga lupaing 100 hektarya pataas ang sukat, mga 3,235 owners ang nag-participate sa registration. Ito po ay kumakatawan sa 0.21 percent ng bilang ng mga may-ari ng lupa na nag-participate sa registration. Iyon po na ganoon na kaliit na bilang ng owners—3,235—ay nagrehistro ng kabuuang sukat ng lupa na 1,854,888 hectares. So ayon po sa datos ng DAR noon pang 1988, mayroong 1.5 million owners na nag-register, covering an area totaling 7.6 million hectares. Tumatayo pa po ba itong datos na ito para sa DAR, Mme. Speaker?

REP. BIAZON. Ayon sa DAR, itong figures na aking ibinigay kanina ay nakalap mula noong 1994 at na-validate nila nang dalawang beses. At sang-ayon din sa DAR, ang figures na nagsimula noong 1998 ay isang estimate simula noong pag-umpisa ng programa. So itong figures na naririto

ngayon sa ating kamay ay figures na ang sakop ay iyong taong 1994 to June 2008.

REP. MARIANO. Thank you, distinguished Sponsor.

Iyon pong binanggit ko at binasang data na iyon ay mula sa Listasaka report ng DAR as of 1988. At para rin po ibahagi sa inyo, ewan ko po kung may hawak ding datos na ganito ang DAR, ang source naman nito ay iyong 1980 census na isinagawa at data na ibinigay ng Institute of Agricultural Statistics (IAS) ng taong 1987. Itong census na ito ay may kinalaman din sa size ng mga farms as of 1980. Dito po sa datos na ito, sinasabi na mayroon tayo noon na 3,420,323 farms covering an area of 9,725,100 hectares. Kaya base po sa dalawang figures na iyon, isa ang nagsasabi na noong 1988, through the Listasaka Program, mayroong 7.6 million hectares ang nasa pagmamay-ari ng mahigit sa 1.5 milyong mga landowners. At dito sa 1980 census na inilabas din naman ng IAS noong 1987, nagsasabi namang merong 3.4 milyong mahigit na sakahan o farms sa ating bansa covering an area of 9.7 million hectares. So ano po ang tinutungkungan noong working scope ng DAR sa pag-i-implement ng Comprehensive Agrarian Reform Program (CARP)?

REP. BIAZON. Ayon sa DAR, iyong mga pigura na nakuha noong taong 1988 or iyong mas maaga, maaaring kasama diyan iyong mga lupain na ang status ay forestry lands na hindi naman daw maaaring ma-cover ng agrarian reform. Kaya nga ang kanilang pinagbabatayan ngayon ay iyong listahan na nakalap simula ng 1994 na dalawang beses na nilang na-validate at iyon iyong figure na kanilang naibigay sa atin kanina doon sa unang tanong.

REP. MARIANO. Thank you, Mr. Speaker.

Pero ito pong datos ng 1988 na naging output noong Listasaka program ng DAR na isinagawa na, ito po ay nagpapakita ng number of owners at iyong farm size, kung ito ay less than three hectares, 3.1 hectares to seven 7 hectares, hanggang dumako po rito sa 50.1 hectares to 100 hectares, and then 100 hectares and above. Kung itong datos na ito ay kasama iyong public lands, sino po ang magrerehistrong private owners noon? Di sana labas na dito iyong mga public lands. Nandidito po iyong number of owners at saka iyong hectareage, kaya po itong sinasabing datos na ito as of 1988—na mayroong 1.5 million na owners na nag-register covering a total area of 7.6 million hectares—ay private farmlands lang po. Kaya nga po ang tanong ko, binabale wala na rin ba ng DAR itong ganitong datos na, ang pagkakaalam ko po, ay ang source din naman at ang naglabas ay ang DAR, Mme. Speaker?

REP. BIAZON. Ayon sa DAR, iyong ibang mga nakalista doon sa pagkalap ng impormasyon na iyan ay mga public lands na may nag-aari o may nagke-claim. Ngayon, nagkaroon sila ng pagsusuri doon sa listahan na iyan kaya nga at nagkaroon din sila ng proseso kung saan nagkaroon ng validation para sa tunay na mga qualified na lupain.

REP. MARIANO. Maaaring mas maintindihan pa po sana kung sasabihin ng DAR na tama iyang datos na iyan, iyang report na iyan ng DAR noong 1988 na nagsasabing mayroon tayong more than 1.5 million landowners who participated in the Listasaka operation, covering their

combined pag-aari na lupa na umaabot sa 7.6 million hectares. Mme. Speaker, mas maintindihan po marahil kung sasabihin ng DAR na nilinis natin iyong imbentaryo niyang mga private agricultural lands na iyan kasi sa ilalim ng CARP ay maraming lupa ang na-exempt, na-exclude. Kasama diyan iyong retained landholdings ng mga landowners na covered ng programa. Marami rin diyang lupa na in-apply for conversion o inisyuhan ng conversion order ng DAR. Meron diyang mga lupa na kinober ng mga inaprobahang petition for cancellation ng certificate of landownership awards, emancipation patents and certificate of land transfer. Kasama diyan iyong mga lupang covered pagkatapos noong malaunan ay hindi pala talaga kasama. Sa definition ng Agrarian Reform sa RA 6657 ay nandoon iyong phrase na, “and all other arrangements alternative to the physical redistribution of lands.” Ang halimbawa nito ay iyong Hacienda Luisita stock distribution option, iyong labor administration or production and profit sharing schemes, o iba pa na wala talagang physical redistribution ng lupa. Katulad ng provision on commercial farms o Section 11 ng RA 6657 na dini-define iyong commercial farms as agricultural lands devoted to commercial livestock, poultry and swine raising, and aquaculture like saltbed, fishponds and prawn farms. Nang malaunan ay totally na-exempt na rin sila. At kasama rin iyong mga lupang nailipat ng may-ari sa kanyang mga anak, nagkaroon ng subdivision ng lupa, partition, sale o disposition noong original landowners. Bagama’t una nang sinasabi ng CARP na null and void iyon, sa ilalim ng CARP ay pinahintulutan pa ang mga ito. Kung nairehistro ng may-ari ang lupa within 90 days or within three months after the effectivity ng CARP on June 15, 1988, ay na-exempt na rin halos sa coverage ng CARP.

Iyon pong mga dahilang iyon ay maintindihan natin e. Iyon ba ang dahilan kung bakit mula doon sa ganitong figure ay bumaba nang bumaba ang working scope?

REP. BIAZON. Isa doon sa mga unang nabanggit na dahilan kanina ng mga kasama natin sa DAR ay ang pagkakaroon ng proseso ng paglilinis o pagrerebisa ng mga talaan ng narehistro. Sumasang-ayon tayo na maganda iyong mga punto na nabanggit ng ating kasamahan. Marahil siguro, mainam na isa sa mga activities na gagawin ng departamento ngayon ay ang pagkumpara ng listahan na nabanggit ng ating kasamahan at iyong kasalukuyang datos. Unfortunately, most of our colleagues from the DAR who are here in the plenary with us are not familiar with what happened in 1988 because many of them were not yet with the agency then. Kaya po sa tingin natin, mainam nga na magkaroon ng gawain ang departamento upang balikan iyong mga pigura na nabanggit ng ating kasamahan.

REP. MARIANO. Mme. Speaker, mas madaling maunawaan, maintindihan, at masasabing may basehan iyong pagliit ng working scope ng implementation ng CARP kung ang DAR ay nag-a-agree na ginamit ng mga landowners ang built-in, inherent loopholes, flaws and legal maneuverings just to evade even iyong tokenistic land distribution sa ilalim ng CARP. Mas maintindihan pa po iyon.

Ano kaya ang pagtingin ng the honorable Secretary of DAR? Hindi po ba iyon ang totoo? Na malaking dahilan kung bakit, from mahigit kalahati noong 10.3 million hectares na target ng DAR for distribution for the first 10-year implementation period, kinailangang i-validate at i-reduce

iyong scope ay iyong built-in loopholes at flaws ng CARP o ng RA 6657? Kahit po siguro tingnan natin iyong Journal ng House of Representatives ay makikita natin ito. Tanda ko po, Eighth Congress pa lang ay talaga naman pong matutukoy na natin doon kung aling mga probisyon ng magiging final version ng CARP ang maaaring maging dahilan ng pagliit ng original working scope. Hindi po kaya ganoon ang dahilan talaga? At kung iyon naman talaga ang dahilan, eh aminin na ng DAR para umusad na tayo sa susunod na punto ng interpellation. Huwag na silang magpaligoy-ligoy pa. Ako ay naniniwalang ang mga taga-DAR, sa pamumuno ni Secretary Nasser Pangandaman, ay dapat tanggapin kung alin iyong totoo para iyong working scope talaga ay magiging credible o accurate. Kailangan ito para hindi makukwestyon ang integrity ng inventory nila lalung-lalo na as to the working scope sa anumang programa ng land acquisition and distribution sa ilalim ng ipinatutupad na CARP ng DAR.

REP. BIAZON. Tulad ng ibang mga ahensya ng pamahalaan, talaga namang ang nasa isang panig ay naghahanap ng paraan upang malusutan ang mga patakaran ng isang departamento o ng isang ahensya. At ganoon din, ang mga sistema sa loob ng pamahalaan ay nagkakaroon ng mga loopholes tulad ng nasabi ng ating kasamahan. Kaya siguro—babalikan ko iyong una kong statement patungkol doon sa ideal situation—kailangang magtulungan ang mga ahensya at mga departamento ng gobyerno. Kung mayroong magagawa ang Kongreso upang mabarahan iyang mga loopholes na iyan sa pamamagitan ng investigation o kaya ay pagpasa ng panukalang batas, ay tatanggapin ng departamento at iyan ay sasamahan ng inyong lingkod at malamang ng marami nating mga kasama.

REP. MARIANO. Thank you, Mme. Speaker.

Bibigyan ko lang po kayo ng halimbawa. Ako po ay naniniwalang nakatuon naman ang pandinig at pansin ng mga taga-DAR ngayon sa sitwasyon. Halimbawa po, sabi rito sa ipinamahagi nilang handouts, doon sa description ng result of the Inventory of CARP Scope balance o itong ICS project na sinasabi nila, na umaabot ng 1.9 million hectares ang kasama sa programa. Dito, mayroon iyong item na, “lands owned by 143,452 landowners owning more than five hectares.” Ang area na ito totals 1,792,737 hectares. Pag tumingin kayo sa ibaba, sa item number three—baka po may kopya kayo katulad ng ipinadala po ng DAR sa Kinatawan ito—nakalagay rito, sa item number two po pala, ang description of the 1,792,737 hectares. Sinabi rito the total, ang ibig sabihin po, iyong nabanggit kong figure na iyon still includes the retention land of 143,452 landowners at five hectares each. Ibig pong sabihin, pag minultiply po natin itong 143,452 landowners na ito na mayroong retention right sa limang ektarya—dahil sila ay entitled to retain five hectares each—aba, ang combined retention holdings ay aabot ng 717,260 hectares. O eh di mababawas na iyon doon sa anumang Inventory of CARP Scope balance. Di po ba ganoon ang mangyayari? So mahigit sa kalahati ang mababawas. Masasabing parang five times sa bilang ng landowners na iyon na pwedeng mag-avail ng kanilang right to retention. Tama po ba iyong aking computation na iyon, Mme. Speaker?

REP. BIAZON. Tama iyong computation na nabanggit.

REP. MARIANO. Tama po. Ngayon, hindi po ba sa ilalim ng CARP entitled ang sino mang landowner na covered ng programa ng five hectares para sa kanyang right na mag-retain ng landholdings? At iyong kanilang legal heirs, kung may tatlo o lima, entitled pa rin sa three hectares each. Halimbawa po, Mme. Speaker, may 20 ektarya diyan at mayroong limang landowners. Iyong isang landowner, may right na mag-retain ng limang ektarya. Mayroon po siyang limang legal heirs, and since they are entitled to three hectares each, eh di 15 ektarya. Limang ektarya plus 15 ektarya, 20 ektarya. Mayroon pa po bang CARP doon? Wala na po. Hindi po ba kasama iyon sa mga dahilan ng pagliit ng sinasabing working scope or balance, o iyong working scope na dapat ay target na saklawin ng CARP? Tama po ba iyong pagtingin na iyon ng Kinatawan na ito, Mme. Speaker?

REP. BIAZON. Patungkol doon sa mga heirs na maaaring sinasabing maging beneficiary, ayon naman sa batas, sinusunod iyong prinsipyo ng “land to the tiller.” Maaari lamang makinabang iyong heir kung siya ay qualified, meaning to say, siya ay actual tiller ng land in question.

REP. MARIANO. Distinguished Sponsor, marahil po ay mahalagang malaman natin kung ano na po ba talaga ang itinuturing na accomplishment ng DAR kaugnay ng operation o programang nito sa land acquisition and distribution ng lupa sa ilalim ng CARP.

REP. BIAZON. Ayon sa datos ng DAR, mayroon na ngayong 78 percent accomplishment sa buong bansa. Ito ay mula sa scope ng 5,163,751 hectares, so sa ngayon, ang total accomplishment ay 4,200,678 hectares or equivalent to 78 percent accomplishment.

REP. MARIANO. Dito po sa hawak ko ring dokumento—na ipinamahagi rin ng DAR—on the status of land distribution as of June 2008, iyong private agricultural lands in hectares at saka iyong non-private agricultural land in hectares ay umaabot ng 5,163,761. At ang sinasabi pong accomplishment ay 4,200,678, kaya may balance pa na 1,161,073. Tama po ba itong datos na ito?

REP. BIAZON. Nagtutugma tayo sa figures.

REP. MARIANO. So tugma po ang figures natin pareho?

REP. BIAZON. Opo, tugma.

REP. MARIANO. At dito po, pag kinuha natin iyong breakdown, out of the total scope na 5,163,751 hectares, mga 3,353,784 hectares ang scope at ang accomplishment as to the distribution of private agricultural lands ay 2,268,251 hectares. Kaya may balance pa na 1,085,533 hectares. Kaya dito po ay, out of the total 5,163,751 na target at sa accomplishment na 4,002,678, kapag kinuha natin iyong percentage share noong na-distribute na private agricultural lands, mga gaano po kalaki iyon sa porsiyento?

REP. BIAZON. Iyan ay may 68 percent.

REP. MARIANO. So, 68 percent po. Ngayon, kung

gagamitin natin ang datos mismo ng DAR na inilabas nila bunga ng kanilang Listasaka operation at bahagi ng tinatawag nilang "final report" kaugnay ng registration na isinagawa ng taong 1988, mayroong 7.6 million hectares ang masasabing private agricultural lands dito sa land registration na ito. Ang 7.6 million minus 2.2 million, ilang ektarya po iyon, Mme. Speaker? Lalabas, mga 5.4 million, hindi po ba? Kung gagamitin naman natin iyong census ng 1980 na nagsasabing mayroong 3.4 million farms covering a total area of 9.7 million, lalabas na mayroong 7.5 million private agricultural lands.

So kapag ginamit po natin iyong dalawang figures na iyon, lalabas na, as of now, mayroong nagre-range from 5.4 million hectares to 7.5 million hectares na nananatiling outside of the scope ng CARP. Tama po ba na kahit i-extend natin ng ilan pong taon pa iyong CARP, iyong malaking mayorya ng mga lupain na iyon at bilang ng magsasaka ay mananatiling nasa labas po ng scope ng CARP? Ano po ang masasabi ng DAR dito, Mme. Speaker?

REP. BIAZON. Iyong figure na 2,268,251 hectares na accomplishment ay bahagi nitong data na gathered from 1994 to June 2008. Iyon naman pong figure na 5.6 at 9.7 million hectares ay mula sa ibang table. Kung baga ho, kanina sinasabi nga po natin na kailangan pa nating i-validate iyong continuation ng data noong 1988 patungo doon sa data ng 1994 to 2008. So para sa akin po, baka hindi po tugma na agad-agad nating damputin iyong figure mula sa isang table at ikumpara sa isang figure na nasa kabilang table. Siguro po, mas mainam na gawan ng pag-aaral iyong ugnayan nitong data na 1994 to 2008 at iyong data gathered noong 1988 at noong 1980 para ma-validate po muna natin iyong continuity ng data na iyon. Sa pamamagitan po nito, masasabi natin na iyong computation na nabanggit ng ating kasamahan kanina ay reliable at accurate.

REP. MARIANO. Thank you, distinguished Sponsor.

Hindi rin po ba totoo na base sa figures at data ng DAR, mayroong 1.5 million hectares of agricultural lands and 1.1 million farmers na covered ng agricultural leasehold system o mayroong agricultural lease contract?

REP. BIAZON. Sumasang-ayon ang department doon sa figures na iyon.

REP. MARIANO. Tama po, ano po?

REP. BIAZON. Cumulative accomplishment ang tawag doon.

REP. MARIANO. Ngayon, marami tayong mga kapatid na magsasaka na nasa kaayusang nasa ilalim ng agricultural leasehold system at share-cropping system. At kahit na ang hawak ng nagsasabing sila ang may-ari ng lupa ay tax declaration lang, naniningil ng buwis doon sa kanila at sinasabing, "O, kayo, mga kasama ko, kayo ang mga dapat magbayad ng buwis sa aking lupa." Ginagawa nila ito kahit ang hawak nila ay tax declaration lang na binabayaran niya ng amilyar doon sa munisipyo o lungsod. Karamihan po ay berbal ang usapan. Iyon pong 1.5 million hectares and 1.1 million farmers o agricultural lessees, ang pagkaintindi ko

po ay sila lang iyong covered ng written lease contracts. Tama po ba ako, distinguished Sponsor?

REP. BIAZON. Sumasang-ayon ang department sa figures.

REP. MARIANO. Ang ibig pong sabihin kung gayon, hihigit pa sa 1.5 million hectares at hihigit pa sa 1.1 million agricultural lessees ang nasa ilalim ng sistemang buwisan at sistemang sama. Sumasang-ayon po ba ang DAR sa ganoong kuro-kuro ng Kinatawang ito mula sa Anakpawis Party-List?

REP. BIAZON. Sumasang-ayon ang department doon sa figures na nabanggit ng Kinatawan.

REP. MARIANO. At ayon po sa aking paniniwala, kahit iyong saklaw ng agricultural lease contract na iyon ay masasabi nating kabilang doon sa mga lupa na na-cover ng Listasaka program ng DAR noong 1988. Hindi nga lamang sila saklaw pa ng land distribution kasi nasa ilalim sila ng agricultural leasehold system. Tama po ba iyon, distinguished Sponsor?

REP. BIAZON. Sumasang-ayon din ang department sa nabanggit.

REP. MARIANO. So, kaya po hanggang ngayon, malamang kaysa hindi, hindi pa sila kasama doon sa target ng land acquisition and distribution sa iniisip ng Ginoo na pagpapatuloy ng LAD programs. Ganoon po ba, distinguished Sponsor?

REP. BIAZON. Tama iyon. Hindi sila kasama sa land acquisition and distribution ngunit kasama sila sa leasehold operation.

REP. MARIANO. Thank you, Mme. Speaker.

Ngayon, puntahan ko po itong kine-claim na cumulative accomplishment report ng DAR as to the status of land acquisition and distribution, both private agricultural lands at saka non-private agricultural lands. Ito lang po ay sa saklaw at target ng DAR, hindi ko pa po isinasama iyong sa saklaw ng DENR.

Meron po ba tayong datos sa ngayon na maipo-provide ang DAR kung paano ang breakdown nito? Ibig sabihin, ang gusto po naming makita ay ang cumulative accomplishment report ng DAR as to the status of land acquisition and distribution as far as private agricultural lands are concerned in hectares. Mayroon po ba tayong datos na magpapakita na ganitong milyong o daan-libong ektarya ang sukat ay hundred hectares and above, eto naman iyong nagpapakita na ang sukat ay 50 hectares to 99 hectares, eto naman ay 24 to 50 hectares, pagkatapos ay eto ang 5 to 24 hectares? Mayroon po bang maipo-provide ang DAR na ganoong datos? Dapat mayroon sana. Hindi ko na po tatanungin kung sinu-sino ang mga landowners, pero mayroon bang ganoong breakdown ang DAR para makita natin ang impact? Alin ba ang mas malaki na naipamahagi? Iyong maliliit ang sukat, iyong malalawak na lupain, o iyong malalaking landholdings? Maipo-provide po kaya ng DAR iyan sa ngayon? Sa tagal ba naman ng implementasyon ng CARP—30 years ang Marcos Land Reform o Presidential Decree (PD) No. 27 at ang CARL

naman o RA 6657 ay mahigit 20 taon na na ipinatutupad—hanggang ngayon ay walang pa ring datos o figures ang DAR na magpapakita ng farm sizes? Hindi ko na po tatanungin kung ilang magsasaka iyong nandoon sa 50 ektarya pataas, 100 ektarya pataas, 20 to 50 ektarya, o 5 to 24 ektarya.

REP. BIAZON. May ibinigay sa akin ang DAR na isang table ng figures kung saan nakalagay dito ang accomplishment ng land distribution sa buong Pilipinas. May breakdown din sila by region at mayroon ding breakdown by the hectareage. Iyong size ng mga lupain ay more than 50 hectares; less than 50 hectares; and less than 5 hectares.

REP. MARIANO. Kapag tiningnan po natin sa pambansang saklaw, ilan po diyan sa naipamahagi na na bahagi nitong 2.2 milyong mahigit na ektaryang ito ang may sukat na 100 ektarya pataas? Iyong 50 hanggang 99 hectares pataas? Iyong 24 to 49.99 and then 5 to 23.99 hectares? Meron po bang ganoong datos ang DAR?

REP. BIAZON. Ayon sa table o sa data na ibinigay sa atin, doon sa private agricultural lands na higit sa 50 ektarya ang sukat, merong 549,270 hectares; sa 24 to 50 hectares ang sukat, merong 136,318 hectares; sa 5 to 24 hectares, merong 748,664 hectares; at sa less than five hectares, merong 77,921 hectares of land na naipamahagi na.

REP. MARIANO. Thank you, Mme. Speaker.

Iyon pong 50 hectares above or 100 hectares and above, gaano kalaki ang percentage share niya dito sa total cumulative accomplishment report na 2.2 million hectares mahigit? Ilang porsiyento po ang share niya? Meron bang 15 percent? Meron bang 20 percent? Meron bang 30 percent?

REP. BIAZON. Ito ay around 25 percent.

REP. MARIANO. Twenty-nine percent?

REP. BIAZON. Twenty-five percent.

REP. MARIANO. Iyong 75 percent less than 100 hectares o 50 hectares po iyon?

REP. BIAZON. Less than 50 hectares po iyon.

REP. MARIANO. Less than 50 hectares. So 25 percent iyong 50 hectares and above. Ganoon po, ano po?

REP. BIAZON. Correct.

REP. MARIANO. Ngayon, sinasabi ninyo ng DAR na may balance pa na kailangang ipatupad kung ang pag-uusapan ay private agricultural lands, at ang kabuuan nito ay 1,085,533 hectares. Ilan po rito iyong ganoon na 50 hectares and above, o 100 hectares and above? Ilan po ang share nito sa kabuuan nitong balance na ito? Meron po bang ginawa ang DAR dito na pag-alam?

REP. BIAZON. May estimate na mga 250,000 hectares. Iyan ay isang estimate, hindi pa iyan eksakto.

REP. MARIANO. Iyan po ang bahagi ng may sukat na 50 hectares and above po o 100 hectares and above?

REP. BIAZON. Fifty hectares and above po.

REP. MARIANO. All right. So ilang porsiyento po iyon sa one million na target?

REP. BIAZON. Saglit lang po at titingnan ko ang table.

REP. MARIANO. Ilang porsiyento po, ilang percentage share po iyon? Twenty-five percent din ba?

REP. BIAZON. Roughly, 26 percent.

REP. MARIANO. So, roughly 26 percent.

Ngayon, kung doon po sa naipamahagi na ng bahagi ng 2.2 million hectares, 25 percent po noon ay 50 hectares and above, at doon sa balanse ay mga 25 percent din noon ay 50 hectares and above, gaano na po kalaki iyong ektarya noon? Lalabas niyan five or six hundred plus hectares.

REP. BIAZON. Pakiulit lang nga po.

REP. MARIANO. Five hundred plus po ba o six hundred hectares?

REP. BIAZON. Bale po, 549, 270.

REP. MARIANO. Hectares?

REP. BIAZON. Yes.

REP. MARIANO. Ang kabuuuan po ba ay 549,000 hectares?

REP. BIAZON. Correct, 549,270 hectares.

REP. MARIANO. All right, 549,000 hectares. Ngayon, dito po sa Listasaka ng DAR, ang 100 hectares and above ay 1.8 million hectares, iyong 50 hectares to 100 hectares ay mga 337,843 hectares. Kapag pinagsama-sama po iyon ay lalabas na mga 2.1 million hectares.

REP. BIAZON. All right.

REP. MARIANO. Kapag binawas natin iyang sinasabi ninyong 50 hectares and above sa 2.1 million hectares, mayroon pang 1.5 million hectares ng lupa na nandiyan at hindi pa naipamahagi. Hindi ba matagpuan ng DAR kung nasaan itong malalaking lupang ito? Nagrehistro pa nga po iyong mga landowners nito.

Kahit iawas natin iyong malalaki ang sukat, iyong 50 hectares and above, na kumakatawan sa 500,000 hectares ng 2.2 million hectares ay lalabas, kapag pinagsama po natin iyong 50 hectares and above, 2.1 million hectares iyon eh. So, 1.5 million hectares sa mga lupain na may sukat na 50 hectares and above ay wala.

Sa datos at target siguro ng DAR, kahit iyong target na one million (na napakaliit din po), lalabas lang, 250,000 hectares. Nasaan iyong mga 1.25 to 1.3 million hectares na binubuo ng mga lupain na ang sukat ng lupa ay 50 hectares

and above? Hanggang ngayon ba naman na 30 years na iyong Marcos land reform at 20 years iyong CARP, hindi pa rin natin ma-locate kung nasaan iyong malalaki na iyon?

REP. BIAZON. Tulad ng ating sagot kanina, iyong figure ng Listasaka ng 1988 ay mga pigura na hiwalay dito sa datos na ginagamit sa kasalukuyan. At tulad nga ng nasabi ko kanina, kailangan muna nating ma-establish iyong continuity ng data ng 1988 at nitong figures na ating ginagamit for comparison. So, bagaman hindi tayo tumatanggi agad-agad dahil DAR figures din iyong nabanggit ng ating kasamahan, mukhang kailangan muna nating balikan iyong mga data na nakuha mula noong 1988. Kailangang i-establish muna iyong continuity ng data na iyan at itugma dito sa kasalukuyang database na ginagamit ng DAR upang ma-establish natin iyong accuracy ng computation na nabanggit ng ating kasamahan. At kung magawa natin iyon, that is the time siguro na masasabi natin na iyong kakulangan, o iyong hinahanap ng ating kasamahan ay masusuri natin, na talagang existent iyong kakulangan. Ganoon pa man, kung mayroon ding ibang mga dapat na beneficiaries, kailangang lumantad at mag-avail sila ng programa, continuously open ang doors ng departamento upang tanggapin ang mga paghingi ng availment of the program. Sa ngayon, hindi pa natin masasabi na iyong data na nakuha noong 1988 ay continuous nga dito sa data na ginagamit ngayon ng departamento.

REP. MARIANO. Thank you, Mme. Speaker.

Pero hindi naman po ibig sabihin nito na ang datos ng Listasaka operation ay ibinabasura na o isinasantabi na at winawalang saysay na ng DAR?

REP. BIAZON. Hindi naman. Tulad nga ng nasabi natin, kailangan lang balikan ng departamento ang datos ng Listasaka upang ma-establish iyong gap sa pagitan ng study na iyan noong 1988 at iyong figures na ginagamit sa kasalukuyan, which were gathered from 1994 to 2008.

REP. MARIANO. Mme. Speaker, kaya ko lang po pini-pursue iyong tanong na iyon hangga't hindi naipipirmi kung saan dapat dumapo iyong working scope ay dahil naku-kuwestyon iyong credibility and integrity ng datos na ipiniprisinta ng DAR on the cumulative accomplishment, on the distribution of private agricultural lands. At ganoon din sa kaso ng bilang ng mga farmer beneficiaries na saklaw ng mga lupang, umano nga, ay naipamahagi na ng DAR kung ang pag-uusapan ay iyong mga private agricultural lands na sa cumulative data ay umaabot na mahigit 2.2 million hectares. Ngayon, kapag dinala natin ngayon iyong target, iyong balance, maku-kuwestyon din iyong credibility, accuracy and integrity ng target o iyong balance pa for distribution. Ito po ang gustong bigyang diin ng Kinatawang ito: umabot na ng 30 years iyong PD 27, umabot na ng 20 years iyong CARP, pero hindi pa pala naipipirmi at nabalidate iyan.

At lalo na po kapag tinanong ko pa kung may system of monitoring ba ang DAR para matiyak na iyong lupa na na-distribute na ay bahagi ng 2.2 million hectares. Iyong mga magsasaka na sinasabing benepisyaryo na umaabot ang bilang sa 2.3 million, nandoon pa ba iyong mga magsasaka sa lupang iyon na na-distribute? Iyong lupa ba nandoon pa sa kamay ng magsasaka?

REP. BIAZON. Mayroong sistema ng monitoring ang DAR at sa kasalukuyan, iyan ay isinasakatuparan. At mabalikan ko lang iyon data na ginagamit ng DAR sa kasalukuyan o iyon bang data na mula 1994 to 2008, dalawang beses na sila nagsagawa ng validation kaya at this moment, iyong data na ginagamit nila ay masasabi nating nasuri at nabalidate na. Pagdating doon sa monitoring, may sistema sila na ipinapatupad sa kasalukuyan.

REP. MARIANO. Maganda po kaya ay ipirmi muna natin iyong working scope ng DAR bago natin pag-usapan iyong proposed budget nito for 2009? Hindi po kaya maganda iyon?

REP. BIAZON. Maaaring ipanukala iyon, nguni't ano kaya ang mensaheng ipararating natin sa mga nais mag-avail ng programa kung ang lalabas ay tayo pa mismo ang maghihinto ng pag-implement ng programa? Bagaman may mga katanungan ang ating kasamahan doon sa actual implementation, mayroon pa rin tayong pagkakataon na itama o ituwid kung mayroon man tayong nakikitang pagkakamali. Mukhang mahirap yatang iparamdam sa mga beneficiaries na ihihinto natin ang programa dahil kapag nabitin siyempre ang budget ng isang departamento, malalagay sa alanganin ang pagsagawa o pag-implement ng mga programa at mga proyekto.

REP. MARIANO. Hindi naman po iyan ang intensyon ng Kinatawang ito. Ang punto ko lamang po, babalik naman tayo ng November 10, sa isang buwan ba naman, hindi magagawa ng DAR iyan? Para pagbalik ay malinaw iyong tinutuntungan na working scope at paglalaanan. Kung talagang 1.1 million pa iyong backlog o balanse, malinaw iyong tutuntungan ng panukalang budget na P16.1 billion kung saan, sa land acquisition and distribution, ang pagkakaalam ko po ay P8.8 billion ang nakalaan, at kung isasama iyong sa Office of the Secretary, mga P10.6 billion. Hindi naman po yata matagal gawin iyon. Sabi ko nga, hindi naman po intensiyon ng Kinatawang ito na tapusin iyong December 31, 2008 para malinis itong imbentaryo ng DAR. May pagkakataon pa tayo na kaagad apurahin iyong enabling law na, sinasabi sa interpretasyon ng DAR, augmentation ng pondo para maipagpatuloy nila iyong land acquisition and distribution. Dahil mayroon ka nang enabling law to that effect, o e di bago maipasa iyong GAB na ito—House Bill No. 5116—maa-aprohan pa iyong appropriation, iyong augmentation fund, at maipapasa iyong enabling law. Hindi ba maganda iyan at mas kampante pang lalo ang DAR?

REP. BIAZON. Maganda talaga na magawa ng DAR ang mga requirements na iyan by November. Kung iisipin nga, puwede nga namang isantabi muna natin hanggang sa pagbalik natin ng Nobyembre ang pag-uusap tungkol sa budget ng DAR, pero kailangan din po nating alalahanin na matapos sa Kongreso ay pupunta pa ng Senado ang panukalang budget na ito. Kapag tayo ay naubusan ng panahon, alam natin na may posibilidad pa na magkaroon lamang tayo ng reenacted budget. Hindi naman siguro tayo sasang-ayon dito dahil alam din natin na kapag reenacted budget lamang ay magmimistulang isang napakalaking pork barrel iyong ating budget ng pamahalaan. So, mas mainam siguro na habang umaandar ang proseso, at dahil pupunta pa naman sa Senado itong panukalang batas na ito, baka sapat

na panahon na ho iyon upang mag-comply ang DAR sa ating hinihiling.

REP. MARIANO. Thank you, Mme. Speaker.

Sana naririnig nga po iyan ng liderato ng House of Representatives at ng lahat ng Miyembro ng Kapulungang ito, Mme. Speaker. Pansamantala, iwan po muna natin iyan at marami pa raw po ang magtatanong. Sadyang marami po ang tanong talaga sa proposed budget ng DAR.

Dito po sa 2.3 million o 2,300,909 agrarian reform beneficiaries na nakatanggap o napamahaginan ng lupa, ilan po rito ang nakaka-comply sa kanilang sinasabing obligasyon ng pagbabayad ng amortisasyon sa lupa? At kung puporsiyentohan po natin, ilang porsiyento ng kabuuang 2.3 million beneficiaries ang nakakabayad sa Land Bank of the Philippines (LBP)?

REP. BIAZON. Maaari po bang humingi ng ilang sandali lang po para kunin iyong figures?

REP. MARIANO. Opo.

REP. BIAZON. Mme. Speaker, habang hinuhugot pa iyong datos, maaari ko sigurong ibahagi iyong ilang impormasyon na baka relevant doon sa itinatanyag ng ating kasamahan. Ang collection rate ng land amortization ay 58.61 percent. Ito ay data mula 1987 to March 2008.

REP. MARIANO. Ilang porsiyento po, just for the record?

REP. BIAZON. Ang collection rate po ay 58.61 percent.

REP. MARIANO. Ang collection rate po?

REP. BIAZON. As of March 2008, opo.

REP. MARIANO. Ilang porsiyento po nitong 2.3 million agrarian reform beneficiaries ang nakakabayad?

REP. BIAZON. Iyon pa lamang datos na hinuhugot pa sa mga dokumento ng DAR.

REP. MARIANO. Ang ibig sabihin po ng datos ng DAR o ng LBP, mahigit 50 percent nitong 2.3 million agrarian reform beneficiaries na ito ang nakakabayad ng amortisasyon? So, may dalawang figure po kayong ipiniprisinta dahil dati, sabi ng LBP 15 to 17 percent. Alin ang totoo doon?

REP. BIAZON. Wala pa rito iyong figure kung ilan sa mga beneficiaries ang nakakabayad, nguni't itong figure na ibinigay natin ay 58.61 percent ng amount due ang nakokolekta.

REP. MARIANO. So iyon po ang nais kong i-pursue. Sa pagkakaalam ko, ang datos diyan ay 15 o 17 percent lamang ng agrarian reform beneficiaries ang talagang nakaka-comply sa pagbabayad ng land amortization sa lupang nai-distribute ng DAR. Ibig sabihin, 85 percent ng ating mga agrarian reform beneficiaries—at ang pagkakaalam ko ang source ng data na ito ay LBP rin—ay hindi nakakabayad o hindi talaga kayang

bayaran iyong pinal na value ng lupa plus iyong 6 percent interest rate ng Landbank. Napakabigat talaga para sa kanila ang pagbayad kung kaya't marami na sa ating mga magsasaka na sinasabing agrarian reform beneficiaries ang nahaharap sa mga foreclosure proceedings. Totoo po ba iyong datos na iyon ng DAR? Siguro naman, may talastasan kayo o exchange of data and information sa LBP.

REP. BIAZON. Talaga namang nakababahala iyong mga datos na naibigay ng ating kasama, iyon nga lamang, hindi pa natin makumpirma sapagka't hinuhugot pa ng DAR ang mga data sa kanilang mga papeles.

REP. MARIANO. Lubha nga pong nakababahala, alarming, iyong datos na iyon. Kung 15 to 17 percent lang ng ating mga agrarian reform beneficiaries ang nakakabayad o kayang bayaran iyong land amortization sa mga lupang ipinamahagi sa kanila, ano po ang ibig sabihin noon? Ang ibig lamang sabihin noon ay bunga na rin iyan ng probisyon sa mga umiiral na agrarian reform laws, maging iyan man ay PD 27 o Marcos Land Reform; EO 228 o iyong pagpapatuloy ng distribution ng mga rice and corn lands, o continuation ng PD 27; at ang pertinent provision ng RA 6657 o CARL of 1988. Bakit po? Kasi wala naman talagang partisipasyon iyong magsasaka kung magkano ang talagang magiging final determination ng purchase price ng lupa, lalo na sa ilalim ng CARP. Kung magkano man ang i-offer ng DAR o ng LBP sa landowners at hindi acceptable iyong offer para sa lupa, iyong concerned landowners ay tumatakbo sa regular court for judicial determination of just compensation. At ang nangyayari nga, hindi na talaga kayang abutin pa o kayanin pa ng mga agrarian reform beneficiaries iyong lubhang nagtataasang halaga o balor ng lupang ipinamahagi sa kanila. Kaya hindi nakapagtatataka na only 15 to 17 percent of these 2.3 million agrarian reform beneficiaries were able to pay iyong land amortizations na obligasyon nila. Nakikiisa po ba sa ganitong pagsusuri at konklusyon ang distinguished Sponsor, Mme. Speaker?

REP. BIAZON. Sumasang-ayon ang DAR na may mga ibang kaso na ganyan ang sitwasyon. Kaya po naman, kung mayroong paraan upang barahan iyong sinasabi nating mga loophole ay bukas ang departamento, and I am sure pati ang Kamara, sa pagpasa ng kahit na anumang panukala na magbabara ng mga loopholes na iyon.

REP. MARIANO. Ipinakikita ng datos na iyon na 83 to 85 percent ng agrarian reform beneficiaries ay hindi talaga kayang magbayad ng amortization plus iyong kailangan nilang bayaran na amilyar sa mga munisipyo o lungsod o probinsya, at ang sinisingil pa rin na buwis ng kanilang landowners o landlords kahit meron nang valuation ang Landbank. Dahil dito, hindi po kaya makabubuti kung i-write off na lang iyong mga unpaid na amortizations na iyan o iyong mga amilyar in consultation with the Landbank, ng DAR at saka ng mga local government units (LGUs)? Pag ni-write off mo iyon, e di iyong lupa ay mabilis na mapapasakanila nang ganap, at malamang mas sisigla pa sila na mag-cultivate, magtanim at itaas iyong produktibidad ng lupa. E di ang makikinabang, hindi lang iyong pamilya ng magsasaka kung hindi iyong

buong kanayunan po natin. Ano po ang masasabi ng DAR diyan?

REP. BIAZON. Magandang pag-isipan iyong panukala ng Kinatawan ng party-list.

REP. MARIANO. Gaano po kaya katagal na pag-iisipan ng DAR iyan?

REP. BIAZON. Iyon nga lang, kasama diyan sa panukalang iyan ang posibleng pangangailangan ng isang batas at, gaya ng nabanggit ng kasama natin, pati na ang konsultasyon sa mga LGUs na napakarami rin niyan.

Isa ring sitwasyon na nabanggit sa atin ng DAR ay may mga ilang sitwasyon na kung saan ang Certificate of Land Ownership Agreement (CLOA) ay collective. Baka doon magkaroon din tayo ng konting kahirapan kung paano i-address iyong mga nasa sitwasyon na ganoon.

REP. MARIANO. Hindi po ba may mga nagsasabi na, sa dinami-dami at inilaki-laki ng unpaid na buwis sa lupa o mga amilyar na hindi nababayaran sa mga LGUs, at dahil hindi makahulog ng amortisasyon iyong mga magsasaka, mabuti pa raw na itigil muna iyong land acquisition and distribution, mag-konsentra na lang daw sa social services. Hindi po naman nakikiisa ang Kinatawan ito sa ganoong pagtingin, Mme. Speaker, kaya lamang ay malaki talagang kagayat na relief sa mga agrarian reform beneficiaries kung mara-write off iyong mga unpaid amortizations na iyan, iyong mga unpaid na mga land taxes na iyan, at ang mga unpaid amilyar sa mga LGUs. Siyempre, wala namang poder ang DAR para i-implement unilaterally at arbitrarily iyan. Kailangang mapag-uusapan iyan sa pagitan ng DAR, LBP, mga LGUs at Department of the Interior and Local Government (DILG) kaya o ng Department of Finance (DOF) kasi mga treasurer's office iyan. Bakit naman po hindi natin gagawin iyan kung ang magiging bunga noon ay ikagagaan ng pasaning bayarin ng ating mga magsasaka? Palagay ko naman, hindi naman tututol diyan ang DAR, hindi po ba? Bibilis pa iyong distribusyon ng lupa lalo na kung prinsipyo talaga ng libreng pamamahagi ng lupa sa mga magsasakang benepisyaryo habang sinisiguro ang just compensation para sa landowners ang pinapairal, hindi po ba?

REP. BIAZON. Ang pangunahing layunin at kagustuhan ng DAR ay siyempre ang ikabubuti ng kapakanan ng mga magsasaka at mga beneficiaries. Ngunit nasabi na rin ng ating Kinatawan na kasama na hindi kaya ng DAR unilaterally na gawin iyong alisin ang pagbabayad ng mga amilyar, lalung-lalo na dahil ang amilyar ay isa sa mga pangunahing pinanggagalingan ng kita ng mga local governments. So, talagang kakailanganin doon ang isang pagkilos mula dito sa Kongreso upang ma-compel natin o mapapayag natin ang mga LGUs sa panukalang ganoon. Iyon nga lamang, siyempre meron din tayong konting reservation doon sa pagpayag ng mga LGUs dahil iyan ay isang pangunahing pinagkukunan ng kanilang revenues. Pero ganoon pa man, kung magkakaroong ng pagsulong dito sa Kongreso, sa tingin natin ay magagamit natin ang kapangyarihan ng Kongreso upang isulong ang panukalang iyan.

REP. MARIANO. Opo, at nasa poder naman ng

kapangyarihan ng Kongreso, hindi po ba, na magsabatas ng ganoong layunin at adhikain natin para sa ating mga magsasaka na benepisyaryo ng repormang agraryo. Iyong mga landowners, e di sige, libre sila sa payment ng capital gains tax kaugnay sa proceeds ng purchase price ng kanilang lupa pag na-cover ng land acquisition and distribution. Ang nangyayari, iyong dating binabayaran na amilyar ng landowners sa mga munisipyo o lungsod ay naikarga sa balik ng magsasaka samantalang sila ay tinatawag palang "deemed owners," hindi ba? Bayad na sila. Deemed owner na maaari pang mabawi iyong emancipation patent o CLOA. E di sana kung libre na sa capital gains tax iyong landowners, bakit ipinasa pa sa balik ng magsasaka iyong dating binabayaran ng landowners? Makatuwiran po ba iyon, Mme. Speaker? Siguro sasang-ayon naman iyong DAR sa ganoong paninindigan ng Kinatawan ito.

REP. BIAZON. Siguro, ang kailangan nating kunin ang pagsang-ayon ay iyong Kamara at saka Senado dahil kakailanganin natin ang isang batas para isakatuparan iyan.

REP. MARIANO. Ang sinasabi ko lang po, malaking kaginhawahan, kaalwanan, relief ito sa magsasaka. Lalo pa, halimbawa, kailangan nilang maghulog ng P3,000 sa land amortization at P2,000 sa amilyar, eh hindi ba P5,000 na iyon? Makabibili na ng two-and-a-half bags ng fertilizers iyon, Mme. Speaker. Siguro maganda kung totoo iyong P250 at P500 coupons na nanggagaling sa Department of Agriculture (DA), hindi po ba? At saka ang pinaka-esensya po noon, kung maa-unburden mo ang magsasaka, lalo na through free land distribution, nandoon iyong pagrekognisa sa kanila. Sila naman ang nagyaman sa lupa, iyong kanilang kanunu-nunuan ang nagbuhos ng lakas para gawing productive ang lupa, eh bakit naman pagbabayaran mo pa? Parang binayaran nila iyong paglaya nila sa pagkatanikala sa lupang malaon na nilang sinasaka. Nasaan ang katarungan doon, Mme. Speaker? Mare-rectify ba ang historical social injustice noon? E di hindi nga po, hindi po ba?

REP. BIAZON. Ang DAR ay walang pagtutol kung ipapasa iyan ng Kongreso at ng Senado.

REP. MARIANO. Kung maipapasa po, ipapatupad nila?

REP. BIAZON. Wala silang choice kung hindi ipatupad dahil magiging batas iyon.

REP. MARIANO. At pag hindi po nila ipinatupad, puwedeng hindi aksyunan iyong panukalang budget nila, hindi po ba ganoon?

REP. BIAZON. Tama doon ang ating kasama.

REP. MARIANO. Thank you po, Mme. Speaker.

May communication o response ang DAR addressed to this Representation—signed by no other than the Secretary of DAR himself, the Hon. Nasser Pangandaman—dated October 7, 2008 kaugnay po doon sa 3,100 hectares ng Fort Magsaysay military reservations. Ang intindi ko po rito, nire-reiterate ng DAR iyong kanyang posisyon na hindi dapat iwalang saysay iyong naging distribution, generation and

distribution ng CLOAs doon sa mga intended beneficiaries dito sa 3,000 hectares ng Fort Magsaysay military reservations. Ang Department of National Defense (DND) ay nag-execute, pursuant to EO 407 as amended by EO 448, ng deed of transfer of 3,100 hectares of the more than 73,000-hectare Fort Magsaysay military reservation located at Barangay Sagana and San Isidro, Laur, Nueva Ecija, with the primary purpose of distributing the said area to victims of the Mt. Pinatubo eruption, agrarian reform beneficiaries inside the said reservation, and other beneficiaries from outside the area.

Ang mahirap lang intindihin dito ay kung bakit sa kabila nito, mismong ang Seventh Infantry Division ng Philippine Army—na nasa ilalim ng DND rin—ang sumulat sa provincial agrarian reform officer ng South Nueva Ecija Office ng DAR at humihiling na i-proseso iyong cancellation ng mga CLOAs na na-distribute na. At eto pa, mismong ang DENR, through a memorandum, ang nagbigay ng direktiba sa regional executive director ng DENR para mag-petisyon sa DARAB para sa cancellation ng CLOA. O, andiyan ang DAR, andiyan ang mga magsasaka, ito namang DND at saka iyong DENR, aba eh pinipetisyon at sinasabing null and void iyong transfer at kailangang i-proseso ang cancellation ng nai-isyung CLOA. Just for the record, Mme. Speaker, paki-reiterate nga ang posisyon, ang paninindigan ng DAR hinggil sa usaping ito.

REP. BIAZON. Mayroong liham ang DAR sa Kalihim ng DND, the Hon. Gilberto Teodoro, kung saan sinasabi, if I may quote:

“May we request you to advise Major General Ralph Villanueva to respect the jurisdiction of the Department of Agrarian Reform, including the rights and peaceful possession of the agrarian reform beneficiaries over the 3,100 hectares portion of Fort Magsaysay military reservation turned over to the DAR by the DND per the November 5, 1991 deed of transfer.”

So, ito ang posisyon ng department hinggil diyan sa nasasabing 3,100 hectares na lupain sa Fort Magsaysay. Ito ay ipinadala sa pamamagitan ng isang sulat na ang petsa ay September 9, 2008 sa ating Kalihim ng DND.

REP. MARIANO. At ang nangyari po rito, na sana ay huwag sanang mangyari ulit, iyong na-distribute nang lupa sa mga itinuturing na mga benepisyaryo sa loob, o maging sa sinasabing labas man noong 3,100 hectares, ay binawi. Iyong CLOA ay binawi; isa na naman pong malaking kaso ito na kung saan iyong lupa, ipinamahagi ng isang kamay ng gobyerno at binabawi naman noong kabilang kamay din. Ang dalawang sangay ng gobyerno—ang DND at ang DENR through its regional director o executive director of Region III of the DENR—ay nagsampa pa ng kaso sa regional trial courts. So, ano ang magiging hitsura ng programang ito na isang panibagong malaking kaso na naman ng pagbigay at pagbawi ng lupa? Sabi nga ng mga magsasaka na nakaranas na na mabigyan at pagkatapos ay mabawian ng CLOA, Emancipation Patents (EP) at Certificate of Land Transfer (CLT), “Ano iyan, operation bigay-bawi?”

Papayag po ba ang DAR at ang gobyernong Arroyo na magmistulang nagbibigay sila ng false hopes and illusion sa mga magsasaka? Na isipin ng mga magsasaka na sinasabi nila na sa ilalim ng CARP maaari silang magka-lupa, pero

iyong isang kamay naman gumagalaw para mabawi ito? Ano po ang masasabi ng DAR dito? Nais ko po sana ng malinaw at categorical na sagot, Mme. Speaker.

REP. BIAZON. Malinaw naman ang layunin at kagustuhan ng DAR at ito ay makikita natin sa pamamagitan nitong liham na ating nabasa. Ito kasi ay isa lang halimbawa ng tinatawag nga na “competing interests” ng bawa’t isang departamento na malinaw nating nakikita rito sa proseso ng budget. Bawa’t departamento, humihingi ng dagdag, nguni’t hindi naman natin lahat mapagbibigyan, dahil mayroon ding ibang mga priorities. So, sa sitwasyon na ito na kung saan ang lumalabas na nagtutunggali ay ang DAR at ang DND, malinaw ang tindig ng DAR na nais nilang ipagpatuloy na ipatupad, itaguyod itong mga CLOA na nai-issue sa Fort Magsaysay.

REP. MARIANO. Thank you, Mme. Speaker.

Hinggil dito sa item number 3 ng status report on lectures estate in San Rafael and Divisoria in Mexico, Pampanga, at sa item namang kaugnay sa Hacienda Luisita, siguro po ay hihingi pa ng dagdag na detalyadong report o update ang Kinatawang ito. Alam naman natin na ang Hacienda Luisita ang isa sa mga unang-una at pinakamalaking benepisyaryo ng exclusion sa coverage ng CARP. Malakas po at malawak ang panawagan ng mga magsasaka at manggagawang bukid natin doon na ipawalang bisa na iyong stock distribution option at maipamahagi na iyong lupa sa kanila. Katunayan nga, Mme. Speaker, kahit pending iyang case sa Supreme Court, iyong libu-libong bilang ng manggagawa natin sa Hacienda Luisita, sa sama-sama at organisadong pagkilos, ay binungkal—ang tawag nila doon “balik bungkalan”—ang lupa ng Hacienda Luisita. Sa ngayon, humigit-kumulang ay 2,000 hectares na, sa pagkakaalam po ng Kinatawang ito, ang natataniman na nila ng iba’t ibang pananim. Syempre, pangunahin dito ang palay, pero meron ding mais, kamoteng baging, kamoteng kahoy at iba pang mga pananim. Siguro po ay hihingi pa ng detalye ang Kinatawang ito kaugnay ng update sa kaso na nakasampa sa Supreme Court kasi po ang laman lang nitong ipinadalang sulat ng Kagalang-galang na Secretary ng DAR ay tatlong paragraphs lang, distinguished Sponsor. Hindi ko po alam kung wala nang papel ang DAR, wala na talagang budget o wala na talagang maidadagdag pang detalye. E inisip ko na lamang po na baka hanggang dito na lang talaga ang maiulat o maibabahagi nila hinggil sa kaso ng Hacienda Luisita na ngayon ay nakabinbin sa Korte Suprema. Itong lecture naman ay mahaba-haba pero kailangan pa po marahil ng detalye ng Kinatawang ito sa update naman ng kaso.

Huwag po kayong mag-alala, Mme. Speaker, patapos na po iyong aking interpellation, isang mahalagang bagay na lamang po, kung inyong mamarapatin.

REP. BIAZON. Bago po magpatuloy ang kasama natin, ipinararating po ng DAR ang commitment nilang magbibigay ng impormasyon tungkol doon sa nabanggit na dalawang kaso as soon as the information is available.

REP. MARIANO. Ito po ay may kinalaman naman sa sulat o response ng DAR, signed also by the honorable Secretary Nasser C. Pangandaman and dated 29 September 2008. Ito po ay kaugnay sa prejudicial questions o legal o

constitutional questions and issues raised ng Kinatawag ito sa Committee on Appropriations hearings at maging sa subcommittee hearing. Ini-raise ko po kung ano ba ang legal na tinutuntungan o magsisilbing enabling law ng hinihingi ng President's budget para sa DAR sa Fiscal Year (FY) 2009. Sabi po nila, ang CARP Augmentation Fund and Programs ay isang continuing constitutional and legal mandate beyond 2008. Ang tanong ko po, at nais ko lang pong i-reiterate bilang bahagi po ng pagwawakas ng interpellation ng Kinatawag ito ng Anakpawis Party-List sa kagalang-galang na Sponsor ng proposed budget ng DAR para sa taong 2009, ay, just for the record, ano ba ang magsisilbing legal basis o enabling law ng hinihinging budget ng DAR at nakalaman sa President's budget for 2009?

REP. BIAZON. Unang-una, sinasabi ng ating Saligang-Batas na ang estado ay magsasagawa ng mga programa na repormang pang-agrario, at ang estado ay magsasagawa ng pamamahagi ng lahat ng agricultural lands. At batay diyan, itinatag din ang DAR sa pamamagitan ng isang batas. Ang DAR ay patuloy na nag-e-exist, kaya siya ay nangangailangan ng pang-operations niya para sa taong 2009. Doon sa nasabing batas na sa pananaw ay nag-lapse, ang hinihiling na ma-extend doon ay iyong bahagi tungkol sa land transfer. Nguni't iyong mga support services, agrarian justice aspect of CARP, ay patuloy na isinasagawa ng DAR. Iyan ang mga basehan kung bakit ang budget ng DAR ay dapat ipasa para sa taong 2009.

Article XIII, Section 1 of the Constitution says that the Congress shall give highest priority to the enactment of measures that shall reduce social, economic, and political inequalities by equitably diffusing wealth. At Section 4, iyong nabanggit ko kanina, states that the State shall, by law, undertake an agrarian reform program and to this end, it shall encourage and undertake the just distribution of all agricultural lands. Iyan ang tinutuntungan ng DAR.

REP. MARIANO. For the sake of argument, Mme. Speaker, sundan natin itong interpretation ng DAR na ang programa sa land acquisition and distribution at mga kaakibat na gawain pa—support services at justice delivery program—ay continuing constitutional and legal mandate na nakaatag sa DAR. At sa interpretasyon ng DAR at sa aking pagkaintindi, siguro po lilinawin na lang din ng DAR kung tama ang pagkaintindi ko, na sasapat na kung may batas na nag-allocate ng tinatawag na augmentation fund para sa mga activities ng DAR lalong-lalo na sa land acquisition and distribution activities. At ang pagkaintindi ko po ay hindi na kailangan ang isang batas o bagong enabling law na magdi-direct o magma-mandate sa DAR na ituloy ninyo ang land acquisition and distribution activities ninyo. Sapat na ang isang enabling law na magsasabing itong ganitong P50 bilyon o P100 bilyon ay ina-allocate para sa budget ng DAR sa mga susunod na taon, o in particular, iyong sinasabi ninyong P16.1 billion para sa ngayong 2009 kung nasaan iyong P8.8 billion ay for land acquisition and distribution activities ng DAR for 2009. Tama po ba iyong aking pag-unawa sa interpretasyon ng DAR—marahil ito nga ay tugon doon sa akin pong ini-raise na legal and constitutional question and issues, both sa pagdinig ng Committee on Appropriations at sa subcommittee level na pagdinig na isinagawa—kaugnay sa panukalang budget ng DAR for 2009, Mme. Speaker?

REP. BIAZON. Ang position ng departamento ay ang nag-expire lamang ay iyong funding component, nguni't ang programa ay patuloy at ito ay nasa ilalim ng mandate ng DAR.

REP. MARIANO. Iyon po ang interpretasyon ng DAR, pero nasuri din po ba ng DAR iyong ganoong interpretasyon at paninindigan? Isinasaad ng Article XIII, Section 4 ng 1987 Constitution na, "The State shall, by law, undertake an agrarian reform program." Ibig sabihin, may probiso na kailangan may enabling law. At ang intindi ko po, sa pananaw at paninindigan ng DAR, ang enabling law ay iyong RA 6657. Am I correct, Mme. Speaker?

REP. BIAZON. Iyon ang interpretasyon.

REP. MARIANO. Thank you, Mme. Speaker.

Kaugnay niyan, sa Section 5 ng RA 6657 ay isinasaad ang ganito: "The distribution of all lands covered by this Act shall be implemented immediately and completed within ten (10) years from the effectivity thereof." Hindi ba kapag sinabi ng RA 6657 na ang distribution of lands "shall be implemented immediately and completed within 10 years from the effectivity"—that is, June 15 of 1988—ito ay mandatory at hindi directory?

REP. BIAZON. Ayon sa opinyon na hiningi ng departamento mula sa Department of Justice (DOJ), nagkaroon ng opinyon ang DOJ, Opinion No. 9, series of 1997. Kung maaari ko lamang basahin para po sa records, ang opinion ng DOJ ay:

"1. Implementation prescribed in the aforesaid Section 5 is merely directory in character.

"2. It could not have been the intention of the law to prescribe a fixed and rigid period of 10 years for the CARP. Such intention would have frustrated the policy and purpose of the law.

"3. The CARP is a continuing program and does not end after the lapse of 10 years.

"4. If there is an emphasis that the 10-year period of implementation is only a time frame given to the DAR for the acquisition and distribution of public and private agricultural lands covered by R.A. No. 6657, this is made clear in the bicameral conference committee report for a no-date formula."

Ito po iyong opinyon ng DOJ na siya namang sinusundan ng DAR dahil kinikilala naman nila ang awtoridad ng DOJ sa pagbigay ng legal opinion. If the whole thing is questioned in the courts of law, then we would have to leave it to the courts to interpret what exactly is meant by the law and what should be implemented. But as of now, this is what the DAR will follow based on an opinion given by the DOJ.

REP. MARIANO. Ibig pong sabihin, ang tinutuntungan na interpretation and assertion ng DAR ay hindi na kailangan ang bagong iba pang enabling law, at sasapat na ang isang batas na mag-a-allocate ng augmentation fund sa pagpapatuloy ng activities ng DAR, lalo na kung related sa land acquisition and distribution activities nito? Ang interpretasyon po ng DAR ngayon ay naaayon sa DOJ Opinion No. 9, Series of 1997. Ang tanong ko po ngayon ay mas mangingibabaw ba iyong opinyon ng DOJ sa Section 5 ng RA 6657 at Article XIII, Section 4 of the 1987

Constitution? Ibig sabihin, iyong legal opinion ng DOJ ay dapat ba at sadyang nangingibabaw at superior sa isang batas na umiiral, even the likes ng RA 6657 at iyong pertinent provision ng 1987 Constitution, Mme. Speaker?

REP. BIAZON. Ang katanungan ng ating kasamahan ay kung mangingibabaw ba iyong opinyon ng DOJ. Ang realidad ay, sa batas, may mga pagkakataon na nagkakaroon ng iba't ibang interpretasyon ang iba't ibang panig. Ultimately, ang magbibigay ng final interpretation ay ang korte. Sa bagay na ito, kinikilala ng DAR ang opinyon ng DOJ dahil iyon ang sangay ng pamahalaan na nasa larangan ng justice and law. Siguro kung merong pagkontra doon sa interpretasyon na iyon, ang pinakamainam ay ang paglapit natin sa tamang ahensiya, sa mga korte, upang magbigay ng interpretasyon na dapat namang sundin ng lahat.

REP. MARIANO. Mme. Speaker, is there any existing jurisprudence na pwedeng tuntungan bilang basis ng interpretasyon, argument and assertion ng DAR as far as the personal knowledge of the officials of the DAR is concerned? Meron na po ba o wala pa?

REP. BIAZON. Titingnan lang po natin ang records sapagka't sa kasalukuyan, ang record na hawak ng departamento na naririto ngayon ay ang opinyon ng DOJ. Hindi po na-indicate dito ang jurisprudence na pinagbabasehan ng opinyon ng DOJ.

REP. MARIANO. So, wala pa pong masa-cite, mababanggit o mai-invoke ang DAR na jurisprudence or statutory construction and interpretation ng Supreme Court sa mga pwedeng kahalintulad na kaso? Ang isang legal opinion ng DOJ Secretary o ng DOJ ay maaaring mangibabaw sa isang umiiral na batas o pertinent provision ng Saligang Batas, Mme. Speaker?

REP. BIAZON. Marahil ang makapagpapaliwanag nang lubusan diyan ay ang DOJ sapagkat ito ay opinyon nila. Ang kompetensya ng DAR ay nasa agrarian reform, at ang DOJ ang may expertise pagdating sa batas. Ganoon pa man, isa sa mga tinitingnan ng DAR na batayan ng legal standing na itinatanong ng ating kasama ay ang small landowners' case na nahain sa Supreme Court. Ang naging desisyon ang pinagbabatayan as legal standing.

REP. MARIANO. Mme. Speaker, marahil, itong ating discourse na ito kaugnay sa legal and constitutional issue and questions na ito ay pagkakataon na rin para mapukaw ang mga legal minds dito sa House of Representatives o sa Congress, at pag-ibayuhin pa ng DAR ang kanyang legal research. Dapat ay huwag magmadali o padalus-dalos sa pagsasabi na ang legal basis na maaaring gamitin ay iyong opinyon ng DOJ. Ma-invite ko na po iyong atensyon at legal minds ng ating mga Miyembro ng House of Representatives sa halimbawa ng PD 27 issued by former President Ferdinand E. Marcos on October 21, 1972. Noon pong maibagsak ang paghahari ng dating Pangulong Marcos, former President Corazon Cojuangco Aquino, para maipagpatuloy ang implementation ng Marcos Land Reform o iyong distribution of rice and corn lands to the intended beneficiaries, issued EO 228. At noong magtapos na po iyong kanyang lawmaking

power, dahil sa tinagal-tagal ng debate, iyon pong karamihan sa mga sponsors ng House Bill No. 400, kung matatandaan ko pa po ay sa Eighth Congress po yata iyon, ay nag-withdraw ng sponsorship. At noon, ang kagalang-galang na Kinatawan Edcel Lagman at ang kanyang counterpart sa Senado ang siyang nag-sponsor, nagpatuloy ng sponsorship ng House Bill No. 400 hanggang sa finally, naging RA 6657. Sa probisyon ng RA 6657, kinailangan ding nandidito sa Section 7 ng RA 6657, ang priorities ay iyong rice and corn lands. Sabi sa batas:

"Lands shall be acquired and distributed as follows:

"Phase one: Rice and Corn lands under Presidential Decree No. 27."

Ibig sabihin, kailangan ng enabling law.

Ngayon, kapag pinuntahan mo na iyong RA 6657, Mme. Speaker, nagsasabi iyong Section 5 na "The distribution of all lands covered by this Act," o ibig sabihin RA 6657, "shall be implemented immediately and completed within ten (10) years from the effectivity thereof." So malinaw po na kinailangan ang enabling law para maipagpatuloy ang distribution ng isang klase ng lupa—rice and corn lands—sa mga benepisaryo ng CARP. Ngayon, sasabihin po natin na sapat na ang opinion ng DOJ para maging enabling law? Ano po ba ang masasabi ng DAR, Mme. Speaker?

REP. BIAZON. Mme. Speaker, ang DAR ay hindi lamang umaasa sa RA 6657; nariyan din ang RA 8532 na siyang nagbibigay sa DAR ng karagdagang buhay upang ipagpatuloy ang programa. Ganoon pa man, iyong katanungan tungkol sa opinion ng DOJ ay masasagot lang talaga ng isang final arbiter ng batas. Dahil kung paninindigan ng DAR ang hiningi niyang opinion mula sa DOJ, ang tanging solusyon para masagot ang mga pagsalungat ay isangguni ang issue sa nararapat na ahensiya o entity. At doon sa bagay na iyon, muli nating sinasabi na ang final interpretation ay manggagaling sa korte.

REP. MARIANO. I thank the distinguished Sponsor for his answer.

Ang ating kasalukuyang gobyerno po—at ako po ay naniniwalang aware na aware naman dito ang distinguished Sponsor at mga opisyal, lalong-lalo na ang DAR—has three coequal and coordinate branches of government: the legislature, that legislates; the executive department, that executes lahat ng mga batas o valid legal issuances, proclamations at iba pa; and then the judiciary, which interprets or construes ano mang mga tanong na legal at konstitusyonal, lalo na po iyong sinasabi nilang "ripe for judicial review." Nais ko pong tawagin ang pansin ng kagalang-galang na Sponsor, mga opisyal na rin ng DAR, at ng mga miyembro ng Fourteenth Congress sa RA 8532. Ganito po ang title niya, at nais ko pong i-quote: AN ACT STRENGTHENING FURTHER THE COMPREHENSIVE AGRARIAN REFORM PROGRAM (CARP) BY PROVIDING AUGMENTATION FUND THEREFOR, AMENDING FOR THE PURPOSE SECTION 33 OF RA 6657, OTHERWISE KNOWN AS THE CARP LAW OF 1988. Sa pagkakaalam ko po, walang nilalaman itong RA 8532 na nagsasabi, nagtatadhana na dina-direct ng batas na ito ang DAR na ipagpatuloy ang land acquisition and distribution. Ang laman lang po ng batas na ito, na siyang buod ng title thereof, ay nagpu-provide ng augmentation fund.

Malamang po, ito rin ang isa sa pinagbabatayan ng DAR para sabihin nila na sapat na na may isang batas na magsasabi na nag-a-allocate ng augmentation fund sa DAR para maipagpatuloy ang kanyang mga activities. Am I correct, Mme. Speaker?

REP. BIAZON. Iyon ang mga probisyon na nakalagay sa RA 8532, ngunit kung ang katanungan talaga ay kung ano ang legal basis ng DAR para magpatuloy, babalik tayo doon sa batas na nagtatag ng department at iyong mga constitutional provisions na pinagsimulan ng batas na iyon. Pagdating doon sa katanungan ng interpretation, again, I will have to reiterate that it will have to be the courts to make a final interpretation.

REP. MARIANO. At malamang, Mme. Speaker, ang interpretation, argument, and assertion ng DAR ay, dahil ang RA 8532 ay nag-aamenda lamang sa Section 63 ng RA 6657, kung ito man ay nagkakaloob ng augmentation fund, hindi na kinakailangan pa ng bagong enabling law kaugnay sa land acquisition and distribution ng lupa dahil ito ay itinatadhana na sa pertinent provisions ng RA 6657. Am I correct na ganyan ang tinutuntungan ng interpretation, assertion and argument ng DAR?

REP. BIAZON. Iyon ang posisyon na tinutuntungan ng DAR.

REP. MARIANO. At as far as sa kaalaman ng DAR officials—lalung-lalo na marahil ng honorable Secretary Nasser Pangandaman na kailangan pa ang legal research—kung mayroon nang umiiral na jurisprudence na tutuntungan iyong kanilang assertion, argument at position, sapat na ang opinion ng DOJ para maging enabling ito. Hindi naman ito enabling law kung hindi a mere opinion of the DOJ na nagsasabing kapag naipasa na ang House Bill No. 5116, the GAB, covering January 1 to December 31, 2009, ay puwede na siyang maging tuntungang legal. Tama po ba iyong ganoong interpretation ng Kinatawang ito?

REP. BIAZON. Kinikilala ng DAR na ang kanyang legal mandate ay nagmumula sa nasabing batas, at hanggang hindi nagbibigay o walang nagku-question sa korte ng interpretation ng iyon ay mananatiling paninindigan ng DAR ang nasabing batas.

REP. MARIANO. Hindi naman po ako abugado—at napakainam naman at marami tayong mga by profession ay mga abugado na Miyembro ng House of Representatives—pero ang opinion po ng Kinatawang ito ng Anakpawis Party-List ay mahirap sabihin na ang opinion ng DOJ ay maaari nang makatayo, makatindig. Sino man na mamamayan natin na sinasabing taxpayer ay maaaring magkuwestyon sa legal and constitutional basis ng isang batas. Halimbawa, pagtibayin natin itong House Bill No. 5116, including iyong proposed budget ng DAR for FY 2009 na mga P16.1 billion. Kung sa gawain nila na land acquisition and distribution ay mangangailangan ng P8.8 billion na appropriation, ang interpretation po ba ng DAR dito ay sapat na na kapag naipasa itong GAB na ito ay pwede na itong ituring na enabling law o tutuntungang legal?

REP. BIAZON. Iyan ay nabanggit na natin kanina na

posisyon ng DAR. At ang paghingi rin ng departamento para sa pag-apruba ng isang batas doon nga patungkol sa extension ng CARP Law ay hinihiling din kasabay ng paghiling ng pag-apruba ng budget para sa 2009.

REP. MARIANO. Ibig pong sabihin, tulad ng opinyon ng Kinatawang ito ng Anakpawis Party-List, kailangan mayroong bagong magsisilbing enabling law ang interpretation ng DAR na tutuntungan ng pagbibigay o pag-allocate ng augmentation fund nila para maipag-patuloy iyong activities ng DAR at ang pagpapasa ng panukalang batas ng DAR sa pamamagitan ng pagsasabatas ng GAB na ito o House Bill No. 5116. Tama po ba iyong ganoong pag-unawa ng Kinatawang ito, Mme. Speaker?

REP. BIAZON. Ang paghiling ng DAR para sa pagpasa ng panukalang extension ay upang masiguro na iyong mga remaining lands for agrarian reform ay patuloy na mapagserbisuhan ng gobyerno.

REP. MARIANO. Nakukuha ko po iyong ganoong intensyon ng DAR. Ang punto ko lang po, Mme. Speaker, is that, at iyon po ang opinyon ng Kinatawang ito, kapwa kailangang maipasa iyong GAB, including itong budget ng DAR, for 2009, at isang enabling law na hindi lamang nagkakaloob ng augmentation fund, kung hindi nagsasabi ring dini-direct muli ang DAR na ipagpatuloy ang activities ninyo para sa land acquisition and distribution ng lupa o paglilipat nito sa kamay ng mga farmer beneficiaries. Ibig sabihin, sa opinyon ko po, kailangang maipapasa iyong GAB, at una't mahigit pa rito, maipasa iyong isang enabling law.

REP. BIAZON. Yes.

REP. MARIANO. Nakikiisa po ba sa ganoong interpretation at opinyon ng Kinatawang ito ang DAR?

REP. BIAZON. Parehong ninanais at hinihiling ng departamento ang pagpasa ng budget at ng extension ng CARP.

REP. MARIANO. Kasi po, Mme. Speaker, halimbawa naipasa itong GAB o House Bill No. 5116. After mai-konsidera iyong proposals ng Senate, aakyat ito sa Office of the President para pirmahan o i-veto ng President iyong ayaw niya doon sa magiging pinal na bersyon, ano po? Kung maipasa na po iyon, magiging republic act na o GAA of 2009. Pero kung wala namang enabling law, ano po mangyayari sa budget ng DAR? I-di-disburse ba, ire-release ba ng DBM iyong alin mang sentimong bahagi ng P16.1 billion o ng P8.8 billion na bahagi para doon sa land acquisition and distribution activities ng DAR for the year 2009?

REP. BIAZON. Kung sakaling sa senaryo na hindi aksiyonan ng Kongreso ang extension, may paraan ang DBM na hindi i-release ang nasabing fund na pangangailangan sa implementation ng anticipated na pagpasa ng nasabing batas.

REP. MARIANO. Iyon po iyong sa DBM?

REP. BIAZON. Yes.

REP. MARIANO. Paano po kaya titingnan naman ng Commission on Audit (COA) pag may sentimo man na bahagi ng maa-aprobahang budget ng 2009 pero wala namang enabling law? Ano kaya ang magiging pagsusuri o magiging observations and recommendations ng COA? Kasi ang pagkakaalam ko po, iyong mga allowances, bonuses at iba pang incentives na ipinagkakaloob ng iba't ibang departamento sa kanyang mga kawani at opisyaes, kung walang legal basis, ay kinukwestyon ng COA. Gaano pa po kung P16.1 billion? Walang enabling law pero mapapasa iyong budget niya by enacting itong GAB into law. Paano pa ang mangyayari sa mga opisyaes at kawani ng DAR? Kakasuhan sa Ombudsman, aakyat sa Sandiganbayan? Hindi ba malalagay po sa ganoong sitwasyon iyong mga taga-DAR? Hindi po kaya, Mme. Speaker?

REP. BIAZON. Mahirap nating maisip o ma-predict kung ano ang gagawin o sasabihin ng COA dahil sa post-audit naman ang kanilang pagpasok. Ibig sabihin, kung hindi gagastusin ng DAR, kung hindi papayagan ng DBM, ito ay mananatili na nasa coffers ng gobyerno, at siguro ang epekto lang ay iyong reflection sa absorptive capacity ng ahensya. Pero wala tayong nakikitang magiging problema kung hindi naman i-diniburse iyong pondo.

REP. MARIANO. Bilang bahagi ng pagtatapos, nais ko lang pong sabihin na ang Kinatawan pong ito at ang Anakpawis Party-List ay hindi anti-agrarian reform. Katunayan po, ang Kinatawang ito at ang Anakpawis Party-List, sa pamamagitan ng yumaong minamahal na Crispin Beltran, ay nanguna pa nga sa paghahain ng Genuine Agrarian Reform Bill dito sa Fourteenth Congress ng November 2007 bilang tugon sa aspirasyon ng ating mga kapatid na magsasaka and with the central goal of free land distribution. At malaon na pong tagapagtaguyod ang Kinatawang ito ng pagpapatupad ng tunay at puspusang reporma agraryo sa ating bansa. Ang punto lamang po, Mme. Speaker, kaugnay sa proposed budget ng DAR for 2009, wala pang enabling law pero bahagi na ito ng GAB. Waring tayo ay nagbibilang na ng itlog nang wala pa iyong inahing manok o iyong enabling law.

Iyon lang po ang gustong bigyang diin ng Kinatawang ito. Kung ipapasa man natin itong proposed budget ng DAR for 2009 na bahagi nitong GAB, kailangan talaga na may new enabling law. Sa pananaw po ng Kinatawang ito at ng Anakpawis Party-List, ang enabling law ay kapwa magma-mandate sa DAR na ipagpatuloy iyong land distribution at acquisition at maglalaan ng pondo para sa ahensya. Lalong sasang-ayon ang Kinatawang ito kung ang ia-adopt na enabling law ay iyong House Bill No. 3059, ang Genuine Agrarian Reform Bill o proposed Genuine Agrarian Reform Act of 2007, Mme. Speaker.

Ang punto ng Kinatawang ito, at sana ay maunawaan ng ating mga kapatid sa DAR, ay baka dapat bago i-konsidera iyong budget ay meron munang enabling law.

Maraming, maraming salamat po, Mme. Speaker, sa distinguished Sponsor, my dear colleagues, at sa atin pong mga kababayan. Magandang hapon po sa inyong lahat.

REP. BIAZON. Maraming salamat din sa Kinatawan ng Anakpawis. Ang kanyang pagtatanong ay tunay na nagpapakita lamang ng genuine concern para sa ating mga magsasaka.

Maraming salamat, Mme. Speaker.

REP. AMANTE. Mme. Speaker, please.

THE DEPUTY SPEAKER (Rep. Villarosa). The Hon. Amante is recognized.

REP. AMANTE. This is just an observation. May I plead that we adopt what we call "guillotine debate" in this House. There are so many representatives from different departments and agencies here. I do not like them to wait here for a long time. I would not mind staying here for a while for I have grown old already, but I do not want them to grow old. I want them to stay young so that we can serve our country accordingly.

So may we adopt, please, the "guillotine debate" format. Interpellations should be kept, at the the most, maybe 10 or 15 minutes long.

THE DEPUTY SPEAKER (Rep. Villarosa). The Floor Leader is recognized.

REP. ROMULO. Mme. Speaker, we note the suggestion of the Hon. Amante.

SUSPENSION OF SESSION

REP. ROMULO. Mme. Speaker, may we have a one-minute suspension of the session.

THE DEPUTY SPEAKER (Rep. Villarosa). The session is suspended for one minute.

It was 4:50 p.m.

RESUMPTION OF SESSION

At 4:51 p.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Villarosa). The session is resumed.

REP. ROMULO. Mme. Speaker, I move that the Chair recognize the next Member to interpellate, the Hon. Al Francis Bichara from the Second District of Albay.

THE DEPUTY SPEAKER (Rep. Villarosa). The Hon. Al Bichara is recognized for his interpellation.

REP. BICHARA. Thank you, Mme. Speaker.

I just wish to raise some concerns regarding the support services, particularly the farm-to-market roads. I was only given a copy of the status report during the subcommittee hearing, and when I tried to validate some of the reports from some of my mayors and barangay officials, I found some discrepancies on the information I received. Some of the officials' reports were really inconsistent with the status report given during the hearing. For example, the status update stated that the construction of the Cagayan-Dalipay Road in Marito has already been completed, but according to the mayors, it has not been completed yet. Also, there are some projects of the DAR that are overlapping with some projects being implemented by the Department of Public Works and Highways (DPWH). The report says that particular projects

are ongoing but are really not. It is quite disturbing because we were supposed to pump the economy; we were supposed to boost the agricultural productivity, but there is too much delay. Now, I also realized that some of the projects were transferred to the LGUs and these LGUs never coordinated with anybody. They informed neither the DAR nor the Representatives of their respective district.

Paano natin aayusin ito? Iyong may mga ongoing na projects diyan ng DPWH na may nakapatong na ibang mga projects dito, e baka kukuha lang sila ng mga retrato, pictures and then they will start collecting payment for projects they did not work on.

The question is, are they really capable of implementing these projects? I am questioning the capability of the DAR, if they really have the technicians to validate all these. Because if they cannot do this and they do not have the engineering department to even prepare the program of works, mabuti pa, lahat ng projects pagdating sa mga infrastructure, ibigay na natin sa DPWH. Sila na ang mag-i-implement, at iyong DAR na lang ang magba-validate.

Will the Gentleman agree to this proposal?

REP. BIAZON. Definitely, Mr. Speaker. It would be the DPWH which would have the expertise when it comes to technicalities in infrastructure projects. Any mode or any system of technically evaluating projects implemented under the DAR is most welcome by the department. In fact, I have been told by the Secretary of the department that they note with thanks the feedback the honorable Member has given with regard to the implementation of the projects. They would want those kinds of feedback in order for them to be able to really validate the work that is being done under the name of the DAR.

REP. BICHARA. May I ask them, Mme. Speaker, to update this report completely—and soon—so we can discuss it before the approval of the budget by November or December.

REP. BIAZON. As the Hon. Bichara was earlier asking his questions, the officials of the DAR have already intimated to this Representation that they will be coordinating with all Members of Congress with regard to those projects in their respective jurisdictions in order to ensure that the points raised by the honorable Gentleman will be addressed.

REP. BICHARA. Because normally, Mme. Speaker, our constituents go to us and inquire about the status of some of the projects. If we are not informed of what is going on in our respective districts, eh nagmumukha naman kaming tanga. So I would suggest that, from time to time, the department should provide us with materials, information and updates on what is going on in every district in our country. Para naman pagdating sa committee hearings, hindi naman sila madedehado because we will bombard them with questions if we are left ignorant of what is really happening within our areas of responsibility. Is that all right, Mme. Speaker?

REP. BIAZON. Yes. The Secretary is nodding his head, so I think they know that it would be to the best interest of the department for them to comply with the request of the honorable Gentleman.

REP. BICHARA. All right.

How much is the appropriation for the road components with respect to the support services for this year?

REP. BIAZON. According to the budget, in the proposed budget of the DAR for 2009, the amount of P100 million is set aside for infrastructure project.

REP. BICHARA. Iyan na ba iyong para sa mga farm-to-market roads? May budget na P100 million lang? Am I right?

REP. BIAZON. Yes. For farm-to-market roads and bridges, the target is 67 kilometers with an appropriated amount of P100 million.

REP. BICHARA. P100 million. And what other support services are available aside from the farm-to-market roads?

REP. BIAZON. Allow me to make some clarifications, distinguished colleague. The P100 million is the amount appropriated under the DPWH; under the DAR, there is P280 million. That is the amount under the DAR itself.

REP. BICHARA. So, magkano ba talaga?

REP. BIAZON. There is a total, sir, of P380 million because it is divided between the DPWH and the DAR.

REP. BICHARA. How much is incorporated under the DAR?

REP. BIAZON. Under the umbrella of the Agrarian Reform Program, the allocation for farm-to-market roads would be a total of P380 million. That is for the total budget for agrarian reform.

REP. BICHARA. That includes those that were allocated under the DPWH?

REP. BIAZON. Yes, sir, that is correct.

REP. BICHARA. How much was allocated for land acquisition?

REP. BIAZON. The total allocation for land acquisition and distribution is P4,796,408,000.

REP. BICHARA. Will the Gentleman repeat that again, please.

REP. BIAZON. P4,796,480,000. That includes the budget for the implementing agencies under the Agrarian Reform Program. That would be divided amongst the DAR, LBP, DENR, and the Land Registration Authority because there are different components to land acquisition and distribution.

REP. BICHARA. That is on the assumption that the extension measure will be passed.

REP. BIAZON. Yes, as explained in previous hearings, this is anticipatory in nature. There is also that accompanying

request by the DAR for Congress to pass the extension of the CARP Law.

REP. BICHARA. What if it is the other way around? What will happen with the funds?

REP. BIAZON. The DBM can control the release of the funds if there is no purpose or reason for the funds to be released. That means the money would remain within government coffers. The anticipation is meant to ensure that if Congress decides to pass the measure, there would be ready funds available immediately.

REP. BICHARA. But I remember in the measure, the extension bill has a budget for that purpose which amounts to billions of pesos.

REP. BIAZON. If the GAB is passed, then there would be no need for the extension to include the appropriation amount. We can easily adopt what is embodied already in the GAB. Anyway, the extension of the CARP bill is going to be an act of Congress; we will be the ones to pass it. Therefore, we are still in control of which provisions will be allowed in that proposed measure.

REP. BICHARA. Mme. Speaker, I am asking this question because apparently, the budget for the support services is quite small. We keep on distributing lands, but most of the lands remain idle, without roads, without irrigation, and without the appropriate facilities. We cannot keep on distributing lands, at pagkatapos noon ay iiwan din natin, at sasabihing we have already done our fair share of distributing lands.

Mme. Speaker, how does the Gentleman rate the performance and accomplishment of the DAR? Is it by the number of lands that were distributed or by the number of successful recipients?

REP. BIAZON. Actually both are important to the DAR. Of course, the first objective is to distribute as much land as possible within the targets. After distributing, what DAR does next is to ensure that those who are beneficiaries are able to be successful in their ventures as tillers of the land. So we can say that both are considered by the DAR as important in measuring their success or failure.

REP. BICHARA. Have they conducted an extensive survey on how many lands were distributed that are now in the hands of different landowners; how many lands were rented out; or how many lands are idle? Do we have a report on these matters?

REP. BIAZON. In other words, Mme. Speaker, the Gentleman would want to know if the DAR kept a record of failures, is that correct?

REP. BICHARA. Of course.

REP. BIAZON. According to the DAR, they do not have data on idle lands. According to them, all distributed lands are productive although there are different levels of productivity.

REP. BICHARA. I think they should prepare one and provide Congress with a copy for their evaluation. Normally, if there is a project or a program, there has to be an evaluation to find out how successful the program is. They should provide Congress with a report. Does the Gentleman not agree, Mme. Speaker?

REP. BIAZON. That is a valid comment, and of course, the department should now consider that as one of their important activities for the coming year—the validation of the beneficiaries and of the land that they have already distributed.

REP. BICHARA. Mme. Speaker, before I end my interpellation, I wish to reiterate my proposal that all infrastructure projects, so as to avoid overlapping with other agencies, should be exclusively implemented by the DPWH. Are there any comments from the Sponsor?

REP. BIAZON. The department sees the wisdom in the proposal of the distinguished Gentleman, and they will look into shifting policies.

REP. BICHARA. How long will it take for them to see the wisdom of the proposal?

REP. BIAZON. Immediately, Mme. Speaker.

REP. BICHARA. All right.

Thank you, Mme. Speaker. I also thank the Sponsor for his answers.

REP. BIAZON. I also thank the distinguished Gentleman for his questions.

REP. ALFELOR. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Villarosa). The Hon. Felix Alfelor is recognized for his interpellation.

REP. ALFELOR. Thank you, Mme. Speaker.

Mme. Speaker, honored Gentleman from Muntinlupa, I remember that the Land Reform Act was signed by then President Diosdado Macapagal in 1962 with much fanfare and promise for a better life for the farmers. Would the Gentleman believe in his own heart that the program was successful with all the visions that it had?

Let us take for example the farmers. One of the goals of the law, I think, was to uplift the livelihood of the farmers. If we compare the livelihood of that time and that of present time, how much would the Gentleman say that the program has achieved? Would the Gentleman say that the program has succeeded, in whole or in part, in improving the lot of the farmers?

REP. BIAZON. The studies available in the DAR show that the status of living of farmers who are agrarian reform beneficiaries are higher than those who live in non-agrarian reform areas.

REP. ALFELOR. Do we have statistics on this assertion that it really improved the lot of the farmers?

REP. BIAZON. The department cited studies, although I am not really sure that they brought these with them this afternoon.

REP. ALFELOR. So the Gentleman does not have the statistics with him?

SUSPENSION OF SESSION

REP. BIAZON. May we move for a one-minute suspension of the session, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Villarosa). The session is suspended for one minute.

It was 5:08 p.m.

RESUMPTION OF SESSION

At 5:09 p.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Villarosa). The session is resumed.

REP. BIAZON. The department just handed me information on studies they conducted in 1990 and in 2000 which show that at least 70 percent of total agrarian reform beneficiaries enjoy an average annual household income above the national poverty line. So they do have that study. In the same study in 2007, it showed that for every peso invested in Agrarian Reform Communities (ARC), the benefit gained is P5.41 while that in the non-ARC barangays, the benefit gained for every peso invested is only P3.76. They do have statistics to back up their claim that agrarian reform beneficiaries have had their lives improved.

REP. ALFELOR. Would the Gentleman have figures on the total amount of funding that has been spent on land reform since the time it was organized in 1962 up to the present time? Perhaps we can divide it by the number of beneficiaries if it was really a favorable action.

In other words, we have spent a lot—billions and billions of pesos—in land reform, but does the Gentleman think the farmers have better living conditions at the present time?

Does the Gentleman remember that \$602 million—I think it was from the Philippine Commission on Good Government (PCGG) fund—was reassigned to the funding of the DAR? And I doubt if they can make any accounting for the funds that they have received from the PCGG, or at the very least, confirm that they have received it. Where did they bring those funds? Now, I urge the Gentleman to include that amount with all the funds that we have spent for land reform, and tell me if land reform has really improved the lives of the farmers.

Supposing, we just divide it by the number of farmers and give all those funds to the farmers. Does the Sponsor think it would be more appropriate to give all those funds to the farmers and let them improve their lives instead of distributing those lands, which at this very time are no longer economically feasible? Considering the food crisis that we have in the whole world, is the Gentleman still going to divide all those lands? Even if it is not economically feasible, would

the Gentleman still give the lands to the farmers who may not even know how to manage a business?

The Gentleman must remember that this is like managing a sari-sari store. They need to know how to manage it. It is not enough that we give them land.

The department is not even providing for the support activities, are they? How much has been provided for the support activities?

What I am telling the Gentleman is that there is not much sincerity in this program if we are going to do what we have been doing since 1962.

REP. BIAZON. The data requested by the honorable Gentleman is quite extensive. We might have to ask for more time for the DAR to produce the data.

Anyhow, the DAR intends to pursue the program of land acquisition and distribution while at the same time pursuing programs and projects that would enhance the sustainability and productivity of the beneficiaries. Because theirs is a two-pronged objective: distributing lands and making sure that the farmers or the beneficiaries would be productive. The department wants them to have an increase in income as a benefit of receiving land from the program.

REP. ALFELOR. I understand that another cornerstone of the land reform program was rice self-sufficiency. We believed that by distributing all these lands and giving these to the farmers, they will be able to generate enough production of rice because they will become self-sufficient. On the basis of this test, would the Gentleman consider that we have been successful in achieving self-sufficiency in rice? Surely, we have not. Would the Gentleman consider the land reform program as successful insofar as the self-sufficiency in rice program of the government is concerned?

REP. BIAZON. The fact that we still import a significant volume of rice even for our own consumption would show that rice sufficiency is still a target for the government.

REP. ALFELOR. Yes, rice is still hard to obtain.

Another cornerstone is that it will solve insurgency because of the complaints of the farmers as against the landowner. On the basis of this parameter, would the Gentleman consider the land reform program to be successful? Has it solved insurgency say, in Northern Luzon, Southern Luzon, and even in the Visayas area?

REP. BIAZON. The fact that the DND and the AFP are still asking for more resources to fight insurgencies is proof that our insurgency problem is still there. But, of course, land reform is not the only solution to the insurgency problem; it is to be used in combination with other efforts of the government.

REP. ALFELOR. That is right, but I think the very heart of the goal of the land reform is to eradicate insurgency. At this very time, the Gentleman can be very sure that there is still insurgency and that it has not been solved. It may have been diminished but not necessarily because of land reform, but because of the military action on the part of the military, on the part of the government.

REP. BIAZON. Yes, addressing the insurgency problem is the responsibility of many agencies, but the Gentleman is also correct in pointing out that, perhaps, one redeeming factor for us is that the AFP and the PNP are doing their best in quelling the insurgency problem.

REP. ALFELOR. I think we are all agreed that merely distributing lands to the farmers will not achieve the goals of the land reform program. The greater part of the success of the land reform program depends on the support activities that come after the beneficiaries have been given their lands. How are we on this aspect of providing support activities to the farmers that have been beneficiaries of this land reform program?

REP. BIAZON. Judging by the positions taken by some Members of Congress, we can say that we can still improve on that part, on that aspect. I think it would also be good to consider, when the House of Representatives tackles the CARP Bill, whether we will put more money in LAD or whether we will put more money in support services. Our House has a big hand in determining that.

REP. ALFELOR. Yes, but what is the position of the department here? How much more do they need for the support activities?

REP. BIAZON. The position of the department is that it will finish the targets for land acquisition and distribution, and provide support services for the same.

REP. ALFELOR. Yes, that is the goal, but...

REP. BIAZON. To them, it is. To the department, the two are of equal footing because while there is a target that needs to be reached in terms of acquisition and distribution, at the same time, there is that responsibility to make the beneficiaries productive.

REP. ALFELOR. What part of the budget of the DAR is dedicated to support activities, and what part is given to land acquisition, if there is any? I think it is the contention of Congress not to extend the authority of the DAR to acquire more lands which they could not maintain. Most of these lands, for example, in Bicol region end up with the comprador.

REP. BIAZON. For acquisition and distribution, there is an appropriation of P8.8 billion, and for other support services for the program beneficiaries development, there is a total allocation of P5.168 billion.

REP. ALFELOR. There is an allocation of P5 billion for support activities? What forms do these so-called "support activities" take?

REP. BIAZON. Activities under the program beneficiaries development include social infrastructure and capability building; development of access to technology and training; credit access for agrarian reform beneficiaries; and agri-business development. Those are the major components.

REP. ALFELOR. Yes, but what portion is that? I mean,

if we compare it to land acquisition, how much is land acquisition and how much is the support activities?

REP. BIAZON. For program beneficiaries development, it is 25 percent of the total budget, and for land acquisition, it is 70 percent.

REP. ALFELOR. There is 70 percent for acquisition and 25 percent for support?

REP. BIAZON. It is split at 70. Seventy percent is for land acquisition and 30 percent is for support services.

REP. ALFELOR. Does the Gentleman not think that it should be the other way around? Should there not be lesser acquisition and then more support activities so that the distribution will not be wasted?

REP. BIAZON. Under the CARP Law, which is being considered for extension, that is the distribution ratio. There is a proposal to revise that. Again, as the department is appealing to the House of Representatives for the passage of a new law, in the new proposed distribution, 40 percent of all appropriations will be for support services. There is going to be a 60-40 distribution.

REP. ALFELOR. Will the department agree to stop the acquisition of additional lands until after we are able to strengthen or to make a survey of the lands that have been distributed? All these funds should be channeled to the support activities in order to ensure that funds will not be wasted. If we acquire a piece of land and that is not cultivated, it is a waste of fund. In other words, we cannot say that the land reform program has been successful unless the beneficiaries have been supported through and through, until they have been able to stand by themselves. Acquiring additional land and acquiring additional support activities dissipate the support activity, which I believe is more important than just acquiring lands.

Is the basic theory of land distribution still valid in the present time considering that it would take management skill and funds or money to cultivate and divide lands into less economical sizes?

In my district, there are many lands along the roadways which are not being cultivated. Why? It is either because the tenants could not afford to, or the support activities that have been promised them are not forthcoming. So what happened? It is unsuccessful. The money that was funded to acquire land became useless. Why? Because it has never improved the lot of the farmers; the farmers were not able to cultivate the lands because either they are lazy or, as what happens during fiestas, they mortgaged their land. That is what happened in my district. Farmers mortgaged their lands to a Chinese dealer who does not want to cultivate it but instead wants to convert it into a subdivision. The lands going to Naga from my district, which are among the best rice-growing lands in the area, are all being converted into subdivisions. That is the reality.

I would like to say once more that the government should study this program of dividing lands into uneconomical sizes to the extent that they become useless because nobody is cultivating them. That is just my rejoinder. I would like to

close this because we lack time, but before I do so, I would like to ask a few more questions.

At the end of the day, I think we have to follow the general policy of the national government, whatever that is. I just want to tell the department that there is a serious concern about continuing the policy of acquiring lands. I think it is the consensus of the Congressmen here that they will not allow the continuation of acquisition of lands unless we are quite sure that all those that have been acquired have been properly utilized.

If the Gentleman comes to my district, he will see a lot of lands along the roadway which are not being cultivated. Why? Because the farmers could not cultivate them as they do not have the funds to do so. Why? There are no support activities from the national government. So, instead of acquiring more lands, we should stop it and concentrate all our funds in the support activities.

Thank you, Mme. Speaker. I also thank the honorable Gentleman from Muntinlupa for his time and answers.

REP. BIAZON. We note with pleasure the wisdom of the honorable Gentleman. The good thing about it is that we in Congress have the power to make that shift in policy.

THE DEPUTY SPEAKER (Rep. Villarosa). The Floor Leader is recognized.

SUSPENSION OF SESSION

REP. DE GUZMAN. Mme. Speaker, I move for a suspension of the session.

THE DEPUTY SPEAKER (Rep. Villarosa). The session is suspended.

It was 5:26 p.m.

RESUMPTION OF SESSION

At 5:26 p.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Villarosa). The session is resumed.

The Floor Leader is recognized.

REP. ROMULO. Mme. Speaker, I move that we recognize the Dep. Minority Leader, the Hon. Darlene Antonino-Custodio, as the next Member to interpellate.

THE DEPUTY SPEAKER (Rep. Villarosa). The Hon. Darlene Custodio is recognized for her interpellation.

REP. ANTONINO-CUSTODIO. Mme. Speaker, I will try not to ask questions that have been asked before, but I did not hear all of the interpellations so forgive me if some of my questions are on some of the things that were already tackled.

Mme. Speaker, ang target po ng CARP was, initially, 8.2 million hectares. To date, 7.1 million hectares have been distributed to 4.37 million beneficiaries. Tama po ba iyon?

REP. BIAZON. Let me just reconcile the figures,

although earlier, we had a similar question posed by the Hon. Mariano.

Right now, the scope of the DAR for private agricultural lands is 3.3 million hectares. The department has accomplished distributing 2.2 million hectares, so there are 1.085 million hectares that have yet to be distributed.

For the private and non-private agricultural lands, there is a total of 5.1 million hectares. The total size of lands that have been distributed is 4.002 million hectares, and the balance is 1.161 million hectares.

For the status of land distribution, as of June 2008, the scope of the CARP program is 9,001,750 hectares. Under it, 7,215,105 million hectares of land have been distributed with a balance of 1,786,645 million hectares.

REP. ANTONINO-CUSTODIO. So, there are about seven million hectares, Mme. Speaker?

REP. BIAZON. On accomplishment, yes.

REP. ANTONINO-CUSTODIO. A little more than seven million hectares have been distributed?

REP. BIAZON. Yes.

REP. ANTONINO-CUSTODIO. At ang beneficiaries po nito ay 4.37 million farmers? Is this correct as well?

REP. BIAZON. Yes. Ang scope ng agrarian reform beneficiaries ay 6.065 million. Of this, 4,416,183 have been given lands at ang balance ay 1,649,649.

REP. ANTONINO-CUSTODIO. In other words, there are about 4,370,000 beneficiaries.

REP. BIAZON. When rounded-off, yes.

REP. ANTONINO-CUSTODIO. I am confused, Mme. Speaker, kasi, I may be wrong, but if we do a straight-line division, the result is 1.6 hectares of land is given per beneficiary.

REP. BIAZON. Yes, the DAR is agreeing with that calculation.

REP. ANTONINO-CUSTODIO. Now, I am even more confused because ang target po natin, Mme. Speaker, is, at least five hectares will be given per family. At 1.6 hectares per farmer-beneficiary, wala pong economies of scale. Lugin-lugi po sila rito sa 1.6 hectares na ibinibigay ng ating gobyerno when the intention was actually to give the farmer-beneficiaries five hectares each.

REP. BIAZON. Mme. Speaker, the DAR based their distribution on actual beneficiaries. For example, there are lands wherein there are multiple beneficiaries within, that is why when the hectareage is divided per head, it would come out to around 1.7 hectares. However, there are other considerations taken by the department. For example, they take one area and count it as one area of beneficiaries. Even though there are multiple beneficiaries, they considered them collectively.

REP. ANTONINO-CUSTODIO. Mr. Speaker, ang intention po ng batas ay magbigay ng five hectares doon sa ating mga farmer-beneficiaries. Nakalulungkot po lang tingnan na binibilang natin ang 4.37 million Filipinos as beneficiaries of the agrarian reform when they do not really benefit as the law intended them to.

REP. BIAZON. Actually, Mme. Speaker, RA 6657 prescribed a maximum of three hectares, not five. Section 23 says, "Distribution Limit. – No qualified beneficiary may own more than three (3) hectares of agricultural land." And in Section 25, it says here, "Award Ceilings for Beneficiaries. – Beneficiaries shall be awarded an area not exceeding three (3) hectares, which may cover a contiguous tract of land or several parcels of land cumulated up to the prescribed award limits." So, that is the provision of the law, Mme. Speaker.

REP. ANTONINO-CUSTODIO. Mme. Speaker, I will not actually press the point. However, I do not believe that giving them only 1.6 hectares of land will actually benefit the farmer-beneficiaries. Dahil the investment it takes to plant in these lands will not give the economies of scale needed to actually allow our farmers na kumita nang maayos na kabuhayan, Mme. Speaker.

REP. BIAZON. If we take it at that computation, simple division of hectareage by the number of beneficiaries, it may come out that way. But as stated earlier, there are beneficiaries which are collective, meaning to say, there are groups of beneficiaries managing or collectively farming particular pieces of land.

REP. ANTONINO-CUSTODIO. Kahit ano pa pong computation iyon, at the end of the day, Mme. Speaker, hindi po maayos na quality of life ang ibinibigay natin dito sa mga beneficiaries natin.

Ang susunod ko pong tanong, and I have actually asked this as well to our regional office, does the Gentleman actually have the list of the names of these 4.37 million beneficiaries?

REP. BIAZON. Yes, the DAR says that it has the list of those beneficiaries.

REP. ANTONINO-CUSTODIO. And do they know whether these 4.37 million beneficiaries still own the land that the government has given them?

REP. BIAZON. The DAR has already started reviewing the list in order to validate the status of those agrarian reform beneficiaries.

REP. ANTONINO-CUSTODIO. Mme. Speaker, humihingi ng extension ng CARP and yet wala po tayong tunay na listahan. Hindi rin po natin alam kung tunay na nabenipisyuhan itong mga farmers because we do not even know whether the land that we have given them is still theirs.

REP. BIAZON. Mayroon naman pong listahan, at sa kasalukuyan nga ay nagsasagawa ng isang validation. Marahil pagdating ng takdang panahon na tatalakayin na natin ang extension dito sa Kongreso ay maipapakita ng DAR iyong validation na iyon at iyong listahan na makatutulong sa ating

magbigay ng desisyon kung ii-extend nga natin o hindi ang programa.

REP. ANTONINO-CUSTODIO. Mme. Speaker, kaya siguro hindi pumasa iyong extension dahil hindi ginawa ng DAR iyong trabaho nila. They should have actually had this list verified even before they actually came to Congress and asked for an extension. The truth of the matter is, we pushed the extension of CARP a few months ago because it was already expiring. Kumbaga, nahuhuli po tayo sa trabaho natin.

REP. BIAZON. Marahil, may kakulangan ang departamento, at marahil may kakulangan din ang Kongreso sa kabagalan ng pagkilos doon sa nasabing panukalang batas. Ganoon pa man, may ginagawa ngayong mga paraan upang ma-validate iyong mga beneficiaries na iyon at malaman talaga natin kung ano ang mga status nila. Hopefully, by the time that Congress takes this up—and we have until the end of the year to finish this—the DAR will already have reliable information. Otherwise, we can truly say that they have failed on their job. I would just like to add some piece of information: in a study done in 2007, 75 percent of the awarded lands are still occupied by the original ARBs; about 21 percent have been transferred to their heirs or relatives; and only 3.5 percent have been transferred to individuals not related to the original ARBs.

REP. ANTONINO-CUSTODIO. Sino po ang gumawa ng study na iyan?

REP. BIAZON. The UPLB—University of the Philippines in Los Baños.

REP. ANTONINO-CUSTODIO. But the DAR has not yet validated this?

REP. BIAZON. It is a validated study, Mme. Speaker.

REP. ANTONINO-CUSTODIO. What I mean is, Mme. Speaker, the DAR has not validated this information per beneficiary?

REP. BIAZON. That is the process that they are undertaking now.

REP. ANTONINO-CUSTODIO. Mme. Speaker, sana po naman, by the time that we take up again the extension of CARP, which is actually going to be a reform bill, I hope that the DAR will have on hand this list so that we can try to actually defend the extension of the CARP.

REP. BIAZON. Actually, the efforts being undertaken by the DAR now is called the ARB Carding System. In this system, each agrarian reform beneficiary will have their own card which would form part of a database in the department. And I do agree with the distinguished Lady that the DAR should live up to its responsibilities in this regard.

REP. ANTONINO-CUSTODIO. Mme. Speaker, I just like to ask whether the DAR has actually looked at the 2007 COA report that was probably already given to them.

REP. BIAZON. We will just verify that with the staff, Mme. Speaker.

All right. Mme. Speaker, the department has gone over the COA report. They have already taken action on some of the issues on the observations and recommendations.

REP. ANTONINO-CUSTODIO. Mme. Speaker, mayroon pong mga recurring na mga comments ang COA. One of those is on the unliquidated and expended receivables, which total almost P1.5 billion, that have been expended for more than 91 days, some of them even for more than three years already. These remain unliquidated. I do not know whether the DAR can really still account for the accounts that remain unliquidated for more than three years.

REP. BIAZON. Mme. Speaker, with regard to that specific item, the unliquidated cash advances of P1.4 billion—P1.482 billion to be exact—are for projects that are long-term. If I may read the report of the department:

“These advances were intended for long-term projects which are more than a year and extend even for a period of five years. Liquidation of such would only be taken up upon the completion of these projects which will take more than a year.”

As we know, the COA does their audit at the end of the year, but since there are some disbursements for projects that take more than a year for implementation, naturally, it would appear that these are unliquidated advances at the end of that particular year when, in fact, they will only be able to liquidate it after the completion of the said activity. So, these form part of the P1.4 billion that is being questioned.

REP. ANTONINO-CUSTODIO. Mme. Speaker, hindi po ako accountant, pero it is a little fishy when there is a standing account of P1.4 billion that is unliquidated and wala man lang description tungkol dito. Does the DAR actually have a breakdown of this? How much of these receivables are iyong sinasabi ninyong ongoing na mga proyekto?

REP. BIAZON. We will just look into the records, Mme. Speaker. We do not have the list right now, but if I may just read from the report:

“The bulk of unliquidated advances take the form of funds from the general funds and Fund 102 that were transferred to NGAs, LGUs, and NGOs for the implementation of construction, expansion, opening, improvement, rehabilitation, regravelling of farm-to-market roads, bridges, highways, multi-purpose building, potable water systems, post-harvest facilities, and for the conduct of training and workshops, feasibility studies and financial assistance of livelihood projects.”

I am sure that the DAR has a more detailed list of these activities, but as of now, the available information we have on the floor is that these are the activities that these funds were utilized for.

REP. ANTONINO-CUSTODIO. Mme. Speaker, may I request for the submission of the details and the breakdown of this account. Mabuti sana kung P100 iyong pinag-uusapan natin, pero ang pinag-uusapan po natin ay P1.4 billion.

REP. BIAZON. Yes, the DAR is now committing to

submit to the distinguished Lady the list that is being questioned and also forms part of the unliquidated cash advance.

REP. ANTONINO-CUSTODIO. Mme. Speaker, when I looked at the Budget of Expenditures and Sources of Financing (BESF), I got a little bit confused looking at the breakdown of the MOOE of the said department. Tama po ba ako na iyong travel po na in-appropriate na expense for DAR is P470 million?

REP. BIAZON. Allow me to just browse through the information.

Yes, that is the figure that is reflected. It is not just limited to the department, but it also includes the other implementing agencies as well.

REP. ANTONINO-CUSTODIO. Mme. Speaker, looking again at the BESF for 2008, P19 million lang po ang travel expense compared to the P470 million for 2009.

REP. BIAZON. The figure that the distinguished Lady is referring to is under Fund 101 of the Office of the Secretary. Is that correct?

REP. ANTONINO-CUSTODIO. Yes, Mme. Speaker. I already looked actually at the ARF funding. It only amounted to P106 million—for a total of around P125 million for travel—and then it jumped to P470 million for 2009.

REP. BIAZON. For 2008, Mme. Speaker, the traveling expenses for the Office of the Secretary is P19 million; for the foreign-assisted projects, it is P106 million plus; and, under the ARF, Agrarian Reform Fund, it is P445 million. That totals to P570,000,756.

REP. ANTONINO-CUSTODIO. Magkano po ang allocation para sa foreign-funded projects?

REP. BIAZON. There is an allocation of P445 million, Mme. Speaker.

REP. ANTONINO-CUSTODIO. And iyong sa locally funded projects po, magkano?

REP. BIAZON. The locally funded projects, Mme. Speaker, would be taken from the Office of the Secretary.

REP. ANTONINO-CUSTODIO. And I am just wondering if my figures are correct. Ang nakita ko sa BESF, iyon lang pong P19 million plus the P106 million. Hindi po kasama—the Gentleman is right—ang foreign-funded projects kasi may sarili po siyang expenses.

REP. BIAZON. The figure, Mme. Speaker, of the ARF is in a separate entry.

REP. ANTONINO-CUSTODIO. I agree, Mme. Speaker, it is. I think, if I copied it correctly, it is P106 million.

REP. BIAZON. In the BESF, Mme. Speaker, the information on the traveling expenses for the ARF may be

found on page 152. It is separated because it is a special purpose fund.

REP. ANTONINO-CUSTODIO. I agree, Mme. Speaker, and as I said, if the Gentleman computes what was allocated to the DAR, he will see that it is P106 million.

REP. BIAZON. Yes, that is under the Agriculture and Fisheries Modernization Act (AFMA) on page 150.

REP. ANTONINO-CUSTODIO. Yes. It is under the AFMA, under the ARF fund. Tama po ba?

REP. BIAZON. Yes, that is correct.

REP. ANTONINO-CUSTODIO. So Mme. Speaker, kahit isasama po natin iyong ARF at saka the Secretary's fund, that is only P225 million. Ang nakapagtataka po in the 2008 budget, P19 million lang po iyong travel expenses na nakalagay sa OSec. Ngayon po, P470 million na. Why the jump?

REP. BIAZON. The Lady may notice that for 2008, there is P19 million for the Office of the Secretary, P106 million for the foreign-assisted projects, and P445,657,000 for the ARF.

REP. ANTONINO-CUSTODIO. Mayroong P456 million po sa foreign-assisted projects.

REP. BIAZON. Mme. Speaker, the total is P570,000,756. The Lady is asking why there was a jump from P19 million all the way to P470 million in 2009. If the Lady will look at the 2009 budget proposal, under the column of the ARF, she will see that there is zero appropriation. So the appropriation that used to be for the ARF is now appropriated under the Office of the Secretary.

REP. ANTONINO-CUSTODIO. Mme. Speaker, I understand the disparity. Ngayon po ba ay mayroon na naman pong foreign-funded component ang DAR?

REP. BIAZON. Yes, there is.

REP. ANTONINO-CUSTODIO. And magkano po ang travel component po niyan?

REP. BIAZON. The travel component is P180 million, Mme. Speaker.

REP. ANTONINO-CUSTODIO. So, Mr. Speaker, we are actually talking about P650 million in travel for the department kung isasama po natin iyong foreign-funded projects.

REP. BIAZON. Yes, that is the total here.

REP. ANTONINO-CUSTODIO. Mr. Speaker, mas malaki pa po iyong travel expenses ng opisina ng ito kaysa sa opisina ng Department of Tourism (DOT). Bakit po? Pati po ang Department of Foreign Affairs (DFA), mas maliit po iyong travel expenses nila.

REP. BIAZON. Mme. Speaker, in implementing its mandate, the DAR includes in its budget for traveling expenses all the other agencies that are involved in the implementation of agrarian reform, and the activities that they undertake necessitate the appropriation of the sufficient amount of traveling funds.

REP. ANTONINO-CUSTODIO. At the amount of P650 million?

REP. BIAZON. Yes, Mme. Speaker. That is the total amount based on the estimate of the DAR of how much is needed to implement its mandate.

REP. ANTONINO-CUSTODIO. Mme. Speaker, I looked as well at the expense report of the COA, and they expended in 2007 P77 million for their local travel.

REP. BIAZON. We will just review the figures before we respond, Mme. Speaker.

Will the distinguished Lady kindly repeat the source of the information she mentioned?

REP. ANTONINO-CUSTODIO. My source is the consolidated annual audit report on the DAR for the year ended December 31, 2007 by the COA.

REP. BIAZON. Yes, we have the information now, Mme. Speaker.

REP. ANTONINO-CUSTODIO. It is a consolidated detailed statement of income and expenses for the year ended December 31, 2007, with comparative figures for CY 2006.

REP. BIAZON. So, the distinguished Lady is asking about the traveling expenses which amount only to P77 million in 2007?

REP. ANTONINO-CUSTODIO. Yes, Mme. Speaker. Tama po ba iyon? Ang total expense lang po for travel ng DAR, at least for 2007, was only P77 million?

REP. BIAZON. Yes, P77 million. We have been informed that this report only covers Fund 102 and 101. It does not include Fund 158, which is the ARF, Mme. Speaker.

REP. ANTONINO-CUSTODIO. And magkano po iyong ginastos nila for the ARF?

REP. BIAZON. For the year 2007, the total obligation for traveling expenses is P319 million, part of which is the ARF.

REP. ANTONINO-CUSTODIO. Ano po iyon, iyon po iyong appropriated?

REP. BIAZON. The ARF for that year was P250,944,000.

REP. ANTONINO-CUSTODIO. Magkano po?

REP. BIAZON. The ARF was P250,944,631, Mme. Speaker.

REP. ANTONINO-CUSTODIO. And, Mme. Speaker, has the department looked at the management service report of the COA—the Management Services Report No. 2006-01, the sectoral performance audit—regarding the utilization of forfeited Swiss deposits for the implementation of the CARP?

REP. BIAZON. We will just look into the records, Mme. Speaker. To make it easier for us, may we know what book the distinguished Lady is using? Are we looking at the same book, the COA Consolidated Annual Audit Report?

REP. ANTONINO-CUSTODIO. I am actually now referring to another document that the COA came out with. It is one of their sectoral performance audits. It looked into the utilization of the forfeited Swiss deposits for the implementation of the CARP.

REP. BIAZON. We will just look into the records, Mme. Speaker, because apparently, the document the distinguished Lady is referring to is not the one that is in my hands right now. Let me just ask the DAR staff to retrieve the records so that we may be able to proceed with the questions with our data in sync.

SUSPENSION OF SESSION

REP. ROMULO. Mme. Speaker, I move for a few minutes suspension of the session.

THE DEPUTY SPEAKER (Rep. Villarosa). The session is suspended for a few minutes.

It was 5:59 p.m.

RESUMPTION OF SESSION

At 6:04 p.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Villarosa). The session is resumed.

REP. GONZALES (N.). Mme. Speaker, upon consultation with the Members of the House, both from the minority and the majority, and realizing that there are numerous concerns of Members in connection with the budget of the DAR, we have decided that we will suspend the consideration of the budget of the said agency. However, immediately thereafter, the Secretary and his staff will proceed to the conference room of the Speaker so that he can address the concerns of our Members.

So in the meantime, Mme. Speaker, to give way to the deliberation of the budget of other agencies, I move that we suspend the debate on the budget of the DAR.

THE DEPUTY SPEAKER (Rep. Villarosa). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. GONZALES (N.). Mme. Speaker, I now move that we proceed to the consideration of the budget of the Optical

Media Board (OMB). And for this purpose, I move that we recognize the distinguished Party-List Representative from CIBAC representing the minority.

THE DEPUTY SPEAKER (Rep. Villarosa). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Hon. Joel Villanueva is recognized for his interpellation.

REP. VILLANUEVA. Mme. Speaker, some Members of the minority have already conferred with the Chairman of OMB and were able to clarify some issues and concerns from the bloc. That is why, at this point in time, there being no member from the minority who wishes to interpellate and debate on the budget of the OMB, I move that we terminate the period of interpellation and debate on the budget of the OMB.

REP. AGBAYANI. Mme. Speaker, on the part of the majority, we join the motion of the minority in moving for the termination of the period of debate and interpellation on the budget of the OMB.

THE DEPUTY SPEAKER (Rep. Villarosa). There is a motion on the part of the minority, joined by the majority, for the termination of the period of interpellation and debate on the budget of the OMB. Is there any objection? (*Silence*) The Chair hears none; the period of interpellation and debate on the budget of the OMB is hereby terminated.

REP. AGBAYANI. Mme. Speaker, I move that we now take up the budget of the Commission on Elections (Comelec) and that the Hon. Junie Cua, the distinguished Chairman of the Committee on Appropriations, be recognized to sponsor the budget of the Comelec. Likewise, may the Hon. Risa Hontiveros-Baraquel be also recognized to interpellate the Sponsor.

THE DEPUTY SPEAKER (Rep. Villarosa). The Hon. Junie Cua is recognized to sponsor the budget of the Comelec. The Hon. Hontiveros-Baraquel is recognized to interpellate the Hon. Cua. Please proceed.

REP. HONTIVEROS-BARAQUEL. Thank you, Mme. Speaker. Good evening to the good Sponsor and to the Comelec.

Mme. Speaker, how does the Comelec assess the recent automated elections in the Autonomous Region in Muslim Mindanao (ARMM)? What were the positive things about it, and what were also the problems encountered that could provide lessons for automated elections in 2010?

REP. CUA (J.). Mme. Speaker, the recent ARMM automated elections was good in the sense that the results were counted and canvassed without delays. That is the first time that that has happened. There were less protests and complaints filed, and it took very little time for political stress to stabilize.

These are the positive sides of what happened in the conduct of the automated elections. There were isolated cases where some technical problems were encountered with respect to the transmission of the official reports, but these technical problems were readily addressed in no time, Mme. Speaker.

REP. HONTIVEROS-BARAQUEL. Thank you, Mme. Speaker.

It appears also from the comments of observers of the ARMM elections that automated voting and counting went relatively well with some glitches here and there.

The fear, however, Mme. Speaker, still remains that it is possible that the whole system of automated voting and counting could still be compromised by the very creative cheats in our country and that wholesale electoral fraud could still be committed.

There is also the observation that outside of the automated voting and counting in the ARMM elections, there were still cases of traditional electoral fraud committed, and that these could undermine the integrity of the automated system. These include flying voters; the voting by minors and otherwise disqualified voters; or cases of the system going offline.

Could the good Sponsor please comment on these? Are these fears valid? And how does the Comelec propose to address these concerns, Mme. Speaker?

REP. CUA (J.). Mme. Speaker, the Lady's comments and statements are well-taken. There is still a lot of room for improvement, especially in the area of flying voters, which the Lady has mentioned. It is important that the list of registered voters be cleansed, and that the process of voters' registration be automated as well and made fraud-proof.

There is a system called biometrics that can be done by way of using a data-capturing machine. This would enable the Comelec to take pictures of the voters and, therefore, be certain about the identity of the voters. The signature of the voters can also be recorded electronically. When the signature of the voter is recorded, this would minimize, if not completely eliminate, the valid fears about flying voters, Mme. Speaker.

REP. HONTIVEROS-BARAQUEL. Thank you, Mme. Speaker.

I will return towards the end of my interpellation to that matter of cleaning the voters' list, as well as the registration of voters.

I would like to ask a question regarding the position of the Comelec on the budget needed for automated elections in 2010, considering that the proposed FY 2009 budget of the Comelec did not include any such amount. Could the good Sponsor tell us the status of the budget that would be needed for such automated elections in 2010, Mme. Speaker?

REP. CUA (J.). Mme. Speaker, that is a very good question, and we should all be concerned about that. Unfortunately, the plan for automation for 2010 elections was not included when the President submitted the National Expenditures Program to Congress for this year. I guess the DBM must have good reason for not having done that. I suspect that the automation mode has not been agreed upon. The types of machines that will be used had not been recommended. There are options that can be proposed, and in view of that, only the funds for the preparation for registration and some materials that would be needed were included in the budget. The commission is still conducting a study of the options that can be used in the automation of 2010. Currently, there are two options being considered. I would like to take this opportunity to mention in passing that

these options are the optical mark reader and the direct recording electronics, which would entail, I understand, something like P21 billion. That is not part of the 2009 budget.

REP. HONTIVEROS-BARAQUEL. Yes, Mme. Speaker, and since this or any other possible amount that may finally be determined is not included in the proposed 2009 budget, how then does the Comelec or the good Sponsor envision that such an appropriation would be made good in time for the automation of the 2010 elections?

REP. CUA (J.). Again, that is a very good question, Mme. Speaker. The requirement for automation, it being a huge amount, is planned to be proposed to Congress as a separate supplemental budget. And it is ideal that this budget be submitted to us much earlier. The preparation for the 2010 elections must come ahead of the 2010 GAB or, rather, the 2010 National Expenditures Program (NEP) which the President will submit. This is because the procurement of the machines will need some time. The process of bidding; the process of evaluating which machines or scheme or type of technology to use; the process of pre-procurement; the procurement process itself; the training of the technicians; and the dissemination in the field would require some time. And therefore, I think it would be best that the requirement for automation be in a separate supplemental budget, Mme. Speaker.

REP. HONTIVEROS-BARAQUEL. Thank you, Mme. Speaker, for that reassurance not just for the Members of the House, but to all electoral reform advocates who are bit taken aback that automation was not yet included as an item in the proposed 2009 GAA. I am referring to that assurance that although that item, in a way, is late for the 2009 budget, it will hopefully not be late for the 2010 NEP. Even now, I would like to manifest that the Akbayan Party-List will participate very actively in the deliberations on that bill on a supplemental budget for the automation of the 2010 elections.

Related to a couple of points mentioned by the good Sponsor earlier—the matter of the type of machines, the matter of the automation mode—may I ask also what the mode of use will be for the machines, whatever type may be decided on or recommended by the Comelec to the executive and, through the executive, to the House in that supplemental budget.

I understand that, as the good Sponsor mentioned, the Comelec is still going to conduct a thorough evaluation and review of the ARMM elections. I know there is also an advisory council for the modernization of the elections. Are they also studying whether the machines will be leased or will be purchased? For how many years, or for how many elections will the system be at the disposal of the Comelec, and, therefore, hopefully be useful to the voting public, Mme. Speaker?

REP. CUA (J.). Mme. Speaker, the mode of procurement—whether it be by buying or by leasing—has not been decided upon. The advisory council which the Lady has mentioned is currently in the process of looking into different technologies. In fact, there will be a supplier fair sometime in November. This will be an occasion for the government to take a look at the different technologies, study

and discuss the many schemes that can be used insofar as the use of the machines is concerned. Eventually, the council will have to recommend, after a thorough study of the different options, the type of technology and the mode of acquisition.

Thank you, Mme. Speaker.

REP. HONTIVEROS-BARAQUEL. Thank you, Mme. Speaker.

Would there be also automated voting and counting in overseas absentee voting, Mme. Speaker?

REP. CUA (J.). The ideal is to automate all votings and canvassings. It is my personal view that if we are to achieve political stability, it is important that the results of the elections be beyond doubt and suspicion, and this can only be done by putting the right amount of money. There is always cost attached to an electoral exercise. There is always a price to be paid for democratic exercises. I am of the belief that if we are to automate, it is best that we invest on the best equipment available.

REP. HONTIVEROS-BARAQUEL. I certainly concur with that statement, Mme. Speaker. And so again, I do look forward to our deliberations on that supplemental budget that will be submitted to the House for our consideration.

On a concern related to something mentioned by the good Sponsor earlier, how does the Comelec propose to address the problem of ensuring a clean registered voters' list for the 2010 elections? People are afraid that if this is not done, we will have a case of "garbage in, garbage out." Though the system may be automated, though the best technology may be selected by the government as a whole, how do we clean the registered voters' list so that good stuff, not garbage, goes in and comes out of that automated system?

REP. CUA (J.). Mme. Speaker, I certainly agree with the statement of the Lady that garbage in is garbage out. So it is therefore important that the list of voters be cleansed and that the voters be properly registered. The most ideal way of ensuring this is to use data-capturing machines so that we can capture the biometrics of a voter and input them electronically. I understand that as of today, the number of voters that have gone through this process of registering through the use of the data-capturing machine is roughly about 23 million. There are also more than 20 million more that needs to be registered. And so the plan is, if finances would allow it, to buy additional data-capturing machines so that all registered voters would be registered properly and have their biometrics captured properly.

Comelec is proposing that a law be passed to compel all voters who have not been registered through the data-capturing machine be registered. Without that law, our desire that they all be registered properly would be hampered. And so, it is important that this legislative measure be also passed if we want everything to be in an ideal state.

REP. HONTIVEROS-BARAQUEL. Mme. Speaker, if not an ideal state, then at least an improved one from what we have right now.

The good Sponsor has actually, in a way, preempted my follow-up question, so please allow me to change it a bit. The good Sponsor has described that about 23 million voters

already registered and more than 20 million more are to be registered, hopefully, by increasing the number of data-capturing machines and also this legislative agenda on registering those voters who have not been registered in this way. Is this the Comelec's way of conducting a general registration of voters before 2010? The 23 million voters that already registered, as the good Sponsor mentioned, have they been registered with the AFIS, the Automated Fingerprint Identification System? Is this also the system that will be used to register the 20 million more voters to be registered? What is the Comelec's budget for this, Mme. Speaker?

REP. CUA (J.). Mme. Speaker, the plan of the Comelec is to proceed with the continuing registration. We have sufficient legislation to that effect. What would be important, at this juncture, is a law to compel them to register by way of using the data-capturing machine. The equipment that the Lady mentioned, the Automated Fingerprint Identification System or AFIS, is a technology that can be used to ensure that the fingerprints are captured and are recorded. Having recorded that, the identity of the voter can no longer be compromised.

REP. HONTIVEROS-BARAQUEL. Thank you, Mme. Speaker.

What about the registration of first-time voters? What specific steps and measures does the COMELEC intend to undertake to ensure that the massive disenfranchisement of our young first-time voters that took place in past elections—especially in 2001 and 2004—does not happen again. Has the Comelec instituted measures, for instance, to take into account that students wanting to register are only generally available on weekends when registration centers are closed, Mme. Speaker?

REP. CUA (J.). Mme. Speaker, the process for registering a new voter would be similar to registering an old voter as the process is the same in the use of the equipment: they will submit themselves to the data-capturing machine so that their biometrics can be recorded.

REP. HONTIVEROS-BARAQUEL. I guess, Mme. Speaker, what I was referring to, more specifically, would be measures recommended by, for example, Akbayan youths' first-time voters campaign in the past two elections that registration of first-time voters be conducted in schools. Another suggestion is to conduct registration on weekends. This is so students who would not be able to register on campus can go to the registration centers without cutting class on those days that they are available to go to the registration centers, Mme. Speaker.

REP. CUA (J.). Mme. Speaker, the suggestion of the Lady is well-taken. However, in our present law, registration in schools is not allowed. Registration is supposed to be conducted in places specified under the law, for example, the municipal building. What the Comelec intends to do is just to intensify information campaign in schools and to keep the registration centers open even on weekends.

REP. HONTIVEROS-BARAQUEL. That is great news, Mme. Speaker. I thank the Gentleman very much for that very valuable piece of information.

For my last question, Mme. Speaker, I know that there are citizen's groups—electoral reform advocates—interested to help in these undertakings towards gleaning the lessons from the automated elections in the ARMM; moving towards cleaning our voters' list; completing and improving the registration of voters; laying the foundations for election automation nationwide; and addressing the empowerment of our overseas Filipinos and our first-time voters. Is the Comelec taking the ideas and efforts of these electoral reform advocates groups on board in its own preparation for all of these tasks, Mme. Speaker?

REP. CUA (J.). Mme. Speaker, the Comelec, as a matter of policy, has always been open to the participation of the civil society and peoples' organizations, nongovernmental organizations, advocates for clean and honest election, and advocates of automation. These are all well-enshrined in our laws, which the Comelec is trying to implement. So the answer to that would be a positive yes.

REP. HONTIVEROS-BARAQUEL. Thank you very much, Mme. Speaker, good Sponsor.

I believe the electoral reform advocates groups hear that last response of the good Sponsor loud and clear. That will sustain their efforts in the coming years, hoping that the Comelec will continue to listen and effectively incorporate their ideas and efforts in our general desire to achieve these objectives of electoral reforms through the Comelec and through citizens' groups.

Marami pong salamat.

REP. CUA (J.). Thank you, Mme. Speaker.

SUSPENSION OF SESSION

THE DEPUTY SPEAKER (Rep. Villarosa). The session is suspended.

It was 6:37 p.m.

RESUMPTION OF SESSION

At 6:38 p.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Villarosa). The session is resumed.

The Hon. Niel Tupas of Iloilo is recognized for his interpellation.

REP. TUPAS. Thank you very much, Mme. Speaker.

Good afternoon to the Chairman of the Committee on Appropriations and the Comelec.

First of all, I would like to congratulate Chairman Melo for his appointment as Chairman of the Comelec. I hope that his presence in the commission would transform or reform the Comelec, Mme. Speaker.

I just have some clarificatory questions, Mme. Speaker. First, I would like to ask for an update on the efforts of the commission to implement the Supreme Court decision with regard to the contract with Mega Pacific Solution and the Philippine Multi-Media System. This contract is worth around P1.3 billion, and Mme. Speaker, I want to get an update since

this decision of the Supreme Court has become final and executory around four years ago. What is the update now on this case? Was there already a refund of P1.3 billion made by the suppliers of these machines, Mme. Speaker?

At this juncture, the Deputy Speaker relinquished the Chair to Rep. Del R. De Guzman.

REP. CUA (J.). Mr. Speaker, I was informed that in the light of the Supreme Court decision, the Comelec has been vigorously pursuing the recovery of the payments that were made to Mega Pacific. So the Comelec, I would like to reiterate, is strongly and vigorously making efforts to recover the amount.

REP. TUPAS. Mr. Speaker, there is already a writ of execution of the judgment dated January 13, 2004 and May 8, 2004 declaring it null and void. In the COA 2007 report, it is already under the accounts receivables, in the amount of P1.3 billion. I want to know the specific steps being undertaken by the Comelec to recover this amount of P1.3 billion.

SUSPENSION OF SESSION

REP. CUA (J.). Mr. Speaker, I move for a few minutes suspension of the session.

THE PRESIDING OFFICER (Rep. De Guzman). The session is suspended for a few minutes.

It was 6:42 p.m.

RESUMPTION OF SESSION

At 6:44 p.m., the session was resumed.

THE PRESIDING OFFICER (Rep. De Guzman). The session is resumed.

REP. CUA (J.). I was informed that the specific step that the Comelec has undertaken thus far is to prepare the filing of the case to the regional trial court (RTC) for summary judgment in the light of the decision of the Supreme Court that Mega Pacific must return the money to the Comelec.

REP. TUPAS. Is the Gentleman referring, Mr. Speaker, to the civil case pending before the RTC of Makati, docketed as Civil Case 04-346?

REP. CUA (J.). Yes, Mr. Speaker. It is Civil Case No. 04-346, which is now pending before the RTC of Makati.

REP. TUPAS. The Supreme Court decision has become final and executory in 2004, Mr. Speaker. What is the status now of this considering that there is already a writ of execution and the case filed by the Comelec, as mentioned by the Chairman of the Committee on Appropriations, is a summary proceeding? What is taking so long? What is the status now, Mr. Speaker?

REP. CUA (J.). The reason is that the RTC has allowed

the presentation of evidence, and that process has delayed the recovery effort of the Comelec. That is the reason the Comelec will be filing a case in the RTC for summary judgment, so that it can immediately recover the amount because the Supreme Court has already decided.

REP. TUPAS. My question is, is this really a summary judgment, Mr. Speaker?

REP. CUA (J.). How is that?

REP. TUPAS. Is this a case for summary judgment? Is it a summary proceeding?

REP. CUA (J.). Yes, Mr. Speaker, I was informed that it is.

REP. TUPAS. And the case was filed in 2004 by the Comelec? Is that correct?

SUSPENSION OF SESSION

REP. CUA (J.). Mr. Speaker, I move for a one-minute suspension of the session.

THE PRESIDING OFFICER (Rep. De Guzman). The session is suspended for one minute.

It was 6:47 p.m.

RESUMPTION OF SESSION

At 6:48 p.m., the session was resumed.

THE PRESIDING OFFICER (Rep. De Guzman). The session is resumed.

REP. CUA (J.). Mr. Speaker, during the break, this humble Representation had a brief discussion with the Gentleman, and I would like to assure him that the Comelec will take all necessary steps to ensure that the decision of the Supreme Court allowing the Comelec to recover what it has paid would be pursued immediately without delay.

REP. TUPAS. Mr. Speaker, with that assurance from the Chairman, I will go to my next question. However, let me just state that to me, as a student of law, there has already been a very long delay. The Comelec should probably exert more effort in pursuing this summary case. It was filed in 2004; it is now 2008, Mr. Speaker.

Anyway, I will go to my next question now, and it is regarding the cash advances of the Comelec. I want to validate my data here against that of the Comelec. Is it correct, Mr. Speaker, that as of December 31, 2007, the unliquidated cash advances of the Comelec is in the aggregate amount of P4,991,259,879.94? Is that correct, Mr. Speaker?

REP. CUA (J.). The figure cited by the Gentleman is correct. That is the amount of unliquidated cash advances up to December 31, 2007.

REP. TUPAS. Yes. Thank you, Mr. Speaker.

Is it also correct that out of almost P5 billion of unliquidated cash advances as of December 31, 2007, P38,734,803.36 represents the unliquidated cash advances of the officials and employees who have already retired, resigned or have been separated from the services? Is that correct also, Mr. Speaker?

REP. CUA (J.). Again, the answer is yes, Mr. Speaker. The figure cited is correct.

REP. TUPAS. Thank you, Mr. Speaker.

What is the exact figure of unliquidated cash advances as of today, Mr. Speaker?

REP. CUA (J.). As of today, Mr. Speaker, the figure is roughly P3.7 billion.

REP. TUPAS. The total amount of unliquidated cash advances is P3.7 billion? And it represents which unliquidated cash advances? In my figures here, the unliquidated cash advances of the chairman and the commissioners as of December 31, 2007 are around P28 million; the main office directors' are around P94 million; the main office employees', P434 million and the regional election directors', P173 million. So this current amount of P3.3 billion unliquidated cash advances, how is this broken down? What are the figures and what are the classifications? Are there liquidations made by the chairman and the commissioners?

REP. CUA (J.). Mr. Speaker, the data handed to me is the figure as of September 30, 2008. I do not know if this is the same cut-off date that the Gentleman has. This P3.7 billion consists of unliquidated cash advances of Comelec officials and employees to the tune of P985 million, and cash advances made by other government agencies and deputies totaling about P2.8 billion. So I do not know whether we are talking of the same period, Mr. Speaker.

REP. TUPAS. Mr. Speaker, the statistics that I cited was based on the figures as of December 31, 2007?

REP. CUA (J.). Yes, that is correct.

REP. TUPAS. So I want to know, Mr. Speaker, if there were liquidations made in the interval between January 1 to September with respect, let us say, to the Office of the Commissioner, to the office of the elections officers, or to the office of the regional directors. What are the figures now?

REP. CUA (J.). Mr. Speaker, from December 31, 2007 up to September 30, 2008, roughly P1.4 billion has been liquidated.

REP. TUPAS. Yes, because this amount pertains to two elections—the 2007 local elections and the 2007 October barangay election.

REP. CUA (J.). Correct.

REP. TUPAS. But there are other unliquidated cash advances, and this is what I am referring to. Let us say, in the

offices of the commissioners themselves, or in the offices of the regional directors, were there liquidations made with respect to the P434 million unliquidated cash advances made to the employees, or the P28 million made to the commissioners?

REP. CUA (J.). Mr. Speaker, I would like to inform the good Gentleman that the figure he cited regarding the advances made by the Comelec officials and employees of the Comelec (which on December 31, 2007, amounted to almost P1.9 billion) have considerably decreased. As of September 30, 2008, there had been substantial liquidations. Roughly around P960 million were liquidated, although about P96 million were further issued, giving us a balance of P985 million, more or less, as of September 30, 2008.

REP. TUPAS. I appreciate the answer, but what I am asking for is the specific breakdown, Mr. Speaker. I am asking for the specific breakdown because I have already cited the breakdown as of December 31, 2007. An example of this is the P38 million unliquidated cash advances to officials and employees who have already retired or resigned. What steps have been undertaken by the Comelec with respect to this P38 million?

REP. CUA (J.). Mr. Speaker, with respect to the breakdown that the Gentleman is asking, we will furnish him a copy of the breakdown for his information and perusal. Unfortunately, the breakdown that we have here does not show the breakdown of liquidation. It only shows the balances, by agency, as of September 2008, but if this would suffice, this Representation would submit this to the Gentleman for his perusal.

REP. TUPAS. I thank the Gentleman for that, Mr. Speaker, but I expected the Comelec to present the liquidation because we are not talking here of a few centavos or a few pesos. We are talking of around P5 billion of unliquidated funds and as of now, as was correctly mentioned by the Chairman of the Committee on Appropriations, the balance is only around P3 billion. The balance is P3 billion; it is a huge amount of money.

I mentioned also that there were reports that despite the fact that the employees or officials have not liquidated their previous cash advances, the Comelec, in violation of COA rules, allowed new cash advances. Is that correct, Mr. Speaker?

REP. CUA (J.). Mr. Speaker, the commission has been trying its best to fast-track the liquidation of all these accounts, but as we all know, this liquidation process is not really that easy to do. This involves more than 15 agencies, from the Department of Education, all the way to the police and many others. So the documentation process, the gathering of the supporting papers, really would take a while. Rest assured that we will ask the Comelec to do its utmost, to make sure that the liquidation could be facilitated as early as possible.

REP. TUPAS. Yes, just a last question with respect to these unliquidated funds. Mr. Speaker, is the Chairman aware that the Comelec has allowed cash advances to their

employees and officials despite the fact that there were still unliquidated cash advances given to them which is in violation of COA rules. Is that correct? Is that a fact, Mr. Speaker?

REP. CUA (J.). Yes, Mr. Speaker. The problem here is that we had too frequent and very closely scheduled elections. In the rural areas, sometimes, it is not that easy to get supporting documents for one's fare for riding tricycles or jeepneys, or taking one's lunch or dinner in a carinderia. These are all practical problems that are encountered by employees that work during elections. If we do not allow them to be given cash advances, then nobody will be able to perform the job. That is the practical difficulty that we are experiencing.

REP. TUPAS. Yes, I would disagree with that, Mr. Speaker. We only have elections every three years. We have rules, and we have to follow the rules. If other agencies of the government are trying their best to follow the rules, then I think the Comelec should also do so. The Comelec is not a class by itself when it comes to using the funds of the government.

REP. CUA (J.). Yes, Mr. Speaker, I fully concur with the good Gentleman. That is really a valid observation. Clearly, there are shortcomings here, but the commission will try its best to ensure that these things do not happen again and that the liquidation be facilitated.

REP. TUPAS. Anyway, Mr. Speaker, I will now go to my next question.

Is it correct, Mr. Speaker, that full payment has been made by the Comelec in the amount of P78,160,000 for the supply and delivery of 8,000 pieces of voters' registration record with ID laminate for use in the voters validation system, despite the non-completion, non-distribution of 100 percent of these paraphernalia? And in connection with this, is it true that no notice of delivery and completion of voters' registration record were submitted to the COA, in violation of COA Circular No. 95-006? And is it also true, Mr. Speaker, that there has been a complaint made regarding this payment despite the nondelivery of said voters' registration records with ID laminate? Is it true that there is a complaint against the supplier of the voters validation system? Are these facts accurate, Mr. Speaker?

SUSPENSION OF SESSION

REP. CUA (J.). Mr. Speaker, I move for a few minutes suspension of the session.

THE PRESIDING OFFICER (Rep. De Guzman). The session is suspended for a few minutes.

It was 7:05 p.m.

RESUMPTION OF SESSION

At 7:10 p.m., the session was resumed.

THE PRESIDING OFFICER (Rep. De Guzman). The session is resumed.

REP. CUA (J.). Mr. Speaker, during the break, this Representation had a brief discussion with the Gentlemen and we were able to explain to him that in this particular transaction, what the COA wanted was pay as you print, which is impossible as the data needed were coming from the fields. But the supplier, complying with the contract, had already delivered all the materials needed. For having done so, the Comelec had to pay the materials.

I hope that the Gentleman would be satisfied with that explanation.

REP. TUPAS. I thank the Gentleman for his answer.

My next question is about the procurement of election paraphernalia and supplies. Are they procured in the central office or procured in the regional offices?

REP. CUA (J.). My understanding, Mr. Speaker, is that all paraphernalia—because they are in bulk and the Comelec realizes that procurement in bulk would enable the government to save money as this allows bulk discount—are, invariably, procured centrally.

REP. TUPAS. So it is procured in the central office. And are there guidelines on this approved by the Comelec *en banc*?

REP. CUA (J.). Yes, Mr. Speaker. There are specifications for every type of supply that would be procured. The procurement process is done in accordance with the provisions of Procurement Law. All the legal requirements embodied in the law governing procurement are necessarily followed, Mr. Speaker.

REP. TUPAS. I just asked this, Mr. Speaker, because I am just wondering about the frugality or the appropriateness of procuring it from the central office instead of delegating it to the regional offices. One of the items in the COA 2007 report cited that the government could have saved around P80 million in just one political exercise if some paraphernalia were delegated to the regional office with respect to procurement. What is the comment on this by the Comelec?

REP. CUA (J.). Mr. Speaker, it was explained to me that in the procurement of supplies which is done in bulk, invariably, most suppliers are located and situated in Manila. And therefore, as they are located in Manila, sourcing it in Manila would certainly be cheaper. Now, of course, when these are shipped to the fields and to the provinces, shipping cost is incurred. If we buy them in the region, I would imagine it would be more expensive because we cannot escape transport costs anyway. But procuring it in Manila in bulk would certainly allow the government to avail of a bulk discount. So I really could not see the point of the comment of the COA, insofar as this is concerned, Mr. Speaker.

REP. TUPAS. I thank the Gentleman for that explanation, Mr. Speaker.

I just want to go to the Overseas Absentee Voting Act being implemented by the Comelec. The record shows that in the last elections, there has been a huge decrease in the participation of the overseas voters. In 2004, the voter turnout was 65 percent, compared to the local voters' turnout of around 70 to 78 percent. But in the May 2007 elections, it is

very, very significant that the decrease was really huge. The turnout was just 16.21 percent. We spent a lot of money for those elections—around P156 million—so I just want to know, just to guide this Representation, with respect to the implementation and possible amendments, what is the comment on this by the Comelec?

REP. CUA (J.). Mr. Speaker, that is an important observation. We have a very huge population of overseas Filipino workers. Being able to encourage a higher percentage of Filipinos to vote, certainly, is something that the Comelec would like to ensure. It is for this reason that the Comelec has been working very hard in seeing to it that the absentee voting, as a newly acquired right of Filipinos who are working abroad, would be exercised. They have been strengthening their campaign to ensure that Filipinos working abroad are informed about the schedule of the elections and the process of voting. However, most of the time, these workers may not have the convenience of getting out of their work anytime they want, and therefore, we should try to understand that also. But, of course, the Comelec has been exerting great efforts in order to increase the voters' turnout.

REP. TUPAS. This is very important to me because, Mr. Speaker, the decrease from 2004 to 2007 elections in terms of the overseas voters' turnout is around 48.79 percent. So I just want to clarify if this is the correct figure. Is this the correct figure, Mr. Speaker?

REP. CUA (J.). May I beg the Gentleman's pardon, Mr. Speaker?

REP. TUPAS. I just want to clarify the figure, because this is very, very significant. Is it correct that the turnout in 2004 of the overseas voters was 65 percent, and only 16 percent voted in 2007? There was a drop or a decrease of about 48 percent? Are these figures correct, Mr. Speaker?

REP. CUA (J.). Mr. Speaker, the figures the Gentleman cited are correct, but let me hasten to add that one of the probable reasons the turnout was lower was that the last election was not a presidential election. Filipinos get excited more when there is a presidential election, and 2004 election was a presidential election. That could have probably spelled the difference.

At this juncture, the Presiding Officer relinquished the Chair to Deputy Speaker Amelita C. Villarosa.

REP. TUPAS. Yes, I appreciate that answer, Mme. Speaker. Probably, for the next elections in 2010, the Comelec can innovate on some of the voting methods. Because I think, under the law, the Comelec has enough leeway to introduce some methods, and probably, these new methods could increase the voters' turnout. Otherwise, in this case, we spent P156 million and only a very few voted overseas, Mme. Speaker.

REP. CUA (J.). Yes, the point is well-taken, Mme. Speaker. We should get our money's worth. It is for this reason that the Comelec has been doing some innovation. They are expanding the coverage of voting by mail. And as far as I

know, they have studied Internet voting. This probably would provide convenience but, of course, this would require an enabling law if we want to use this as a new way of voting to be used by overseas workers.

REP. TUPAS. Yes, Mme. Speaker.

I still have a lot questions, but in deference to the patience of the Chairman of the Committee on Appropriations, I will not ask anymore my other questions. I will just probably ask the technical staff of the Comelec to answer this in writing, and to submit their response to this Representation.

Lastly, Mme. Speaker, in the 2007 COA report, the findings of the COA on the Comelec financial situation are very adverse—and there are just few agencies, or departments of the government that get adverse findings from the COA. The reason this Representation stood up and asked questions is really because I just want to be clarified on these matters. Personally, I have really no concerns with the Comelec, but it is the opinion of my constituents that there is a perceived culture of corruption and inefficiency in the Comelec. This is something that is very disappointing, Mme. Speaker. I hope that with the appointment of Justice Melo and the new commissioners, we can be agents of change and reform in the Comelec. It is really sickening to this Representation and to my people to hear comments that the Comelec is one of the most inefficient and graft-ridden offices of the government. After all, it is a constitutional body.

With the new leadership, I suppose there is hope for the Comelec.

I would like to thank the Chairman for his patience, and I thank you very much, Mme. Speaker.

REP. CUA (J.). Mme. Speaker, I would like to make a statement to the effect that we should probably stretch our patience a little more. It is our hope, and I think I can say with confidence, that under the leadership of Chairman Melo, he would be able to transform this commission into a commission we can be proud of.

Thank you, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Villarosa). The Hon. Rufus Rodriguez will make his interpellation.

Please proceed.

REP. RODRIGUEZ. Thank you, Mme. Speaker.

Distinguished Sponsor, let me first congratulate the Comelec for the overall success of the recently held ARMM election. We owe this to our chairman of the Comelec, Chairman Melo, and I congratulate him for this successful ARMM election. The ARMM is a difficult region to supervise, but the commission was able to accomplish the holding of the election with flying colors. I would like also to congratulate Commissioner Macarambon; Commissioner Tagle, a distinguished former member of the judiciary from the Court of Appeals; and of course, Commissioner Leonida.

When we had our election for the ARMM, that was the trial run for the use of automated systems in the 2010 elections. In that election, we used the Direct Recording Electric, the DRE, in Maguindanao, and we are happy to note that the DRE automatic system was successful. With that system, the voters will just choose among the pictures of the candidates

and press the picture of the candidate they want to vote for and automatically, the votes are recorded.

All other parts of the ARMM were given the OMR, the Optical Mark Reader. Now, this is where some problems came up. In the OMR, voters have to shade the block corresponding their chosen candidate. These are done in the precincts, but the counting is not held there. These ballots are brought to the municipal center. In other words, these pieces of paper, the ballots which were marked and darkened, would now be brought to the counting centers in the municipalities.

I heard the honorable Congresswoman of Lanao del Sur complain that there was a problem in the counting when this OMR was used. I have been informed also that the problem with this system is, when the ballots which have been marked are brought from the precinct to the counting machines, switching of ballots could occur. There could be a “dagdag-bawas” of the ballots. When it comes to the counting centers in the municipalities, then, the ballots that were originally used in the voting could be replaced, added or reduced. Would the honorable Sponsor care to explain all of these occurrences and whether the OMR is still be a valid system to use for 2010 considering that there are chances to switch these OMR ballots when they are taken from the precincts to the counting machines centralized in the municipalities?

REP. CUA (J.). Mme. Speaker, it was explained to me that the possibility of switching will not easily occur because they use a special kind of paper. These papers are also marked. If there is unauthorized access to the type of papers that were used, maybe that could happen. Theoretically, I would share the same fear that the Gentleman has mentioned, that maaaring magkaroon ng switching lalo na if they get the same kind of paper or if not all of the ballots that were given to the treasurers, or rather, the ballots that were given to the teachers were not completely used. Iyong mga spare ballots, iyon ang pwede talagang gamitin na pang-switch ng balota. So, that probably could happen, Mme. Speaker. I guess this will provide some food for thought for the Comelec and encourage them to really thoroughly study this. After all, what had happened in the ARMM is a pilot. Two methods of automated voting have been tested and probably, the Comelec could be guided by the lessons of that exercise.

REP. RODRIGUEZ. Mme. Speaker, may we know the percentage of OMR counting machines which failed to read or were not operational during this election?

REP. CUA (J.). I was informed that all of the machines worked.

REP. RODRIGUEZ. That is good. But is the Comelec aware of the complaints of some candidates that ballots were switched during the transiting of these ballots from the precinct to the counting centers?

REP. CUA (J.). I was informed, Mme. Speaker, that thus far, they have not received any formal complaint on reported switching of ballots.

REP. RODRIGUEZ. Yes, there may be no complaint, but this could be because after losing in an election, people believe that it will be difficult to overturn decisions. But this

matter has been brought up even by Congresswoman Dumarpa.

The next issue also is, even if the ballots are all right, there were questions also of the possibility of a “dagdag-bawas” occurring during the transfer of the votes from the machine to the election returns. Would that be a possible occurrence in this OMR system, in the transposition of the results of the ballots? In the election returns, there were complaints that “dagdag-bawas” occurred. Is that possible, Mme. Speaker?

REP. CUA (J.). If the question is whether it is possible, I would like to say that personally, I believe it is possible that that can happen. As I have said earlier, if there are unused ballots, it is possible that those unused ballots in the precincts can be used to switch the votes. So, if the question is if that is possible, certainly, it is possible.

It is a good thing that the good Gentleman is bringing this up, because these complaints have not reached the leadership of the Comelec, and if there are incidents like this that happened, I guess, we should encourage them to come out so that the Comelec will be guided accordingly. It is important that we keep the channel of communication open with the Comelec so that these possible loopholes can be properly addressed, Mme. Speaker.

REP. RODRIGUEZ. Thank you, Mme. Speaker.

While there were comments on the OMR, which was the one implemented in Lanao del Sur, there were no questions, I think, on the DRE, the Direct Recording Electronic. The DRE is really fully-automated. With just a touch of a finger, one can vote for his candidates and these votes are immediately recorded and tallied. Is it a fact that because the DRE was used, there was no hitch whatsoever in Maguindanao?

REP. CUA (J.). The information I got, Mme. Speaker, is that there were no complaints. So, it was assumed that everything went well, unless, again, there are complaints which did not reach them.

REP. RODRIGUEZ. In other words, in Maguindanao, did all the DRE equipment function a hundred percent without any failure?

REP. CUA (J.). Yes, Mme. Speaker.

REP. RODRIGUEZ. So, for 2010, what is now the plan of the Comelec? What system will they use? Is it a choice between or a combination of the DRE and the OMR? Which would now be used by the Comelec in 2010 to assure that we will never have incidents like those that occurred in 2004? We cannot afford to have an election which does not have any credibility. That will be our last chance to have an honest and credible election of the leader of this nation.

REP. CUA (J.). Mme. Speaker, up to this time, the Comelec is continuously evaluating the lessons learned in the ARMM. The advisory council organized to do this is continuously doing their work and is trying to study the most ideal option while, of course, considering the budgetary requirement as well. I understand that if we are to automate

the 2010 election, it would require a huge amount running to about P21 billion. And so, there is this process of evaluation and study as to which would be the best system or technology to use.

REP. RODRIGUEZ. The distinguished Sponsor mentioned that there will be a budget requirement of P21 billion. Is the Gentleman saying that the P21 billion will be sufficient for the use of DRE in all precincts?

REP. CUA (J.). Yes, Mme. Speaker, this would allow the use of DRE machines all over the country in all precincts.

REP. RODRIGUEZ. Twenty-one billion?

REP. CUA (J.). That is right, Mme. Speaker.

REP. RODRIGUEZ. Mme. Speaker, for this year, we will have a budgetary deficit of P60 billion. For next year, the forecast of the NEDA is a deficit of P40 billion. Where would we get that amount in 2009 to prepare for 2010 elections? If we put it in the 2010 budget, it would be quite late. Will we have the funds to source the P21 billion from for a complete DRE automated system of voting?

REP. CUA (J.). Mme. Speaker, as of now, this Representation is not ready to say whether we would have the money or not, but what I am trying to say is that, if we try to reach the ideal and have complete automation using state-of-the-art technology or equipment, it would entail that amount of money. But I guess, when the time comes, the government will have to decide first if it is willing to invest that much money for an automated election and then, maybe, worry about where to get the money later.

REP. RODRIGUEZ. Thank you, Mme. Speaker.

What is the next plan if we are unable to afford to appropriate P21 billion in 2009?

REP. CUA (J.). Mme. Speaker, the Comelec has come up with possible scenarios, like making 75 percent use DRE and 25 percent use OMR.

REP. RODRIGUEZ. How much will that cost if 75 percent use DRE and 25 percent use OMR?

REP. CUA (J.). Under a lease arrangement, that would cost about P17.7 billion.

REP. RODRIGUEZ. Seventeen billion, Mme. Speaker?

REP. CUA (J.). Yes, P17 billion. If it is a 50-50 combination, under a lease arrangement, it would cost something like P13.5 billion. And if it were 75-25 in favor of OMR, then it will be something like P9.3 billion, Mme. Speaker.

REP. RODRIGUEZ. In those alternative options, how are the areas classified? How would the Comelec decide which areas will be classified under the 75, the 25, or the 50-50? Does the Comelec have any plans?

REP. CUA (J.). Certainly there will be, Mme. Speaker. At the proper time, the Comelec would have to set up criteria as to where DRE would be deployed and where OMR should be deployed. Population density certainly would be a consideration. The availability of electricity probably would be another consideration. But anyway, Mme. Speaker, these would be possible scenarios and there will be specific criteria that will have to be formulated for the guidance.

REP. RODRIGUEZ. Would the Gentleman agree, Mme. Speaker, that the DRE could be used in highly contested areas where possibilities of fraud are great, while OMR could be placed in areas where there will be a lot of watchers and NGOs, and it may not need the DRE as much as areas which are traditional problem spots?

REP. CUA (J.). Yes, Mme. Speaker, those considerations are appropriate.

REP. RODRIGUEZ. And probably in the case of OMR, it can be used in the cities considering that in the cities, there would be a lot of watchers and it would be quite easy to track down and to prevent switching. So, the 130 cities would use OMR and the barangays in the municipalities would probably use DRE. Would that be considered by the Comelec?

REP. CUA (J.). Yes, I think that would be an option that can be considered by the Comelec, and I think that is a good suggestion.

REP. RODRIGUEZ. In the cities, normally, candidates have their watchers and, based on our experience, they accompany the ballot boxes from the precinct after it is counted there for the canvassing. So, in the case of the cities, normally, there are really strong candidates who can have their watchers watch the casting of the votes through the ballot, OMR, and then have their watchers bring the ballots to the counting centers and then to the canvassing area. So, because cities probably would have lesser need to have foolproof anti-fraud device, would the OMR suffice?

REP. CUA (J.). Yes, I share that opinion and suggestion, Mme. Speaker.

REP. RODRIGUEZ. So, we await for next year a plan for supplemental budget. Should we expect a supplemental budget for the Comelec so that they can prepare for 2010?

REP. CUA (J.). Yes, I think that is what should happen, that the supplemental budget be proposed by the executive soon enough so that the Comelec will have enough time to prepare for the 2010 national elections.

REP. RODRIGUEZ. Mme. Speaker, we will probably be assured by the Comelec that the elections in 2010 will be automated. My question is, how about the issue of the voters' list being padded? A year ago, there was a pronouncement from some quarters that two million votes are double entries of dead people and of those who have already transferred. So could the Gentleman confirm if, at present, our voters' list is padded by two million, at least, voters who are double registrants? Two million votes will be very crucial in a

presidential election because, if the Gentleman will remember, in 2001 the difference was only 1.1 million votes.

REP. CUA (J.). Mme. Speaker, quite frankly, it is difficult for us to confirm if there really are 2 million votes that are non-existent. But I guess the more important point is: What should we do to ensure that the voters' list or lists are properly cleansed?

REP. RODRIGUEZ. That is correct.

REP. CUA (J.). And I guess this is a point that should be thoroughly discussed. It is my understanding that the best way to ensure a clean list of voters is to do a continuing registration by using a data-capturing machine. By the use of a data-capturing machine, we will ensure the identity of the voters. Even the signatures can be electronically recorded, and therefore, the identity of a person can be properly ascertained, Mme. Speaker.

It is my understanding that as of now, out of the total universe of voters, about 23 million have been registered by way of using the data-capturing machine, and there are more than 20 million more voters that need to be registered this way. If we continue this process, we should be more confident that the voters' list would be cleansed.

REP. RODRIGUEZ. Distinguished Sponsor, if we will depend on the continuing registration to cleanse our voters, I would not be able to accept that the present list, which is being supplemented by continuing registration, would be cleansed. The problem—the voters who are non-existent, the voters who are double-registrants—will still be there. If we will not touch the old lists, we will just have new additional voters coming in through continuing registration.

That is why, Mme. Speaker, this Representation filed House Bill No. 5092. That particular bill provides for a general automated registration system. First, we are going to cancel the lists of voters that we have and conduct a general registration, and this time, it will be automated. In other words, this will be a registration through biometrics, through cameras. There will be no more possibility of double registration. There is also no more chance for dead persons to register, obviously. There will also be no chance that transferees would be able to register twice.

Would that bill receive the support of the Comelec? Would the Comelec support my bill's provision that we erase the list of all the voters and, for the first time in the history of our country, conduct an automated general registration? In my bill, this will happen in June 2009 and will last for about three months. Whatever the number of voters registered then, that would be the number of voters that we will have. We are assured that by erasing the old list and coming out with a new one through automated machines, we will be able to prevent transferees from registering twice and dead persons from registering.

REP. CUA (J.). Mme. Speaker, the proposal of the Gentleman to start with a clean slate, so to speak, by erasing everything and then registering everybody again is certainly the most ideal.

However, if we do that, the Comelec feels that there is a danger that we will not be able to register everybody and,

therefore, not complete the whole list. At the moment, those voters who were registered and whose biometrics were already recorded would really have very little chance of becoming flying voters as their biometrics have already been taken. If we use a machine called AFIS, which is the Automated Fingerprint Identification System, we would be able to eliminate the possibility of double registration or registering the same person several times. In other words, Mme. Speaker, we may really have to come up with some innovation to ensure that we can really clean the voters' list in time for the 2010 elections.

REP. RODRIGUEZ. May I know, of the 43 million voters that we have, how many have been registered through biometrics?

REP. CUA (J.). I understand there are already about 23 million.

REP. RODRIGUEZ. I would like to hear that again. Twenty-three million have registered? Is that confirmed?

REP. CUA (J.). Twenty-three, yes.

REP. RODRIGUEZ. Of the 43 million voters, 23 million registered through biometrics? I would not be able to accept that there are now 23 million voters who registered through biometrics. I have not seen a large-scale registration. Can the Gentleman check that again because I would like to have that figure validated?

REP. CUA (J.). Yes, Mme. Speaker, we are ready to have that validated. According to the statistics provided by the Comelec, there really are 23 million voters that have gone through data-capturing machines.

REP. RODRIGUEZ. So, in that case, we only have 20 million voters left if we are assuming that those who registered with biometrics and the identification system do not need to be registered because they are already there. And so, the cost of this particular general registration will only be for 20 million voters. Is that correct, Mme. Speaker?

REP. CUA (J.). My understanding is that there are about 48 million voters all in all.

REP. RODRIGUEZ. Yes, so there are 25 million voters left. Those who have not been biometrically registered yet will now re-register under this automated system of data-capturing machines.

REP. CUA (J.). Yes. That is right, Mr. Speaker. But again, this would require another legislation that would compel those who have not registered biometrically to register that way.

REP. RODRIGUEZ. Precisely. While we will spend P21 billion for an automated election system for election day, we cannot afford to risk affecting the results of the election by keeping our padded list. Even if we automate, if there are many double registrants, if dead persons are still there and can vote, then what is the use of the P21 billion?

REP. CUA (J.). Yes, I agree completely with that statement, Mme. Speaker.

REP. RODRIGUEZ. So, will the Comelec support my bill for an automated general registration, which might be amended to input that there are already 23 million who have registered through biometrics, and only those who have not biometrically registered will register through a general registration?

REP. CUA (J.). Yes. With the necessary modification and amendment, the Comelec will be willing to support the bill.

REP. RODRIGUEZ. Thank you, Mme. Speaker. I am very particular about our voters' list because having an automated election system in May of 2010 will not solve the problem if we have a list padded with 2 million voters.

And so with that, Mme. Speaker, I end my interpellation. As a member of the opposition, may I state that I am in favor of the budget of the Comelec. I wish Chairman Melo more power and Godspeed. Let us have an honest and credible election in 2010.

Thank you very much, Mme. Speaker.

REP. CUA (J.). I thank the Gentleman for his questions.

THE DEPUTY SPEAKER (Rep. Villarosa). The Dep. Majority Leader is recognized.

REP. VELARDE. Mme. Speaker, we move to recognize the distinguished Gentleman from the Third District of Cavite, the Hon. Jesus Crispin Remulla.

THE DEPUTY SPEAKER (Rep. Villarosa). The Hon. Remulla of Cavite is recognized for his manifestation.

REP. REMULLA. Thank you, Mme. Speaker.

Mme. Speaker, I just have a manifestation.

As early as anybody can remember, the old Comelec building has always looked so dilapidated. It was a fire hazard and had actually caught fire before. Then it transferred to the Palacio del Gobernador where they are now renting space at a very outrageous price. When I looked at the budget, I saw that there is no allocation for capital outlay for the Comelec despite the fact that there is a presidential election coming. What do we expect the Comelec to do? Later on, we will have ballot boxes piled up again in the wings of the Batasan Complex because there was no capital outlay in the budget for the Comelec.

Mme. Speaker, I believe that the Comelec deserves a better home—a permanent home—at least here in the national government center where there is a ready land the Comelec can relocate to. I hope in due time, in the amendment portion of our deliberations, we can include capital outlay for a new Comelec building that can be rushed in time for the next elections. In that way, we can free ourselves also of having to guard the ballot boxes here for three years, as what happened in the past. They were only taken out after more than three years, Mme. Speaker.

That is all what I would like to manifest. Hopefully, when we submit our amendments, part of the amendments will be

the inclusion of capital outlay for a new building, a real home for the Comelec which is supposed to be the vanguard of democracy in the country.

Thank you, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Villarosa). The manifestation of the Hon. Remulla is duly noted.

The Dep. Majority Leader is recognized.

REP. VELARDE. Mme. Speaker, we move to recognize the distinguished Gentleman from the Party-List Cibac, the Hon. Joel Villanueva.

THE DEPUTY SPEAKER (Rep. Villarosa). The Hon. Joel Villanueva is recognized.

REP. VILLANUEVA. Thank you, Mme. Speaker, distinguished Dep. Majority Leader.

This Representation will no longer ask questions, Mme. Speaker, as I have propounded my concerns in issues with the COA. I would just like to put on record and perhaps remind again our dear chairman and the commissioners about the concerns of party-list organizations. I myself was a victim of delayed proclamation. Two out of three times, delayed po iyong aking proclamation. We are hoping that we will be able to address the concerns of party-list groups especially this coming elections. We admire and respect the integrity and competence of our dear chairman, and that is why we are wishing him all the best together with his commissioners.

Mme. Speaker, there being no Member who wishes to interpellate and question the budget of the Comelec on the part of the minority, I move that we terminate and close the period of interpellation and debate.

REP. VELARDE. Mme. Speaker, on behalf of the majority, we join the motion of the minority to terminate the period of interpellation and debate on the budget of the Comelec.

I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Villarosa). There is a motion on the part of the minority, joined by the majority, for the termination of the period of interpellation and debate on the budget of the Comelec. Is there any objection? (*Silence*) The Chair hears none; the period of interpellation and debate is hereby terminated.

SUSPENSION OF SESSION

REP. VELARDE. Mme. Speaker, we move for a suspension of the session.

It was 8:04 p.m.

RESUMPTION OF SESSION

At 8:31 p.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Villarosa). The session is resumed.

The Floor Leader is recognized.

REP. ROMULO. Mme. Speaker, I move that we take up the budget of the Department of Transportation and Communications (DOTC) including the attached agencies and corporations. In that connection, we ask that the distinguished Sr. Vice-Chairman of the Committee on Appropriations, the Hon. Edcel Lagman, be recognized for the sponsorship, and likewise, the Hon. Rufus Rodriguez as the first Member to interpellate.

THE DEPUTY SPEAKER (Rep. Villarosa). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Hon. Edcel Lagman is recognized to sponsor the budget.

REP. LAGMAN. Mme. Speaker, we are ready to be interpellated on the proposed budget of the DOTC and its attached agencies.

THE DEPUTY SPEAKER (Rep. Villarosa). The Hon. Rufus Rodriguez is recognized for his interpellation.

REP. RODRIGUEZ. Thank you, Mme. Speaker.

May I just greet our honorable Secretary of Transportation and Communications, Secretary Mendoza, and the rest of the DOTC family a good evening.

My question is in relation to interconnection charges for text messages and cell phone calls. During the subcommittee hearing held on September 22—of course, chaired by the honorable distinguished Sponsor—I informed the DOTC and the NTC that I have a pending bill in the House of Representatives to remove all interconnection charges on both SMS and cellphone calls. This is in view of the fact that, number one, it is the belief of this Representation that the telecommunication companies (telcos), especially Smart and Globe, which have been reporting incomes of around P38 to P40 billion, have already been fully compensated for all their equipment and other expenses relative to text messages and phone calls interconnection. Through the years, they have recovered these by their billions of income.

And so, I asked the Hon. Roel Canubas, the Chairman of the NTC, to fast track their study on whether we should continue paying interconnection charges when we text from a Smart-powered phone to a Globe-powered phone and vice versa. The interconnection charge of SMS stands now at P0.35. The interconnection charge for conversations by cell phones is now at P4. I have proposed in my bill that we remove from the text charges of each company the P0.35-SMS interconnection charge and the P4-call charges. May we know from the distinguished Sponsor, Mme. Speaker, if there has been a development in relation to the study of the NTC as to our proposal to remove all interconnection charges for SMS and calls?

REP. LAGMAN. Mme. Speaker, the Gentleman's suggestions are favorably considered by the NTC, and there are now ongoing public hearings towards the reduction of the fees.

REP. RODRIGUEZ. Mme. Speaker, I am in receipt of a letter from the Chairman—a very recent letter—dated October 2. Could the Chairman confirm if, based on their studies, the charges that could still be imposed by Smart and Globe will,

instead of P0.35, now be P0.15? Based on an analysis of financial and other factors, it has been found by the NTC that the proper interconnection charge at this time should not be P0.35, but should only be P0.15, for both Smart and Globe, considering that their actual expense is only P0.16 and P0.18. Could the Gentleman confirm if the NTC will soon be issuing a memorandum circular (MC) that will only allow a maximum of P0.15 interconnection charge for all SMS in this country? By the way, the study of the NTC shows that the average number of text messages of each subscriber is 11 texts a day. Anyway, can the Chairman confirm if there will be an MC that will come out stating that P0.15 is the appropriate charge?

REP. LAGMAN. That is confirmed, Mme. Speaker.

REP. RODRIGUEZ. So we expect that we will be able to reduce our SMS expense, which is between P.80 to P1, by P0.20 as the interconnection charge will become P0.15?

REP. LAGMAN. That is the tenor of the draft memorandum circular, Mme. Speaker.

REP. RODRIGUEZ. Thank you, Mme. Speaker. I also thank the NTC Chairman and the Secretary of the DOTC, from whom the idea to really remove interconnection charges of text messages really came.

I now go to the study of the NTC in relation to the calls of cell phones' interconnection charges. We are informed that at present, when one calls with his cell phone—from Smart to Globe or Globe to Smart—the expense is P4. Is that correct, Mme. Speaker?

REP. LAGMAN. Yes, Mme. Speaker. With respect to voice calls, the charge would be reduced from P4 to P1.50.

REP. RODRIGUEZ. I thank my distinguished colleague for his answer. So we are now stating that soon, the NTC will issue an MC stating that instead of P4-interconnection charges for voice calls, we are now going to allow them to charge only P1.50. Is that confirmed, Mme. Speaker?

REP. LAGMAN. That is confirmed, Mme. Speaker, per draft MC.

REP. RODRIGUEZ. So, the NTC would now be able to promote the welfare of the Filipino people, especially the subscribers, because there will be a lowering of the interconnection charge from P4 to P1.50, a reduction of P2.50. Is that correct, distinguished Sponsor?

REP. LAGMAN. The Gentleman is correct, Mme. Speaker.

REP. RODRIGUEZ. Mme. Speaker, in view of the forthcoming MC that will address my bill and the bill of Congressman Al Francis Bichara seeking to remove the interconnection charges of SMS and voice calls—even if the charges will not be fully removed—we fully support the reduction of interconnection charges of SMS from P0.35 to only P0.15 and of voice call from P4 to only P1.50 per minute.

In view of that, Mme. Speaker, I terminate my

interpellation and I give my support to the budget not only of the NTC but the entire DOTC family.

Thank you, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Villarosa). The Floor Leader is recognized.

REP. ROMULO. Mme. Speaker, as the next Member to interpellate, I move that we recognize the Hon. Joseph Abaya from the First District of Cavite.

THE DEPUTY SPEAKER (Rep. Villarosa). The Hon. Abaya of Cavite is recognized. Please proceed.

REP. ABAYA. Thank you, Mme. Speaker, and good evening to our friends from the DOTC.

My question would be about the Light Rail Transit (LRT) I South Extension Project. I recently received a letter from the American Chamber of Commerce of the Philippines, which was actually addressed to a lot of officers from the executive and likewise, from local government and Members of Congress. Allow me to read through this as I think it is worth reading this into the record and clarifying certain points that are being raised by the letter itself. It is a letter addressed to Secretary Leandro Mendoza, and it says:

“Dear Secretary Mendoza:

“The joint foreign chambers of the Philippines would like to urge the government to accelerate the implementation of the Light Rail Transit I South Extension Project and to use international competitive bidding. Our many member companies, especially export manufacturers located in Cavite Province, have been following this important project for a decade. We share the government's view that it is a critical priority infrastructure project of President Gloria Macapagal-Arroyo, for which partial project funding is provided in the 2008 budget. Expectations of the foreign investors' community that the project would be implemented soon were heightened when it was described on September 17 at the semi-annual Philippine economic briefing which President Gloria Macapagal-Arroyo spoke before nearly a thousand investors.

“Two days later, it was discussed at the Quarterly Wallace Business Forum on September 19 with NEDA Director General Ralph Recto and nearly one hundred foreign companies. After the project was thus featured before the investment community, our offices have received inquiries from several foreign project development firms, equipment providers and investment banks. We understand the project is at a major decision point of how our government will implement. Will the government accept an unsolicited proposal driven by a single foreign equipment supplier offering inexpensive financing but potentially high prices? Or will the government implement the policies established by the legislature in implementing rules and regulations to pursue a competitive and publicly tendered PPP-BOT project.”

I would like then to ask, Mme. Speaker, what is the actual difference between an unsolicited proposal and a competitive publicly tendered public-private partnership build-operate-transfer (PPP-BOT) project?

REP. LAGMAN. Mme. Speaker, I am informed that the

agency involved is still in the process of studying which of these processes would be availed of in the prosecution of the extension of the South Line project.

REP. ABAYA. So, no process has been chosen yet, Mme. Speaker.

REP. LAGMAN. That is the information I have gathered, Mme. Speaker.

REP. ABAYA. Thank you, Mme. Speaker. Kindly enlighten this Representation on the advantages of accepting an unsolicited proposal. When would it be also advantageous to accept a competitive publicly tendered project?

REP. LAGMAN. Well, I am informed that both procedures would have their respective advantages and it would be very hard to compare apples with oranges because these are different processes. But each would have its own advantage or disadvantage for that matter, so the agency is still in the process of studying which would be adopted.

REP. ABAYA. Thank you, Mme. Speaker.

Mme. Speaker, would the Gentleman agree with this Representation that a project that was bid on competitively and publicly would show more transparency and accountability as compared to an unsolicited proposal?

REP. LAGMAN. That would be one of the advantages of an open public bidding. We would recommend that whatever would be best for purposes of transparency, and whatever will be best to give the opportunity to Filipino bidders, should be adopted by the agency.

REP. ABAYA. Thank you, Mme. Speaker.

Likewise, the letter raises a few points which I like the honorable Sponsor to probably expound or give his comments to. The first point is that the LRT I South Extension Project is an essential mass transit project needed if economic growth and job creation is to continue in Cavite, one of the fastest growing provinces in the country. Because roads in Cavite already bear a heavy burden of motorized traffic, commuters will benefit greatly if the LRT public transportation is extended to the south. Many American, European, Japanese and Korean factories have located at industrial estates in Cavite and nearby Laguna provinces. The LRTA I South Extension Project is an essential public transportation project which will facilitate more efficient commuting to and from work of tens of thousands of our employees. Does the Gentleman have any comment, Mme. Speaker?

REP. LAGMAN. That is not debatable, Mme. Speaker. Those are imperatives which should be addressed. As a matter of fact, the agency now is in the process of acquiring road right-of-way for purposes of the South Extension Project. A special allotment release order (SARO) in the amount of P1.5 billion and an NCA amounting to P918 million for road right-of-way were issued last December 27, 2007. And in the 2008 budget, we have an appropriation for this particular project, and for this year, we also have an appropriation for this. That would only show that this project has the support of the national government.

REP. ABAYA. Thank you, Mme. Speaker.

The second point is, this project was conceived and has been under discussion for over a decade. Although the last two administrations were unable to implement it, the time is right for the Macapagal-Arroyo administration to do so as part of the strong emphasis of the DOTC on modernizing and expanding rail transportation under the President's leadership.

REP. LAGMAN. We fully agree, Mme. Speaker, that this project should be a fitting legacy of the Macapagal-Arroyo administration.

REP. ABAYA. Thank you, Mme. Speaker.

On the third point, the letter mentioned of an excellent proposal from the World Bank-IFC approved by the LRTA Board which incorporates important lessons from previously implemented rail projects, whether financed privately or through the Official Development Assistance (ODA), in different countries. Is this true, Mme. Speaker, of a certain proposal given by World Bank-IFC and approved by the LRTA Board? And if it is true, could this Representation request a copy of such study?

REP. LAGMAN. We will request, Mme. Speaker, the agency to give a copy of the study, in the soonest time possible, to the distinguished Gentleman from Cavite with respect to this study, which I think would form part of the inputs of the agency in deciding on the particular process by which this project will have to be implemented.

REP. ABAYA. Thank you, Mme. Speaker.

The point is that the project is one of the very few proposed PPP-BOT projects in the country that is well-prepared and provides for a sound balanced partnership between the private and public sectors.

On the fourth point, public bidding will facilitate a healthy, competitive process and will lower the cost of the project for government. This reduces opportunities for corruption and helps the country get the best project at the best price.

REP. LAGMAN. Yes, Mme. Speaker. What the distinguished Gentleman from Cavite is suggesting will be considered by the agency in its decision on what kind of process will be adopted for purposes of implementing the project after the road right-of-way process is completed.

REP. ABAYA. Thank you, Mme. Speaker.

On the fifth point, a successfully tendered, large-scale, multibillion-dollar infrastructure project would send a strong and equivocal signal to the international and Filipino business community that the Philippine government can undertake a model PPP-BOT transportation project. This is a unique opportunity to pursue internationally accepted principles to demonstrate the government's ability to follow competitive, transparent and predictable processes in promoting PPP-BOTs for major infrastructure projects.

REP. LAGMAN. The Gentleman's comments, Mme. Speaker, are perfectly cogent and accurate.

REP. ABAYA. Thank you, Mme. Speaker.

On the sixth point, probably the last point, as the Gentleman knows, the corruption ranking of the Philippines in the leading international rating by Transparency International has recently fallen 10 places primarily because of perceptions caused by the intense controversy over a supplier-driven communications project. Another controversial project could further damage the country's rankings while a properly bid project could raise them.

REP. LAGMAN. That is a correct report, Mme. Speaker.

REP. ABAYA. So, in conclusion, we cannot overemphasize the importance of creating a flow of successful PPP-BOT projects in order to build infrastructure needed for a modern economy.

As my last question, Mme. Speaker, let me just ask: What in essence would be the reason or the concern or the reservations that the originator of the letter have? What is the very reason that he wrote a lot of offices and legislators and LGUs involved? I am still figuring out the reason behind the letter itself.

REP. LAGMAN. I think the principal objective really is to convince the agency to adopt a process which would be transparent; which would be less prone to corruption; and which would be favorable to really qualified bidders, particularly so if the qualified bidder would be a domestic bidder.

REP. ABAYA. Thank you, Mme. Speaker. And my last question: Realistically, when would this project, at least, reach the province of Cavite if we were to name a year wherein it could happen?

REP. LAGMAN. Ideally, it should be in the process of completion before the end of the term of the present administration to be a genuine legacy of the Macapagal-Arroyo administration.

REP. ABAYA. So, 2010 would be a realistic expectation for the Caviteños, Mme. Speaker?

REP. LAGMAN. Yes, Mme. Speaker.

REP. ABAYA. I thank the distinguished Gentleman for his patience.

Thank you, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Villarosa). The Floor Leader is recognized.

REP. ROMULO. Mme. Speaker, the next Member to interpellate the Sponsor is the Hon. Teodoro Casiño from the Party-List Bayan Muna.

THE DEPUTY SPEAKER (Rep. Villarosa). The Hon. Casiño is recognized for his interpellation.

REP. CASIÑO. Thank you, Mme. Speaker, and good evening, distinguished Sponsor. And good evening to our friends from the DOTC.

Mme. Speaker, my questions will revolve around the LRTA and the LRT projects, in particular, a recent decision by the Supreme Court declaring as final and executory a decision by the National Labor Relations Council (NLRC) that the dismissal of striking workers—221 rank-and-file employees of the now defunct Metro LRTA—was illegal. Therefore, it was decided that Metro and the LRTA were jointly and severally liable to pay back wages and separation pay for these 221 employees worth P208,235,682.72, plus attorney's fees in the amount of P20,823,568.27.

Now, distinguished Sponsor, as a background, let me just recount that in last year's budget, the illegally dismissed employees of the LRTA and Metro requested the Committee on Appropriations and the Committee on Transportation and Communications to include in the 2008 budget said amounts for payment because of that NLRC decision and the decision of the COA. They were told by Members of Congress that in order for the Committee on Appropriations to act on that, there must be an entry of judgment from the Supreme Court to show that, indeed, the favorable decision of the NLRC, which was upheld by the Court of Appeals, is also being upheld by the Supreme Court, and that the judgment is final and executory.

Now, distinguished Sponsor, last September 3, the employees received such entry of judgment. And as of September 3, according to the Supreme Court, the decision has become final and executory and is hereby recorded in the book of entries of judgment. Now, the next step is for the sheriff to issue—how is this called?

REP. LAGMAN. A writ of execution.

REP. CASIÑO. Yes, writ of execution. I thank the distinguished Sponsor for providing me with that answer. It is a ministerial duty of the sheriff to issue a writ of execution based on that final and executory judgment by the Supreme Court. In which case, I would like to ask if the Appropriations Committee would be open to an amendment to the budget of the DOTC, to include said amount—more than P200 million—so that finally, after more than 10 years, this matter will be resolved and that the decision by the NLRC, upheld by the Court of Appeals and rendered final and executory by the Supreme Court, will finally be implemented. Would the committee be open to this amendment?

REP. LAGMAN. Mme. Speaker, this Representation's record as a pro-labor advocate, I think, cannot be assailed. I will be among the first to consider an amendment to the budget of the proper agency to include the full payment of judgment obligation in favor of working men. Unfortunately, Mme. Speaker, I have asked the LRTA to submit an executive brief of the Malones case. I will give a copy of this brief to the Gentleman for his perusal and, possibly, rebuttal. In this particular brief, I am informed that the case is not yet final and executory. This is a matter of record. According to this brief, on September 3, 2008, the LRTA received a copy of Supreme Court Resolution dated July 21, 2008 granting the motion of the petitioners—the workers—for an extension of 15 days from expiration of the reglementary period. During this time, the workers can file a petition for review on *certiorari* of the decision of the Court of Appeals, which was adverse to the workers, and consolidation of the said petition

for review on *certiorari*, G.R. No. 182928, with G.R. No. 175460 entitled *MTOI vs. NLRC*, assigned to the Third Division of the Supreme Court in order to avoid conflicting rulings on similar cases. It would appear from this submission, Mme. Speaker, that the case or the decision has not acquired finality because there are still proceedings on this case before the Supreme Court. I would be willing to be corrected if the brief is not accurate. However, in the event that while we are still in the process of enacting the GAB for 2009, after the Supreme Court decision will become final and executory, and there is no doubt about the status of the case, then I would propose to the committee that the necessary amendments be effected so that the judgment obligation can be satisfied in favor of the workers.

REP. CASIÑO. Mme. Speaker, I would appreciate having a copy of that brief and in return, I shall also be providing the Sponsor with a copy of the documents that I have.

As the Sponsor said, this is a matter of record. Probably, if we could reconcile the documents and see if indeed the time is right for the committee to allocate such an amount, considering the decision of the Supreme Court, then I am happy to know that the committee and the Sponsor will be the first to push that allocation be made according to the decision of the Supreme Court. With that assurance, distinguished Sponsor, and also with the assurance that even if the budget passes this House without such a determination, and such determination happens during the bicameral conference committee, then such an amount can still be introduced as an amendment.

REP. LAGMAN. We will make that assurance, Mme. Speaker.

REP. CASIÑO. Thank you, Mme. Speaker.

With that assurance, distinguished Sponsor, Mme. Speaker, I end my interpellation.

THE DEPUTY SPEAKER (Rep. Villarosa). The Floor Leader is recognized.

REP. ROMULO. Mme. Speaker, as the next Member to interpellate, I move that we recognize the Hon. Teodilo Coquilla from the Lone District of Eastern Samar.

THE DEPUTY SPEAKER (Rep. Villarosa). The Hon. Coquilla of Eastern Samar is recognized for his interpellation.

REP. COQUILLA. Thank you, Mme. Speaker, and honorable Sponsor.

This humble Representation from the Lone District of Eastern Samar would like to make a manifestation. I want to extend my sincerest thanks and heartfelt gratitude to the good Secretary of the DOTC for attending to the needs of my constituents and helping them. I appreciate what he did and on that note, I would like to say that, as I have said before, for better or for worse, in sickness and in health, I strongly support the budget of the DOTC. *(Applause)*

Thank you, Mme. Speaker. I also thank the distinguished Sponsor for his time.

REP. LAGMAN. I would like to thank the honorable Gentleman from the Lone District of Eastern Samar for his strong commitment which is akin to a matrimonial vow.

REP. ROMULO. Mme. Speaker, the next Member to interpellate the Sponsor is the Hon. Joel Villanueva from the Party-List Cibac.

THE DEPUTY SPEAKER (Rep. Villarosa). The Hon. Villanueva of Party-List Cibac is recognized.

REP. VILLANUEVA. Thank you, Mme. Speaker. I thank the Floor Leader.

May I know if the distinguished Sponsor of the budget of the DOTC would yield to some questions from this humble Representation?

REP. LAGMAN. Most willingly and gladly, Mme. Speaker.

REP. VILLANUEVA. Thank you, Mme. Speaker.

This Representation already conferred with the different agencies attached to the DOTC, so I will be limiting my questions, Mme. Speaker, only to some particular issues about the department and its budget.

Mme. Speaker, the department—the DOTC—is the primary policy, planning, programming, coordinating, implementing, regulating and administrative entry of the executive branch of the government in the promotion, development and regulation of dependable and coordinated networks of transportation and communications. It is also responsible for the development of fast, safe, efficient and reliable postal, transportation and communication services.

Mme. Speaker, the provision and availability of public transportation and communication services, of course, are essential in improving the country's economic performance. I want to ask, as a major agency of the government in charge of policies for the improvement of the delivery of public transportation and communication services, what policy thrusts and achievements can the department highlight for us in its effort to lead in the delivery of public transportation and communication services?

REP. LAGMAN. Mme. Speaker, the department itself and its attached agencies have submitted their various accomplishments for the past several years, including last year, and I think we are all privy to these reports of performance and accomplishments. I would be most willing to submit to the Gentleman these lists of accomplishments of all the agencies under the department, and also of the department itself.

REP. VILLANUEVA. May I just suggest also to the distinguished Sponsor to also give this Representation a copy of measures being put in place or being crafted or considered by the department to augment or address perceived constraints which were discussed during the subcommittee hearings with regard to policy implementation.

REP. LAGMAN. Yes, Mme. Speaker, we will do that as soon as possible.

REP. VILLANUEVA. Mme. Speaker, the COA-ODA released a report in 2007 stating: "The Department of Transportation and Communications ranks second with cost overruns amounting to P6.747 billion covering three airports and one feeder port projects." Various criticisms were also raised against these projects, alleging that they suffered from a lack of thorough study. May I ask the distinguished Sponsor if the department is aware of this? I think it was also mentioned that there are some airports and feeder port included in the COA-ODA report with cost overruns. May we know what are these airports and feeder ports included in the COA-ODA report with cost overruns, Mme. Speaker?

REP. LAGMAN. Mme. Speaker, traditionally, if these adverse findings are found in the COA annual consolidated reports, the agency is required to file its comment, answer or compliance. We will be happy to furnish again the distinguished Gentleman the comments, reply or compliance of the agency with respect to these apparently adverse findings of the COA.

REP. VILLANUEVA. Mme. Speaker, this Representation was asking if the distinguished Sponsor of the budget of the DOTC can give us the names of these airports and feeder ports so that, at least, our colleagues here in the House of Representatives are made aware of this COA-ODA report on cost overruns. That is all I wanted, that is the main reason this Representation asked that question.

REP. LAGMAN. Yes, Mme. Speaker, we are aware of the question. There are about 120 airports which are mentioned in the COA report, and that is why we were suggesting if we could give a copy of this list for the perusal of the distinguished Gentleman.

REP. VILLANUEVA. I thank the distinguished colleague.

I just hope that the copy will not be given only to this Representation, but perhaps also to the Members of this august Chamber.

REP. LAGMAN. Yes, Mme. Speaker.

REP. VILLANUEVA. On another note, Mme. Speaker, distinguished colleague, may I ask if these ODA projects are included in the government's so-called super region projects?

REP. LAGMAN. Yes, Mme. Speaker, they are.

REP. VILLANUEVA. I thank my distinguished colleague for his answer.

Now, my next point, Mme. Speaker, is I think not just a personal question, but perhaps, something the whole House of Representatives or this institution wants to know about.

There have been reports, Mme. Speaker, on the allegation of Land Transportation Office (LTO) Chief Alberto Suansing that Members of this august Chamber themselves are selling Number 8 plates for P200,000.

I just wanted to know, as a Member of the House of Representatives, what is really the status of these allegations. Can the distinguished Sponsor clarify these allegations? What

would be done if it was proven that these allegations are true, Mme. Speaker?

REP. LAGMAN. Mme. Speaker, about three weeks ago, there was a special meeting of the Committee on Transportation of the House, and among others, this particular issue was discussed. No less than the LTO head, Asec. Suansing, categorically said that he never mentioned this, and that was a complete misquote by the media. He also stated that, to his knowledge, no Member of this House, or of Congress for that matter, has sold, is selling, or in the process of selling for P200,000 any Number 8 plates.

REP. VILLANUEVA. Thank you very much, Mme. Speaker, for clarifying that very alarming issue. In fact, I am sure the distinguished Sponsor of the budget of the DOTC would agree that the LTO is the only government agency that sells, issues and distributes all vehicle plates, including security plates and protocol plates.

Now, on another issue, Mme. Speaker, it was also mentioned that the LTO chief stated that, allegedly, some Members of Congress are also involved in smuggling. May I know the real story behind this and if the LTO chief is still standing by that report?

REP. LAGMAN. Mme. Speaker, again, in that meeting of the Committee on Transportation of the House where Assistant Secretary Alberto H. Suansing appeared, he categorically denied that he made allegations concerning smuggling activities of some Members of this House. He particularly mentioned that as far as he is concerned, as far as he knows, there is no Member of this House engaged in this so-called "smuggling activity."

REP. VILLANUEVA. Again, thank you very much, distinguished Sponsor, for clarifying that issue. I think our friends from media are also listening, so I hope that this issue will rest finally.

Mme. Speaker, another issue that I want to take up is the issue that the NTC, allegedly, secretly allocated broadband wireless access (BWA) frequencies to a bankrupt company, Liberty Broadcasting Network Incorporated (LBNI).

Mme. Speaker, there were reports that the LBNI filed for rehabilitation before the RTC of Makati, Branch 149, which means that it has no financial capacity to provide the service. Now, may I know if the NTC is aware that LBNI could not possibly have the required financial and technical capability to provide the service?

REP. LAGMAN. Mme. Speaker, I understand that. The Gentleman is correct that there was such a grant. However, that was granted before a petition for rehabilitation was filed, and it was granted by a previous composition of the NTC. In any event, if there are errant or corrupt practices involved in such grant, we will call for the cancellation of the same.

REP. VILLANUEVA. Thank you very much, Mme. Speaker. I am sure the distinguished Sponsor would agree to this Representation, that it is not favorable to the general public to allocate valuable broadband wireless access

frequencies to a company which is not financially and technically capable of providing the telecommunication service.

Mme. Speaker, permit me to continue asking questions about the NTC. This Representation delivered a privilege speech last Congress with regard to this Bright Moon Cable Network o iyong tinawag po natin dito sa Congress na panggogoyo ng isang cable company. Up to now, almost two years later, unlucky pay-per-view subscribers—including this Representation—of Bright Moon Cable Network Incorporated based in Bulacan during the Pacquiao-Morales fight have not yet received clarifications from the NTC regarding this issue. Even the administrative case it filed against Bright Moon has yet to be decided on. I just want to know the status of the case. I just got this copy of the decision of the NTC, and I am still trying to scan it. Because of lack of time, I could not read everything and discuss this particular issue. I just want to know, Mme. Speaker, if we are indeed on top of the situation, especially with this problem that occurred last 2007.

REP. LAGMAN. Mme. Speaker, the Gentleman's copy is an authentic copy of the decision dated 29 September 2008, wherein the National Telecommunications Commission, in the case of *NTC vs. Bright Moon Cable Network Inc.*, rendered a decision imposing a fine on the errant respondent in the amount of P125,600. So Bright Moon now is not a bright moon anymore, it is a dark moon.

REP. VILLANUEVA. Thank you very much, Mme. Speaker. I was scanning the decision, and I was surprised to read some very alarming answers made by Bright Moon. They say the problem was a direct result of the unilateral and arbitrary disconnection thereof, made by Solar Entertainment Corporation, which was done without the consent or conformity of the respondent, and without any prior notice thereto, whatsoever. This Representation did his part to question and ask the concerned authorities from Solar Entertainment about this matter, and they denied these allegations hurled by the Bright Moon cable company. I just hope that we act on this as soon as possible. If there are some policy recommendations that the NTC would suggest to prevent similar incidents from happening in the future, this Representation will welcome any suggestions or recommendations, Mme. Speaker.

REP. LAGMAN. I am assured that policy measures will be rendered by the NTC. Moreover, the defense of Bright Moon was not given credence by the NTC; that is why it was penalized with a fine.

REP. VILLANUEVA. Thank you very much, Mme. Speaker.

I forgot to ask this question—and this would be my last question—when I was talking about the LTO. Mme. Speaker, this Representation raised an issue with regard to COA's report about the so-called Stradcom company. The COA report states that the company collected illegally for value-added tax amounting to P22 million. It states that there are some anomalous transactions being made by this company. I want to know if the DOTC is aware of this COA report. I also want to ask the distinguished Sponsor about the budget of the

DOTC if he can give us an update and status about this particular issue.

REP. LAGMAN. I am informed that the BIR already rendered an opinion on this, and the VAT imposition would stay.

REP. VILLANUEVA. The VAT imposition stays?

REP. LAGMAN. Yes, Mme. Speaker.

REP. VILLANUEVA. Meaning, it is legal for this particular company to collect P22 million. Is that correct, distinguished colleague?

REP. LAGMAN. That is the BIR's opinion, Mme. Speaker.

REP. VILLANUEVA. And the LTO is concurring. Is that correct?

REP. LAGMAN. Apparently, Mme. Speaker, it is the opinion of the BIR that the VAT has to be paid.

REP. VILLANUEVA. At least, Mme. Speaker, we were able to clarify this particular issue.

Mme. Speaker, as I have said earlier, I have already conferred with some of the attached agencies of the DOTC. I am ending this interpellation, and there being no more Member from the minority who wishes to interpellate and ask questions on the budget of the DOTC, I move for the termination of the period of debate and interpellations on the budget of the DOTC. *(Applause)*

REP. ROMULO. Mme. Speaker, with the permission of the minority, before we join their motion, a member of the majority, the Hon. Joseph Santiago from the Lone District of Catanduanes, has signified his intention to give a brief manifestation. May we recognize him.

THE DEPUTY SPEAKER (Rep. Villarosa). The Hon. Santiago is recognized for his manifestation.

REP. SANTIAGO. Thank you, Mme. Speaker, Floor Leader, and I beg the indulgence of the minority.

I just have a manifestation, Mme. Speaker. Right now, the entire telecommunications industry is in a state of paralysis because of an injunction. I do not think the discussion on the budget of the DOTC family is already through; I am still making a manifestation.

THE DEPUTY SPEAKER (Rep. Villarosa). Yes. The debate on the budget of the DOTC has not been terminated. We still have two honorable Congressmen who still are making their manifestation. Please, let us listen to the Hon. Joseph Santiago.

REP. SANTIAGO. Mme. Speaker, as I have said a while ago, the entire telecommunications industry is in a state of paralysis because of an injunction issued by the RTC of Quezon City preventing the NTC from: one, granting any

frequency; number two, granting any permit to import; and granting any permit to operate on any radio frequency previously issued by the NTC.

Mme. Speaker, I just like to ask the NTC to settle this case once and for all because, as I have said, we cannot introduce WiMAX in this country, we cannot introduce Wi-Fi, and the telcos cannot import equipment if that injunction is not lifted.

So I request that the NTC and the DOTC, because they issued a circular reassigning some frequency to a previous grantee, honor that frequency first and make a manifestation before the court so that the telecommunications industry can move in this country. *(Applause)*

Thank you, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Villarosa). The manifestation of the Hon. Santiago is noted.

The Hon. Maurice Domogan of Baguio is recognized.

REP. DOMOGAN. Thank you, Mme. Speaker.

Good evening to the family of the DOTC and the attached agencies led, of course, by the honorable Secretary. I hope they are listening. Anyway, I would just like to make a manifestation of gratitude, Mme. Speaker.

Let me express, on behalf of the people of Baguio and the Cordilleras, our gratitude to the DOTC family led by the honorable Secretary for declaring that the Loakan Airport is not to be closed. In fact, we have seen that as part of the 2009 budget, there is that little amount that is included for the continuing improvement of the Loakan Airport. This is very important to us in the Cordilleras, as well as to the people of Baguio in particular, because this is the only provincial airport in the Cordilleras. It is utilized by people coming to and going from the summer capital of the Philippines, Baguio City.

So with that, we thank again the DOTC family for closing the issue once and for all.

Thank you, Mme. Speaker. *(Applause)*

THE DEPUTY SPEAKER (Rep. Villarosa). The manifestation of the Hon. Domogan is noted.

The Floor Leader is recognized.

REP. ROMULO. Mme. Speaker, on behalf of the majority, there being no other Member who has signified an intention to interpellate or give any manifestation, we join the minority in moving for the termination of the period of interpellation on the budget of the DOTC, including its attached agencies and corporations.

I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Villarosa). Is there any objection? *(Silence)* The Chair hears none; the period of interpellation and debate on the budget of the DOTC and its attached agencies is hereby terminated.

SUSPENSION OF SESSION

REP. ROMULO. Mme. Speaker, may we request for a few minutes suspension of the session.

THE DEPUTY SPEAKER (Rep. Villarosa). The session is suspended.

It was 9:30 p.m.

RESUMPTION OF SESSION

At 9:39 p.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Villarosa). The session is resumed.

REP. ANGARA. Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Villarosa). The Dep. Majority Leader is recognized.

REP. ANGARA. Mme. Speaker, I move that we take up the budget of the Office of the Ombudsman, to be defended by the Gentleman from Samar, the Hon. Ong.

THE DEPUTY SPEAKER (Rep. Villarosa). Is there any objection? *(Silence)* The Chair hears none; the motion is approved.

The Hon. Emil Ong is recognized for the sponsorship of the budget of the Ombudsman.

REP. ONG. Thank you, Mme. Speaker.

My distinguished colleagues, the best of the Ombudsman officers headed by no less than the Mme. Ombudsman, the Hon. Merceditas Gutierrez herself, the Ombudsman all the way from Mindanao, from the Visayas, and all the staff of the Ombudsman who are here, ladies and gentlemen, good evening.

It is a great pleasure of this humble Representation, Mme. Speaker, to sponsor tonight the budget of the Office of the Ombudsman for 2009. For the information of our distinguished colleagues, the budget of the Ombudsman does not even constitute one-tenth of 1 percent of the total budget of our national government. Despite that, they have performed splendidly. Out of 20,000 cases that have been inherited by the present Mme. Ombudsman, they have disposed no less than more than half of those cases. And their budget, compared to last year's budget, only gets a meager increase of 100 million, which comprises half of the budgetary allocation for the 10 percent-mandated increase of salary for the employees of the government. Mme. Speaker, the Mme. Ombudsman is here to plead for the immediate approval of their budget.

Thank you, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Villarosa). The Dep. Majority Leader is recognized.

REP. ANGARA. Mme. Speaker, the first to signify her intention to interpellate is the distinguished Lady from Cibac Party-List, the Hon. Cruz-Gonzales. I move for her recognition.

THE DEPUTY SPEAKER (Rep. Villarosa). The Hon. Cruz-Gonzales is recognized for her interpellation on the budget of the Ombudsman.

REP. CRUZ-GONZALES. Thank you, Mme. Speaker.

I would just like to make a manifestation before the questions are propounded to the good Sponsor. This Representation—and I am sure, as will the other Members of the House—will greatly appreciate if the agency whose budget is being deliberated on in this august Chamber will adhere and comply to the commitments made before the subcommittee on time, especially in terms of providing the necessary documents, in order to give this Representation and the other Members of the House sufficient time to study the data provided vis-à-vis reports and other materials gathered on specific matters involving the budget of subject agencies.

Having said that, Mme. Speaker, will the good Sponsor yield to some questions involving the budget of the Ombudsman?

REP. ONG. Gladly, Mme. Speaker, I am very honored that the distinguished Congresswoman Chona Cruz-Gonzales would interpellate this humble Representation. Thank you very much, Mme. Speaker.

REP. CRUZ-GONZALES. Thank you, Mme. Speaker.

In the 2008 GAA, the Ombudsman was given a capital outlay budget of P95.016 million. And for 2009, it seeks to increase this to P160.223 million, which is a 59-percent increase from the 2008 budget. May we know, Mme. Speaker, what accounts for this increase?

REP. ONG. The capital outlay is intended for the expansion of the additional building to house some of their necessary personnel, the maintenance of their dilapidated structure, and the payment of the interest on the old buildings.

REP. CRUZ-GONZALES. Interest is still being paid, Mme. Speaker?

REP. ONG. Yes, it is still being paid, Mme. Speaker.

REP. CRUZ-GONZALES. I thank the distinguished Gentleman for that clarification.

Mme. Speaker, in the P95.016 million allocated for this year, may we know how much of it was utilized by the agency?

REP. ONG. They have practically consumed everything.

REP. CRUZ-GONZALES. Under personal services expenditures in the GAA and support item in the 2008 GAA is P305,259,000. For 2009, the amount is to be decreased to P180,196,000. May we know, Mme. Speaker, what accounts for this decrease?

REP. ONG. The amount was decreased due to non-takers of some positions. Mme. Speaker, the basic salary of their prosecutors—lawyers who are practicing in the Office of the Ombudsman—is only P24,000. Out of 700 plus items, less than half of that is filled up. So practically, more than 50 percent of the vacant positions are still not filled up, and that accounts for the decrease of the budget for personal services. That is the sad situation of the Office of the Ombudsman.

REP. CRUZ-GONZALES. Mme. Speaker, what is the effect of this decrease in personal services expenditures under general services expenditures?

REP. ONG. They are really recruiting more applicants. Maybe, they would propose an increase of the basic salaries to attract those who intend to join the Office of the Ombudsman.

REP. CRUZ-GONZALES. But with a decrease in the personal services expenditures for 2009, will the agency be able to hire more lawyers or non-lawyer staffs for the said positions?

REP. ONG. They are still optimistic about the situation. They are trying to impress that people work for the Office of the Ombudsman because they are service-oriented and not for financial considerations.

REP. CRUZ-GONZALES. But in general, Mme. Speaker, how will this decrease in the personal services expenditures affect the operations of the Ombudsman?

REP. ONG. Definitely, they will try their best despite the meager resources. Actually, there is an increase of 7.64 percent for personal services due to the inclusion of the 10 percent-salary increase. But overall, it is not really considered an increase because it is the 10 percent-increase mandated by the law that really makes up the 7.64 percent increase in personal services.

REP. CRUZ-GONZALES. As a matter of clarification, the increase of 7.64 percent covers the 10 percent-increase under the—is that under the Salary Standardization Law, Mme. Speaker?

REP. ONG. Yes, Mme. Speaker, that is correct.

REP. CRUZ-GONZALES. On another point, Mme. Speaker, the Political and Economic Risk Consultancy or PERC ranks the Philippines as the most corrupt country in Asia for 2008. The Transparency International-CPI measures the perceived levels of public sector corruption in a given country and is a composite index drawing on different experts and business surveys. It says in its 2008 corruption perception index that the Philippines ranks 141st with a CPI of 2.3. This is very low, and we are even triple-tied with Iran and Yemen. Now, even the Swiss-based World Economic Forum placed the Philippines on the 71st place out of 134 countries, below its Association of Southeast Asian Nations (ASEAN) peers in the region. Being the lead agency constitutionally mandated to curb corruption, what is the Gentleman's official position or opinion on the dismal ratings that the Philippines has been receiving from these international agencies or international groups, Mme. Speaker?

REP. ONG. Mme. Speaker, actually, I share the observation of Congresswoman Chona Cruz-Gonzales. But nonetheless, if we are going to judge the performance of the incumbent Ombudsman, Merceditas Gutierrez, we can say that they are doing fairly well. Despite the fact that she has been serving for only three years, she was able to dispose more than half of the 20,000 cases that she inherited. So, maybe, the image of the Philippine government would now change with the performance of the present Mme. Ombudsman. And maybe, Congresswoman Chona Cruz-Gonzales would add more budget to the Ombudsman in order

for the Office of the Ombudsman to better comply with the mandate of the agency to curb corruption in the bureaucracy and continue to perform its crucial roles in order to serve as the watchdog, mobilizer and dispenser of justice. Mme. Speaker, we have to bear in mind that despite the meager budget, they are trying their best to perform what is mandated to them by the law.

REP. CRUZ-GONZALES. Mme. Speaker, would the Gentleman agree then that this is a wake-up call since corruption is the most problematic factor in doing business in the country?

REP. ONG. I share that sentiment with the Lady. Maybe, one measure that we can implement to show our concern is to increase their budget.

REP. CRUZ-GONZALES. Mme. Speaker, how does the Gentleman think these dismal ratings that the Philippines has been receiving will affect the capacity of the country to attract foreign investors to invest in the Philippines?

REP. ONG. Definitely, that would result in a negative atmosphere when it comes to attracting investments, because as I shared with the Lady, we have to curb corruption to attract more investors.

REP. CRUZ-GONZALES. And with the Ombudsman being the national watchdog, what steps, Mme. Speaker, have they done in order to improve the government's efforts to fight corruption?

REP. ONG. They are now mandated to work more for the speedy termination of all cases submitted to them. That is why we have to commend the performance of the present Mme. Ombudsman in, at least, disposing more than half of what she has inherited despite the meager budget that the office is receiving.

REP. CRUZ-GONZALES. Thank you, Mme. Speaker. My next point concerns the Millennium Challenge Corporation (MCC). Cibac Party-List has filed House Resolution No. 33 calling for an inquiry in aid of legislation on the \$21-million anticorruption aid from the US government's MCC and the P1 billion fund provided by the Philippine government to ensure the transparency in the procedure, accounting and utilization of said funds.

Mme. Speaker, during the Oversight Committee hearing, the Ombudsman presented its progress report on the utilization of the MCC grant in which it indicated that it had exceeded the cumulative target of 33 percent and currently registers a cumulative target of 35 percent conviction rate in corruption cases filed before the Sandiganbayan.

The Ombudsman further reported that as of September 13, 2007, it had already incurred expenditures amounting to \$1.22 million out of its \$6.475 million allocation from the MCC account.

Now, Mme. Speaker, as regards the P1-billion anticorruption fund released by the President, it was recommended that the Ombudsman be given access to the said fund in order to sustain its anticorruption activities,

specifically in the conduct of integrity development review or the IDR in the local government units.

May I inquire, Mme. Speaker, why there is a need to request for additional allocation from the DOF considering that it was already granted \$6.475 million from the MCC grant, of which only \$1.22 million had been spent as of September of 2007.

REP. ONG. Actually, Mme. Speaker, the Millennium Challenge accounts for the performance of the Office of the Ombudsman. That is the reason the US government has given the \$26 million—because of the improved performance of the Office of the Ombudsman. What was allocated to the Office of the Ombudsman was not the entire \$21 million; it was only \$6.5 million that was given to the Office of the Ombudsman. This was used under the administration of the USAID program for training; acquisition of surveillance equipment; information and distribution of teaching; also the institutionalization and the mediation for non-graft cases from year 2006 to year 2008. So practically, it was all consumed for the purpose it was intended by the USAID, and nothing went actually to the Office of the Ombudsman.

REP. CRUZ-GONZALES. But would the Gentleman agree that out of the \$21 million grant, \$6.475 million or roughly \$6.5 million from the MCC grant was granted to the Ombudsman, and only \$1.22 million of such grant was actually utilized as of September 2007?

REP. ONG. Yes, Mme. Speaker, because there is a collatilla that it should be used under the administration of the USAID. The bigger amount was intended under the administration of the USAID.

REP. CRUZ-GONZALES. Mme. Speaker, the balance of the \$6.5 million has not been granted to the Ombudsman?

REP. ONG. It was granted to the Ombudsman, but with a collatilla that the expenses have to be administered by the USAID.

REP. CRUZ-GONZALES. And that is the reason, Mme. Speaker, a request or a recommendation was forwarded by the Ombudsman during the Oversight Committee hearing? They are asking that they be given access to the P1-billion anticorruption fund released by the President so that they can sustain the anticorruption activities, specifically in the conduct of integrity development review?

REP. ONG. Actually, the P1 billion was not really a counterpart fund from the President, but it was just given as assistance also.

REP. CRUZ-GONZALES. But, Mme. Speaker, does the Ombudsman maintain such recommendation that they should be granted access to the P1-billion fund?

REP. ONG. That was their intention, Mme. Speaker.

REP. CRUZ-GONZALES. May I inquire from the distinguished Sponsor, Mme. Speaker, if the said request or recommendation was approved by the DOF?

REP. ONG. No amount of money was ever transferred to the Ombudsman from the MCC. Zero, Mme. Speaker. There was actually no amount out of the fund from the MCC that was supposed to be allocated to the Ombudsman. The impression of the public, even initially to this humble Representation, is that it is supposed to be intended for the Ombudsman. But in reality, not a single amount was given to the Ombudsman.

REP. CRUZ-GONZALES. May I know, Mme. Speaker, the grounds on which the said request was denied by the DOF?

REP. ONG. That is right, Mme. Speaker.

REP. CRUZ-GONZALES. I am asking about the grounds on which the request was denied, distinguished Sponsor. What are the grounds why the request was not granted by the DOF?

REP. ONG. Because maybe, under the usual procedure, said amount should go to the DOF.

REP. CRUZ-GONZALES. I just have a point of clarification, Mme. Speaker, in the MCC grant. Out of the \$6.5 million, only \$1.22 million was granted to the Ombudsman but this was, of course, to be used in terms of training, equipment and services, distinguished Sponsor?

REP. ONG. That is correct, Mme. Speaker. And officially, they did not really make any official request for any amount that should go to them.

REP. CRUZ-GONZALES. Moving on to the conviction rate, Mme. Speaker, the conviction rate record this year has been poor. Based on the OSP data, out of 97 cases decided by the anti-graft court, only 14 led to a conviction—an average of 14.43 percent from January to June this year. This is from a high of 77 percent last year, as reported. In March, 21 cases led to acquittal and only one led to conviction. The May data is even worse because out of 29 decided cases, only one led to conviction. And the June record is the worst: of all the 13 decided cases, all led to acquittal, Mme. Speaker. Now, may we know what factors caused the significant decline in the conviction rate of the Ombudsman?

REP. ONG. Mme. Speaker, per data of the Sandiganbayan, from January to September, the total number of information filed was 377; the number of acquittal was 90; the number of conviction was 82, thus bringing the total number of decided cases to 172. In other words, the conviction rate is 47.67 percent. And I wish to emphasize, Mme. Speaker, that it is not the Ombudsman that decides the conviction, it is the Sandiganbayan or the court.

REP. CRUZ-GONZALES. As a matter of clarification, Mme. Speaker, is the rate that the Gentleman just quoted the conviction rate from January to September 2008? Is it only for 2008?

REP. ONG. Yes, Mme. Speaker.

REP. CRUZ-GONZALES. What concrete actions have

been taken to address the said decline in the conviction rate, Mme. Speaker?

REP. ONG. The data shows clearly that there was no decline, Mme. Speaker. As a matter of fact, the rate of conviction has increased.

REP. CRUZ-GONZALES. Distinguished Sponsor, how do we reconcile the OSP data as against the data now being quoted by the good Sponsor from the Ombudsman?

REP. ONG. This is the Sandiganbayan data furnished to the Office of the Ombudsman. Mme. Speaker, the figures I just enumerated actually come from the Sandiganbayan decided cases for the year 2008. They did not come from the Office of the Ombudsman.

REP. CRUZ-GONZALES. Mme. Speaker, how much is allocated in the 2009 budget for the prosecution of cases by the Ombudsman?

SUSPENSION OF SESSION

REP. ONG. Mme. Speaker, may I call for a suspension of the session.

THE DEPUTY SPEAKER (Rep. Villarosa). The session is suspended.

It was 10:04 p.m.

RESUMPTION OF SESSION

At 10:04, the session was resumed.

THE DEPUTY SPEAKER (Rep. Villarosa). The session is resumed.

REP. ONG. The allotment that was given to the prosecutor was P112 million.

REP. CRUZ-GONZALES. As compared from last year's allocation for the same purpose of how much? May we know what was the allocated budget for the prosecution of cases last year, Mme. Speaker?

REP. ONG. Last year was around P73 million.

REP. CRUZ-GONZALES. And the increase, distinguished Sponsor, for the allocation on said prosecution of cases will now be sufficient to further enhance the conviction rate of the Ombudsman?

REP. ONG. Yes, Mme. Speaker, that is correct.

REP. CRUZ-GONZALES. I will not belabor this point, Mme. Speaker, but I would like to go back still to the issue of the MCC grant. During the subcommittee hearing on September 25, 2008, we were given the impression that we have been upgraded from Threshold status and we have already qualified for the Compact status and an additional or higher grant from the MCC. However, Mme. Speaker, based

on the report from the official website of the MCC, and even in the news article published in local dailies on September 28, 2008, the Philippines was only selected to be eligible for Compact status. We only qualified to apply for a higher grant under Compact category, and we would still be evaluated by the MCC beginning the last week of September this year. May the good Sponsor, Mme. Speaker, provide clarification on the seemingly inconsistent statements made before the subcommittee, vis-à-vis the report from the official website of the MCC and the news articles in the local dailies which I have stated.

REP. ONG. Mme. Speaker, that is correct. That is a correct statement.

REP. CRUZ-GONZALES. So, as a matter of clarification again, Mme. Speaker, we are eligible for Compact status but not under Compact status yet?

REP. ONG. That is correct, Mme. Speaker.

REP. CRUZ-GONZALES. I thank the distinguished Sponsor for that clarification.

In fact, in March 2008, the MCC board of directors selected the Philippines to be eligible for the Compact funding based on its consistent performance on eligibility indicators and its effective implementation of the MCC-funded Threshold Program. Based on newspaper reports, the MCC was scheduled to begin its review of the Philippine government's programs on the last week of September. The said review will determine the country's admissibility into the Compact Program and possible higher funding.

With that in mind, Mme. Speaker, what programs, projects or other endeavors will the Ombudsman put into place to ensure our admission into the Compact status of the MCC?

REP. ONG. Mme. Speaker, they will continue the program that they have been mandated to perform in order to qualify for the MCC's consideration.

REP. CRUZ-GONZALES. And, Mme. Speaker, these programs are now under review by the MCC for possible qualification to Compact status?

REP. ONG. Yes, Mme. Speaker, that is correct.

REP. CRUZ-GONZALES. I thank the distinguished Sponsor for the clarifications he made, Mme. Speaker.

To end, I would just like to point out that we in Cibac, the Citizen's Battle Against Corruption Party-List, in pursuance of our advocacy to fight the evils of corruption, would like to see the Ombudsman as a strengthened and empowered national graft buster which will seriously and effectively go after corrupt officials and will bring said corrupt officials under the bar of justice. We would like to remind everyone that we owe this to the people who entrusted us with our positions. We are counting on the Office of the Ombudsman as the lead agency mandated to curb corruption and continue the fight against corruption in this country.

With that, I thank the Chair and the distinguished Sponsor for the time given to this humble Representation to interpellate the subject agency.

REP. ONG. Thank you very much, Mme. Speaker. I also thank the distinguished Congresswoman of CIBAC, the honorable Congresswoman Chona Gonzales, for her questions.

THE DEPUTY SPEAKER (Rep. Villarosa). The Dep. Majority Leader is recognized.

REP. ANGARA. Mme. Speaker, I move that we recognize the Gentleman from Ifugao, the Hon. Chungalao, for a manifestation.

THE DEPUTY SPEAKER (Rep. Villarosa). The Hon. Chungalao is recognized for his manifestation.

REP. CHUNGALAO. Thank you, Mme. Speaker.

This is actually a manifestation request; I do not intend to interpellate. In fact, I support the budget of the Ombudsman. Perhaps, with its gigantic job, we should actually increase their budget.

My manifestation has something to do with anonymous complaints being filed at the Office of the Ombudsman. While the law allows the agency to entertain them, we are just asking a little bit of discretion when it comes to dealing with them. We ask that anonymous complaints that are not supported with evidences should be dealt with some discretion and delicacy. Lalo na kung iyong complaint is not supported by any evidence, and we know the background of the victim, usually a local official who is performing. Some just file anonymous complaints against them just so they would be able to instill fear in them. These cases do not really produce results.

The classification of anonymous complaints that are supported with documents or evidences is fine, but not those which are not supported by evidence. Siguro, they should study the accused lalo na kung they are local officials who are performing. Alam naman natin na kapag hindi nagperform iyong local official, wala namang complaint.

We should not also allow local officials who are performing to be unduly investigated based on unfounded accusations; we should also protect them. Just because the law allows anonymous complaints to be entertained does not mean that we should allow them to become stumbling blocks to their performance.

That is all. Hopefully, the Ombudsman listened to my manifestation on this issue. We are just concerned of the welfare of performing local officials.

Thank you, Mme. Speaker. I also thank my distinguished colleague for his time.

REP. ONG. Thank you, Mme. Speaker.

The manifestation is definitely noted. I also share the sentiment of the Gentleman.

THE DEPUTY SPEAKER (Rep. Villarosa). The Dep. Majority Leader is recognized.

REP. ANGARA. Mme. Speaker, I move that we recognize the honorable Lady from South Cotabato, the Hon. Antonino-Custodio, for her interpellation.

THE DEPUTY SPEAKER (Rep. Villarosa). The Hon. Antonino-Custodio is recognized for her interpellation.

REP. ANTONINO-CUSTODIO. Mme. Speaker, just in case the sponsoring committee did not actually understand the manifestation of my colleague from the minority earlier, let me reiterate her point. Noong subcommittee hearing, may hiningi na mga dokumento iyong aking mga kasama sa minoritya. Because of the experience of the Members of the minority during the last budget hearing of the same office, I asked for a commitment from the committee that these documents be delivered. Lo and behold, Mme. Speaker, noong dumating ang plenary, hindi pa rin po ito naibigay.

Mme. Speaker, simpleng-simple lang po kaming kausap. Kung hindi ninyo kayang ibigay, sabihin ninyong hindi ninyo kayang ibigay. Huwag po kayong magpa-promise na ibibigay ninyo iyong mga dokumento pagkatapos hindi naman po ninyo ibibigay.

And, Mme. Speaker, that was one of the reasons why, when I came in, I asked for the commitment of the Chair and the Vice-Chairman of this committee. I am sorry that, again, none of these promises were delivered.

I am hoping that the subcommittee will be a little more diligent in fulfilling the promises that it gave; as it seems, we cannot rely on the promises of the office.

Mme. Speaker, I have very little points that I wish to bring up. Unang-una, last September 26, meron pong nasulat na article, at ang titulo po niya ay, "Ombudsman Cooking High Conviction Rates." Babasa lang po ako ng kaunting bahagi nito:

"The Office of the Ombudsman has been making claims of high conviction rates by misrepresenting data on case disposal for the first seven months, according to the Sandiganbayan Judicial Records Division.

"The Ombudsman, in a report released last September 1, said its conviction rating was 25 percent in January, 9 percent in February, 66 percent in March, 4.5 percent in April, 3.3 percent in May, 7.14 percent in June, and 71.43 percent in July.

"These figures translate to a 26.73 percent conviction rating."

Tama po ba ito? Ito po iyong inilabas na report ng Ombudsman?

REP. ONG. Mme. Speaker, distinguished Lady of Cotabato, that is correct. According to the records of the Sandiganbayan, in January, the conviction rate was 25 percent; February, 9.01 percent; March, 4.54 percent; April, 66.67 percent; May 3.33 percent; June, 7.14 percent; July, 71.43 percent; August, 73.0 percent; and September, 100 percent. The average therefore, is 47.67 percent.

REP. ANTONINO-CUSTODIO. Mme. Speaker, ang kino-quote ko po rito, basically, iyong report na ini-release ng office ng Ombudsman noong September 1. Ang isinama lang po nila were the data from January to July; iyon po iyong binasehan ng report. Iyong September 1 na report, that was released by the Office of the Ombudsman.

REP. ONG. That is correct, Mme. Speaker.

REP. ANTONINO-CUSTODIO. So, basically, nasa 26.73 percent lang po ang conviction rate at that point in time, Mme. Speaker.

REP. ONG. That is correct, Mme. Speaker. The Sandiganbayan also denied that they made any such statement. They denied that.

REP. ANTONINO-CUSTODIO. Mme. Speaker, ang kinowt ng article ay iyong Ombudsman. According to it, it is the Ombudsman that released the September 1 report.

REP. ONG. The Sandiganbayan, Mme. Speaker, categorically denied making those statements. According to them, such statements never came from their office.

REP. ANTONINO-CUSTODIO. Iyong Ombudsman po ang naglabas ng report. So, hindi po naglabas ng report ang Sandiganbayan, in other words.

REP. ONG. The Ombudsman made the report on the rate.

REP. ANTONINO-CUSTODIO. Yes, Mme. Speaker. So sila po ang naglabas ng report nitong rate na ito, tama po ba?

REP. ONG. Yes, they released a report on the conviction rate, but not that report. The Ombudsman released a report, but not the report that the distinguished Lady has read. The report is not on that performance rating.

REP. ANTONINO-CUSTODIO. So, hindi po 26.73 percent?

REP. ONG. That is correct. The average conviction rate is not 26.73 percent, but 47.67.

REP. ANTONINO-CUSTODIO. Pero ang kinowt po ng report was only January up to July. Iyong kino-quote po ng Sponsor is up to, I think, September.

REP. ONG. That is correct. Maybe the Lady's rating is correct kung isinama lang nila up to July. Kung isasama ang August up to September, that rating will increase to 47.67 percent.

REP. ANTONINO-CUSTODIO. Mme. Speaker, gusto ko lang pong i-klaro kung conviction rate po ba ito o rate ng resolved na kaso?

REP. ONG. Conviction rate po, Mme. Speaker, conviction rate po.

REP. ANTONINO-CUSTODIO. Conviction rate po iyan?

REP. ONG. Correct.

REP. ANTONINO-CUSTODIO. So, sa mga kaso noong mga buwan na iyon, wala pong masasabi natin na acquittals?

REP. ONG. For the month of September, because there was only one case filed.

REP. ANTONINO-CUSTODIO. Now, Mme. Speaker, I am still looking at the same report. I want to know categorically, whether this is true or not.

REP. ONG. That is true.

REP. ANTONINO-CUSTODIO. Mr. Speaker.

REP. ONG. The one published by the Ombudsman is true, but the report that the Lady read is not the report of the Ombudsman.

REP. ANTONINO-CUSTODIO. Let me read on. Doon po sa supposed claim nila, iyong records po ng Ombudsman showed that there were only 18 convictions over that same period out of 174 filed cases. Kung atin pong ika-calculate iyon, that is 10.34 percent. In other words, doon sa report, isinama po sa supposed conviction rate iyong mga acquittals.

REP. ONG. The acquittals were not included in the conviction rate. The number of acquittals was 90. Out of 377 cases filed, the number of acquittals, Mme. Speaker, was 90 cases, and the number of convictions was 82.

REP. ANTONINO-CUSTODIO. During what months?

REP. ONG. From January to September.

REP. ANTONINO-CUSTODIO. So ito pong report is completely false? There was a total number of 74 acquittals during that time?

REP. ONG. Mme. Speaker, their rate was computed by dividing the number of convictions by the number of decided cases multiplied by 100 percent.

REP. ANTONINO-CUSTODIO. Ah, naintindihan ko na po iyong confusion ng ating mga numero. In other words, Mme. Speaker, ito po, percentage siya ng na-disposed na na kaso, hindi po siya percentage talaga ng total cases na na-file ng Ombudsman.

REP. ONG. Correct, Mme. Speaker, that is right, kasi conviction lang ang pinag-uusapan nila.

REP. ANTONINO-CUSTODIO. In other words, for example po, out of 300 cases, 170 ang may decision na. Kapag sinabi mong 47 percent, kalahati lang po iyong na-convict, iyong kalahati, na-acquit at pagtapos may pending pa pong 130.

REP. ONG. Yes, Mme. Speaker.

REP. ANTONINO-CUSTODIO. Mme. Speaker, I will have to say that that is quite disappointing because obviously, from my understanding, iyong rates natin ay based doon sa pag-convict talaga. Hindi naman po ito maipa-file sa Sandiganbayan if the Ombudsman did not believe that there was probable cause.

REP. ONG. I share the observation of the Congresswoman from Cotabato, but please bear in mind also,

Mme. Speaker, that convicting is not the work of the Ombudsman, but of the Sandiganbayan. And the Ombudsman cannot dictate on how fast their convictions should come or how they decide on the cases.

REP. ANTONINO-CUSTODIO. Mme. Speaker, I believe that the Sandiganbayan will only decide on the cases based on the merits presented. And apparently, the Sandiganbayan did not find merit in the cases that they have acquitted, cases that were presented by the Office of the Ombudsman.

REP. ONG. That could be correct, but Mme. Speaker, there are lots of factors that affect how or when the Sandiganbayan decides. Sometimes, other factors can still be considered because criminal cases should really be beyond reasonable doubt. It does not only depend on the preponderance of evidence. These are criminal cases, and under the Penal Code, conviction can only be justified if it has been proven beyond reasonable doubt.

REP. ANTONINO-CUSTODIO. I do agree, Mme. Speaker. But again, as I said, iyong mga kasong ipinapanalo ng Ombudsman ay medyo dehado pa rin po tayong.

Anyway, Mme. Speaker, gusto ko lang din pong malaman kung saan nakuha iyong numbers na binasehan ng SONA ni President Arroyo. Ayon doon, supposedly, conviction rate has increased by 500 percent.

REP. ONG. Maybe, I would venture to say, it was gathered, from the Office of the Sandiganbayan.

REP. ANTONINO-CUSTODIO. Again, Mme. Speaker, that figure was announced actually during the SONA. I just want to know the numbers. Ano po iyong basis nito?

REP. ONG. Yes, Mme. Speaker, actually, we do not know really the time frame that was used as the basis of the statement made during the SONA, but it could have come from the Office of the Ombudsman.

REP. ANTONINO-CUSTODIO. Galing po nga sa office ninyo kasi she actually was applauding the Ombudsman when she said this. Ang hinihingi ko lang po ay ang pinagbasehan nitong numero. Hindi naman po pupwedeng hinila lang po natin sa langit iyong 500 percent.

REP. ONG. Yes, as stated, the cases started from 2001 to 2007.

REP. ANTONINO-CUSTODIO. At 500 percent po iyan.

REP. ONG. Yes, 500 percent in a span of six years, from 2001 to 2007.

REP. ANTONINO-CUSTODIO. So ilan pong kaso iyan? Kasi if the Ombudsman claims 500 percent, Mme. Speaker, kailangan ay may base. Kasi hindi po natin alam kung ang kaso na na-convict, say, a year ago was only one. Kung naka-convict ka ng lima, 500 percent na po iyon, eh.

REP. ONG. That figure really came from the Office of

the President. The person that computed that figure is under the Office of the President, Mme. Speaker.

REP. ANTONINO-CUSTODIO. Thank you, Mme. Speaker.

REP. ONG. Thank you, Mme. Speaker. I also thank the Lady from South Cotabato for her questions.

THE DEPUTY SPEAKER (Rep. Villarosa). The Dep. Majority Leader is recognized.

REP. ANGARA. Mme. Speaker, I move that we recognize the Gentleman from Cibac Party List, the Hon. Villanueva, for his interpellation.

THE DEPUTY SPEAKER (Rep. Villarosa). The Hon. Joel Villanueva is recognized.

REP. VILLANUEVA. Thank you, Mme. Speaker.

This Representation will no longer ask questions that were raised by some of my colleagues from the minority. May I know if the distinguished Gentleman, my good friend, would yield to some questions from this humble Representation.

REP. ONG. Gladly, Mme. Speaker.

REP. VILLANUEVA. Mme. Speaker, I think the distinguished Gentleman sponsoring the budget of the Ombudsman would attest that this Representation had been pointing out over the years why there is no item on personal development, training and skills enhancement for personnel of the Office of the Ombudsman—whether they are lawyers or non-lawyers. I want to know if this time around, there is an item with regard to this matter, Mme. Speaker.

REP. ONG. There is. Actually, they even submitted a proposed budget for that. They have requested for non-lawyers to be assigned as investigators.

REP. VILLANUEVA. May I know how much of the proposed budget is allotted for this, Mme. Speaker?

REP. ONG. For the lawyers, their minimum salary is around P24,000.

REP. VILLANUEVA. No, Mme. Speaker, I am talking about trainings.

REP. ONG. The amount allotted for that is P9,046,000.

REP. VILLANUEVA. There is an allotment of P9 million? That is for the training of the lawyers?

REP. ONG. Yes, Mme. Speaker.

REP. VILLANUEVA. Mme. Speaker, may I know if we have an allotment for the trainings of lawyers.

REP. ONG. I think that includes even the trainings of non-lawyers.

REP. VILLANUEVA. The P9 million is already for the training of both the lawyers and non-lawyers?

REP. ONG. Yes, Mme. Speaker. The amount is very meager talaga.

REP. VILLANUEVA. Thank you, Mme. Speaker.

May I know how many training programs and perhaps, capability-enhancement trainings have been conducted this year by the Office of the Ombudsman? I suppose they have separate training programs and capability enhancement for lawyers and for non-lawyers, Mme. Speaker.

REP. ONG. Mme. Speaker, they have a continuing program for trainings and seminars that they have always regularly conducted in order to update the employees on the legal procedure and their effectiveness.

REP. VILLANUEVA. Mme. Speaker, I would appreciate it very much if I would get some figures as to how many trainings there were just for this year. How many trainings, programs and capability enhancement trainings for lawyers and non-lawyers were held?

REP. ONG. Mme. Speaker, at the moment, they cannot really count because trainings have been and are being conducted regularly. Maybe, we could say that several, maybe, hundreds of trainings and seminars have been conducted.

REP. VILLANUEVA. Mme. Speaker, I am only asking for the data for this year.

REP. ONG. That is right, as there have been several trainings and seminars conducted this year.

REP. VILLANUEVA. All right. Thank you very much, Mme. Speaker.

I was about to ask how much these trainings cost, and who financed them, because I do not see any budget appropriation for trainings appearing in the 2008 GAA or in the 2009 proposed budget.

REP. ONG. The observation of the Gentleman, Mme. Speaker, is correct. They did not really indicate this in detail; they just included it in the budget for the lawyers.

REP. VILLANUEVA. Where did we get it then, Mme. Speaker? Where did we get the P9 million that the Gentleman was talking about?

REP. ONG. The allotment intended for the lawyers.

REP. VILLANUEVA. So meaning to say, Mme. Speaker, that non-lawyers are not included in the trainings?

REP. ONG. No, I meant the allotment for lawyers and non-lawyers.

REP. VILLANUEVA. The allotment for lawyers and non-lawyers.

Mme. Speaker, in both the 2008 GAA and the 2009 proposed budget, there are provisions for the budget of

resident ombudsmen. Now, these resident ombudsmen are supposed to be the first line of defense of the people against corrupt practices in the different departments, agencies and offices. Unfortunately, recently, it appears that most of the high-profile corrupt practices, schemes, and scams are, somehow, found out only after they are reported in a post-audit of the COA. I do not know if the distinguished Gentleman would agree with this Representation. And so, I want to know what is going on? How many resident ombudsmen are there? What agencies are they in? What powers do they have?

REP. ONG. As I said, there are around 700 positions for lawyers, but less than 50 percent of these have been filled. So really, corruption prevention is quite hindered by the lack of lawyers willing to work for the Ombudsman.

REP. VILLANUEVA. But does the Gentleman agree with me, Mme. Speaker, that we have resident ombudsmen in the different agencies of the government? Yes or no?

REP. ONG. Yes, we do, but Mme. Speaker, the figure would show that they are not sufficient.

REP. VILLANUEVA. They are not sufficient?

REP. ONG. They are not sufficient.

REP. VILLANUEVA. I asked that question because I wanted to know how many resident ombudsmen we have in the different agencies. For example, Mme. Speaker, can I ask if we have a resident ombudsman in the DA, the Department of Health (DOH), the DOTC, or the DPWH? I just could not imagine why, if we do have resident ombudsmen, they had not foreseen these anomalous transactions eventually uncovered by the COA.

REP. ONG. There are many reasons why, Mme. Speaker. Mostly, it is because of the non-availability of the correct evidence. Also, there are actually only 12 resident ombudsmen and 500 non-organic employees.

REP. VILLANUEVA. So, we have 12 resident ombudsmen?

REP. ONG. Yes, there are 12 ombudsmen.

REP. VILLANUEVA. Are these 12 ombudsmen scattered in different agencies of the government or just detailed in one particular agency?

REP. ONG. Yes, Mme. Speaker, they are scattered in different agencies.

REP. VILLANUEVA. Scattered?

REP. ONG. Yes, scattered.

REP. VILLANUEVA. So, they are not just detailed in one particular agency of the government?

REP. ONG. Yes, Mme. Speaker.

REP. VILLANUEVA. Perhaps, that is the reason why nauuna pa ho iyong COA at iyong media bago nila makita na may kalokohang nangyayari.

REP. ONG. That is correct, Mme. Speaker, because the 12 resident ombudsmen are scattered in 43 agencies. So, 43 agencies as against 12 ombudsmen lang.

REP. VILLANUEVA. Do we have any plans of increasing our resident ombudsmen?

REP. ONG. Yes, there are.

REP. VILLANUEVA. Is it included in the 2009 proposed budget?

REP. ONG. Yes, but unfortunately, there are no takers, as I have said.

REP. VILLANUEVA. I am sorry, Mme. Speaker. Will the Gentleman please repeat what he said?

REP. ONG. There are no takers.

REP. VILLANUEVA. No takers? We could not find our own resident ombudsmen?

REP. ONG. Right. There are no applicants.

REP. VILLANUEVA. Now, that tells me why they could not perform their duties and responsibilities as the national graft-buster of this nation. Mme. Speaker, I just hope that the leadership of the Office of the Ombudsman does something to increase the number of the resident ombudsmen and allow them to be real front liners in the fight against corruption.

Mme. Speaker, in the 2008 GAA, there was this amount—P83,680,000—appropriated for the conduct of fact-finding investigations and intelligence activities to ascertain the truth, authenticity of raw information, data alleged in anonymous or fictitious complaints or other sources. I want to know if a similar appropriation is still there in the 2009 budget, and if there is, how much is it?

REP. ONG. They have proposed that budget for investigative purposes, particularly, for lifestyle checks. However, the proposed budget for that was not approved by the DBM. Unfortunately, even the proposed budget that would have allowed the agency to increase the items for resident ombudsmen was disapproved by the DBM.

REP. VILLANUEVA. That shows, Mme. Speaker, how much importance we give our national graft-buster. Anyway, Mme. Speaker, do we have this item right now in the proposed budget?

REP. ONG. Yes, Mme. Speaker.

REP. VILLANUEVA. And it increased? Is it correct that it increased from P83,680,000 to P93,959,000?

REP. ONG. That is correct, Mme. Speaker.

REP. VILLANUEVA. Mme. Speaker, may I ask the distinguished Sponsor how much of the 2008 appropriation for this particular item has been used so far? Can my distinguished colleague provide me with, more or less, an estimate, Mme. Speaker?

REP. ONG. The reason they requested for an increase of P10 million, apparently, Mme. Speaker, is because the entire appropriation for 2008 has been consumed.

REP. VILLANUEVA. Meaning to say, Mme. Speaker, at this point in time, *ubos na po*?

REP. ONG. Yes, there is a continuing budget for that.

REP. VILLANUEVA. Mme. Speaker, the question I was harping on is: How much of these funds—the P83,680,000 in the General Appropriations Act of 2008—was used? Is the Gentleman telling me that *ubos na po itong pondo na ito* for 2008?

REP. ONG. That is correct because they would not have requested the additional 10 million if there was any left. Maybe, a meager amount is left just for the end of this year.

REP. VILLANUEVA. All right. Mme. Speaker, may I ask how many anonymous complaints, for instance, have been received by the Office of the Ombudsman?

REP. ONG. Several thousands.

REP. VILLANUEVA. Let us be more specific. For 2007, how many anonymous complaints did we receive?

REP. ONG. Roughly, more than 3,000.

REP. VILLANUEVA. There were 3,000 anonymous complaints for 2007. What about for 2008? Can my distinguished colleague give me a rough estimate, Mme. Speaker?

REP. ONG. There were thousands of complaints for that year also.

REP. VILLANUEVA. Thousands? May I ask how many of these were acted upon? Because Mme. Speaker, as the distinguished Sponsor said, they lack funds, they lack human resource. How many were acted upon? I am sure not all were acted upon.

REP. ONG. Based on their statistics, in the year 2005, the number of complaints filed was 2,771, and the number of complaints acted upon was around 700. That means less than half was acted upon.

REP. VILLANUEVA. Seven hundred, all right.

REP. ONG. In the year 2006, the number of cases filed was 2,468—including the anonymous complaints—yet only 720 were acted upon. In other words, the average is less than half.

REP. VILLANUEVA. All right, Mme. Speaker. Let us just talk about anonymous complaints. What are the steps taken by the Office of the Ombudsman upon receipt, for example, of an anonymous complaint? How do we determine that this anonymous complaint should be given importance or looked into by the Office of the Ombudsman?

REP. ONG. Mme. Speaker, I suppose it is then endorsed to the investigators.

REP. VILLANUEVA. That is the process?

REP. ONG. Yes, that is the process.

REP. VILLANUEVA. They just endorse it to the investigators?

REP. ONG. That is right.

REP. VILLANUEVA. And it is up to the investigators if they would act on it. Is that correct, Mme. Speaker?

REP. ONG. Correct. If the investigator found *prima facie* evidence, then maybe that is the time when they would file the case.

REP. VILLANUEVA. How fast should we expect them to act, Mme. Speaker, on anonymous complaints filed in the Office of the Ombudsman?

REP. ONG. When it comes to anonymous complaints, they act on it faster because of the memorandum issued by the Mme. Ombudsman stating that cases like that should be acted on speedily.

REP. VILLANUEVA. Speedily—I will not ask anymore how we define “speedily,” but may I just ask the distinguished Sponsor the difference between fact-finding and preliminary investigation. In the perspective of the Office of the Ombudsman, what is the difference between fact-finding and preliminary investigation?

REP. ONG. Mme. Speaker, fact-finding is conducted in order to justify a complaint. It looks into the facts of the complaint filed. A preliminary investigation, on the other hand, is conducted when there is *prima facie* evidence that would justify the filing of the case. I think the Gentleman from Cibac knows this very well.

REP. VILLANUEVA. Yes, Mme. Speaker, the distinguished Majority Leader actually explained that to this Representation a while ago. I just wanted to make sure that they have the same view with regards to the difference between fact-finding and preliminary investigation.

Let me go on, Mme. Speaker, as I want to wind up this interpellation.

There is this amount allocated for the implementation of continuing research and studies to determine the causes of inefficiency, red tape, corruption, mismanagement and fraud in the government and to recommend corrective measures. This is found in the GAA of 2007, 2008, and if the Gentleman

will look at the proposed budget of 2009, he will see that the same item is also found there. But let me ask the distinguished Gentleman sponsoring the budget of the Office of the Ombudsman what the findings of the office are as to the primary causes of inefficiency, red tape, corruption, mismanagement and fraud in the government. Perhaps, the distinguished Gentleman could, at least, give us some inputs on these particular issues. What are the recommended corrective measures of the Office of the Ombudsman for their findings for 2007 and, perhaps, for 2008?

REP. ONG. Mme. Speaker, the view of this Representation would, more or less, be the same as the view of the Gentleman from Cibac. Definitely, they would go on trying to further improve the investigation process in order that politically motivated cases—or those which were merely filed to harass certain individuals—can easily be disposed of. They noticed that, around election time, the objective of a number of cases filed is purely political harassment. Some fictitious anonymous complaints are filed in order to give grounds to attacking opposing candidates or prospective candidates.

REP. VILLANUEVA. Mme. Speaker, I really want to ask what happened to this particular item on the budget, and how they are using it. There is a saying that there is always room for improvement. Perhaps, the Gentleman, the good Sponsor, can provide this Representation with the output of these researches and studies, if there are any, by the Office of the Ombudsman.

REP. ONG. Yes, Mme. Speaker. The budget of the Office of the Ombudsman is detailed in their presentation on how much was allocated to personal services; to maintenance and other operating expenses; to the capital outlay; to the land and other improvements on building and structure; for transportation equipment; and other regular appropriations. They are stated there in detail, Mme. Speaker.

REP. VILLANUEVA. Thank you, Mme. Speaker.

I am being pressured by our colleagues here so I will wind up my interpellations. Just to ask sundry matters, Mme. Speaker, in recent consultation with some members of the judiciary, it was brought to the attention of this Representation that the facade of the Court of Tax Appeals (CTA) appears to have been made into a junkyard of old and dilapidated cars of the Office of the Ombudsman. It appears that a portion of the land in front of the CTA building belongs to the Office of the Ombudsman and for some reason, the Office of the Ombudsman has made that particular portion a parking space for its old, dilapidated and condemned vehicles without regard to, according to some friends of ours, the dignity and stature of the CTA. In fact, my own staff has seen this and attests to this fact. May I know if, with the increased capital outlay budget, can it not clear that particular area to preserve the dignity and perhaps, show respect to the CTA as an institution?

REP. ONG. Mme. Speaker, that is really correct. But the owner of the land that the Gentleman from Cibac is referring to, is the Ombudsman. They own the land. It is really theirs. Had the capital outlay not been reduced by the DBM, maybe

the suggestion of the Congressman from Cibac would be followed, kaso, it was reduced.

REP. VILLANUEVA. I can see the leadership of the Ombudsman. May I know if they would do something about this?

REP. ONG. They will. They assured me a while ago that they will.

REP. VILLANUEVA. Thank you, Mme. Speaker.

REP. ONG. The observation of the Gentleman will be noted.

REP. VILLANUEVA. Thank you, Mme. Speaker.

Even before this Representation became a Member of this House and the Citizens' Battle Against Corruption Party-List became active, I have actively worked to fight corruption, Mme. Speaker, distinguished colleagues, in an effort to address the problem of graft and corruption. I hope the distinguished Sponsor would agree that it is important for all of us to ensure that our national graft-buster delivers, that our national graft-buster does its job in addressing and fighting the evils of corruption.

In every budget hearing since 2002—hindi po kasi ako na-proclaim on time, kaya 2002 pa po ako nakaupo—I have stood and called for giving the Office of the Ombudsman the maximum amount of resources that, within reason, it needs and can handle.

This Representation has openly proclaimed that despite my criticisms of the agency, this Representation has always considered it as a key institution that would pave the way for a better government and a more effective governance system to serve our people.

For my last point, I would like to state that this Representation received information that the Office of the Ombudsman has spearheaded the creation of a Multisectoral Anticorruption Council, which this Representation approves of. This will be composed of representatives from the different branches of the government, anticorruption agencies, the academe, the private sector and civil society.

I was just informed that the House of Representatives was invited to send representatives to the said council and the pre-summit meeting would be held next week already, if I remember correctly.

May I know, Mme. Speaker, who would represent the House? And I want to know also if both the minority and the majority will be represented here.

REP. ONG. Mme. Speaker, if I may suggest, my good friend, the Hon. Joel Villanueva, could very well represent the House.

REP. VILLANUEVA. I hope and pray that I will not be the only representative of this House to that meeting. That is why I am asking, Mme. Speaker, if we already have a representative now because the meeting is slated for next week.

REP. ONG. I think they would be honored if the House would send a representative, particularly our very active

Representative from Cibac, the honorable Congressman Joel Villanueva. The Gentleman could attend their meetings.

REP. VILLANUEVA. I can apply, Mme. Speaker.

REP. ONG. Maybe, this would allow the Gentleman to really substantiate his concern.

REP. VILLANUEVA. Thank you, Mme. Speaker.

REP. ONG. Maybe, a part of the Gentleman's Countrywide Development Fund (CDF) can contribute also to the said council.

REP. VILLANUEVA. If the distinguished Sponsor of the budget of the Ombudsman would move for every Member of this House to donate, then I would support his motion, Mme. Speaker.

REP. ONG. Mme. Speaker, I share the sentiments of the good Congressman.

REP. VILLANUEVA. Mme. Speaker, I just want to manifest that since this Representation became a Member of the House, I have never missed the opportunity to raise questions and issues on the budget and the performance of the Office of the Ombudsman. I just have to make it clear though that the questions I raise are results of deep scrutiny and an in-depth study of the proposed budgets and performance of the institution throughout the years. I criticize and raise issues against the institution not out of spite, but out of this Representation's desire to see the Office of the Ombudsman live up to its mandate and potential. I know that the Office of the Ombudsman is manned by professional and service-oriented civil servants—lawyers and non-lawyers alike. That is why this Representation's expectation of the institution is so high. And that is the main reason I always push for greater allocation for the institution and a greater sense of accountability from the Ombudsman in recognition of the great mandate it was given.

Mme. Speaker, there being no member from the minority bloc who wishes to interpellate and raise questions on the budget of the Office of the Ombudsman, I, therefore, move that we terminate the deliberations and debate on the budget of the Office of the Ombudsman.

I so move, Mme. Speaker. *(Applause)*

REP. GONZALES (N.). Mme. Speaker, the majority joins the minority in its motion.

I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Villarosa). Is there any objection? *(Silence)* The Chair hears none; the period of interpellation and debate for the budget of the Office of the Ombudsman is hereby terminated.

REP. ONG. Mme. Speaker, thank you very much. I also thank the Gentleman from Cibac for that constructive criticism.

SUSPENSION OF SESSION

REP. GONZALES (N.). May I ask for a few minutes suspension of the session.

THE DEPUTY SPEAKER (Rep. Villarosa). The session is suspended.

It was 10:57 p.m.

RESUMPTION OF SESSION

At 11:06 p.m., the session was resumed.

THE DEPUTY SPEAKER (Rep. Villarosa). The session is resumed.

The Dep. Majority Leader is recognized.

REP. ANGARA. Mme. Speaker, I move that we resume the consideration of the budget of the DAR and that we recognize the Gentleman from Muntinlupa, the Hon. Biazon, to sponsor the budget of the department.

THE DEPUTY SPEAKER (Rep. Villarosa). Is there any objection? *(Silence)* The Chair hears none; the Hon. Biazon is recognized for the interpellation.

REP. BIAZON. Thank you, Mme. Speaker.

This Representation is now ready to answer questions.

REP. ANGARA. Mme. Speaker, I move that we recognize the Lady from South Cotabato, the Hon. Antonino-Custodio, for her interpellation.

THE DEPUTY SPEAKER (Rep. Villarosa). The Dep. Minority Leader Antonino-Custodio is recognized for her interpellation.

REP. ANTONINO-CUSTODIO. Mme. Speaker, I understand that the DAR does not have a copy of the Sectoral Performance Audit Report that was given by the COA. Is this correct, Mme. Speaker?

REP. BIAZON. Yes, Mme. Speaker, the DAR has not yet been given a copy of the said report. That is why the department would have to refrain from commenting on the earlier issues raised by distinguished Lady, until they receive a copy of the report.

REP. ANTONINO-CUSTODIO. Mme. Speaker, this was actually transmitted to the Office of the Secretary—to the Secretary himself—on October 13, 2006 by the COA. The DAR has a copy of the report because the transmittal letter was signed by Assistant Commissioner Cuenco.

REP. BIAZON. May I be refreshed again, distinguished colleague? The distinguished Lady is referring to a report for the year 2006?

REP. ANTONINO-CUSTODIO. Yes, Mme. Speaker. October 13, 2006 was the transmittal date.

REP. BIAZON. Yes. The DAR officials told me that what they understood when the question was raised was that the year in question was the year 2007.

REP. ANTONINO-CUSTODIO. There is only one Sectoral Performance Audit Report that was given out by the COA, and it was distributed in 2006. The title of the study was, "The Utilization of the Forfeited Swiss Deposits for the Implementation of the CARP."

I do hope that the department pays attention to the report because, as I mentioned, this study actually enumerates some of the wastage of funds that I think should not be done anymore. And that was also the recommendation of the COA.

In the department's response, they actually said that they will try to adjust the performance of some of their duties in order to lessen the expenses that the office incurs.

Mme. Speaker, the reason why, I think, my numbers were not correct was because I was of the impression that, because there were no more funds from the agricultural modernization fund, wala na ring MOOE ang DAR that would be charged, pero mayroon po pala. And so, the total amount allocated for DAR's travel expenses is P650 million, and the allocation for communications is the same, or actually, a little higher at P652 million.

REP. BIAZON. Yes, under the total budget for 2009 for communications, the budget indicated is P653,215,000.

REP. ANTONINO-CUSTODIO. The budget is P653 million?

REP. BIAZON. Yes.

REP. ANTONINO-CUSTODIO. I will not do the math but that is almost P2 million a day for communications and another P2 million a day for traveling. Mme. Speaker, I cannot really fathom how one department can spend P2 million in one day for travel and P2 million in one day for communications, but I will not belabor the point.

The point I am trying to make actually, Mme. Speaker, is that Congress will put an oversight group within the Committee on Appropriations to check whether the amendments made by Congress are being followed by the national government. I hope that when we create this oversight committee, its function will not only be to check whether there are disbursements for the amendments that Congress has made, but more importantly, to check how these departments are spending the money that has been allocated to them.

I hope that the honorable Sponsor will support moves towards checking how we are spending the money.

REP. BIAZON. This Representation has always been a believer in the function of Congress with regard to oversight. Even our Speaker of the House, during his address after the opening of the Second Regular Session, reiterated the role of the House of Representatives with regard to oversight functions.

So indeed, this Representation supports that idea of the creation of a committee on oversight in the House of Representatives to look into how government funds are being spent.

REP. ANTONINO-CUSTODIO. Mme. Speaker, may I ask from the department if they could provide this Representation with a copy of the breakdown of all of these funds and how they are planning to spend them? I am especially interested in how they are planning to spend the MOOE that has been allocated to them.

REP. BIAZON. They do have a breakdown of the funds. According to the information also provided by the department, these funds would be used to perform the agency's mandate to implement, supervise and manage the overall implementation of CARP throughout the country, at all levels, and through its 16 regional offices, 88 provincial offices and 4,104 municipal offices.

REP. ANTONINO-CUSTODIO. Yes, I understand how large the bureaucracy supposedly is. But we have to understand, Mme. Speaker, the budget for some of these MOOEs is actually larger than the budget of the same kind of expense for a department that is even bigger than them, like for example, the DA. Again, Mme. Speaker, I will not belabor the point, so that is the reason I am asking for a breakdown as well as an expense report—with their breakdown also—of how they spent all these funds. If possible, I would like to request that this be submitted in a week's time so we can look into this when we meet for committee amendments.

REP. BIAZON. Yes, the DAR is committing to provide the distinguished Lady the information that she requested. The department will endeavor to provide the information even before the end of the seven-day allocation that the distinguished Lady gave for them to comply.

REP. ANTONINO-CUSTODIO. Thank you very much, Mme. Speaker.

Balikan natin iyong sectoral performance audit report kasi, Mme. Speaker, napakaraming promisa na inilagay dito ng department regarding mga pondong medyo hindi po natin alam kung saan napunta. According to the DAR records, P20 million was supposedly transferred from the DAR funds to the Office of the President, and then supposedly, to the DND. Yet, the COA could not trace where this P20 million actually went. There are other amounts of money actually specified in the report that still could not be traced.

Mme. Speaker, the DAR actually responded to some of these COA findings. They wrote letters to agencies and offices with unsettled accounts, however, I do not know whether anything resulted from issuing these letters to the different departments.

REP. BIAZON. With the Lady's statement that the DAR actually had a response to that report by the COA, this Representation is one with the distinguished Lady in wanting to see that report and the response of the DAR. They are committing to the distinguished Lady and to this House that they will look into their records and provide an appropriate response to the questions of my distinguished colleague.

REP. ANTONINO-CUSTODIO. Thank you, Mme. Speaker.

I am just quite shocked that ang P20 million po ay mawawala na lang na parang bula. Dahil according to the

audit team leaders of both the OP and the NDCC, wala pong such transfer to their books. So in other words, the P20 million was transferred from the DAR to thin air.

At this juncture, the Deputy Speaker relinquished the Chair to Rep. Del R. De Guzman.

REP. BIAZON. Indeed, answers to the Lady's questions are required of the department, and they will commit to provide that answer.

REP. ANTONINO-CUSTODIO. Thank you very much, Mr. Speaker.

Again, as I said, kung iisa-isahin ko po ito, siguro aabot po tayo ng bukas. So hindi ko na po ito iisa-isahin, but I do hope that the Committee on Appropriations actually commits to look at all of these in order for us to look at where the agencies are spending the money and whether they are spending it wisely. After all, Mr. Speaker, it is Congress that is allocating these funds.

REP. BIAZON. Perhaps, the entire House, and not just the Committee on Appropriations, should be concerned with regard to this matter.

REP. ANGARA. Mr. Speaker, I move that we recognize the Gentleman from Cibac Party-List, the Hon. Villanueva, for his interpellation.

THE PRESIDING OFFICER (Rep. De Guzman). The Hon. Villanueva is recognized.

REP. VILLANUEVA. Thank you, Mr. Speaker.

May I know if the distinguished Gentleman from Muntinlupa sponsoring the budget of the DAR would yield to a few questions. I promise to ask a few questions only, Mr. Speaker.

REP. BIAZON. Very willingly, Mr. Speaker, especially to the Gentleman who has been very active in the deliberations on the floor.

REP. VILLANUEVA. Mr. Speaker, the budget for the DAR for 2009 is quite surprising to a lot of us. From P1.7 billion allocated in 2008, the proposed budget exponentially grew to P10,684,929,000; that is a whopping 606-percent increase.

It further appears that the biggest budget item which accounts for the extraordinarily exponential increase is the item for the requirements of the CARP. This loan item is proposed to be funded P8,847,554,000. This is the first time, Mr. Speaker, that such an item was included in the budget of the DAR. Such item did not appear on the 2008 or on the 2007 budget.

In the special provision included in the proposed budget, Mr. Speaker, the amount is to be divided among four agencies: the DAR, the DENR, the DOJ, the Land Registration Authority (LRA), the DOF and the LBP. May I know, Mr. Speaker, what accounts for this extraordinary and exponential increase?

REP. BIAZON. The distinguished Gentleman was referring to the 2008 budget of the DAR-Office of the

Secretary (Osec) amounting to P1.895 billion, which is now at P10.987 billion. The increase reflected is due to the transfer of appropriation for 2009 from what used to be the ARF into the Osec. In 2008, the items in the budget were separate. There was an appropriation for DAR Osec, and there was an appropriation for the ARF, which was at P8.919 billion, thus giving a total amount for 2008 of P12.518 billion.

So in 2009, since there is no ARF entry anymore, the money was incorporated into the DAR Osec item, therefore bringing the total amount for agrarian reform to P16.147 billion. So in effect, the increase for the total budget for agrarian reform as a program is just 29 percent. From the total budget in 2008 of P12.519 billion, it increased to the present proposal for 2009 of P16.147 billion, an increase of P3.26 billion.

REP. VILLANUEVA. But this item for the requirements of the CARP is practically new to all of us. May I ask the distinguished Sponsor if this said item is intended to be a lump-sum fund? I ask this question because, Mr. Speaker, I think it is the right of every Member of this august Chamber to know if their constituents would benefit from this particular funding. How much of this particular item would be allotted to our districts and for Party-list Representatives? We need to know, Mr. Speaker, because for me, this item is so large yet, it was given such a generic label. That is why this fund is suspicious; it is as if somebody or a department is hiding something.

REP. BIAZON. At first glance, it might look like a lump-sum figure, but upon further analysis of the proposed budget under the proposed GAB, the General Appropriations Bill, the targeted expenditure for this fund is linked to the target of the DAR to distribute around 130,000 hectares of land. So, there is a specific target that is going to be met, and this would provide for the parameters on how to spend this money. When we look at it again in further analysis, it turns out that it is not exactly a lump-sum fund in the sense that there is a specific number of hectareage that is being targeted for acquisition.

REP. VILLANUEVA. Thank you very much, Mr. Speaker.

I really think that it is important that the department be made accountable for this particular budget that we are giving them.

For my last issue, Mr. Speaker, I want to ask about this unimplemented Mindanao Sustainable and Settlement Area Development (MINSSAD) Project. It was mentioned in the 2007 COA report. This Representation and my good friend from Anak Mindanao Party-List are very interested about this particular issue. The Mindanao Sustainable and Settlement Area Development Project or MINSSAD is a multimillion, foreign-assisted development project. In particular, it is a project of the country in cooperation with Japan. The project provides basic social services, agriculture, agri-business, infrastructure, and environmental enhancement agro-forest development for the agrarian reform communities. The DAR is the implementing agency of the said projects funded by M-I-N-S-S-A-D or MINSSAD.

Mr. Speaker, at the end of 2007, the COA reported that despite the availability of P248 million from the MINSSAD

fund, 91 subprojects were still either unimplemented or hanging in long delays. For 2009, it is reported that the DAR is again proposing an allocation of P272 million for the second phase of MINSSAD projects.

Mr. Speaker, this issue demands serious scrutiny since the program involves multimillion-peso projects, and much more so because its intention is to alleviate poverty and institute agrarian reform in the provinces of Mindanao.

May I be given, Mr. Speaker, reasons which caused such failure of implementation or long project delays.

REP. BIAZON. There are explanations given by the department regarding the MINSSAD project report by the COA. For example, in the case of Dinagat Islands, if the sea is rough, the deliveries of inputs are delayed. Hence, the construction or rehabilitation of the subprojects was likewise delayed. That is one example. In another case, the absence of deeds of donation by the landowner caused project delays. Two PHF subcontractors in Tubahon were cancelled due to the absence of the deed of donation. Others had right-of-way problems, such as the case of Bukidnon and Catiil. There were also cases of changed orders and revisions of the program. In summary, there are various explanations depending on the different particular conditions in the different localities where the MINSSAD projects are targeted to be implemented.

REP. VILLANUEVA. Thank you very much, Mr. Speaker.

I was about to ask about projects being funded by MINSSAD fund, but because of the lateness of the hour, I would just ask if the distinguished Sponsor of the budget of the DAR would, at least, give this Representation and Members of the House of Representatives from Mindanao information on these projects and the present status of projects mentioned in the COA report.

REP. BIAZON. Yes, the DAR is committing to provide the distinguished Gentleman and the other Members of Congress their comments on the observation of the COA on the MINSSAD projects.

REP. VILLANUEVA. Thank you very much, Mr. Speaker.

This Representation would appreciate that particular document and, I think, some Members of the House coming from Mindanao would appreciate it too.

Thank you so much, Mr. Speaker.

Mr. Speaker, there being no other Member from the minority who would wish to continue asking questions on the budget of the DAR, I move that we terminate the period of interpellation and debate on the budget of the said department.

THE PRESIDING OFFICER (Rep. De Guzman). The Dep. Majority Leader is recognized.

REP. ANGARA. There being no other member of the majority in the session hall who expressed his desire to interpellate, the majority joins the minority in its motion to terminate the period of interpellation and debate on the budget of the DAR. *(Applause)*

THE PRESIDING OFFICER (Rep. De Guzman). Is there any objection? *(Silence)* The Chair hears none; the motion to jointly terminate the period of debate and interpellation on the budget of the DAR is hereby approved.

REP. BIAZON. Thank you, distinguished colleagues.

SUSPENSION OF SESSION

REP. ANGARA. Mr. Speaker, may I move for a one-minute suspension of the session.

THE PRESIDING OFFICER (Rep. De Guzman). The session is suspended for one minute.

It was 11:32 p.m.

RESUMPTION OF SESSION

At 11:33 p.m., the session was resumed.

THE PRESIDING OFFICER (Rep. De Guzman). The session is resumed.

SUSPENSION OF CONSIDERATION OF H.B. NO. 5116

REP. GONZALES (N.). Mr. Speaker, I move that we suspend in the meantime the consideration of House Bill No. 5116.

THE PRESIDING OFFICER (Rep. De Guzman). Is there any objection? *(Silence)* The Chair hears none; the motion is hereby approved.

REP. GONZALES (N.). Mr. Speaker, I move that we proceed to the Additional Reference of Business.

THE DEPUTY SPEAKER (Rep. Datumanong). Is there any objection? *(Silence)* The Chair hears none; the motion is approved.

ADDITIONAL REFERENCE OF BUSINESS

The Secretary General read the following Committee Reports, and the Deputy Speaker made the corresponding references:

COMMITTEE REPORTS

Report by the Committees on Economic Affairs, Trade and Industry, Appropriations, and Ways and Means (Committee Report No. 1433), re H.B. No. 5344, entitled:

“AN ACT CONVERTING THE BATAAN ECONOMIC ZONE LOCATED IN THE MUNICIPALITY OF MARIVELES, PROVINCE OF BATAAN, INTO THE BATAAN SPECIAL ECONOMIC ZONE AND FREEPORT, CREATING FOR THIS PURPOSE THE BATAAN SPECIAL ECONOMIC ZONE AND FREEPORT AUTHORITY, APPROPRIATING FUNDS THEREFOR AND

FOR OTHER PURPOSES”

recommending its approval in substitution of House Bill No. 1425.

Sponsors: Representatives Durano and Garcia (A.)
TO THE COMMITTEE ON RULES

Report by the Committees on Economic Affairs, Trade and Industry, Appropriations, and Ways and Means (Committee Report No. 1434), re H.B. No. 5345, entitled:

“AN ACT ESTABLISHING A SPECIAL ECONOMIC ZONE AND FREE PORT IN THE ISLAND GARDEN CITY OF SAMAL, PROVINCE OF DAVAO DEL NORTE, CREATING FOR THIS PURPOSE THE SAMAL ISLAND SPECIAL ECONOMIC ZONE AND FREE PORT AUTHORITY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES”

recommending its approval in substitution of House Bill No. 1486.

Sponsors: Representatives Durano and Lagdameo
TO THE COMMITTEE ON RULES

Report by the Committee on Revision of Laws (Committee Report No. 1435), re H.B. No. 206, entitled:

“AN ACT DECLARING SEPTEMBER 29 OF EVERY YEAR AS A SPECIAL NONWORKING PUBLIC HOLIDAY IN THE MUNICIPALITY OF BALILIHAN, PROVINCE OF BOHOL”

recommending its approval without amendment.

Sponsors: Representatives Gonzalez and Chatto
TO THE COMMITTEE ON RULES

Report by the Committee on Revision of Laws (Committee Report No. 1436), re H.B. No. 2641, entitled:

“AN ACT DECLARING JANUARY 23 OF EVERY YEAR A NATIONAL WORKING HOLIDAY IN THE ENTIRE COUNTRY TO COMMEMORATE THE DECLARATION OF THE FIRST PHILIPPINE REPUBLIC”

recommending its approval without amendment.

Sponsors: Representatives Gonzalez and Sy-Alvarado
TO THE COMMITTEE ON RULES

Report by the Committee on Public Works and Highways (Committee Report No. 1437), re H.B. No. 5347, entitled:

“AN ACT TO HONOR AND PERPETUATE THE MEMORY OF THE LATE SPEAKER JOSE B. LAUREL JR. BY NAMING A STRETCH OF THE NATIONAL HIGHWAY CONNECTING THE MUNICIPALITIES OF TALISAY, LAUREL AND AGONCILLO IN THE PROVINCE OF BATANGAS AS THE SPEAKER JOSE B. LAUREL JR. HIGHWAY”

recommending its approval in substitution of House Bill No. 4780

Sponsors: Representatives Mercado, Nograles and Briones

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report

No. 1438), re H.B. No. 5349, entitled:

“AN ACT CONVERTING THE BUENAVISTA HIGH SCHOOL IN BARANGAY BUENAVISTA, MUNICIPALITY OF PRESENTACION, PROVINCE OF CAMARINES SUR INTO A NATIONAL HIGH SCHOOL TO BE KNOWN AS BUENAVISTA NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 530.

Sponsors: Representatives De Guzman, Lagman and Fuentebella

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1439), re H.B. No. 5350, entitled:

“AN ACT CONVERTING THE CALAITAN BARANGAY HIGH SCHOOL IN BARANGAY CALAITAN, MUNICIPALITY OF BAYUGAN, PROVINCE OF AGUSAN DEL SUR INTO A NATIONAL HIGH SCHOOL TO BE KNOWN AS CALAITAN NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution House Bill No. 559.

Sponsors: Representatives De Guzman, Lagman and Plaza

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1440), re H.B. No. 5351, entitled:

“AN ACT SEPARATING THE INAWAYAN NATIONAL HIGH SCHOOL–SIBULAN ANNEX IN BARANGAY SIBULAN, MUNICIPALITY OF STA. CRUZ, PROVINCE OF DAVAO DEL SUR FROM THE INAWAYAN NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS SIBULAN NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 1774.

Sponsors: Representatives De Guzman, Lagman and Cagas

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1441), re H.B. No. 5352, entitled:

“AN ACT SEPARATING THE AGUSAN NATIONAL HIGH SCHOOL–PUERTO ANNEX IN BARANGAY PUERTO, CITY OF CAGAYAN DE ORO, PROVINCE OF MISAMIS ORIENTAL FROM THE AGUSAN NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS PUERTO NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 2134.

Sponsors: Representatives De Guzman, Lagman and Rodriguez

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1442), re H.B. No. 5353, entitled:

“AN ACT SEPARATING THE AGUSAN NATIONAL HIGH SCHOOL–BUGO ANNEX IN BARANGAY BUGO, CITY OF CAGAYAN DE ORO, PROVINCE OF MISAMIS ORIENTAL FROM THE AGUSAN NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS BUGO NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 2135.

Sponsors: Representatives De Guzman, Lagman and Rodriguez

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1443), re H.B. No. 5354, entitled:

“AN ACT CONVERTING THE BOTOLAN COMMUNITY HIGH SCHOOL IN THE MUNICIPALITY OF BOTOLAN, PROVINCE OF ZAMBALES INTO A NATIONAL HIGH SCHOOL TO BE KNOWN AS BOTOLAN NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 2228.

Sponsors: Representatives De Guzman, Lagman and Diaz

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1444), re H.B. No. 5355, entitled:

“AN ACT ESTABLISHING A NATIONAL HIGH SCHOOL IN BARANGAY SALOY, CALINAN DISTRICT, CITY OF DAVAO TO BE KNOWN AS SALOY NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 3523.

Sponsors: Representatives De Guzman, Lagman and Ungab

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1445), re H.B. No. 5356, entitled:

“AN ACT ESTABLISHING A NATIONAL HIGH SCHOOL IN BARANGAY BARACATAN, TORIL DISTRICT, CITY OF DAVAO TO BE KNOWN AS BARACATAN NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 3524

Sponsors: Representatives De Guzman, Lagman and Ungab

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1446), re H.B. No. 5357, entitled:

“AN ACT ESTABLISHING A NATIONAL SCIENCE AND TECHNOLOGY HIGH SCHOOL IN THE CITY OF CALOOCAN TO BE KNOWN AS CALOOCAN NATIONAL SCIENCE AND TECHNOLOGY HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 3587.

Sponsors: Representatives De Guzman, Lagman and Malapitan

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1447), re H.B. No. 5362, entitled:

“AN ACT SEPARATING THE BISLIG CITY NATIONAL HIGH SCHOOL–SAN JOSE ANNEX IN BARANGAY SAN JOSE, CITY OF BISLIG, PROVINCE OF SURIGAO DEL SUR FROM THE BISLIG CITY NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS SAN JOSE NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 3588.

Sponsors: Representatives De Guzman, Lagman and Garay

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1448), re H.B. No. 5363, entitled:

“AN ACT ESTABLISHING A NATIONAL HIGH SCHOOL IN BARANGAY SAN ROQUE, CITY OF MARIKINA TO BE KNOWN AS SAN ROQUE NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 3615.

Sponsors: Representatives De Guzman, Lagman and Teodoro

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1449), re H.B. No. 5364, entitled:

“AN ACT ESTABLISHING A NATIONAL HIGH SCHOOL IN BARANGAY BARANGKA, CITY OF MARIKINA TO BE KNOWN AS BARANGKA NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 3616.

Sponsors: Representatives De Guzman, Lagman and Teodoro

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1450), re H.B. No. 5365, entitled:

“AN ACT SEPARATING THE BISLIG CITY NATIONAL HIGH SCHOOL–MONE ANNEX IN BARANGAY MONE, CITY OF BISLIG, PROVINCE OF SURIGAO DEL SUR FROM THE BISLIG CITY NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS MONE NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 3622.

Sponsors: Representatives De Guzman, Lagman and Garay

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1451), re H.B. No. 5366, entitled:

“AN ACT SEPARATING THE ABRA HIGH SCHOOL–MUDENG ANNEX IN BARANGAY MUDENG, MUNICIPALITY OF LA PAZ, PROVINCE OF ABRA FROM THE ABRA HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS MARC YSRAEL B. BERNOS MEMORIAL NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 3638.

Sponsors: Representatives De Guzman, Lagman and Seares-Luna

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 1452), re H.B. No. 5367, entitled:

“AN ACT INSTITUTIONALIZING THE PRESCHOOL EDUCATION INTO THE BASIC EDUCATION SYSTEM AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bills No. 111, 449, 496, 614, 714, 1867, 2156, 2275, 2722, 210, 439, 2085 and 3540.

Sponsors: Representatives De Guzman, Lagman, Angara, Del Mar, Domogan, Villafuerte, Teodoro, Apostol, Gonzales (N.), Reyes (C.), Bichara, Chatto, Jaafar, Cajayon, Piamonte, Pancrudo, Rodriguez, Abaya, Alfelor, Angping, Antonino-Custodio, Binay, Bonoan-David, Coscolluela, Cua (J.), Fua, Golez, Gonzalez, Gullas, Hontiveros-Baraquel, Lacson, Mandanas, Matugas, Miraflores, Nicolas, Padilla,

Pingoy, San Luis, Uy (R.), Valencia, Yap, Zamora (M.), Zialcita, Zubiri, Susano, Sy-Alvarado, Abante, Mendoza, Almario and Puentevella

TO THE COMMITTEE ON RULES

ELECTION OF REP. AGGABAO
TO THE COMMITTEE OF REVISION OF LAWS

REP. GONZALES (N.). Mr. Speaker, I move that we elect as number one member of the Committee on Revision of Laws, vice Dep. Speaker Garcia, the honorable Representative Aggabao.

THE PRESIDING OFFICER (Rep. De Guzman). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Hon. Aggabao is hereby nominated and elected as number one member of the Committee on Revision of Laws.

SUSPENSION OF SESSION

REP. GONZALES (N.). May I ask for a suspension of the session.

THE PRESIDING OFFICER (Rep. De Guzman). The session is suspended.

It was 11:35 p.m.

RESUMPTION OF SESSION

At 11:37 p.m., the session was resumed.

THE PRESIDING OFFICER (Rep. De Guzman). The session is resumed.

The Sr. Dep. Majority Leader is recognized.

CONSIDERATION OF H.B. NO. 3012
ON SECOND READING

PERIOD OF SPONSORSHIP AND DEBATE

REP. GONZALES (N.). Mr. Speaker, I move that we consider House Bill No. 3012, embodied in Committee Report No. 1392, as reported by the Committee on National Cultural Communities.

THE PRESIDING OFFICER (Rep. De Guzman). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. GONZALES (N.). Mr. Speaker, since copies of the measure have been previously distributed, I move that we dispense with the reading of its text.

THE PRESIDING OFFICER (Rep. De Guzman). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

Consideration of House Bill No. 3012 is now in order. With the permission of the Body, the Secretary General will read only the title of the measure without prejudice to inserting in the Record the text thereof.*

* See MEASURES CONSIDERED (printed separately)

THE SECRETARY GENERAL. House Bill No. 3012, entitled: AN ACT PROHIBITING DISCRIMINATION AGAINST PERSONS ON ACCOUNT OF ETHNIC ORIGIN AND/OR RELIGIOUS BELIEF.

REP. GONZALES (N.). Mr. Speaker, I move that the Explanatory Note be considered as the sponsorship speech on the measure.

THE PRESIDING OFFICER (Rep. De Guzman). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. GONZALES (N.). Mr. Speaker, there being no Member who wishes to speak against the measure, I move that we close the period of sponsorship and debate.

THE PRESIDING OFFICER (Rep. De Guzman). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

COMMITTEE AMENDMENTS

REP. GONZALES (N.). Mr. Speaker, I move that we approve the following committee amendments as found in Committee Report No. 1392:

1. On Section 10, page 6, lines 6 and 7, delete the phrase "Office on Muslim Affairs and the National Commission on Indigenous Peoples," and in lieu thereof, insert the phrase COMMISSION ON HUMAN RIGHTS (CHR);

2. On the same section and page, line 7, insert the following phrase after the words "duty of the": COMMISSION ON HUMAN RIGHTS (CHR), IN COORDINATION WITH THE;

3. On the same section and page, line 11, delete "OMA" and "NCIP," and in lieu thereof, insert the following acronym: CHR.

Section 10, therefore, as amended shall now read as follows:

"Section 10. Duty of the COMMISSION ON HUMAN RIGHTS (CHR). It shall be the duty of the COMMISSION ON HUMAN RIGHTS (CHR), IN COORDINATION WITH THE Office on Muslim Affairs (OMA) and the National Commission on Indigenous Peoples (NCIP) to prevent or deter the commission of acts of discrimination and to provide the procedures for the resolution, settlement or prosecution of acts of discrimination. Towards this end, the CHR shall x x x"

THE PRESIDING OFFICER (Rep. De Guzman). Is there any objection? (*Silence*) The Chair hears none; the amendments are approved.

REP. GONZALES (N.). There being no individual amendments, I move that we close the period of amendments.

THE PRESIDING OFFICER (Rep. De Guzman). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. GONZALES (N.). I now move that we approve House Bill No. 3012 on Second Reading.

VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Fuentebella). As many as are in favor, please say *aye*.

SEVERAL MEMBERS. *Aye*.

APPROVAL OF H.B. NO. 3012 ON SECOND READING

THE DEPUTY SPEAKER (Rep. Fuentebella). As many as are against, please say *nay*. (*Silence*) The *ayes* have it; House Bill No. 3012, as amended, is hereby approved on Second Reading.

CONSIDERATION OF H.B. NO. 5116 *Continuation*

PERIOD OF SPONSORSHIP AND DEBATE

REP. GONZALES (N.). Mr. Speaker, I now move that we resume the consideration of House Bill No. 5116.

THE PRESIDING OFFICER (Rep. De Guzman). Is there any objection? (*Silence*) The Chair hears none; the motion is hereby approved.

The Secretary General will read the title of the bill.

THE SECRETARY GENERAL. House Bill No. 5116, entitled: AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY ONE TO DECEMBER THIRTY-ONE, TWO THOUSAND NINE, AND FOR OTHER PURPOSES.

REP. GONZALES (N.). Mr. Speaker, I move that we continue the consideration on the budget of the Department of Agriculture (DA), including its attached agencies and corporations. For this purpose, I move that we recognize the Sponsor of the same, the Hon. Jaafar, and likewise, to interpellate the distinguished Sponsor, the Anakpawis Party-List Representative, the Hon. Rafael Mariano.

THE PRESIDING OFFICER (Rep. De Guzman). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The House will now resume the consideration of the budget of the DA.

The Hon. Jaafar is hereby recognized to sponsor the said budget of the agency, and likewise, the Hon. Mariano is recognized to interpellate.

REP. JAAFAR. Mr. Speaker.

THE PRESIDING OFFICER (Rep. De Guzman). Please proceed.

REP. JAAFAR. Mr. Speaker, I have the honor to present to this Chamber, the proposed appropriations for FY 2009.

The total proposed allocation for the department amounts to P39.7 billion, inclusive of the funds for the Agricultural and Fisheries Modernization Program (AFMP) component. Of the total allocation of the budget for the Office of the Secretary amounting to P3,822,163,000, P2,770,935,000 is earmarked for personal services; P925,703,000 for maintenance and operating expenses; and P125,525,000 for capital outlay.

The proposed allocation responds to the needs required to attain food sequentially, particularly rice. This is reflected in the 61-percent increase from the previous year's budget, most of which is allocated for the AFMP. Through these funds, our country may be able to contain the negative impact and uncertainties of the emergent global crisis by increasing farmers' yields and effecting stable rice prices in the local market. Altogether with other component programs and extension services and subsidies on quality planting materials and inputs—including credit facilities for our farmers amounting to P23.5 billion—this would spell abundance in agricultural products that are accessible and affordable to the masses.

All of these programs are critical to the attainment of rice sufficiency for our people and lessen, if not put to a halt, our country's dependency on rice import by 2013. It is the collective sense of this House to help the agricultural sector help themselves and, with the rest of our countrymen, confront with confidence the negative impact of the looming global crisis.

With this note, I now submit the DA's budget, Mr. Speaker, for the scrutiny and consideration of the House.

Thank you, Mr. Speaker.

THE PRESIDING OFFICER (Rep. De Guzman). The Hon. Mariano is recognized. Please proceed.

REP. MARIANO. Maraming salamat po, Mr. Speaker.

Mga ilang katanungan lamang po kaugnay sa proposed budget ng DA for FY 2009, kung inyo pong pauunlakan at mamarapatin.

Just for the record, Mr. Speaker, am I correct na ang proposed budget ng DA for the year 2009, as compared to FY 2008 ay—ang tinutukoy ko ay ang regular DA budget—nag-increase ng 48.9 percent at ang AFMA budget ay nag-increase ng 60.9 percent? Tama po ba itong aking computation?

REP. JAAFAR. Yes, that is correct, Mr. Speaker.

REP. MARIANO. Thank you, Mr. Speaker.

Sa kabuuang panukalang budget po ng DA for FY 2009, just for the record, maaari po bang malaman kung magkano naman ang inaasahan o masasabing estimate na kabuuang nonrevenue collections ng DA for 2009? Maaari po itong sa anyo ng fees, charges, at iba pa. How much is the estimated or projected total nonrevenue collections of the DA for FY 2009?

REP. JAAFAR. For 2009, Mr. Speaker, it is P343,018,000.

REP. MARIANO. The estimated nonrevenue collection is P343 million plus, distinguished Sponsor?

REP. JAAFAR. Yes, for the nonrevenue program.

REP. MARIANO. Thank you, Mr. Speaker.

In particular po, iyong Bureau of Plant Industry (BPI), gaano po kalaki ang projected collections niya ng fees or profit from selling, let us say, seeds or planting materials for 2009? Meron po ba tayong estimate?

REP. JAAFAR. Under the Office of the Secretary, Mr. Speaker, for 2009, it will amount to P157,000,526.

REP. MARIANO. So, P157 million po for 2009. Out of that amount of projected nonrevenue collections for FY 2009 ng BPI, how much ang nare-retain sa BPI? Ito po ba ay 60 percent, 40 percent o 50 percent?

REP. JAAFAR. Actually, it will amount to only around 20 percent, Mr. Speaker.

REP. MARIANO. Ang mare-retain po ay 20 percent lamang? Kasi po sa operations, halimbawa po, doon sa development of the crop sector, ang BPI po ang tasked with seed-quality control service, management of plant pest diseases, and enforcement of commodity and plant quarantine laws, rules and regulations, pesticide residue analysis, at iba pa po. Hindi po kaya mainam na iyong nakokolektang nonrevenue collections ng BPI for 2009 ay ma-retain na lamang sa BPI para mapondohan halimbawa po itong pesticide residue analysis para po ma-upgrade o ma-enhance iyong technical capability natin lalo na sa plant quarantine? Maaari po kaya iyon na mailagay nating special provision dito sa House Bill No. 5116 itong GAB during the period of amendments?

REP. JAAFAR. Pwede ho actually, Mr. Speaker.

REP. MARIANO. Thank you, Mr. Speaker.

REP. JAAFAR. Considering the meritorious suggestion of the honorable Congressman, I think it is possible.

REP. MARIANO. Thank you, Mr. Speaker.

Ganoon din po marahil siguro sa Bureau of Animal Industry (BAI). Meron din po siguro silang inaasahang nonrevenue collections for FY 2009. Magkano po kaya? How much is, more or less, the projected nonrevenue collections ng BAI natin for the year 2009?

REP. JAAFAR. Actually, Mr. Speaker, there is no exact data on the collection, but like in the previous bureau, 20 percent can be retained.

REP. MARIANO. All right. Pwede rin po kayang madagdagan o mataasan iyong porsyento kung hindi man hundred percent ang ma-retain sa BAI ng nonrevenue collections nila for FY 2009? Para naman iyong kanilang mga programa at activities for 2009 ay makatiyak na meron, kung hindi man talagang sapat ay makasasapat-sapat, na pondo, Mr. Speaker.

REP. JAAFAR. That is also possible, Mr. Speaker.

REP. MARIANO. Thank you, Mr. Speaker.

REP. JAAFAR. However, a special provision will have to be incorporated to this effect.

REP. MARIANO. Thank you, Mr. Speaker.

Ganoon na rin po marahil ang isasagot ninyo dahil nai-raise ko na rin po naman ito sa subcommittee meeting kaugnay doon sa fees, charges and other nonrevenue collections of the National Meat Inspection Service (NMIS), pero itatanong ko na rin po kung puwede rin pong iyong kanilang collection ay ma-retain na sa kanila. Lalo na sa gawain ng NMIS, napakahalaga, kung maaari po, na mas malaki sa nare-retain nila—kung hindi man pupuwede na 100 porsiyento ng nonrevenue collections—ang magamit nila for FY 2009. Posible po kaya na magkaroon ng special provision dito sa proposed budget ng DA, partikular doon sa proposed budgetary allocation for the NMIS?

REP. JAAFAR. Yes, Mr. Speaker. In like manner, that can also be done.

REP. MARIANO. Thank you, Mr. Speaker.

Kaugnay po sa Fertilizer and Pesticide Authority (FPA), mayroon po silang proposed budgetary allocation for 2009, parang mga P91 million. Magre-request na lamang po siguro ako ng report from the FPA kung ano na po ang inabot ng gastos kung mayroon mang ginawa na na development programs para sa ating fertilizer and pesticide industries. Ang development of our fertilizer and pesticides industries ay isa sa mga mandate and functions ng FPA. Magre-request na lamang po ako ng report from the FPA. Maaari po kaya iyon?

REP. JAAFAR. We will comply with the Gentleman's request, Mr. Speaker.

REP. MARIANO. All right.

Regarding naman, Mr. Speaker, sa extension ng permit sa paggamit ng Endosulfan ng Dole Philippines at Del Monte, ito po ba ay plano pang i-renew muli ng FPA? Ang alam ko po, iyong ipinagkaloob nilang permiso ay magtatapos na ng December 31, 2008. Magkakaroon pa po ba ng extension muli ng permiso sa paggamit ng Endosulfan ng Dole and Del Monte?

REP. JAAFAR. Yes, it will expire on December 31 of this year, and it will not be renewed anymore.

REP. MARIANO. So, wala na pong magaganap na renewal o another extension?

REP. JAAFAR. Wala na po.

REP. MARIANO. I thank the distinguished Sponsor for that assurance.

Sa National Food Authority (NFA) naman po, magkano po ba, just for the record, ang nakalaang budget ng NFA for the local palay procurement ngayon sa cropping season na ito?

REP. JAAFAR. It is P4 billion, Mr. Speaker.

REP. MARIANO. Ang P4 billion po ba ay uutangin nila through its credit line? Ganoon po ba ang mangyayari? Dahil

ang alam ko po, P2 billion ang allocated for the NFA, through the GAA 2008, for this year.

REP. JAAFAR. It is part of the subsidy, Mr. Speaker.

REP. MARIANO. Part of the subsidy? Kasi po, marami pong natatanggap ang tanggapan ng Kinatawang ito at ng Anakpawis Party-List na ang presyo po ng palay sa ngayon ay nasa P12 hanggang P14 kada isang kilo, eh ang government support price po ay P17. Mayroon pa pong mas mababa pa sa P12. Kung hindi po mararamdaman ang participation ng NFA, hindi po aangat marahil iyong farm gate price natin para sa palay. Ano po ba ang immediate remedial action na maaasahan natin from the NFA?

REP. JAAFAR. Actually, Mr. Speaker, the department pegged the buying at a high rate. The supply is estimated to be around one million metric tons, and the price is at P17 per kilo.

REP. MARIANO. Thank you, Mme. Speaker.

So mga ilang porsiyento po ito ng palay harvest natin? Mga 3 percent po ba o 5 percent ang projected palay harvest natin for this main cropping season?

REP. JAAFAR. Accordingly, Mr. Speaker, it represents only 10 percent of this year's harvest.

REP. MARIANO. Ten percent po?

REP. JAAFAR. Opo, 10 percent po from September to December.

REP. MARIANO. Hopefully po, sa harvest and main cropping season muli sa 2009 ay mapalaki pa ng NFA ang participation nito sa local palay procurement upang hindi tayo masyadong nagdedepende sa importasyon ng bigas. It is a great irony that the International Rice Research Institute is located in the Philippines, there in Los Baños, Laguna, and we also have the Philippine Rice Research Institute and its satellites, pero tayo ang masasabing pinakamalaking rice importer. Sana po ay huwag nang mangyaring mas nagdedepende tayo sa importation, sa halip ay palakasin natin iyong local production po natin. Makakaasa po kaya tayo sa DA at sa NFA?

REP. JAAFAR. That is very possible, Mr. Speaker. In fact, the NFA is providing 1,800 fertilizer incentives for every 50 bags of palay delivered.

REP. MARIANO. Thank you, Mr. Speaker.

Sa Quedancor po naman, ano po ba ang maaari nating formula para sa Quedancor? Kasi po, ang sabi ng mga economic managers ng Arroyo government, ang emerging consensus daw po ay deactivation ng Quedancor. Mayroon na po ba tayong nakitang solusyon kung sakaling ide-deactivate po ang Quedancor, paanong masisingil iyong P8.4 billion na ipinautang nito? At paano pa niya magagampanan iyong mandate niya para sa agricultural credit guaranty programs po niya? Bukod pa po doon, may 1,071 na mga empleyado, kawani ang Quedancor. Baka naman sa halip na pahabain pa natin iyong kamay ng Quedancor, katuwang iyong

Land Bank of the Philippines, siguro dapat pong bumalik sa dating mandate ang Quedancor na credit guaranty sa halip na direct lending. Ano po ba ang maaari nating formula na ma-adopt para pagdating sa period of amendments ay mai-considera po natin ito?

REP. JAAFAR. Mr. Speaker, although the President of the Republic is empowered to deactivate and can direct the reorganization of any department or agency of the department, or the scaling down or phasing out of their activities, as may be necessary, it is the belief of the Chair, that the scaling down mechanism or downsizing of the agency is the appropriate and logical remedy. This is to give protection to those who are protected under our laws. In fact, the Quedancor has already stopped the direct lending effective September 1 and concentrating only on the guaranty aspect.

REP. MARIANO. All right. So, wala pong deactivation kundi, sabi ninyo, downsizing o scaling down kung magkano man po ang hinihingi ng Quedancor for 2009. Ibig po bang sabihin nito, kung hindi man lahat iyon ay malaking bahagi ng hinihingi nilang budget for FY 2009, ganoon po ba?

REP. JAAFAR. Mr. Speaker, as far as the committee is concerned, it is our feeling that the downsizing strategy is the better approach to the problem.

REP. MARIANO. Kasi po, kung idi-deactivate, papaano nga namang masisingil iyong P8.4 billion? Baka iyong nangutang nang malaki doon—kung sinuman iyon—hindi na magbabayad iyon.

REP. JAAFAR. That is very correct, Mr. Speaker.

REP. MARIANO. Hindi po ba? At kung anuman ang pondong maaaring magamit ng Quedancor by going back to its original mandate sa credit guarantee operation and abandoning that direct lending program, baka pwede pang makabawi iyong Quedancor. Hindi tayo mababawasan ng isang korporasyon na naghahatid ng agricultural credits sa ating mga magsasaka, mangingisda, at mga manggagawa sa kanayunan sa pamamagitan ng credit guarantee operations nito. So thank you, Mr. Speaker.

Dalawa na lang po ang tanong ko. Siguro po, nandyan naman iyong honorable Secretary of the DA at iyong ibang mga agencies, lalo na po iyong nangunguna na mga ahensyang ito sa Ginintuang Masaganang Ani Program na naglalayon na ma-attain natin ang rice self-sufficiency by 2010, baka po masagot nila ako. Nagtataka lamang po ako dahil parang there is contradiction. Ang objective is to attain rice self-sufficiency by year 2010, at the same time mayroon namang programa to develop two million hectares of lands for agri-business. Sa two million hectares na idi-develop for agri-business, wala naman dito ang rice. Ang nandidito ay coconut (na medyo high-value crop), sugar at corn. At least iyong corn ay nasama, pero baka hindi pa white corn ito at baka pang livestock o fisheries pa. Two million hectares po ito, so parang ang nagiging thrust ay to develop iyong mga tinatawag na “export winners” sa agriculture production natin. Parang nare-reinforce pa iyong pagiging export-oriented ng ating

agricultural production. Hindi po kaya ganoon ang mangyayari, na sa halip na mas marami tayong mailaan na agricultural lands for food productions, ang thrust ay for global market, Mr. Speaker?

REP. JAAFAR. Mr. Speaker, the department initially set 2007 as the year when rice self-sufficiency will be attained. However, the target was moved to 2013 for several reasons: Areas devoted to rice, particularly in Mindanao, were converted to other crops. There was rice self-sufficiency on the part of the Landbank on the use of high-breed seeds, but due to high cost of seeds, the farmers were not able to afford the required equity. The high cost of fertilizers was also another factor. Climate change and the high population growth rate and expected increase in the per capita income consumption, Mr. Speaker, also contributed to the change. That is the reason the priority is to attain self-sufficiency.

REP. MARIANO. I thank the distinguished Sponsor.

Dahil nga po sa kung hindi natin tatratuhin ang ating agriculture sector as the very foundation ng ating national economy, hindi natin tutulungan iyong ating mga productive forces diyan sa sektor ng agrikultura, lalo na sa rice, corn and crop sector natin. Kung hindi po natin bubuhusan ng kaukulang pondo iyan, at ang pondo namang inilalaan ay hindi nagagamit nang tama sa dapat paggamitan, ay malabo pong maabot natin iyong self-sufficiency level natin.

Kaya nga po, Mr. Speaker, napakahalaga na sa usapin ng polisiya ay talagang dapat ay food self-sufficiency policy rather than food-importation dependency policy ang ipinapatupad.

REP. JAAFAR. That is correct, Mr. Speaker.

REP. MARIANO. Thank you, Mr. Speaker.

Iyon pong mga naging tanong ko doon sa Consolidated Annual Audit Report kaugnay doon sa P4.3 billion na sinasabing even without a request ay nag-release ng SAROs ang DBM, ano po ba talaga ang totoo, mayroon bang request o wala? At kung mayroon po, mayroon po ba kayong nakitang kopya ng request?

REP. JAAFAR. Actually, Mr. Speaker, that is part of the previous year's budget.

REP. MARIANO. Iyong sa 2007, Mr. Speaker?

REP. JAAFAR. Opo, in-advance lang. It does not mean na there is no request made by the department. Mayroon po.

REP. MARIANO. All right. Kasi po, sabi po ng DBM Secretary, mayroong request. Sabi naman ni Secretary Arthur Yap noong subcommittee meeting natin, mayroon ding request. So ngayon, sabi po ninyo, wala naman po palang request.

Iwanan na lang po natin iyang usapin na iyan siguro dahil doon po sa actions taken ng DA, binasa ko po, parang mas maraming tanong ang lumitaw kaysa po nasagot iyong observations at mga tanong ng COA. Siguro po, iwanan na po muna natin iyang isyu na iyan.

Nagkaroon po kami ng talakayan at pag-uusap ng mga opisyal ng NIA tungkol sa pondo sa irrigation repair and maintenance, at tingin ko po may malaking problema talaga. Nagre-rehabilitate tayo at nagme-maintain ng mga irrigation facilities, pero hindi po umaangat iyong areas natin na may irrigation facilities. Siguro po, kailangan pa ang susunod na talakayan po namin ng mga taga-NIA at ng taga-DA. Pwede po sigurong sa ibang araw na iyon, Mr. Speaker, hindi po ba?

REP. JAAFAR. Tama po.

REP. MARIANO. At saka po, pakipaliwanag na rin itong observation number 25 ng COA din sa Consolidated Annual Audit Report nito noong 2007. Kaugnay po ito sa transfer of funds not utilized for its extended purposes amounting to P48.8 million. Ito po ba ay nasagot na ng DA? Nagkaroon na ba ng kaukulang imbestigasyon tulad po ng recommendation ng COA?

Kung wala po namang handang sagot ngayon ang DA, ang Kinatawang ito ay makapaghihintay po na tumanggap ang tanggapan ko po ng comment o sagot ng DA para po tungkol sa isyu na iyon. O magpapaliwanag na po ba ang DA ngayon?

REP. JAAFAR. Hindi naman po. Actually, we will just furnish the Gentleman with a copy, Mr. Speaker.

REP. MARIANO. All right. So for now, Mr. Speaker, iyon na lamang po ang aking mga punto ng interpellation sa proposed budget ng DA for the FY 2009.

Maraming-maraming salamat po at magandang gabi po sa ating lahat.

REP. JAAFAR. Thank you, Mr. Speaker.

THE PRESIDING OFFICER (Rep. De Guzman). The Dep. Majority Leader is recognized.

REP. ANGARA. Mr. Speaker, I move that we recognize the Gentleman from Cagayan de Oro, the Hon. Rodriguez, for a manifestation.

REP. RODRIGUEZ. Mr. Speaker, may I make a manifestation?

THE PRESIDING OFFICER (Rep. De Guzman). The Hon. Rodriguez is recognized.

REP. RODRIGUEZ. At the outset, let me state that, with food security being the most important factor in our lives, I am in support of the budget of the DA and its attached agencies. In the coming months and years, we may have some problems in finances—even in infrastructure—but if we have food, then we will be able to exist and to continue developing as a nation.

I am here to appeal to the honorable Secretary on behalf of the Quedancor employees. I have met the Quedancor staff in Cagayan de Oro, in the regional office where we have about 30 members. We heard that there will be a deactivation of the company, but before we

decide to do so, we must keep in mind that these employees have spent the best years of their lives with Quedancor. Instead of deactivating this particular agency—which generated P47 billion of credit and guarantee benefiting 3.4 million beneficiaries—we should be able to make sure that the sins of the leadership will not be paid for by the rank-and-file employees. Therefore, I appeal to the Secretary to continue supporting Quedancor. I propose that the company be downgraded and no longer be allowed to lend money. Instead, they will just perform the essential nature of their corporation, which is to credit guarantee agricultural projects and loans.

And so with that, Mr. Speaker, I end this interpellation. It is 12:12 in the morning. We want to start a new day for Quedancor.

More power to Secretary Yap and to all the officials of DA. Let us approve their budget, and we will have food security in this country. *(Applause)*

Thank you very much, Mr. Speaker.

THE PRESIDING OFFICER (Rep. De Guzman). May we hear the motion to terminate. The Hon. Escudero is recognized.

REP. ESCUDERO. Mr. Speaker, thank you very much.

No other Member of the minority is raising further questions, so in behalf of the minority, I move that we terminate the period of debate insofar as the budget of the DA is concerned.

THE PRESIDING OFFICER (Rep. De Guzman). What does the Dep. Majority Leader say?

REP. ANGARA. Mr. Speaker, there being no other Member of the majority present in the session hall who wishes to interpellate, we join the motion of the minority.

THE PRESIDING OFFICER (Rep. De Guzman). There is a joint motion to terminate the period of deliberation on the budget of the DA including its attached agencies. Is there any objection? *(Silence)* The Chair hears none; the motion is approved.

REP. ANGARA. Mr. Speaker, I move that we adjourn the session until ten o'clock this morning, October 10, 2008.

THE PRESIDING OFFICER (Rep. De Guzman). Did the Gentleman intend to move for a suspension of the consideration of the bill?

SUSPENSION OF CONSIDERATION OF H.B. 5116

REP. ANGARA. I move that we suspend the consideration of House Bill No. 5116.

THE PRESIDING OFFICER (Rep. De Guzman). Is there any objection? *(Silence)* The Chair hears none; the motion is approved.

REP. VILLANUEVA. Objection to the motion calling for the suspension of the session, Mr. Speaker.

I move that we adjourn the session, Mr. Speaker.

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Rep. De Guzman). The session is suspended for one minute.

It was 12:13 a.m.

RESUMPTION OF SESSION

At 12:14 a.m., the session was resumed.

THE PRESIDING OFFICER (Rep. De Guzman). The session is resumed. The Dep. Majority Leader is recognized.

SUSPENSION OF SESSION

REP. ANGARA. Mr. Speaker, I move that we suspend the session until ten o'clock in the morning of October 10.

THE PRESIDING OFFICER (Rep. De Guzman). There is a motion to suspend the session until ten o'clock this morning. Is there any objection? *(Silence)* The Chair hears none; the motion is approved.

It was 12:14 a.m.
