

RECORD OF THE SENATE

MONDAY, DECEMBER 21, 1998

OPENING OF THE SESSION

At 3:22 p.m., the Senate President, Hon. Marcelo B. Fernan, called the session to order.

The President. The 48th session of the Senate in the First Regular Session of the Eleventh Congress is hereby called to order.

Let us stand for the opening prayer to be led by Sen. Rodolfo G. Biazon.

After the prayer, the Senate Choir will lead us in the singing of the national anthem and thereafter will render a song, entitled *Tapestry of Carols*.

Everybody rose for the prayer.

PRAYER

Senator Biazon.

Makapangyarihang Ama sa langit
Nagpapasalamat kami sa araw na ito
Isang araw na nagbibigay ng pagkakataon
Upang kami ay makapagsilbi sa tao at sa bayan.

Panalangin namin na sa araw na ito at sa mga araw na darating
Bigyan Mo kami ng kaalaman
Biyayaan Mo kami ng kaunawaan
Pagtibayin Mo ang aming karangalan
At higit sa lahat, pairalin Mo ang kapayapaan.

Sa pagkakataong ito, iniaalay namin ang aming mga gawain
Upang pagkalooban Mo ang aming bansa
Ng kapayapaan, katarungan at kaunlaran.

Ang lahat ng ito ay inilalapit namin sa Iyo.

Amen.

NATIONAL ANTHEM

Everybody remained standing for the singing of the national anthem.

ROLL CALL

The President. The Secretary will please call the roll.

The Secretary, reading:

Senator Teresa Aquino-Oreta	Present*
Senator Robert Z. Barbers	Present
Senator Rodolfo G. Biazon	Present
Senator Renato L. Compañero Cayetano ...	Present
Senator Anna Dominique M.L. Coseteng ...	Present
Senator Franklin M. Drilon	Present
Senator Juan Ponce Enrile	Present
Senator Juan M. Flavies	Present
Senator Teofisto T. Guingona Jr.	Present
Senator Gregorio B. Honasan	Present
Senator Robert S. Jaworski	Present
Senator Loren B. Legarda-Leviste	Present
Senator Ramon B. Magsaysay Jr.	Present
Senator Blas F. Ople	Present
Senator John Henry R. Osmeña	**
Senator Sergio R. Osmeña III	Absent
Senator Aquilino Q. Pimentel Jr.	Present
Senator Ramon B. Revilla	Present
Senator Raul S. Roco	Present
Senator Miriam Defensor Santiago	Present
Senator Vicente C. Sotto III	Present
Senator Francisco S. Tatad	Present
The President	Present

The President. With 20 senators present, there is a quorum.

The Majority Leader is recognized.

MANIFESTATION OF SENATOR DRILON (Notice of Absence of Senator Osmeña III for being Sick)

Senator Drilon. Mr. President, for the record, may I manifest that Sen. Sergio Osmeña III has notified our office that he is sick. Therefore, may we request the Secretary to so reflect that on the *Record*.

The President. Let the same be noted on the *Record*.

THE JOURNAL

Senator Drilon. Mr. President, I move that we dispense with the reading of the *Journal* of the previous session and consider it approved.

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

Senator Drilon. Mr. President I move that we proceed to the Reference of Business.

* Arrived after the roll call

** On official mission

The Secretary. Proclamation No. 51, entitled

AUTHORIZING THE GINTONG SAKLAY FOUNDATION, INC. TO CONDUCT A NATIONAL FUND CAMPAIGN FOR A PERIOD OF ONE (1) YEAR

The President. Referred to the Committee on Social Justice, Welfare and Rural Development

The Secretary. Proclamation No. 52, entitled

DECLARING THE PERIOD FROM NOVEMBER 9 TO 15, 1998 AS "CIVIL ENGINEERING WEEK"

The President. To the Archives

ADDITIONAL REFERENCE OF BUSINESS

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The Secretary.

December 14, 1998

The Honorable
MARCELO B. FERNAN
President of the Senate
Financial Center
Pasay City 1308

Mr. President:

I have been directed to inform the Senate that the House of Representatives on December 14, 1998, request a conference to reconcile the disagreeing votes on House Bill No. 4240, entitled

AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY ONE TO DECEMBER THIRTY-ONE, NINETEEN HUNDRED AND NINETY-NINE AND FOR OTHER PURPOSES,

and accordingly has elected Representatives Gilberto M. Duavit, Leandro Verceles Jr., Enrique T. Garcia Jr., Arnulfo P. Fuentebella, Amadeo Perez Jr., Marcial Punzalan Jr., Dante V. Liban, Florencio B. Abad, Erico B. Aumentado, Roilo Golez, Vicente J. Andaya Jr., Lualhati R. Antonino, Jesli A. Lapuz, Julita Lorenzo-Villareal, Emily R. Lopez, Ma. Angela E. Cua, Ma. Victoria Locsin, Alfredo E. Abueg Jr., Eduardo Gullas, Daisy Fuentes, Manuel A. Roxas II, Neptali Gonzales II, Rodolfo

Fariñas, Rodolfo Tuazon, Gilbert Teodoro, Douglas Ra. Cagas, Celso Lobregat, Eleandro Jesus Madrona, Ralph Recto, Feliciano R. Belmonte Jr., Sergio Antonio F. Apostol, Raul M. Gonzalez, Michael T. Defensor, Ignacio R. Bunye, Prospero A. Pichay Jr. and Joker P. Arroyo as its conferees.

Very truly yours,

(Sgd.) **ROBERTO P. NAZARENO**
Secretary General

The President. Referred to the Committee on Rules

The Majority Leader is recognized.

Senator Drilon. Mr. President, Senator Santiago has reserved the Privilege Hour for this afternoon.

BILL ON THIRD READING

S. No. 1330—Imposition of Countervailing Duties

But before that, with the permission of the Chamber, may I move that we vote on Third Reading on Senate Bill No. 1330. Copies of the bill were distributed to the members on December 17, 1998.

The President. Is there any objection? [*Silence*] There being none, voting on Third Reading on Senate Bill No. 1330 is in order.

The Secretary will please read only the title of the bill.

The Secretary. Senate Bill No. 1330, entitled

AN ACT TO PROVIDE THE RULES FOR THE IMPOSITION OF COUNTERVAILING DUTIES ON THE IMPORTATION OF SUBSIDIZED PRODUCTS, COMMODITIES OR ARTICLES OF COMMERCE, AMENDING FOR THE PURPOSE SECTION 302 OF THE TARIFF AND CUSTOMS CODE, AS AMENDED, AND FOR OTHER PURPOSES

The President. We shall now vote on the bill and the Secretary will call the roll.

The Secretary. Senators

Aquino-Oreta	
Barbers	Yes
Biazon	
Cayetano	Yes
Coseteng	Yes

Drilon	Yes
Enrile	Yes
Flavier	Yes
Guingona	Yes
Honasan	Yes
Jaworski	Yes
Legarda-Leviste	Yes
Magsaysay Jr.	Yes
Ople	Yes
Osmeña (J.)	
Osmeña III	
Pimentel Jr.	Yes
Revilla	Yes
Roco	Yes
Santiago	Yes
Sotto III	Yes
Tatad	Yes
The President	Yes

APPROVAL OF S. NO. 1330 ON THIRD READING

The President. With 19 affirmative votes, no negative vote and no abstention, Senate Bill No. 1330 is approved on Third Reading.

Senator Drilon. Mr. President, for the Privilege Hour, may I ask the Chair to recognize Sen. Miriam Defensor Santiago.

The President. Senator Santiago is recognized for the Privilege Hour.

Senator Santiago. Thank you, Mr. President.

PRIVILEGE SPEECH OF SENATOR DEFENSOR SANTIAGO
(Limitations on the Senate Power
to Conduct Inquiries)

Senator Santiago. Thank you, Mr. President.

The title of the speech is "Limitations on the Senate Power to Conduct Inquiries."

The issuance of a subpoena to Imelda Marcos to appear and testify before the Senate Blue Ribbon Committee raises questions on the proper interpretation of the Senate power to conduct inquiries in aid of legislation.

On the other hand, the Constitution provides in Article VI, The Legislative Department:

Sec. 21. The Senate or any of its respective committees may conduct inquiries in aid of legislation

in accordance with its duly published rules and procedure. The rights of persons appearing in or affected by such inquiries shall be respected.

On the other hand, the Constitution also provides in Article III, The Bill of Rights:

Sec. 17. No person shall be compelled to be a witness against himself.

Thus, the Constitution gives to the Senate the power to conduct inquiries in aid of legislation, but prohibits the same Senate from compelling any person to be a witness against herself. How do we draw the line between state power and individual right?

This line has already been drawn by the Supreme Court in the case of *Bengzon v. Senate Blue Ribbon Committee*, 203 SCRA 767, decided in 1991. In that case, the Supreme Court voted 10-3 to issue a writ of prohibition, enjoining the Senate Blue Ribbon Committee from requiring the petitioners to testify and produce evidence at its inquiry. In that case, the subject of the Senate inquiry was the alleged sale of the equity of Benjamin Romualdez to the Lopa Group in 36 or 39 corporations.

Please allow me to emphasize that in *Bengzon*, the Supreme Court was at pains to issue the following warning: "The power of both houses of Congress to conduct inquiries in aid of legislation is not therefore, absolute or unlimited."

So determined was the court to underscore the limitations on our Senate power to conduct inquiries that the court reached back to the American case of *Watkins v. US*, 354 US 178, decided in 1957. Stressing the limitations on the congressional power of inquiry, the US Supreme Court, as quoted and applied by the Philippine Supreme Court, explained as follows:

But broad as is this power of inquiry, it is not unlimited. There is no general authority to expose the private affairs of individuals without justification in terms of the functions of Congress. This was freely conceded by the Solicitor General in his argument in this case. Nor is the Congress a law enforcement or trial agency. These are functions of the executive and judicial departments of government. No inquiry is an end in itself: it must be related to and in furtherance of a legitimate task of Congress. Investigations conducted solely for the personal aggrandizement of the investigators or to "punish" those investigated are indefensible.

The case squarely raised the issue of what are the limitations on the power of a Senate committee, conducting an inquiry