

## RECORD OF THE SENATE

MONDAY, OCTOBER 2, 2000

### OPENING OF THE SESSION

*At 3:30 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.*

**The President.** The 22nd session of the Third Regular Session of the Eleventh Congress is hereby called to order.

Let us all stand for the opening prayer to be led by Sen. Raul S. Roco.

*Everybody rose for the prayer.*

**Senator Roco.** This is a paraphrase from the "Prayer of St. Francis."

### PRAYER

Lord, make us instruments of Your will;  
Where there is ignorance, help us spread knowledge;  
Where there is sadness, help us spread joy in the heart;  
Where there is hunger, help us share our food;  
Where there is thirst, help us share our water;  
Where there are no jobs, help us spread opportunity;  
Where there is confusion of policy, help us spread  
clarity and direction; and  
Where there is darkness of war, help us bring the  
light of peace.

Amen.

**The President.** The 27th Ship for Southeast Asian Youth Program Delegates Tanglaw Batch 2000 will now lead us in the singing of the national anthem after which they will render a song entitled *Ako ay Pilipino*.

### NATIONAL ANTHEM

*Everybody remained standing for the singing of the national anthem.*

**The President.** The Chair would like to express its gratitude to the 27th Ship for Southeast Asian Youth Program Delegates for that beautiful rendition of the national anthem and the song *Ako ay Pilipino*.

Thank you.

### ROLL CALL

**The President.** The Secretary will please call the roll.

**The Secretary, reading:**

Senator Teresa Aquino-Oreta .....	*
Senator Robert Z. Barbers .....	Present
Senator Rodolfo G. Biazon .....	Present
Senator Renato L. Compañero Cayetano ..	Present
Senator Anna Dominique M.L. Coseteng ..	Absent**
Senator Miriam Defensor Santiago .....	Present
Senator Juan Ponce Enrile .....	Present
Senator Juan M. Flavie .....	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. Osmenia .....	Present
Senator Sergio R. Osmenia III .....	Present
Senator Aquilino Q. Pimentel Jr. ....	Present
Senator Ramon B. Revilla .....	Present
Senator Raul S. Roco .....	Present
Senator Vicente C. Sotto III .....	Present
Senator Francisco S. Tatad .....	Present
The President .....	Present

**The President.** With 20 senators present, the Chair declares the presence of a quorum.

The Majority Leader is recognized.

### THE JOURNAL

**Senator Tatad.** Mr. President, I move that we dispense with the reading of the *Journal* of Session No. 21, Monday to Thursday, September 18 to 21, 2000 and consider it approved.

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

### MOTION OF SENATOR TATAD (To Defer the Reading of the Reference of Business to a Later Hour)

**Senator Tatad.** Mr. President, in view of the fact that there are a number of bills in our Calendar for Third Reading, I move

\* On official mission

\*\* On account of illness

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

## APPROVAL OF H. NO. 1696 ON THIRD READING

**The President.** With 20 affirmative votes, no negative vote, and no abstention, House Bill No. 1696 is approved on Third Reading.

Senator Tatad is recognized.

**Senator Tatad.** Mr. President, we have earlier acknowledged the presence of the delegation from Zamboanga. They are here obviously to witness the approval on Third Reading of the bill creating the Province of Zamboanga Sibugay. Copies of this measure were distributed on Friday only so it is not yet ripe for Third Reading. This would be ripe for Third Reading tomorrow, not today. Just for the information of our colleagues in the gallery.

## SUSPENSION OF SESSION

Mr. President, I move that we suspend the session for a few minutes.

**The President.** Is there any objection? *[Silence]* There being none, the session is suspended for one minute.

*It was 3:53 p.m.*

## RESUMPTION OF SESSION

*At 4:06 p.m., the session was resumed.*

**The President.** The session is resumed.

**BILL ON SECOND READING**  
**S. No. 1742 – Fair Election Practices Act**  
**(Lifting the Political Ad Ban)**  
*(Continuation)*

**Senator Tatad.** Mr. President, I move that we resume consideration of Senate Bill No. 1742.

**The President.** Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 1742 is now in order.

**MOTION OF SENATOR TATAD**  
**(To Use the Sept. 26, 2000 Version of S. No. 1742)**

**Senator Tatad.** Mr. President, we have before us the latest text with approved committee and individual amendments as of September 26, 2000. I move that we use this version for purposes of the debates.

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

**Senator Tatad.** We are still in the period of amendments. I ask that the distinguished sponsor, Sen. Raul S. Roco, be recognized.

**The President.** Sen. Raul S. Roco is recognized.

**Senator Roco.** Thank you, Mr. President.

Mr. President, there are four amendments that are pending in terms of special orders. The first one would affect—I am looking for the 30 days, Mr. President—page 3 “Surveys AFFECTING NATIONAL CANDIDATES SHOULD NOT be published thirty (30) days.” I understand that there is a proposal here.

First, may I just ask for editorial amendments so that the point of the debate shall be better. On page 3, 5.4, it reads right now, Mr. President, “In no case shall surveys AFFECTING NATIONAL CANDIDATES.” I do not have right now the editorial comments of Senator Defensor Santiago. But may we just modify this paragraph to read as follows: Delete the phrase “In no case shall” and begin the sentence with the phrase “Surveys AFFECTING NATIONAL CANDIDATES” then insert the words “SHALL NOT be published thirty (30) days before election DAY”. And in the phrase “SURVEYS AFFECTING LOCAL CANDIDATES,” insert the phrase SHALL NOT BE PUBLISHED TWELVE (12) DAYS BEFORE ELECTIONDAY.

We are just changing the sentence construction, Mr. President, if the Chamber will allow this. There is no change in the meaning. But if that will be allowed, then the debate will be on whether the publication will be 30 days or not.

**The President.** Is there any objection to the editorial amendment proposed by the sponsor?

**Senator Flavier.** Mr. President.

**The President.** Sen. Juan M. Flavier is recognized.

**Senator Flavier.** Mr. President, I just want a clarification. I submitted an amendment that would delete that prohibition. It was my understanding verbally communicated to the chairman that that was accepted. But I am surprised that it is back.

**Senator Roco.** No, Mr. President. There were two amendments; one was on the exit polls. We deleted the exit polls as the gentleman will see—

**Senator Flavier.** That is right.

**Senator Roco.** —in line 23.

**Senator Flavier.** Yes, Mr. President.

**Senator Roco.** But the committee could not accept the one on the surveys not being published within 30 days. That is why we are now here, whether that should be deleted. Actually, right now, the proposed amendment is just three days before election day.

**Senator Flavier.** Instead of the 30 days?

**Senator Roco.** Yes. But our committee really cannot accept it, but of course, the Chamber can always vote on it.

**Senator Flavier.** Yes.

**Senator Roco.** It does have a major effect on the senatorial candidates, Mr. President. For those who are in the top 6, 7, maybe even 8, that is beneficial; but for those in the last 4, last 3, last 2, it has a terrible effect on them when survey says for some reason, according to their surveys, that the last 4 are in danger of losing.

**Senator Flavier.** I am now clear there, Mr. President. So, am I to understand that later, we can just have a vote on this depending on the inclination of the...

**Senator Roco.** Yes. The proposed amendment is to—

maybe just so it is not three days, three days does not matter—delete the “thirty (30) days”.

**Senator Flavier.** Yes. That is right, Mr. President. And I would be amenable to the vote of the Body at a later date.

**Senator Roco.** Yes, Mr. President.

**Senator Flavier.** Thank you, Mr. President.

**Senator Roco.** So, what will remain will be the rule on exit polls which is covered by the Supreme Court ruling.

Mr. President, we regret that the committee cannot yield to a deletion of that paragraph. But those especially who may be running certainly should be heard on the matter.

**The President.** The Majority Leader will please clarify the status of the amendment on the floor.

There is an editorial amendment in lines 20 and 22 by deleting the phrase “In no case shall” in line 20 and inserting SHALL NOT between “CANDIDATES” and “be” and in line 22, between the words “CANDIDATES” and “BE”, the words SHALL NOT. However, there is a point raised by Senator Flavier. So the Chair would like to be enlightened.

**Senator Roco.** No, Mr. President. The parliamentary situation will be like this—effectively, there is a motion to amend to delete this paragraph.

**The President.** All right.

**Senator Roco.** So that we will reverse. On page 3, lines 20 to 22 are proposed to be deleted so that now surveys can be published at anytime even until election day.

**The President.** All right. That clarifies the status.

**Senator Roco.** Yes.

**The President.** All right. So we take it that there is a Flavier amendment being proposed deleting lines 20 to 23 on page 3.

**Senator Roco.** That is correct, Mr. President. And with the permission of Sen. Sergio R. Osmeña III, I just put together their two amendments. It was THREE DAYS for Senator Osmeña, but now, maybe the vote should be just to delete it. Three (3) days does not matter.

**Senator Osmeña III.** Clarification, Mr. President. I think

the sponsor already accepted the deletion of line 23 because in our copy it is bracketed already.

**Senator Roco.** That is correct. What we are talking about now are pages 20 to 22.

**Senator Osmeña III.** Thank you.

**Senator Roco.** There is an effective motion, Mr. President, and I take it that it is authored by Senator Flavier. He submitted a written amendment, and the three-day proposal of Senator Osmeña I just put together as part of the two. So that the vote now is whether to allow surveys all throughout the election. If we delete it, that is the effect. Our committee just finds it difficult to accept it so we will leave it to the floor.

**The President.** May we know what is the status of the Osmeña amendment on the "three days"?

**Senator Osmeña III.** Mr. President, I shall withdraw my amendment of THREE (3) DAYS so that the Flavier amendment completely deleting lines 20 to 22 will be the one voted on.

**The President.** I think that would be a better procedure. So the Osmeña amendment is being withdrawn. Therefore, the only amendment that is to be voted upon is the Flavier amendment which proposes to delete lines 20 to 22.

Sen. Sergio R. Osmeña III is recognized.

**Senator Osmeña III.** Yes, but without prejudice to my reintroducing the amendment if the outcome of the Flavier amendment is unfavorable.

**The President.** The Majority Leader is recognized.

#### SUSPENSION OF SESSION

**Senator Tatad.** I move that we suspend the session for one minute, Mr. President.

**The President.** The session is suspended for one minute, if there is no objection. *[There was none.]*

*It was 4:15 p.m.*

#### RESUMPTION OF SESSION

*At 4:27 p.m., the session was resumed.*

**The President.** The session is resumed. Sen. Raul S. Roco is recognized.

**Senator Roco.** Mr. President, the parliamentary status is: The proposed amendment is to delete the first paragraph of Section 5.4 in lines 20 to 22. Maybe Sen. Juan M. Flavier or Sen. Serge R. Osmeña III would want to explain why they want to delete this proposal.

**The President.** Sen. Serge R. Osmeña III is recognized.

**Senator Osmeña III.** Mr. President, may I repeat what I said on the floor last week.

I have been looking for studies that show that the publication of surveys tend to make voters change their minds. Fortunately, or unfortunately, depending upon which side of the question one is on, there have been no such surveys, there have been no such studies that prove that the publication of surveys tend to make a voter change his mind.

For example, Mr. President, in the 1998 elections alone, going into the last two weeks of the campaign, I remember the most credible survey group had the votes of Pres. Joseph E. Estrada pegged at about 38 percent to 39 percent of the vote and that is exactly what President Estrada got. In other words, there was no stampede or bandwagon surge from the voters of Joe de Venecia or Lito Osmeña or Raul Roco to the Estrada camp. The same thing with Joe de Venecia. He was shown to be going into the last stage of the campaign garnering 26 percent of the votes and that is exactly what happened. He got 26 percent of the vote.

Mr. President, essentially, this is a freedom of information issue. This is a constitutional issue. Before martial law, I recall, every candidate and his uncle had surveys to try to whip up the bandwagon effect; but essentially, what happened during election day was, more or less, what any accurate survey showed would be the results on election day. Again, I would like to repeat that if we have a 30-day ban, we will be among the top four countries of the world that have such a long ban.

South Africa has a 42-day ban; Turkey and Luxembourg have 30 days; Italy has 28 days; Indonesia has 21 days; Peru, Venezuela, and Uruguay have 15 days. So, with 15 days or more on survey bans, Mr. President, we have only eight countries of the world.

Then Poland has a 12-day ban; France, Hungary, Portugal, Switzerland, Chile, Columbia, and Mexico have a seven-day ban; Spain has a five-day ban; Russia, Australia, and Bolivia have a two-day ban; Fiji, New Zealand, Armenia, Belarus, Bulgaria, Croatia, Kazakhstan, Lithuania, and Fludenia have a one-day ban; and the rest of the world have no ban including the United States, Canada, United Kingdom, Japan, Germany, Greece, et cetera.

So, Mr. President, I feel that we would be going backwards. Our lifting of the political ad ban is a step forward as far as freedom of information, freedom of speech, and freedom of the press are concerned. Yet, in the same law, we are imposing a ban on freedom of information.

So, for this and for other reasons, Mr. President, I feel that this Chamber might want to reconsider Section 5.4 in lines 20 to 22, and move that it be deleted, or else, at least temper it by not being so radical as to impose a 30-day ban outright. Thank you, Mr. President.

**Senator Roco.** Before we vote, Mr. President, if the committee can then say something why it feels that it cannot yield to the deletion of this prohibition.

Mr. President, we are talking of a Philippine situation where bandwagon is part of planning. Sometimes there is a real bandwagon, sometimes it is propaganda bandwagon.

In 1969, Mr. President, when Sergio Osmeña Jr. and Roxas ran for election, that was the second election I was involved in. And because of the power, control, and the influence then of propaganda, every single pole, every single space was plastered with "Marcos-Lopez." Marcos means more roads, and we have friends here who will remember this. I remember it very well.

Marcos means more roads; Marcos means more bridges; Marcos means rice; Marcos, et cetera. And the newspapers just kept drilling in. At that time, Mr. President, it was not 90 days; it was a one-year campaign. They just kept repeating that Marcos-Lopez team was unbeatable. And after a while, people tend to believe that it was so.

Mr. President, here, what is sought to be prohibited is not conducting surveys. Of course, they can conduct surveys. But this will now be used by the candidates according to their planning. The candidates will therefore plan or replan, or reposition their campaign based on the surveys. We are not depriving survey companies of the capacity to survey. All candidates who can afford will use the survey. But whether we will allow this survey to influence, as indeed it influences...

In fact, in the English language, Mr. President, I think the bandwagon mentality normally is used to describe politics only in the Philippines. There is the bandwagon. That is why, the committee, cognizant of Philippine culture, finds it difficult to yield to this deletion.

However, if one is a candidate and he is sure to be in the 1 to 6 ranking in the senatorial election—and this may be

important only for the multiple positions—if he is sure that he will get press support or nationwide TV support, then it is good to have surveys, because everyday, the TV will announce that he is already ahead. And since some voters may just like to vote those who they think will already win, that may influence.

So when one has press support or one owns survey agencies, then it is important for him to have it published. What is sought to be prohibited by the bill is just the publication of the surveys. So let them survey. But on the last 30 days, let us give an even break to all the candidates. Those who have no access to TV and radio, those who have no money to influence other means of publication, those who have less leaflets, let us leave them in peace. Whatever they may have achieved on the last 30 days of the national election, let us leave them be.

Mr. President, that is why it is an appeal to fairness. We hope the Chamber will support the committee and keep this prohibition against publishing surveys on the last 30 days for national positions, and the last 12 days for local positions.

**Senator Defensor Santiago.** Mr. President.

**The President.** Sen. Miriam Defensor Santiago is recognized.

**Senator Defensor Santiago.** Mr. President, I respectfully concur with the observations of the distinguished sponsor with this additional remark.

It is my impression that at the start of the Senate debate, we were of the consensus that the operating principles of our bill shall be equality and impartiality. These two principles will tend to be violated if we delete the present provision under discussion. How can there be equality if a candidate who is not rating high in the surveys is known by the electorate to be outside of the winning circle, let us say, 15 days or even three days before election day? The playing field is no longer equal at that point.

If we have, let us say, a newcomer or fresh graduate, a political neophyte, who has not had previous exposure in politics but who deserves to win because of his honesty, competence, and efficiency, he probably will not be in the winning circle until maybe the crucial decisive few days before election day. The publication of a survey at any point earlier than that would be detrimental to that candidate and therefore to the national interest.

Therefore, I support the appeal of the distinguished

sponsor to maintain the present provision and to prevent not the conduct of surveys but the publication of the surveys.

So I do not see how freedom of expression in a constitutional dimension can possibly be brought in as relevant to the discussion since all persons with the inclination to do so are free to conduct the surveys, to buy the survey or to pay for it. Except that the State, out of compelling national interest in the Philippine cultural context, prohibits them from publishing it in order to avoid mind manipulation and to preserve the principles of equality and impartiality which we all agreed at the start of the debate shall be the floor principles of the present bill.

**Senator Osmeña III.** Mr. President.

**The President.** Sen. Sergio R. Osmeña III is recognized.

**Senator Osmeña III.** Mr. President, may I just react in short fashion to the comments of the distinguished sponsor and the distinguished lady senator from Iloilo.

Mr. President, in the 1969 presidential elections, which was held 31 years ago, in which this representation was also active, one must remember that the rules of conducting elections at that time were rather lax. It is true that an incumbent president has the power to raise the funds, has the government machinery at his disposal. But in no way is the same true today. First, we have a president who cannot be reelected; second, we even have rules as to limitations—how many minutes one can buy of radio time per station per day; third, in this bill alone, we have the strict conditions on the publication of surveys during the election period, which is the name of the person or organization which paid for the survey, the name of the polling firm which conducted the survey, the period during which the survey was conducted, the methodology used, the margin of error of the survey, and for each question of which the margin of error is greater than that reported on the paragraph, margin of error put for that question, et cetera.

So, we have better rules today. Essentially, the argument of the distinguished lady senator from Iloilo cannot hold water because if a poor candidate would have a better chance of winning during the later part of the campaign period, then the more we should publish surveys that would show him rising in the polls rather than dropping in the polls. Essentially, one must also remember that in this country it takes about two weeks to conduct a survey—to finish the survey and to tally it. Therefore, a survey that is published 30 days before election day is essentially a survey that was taken 45 days before the election, which is quite a long period.

So, we took an informal survey again on the floor earlier and there seems to be a meeting of the minds for a compromise somewhere in-between. Perhaps the distinguished sponsor and the Majority Leader might call for a quick suspension to determine whether a compromise might be in order.

Thank you, Mr. President.

**Senator Tatad.** Mr. President.

**The President.** The Majority Leader is recognized.

**Senator Tatad.** Mr. President, I believe the issue has been sufficiently elaborated upon by both sides. The sponsor has rejected the proposed amendment. There is an appeal to the Body, and we would like to hear it from the proponent.

**Senator Roco.** No, Mr. President, they have spoken. In fact, under the *Rules*, it is the sponsor who will have the last word in a debate. If anything, we would appeal.

Actually, the law that we are trying to modify today, the limits on advertising and political propaganda, was always dictated by the consideration that money should not be the overwhelming factor in elections. Now that we try to lift this ban, even in the TV debate, I think the people were against the lifting. But those are not considerations to ask right now because we have seen that what the law aspired to give has not been met.

So, the committee has been crafting a middle ground so that those who have less in money, those who have less access to media, those who may not have TV or radio connections will have a chance. This is the reason, Mr. President. It is that chance that we try to give to the poorer candidates that we are trying to protect.

**Senator Tatad.** Mr. President.

**The President.** The Majority Leader is recognized.

**Senator Tatad.** Mr. President, the sponsor has rejected the proposed amendment.

**Senator Roco.** Yes.

**Senator Osmeña III.** Mr. President.

**The President.** Sen. Sergio Osmeña III is recognized.

#### DIVISION OF THE HOUSE

**Senator Osmeña III.** Then, Mr. President, may I ask for a division of the house on this particular amendment.

**The President.** All right.

**Senator Roco.** We are voting on the amendment, Mr. President.

**The President.** Yes. The amendment was not accepted by the sponsor. There is a motion to divide the house. A division of the house is therefore in order, if there is no objection. *[There was none.]* The proposed amendment will delete lines 20 to 22 on page 3. As many as are in favor of the amendment, say *aye*.

The Chair will repeat. Consistent with the *Rules*, as many as are in favor of the amendment, say *aye*.

**Senator Osmeña III.** Mr. President, there is some confusion here. Those who are in favor of the amendment are therefore voting in favor to delete lines 20 to 22.

VIVA VOCE

**The President.** That is correct because the amendment is to delete lines 20 to 22.

As many as are in favor of the Flavier-Osmeña amendment deleting lines 20 to 22, say *aye*.

**Few Members:** *Aye*.

**The President.** As many as are against, say *no*.

**Several Members:** *No*.

**The President.** The *nays* have it. The amendment is defeated.

**Senator Cayetano.** Mr. President, may we request a nominal voting to explain our vote.

**Senator Tatad.** Mr. President, under the *Rules*, after the *ayes* and *nays*, if there is any doubt as to the results, the next step is the raising of the hands.

**Senator Cayetano.** All right. May we have a raising of the hands, Mr. President?

**The President.** All right. Is there any objection? *[Silence]* There being none, the motion is approved. As many as are in favor of the Flavier-Osmeña amendment deleting lines 20 to 22 on page 3, please raise their hands. *[Five members raised their right hands.]*

As many as are against, please do the same. *[Ten members raised their right hands.]*

With 10 members voting against, five in favor, the Flavier-Osmeña amendment is defeated.

The Majority Leader is recognized.

**Senator Tatad.** May I ask the sponsor to...

**Senator Cayetano.** Mr. President.

**The President.** What is the pleasure of Senator Cayetano?

**Senator Cayetano.** With the pleasure of the sponsor, may I propose an amendment on the same subject?

**The President.** It is in order. The gentleman may propose his amendment to the sponsor.

#### CAYETANO AMENDMENT

**Senator Cayetano.** I propose that instead of thirty (30) days, it should be FIFTEEN (15) days. So, we delete the phrase and the number "thirty (30) days" in line 21. That is the amendment.

And in line 22, SIX (6) days, Mr. President.

**The President.** What does the sponsor say?

#### SUSPENSION OF SESSION

**Senator Roco.** May we have a one-minute suspension? I will request the reading of the *Rules*, Mr. President.

**The President.** The session is suspended for one minute, if there is no objection. *[There was none.]*

*It was 4:48 p.m.*

#### RESUMPTION OF SESSION

*At 5:05 p.m., the session was resumed.*

**The President.** The session is resumed. Sen. Raul S. Roco is recognized.

**Senator Roco.** Mr. President, if our friend from Taguig and Michigan will be so kind not to press the amendment, maybe we can proceed to the next.

**Senator Cayetano.** Mr. President, after discussing with some colleagues and knowing the futility of the vote that may ensue as a result of the proposed amendment of this representation, I withdraw the same.

**The President.** The Cayetano amendment is withdrawn.

**Senator Roco.** Thank you, Mr. President.

**Senator Pimentel.** Mr. President.

**The President.** Sen. Aquilino Q. Pimentel Jr. is recognized. What is the pleasure of Senator Pimentel?

**Senator Pimentel.** Mr. President, may I know what amendment was Senator Cayetano proposing? I would like to find out because one of the reasons I voted to support the chairman on the first amendment was that subsequent amendments would be introduced which might at least put a limit on the number of days during which a survey would be banned. Because it looks like a consensus is developing in this Chamber that while there may be an outright rejection of the proposal to eliminate absolutely the ban, a compromise could be had where a ban could be restricted by a lesser number of days.

**The President.** To answer the question of Senator Pimentel, the Cayetano amendment would propose to change the "thirty (30) days" in line 21 to FIFTEEN (15) days and in line 22, the "TWELVE (12) DAYS" to SIX (6) days. Meaning that surveys affecting national candidates shall not be published FIFTEEN (15) days before the election and surveys affecting the local candidates shall not be published SIX (6) days before the election. That is the Cayetano amendment which he has withdrawn.

#### SUSPENSION OF SESSION

**Senator Roco.** Mr. President, I move that we suspend the session for one minute.

**The President.** The session is suspended for one minute, if there is no objection. *[There was none.]*

*It was 5:08 p.m.*

#### RESUMPTION OF SESSION

*At 5:16 p.m., the session was resumed.*

**The President.** The session is resumed. Senator Roco is recognized.

**Senator Roco.** Mr. President, after a series of informal discussions within the one-minute suspension, with the permission of everybody, I think we can proceed to page 4.

**The President.** The Chair takes it that the withdrawal of Senator Cayetano of his proposed amendment will remain.

**Senator Roco.** It was withdrawn, Mr. President.

**The President.** Yes, it was withdrawn. So we now proceed. We are now on...

**Senator Roco.** We are now on page 4, Section 6.2, Mr. President. I understand that Sen. Sergio R. Osmeña III has a proposed amendment. If he would wish to explain this so that the committee can look at it.

**The President.** Senator Defensor Santiago is raising her hand. May I know the pleasure of Senator Santiago?

#### DEFENSOR SANTIAGO AMENDMENTS

**Senator Defensor Santiago.** Yes, Mr. President, this is anterior. It is just a grammatical amendment.

It is on page 4 which begins in line 6—D) which is now [E] or [E] which is now D). "THE RESULT OF THE EXIT POLLS MAY BE ANNOUNCED ONLY AFTER THE ELECTION DAY".

**The President.** What does the sponsor say?

**Senator Roco.** We did commit to accept this, Mr. President, so the committee accepts.

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

**Senator Defensor Santiago.** Just one more point of grammar in line 9, "SAID ANNOUNCEMENT SHALL STATE" not "SAID RESULT SHALL STATE".

**The President.** What does the sponsor say?

**Senator Roco.** That is correct, Mr. President. In fact, if we can finish this, we will, in the ordinary course, ask for editorial license because in the process of the debate we tend to make awkward sentences.

**The President.** Is there any objection to the Defensor Santiago amendment which was accepted by the sponsor? *[Silence]* There being none, the amendment is approved.



Sen. Sergio R. Osmeña III is now recognized in line 19.

#### OSMEÑA III AMENDMENTS

Senator Osmeña III. Thank you, Mr. President.

In lines 19 to 23, this representation had distributed the proposed amendments on Section 6.2, which I would like to read at this time.

6.2. The total DAILY airtime available, whether by purchase or donation, for each registered party and *bona fide* candidate FOR NATIONAL OFFICE shall not exceed one (1) minute OF NATIONWIDE BROADCAST COVERAGE FOR EACH RADIO AND TELEVISION NETWORK IN ADDITION TO ONE (1) MINUTE PER RADIO AND TELEVISION STATION IN EACH LOCAL BROADCAST AND CABLE TV SERVICE AREA. THE TOTAL DAILY AIRTIME AVAILABLE FOR EACH *BONA FIDE* CANDIDATE FOR LOCAL OFFICE SHALL NOT EXCEED ONE (1) MINUTE PER RADIO, CABLE TV AND TELEVISION STATION IN EACH LOCAL SERVICE AREA.

That is the amendment, Mr. President.

#### SUSPENSION OF SESSION

**The President.** With the permission of the Chamber, the Chair declares a one-minute suspension of the session to allow the legislative pages to distribute printed copies of the Osmeña III amendment, if there is no objection. *[There was none.]*

*It was 5:20 p.m.*

#### RESUMPTION OF SESSION

*At 5:22 p.m., the session was resumed.*

**The President.** The session is resumed.

There is an Osmeña amendment presented to the sponsor. What does the sponsor say?

**Senator Roco.** Mr. President, can we just have some explanations? Actually, in 6.2, the difference is this one minute of nationwide broadcast coverage. May we just ask: For each radio and television network, what does that mean?

**Senator Osmeña III.** What does this mean?

**Senator Roco.** Yes, for each radio and television network.

**Senator Osmeña III.** First, by way of background, there are radio networks and television networks that have nationwide coverage—DZRH, DZXL, Radio Mindanao, Radio Bombo. Therefore, a *bona fide* candidate for national office may be able to buy one minute in each of these radio networks for nationwide coverage.

**Senator Roco.** So let us take Channel 2. The network is what, ABS-CBN?

**Senator Osmeña III.** ABS-CBN, Channel 2, GMA 7.

**Senator Roco.** No. Let me just concentrate on ABS-CBN. Channel 2 is considered what? One TV network or is it a part of the network of ABS-CBN?

**Senator Osmeña III.** The operative word here would be “nationwide”, Mr. President, because Channel 2 stations also offer local advertising during some hours of the day. Therefore, we are separating or distinguishing between an ad that airs simultaneously nationwide and an ad that only airs in a local station. This proposal seeks—according to the mandate earlier given—to limit to one minute per radio network and one minute per television network per day national ads. Also in addition thereto, to limit to one minute per day local ads per station. I know this tends to confuse, but a local ad is an ad that is aired on a local station that has a limited coverage or a limited service area. So, if one decides to place an ad, say, in the Bacolod station of ABS-CBN, we know that the area of coverage of that particular station is limited to the mountains surrounding Bacolod and it can probably reach across the straits to parts of Iloilo and that is as far as it will go. But if one places the same ad in Manila and asks ABS-CBN to broadcast it nationwide, then that ad will be carried by all the stations of ABS-CBN all over the country which number about nine or 10.

**Senator Roco.** Mr. President, all I am trying to do is understand what this exactly says, because the original provision which is basically worded in the same way, was understood, at least, by the committee as being one per day, per network. In this particular case, I will just concentrate on ABS-CBN since the distinguished gentleman may have more familiarity with ABS-CBN.

Channel 2 will be entitled to one minute nationwide, is that correct?

**Senator Osmeña III.** That is correct, Mr. President.

**Senator Roco.** In Naga, there is a Channel 5 and that is plus another minute?

**Senator Osmefia III.** That is correct, Mr. President.

**Senator Roco.** But Channel 2, nationwide, will already be shown in Naga's Channel 5. So in Naga, one will have two minutes.

**Senator Osmefia III.** If he so decides to also place a local ad in Naga, yes.

**Senator Roco.** That is correct. So as we can see, there is one difference. It is no longer nationwide network. We have added.

May we ask the distinguished gentleman to give us the local broadcast and cable TV service areas of these different stations. The reason we did not go into this is that ABS-CBN has one minute nationwide for Channel 2, plus another minute in 10 other broadcast areas. So that is 10 minutes or 11 minutes for Channel 2 and I am not even in Channel 21 yet.

**Senator Osmefia III.** Mr. President, it would be wrong to count the local minute alongside the nationwide minute. Essentially, the local minute would probably be more important to a nationwide candidate than the national minute because the nationwide candidate will be able to save money by limiting his coverage to those areas where he feels he needs a little boost. GMA 7 and DZRH have local stations and it is possible just to advertise in those local stations alone. So one must be able to distinguish whether the ad that one is placing is a national ad or a local ad regardless of which network carries it. One might have a national ad on, say, *Eat Bulaga* of GMA 7, and a local ad in Naga, Baguio, or Dagupan stations of ABS-CBN.

**Senator Roco.** That is correct, Mr. President. What I am trying to do is understand. So Channel 2 has one minute nationwide, plus another minute in the 10 different regions where they have a local network.

**Senator Osmefia III.** That is correct, Mr. President.

**Senator Roco.** So for ABS-CBN, one has already a total of 11 minutes by just playing because what the candidates will do is up to them. In Channel 21, he will have another minute nationwide. I think Channel 21 is also ABS-CBN, *hindi po ba?*

**Senator Osmefia III.** Yes. I guess they would have a minute nationwide.

**Senator Roco.** All right. So in the case of ABS-CBN, that is already 12 minutes. I think there is a Star Channel. That is another ABS-CBN channel.

**The President.** There is also a Channel 23.

**Senator Roco.** And another channel, Channel 23. So based on the answer so far, in the case of ABS-CBN, that is already 14 minutes.

One of the reasons for the law that we are trying to modify is to equalize. That is great. I can go...

**Senator Osmefia III.** To equalize for candidates or for television station?

**Senator Roco.** Well, Mr. President, the three objectives are: press freedom; right to know; and right of candidates. Those are the three objectives we are saying from the beginning. But now, if the distinguished proponent will be so kind to give us the data on these different media stations, then the committee can inform itself, because originally, we wanted to leave this to the Comelec.

But what I am seeing, Mr. President, is, the one minute which will be corresponding to 90 minutes per network, is now being expanded so that the bigger companies will have 14. GMA maybe will have 10; DZRH, maybe will have—I do not know. DZRH, if we listen to what they describe, has 52 small stations all over in the marginal places and then it has another 105 all over, so that is 105 minutes per station for DZRH. And if we can multiply that for Mindanao network, I guess it will have 10 minutes here and maybe in Mindanao because it is all over the place. Maybe it will have another 10 minutes per day. Bombo Radyo will have 21 minutes because of the situation of its networking.

And so, Mr. President, we will ask to inform ourselves on the nature and the effect of this. I will ask now for the suspension because we will get the data. I have the data. I just have them translate it. If that is how the proponent is giving meaning to this, we might as well lift it altogether and stop kidding around. I mean, the one who has money really just pays the money.

**Senator Osmefia III.** May I clarify, Mr. President. The one minute nationwide cannot be equated with one minute of local or vice versa.

For example, the sponsor just mentioned that Bombo Radyo has 21 stations, but Bombo Radyo could advertise nationwide in those 21 stations and charge 21 times more or 40 times more than what it would charge for each individual station. In this particular case, Bombo Radyo would be entitled to one minute of nationwide and one minute of local.

Now, essentially, maybe what the sponsor is saying is that this allows a candidate two minutes. Well, if he wants to interpret it that way, that might be accurate. But what I am trying to say is that, tactically, a candidate should be allowed to advertise one minute local in Baguio without even paying for a national minute because it would come out much cheaper for him if he starts focusing his efforts on the locals.

So, it is not apples and oranges to compare the one minute of national time with the one minute of local time and say, ABS-CBN has 14 minutes. The one minute of national will be worth more than 14 times what they will charge one for one minute of local, in much the same way that DZRH will charge me probably 30 to 40 times for one minute simulcast in one of their popular programs on DZRH rather than if I had just pinpointed and elected to just buy spots in their local stations just for local coverage.

So, that is the way to read this, Mr. President. It does not deliberately seek to increase minutes for every television station. Just treat every radio and television network in a fair and even manner.

**Senator Roco.** All we are saying, Mr. President, is, we need a little time so that the gentleman can give me his data on the number of stations and radio stations individually in the different provinces. The committee will also get its own data on the matter so that we can quantify what exactly the senatorial candidates or the congressional candidates are going to face, because the congressional candidate can use a national network and he can multiply it with many stations as feasible. That can be a runaway expense.

I see the Minority Leader nodding his head. So, may we ask that we suspend consideration until we inform ourselves on the matter, Mr. President.

**The President.** The Majority Leader is recognized.

#### SUSPENSION OF CONSIDERATION OF S. NO. 1742

**Senator Tatad.** Mr. President, I move that we suspend consideration of Senate Bill No. 1742.

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

**Senator Tatad.** I move that we proceed to the Reference of Business.

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

The Secretary will read the Reference of Business.

#### REFERENCE OF BUSINESS

#### MESSAGES OF THE PRESIDENT OF THE PHILIPPINES

**The Secretary.**

The Honorable Senate President  
and Members of the Senate  
Senate of the Philippines  
Pasay City

Gentlemen and Ladies of the Senate:

Pursuant to the provisions of Section 21, Article VII of the 1987 Constitution, I have the honor to submit, for the Senate's consideration and concurrence, a certified true copy of the "Agreement Between the Government of the Republic of the Philippines and the Government of the Hong Kong Special Administrative Region of the People's Republic of China for the Transfer of Sentenced Persons" which was signed in Hong Kong Special Administrative Region on 28 April 2000.

The Agreement, consisting of ten (10) articles, aims to facilitate the transfer of sentenced persons from the jurisdiction of the transferring Party to the jurisdiction of the receiving Party in order to serve the sentence imposed on them and to facilitate their reintegration into society.

The Agreement provides that the receiving Party shall enforce as if the sentence had the same duration as advised by the transferring Party and had been imposed in the receiving Party. The continued enforcement of the sentence after transfer shall be governed by the laws and procedures of the receiving Party, including those governing conditions for service of imprisonment, confinement or other deprivation of liberty, and those providing for the reduction of the term of imprisonment, confinement or other deprivation of liberty by parole, conditional release, remission or otherwise.

Article 10 of the Agreement provides that it shall enter into force thirty days after the date on which the Parties have notified each other in writing that their respective requirements for its entry into force have been complied with.