

## RECORD OF THE SENATE

**MONDAY, AUGUST 5, 1996**

### OPENING OF THE SESSION

*At 4:30 p.m., the Senate President, Hon. Neptali A. Gonzales, called the session to order.*

**The President.** The sixth session of the Senate in the Second Regular Session of the Tenth Congress of the Philippines is hereby called to order.

Let us all rise in prayer to be led by Sen. Marcelo B. Fernan. After the prayer, we shall be led in the singing of the Philippine National Anthem by the Senate Choir.

*Everybody rose for the prayer.*

### PRAYER

**Senator Fernan.**

Almighty God,

With praise and gratitude in our hearts, we bring ourselves into the light of Your presence today and with one voice, invoke Your blessings upon us all.

Strengthen us with Your spirit. Let Your righteousness be our shield against every temptation for selfish glory. Keep us faithful to Your will, and to the Filipino people, whose trust has brought us here.

Grant us the wisdom to fearlessly defend the greater interests of our nation and keep paramount the common good. Remind us always that we are servants and not masters of our people, and that one day, You shall judge us how faithfully we have served.

Make us living vessels of truth and justice so that our labors may ensure that every Filipino will never despair for protection of his or her rights as a citizen of a democratic society.

Make us aware of the needs of our people, and act purposely and resolutely to address these needs.

Take away from our hearts the dark seeds of suspicion, fear, anger and prejudice, that our actions may sow harmony, rather than dissension and conflict.

Aid us in our quest for peace, and grant us the courage to do what needs be done to make peace a daily blessing for every Filipino, so that we may, as one

people, rise strong and fearless among our peers in the community of nations.

We ask all these in the name of our people and Your greater glory, now and forever.

Amen.

### NATIONAL ANTHEM

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

### SUSPENSION OF SESSION

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

*It was 4:33 p.m.*

### RESUMPTION OF SESSION

*At 4:44 p.m., the session was resumed.*

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

### ROLL CALL

The Secretary will please call the roll.

**The Secretary, reading:**

Senator Heherson T. Alvarez .....	Present
Senator Edgardo J. Angara .....	Present
Senator Anna Dominique M. L. Coseteng .....	Present
Senator Franklin M. Drilon .....	Present
Senator Juan Ponce Enrile .....	Present
Senator Marcelo B. Fernan .....	Present
Senator Juan M. Flavier .....	Present
Senator Ernesto F. Herrera .....	**
Senator Gregorio B. Honasan .....	Present
Senator Gloria Macapagal .....	**
Senator Ernesto M. Maceda .....	Present
Senator Ramon B. Magsaysay Jr. ....	Present*
Senator Orlando S. Mercado .....	Present
Senator Blas F. Ople .....	Present*
Senator Sergio R. Osmeña III .....	Present*
Senator Ramon B. Revilla .....	**
Senator Raul S. Roco .....	Present
Senator Alberto G. Romulo .....	Present

\* Arrived after the roll call

\*\* On official mission

committee to ask the permission of this Chamber to consider the version marked "Version as of 3:00 p.m., July 31, 1996," as the copy that we will use during the period of amendments.

May I move, Mr. President, and ask the consent of this Body that, for purposes of individual amendments, the version marked "Version as of 3:00 p.m., July 31, 1996," copies of which have been distributed to all the members and are included in the black book, be adopted as the bill to be used for the individual amendments.

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

**BILL ON SECOND READING**  
**S. No. 950 - The Anti-Rape Bill**  
*(Continuation)*

**Senator Romulo.** Having said that, Mr. President, may I now move that we resume consideration of Senate Bill No. 950 as reported out under Committee Report No. 78.

**The President.** Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 950 is now in order.

**Senator Romulo.** Mr. President, I now ask that the sponsors of the bill, Senator Shahani and Senator Roco, be recognized for the amendments.

**The President.** Senator Shahani and Senator Roco are hereby recognized.

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

Mr. President, as indicated by the distinguished Majority Leader, the version before us contains the amendments which were introduced during the period of interpellations. Since some of them were useful and were acceptable to the sponsors, this version before us, in capital letters, contains the amendments which the sponsor has accepted and therefore should be seen as committee amendments.

Where, perhaps, there might be some ambivalence in the text at present, the fact is that in some sections, the victim remains the woman and the man is mentioned as the offender.

But in some sections, Mr. President, due to the observations and also amendments proposed by some of our colleagues, the word "person" is used. I am bringing this to the attention of our colleagues because at the last interpellation of Senator Coseteng, she did make the proposal that maybe we should go back to a gender-free text.

I have not quite done that in this version, Mr. President, because it might guide the discussion more smoothly if we see this text as it is. And maybe with the adoption of some of these amendments, it will be clearer whether the gender-free text, or whether we should insist on some provisions mentioning the "woman as the victim, and the man as the offender," and in some sections just mentioning the "offender and the offended party" will indeed be the best language for the final version.

Having said that, I think the version before us does faithfully reflect, Mr. President, the many amendments which were proposed. They are now before this Body in terms of capital letters, and I look forward to the adoption of what we now would see as additional committee amendments.

Thank you, Mr. President.

**The President.** Shall we start with the committee amendments? Is there any interpellation?

**Senator Romulo.** No, there is a question for clarification, Mr. President.

**Senator Drilon.** Just for clarification, with the permission of the distinguished senator, Mr. President.

**The President.** Senator Drilon is recognized.

**Senator Drilon.** When we were in the period of interpellations, we were making reference to Committee Report No. 78 and a version as of June 3, 1996. Now, we are presented with a version as of 3:00 p.m. of July 31, 1996, Mr. President.

I would like to know if these are the committee amendments. Given the number of versions presented, I already find difficulty following the amendments. Which ones are committee amendments and which ones are individual amendments? We raised a number of points in the original version and in the committee report, and we recall that the sponsor agreed to certain amendments which we could no longer recall. We would like to know if these are already included in this version as committee amendments.

**Senator Shahani.** Mr. President, during the period of interpellations, there were amendments that were proposed but not in a formal manner. So, as is the usual procedure, the chairman makes this part now of the committee amendments because they were accepted by the sponsor. This is how I would look at these amendments now.

**Senator Drilon.** I remember, had specific individual amendments. If he wants to insist that they are his amendments—and

I think we can identify them—I believe that we can accept them as individual amendments. This was really just to facilitate the discussion of what is a complicated bill, Mr. President. If the good senator can point out what are his specific concerns, certainly, we can attribute them to him.

**Senator Drilon.** Yes, Mr. President, because I do recall that in the course of our interpellation during the period of interpellations, we pointed out to the good sponsor that, for example, in line 5, page 1 of the version of June 3, 1996, there were certain definitions of rape developed through jurisprudence. We were pointing out to the good sponsor that penile penetration of the genitalia was not an element in order to have a consummated rape. I do recall that the good sponsor agreed that at the period of amendments, she will accept an individual amendment to this effect.

We also pointed out the situation where a principal has been pardoned through marriage and yet the accessories and the accomplices still stand guilty of the crime when, in fact, there is no more principal. I recall these two points that we raised.

The reason we are asking this, Mr. President, is that I do not know whether, in fact, these points were incorporated in the latest version we now have. That is all I am interested in.

**Senator Romulo.** Mr. President.

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

#### SUSPENSION OF SESSION

**Senator Romulo.** Mr. President, in the interest of time, may I move that we suspend the session for a while.

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

*It was 6:31 p.m.*

#### RESUMPTION OF SESSION

*At 6:37 p.m., the session was resumed.*

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

**Senator Tatad.** Mr. President.

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

**Senator Tatad.** May I propose a question for clarification before we adopt this version as the latest version of Senate Bill No. 950.

**The President.** Is Senator Shahani willing to yield.

**Senator Shahani.** Yes, Mr. President.

**Senator Tatad.** Mr. President, what we have before us is a completely new version of Senate Bill No. 950, and this is coming from the Committee on Women and Family Relations. Is this correct?

**Senator Shahani.** Yes, Mr. President. But I would like to explain that this version contains the amendments which were proposed during the extensive interpellation and which were now accepted by the committee. Therefore, this is a substitute bill which reflects the debate that took place and which reflects also the decision of the committee, the Chairman, and the sponsors.

**Senator Tatad.** Thank you for that answer, Mr. President.

The statement that this is a substitute bill is, in fact, a very accurate statement. A substitute bill would have been in order if this bill had been recommitted to committee and the committee had acted on it. As it stands, this bill has not been recommitted. As a member of the Committee on Women and Family Relations, I am not aware of any committee action that produced this result.

I have been told by our distinguished Majority Leader that this is a very special situation in which we probably would require a special consideration of the business at hand.

Mr. President, I do not wish to be understood as trying to make it difficult for the Chamber to tackle this all-important measure. But so as to keep the integrity of our *Rules*, perhaps we can step back a little bit and ask that the *Rules* be suspended to allow us to introduce this version.

We cannot accurately describe this as committee amendments because the period of amendments has not come. There have been interpellations, certain points were raised, intentions to propose amendments were stated, but the time to propose those amendments has not come. So it is quite inaccurate to say that these are amendments accepted by the committee. There are no amendments at this time.

If the purpose is to facilitate discussion, it is probably accurate to say that the sponsor took into account the concerns of individual senators during the period of interpellations, and just to facilitate action, the sponsor—not the committee, because I am not aware as a committee member—put together this version, and this is now being proposed for consideration of the Chamber. But because of our *Rules* that militate against the

entry of this document into our records, perhaps we should suspend the *Rules*. I, for my part, will not oppose the suspension of the *Rules* just to make sure that this does not become a precedent.

Thank you very much.

#### SUSPENSION OF SESSION

**Senator Romulo.** Mr. President, may I ask for a brief suspension of the session.

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

*It was 6:41 p.m.*

#### RESUMPTION OF SESSION

*At 6:42 p.m., the session was resumed.*

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

**Senator Romulo.** Mr. President, I have explained to our distinguished colleague, Senator Tatad, that that is exactly what we have done. We have asked the unanimous consent of our colleagues. In effect, we have suspended the *Rules*. Thereafter, with the permission of our colleagues, we moved that we should consider the version of this bill as of June 30 as the committee amendment by substitution. Our colleague, Senator Tatad, has accepted our explanation.

Mr. President, we shall take up this bill when we next meet, and thereafter, the individual senators can propose their individual amendments. But many of our colleagues are asking that they be given at least until tomorrow to look at the version of the bill as of July 31, 1996, as now presented.

#### SUSPENSION OF CONSIDERATION OF S. NO. 950

With the permission of the sponsors and our colleagues, I move that we suspend consideration of Senate Bill No. 950. We will resume consideration of this bill tomorrow.

**The President.** Is there any objection to this motion? *[Silence]* There being none, consideration of Senate Bill No. 950 is hereby suspended.

**Senator Romulo.** Mr. President, for the privilege hour, may I ask that our distinguished colleague from Quezon City and Cebu, Senator Sotto, be recognized.

**The President.** Senator Sotto is recognized for the privilege hour.

#### PRIVILEGE SPEECH OF SENATOR SOTTO *("Dagdag-Bawas" sa Atlanta)*

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

Mr. President, on behalf of the Senate, especially its Committee on Youth and Sports Development, and in behalf of the Filipino people, if I may, I extend a most heartfelt congratulation and sincerest admiration for the silver medal performance of our Man at Atlanta, native of Bago City, Negros Occidental, Mansueto Velasco Jr. I also congratulate the officers and members of our Olympic delegation for doing their best for the country.

With Mansueto Velasco Jr.'s valiant effort, the 72-year quest for our first ever gold medal in Olympic competition had ended. As we watched nine minutes of the three rounds of the Olympic boxing finals in the light flyweight division, we could not believe that our gold medal was slipping through the hands of Mansueto Velasco Jr. To a number of our countrymen, it was not the fault of Mansueto. The electronic scorecard tally of 19-6 in favor of the Bulgarian did not appear as an accurate picture of the brave and gallant fight of our boxer. Others believed in their hearts that he had even won.

The first round gave no point to our boxer while giving four points to Bojilov. The second round saw our Mansueto landing direct hits at the face of Bojilov but the score appeared credited to the Bulgarian—ala *dagdag bawas*. The third round finished with 19 points for Bojilov to our Mansueto's six points. Filipino commentator Ron de los Reyes was screaming, "We were being robbed!" Many agreed with him.

The nation went to bed early last Saturday night, Mr. President, dreaming of gold and woke up early Sunday morning stunned to find silver in our hands.

But there is another dream from which we should wake up—the dream that we can produce world class athletes under our present sports culture, structure, systems, policies and attitudes.

Mr. President, we must wake up and do the following:

First, we must re-direct our sports development program. Our 68 million population is a fertile ground from which to draw our next Olympians. Mr. President, our population brings us to the top 20 in the world. In the field of 197 countries, we should be among the top 10, but the reality is that we are somewhere in the bottom of the pile when it comes to medal standing.