JOURNAL NO. 61
Wednesday, February 6, 2002

CALL TO ORDER

At 4:00 p.m., Speaker Jose De Venecia Jr. called the session to order.

NATIONAL ANTHEM AND PRAYER

Pursuant to Section 35, Rule VIII of the Rules of the House, the Members sang the National Anthem and thereafter, observed a minute of silent prayer.

DEFERMENT OF THE ROLL CALL

On motion of Rep. Francis G. Escudero, there being no objection, the Body deferred the calling of the Roll.

REFERENCE OF BUSINESS

Thereupon, on motion of Rep. Escudero, there being no objection, the Body proceeded to the Reference of Business.

Upon direction of the Chair, the Secretary General read on First Reading the titles of the following Bills and Resolutions, including the Communication and Committee Reports which were referred to the appropriate Committees hereunder indicated:

BILLS ON FIRST READING

House Bill No. 4314, entitled:

“AN ACT CONVERTING THE PAMOSAINGAN ANNEX HIGH SCHOOL IN BARANGAY PAMOSAINGAN, MUNICIPALITY OF SOCORRO, PROVINCE OF SURIGAO DEL NORTE INTO AN INDEPENDENT HIGH SCHOOL TO BE KNOWN AS THE PAMOSAINGAN NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR”

By Representative Ecleo

TO THE COMMITTEE ON BASIC EDUCATION AND CULTURE AND THE COMMITTEE ON APPROPRIATIONS
House Bill No. 4315, entitled:

“AN ACT GRANTING ASIAN SPIRIT, INC., A DULY REGISTERED PHILIPPINE CORPORATION, A FRANCHISE TO ESTABLISH, OPERATE AND MAINTAIN AIR TRANSPORTATION SERVICES FOR THE CARRIAGE OF PASSENGERS, MAIL AND PRODUCTS, AND TO PROVIDE OTHER RELATED AIR TRANSPORT SERVICES”

By Representative Veloso

TO THE COMMITTEE ON LEGISLATIVE FRANCHISES

House Bill No. 4316, entitled:

“AN ACT ESTABLISHING THE STATE UNIVERSITIES AND COLLEGES DEVELOPMENT AUTHORITY (SUCDA) AND APPROPRIATING FUNDS THEREFOR”

By Representative Monfort

TO THE COMMITTEE ON GOVERNMENT REORGANIZATION AND THE COMMITTEE ON APPROPRIATIONS

House Bill No. 4317, entitled:

“AN ACT PROVIDING FOR THE ESTABLISHMENT OF A BARANGAY DAY CARE CENTER IN BARANGAY PULOT APLAYA, BATANGAS CITY AND APPROPRIATING FUNDS THEREFOR”

By Representative Perez

TO THE COMMITTEE ON SOCIAL SERVICES AND THE COMMITTEE ON APPROPRIATIONS

House Bill No. 4318, entitled:

“AN ACT PROVIDING FOR THE ESTABLISHMENT OF A BARANGAY HEALTH CENTER IN BARANGAY CATANDALA, BATANGAS CITY AND APPROPRIATING FUNDS THEREFOR”
By Representative Perez

TO THE COMMITTEE ON HEALTH AND THE COMMITTEE ON APPROPRIATIONS

House Bill No. 4319, entitled:

“AN ACT ADDRESSING THE SPECIAL EDUCATIONAL NEEDS OF SPECIAL CHILDREN AND ADULTS”

By Representative Perez

TO THE COMMITTEE ON BASIC EDUCATION AND CULTURE, THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE ON APPROPRIATIONS

House Bill No. 4320, entitled:

“AN ACT SEPARATING THE BASILAN NATIONAL HIGH SCHOOL ANNEX IN BARANGAY DOÑA RAMONA, MALAMAWI ISLAND, CITY OF ISABELA, PROVINCE OF BASILAN, FROM THE MAIN HIGH SCHOOL IN THE SAME CITY AND PROVINCE, AND RENAMING THE ANNEX AS DOÑA RAMONA NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR”

By Representative Salapuddin

TO THE COMMITTEE ON BASIC EDUCATION AND CULTURE AND THE COMMITTEE ON APPROPRIATIONS

House Bill No. 4321, entitled:

“AN ACT PROVIDING FOR THE ESTABLISHMENT OF A MULTIPURPOSE SPORTS CENTER IN BARANGAY TALISAY, CITY OF BALANGA, PROVINCE OF BATAAN TO BE KNOWN AS

‘BALANGA CITY SPORTS CENTER’ AND APPROPRIATING FUNDS THEREFOR”

By Representative Garcia (E.)

TO THE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS AND THE COMMITTEE ON APPROPRIATIONS
RESOLUTIONS

House Resolution No. 399, entitled:

“RESOLUTION HONORING THE CENTENNIAL OF THE TRADE UNION MOVEMENT OF THE PHILIPPINES”

By Representatives Beltran, Ocampo and Maza

TO THE COMMITTEE ON LABOR AND EMPLOYMENT

House Resolution No. 400, entitled:

“RESOLUTION URGING THE NATIONAL GOVERNMENT TO CONSTRUCT A BRIDGE CONNECTING THE ISLAND OF PANAY, GUIMARAS AND NEGROS TO HASTEN THE ECONOMIC DEVELOPMENT OF THESE ISLANDS”

By Representative Monfort

TO THE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS AND THE COMMITTEE ON APPROPRIATIONS

House Resolution No. 401, entitled:

“RESOLUTION URGING THE DEPARTMENT OF BUDGET AND MANAGEMENT AND THE DEPARTMENT OF HEALTH TO FUND ALL REPUBLIC ACTS THAT CALL FOR INCREASE OF BED CAPACITY OF HOSPITALS, PARTICULARLY REPUBLIC ACT NO. 7264 RE: DON JOSE S. MONFORT MEMORIAL HOSPITAL WHICH WAS CONVERTED INTO A TERTIARY HOSPITAL UNDER REPUBLIC ACT NO. 8372”

By Representative Monfort

TO THE COMMITTEE ON APPROPRIATIONS

ADDITIONAL COAUTHORS

With the permission of the Body, the following Members were made coauthors of the Bills and Resolutions hereunder indicated:

Rep. Nerissa Corazon Soon-Ruiz for House Bill No. 2123;

Rep. Victor R. Sumulong for House Bill No. 312;
Rep. Joaquin M. Chipeco Jr. for House Bill No. 788;

Rep. Narciso D. Monfort for House Bills No. 4204 and 4041;

Rep. Rozzano Rufino B. Biazon for House Bills No. 1086 and 3096;

Rep. Manuel "Way Kurat" E. Zamora for House Bill No. 4078;

Rep. Jose G. Solis for House Bill No. 3493;

Reps. Harry C. Angping and Antonio P. Yapha Jr. for House Bill No. 1682;

Rep. Antonio V. Cuenco for House Bills No. 3995, 4083, 4084 and 4088;

Rep. J. Apolinario L. Lozada Jr. For House Bill No. 3102;

Rep. Wilfrido B. Villarama for House Bill No. 3099;

Rep. Amado T. Espino Jr. for House Bill No. 2787; and

Rep. Generoso D.C. Tulagan for House Bill No. 3102.

COMMUNICATION

Letter dated January 21, 2002 of Ms. Lina D. Isorena, Executive Director, National Tax Research Center, Department of Finance, furnishing the House of Representatives a copy of comments on House Bill No. 4048, entitled:

“AN ACT AUTHORIZING THE creation of Special Purpose Asset Vehicles and to allow investment IN AND acquisition of non-performing loans, real estate AND OTHER ASSETS and for other purposes”

TO THE COMMITTEE ON BANKS AND FINANCIAL INTERMEDIARIES

COMMITTEE REPORTS

Report by the Committee on Labor and Employment and the Committee on Foreign Affairs (Committee Report No. 191), re H.R. No. 59, entitled:

“RESOLUTION CALLING UPON AND REQUESTING THE PRESIDENT OF THE PHILIPPINES TO PROCLAIM THE YEAR 2002 AS ‘THE YEAR OF THE OVERSEAS EMPLOYMENT PROVIDERS,’ AND FOR OTHER PURPOSES”

recommending its adoption with amendments.

Sponsors: Representatives Barinaga, Lozada, Ancheta and Marcos

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 197), re H. No. 238, entitled:

“AN ACT ESTABLISHING A NATIONAL HIGH SCHOOL IN BARANGAY KITUBO, MUNICIPALITY OF KITAOTAO, PROVINCE OF BUKIDNON TO BE KNOWN AS THE KITUBO NATIONAL HIGH SCHOOL”

recommending its approval with amendments.

Sponsors: Representatives Reyes (E.), Andaya and Zubiri

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 198), re H. No. 239, entitled:

“AN ACT ESTABLISHING A NATIONAL HIGH SCHOOL IN BARANGAY DOLO-GON, MUNICIPALITY OF MARAMAG, PROVINCE OF BUKIDNON TO BE KNOWN AS THE DOLOGON NATIONAL HIGH SCHOOL”

recommending its approval with amendments.

Sponsors: Representatives Reyes (E.), Andaya and Zubiri

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 199), re H. No. 2430, entitled:

“AN ACT ESTABLISHING A NATIONAL HIGH SCHOOL IN BARANGAY MESAOY, MUNICIPALITY OF NEW CO-RELLA, PROVINCE OF DAVAO DEL NORTE, TO BE KNOWN AS MESAOY NATIONAL HIGH SCHOOL, AND APPROPRIATE FUNDS THEREFOR”

recommending its approval with amendments.

Sponsors: Representatives Reyes (E.), Andaya and Olaño

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 200), re H. No. 1896, entitled:

“AN ACT ESTABLISHING A NATIONAL HIGH SCHOOL IN BARANGAY SAGAYEN, MUNICIPALITY OF ASUNCION, PROVINCE OF DAVAO DEL NORTE, TO BE KNOWN AS SAGAYEN NATIONAL HIGH SCHOOL, AND APPROPRIATE FUNDS THEREFOR”

recommending its approval with amendments.

Sponsors: Representatives Reyes (E.), Andaya and Olaño

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 201), re H. No. 1291, entitled:

“AN ACT ESTABLISHING A BARANGAY NATIONAL HIGH SCHOOL IN THE MUNICIPALITY OF MURCIA, PROVINCE OF NEGROS OCCIDENTAL, TO BE KNOWN AS THE BARANGAY MINO-YAN NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval with amendments.

Sponsors: Representatives Reyes (E.), Andaya and Lacson

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 202), re H. No. 802, entitled:

"AN ACT ESTABLISHING AN ELEMENTARY SCHOOL IN BARANGAY SAN JUAN BAUTISTA, MUNICIPALITY OF GUAGUA, PROVINCE OF PAMPANGA, TO BE KNOWN AS THE SAN JUAN BAUTISTA ELEMENTARY SCHOOL, AND APPROPRIATING FUNDS THEREFOR"

recommending its approval with amendments.
Sponsors: Representatives Reyes (E.), Andaya and Cruz-Ducut

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 203), re H. No. 465, entitled:

"AN ACT CREATING A NATIONAL HIGH SCHOOL IN BARANGAY SILANGA, MUNICIPALITY OF CATBALOGAN, PROVINCE OF SAMAR TO BE KNOWN AS THE SILANGA NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR"

recommending its approval with amendments.

Sponsors: Representatives Reyes (E.), Andaya and Nachura

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 204), re H. No. 2703, entitled:

"AN ACT CONVERTING THE JAMORAWON BARANGAY HIGH SCHOOL IN BARANGAY JAMORAWON, MUNICIPALITY OF MILAGROS, PROVINCE OF MASBATE, TO A NATIONAL HIGH SCHOOL, TO BE KNOWN AS THE JAMORAWON NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR"
recommending its approval with amendments.

Sponsors: Representatives Reyes (E.), Andaya and Espinosa (E.R.)

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 205), re H. No. 2285, entitled:

"AN ACT ESTABLISHING THE TUCOD HIGH SCHOOL IN THE MUNICIPALITY OF CABARROGUIS, PROVINCE OF QUIRINO, A NATIONAL HIGH SCHOOL TO BE CALLED TUCOD HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR"

recommending its approval with amendments.

Sponsors: Representatives Reyes (E.), Andaya and Cua

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 206), re H. No. 617, entitled:

“AN ACT ESTABLISHING A NATIONAL HIGH SCHOOL IN THE MUNICIPALITY OF MOISES PADILLA, PROVINCE OF NEGROS OCCIDENTAL, TO BE KNOWN AS THE MOISES PADILLA NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval with amendments.

Sponsors: Representatives Reyes (E.), Andaya and Lozada

TO THE COMMITTEE ON RULES

Report by the Committee on Basic Education and Culture and the Committee on Appropriations (Committee Report No. 207), re H. No. 2032, entitled:

“AN ACT CREATING A NATIONAL HIGH SCHOOL IN SITIO MAMBATO, BARANGAY TO-OY IN THE CITY OF HIMAMAYLAN, PROVINCE OF NEG-ROS OCCIDENTAL, TO BE KNOWN AS MAMBATO NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR”

recommending its approval with amendments.

Sponsors: Representatives Reyes (E.), Andaya and Lozada

TO THE COMMITTEE ON RULES

SUSPENSION OF SESSION

Whereupon, on motion of Rep. Escudero, the Chair suspended the session at 4:04 p.m.

RESUMPTION OF SESSION

At 4:07 p.m., the session was resumed.

Upon resumption of session, Rep. Escudero informed the Members that the House was in receipt of Resolution No. NBC02-001 from the Commission on Elections (COMELEC) giving due course to the proclamation and consequential oath-taking of Rep. Ernesto C. Pablo of the Party-List Association of Philippine Electric Cooperatives (APEC).

REMARKS OF THE CHAIR

Thereupon, the Chair requested Rep. Pablo and the members of his family to ascend the rostrum for the oath-taking.

OATH-TAKING OF REP. PABLO

Subsequently, Rep. Ernesto C. Pablo ascended the rostrum with his family and took his oath of office before the Body, with the Speaker administering his oath as Representative of the Party List APEC.

REMARKS OF THE CHAIR

At this point, the Chair requested Rep. Emmanuel Joel J. Villanueva and the members of his family to ascend the rostrum for his oath-taking.

OATH-TAKING OF REP. VILLANUEVA

Subsequently, Rep. Emmanuel Joel J. Villanueva ascended the rostrum with his family and took his oath of office before the Body, with the Speaker administering his oath as Representative of the Party-List Citizens' Battle Against Corruption (CIBAC).

SUSPENSION OF SESSION

Thereupon, on motion of Rep. Escudero, the Chair suspended the session at 4:14 p.m.

RESUMPTION OF SESSION

At 4:23 p.m., the session was resumed with Deputy Speaker Raul M. Gonzalez presiding.

MOTION OF REP. ESCUDERO

Whereupon, Rep. Escudero moved that the Body resume consideration of the Unfinished Business.

Before the Body could act on the motion, Rep. Augusto "Boboy" Syjuco sought recognition on a question of privilege regarding the matter of impeachment and the procedure therefor.

QUESTION OF PRIVILEGE OF REP. SYJUCO

Upon recognition by the Chair, Rep. Syjuco inquired whether the Members seek to serve or serve to seek. He further asked whether the Members are sincere when they say that a public office is a public trust or they yield to the temptation to "teflon-coat" their public accountability with fiery rhetoric and half-baked rules.

Rep. Syjuco pointed out that in the Philippines, graft and corruption is a crime far more sinister than heinous crimes and is a force more pernicious than the Abu Sayyaf. He likened graft to cancer which eats at the very core of the nation's existence, ravages the people, and bleeds the economy dry. He then asked what the Members are doing about the problem.

Thereupon, Rep. Syjuco disclosed that he had waged his first war against graft 30 years ago as a 28-year old young delegate of the First District of Rizal to the 1971 Constitutional Convention (ConCon) and as Con-Con vice-president. He said that disturbed by the mutilating abilities of graft, he had authored provisions on the Accountability of Public Officers, the Impeachment Process, the Sandiganbayan and the Ombudsman -- all of which were integrated into Article XIII of the 1971 Constitution and which now substantially constitute Article XI of the 1987 Constitution.

Rep. Syjuco underscored that the war against graft still rages on today because almost three decades after the fact, and on a grander scale, graft persists in the Executive Branch, including line agencies and

local government units. He disclosed that based on recent estimates, the incidence of graft in the Executive Branch constitutes almost 82% of graft incidence in the country; in the Judiciary, which includes the Sandiganbayan and the Court of Tax Appeals -- 8%; in the Constitutional bodies -- 6%; and in the Legislature -- 4%. He stressed that graft in the Judiciary, the Constitutional bodies and the Legislature, alone or put together, pales in comparison to graft in the Executive Branch.

Rep. Syjuco maintained that the people are generally powerless against the persistence and perniciousness of graft such that impeachment becomes the citizens' sacred refuge from the jaded sensibilities that occasion graft and corruption in the Executive Branch. He emphasized that impeachment is a process lodged in Congress because it affirms one primordial truth: that the ultimate power that controls the government resides in the people. He claimed that it was the recognition of the sacrosanct nature of the impeachment process which led him last Monday, February 4, 2002, to ask the Supreme Court to resolve the question of when impeachment is deemed to have been initiated that it would preclude or bar any subsequent impeachment action.

Whereupon, Rep. Syjuco cited Section 1, Article XI of the Constitution which provides that "Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency..." He also adverted to Section 3(5), Article XI which states that "No impeachment proceedings shall be initiated against the same official more than once within a period of one year." He opined that both provisions appear to be incompatible, particularly because the House had unleashed in the process of impeachment a patently erroneous interpretation of the law through Section 16, Rule V of the Rules of Procedure in Impeachment Proceedings. He surmised that if the Members do not act immediately to rectify the infirmities of their interpretation of the law, they might emasculate the laws of the land which have been established to protect and defend the people from the evils of graft and corruption.

Nonetheless, Rep. Syjuco expressed the belief that the two constitutional provisions are not incompatible. He said that while a public official must be held accountable at all times, the framers of the Constitution had thought it wise to protect public officers from the initiation of another impeachment proceeding while an impeachment case against him is already being tried by the Senate. He maintained that Section 3(5), Article XI must not be taken to mean the grant of impeachment immunity but rather a simple protection from undue harassment arising from frivolous complaints.

Rep. Syjuco further opined that the Rules on Impeachment, which the House adopted on November 28, 2001, appear to violate the spirit and intent of said constitutional provisions. Specifically, he referred to Section 16 of Rule V, entitled, "Impeachment Proceedings Deemed Initiated" which provides that an impeachment complaint is deemed initiated on the day the Committee on Justice finds sufficiency in substance or on the date the House votes to overturn or affirm the findings of this Committee in regard to a verified complaint by a Member of the House or by any citizen whose verified complaint is endorsed by a

Member of the House. He then asked the proponents of said school of thought as to what would stop the lackeys of an impeachable official from filing a frivolous impeachment complaint against him just to secure one impeachment-free year in office if a simple filing or endorsement of a verified complaint translates to an initiation of impeachment.

For his part, Rep. Syjuco opined that Section 3(1), Article XI of the 1987 Constitution leaves no room for misinterpretation as to who initiates the impeachment by stating that "The House of Representatives shall have the exclusive power to initiate all cases of impeachment." He added that the provision is further bolstered by subsections (3) and (4) of the same Section. He concluded that the Constitution therefore explicitly states that it is the House of Representatives, collectively, which has the exclusive power to initiate all cases of impeachment. He clarified that the filing or endorsement of a verified complaint does not initiate the process and that impeachment proceedings are only initiated on the day the House musters an affirmative vote of at least one-third of all its Members to signal the beginning of a Senate trial. He said that to interpret the constitutional provisions in any other way would perpetuate an anomalous error and inflict perfidy on the people.

Rep. Syjuco thereafter explained that by seeking enlightenment from the Supreme Court on these issues, he can sincerely say that he did not derogate the ability of the House to correct a mistaken interpretation of the law. He said that he thought it only proper that the Members seek counsel from the final and absolute arbiter of the law, hoping that it would act immediately on a matter of urgency. He however revealed that the High Court has since ruled that for lack of original jurisdiction, it cannot act on his petition for Declaratory Relief on whether or not the House Rules, particularly those on the impeachment process, are, in fact, unconstitutional. He deduced from the Supreme Court ruling that the House is being asked to heed the clarion call that the buck stops at the Chamber.

Moreover, Rep. Syjuco stated that impeachment is the only peaceful recourse of a citizenry who has reposed its collective fortune, confidence and vote in a President who must, after all, take final account for the magnitude of Executive graft in the country. He averred that if the people do not find relief or redress from the House, which they deem to be their beacon of democracy, then impeachment or the failure of its conduct as recent history has shown, would cause the ordinary citizen to don full battle gear. He commented that year after year, the Members shout, rave and rant for more appropriations for their respective districts but if they fail to heed this call for relief from graft, their efforts to source more funds for district projects would only succeed in feeding the grafters' insatiable thirst for taxpayers’ money.

Rep. Syjuco inquired whether the Members shall teflon-coat the impeachment process and become accomplices of grafters, cure the cancer of graft that has festered the Philippines through time, or leave the people to the treachery of graft. He underscored that the Members now stand at the crossroads of conscience. He then reiterated his query at the start of his speech, on whether the Members seek to serve or serve

to seek.

MOTION OF REP. SYJUCO

With this thought in mind, Rep. Syjuco moved to amend Section 16, Rule V of the House Rules on Impeachment, to read as follows:

"Section 16. Impeachment Proceedings Deemed Initiated. - In cases where a Member of the House files a verified complaint of impeachment or a citizen files a verified complaint that is endorsed by a Member of the House through a resolution of endorsement against an impeachable officer, or WHERE A VERIFIED COMPLAINT OR RESOLUTION OF IMPEACHMENT IS FILED OR ENDORSED, AS THE CASE MAY BE, BY AT LEAST ONE-THIRD (1/3) OF THE MEMBERS OF THE HOUSE, impeachment proceedings against such an official are deemed initiated on the day THE HOUSE OF REPRESENTATIVES, BY A VOTE OF AT LEAST ONE-THIRD (1/3) OF ITS MEMBERS, FINDS THE VERIFIED COMPLAINT SUFFICIENT IN SUBSTANCE THEREBY CONSTITUTING THE ARTICLES OF IMPEACHMENT FOR TRIAL BY THE SENATE."

Rep. Syjuco maintained that the task at hand demands humility and courage. He admitted to being one of the Members who voted for the approval of the Rules on Impeachment but it is only now that he realizes the error. He stressed that the House needs the humility and courage to admit this error. This, as he manifested that the task will be made more bearable if the Members would remember that humility must always come with honor and that the courage of the human spirit is tested in the furnace of fear.

In addition, Rep. Syjuco manifested his intent to insert into the Record of the House an article written that day by Father Joaquin G. Bernas, SJ who was very active in the deliberations on the issue during the framing of the 1987 Constitution. He then read the last two paragraphs of the article, entitled, "Impeaching Desierto," which said that to Father Bernas, impeachment proceedings are not initiated by a mere filing of a complaint but instead, it is the House that initiates impeachment by a vote of one-third of all its Members.

He continued that Father Bernas said that this has not happened and might not happen. He added that in the article, Father Bernas also suggested that those who want to go after Ombudsman Desierto should best wait until he gets out of office when there will be no more constitutional bar against prosecution.

Rep. Syjuco said that it is not only his memory of what transpired 15 years ago in the framing of the 1987 Constitution, it is not only the written testimony as it appears in the column of Father Bernas but that the House had committed an error which must be corrected. He then prayed that the Members be humble enough to correct the oversight on their part.

At this juncture, Rep. Escudero stated that Rep. Ted Failon would be the first Member to interpellate Rep. Syjuco.

EXTENSION OF REP. SYJUCO'S TIME

On motion of Rep. Escudero, there being no objection, the Body extended the time of Rep. Syjuco by another 10 minutes.

INTERPELLATION OF REP. FAILON

Upon recognition by the Chair, Rep. Failon quoted the day's newspaper report that the petition of Rep. Syjuco was "junked by the Supreme Court because it must pass through the Regional Trial Court (RTC) first." He asked whether said statement is accurate.

In response, Rep. Syjuco said that it is common knowledge that newspaper reports, from time to time, tend to overdramatize certain statements. He added that he has with him a copy of the Supreme Court resolution which he received only that morning. He averred that it falls upon the hapless luck of plaintiffs that they are usually the last to be informed of a court decision as what had happened in his case. He pointed out that the Supreme Court had previously made a decision on the case, but it was officially transmitted to him only on that day. He then cited the contents of the resolution of the Supreme Court en banc dated February 6, 2002, GR No. 151782, Augusto "Boboy" Syjuco vs. Jose C. De Venecia Jr. as Speaker, House of Representatives, and the Solicitor General: “Acting on the Petition for Declaratory Relief regarding the validity of Sections 16 and 17, Rule V of the Rules of Procedure in Impeachment Proceedings of the House of Representatives, the Court resolved to dismiss the petition, considering that the Supreme Court has no original jurisdiction over cases of declaratory relief such as this case."

Whereupon, Rep. Syjuco inquired on the effect of the Supreme Court's dismissal of the case on the ground of no original jurisdiction. In answer to his question, he opined that basically, he has to file the case first with the RTC which has original jurisdiction over the case. He however pointed out that such action would not serve the purpose, considering the urgency of getting the matter resolved.

In view of the urgency of the matter, Rep. Failon asked what Rep. Syjuco intends to do, considering that the Supreme Court had ruled that it has no jurisdiction over the case. He further asked whether Rep. Syjuco would file the case in the proper court as soon as possible.

In reply, Rep. Syjuco said that he has two courses of action: 1) to appeal to the Members to reconsider and amend Section 16, Rule V of the Rules on Impeachment; and 2) if necessary, to file the case with the RTC which the Supreme Court has pointed to as having original jurisdiction on the matter.

Considering that Rep. Syjuco had earlier moved to amend the aforementioned provision of the Rules on Impeachment, Rep. Failon said that he was seconding said motion.

SUSPENSION OF SESSION

On motion of Rep. Escudero, the session was suspended at 4:46 p.m.

RESUMPTION OF SESSION

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

MOTION TO SUSPEND REP. SYJUCO'S TIME

Whereupon, Rep. Escudero moved that the Body in the meantime suspend Rep. Syjuco's time and proceed to the Roll Call.

REMARKS OF THE CHAIR

The Chair pointed out that the time of Rep. Syjuco had already expired such that there was no need to suspend the same. He added that the motion to call the Roll should be the subject matter at present.

SUSPENSION OF SESSION

On motion of Rep. Escudero, the session was suspended at 4:52 p.m.

RESUMPTION OF SESSION

At 4:53 p.m., the session was resumed.

APPROVAL OF REP. ESCUDERO'S MOTION

On a previous motion of Rep. Escudero, there being no objection, the Body in the meantime suspended the time of Rep. Syjuco.

ROLL CALL

Upon direction of the Chair, the Secretary General called the Roll and the following Members were present:

Abaya (P.)
Abayon
Ablan Chatto
Acosta
Albano
Alfelor
Amante
Ancheta
Angara-Castillo
Antonino-Custodio
Apostol
Aquino (A.)
Aquino (B.)
Arbison
Baculio
Badelles
Banaag
Baterina
Bersamin
Biazon
Bondoc
Cayetano
Celeste
Chiongbian
Chipeco
Chungalao
Cojuangco (M.)
Cruz
Dadivas
De Venecia
Defensor (A.)
Del Mar
Dilangalen
Dimaporo
Domogan
Dumarpa
Dumpit
Dy (F.)
Echiverri
Ecleo
Enrile

Bueser Erice
Cabilao Ermita-Buhain
Cagas Escudero
Cajes Espina
Calalay Espino
Calizo Espinosa (Edgar)
Cari Espinosa (Emilio)
Carloto Espinosa (V.)
Castro Estrella
Failon Olaño
Falcon Pablo
Floirendo Perez
Fua Pingoy
Fuentebella Puentevella
Garcia (E.) Ramirez-Sato
Garcia (V.) Ramiro
Garin Real
Gatchalian Remulla
Gonzales (N.) Reyes (V.)
Gonzalez (R.) Rodriguez (O.)
Gordon Salapuddin
Gozos San Juan
Gullas San Luis
Gunigundo Sandoval (F.)
Imperial Santiago
Ipong Seachon
Jaafar Silverio
Jala Singson
Joaquin Solis
Joson Soon-Ruiz
Lacson Suarez
Lagman-Luistro Sumulong
Lapus Suplico
Libanan Sy-Alvarado
Locsin (Ma. V.) Syjuco
Lopez (J.) Taganas Layus
Macias Teves
Malanyaon Tulagan
Mamba Uy (E.)
Matalam Veloso
Mathay Vicencio
Maza Villanueva
Mitra Villar
Monfort Villarama
Montilla Villareal
Nantes Wacnang
Nepomuceno Yapha
Nicolas Ylagan
Nieva Zamora (M.)
Nograles Zialcita
Ocampo Zubiri

With 144 Members present, the Chair declared the presence of a quorum.
(See Appendix 1)

The following Members appeared after the Roll Call.

Almario Cuenco
Amin Dangwa
Barinaga Jaraula
Beltran Lanot
Bulut Lobregat
Castelo Daza Locsin (T.)
Clarete Lopez (R.)
Cojuangco (C.) Macarambon
Cua Moreno
Nachura Teodoro
Padilla Torres
Pichay Unico
Roco Uy (R.)
Rodriguez (I)

SUSPENSION OF SESSION

At this juncture, on motion of Majority Leader Neptali M. Gonzales II, the session was suspended at 4:57 p.m.

RESUMPTION OF SESSION

At 5:00 p.m., the session was resumed.

Upon resumption of session, on motion of Rep. Escudero, the Chair recognized Rep. Syjuco to respond to interpellations.

Rep. Escudero then informed the Body that the parliamentary status was that Rep. Syjuco had moved for an amendment of the Rules of the House and said motion was duly seconded by Rep. Failon.

PARLIAMENTARY INQUIRY
OF REP. ALBANO

Upon recognition of the Chair, Rep. Rodolfo B. Albano inquired whether any Member can move for an amendment of the Rules of the House simply by taking the floor, delivering a question of privilege and in the end, filing a motion for that purpose.

The Chair replied that there is no provision in the Rules of the House on the matter of amending said Rules. He noted, however, a specific rule on amendments which probably covers all kinds of amendments, albeit the same should refer only to amendments on ordinary matters that are the subject of debate. He then maintained that Rep. Albano's manifestation has some merit considering that the Rules had been approved by the House in plenary session and had passed through the Committee on Rules.

Rep. Albano then opined that such an important amendment to the Rules should first be submitted in written form so the proper committee, which is the Committee on Rules, could go over it, and the Body could conduct

an intelligent discussion on it thereafter. There should be some kind of sponsorship on the proposed amendment, he said, and a period during which one can oppose the same.

Whereupon, the Chair stated that this would be subject to the five-minute rule. However, he reiterated that there is no provision in the Rules of the House governing amendments to said Rules. The same Rules, he added, provide that a motion may be made either in writing or orally.

Rep. Albano opined that such provision applies only to ordinary motions but not to a motion to amend a particular rule that had been discussed in plenary session. Otherwise, he said that after Rep. Syjuco's motion, he could also take the floor and move to amend a particular provision in the Rules.

The Chair subscribed to Rep. Albano's view even as he lamented that Rule XIX of the Rules of the House simply speaks of motions, while Section 117 thereof covers amendments.

Rep. Albano however maintained that said provision refers to motions governed by the Rules of the House and that there are separate Rules on Impeachment. He inquired as to how the Rules on Impeachment could be amended and whether this falls under the general Rules of the House.

The Chair responded that the Rules on Impeachment is silent on the matter of how it will be amended. Thus, he assumed that the Rules on Impeachment is also part of the Rules of the House.

To enable the House to conduct an intelligent discussion on his proposed amendment, Rep. Albano appealed to Rep. Syjuco to clarify whether the latter's motion was filed as an aftermath of the Supreme Court ruling which threw out his petition for Declaratory Relief. He likewise appealed to Rep. Syjuco's fairness and asked the latter to give the Members an opportunity to look into the matter. This, as he asked why Rep. Syjuco had to come to the House and take adverse action on the Supreme Court which had already ruled that the latter's petition for declaratory relief does not deserve its attention.

OBJECTION OF REP. SYJUCO

Upon recognition by the Chair, Rep. Syjuco objected to the "overly colorful language" of Rep. Albano, specifically the phrase "the Supreme Court threw out." He claimed that Rep. Albano was not present when the Supreme Court rendered its decision.

Thereupon, the Chair emphasized that the Supreme Court decision adverted to by Rep. Albano speaks for itself and then called on Rep. Syjuco not to debate on the language thereof.

Rep. Syjuco however clarified that he was objecting not to language of the decision but to the "overly colorful language" of Rep. Albano.
MOTION OF REP. SYJUCO

The Chair then inquired whether Rep. Syjuco was moving to strike off the

records Rep. Albano's statements. Rep. Syjuco replied in the affirmative and added that it was because Rep. Albano's language was overly colorful.

RULING OF THE CHAIR

The Chair denied Rep. Syjuco's motion to strike off the records Rep. Albano's statements on the ground that the same were not unparliamentary.

MOTION OF REP. JARAULA

Upon recognition by the Chair, Rep. Constantino G. Jaraula moved that Rep. Syjuco's motion be referred to the Committee on Rules which drafted the Rules on Impeachment.

MANIFESTATION OF REP. SYJUCO

At this juncture, Rep. Syjuco sought recognition from the Chair. The Chair however requested Rep. Syjuco to wait for the ruling on Rep. Jaraula’s motion.

MOTION OF REP. JARAULA
(Continuation)

Rep. Jaraula explained that he had moved for the referral of Rep. Syjuco's motion to the Committee on Rules because the Rules on Impeachment had passed through a long process in said Committee prior to its approval by the Body in plenary session, and thus needs some time to be reviewed.

The Chair however pointed out that Rep. Jaraula's motion will then become an amendment to Rep. Syjuco's motion.

Rep. Jaraula stressed that such would not necessarily be the case because his motion was, in effect, to lay Rep. Syjuco's motion on the table. The proper way to dispose of Rep. Syjuco's motion, he said, is to refer the same to the Committee on Rules which would actually be tantamount to disposing of the motion.

The Chair stated that Rep. Jaraula's motion was, in effect, to lay Rep. Syjuco's motion on the table.

Thereupon, Rep. Syjuco maintained that he would not yield to such amendment to his motion.

Rep. Jaraula opined that the position of the Chair was correct insofar as the plenary is concerned. He maintained, however, that the House will be taking a positive action in referring Rep. Syjuco's motion to the Committee on Rules which originally drafted the Rules on Impeachment.

Rep. Syjuco opined that such action was not positive enough.

Rep. Jaraula underscored that his motion was not an amendment to Rep. Syjuco’s motion but a motion to dispose of the latter’s motion.

RULING OF THE CHAIR

Thereupon, the Chair maintained that the best solution would be to divide the House on Rep. Syjuco's motion.

POINT OF ORDER OF REP. SYJUCO

Rep. Syjuco claimed that Rep. Jaraula's motion was out of order because the former had a pending motion.

The Chair however stressed that he had already ruled that there will be a division of the House on Rep. Syjuco's motion.

REMARKS OF REP. ALBANO

Upon recognition by the Chair, Rep. Albano pointed out that Rep. Jaraula did not move to dispose of Rep. Syjuco's motion but of the amendment to the Rules on Impeachment. He noted that Rep. Syjuco had a proposed amendment to the Rules on Impeachment and said amendment must first be referred to the proper committee for study. He added that Rep. Syjuco's motion was to amend a particular section in the Rules on Impeachment and then asked on the rationale therefor.

Rep. Albano further averred that Rep. Jaraula was correct in saying that Rep. Syjuco's proposed amendment should be studied first because no one among the Members knows what said amendment was. He then stressed that what the Body was acting on at that time was the amendment per se, and not the motion to amend the Rules on Impeachment. This was important, he said, to give the Members an opportunity to know what they were voting on; otherwise, only Rep. Syjuco would know what his proposed amendment was all about.

PARLIAMENTARY INQUIRY
OF REP. SYJUCO

Subsequently, Rep. Syjuco inquired as to the status of his objection to the "overly colorful" language of Rep. Albano.

The Chair replied that he had asked Rep. Syjuco whether the latter had moved to strike off the records Rep. Albano's statements which he had objected to. The Chair then pointed out that he had denied the motion to strike Rep. Albano's words off the records on the ground that said statements were not unparliamentary.

REP. SYJUCO'S APPEAL FROM
THE RULING OF THE CHAIR

Thereupon, Rep. Syjuco appealed the ruling of the Chair.

The Chair then inquired whether Rep. Syjuco was asking for a vote of the House, to which the latter replied in the affirmative.

SUSPENSION OF SESSION

On motion of Rep. Escudero, the session was suspended at 5:12 p.m.

RESUMPTION OF SESSION

At 5:13 p.m., the session was resumed.

REMARKS OF REP. ESCUDERO

Upon resumption of session, Rep. Escudero informed the Body that the parliamentary status was that after the exchange between their colleagues, Rep. Syjuco had moved to amend the Rules on Impeachment and said motion was duly objected to. Before the Body could vote on said motion, he then requested Rep. Syjuco to restate the same.

REMARKS OF REP. SYJUCO

Whereupon, Rep. Syjuco underscored that he had filed an appeal from the ruling of the Chair so the "colorful language" of Rep. Albano could be stricken off the records of the House.

The Chair stated that before the Body could vote on the motion to amend the Rules on Impeachment, Rep. Syjuco had appealed the ruling of the Chair denying the latter's motion to strike off the records the "overly colorful language" of Rep. Albano.
Rep. Syjuco then noted that while it had earlier been declared that a quorum was present in the House, he believes that there were not enough Members on the floor at that time as many of their colleagues were in still in committee meetings.

REMARKS OF REP. GONZALES (N.)

Upon recognition by the Chair, Rep. Gonzales underscored that Rep. Syjuco had filed a motion a while ago, and was confident then that a quorum existed because the Roll had just been called.

QUESTION OF QUORUM

Rep. Syjuco then questioned the presence of a quorum stating that he was within his rights to raise that question.

POINT OF ORDER of
rep. gonzales (N.)

Thereupon, Rep. Gonzales moved to declare Rep. Syjuco out of order, stating that there already was a Supreme Court ruling, and that the presence of a quorum cannot be questioned when it has just been established.

OBJECTION OF REP. SYJUCO

Rep. Syjuco objected to Rep. Gonzales' motion, claiming that the quorum

was "mis-established" and that inasmuch as it was voting time, there was a need to ascertain whether a quorum indeed existed at that time.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session at 5:15 p.m.

RESUMPTION OF SESSION

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

POINT OF ORDER OF
REP. GONZALES (N.)
(Continuation)

Upon resumption of session, Rep. Gonzales reiterated his motion to declare Rep. Syjuco out of order.

RULING OF THE CHAIR

The Chair noted the motion and declared Rep. Syjuco out of order.
MANIFESTATION OF REP. SYJUCO

Thereupon, Rep. Syjuco sought recognition from the Chair, saying he was entitled to a quorum before the House votes on his motion.

REMARKS OF THE CHAIR

The Chair then reiterated that Rep. Syjuco had asked for a reconsideration of his motion to strike off the records Rep. Albano's statements.

Rep. Syjuco, at this point, opined that the proceedings were being railroaded.

DIVISION OF THE HOUSE

Subsequently, the Chair called for a viva voce vote on the matter and with majority voting against Rep. Syjuco's appeal, declared the same lost.

OBJECTION OF REP. SYJUCO

Rep. Syjuco objected to the division of the House, arguing that voting cannot be held when the quorum had been questioned.

The Chair replied however that there was a quorum in the House.

Rep. Syjuco countered that the Chair had simply expressed an opinion, or made a statement.

The Chair pointed out that he had already made a ruling and that Rep. Syjuco was out of order.

Thereafter, the Chair called on the Sergeant-at-Arms.

At this point, Sergeant-of-Arms Bayani C. Fabic approached Rep. Syjuco. Rep. Syjuco then asked whether this was the proper way to treat the Members of the House, to which the Chair replied that Rep. Syjuco had always been given time to speak.

Rep. Syjuco countered that he was well within his rights to a quorum before any vote was made.

The Chair however reiterated that there was a quorum in the House and then requested Rep. Syjuco to look around him.

Thereupon, Rep. Syjuco claimed that the Chair's count was different from his, that is why every Member of the House, no matter how humble, can insist on calling the Roll.

SUSPENSION OF SESSION

On motion of Rep. Escudero, the session was suspended at 5:18 p.m.

RESUMPTION OF SESSION

The session was resumed at 6:19 p.m.

ADJOURNMENT OF SESSION

On motion of Rep. Gonzales, there being no objection, the Chair declared the session adjourned until four o’clock in the afternoon of Monday, February 11, 2002.

It was 6:19 p.m.

I hereby certify to the correctness of the foregoing.

(Sgd.) ROBERTO P. NAZARENO
Secretary General

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