

JOURNAL NO. 66
Tuesday, April 28, 2009

CALL TO ORDER

Deputy Speaker Pablo P. Garcia called the session to order at 4:00 p.m.,

NATIONAL ANTHEM AND PRAYER

Pursuant to Section 71, Rule XI of the Rules of the House, the Members sang the Philippine National Anthem and thereafter observed a minute of silent prayer.

ACKNOWLEDGMENT OF GUESTS

Whereupon, Rep. Roman T. Romulo acknowledged the presence in the Session Hall of guests of Rep. Arthur "Dodo" Y Pingoy Jr.

SUSPENSION OF SESSION

On motion of Rep. Romulo, the session was suspended at 4:03 p.m.

RESUMPTION OF SESSION

At 4:33 p.m., the session was resumed with Speaker Prospero C. Nograles presiding.

ACKNOWLEDGMENT OF GUESTS

Thereupon, Rep. Romulo acknowledged the presence in the Session Hall of New Zealand Ambassador Andrew Graeme Matheson, who was the guest of Speaker Nograles; as well as guests of Reps. Arthur "Dodo" Y. Pingoy Jr., Risa N. Hontiveros and Walden F. Bello.

REMARKS OF REP. DEFENSOR (A.)

Thereafter, Rep. Arthur D. Defensor Sr. informed the Body that the House is in receipt of NBC Resolution No. 09-001 dated April 24, 2009 implementing the decision of the Supreme Court in G.R. Numbers 179271 and 179295 dated April 21, 2009.

SUSPENSION OF SESSION

Pursuant to such Resolution, on motion of Rep. Defensor (A.), the session was suspended to allow the newly proclaimed Party-List Representatives to take their oath-of-office before Speaker Nograles. It was 4:36 p.m.

RESUMPTION OF SESSION

At 4:40 p.m., the session was resumed.

OATH-TAKING OF MEMBERS

Upon resumption of session, Speaker Prospero C. Nograles requested the Members and the guests in the gallery to rise to witness the oath-taking of the new Members of the House of the people.

At this juncture, the following newly proclaimed Party-List Representatives took their oath before the Speaker:

1. Rep. Ulpiano P. Sarmiento III A Teacher
2. Rep. Daryl Grace J. Abayon Aangat Tayo
3. Rep. Leonardo Q. Montemayor Aba Ako
4. Rep. Jonathan A. Dela Cruz Abakada Guro

5. Rep. Francisco Emmanuel R. Ortega Abono
6. Rep. Catalina G. Leonen-Pizzaro ABS
7. Rep. Cesar A. Cobrador Agap
8. Rep. Walden F. Bello Akbayan
9. Rep. Pastor M. Alcover Jr. Anad
10. Rep. Neil Benedict A. Montejo An Waray
11. Rep. Joel B. Maglunsod Anakpawis
12. Rep. Ariel C. Hernandez Anak Mindanao
13. Rep. Lourdes T. Arroyo Ang Kasangga
14. Rep. Oscar D. Francisco ARC
15. Rep. Salvador B. Britanico Banat
16. Rep. Jovito S. Palparan Bantay
17. Rep. Neri J. Colmenares Bayan Muna
18. Rep. Agapito H. Guanlao Butil
19. Rep. Cresente C. Paez COOP-NATCCO
20. Rep. Ranulfo P. Canonigo Kakusa
21. Rep. Godofredo V. Arquiza Senior Citizen
22. Rep. Raymond Democrito C. Mendoza TUCP
23. Rep. Teodoro L. Lim UNI MAD
24. Rep. Estrella De Leon Santos VFP
25. Rep. Haron D. Omar Yacap

SUSPENSION OF SESSION

After congratulating and welcoming the new Members of the House, the Chair motu proprio suspended the session to allow the Members to congratulate their new colleagues from Party-Lists.

It was 4:42 p.m.

RESUMPTION OF SESSION

At 5:35 p.m., the session was resumed.

ROLL CALL

On motion of Rep. Rene M. Velarde and upon direction of the Chair, the Secretary General called the Roll and the following Members were present:

Abayon
Aggabao
Agyao
Albano
Alcala
Alcover Jr.
Alfelor
Almario
Alvarez (G.)
Amante
Amatong
Angara
Antonino
Antonino-Custodio
Aquino
Arago
Arbison
Arenas
Arnaiz
Arquiza
Arroyo (D.)
Arroyo (I.)

Arroyo (M.L.)
Bagatsing
Balindong
Barzaga
Bautista
Bello
Belmonte
Binay
Bondoc
Bonoan-David
Bravo
Briones
Britanico
Cabilao
Cagas
Cajayon
Canonigo
Casiño
Castelo-Daza
Castro
Cayetano
Cerilles
Chatto
Chavez
Chipeco
Clarete
Climaco
Cobrador
Cojuangco
Colmenares
Coscolluela
Cruz-Gonzales
Cua (J.)
Dangwa
Datumanong
Daza
De Guzman
Defensor (A.)
Defensor (M.)
Dela Cruz
De leon Santos
Del Mar
Diaz
Dilangalen
Dimaporo
Domogan
Dumpit
Durano
Dy
Emano
Ermita-Buhain
Escudero
Estrella (C.)
Estrella (R.)
Fabian
Francisco
Fua
Fuentebella
Garay

Garcia (A.)
Garcia, Pablo P.
Garcia (V.)
Gatlabayan
Go
Golez
Gonzales (A.)
Gonzalez
Guanlao
Gullas
Gunigundo
Hataman
Hernandez
Hofer
Hontiveros
Ilagan
Jaafar
Jalosjos
Joson
Kho
Lacson
Lagdameo
Lagman
Lazatin
Leonen-Pizarro
Lim (T.)
Locsin
Lopez (C.)
Lopez (J.)
Madrona
Maglunsod
Mandanas
Mangudadatu
Mariano
Maza
Mendoza
Mendoza (R.)
Montejo
Montemayor
Nava
Nicolas
Noel
Nograles
Olaño
Omar
Ortega (F.)
Ortega (V.)
Padilla
Paez
Palparan
Pancho
Pancrudo
Piamonte
Ping-ay
Pingoy
Piñol
Prieto-Teodoro
Puentevella
Puno

Ramiro
Remulla
Reyes (C.)
Reyes (V.)
Robes
Rodriguez
Rodriguez-Zaldarriaga
Roman
Romualdez
Romulo
San Luis
Sandoval
Santiago (J.)
Sarmiento III
Susano
Sy-Alvarado
Taliño-Mendoza
Teodoro
Teves
Tieng
Tupas
Umali (A.)
Umali (C.)
Uy (R.A.)
Uy (R.S.)
Valencia
Vargas
Velarde
Villafruerte
Villarosa
Vinzons-Chato
Violago
Yap
Yu
Zamora (M.)
Zamora (R.)
Zubiri

The following Members appeared before and/or after the Roll Call.

Abaya
Asilo
Biron
Dayanghirang
Macapagal Arroyo (M.)
Malapitan
Mercado
Roxas
Uy (E.)

With 177 Members present, the Chair declared the presence of a quorum.

Thereafter, the Chair recognized Rep. Risa N. Hontiveros for her parliamentary inquiry.

PARLIAMENTARY INQUIRY OF REP. HONTIVEROS

Rep. Hontiveros initially referred to the hearing conducted by the Committee on Justice earlier in the day on the issue of whether a majority vote of all the Members is required to deliberate on the

impeachment complaint filed against Ombudsman Merceditas Gutierrez. She disclosed that after declaring the absence of a quorum because the Roll Call did not show a majority of all the members of the Committee, the chairperson adjourned the meeting. She inquired whether Section 36, Rule IX of the Rules of the House is still being implemented in determining whether a committee can conduct its business.

Rep. Defensor, with the permission of the Chair, clarified that for purposes of determining a quorum, only one-fifth of all the members is required. However, he added that in case of a vote, especially in impeachment proceedings, there is a need for a majority of all the members. He thereafter stressed that he is not in a position to make an opinion or ruling on the decision of the Committee of Justice and that if Rep. Hontiveros disagrees with the ruling of the Chair, he said that the internal remedy would be in Committee on Justice itself.

On whether this means that if the ruling of the chairperson of the Committee on Justice was correct, then all previous Committee proceedings of the House that did not involve the majority of all members of that committee are declared invalid, Rep. Defensor (A.) explained that all decisions that have been finally decided, in the absence of any appeal or reconsideration on a particular issue, shall remain as final. past proceedings of the committee is governed by the Rules of the House, including parliamentary practices or traditions.

Rep. Hontiveros next inquired as to what circumstance had prompted the chairperson of the Committee on Justice to adjourn said hearing.

Rep. Defensor (A.) admitted lack of knowledge as to what had transpired in said proceedings of the Committee on Justice, and suggested a consultation with acknowledged parliamentarians and constitutionalists.

Subsequently, Rep. Hontiveros said she would submit her questions to the Committee on Rules after Rep. Defensor stressed that no Member can change the House Rules,

PARLIAMENTARY INQUIRY OF REP. RODRIGUEZ

Upon recognition by the Chair, Rep. Rufus B. Rodriguez sought clarification on the House membership, to which Rep. Defensor cited the following: 263 – new total number of Members in the House, 132 – number of members constituting a quorum, and 198 - three-fourths of the total membership constituting a constituent assembly to consider Constitutional amendments.

SUSPENSION OF SESSION

At 6:03 p.m., the Chair suspended the session upon Rep. Defensor's motion.

RESUMPTION OF SESSION

At 6:04 p.m., the session was resumed.

SUSPENSION OF SESSION

At 6:05 p.m., the Chair suspended the session anew upon Rep. Defensor's motion.

RESUMPTION OF SESSION

The session was resumed at 6:05 p.m.

APPROVAL OF THE JOURNAL

On motion of Rep. Romulo, there being no objection, the Body approved the Journal of the previous session.

SUSPENSION OF SESSION

At 6:06 p.m., the Chair suspended the session upon Rep. Romulo's motion

RESUMPTION OF SESSION

At 6:07 p.m., the session was resumed.

REFERENCE OF BUSINESS

On motion of Rep. Romulo, 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 Communications and Committee Reports which were referred to the appropriate Committees hereunder indicated:

BILLS ON FIRST READING

House Bill No. 6245, entitled:

"AN ACT ESTABLISHING THE NATIONAL GERIATRIC HEALTH CENTRE OF THE PHILIPPINES"

By Representative Abante

TO THE COMMITTEE ON HEALTH

House Bill No. 6246, entitled:

"AN ACT CHANGING THE NAME OF LA PAZ NATIONAL HIGH SCHOOL – LA PAZ ANNEX IN BARANGAY PAITE, MUNICIPALITY OF SAN NARCISO, PROVINCE OF ZAMBALES TO PAITE OMAVA BALINCAGUING NATIONAL HIGH SCHOOL"

By Representative Diaz

TO THE COMMITTEE ON BASIC EDUCATION AND CULTURE

House Bill No. 6249, entitled:

"AN ACT STRENGTHENING THE REPUBLIC ACT NUMBER THREE THOUSAND NINETEEN, OTHERWISE KNOWN AS THE ANTI-GRAFT AND CORRUPT PRACTICES ACT"

By Representative Santiago (N.)

TO THE COMMITTEE ON REVISION OF LAWS

House Bill No. 6250, entitled:

"AN ACT TO ESTABLISH A PILOT PROGRAM TO PROVIDE GRANTS TO ENCOURAGE ELIGIBLE INSTITUTIONS OF HIGHER EDUCATION TO ESTABLISH AND OPERATE PREGNANT AND PARENTING STUDENT SERVICES OFFICES FOR PREGNANT STUDENTS, PARENTING STUDENTS, PROSPECTIVE PARENTING STUDENTS WHO ARE ANTICIPATING A BIRTH OR ADOPTION, AND STUDENTS WHO ARE PLACING OR HAVE PLACED A CHILD FOR ADOPTION"

By Representative Santiago (N.)

TO THE COMMITTEE ON HIGHER AND TECHNICAL EDUCATION AND THE COMMITTEE ON APPROPRIATIONS

House Bill No. 6251, entitled:

"AN ACT REQUIRING THE POSTING OF NUTRITIONAL CONTENT INFORMATION IN MENU BOARDS OF FOOD SERVICE ESTABLISHMENTS"

By Representative Santiago (N.)

TO THE COMMITTEE ON HEALTH

House Bill No. 6252, entitled:

"AN ACT PROTECTING THE CONFIDENTIALITY OF VICTIM'S AND WITNESS' ADDRESS AND TELEPHONE NUMBER DURING A TRIAL OR HEARING RELATED TO A CRIMINAL PROSECUTION"

By Representative Santiago (N.)

TO THE COMMITTEE ON JUSTICE

House Bill No. 6253, entitled:

"AN ACT TO PROVIDE GRANTS TO ELIGIBLE CONSORTIA TO PROVIDE PROFESSIONAL DEVELOPMENT TO SUPERINTENDENTS, PRINCIPALS, AND PROSPECTIVE SUPERINTENDENTS AND PRINCIPALS"

By Representative Santiago (N.)

TO THE COMMITTEE ON HIGHER AND TECHNICAL EDUCATION AND THE COMMITTEE ON APPROPRIATIONS

House Bill No. 6254, entitled:

"AN ACT DECLARING THE 1ST OF JULY OF EVERY YEAR A SPECIAL NON-WORKING HOLIDAY IN THE CITY OF SAN CARLOS, NEGROS OCCIDENTAL IN OBSERVANCE OF THE CITY'S CHARTER DAY"

By Representative Ledesma

TO THE COMMITTEE ON REVISION OF LAWS

House Bill No. 6255, entitled:

"AN ACT FIXING THE RETIREMENT AGE OF MILITARY PERSONNEL IN THE ARMED FORCES OF THE PHILIPPINES AT SIXTY-FIVE AND FOR OTHER PURPOSES"

By Representative Agbayani

TO THE COMMITTEE ON NATIONAL DEFENSE AND SECURITY

RESOLUTIONS

House Resolution No. 1111, entitled:

"ISANG RESOLUSYONG NAGPAPAHAYAG NG PANANAW KONGRESO NA DAPAT ITIGIL AGAD NG KAGAWARAN NG PAGSASAKA O DEPARTMENT OF AGRICULTURE (DA), NATIONAL FOOD AUTHORITY (NFA), AT NG DEPARTMENT OF BUDGET AND MANAGEMENT (DBM) ANG IMPLEMENTASYON NG EXECUTIVE ORDER NO. 366 O ANG RATIONALIZATION PLAN NG NATIONAL FOOD AUTHORITY (NFA)"

("A RESOLUTION EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT THE DEPARTMENT OF AGRICULTURE (DA), NATIONAL FOOD AUTHORITY (NFA) AND THE DEPARTMENT OF BUDGET AND MANAGEMENT (DBM) IMMEDIATELY STOP THE IMPLEMENTATION OF EXECUTIVE ORDER NO. 366 OR THE RATIONALIZATION PLAN OF THE GOVERNMENT IN THE NATIONAL FOOD AUTHORITY (NFA)")

By Representative Joson

TO THE COMMITTEE ON AGRICULTURE AND FOOD

House Resolution No. 1112, entitled:

"RESOLUTION DIRECTING THE COMMITTEE ON PUBLIC INFORMATION TO CONDUCT AN INVESTIGATION IN AID OF LEGISLATION INTO THE PROFUSION OF ADVERTISEMENTS DURING THE AIRING OF DELAYED TELECASTS/REPLAYS IN FREE TV OF POPULAR AND MUCH-AWAITED SPORTING EVENTS"

By Representative Puentevella

TO THE COMMITTEE ON RULES

House Resolution No. 1113, entitled:

"A RESOLUTION DIRECTING THE COMMITTEE ON TRADE AND INDUSTRY TO CONDUCT AN INQUIRY IN AID OF LEGISLATION ON THE STATUS OF AND DEVELOPMENT PLANS FOR THE BAGUIO CITY PUBLIC MARKET AND THE CONTRACT BETWEEN THE CITY OF BAGUIO AND UNIWIDE CORPORATION TO DEVELOP THE SAME"

By Representative Hontiveros
TO THE COMMITTEE ON RULES

House Resolution No. 1114, entitled:

"RESOLUTION REQUESTING FOR AN INVESTIGATION, IN AID OF LEGISLATION, OF THE CYM INTERNATIONAL SERVICES AND PLACEMENT AGENCY INC., THAT RECRUITED THE 137 BUS DRIVERS WHO ARE STRANDED IN THE UNITED ARAB EMIRATES"

By Representative Barzaga

TO THE COMMITTEE ON RULES

House Resolution No. 1115, entitled:

"A RESOLUTION DIRECTING THE SPECIAL COMMITTEE ON SOUTHERN TAGALOG DEVELOPMENT OF THE HOUSE OF REPRESENTATIVES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE HIGHLY IRREGULAR, UNFAIR AND UNJUST PRACTICES AT THE PORT OF CALAPAN CITY AND TO RECOMMEND REMEDIAL MEASURES THAT WILL ENSURE FAIR AND EQUITABLE OPPORTUNITY AS WELL AS FOR THE PROTECTION, SAFETY AND CONVENIENCE OF THE PEOPLE OF ORIENTAL MINDORO, IN PARTICULAR, AND THE RIDING PUBLIC, IN GENERAL, REGARDLESS OF THE OCCASION OR EVENT PRECEDING THE TRAVEL TIME SCHEDULE"

By Representative Valencia

TO THE COMMITTEE ON RULES

COMMUNICATIONS

Letter dated March 26, 2009 of Teofilo R. Regadio, Acting Deputy Director, LAIG, Bangko Sentral ng Pilipinas (BSP), furnishing the House of Representatives with a certified true copy of BSP Circular Letter No. CL-2009-019 dated March 19, 2009

TO THE COMMITTEE ON BANKS AND FINANCIAL INTERMEDIARIES

Letter dated April 17, 2009 of Amando M. Tetangco, Jr., Governor, Bangko Sentral ng Pilipinas, furnishing the House of Representatives with a copy of the BSP's Inflation Report for the Fourth Quarter of 2008

TO THE COMMITTEE ON BANKS AND FINANCIAL INTERMEDIARIES
COMMITTEE REPORT

Report by the Committee on Legislative Franchises (Committee Report No. 1951), re H. No. 4886, entitled:

"AN ACT GRANTING THE CULTURAL FOUNDATION OF DAVAO DEL SUR INCORPORATED (CFDI) FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS IN DAVAO DEL SUR"

recommending its approval

Sponsors: Representatives Biron and Cagas

TO THE COMMITTEE ON RULES

ADDITIONAL COAUTHORS

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

Rep. Ma. Theresa Bonoan-David for House Bill No. 1152, 2920, 3678, 4232, 5855;

Rep. Emmanuel Joel J. Villanueva for House Bill No. 2294;

Rep. Marcelino "Marcy" R. Teodoro for House Bill No. 3756 and 6114;

Rep. Narciso D. Santiago 111 for House Bill No. 5928; and

Rep. Ma Theresa B. Bonoan-David for House Resolution No. 654.

PARLIAMENTARY INQUIRY OF
REP. ANTONINO-CUSTODIO

The Chair then recognized Rep. Darlene R. Antonino-Custodio who asked whether an absolute majority is required during voting in Committee meetings as she recalled that in her seven years in Congress, only one-fifth and not 50%+1 of total Committee membership was required in Committee proceedings. After Rep. Romulo pointed out that the parliamentary practice was to require a simple majority in regular Committee hearings but an absolute majority in special hearings such as impeachment hearings, she remarked that the latter requirement was not found in the House Rules nor in the Constitution and that less than 50% of Committee members were present in previous impeachment hearings.

ACKNOWLEDGMENT OF GUESTS

Rep. Romulo acknowledged the guests of Reps. Nerissa Corazon Soon-Ruiz, Giorgidi B. Aggabao and Rufus B. Rodriguez.

Subsequently, the Chair recognized Rep. Leonardo Q. Montemayor upon Rep. Romulo's motion.

MANIFESTATION OF REP. MONTEMAYOR

On behalf of his Party-list organization Aba-Ako, Rep. Montemayor thanked the Speaker and his colleagues for welcoming them to the House, and the Supreme Court for its recent decision which had ensured full compliance with the constitutional mandate on the party-list system towards allowing the significantly large, but socio-economically marginalized and politically underrepresented, basic sectors to participate meaningfully, through their nominees, in legislative policy-making.

Contrary to the view of some quarters that the party-list system is an unnecessary public expense, Rep. Montemayor expressed the opinion of his organization that the filling up of the party-list ranks is a worthwhile investment which, if properly exercised, can yield substantial returns in terms of a more inclusive and democratic polity, greater socio-economic stability and a more sustainable economic development. He then identified the small farmers, fisherfolk, rural workers and the urban poor as the basic sectors being represented by Aba-Ako and his group's commitment to work for the reform and recovery of the nation's economic, social and political institutions.

Rep. Montemayor then pledged to work with the Members for the passage of comprehensive agrarian and urban land reforms and the development of a policy environment that will respect the dignity of life, and enhance the welfare and integrity of the Filipino family as the most basic social institution.

QUESTION OF PRIVILEGE OF REP. BELLO

On motion of Rep. Romulo, the Chair next recognized Rep. Walden F. Bello who rose on a question of personal and collective privilege regarding the gravity of the domestic and international economic crises, and the Arroyo Administration's disturbing lack of serious concern about the matter.

Whereupon, Deputy Speaker Del Mar relinquished the Chair to Deputy Speaker Villarosa.

After informing the Body that he was joining the Minority bloc of the House whose positions he also shared, Rep. Bello cited pertinent economic figures which showed a contracting global economy and zero economic growth for the Philippines in 2010. He criticized the government for its lackadaisical response to the global crisis and for prioritizing its Charter change (Cha-cha) agenda over the country's economic collapse, which the Minority deemed as a case of dereliction of public responsibility and economic stewardship and management on the part of the Executive. He also gave his reasons for considering House Resolution No. 737 as too naïve and risky and cited the cases of Asia's most successful economies to substantiate his stance.

In closing, Rep. Bello urged the Administration to put the Philippines on a full economic emergency footing and to drop its Cha-cha agenda as his party-list Akbayan is prepared to work with all the Members of the House in coming up with an emergency program that will protect the marginalized Filipinos from the global economic crisis and lay down the foundations of a more sustainable and developed economy.

REFERRAL OF REP. BELLO'S SPEECH

On motion of Rep. Defensor (A.), there being no objection, the Body referred the speech of Rep. Bello to the appropriate committee.

MANIFESTATION OF REP. HONTIVEROS

Upon recognition by the Chair, Rep. Risa N. Hontiveros manifested her intent to rise on a matter of personal and collective privilege.

SUSPENSION OF SESSION

On motion of Rep. Defensor (A.), the session was suspended at 6:36 p.m.

RESUMPTION OF SESSION

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

On motion of Rep. Defensor (A.), the Chair recognized Rep. Alvin S. Sandoval to whom Rep. Hontiveros temporarily yielded the floor.

PARLIAMENTARY INQUIRY
OF REP. SANDOVAL

Rep. Sandoval asked about the constitutionality of having more than 250 Members in the House in view of a recent Supreme Court ruling which had increased the membership of the House as well as a

previous proposal in the House to increase its membership to 300.

With the permission of the Chair, Rep. Defensor (A.) stated that the Supreme Court is the final arbiter in any legal issue, especially constitutional issues, and that its decisions cannot be appealed. He also said that regardless of their thoughts or opinions, they cannot question the wisdom of the High Tribunal because whatever it decides is always considered right and constitutional.

On whether the membership of the House could grow up to 320 and up to 64 Party-List Representatives, Rep. Defensor replied that he is not privy to the formula used by the Supreme Court in its decision and suggested that Rep. Sandoval should consult with legal luminaries and transitional lawyers like Chief Justice Artemio Panganiban.

On whether the creation of new districts would not be affected by the Supreme Court ruling, Rep. Defensor expressed belief that increasing the number of congressional districts is still within the powers of the House and that it has not been affected by said Supreme Court decision.

Thereafter, on motion of Rep. Defensor (A.), the Chair recognized Rep. Risa N. Hontiveros on a question of personal and collective privilege.

QUESTION OF PRIVILEGE OF REP. HONTIVEROS

Rep. Hontiveros talked about the freedom of expression on the part of organized labor wherein the Second Division of the Supreme Court, in the Dusit Hotel case, destroyed the livelihood of the 29 union officers, who were simply exercising their right to said freedom, when they were dismissed despite the absence of work stoppage.

Rep. Hontiveros pointed out that the Second Division of the Supreme Court disregarded not only the freedom of expression which is guaranteed by the Constitution but also the Labor Code provision that strike is undertaken through work stoppage by workers and the doctrine that all doubts should be resolved in favor of labor. She stated that in this particular case, the Court found nonetheless that while the workers did not by themselves stop working, they were considered to have stopped working since they had provoked management into suspending them.

Stressing that freedom of expression is one of the cherished rights and should be guarded by the people, Rep. Hontiveros informed the Body that the country's labor movement is united on said issue and would be filing a complaint against the government before the International Labor Organization (ILO) for its failure to comply with ILO standards.

Thereupon, Rep. Hontiveros urged Congress to pass a law strengthening the rights of workers to freedom of expression so that it should not be interpreted as work stoppage and to investigate the National Labor Relations Commission (NLRC) on its findings. She then enjoined the Members to safeguard the rights of the workers and not allow the exercise of a constitutional right to be the basis of an alleged work stoppage.

REFERRAL OF REP. HONTIVEROS' SPEECH

Thereafter, on motion of Rep. Defensor (A.), there being no objection, the Body referred the speech of Rep. Hontiveros to the appropriate Committee.

Subsequently, the Chair recognized Rep. Roger G. Mercado for his parliamentary inquiry.

PARLIAMENTARY INQUIRY OF REP. MERCADO

Rep. Mercado inquired on the number of Party-List Representatives added to the present membership of the House.

With the permission of the Chair, Rep. Defensor (A.) replied that at present, the total membership of the House is 263 and affirmed that the election of new Party-List Representatives was based on a

Supreme Court decision.

Rep. Mercado inquired whether the representative from the Party-List Philippine Coconut Producers Federation, Inc. (Cocofed) is included in said Supreme Court decision.

SUSPENSION OF SESSION

At this point, on motion of Rep. Defensor (A.), the session was suspended at 6:55 p.m.

RESUMPTION OF SESSION

At 6:55 p.m., the session was resumed.

PARLIAMENTARY INQUIRY OF REP. MERCADO (Continuation)

In reply to the previous query, Rep. Defensor (A.) surmised however that the Representative from the Party-List Cocofed might not yet have submitted the necessary supporting documents to the Supreme Court. He stated however that he is not privy whether said Party-List was eased out even if the Supreme Court ruled that it was entitled to one representation in the House.

Rep. Mercado stated that he would make a full inquiry on the matter at the proper time considering that the Representative of said Party-List comes from his district.

UNFINISHED BUSINESS: COMMITTEE REPORT NO. 1762 ON HOUSE RESOLUTION NO. 737

On motion of Rep. Defensor (A.), there being no objection, the Body resumed consideration on Second Reading of House Resolution No. 737, as embodied in Committee Report No. 1762 and reported out by the Committee on Constitutional Amendments.

Upon direction of the Chair, the Secretary General read the title of the Resolution, to wit:

“RESOLUTION PROPOSING AMENDMENTS TO SECTIONS 2 AND 3, ARTICLE XII OF THE CONSTITUTION TO ALLOW THE ACQUISITION BY FOREIGN CORPORATIONS AND ASSOCIATIONS, AND THE TRANSFER OR CONVEYANCE THEREOF, OF ALIENABLE PUBLIC LANDS AND PRIVATE LANDS.”

At this point, however, Rep. Rodriguez sought recognition from the Chair. PARLIAMENTARY INQUIRY OF REP. RODRIGUEZ

Upon recognition by the Chair and as he had earlier inquired on the number that would constitute three-fourths of the membership of the House, Rep. Rodriguez inquired whether 198 Members are present because Article XVII of the Constitution and Rule XX, Section 139 of the Rules of the House require a three-fourths vote to be able to discuss, propose and make amendments to the Constitution.

With the permission of the Chair, Rep. Defensor (A.) clarified however that House Resolution No. 737 is only on Second Reading or in the period of sponsorship and debate and that the vote requirement of three-fourths applies only for Third Reading. He added that if the House fails to obtain the three-fourths vote requirement, said Resolution would be considered lost.

Rep. Rodriguez then claimed that in the previous Congresses, the requirement is that there should already be three-fourths of the total number of Members when Congress convenes itself as a constituent assembly and starts its deliberations to propose amendment or revision of the Constitution. He opined that the proponents of the measure cannot “truncate” the requirements of the present Constitution by stating that the three-fourths requirement is needed only when voting on each proposed amendment.

Adverting to the statements of Rep. Defensor (A.) during the previous week that the House, in effect, has already been convened as a constituent assembly, Rep. Rodriguez stated that if this would be the case then there should already be three-fourths or 198 Members convening to propose constitutional amendments.

In response, Rep. Defensor (A.) argued that the 1987 Constitution does not speak of a constituent assembly in the same manner that the 1935 and the 1973 Constitutions had. He stated that the 1987 Constitution only speaks of Congress proposing amendments to the Constitution by three-fourths of all its Members. He also clarified that what the Rules of the House provides is that the three-fourths vote refers to the required number of votes during the Third Reading of the amendatory measure. While he acknowledges the arguments of Rep. Rodriguez on the matter, he said that these issues cannot be settled until the Supreme Court has made its ruling thereto.

In his rejoinder, Rep. Rodriguez noted the statement of Rep. Defensor (A.) that the "Constitution does not mention constituent assembly" but he however stated that this particular issue had been ruled by the Supreme Court in cases of Lambino vs. Comelec and Binay vs. Comelec. He explained that according to Supreme Court Justice Adolfo Azcuna, Article XVII is a delegation of constituent powers and therefore, when this is exercised, it is a constituent power and could only be exercised by a constituent assembly. Moreover, he said that the Supreme Court already ruled if Rep. Defensor said that in the acceptance of the Party-List which already exceeded to 63 instead of 50 and asked whether the latter does not agree with the Supreme Court in the mentioned cases.

Rep. Defensor (A.) clarified that what he had said was that when the House of Representatives started its deliberation on House Resolution No. 737, it is now exercising its constituent powers which means that it is now discharging its power in proposing amendments to the Constitution. Granting for the sake of argument that he had said that, he pointed out that under the procedure adopted by the Rules of the House, the three-fourths vote requirement is not at the time of the inception of the proceedings or during the period of sponsorship and debate but during the vote on Third Reading

POINT OF ORDER OF REP. ANTONINO-CUSTODIO

Upon recognition by the Chair, Rep. Antonino-Custodio, after listening intently to the exchanges of Reps. Defensor (A.) and Rodriguez, expressed belief that the discussion requires more participation from the Members but that it is not possible for it seems that there is no majority of Members on the floor.

SUSPENSION OF SESSION

On motion of Rep. Defensor, the session was suspended at 7:08 p.m.

RESUMPTION OF SESSION

At 7:09 p.m., the session was resumed.

ROLL CALL

Whereupon, on motion of Rep. Defensor (A.) and upon direction of the Chair, the Secretary General called the Roll and the following Members were present:

Abaya
Aggabao
Almario
Amante
Amatong
Angara
Antonino
Antonino-Custodio
Aquino

Arbison
Arroyo (D.)
Arroyo (I.)
Arroyo (M.L.)
Asilo
Barzaga
Biron
Cabilao
Cagas
Cajes
Casiño
Chatto
Chavez
Cojuangco
Colmenares
Coscolluela
Cruz-Gonzales
Cua
Cuenco
Daza
De Guzman
Defensor (A.)
Del Mar
Domogan
Emano
Ermita-Buhain
Escudero
Francisco
Fua
Garcia (A.)
Garcia (P.)
Go
Golez
Gonzales (A.)
Gonzalez
Gunigundo
Hataman
Hontiveros
Ilagan
Jalosjos
Joson
Lagman
Lopez (C.)
Maglunsod
Mariano

Mercado
Montemayor
Nava
Ortega (F.)
Padilla
Paez
Piamonte
Reyes (V.)
Rodriguez
Roman
Romualdez
Romualdo
Romulo

Roxas
San Luis
Sandoval
Sy-Alvarado
Teodoro
Tupas
Uy (R.A.)
Velarde
Villar
Villarosa
Yap
Yu

With 79 Members responding to the Call, the Chair declared the absence of a quorum.

ADJOURNMENT OF SESSION

In view of the absence of a quorum, the Chair motu proprio declared the session adjourned until four o'clock in the afternoon of Wednesday, April 29, 2009.

It was 7:23 p.m.

I hereby certify to the correctness of the foregoing.

(Sgd.) ATTY. MARILYN B. BARUA-YAP
Secretary General