

VOL. II

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MONDAY, OCTOBER 14, 2002

OPENING OF THE SESSION

At 3:39 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

The President, The 24th session of the Second Regular Session of the Twelfth Congress is hereby called to order.

Let us all stand for the opening prayer to be led by Sen. Manuel B. Villar Jr. After the prayer, the Lakandula High School Choir will lead us in the singing of the national anthem. The Choir will also render another song, entitled *Lupang Sarili*.

*Everybody rose for the prayer.*

PRAYER

Senator Villar.

Ama naminc Divos na  
makapangyarihan sa lahat:

Buong pagpapakumbaba kaminc  
lumalapit sa iyong banal na harapan.  
yamang alam namin ang kapos naminc  
kakayanan, sa harap ng laganap na  
terrorismo sa aming bansa at  
sanlibutan.

Kamakailan lamang ay dinomba ang  
aming konsulado sa Manado, Indonesia.  
Kasabay nito ang pagbomba sa dalawang  
club sa Bali, Indonesia na pumatay sa  
mahigit 180 katao, at nag-iwan ng  
mahigit 300 sugatan.

Noong nakaraang linggo, walong kababayan naman namin ang namatay sa pagsabog ng bomba sa istasyon ng bus sa Kidapawan City, North Cotabato. Nauna rito ang pagkamatay ng isang sundalong Amerikano at tatlong Filipino sibilyan sa "bomb attack" sa Zamboanga City.

Ang militanteng grupong Jemaah Islamiyah, NPA, MILF at Abu Sayyaf ang ginaghihinalaan ng mga autoridad na nagsagawa ng mga aktong terorismo na pumatay ng daan-daang katao at sumira sa pambansa at pang-internasyonal na seguridad.

Higit kailanman, Panginoon, ngayon po namin kailangan ang iyong patnubay upang hindi manghina ang aming kalooban, manatiling matibay ang aming pananampalataya at masiglang harapin sa araw-araw ang di-matapos-tapos na mga suliraning kaakibat ng aming bansa at lipunan.

Amano Makapangyarihan, Ikaw ang pinagmumulan ng kaharian at kapangyarihan. Kasihan Mo po kami at patnubayan, gayundin ang Pangulo ng Pilipinas at mga pinuno ng iba't ibang bansa, pati na rin ang lahat ng nagdadala ng mabigat na tungkulin upang mapanatili ang kapayapaan at kaayusan sa aming bansa at sa buong sanlibutan.

Pagpalain Mo po kami, Panginoon.

Siya nawa.

NATIONAL ANTHEM

Everybody remained standing for the singing of the national anthem.

The President. The Chamber expresses its gratitude to the Lakandula High School Choir for the beautiful rendition of the Philippine National Anthem and *Lupang Sarili*.

Maraming salamat po.

#### ROLL CALL

The Secretary will now please call the roll.

The Acting Secretary [Atty. Reyes],  
*reading:*

Senator Edgardo J. Angara.....	Absent
Senator Teresa Aquino-Oreta.....	Present
Senator Joker P. Arroyo .....	Present
Senator Robert Z. Barbers.....	Absent
Senator Rodolfo G. Biazon.....	Present
Senator Renato L. <i>Compañero</i> Cavetano.....	Present
Senator Noli "Kabayan" de Castro.....	Present
Senator Luisa "Loi" P. Ejercito Estrada.....	Present
Senator Juan M. Flavio.....	Present
Senator Gregorio B. Honasan.....	Present
Senator Robert S. "JAWO" Jaworski.....	Present
Senator Panfilo M. Lacson .....	Present
Senator Loren B. Legarda Leviste.....	Present
Senator Ramon B. Maosaysay Jr.....	Present
Senator John H. Osmeña.....	Present
Senator Sergio R. Osmeña III.....	Present
Senator Francis N. Pandilinan.....	Present
Senator Aquilino Q. Pimentel Jr.....	Present
Senator Ralph G. Recto.....	Present
Senator Ramon B. Revilla.....	Present
Senator Vicente C. Sotto III.....	Present
Senator Manuel B. Villar Jr.....	Present
The President.....	Present

The President. With 21 senators present, the Chair declares the presence of a quorum.

The Majority Leader is recognized.

THE JOURNAL

Senator Leviste. Mr. President. I move that we dispense with the reading of the Journals of the 23<sup>rd</sup> session. October 9 and 10, 2002, and consider them approved.

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

Senator Leviste. Mr. President. 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

BILL ON FIRST READING

The Acting Secretary. Senate Bill No. 2374, entitled

AN ACT DESIGNATING FIRING SQUAD AS THE MEANS FOR CARRYING OUT VIOLATIONS OF REPUBLIC ACT 9165 OTHERWISE KNOWN AS THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002 AMENDING FOR THE PURPOSE SECTION 81 OF THE REVISED PENAL CODE AS AMENDED BY REPUBLIC ACT NUMBER 8177

Introduced by Senator Barbers

The President. Referred to the Committees on Public Order and Illegal Drugs; and Constitutional Amendments, Revision of Codes and Laws

The Acting Secretary. Senate Bill No. 2375, entitled

AN ACT PROVIDING FOR THE ESTABLISHMENT OF A NATIONWIDE SCHOLARSHIP AND LITERACY PROGRAM FOR INDIGENOUS PEOPLES AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator De Castro

The President. Referred to the Committees on Education, Arts and Culture; Cultural Communities; Ways and Means; and Finance

The Acting Secretary. Senate Bill No. 2376, entitled

AN ACT AUTHORIZING THE PRESIDENT OF THE PHILIPPINES TO CONVEY THE TITLES OF THE LOTS OCCUPIED BY THE VICTIMS OF THE MT. PINATUBO ERUPTION IN THE RESETTLEMENT AREAS LOCATED IN THE PROVINCES OF PAMPANGA, TARLAC AND ZAMBALES, DECLARING FOR THE PURPOSE ALL RESIDENTIAL LOTS IN THE RESETTLEMENT AREAS AS ALIENABLE AND DISPOSABLE, AND FOR OTHER PURPOSES

Introduced by Senator De Castro

The President. Referred to the Committees on Urban Planning, Housing and Resettlement; and Social Justice, Welfare and Rural Development

#### COMMITTEE REPORT

The Acting Secretary. Committee Report No. 85, prepared and submitted jointly by the Committees on Accountability of Public Officers and Investigations; and Justice and

Human Rights re Inquiry in aid of legislation  
into the alleged "GOTESCO Land Scam"

recommending its approval

Sponsors: Senators Arroyo, Pandilinan and  
the Members of the Committees on  
Accountability of Public Officers and  
Investigations; and Justice and Human Rights

The President. To the Calendar for  
Ordinary Business

The Majority Leader is recognized.

Senator Leviste. Mr. President, on a  
point of personal privilege. I ask that Sen.  
John H. Osmena be recognized.

The President. Sen. John H. Osmena is  
recognized on a question of personal  
privilege.

QUESTION OF PRIVILEGE OF SENATOR OSMEÑA (J)  
(To Put On Record His Vote on S. No. 2104 As  
He was Indisposed During its Approval on  
Second Reading)

Senator Osmena (J). Thank you. Mr.  
President.

Mr. President, the *Journal* which we just  
approved shows that we approved the Absentee  
Voting Bill last Thursday and a roll call vote  
or nominal voting was conducted. And so the  
*Journal* shows that I was absent because, on  
the very instant that the session was being  
carried out, I was in the hospital bed for an  
operation of my gall bladder and it will not  
show my name among those who voted for the  
bill.



Mr. President, under the *Rules*, I am barred from moving for a reopening so that I could possibly vote because I did not vote, and the *Rules* require that I should vote in the affirmative to be able to ask for a reconsideration.

Mr. President, I stand on a question of personal privilege simply to put on the record what would have been my vote on such a historic bill that we finally passed in this Chamber and I am sad that I was not here.

Mr. President, I have always been a strong advocate of absentee voting. Maybe it is because I was myself an overseas Filipino for 11 years living in the United States. Most of our overseas Filipinos today are living in the United States out of compulsion for survival. We had to live in the United States out of compulsion or out of fear or apprehension of arrest.

So, Mr. President, whenever I am abroad, I always make it a point to try to see and touch base with our friends who we all call heroes but for whom we have done very, very little.

Like most of them, Mr. President, I have never been able to understand why we have neglected to provide services to these people. So last year in the budget hearing, I specifically directed the Secretary of Labor and Employment to provide services for doctors, nurses, and social workers, a program that they are now providing for or starting to. That is why, if I had been here, I would have voted in the affirmative on this measure.

Thank you, Mr. President.

The President. Thank you, Sen. John H. Osmena.

Please make it of record-the affirmative vote of Sen. John H. Osmena if he was present in the Hall. He was ill at that time so he was not able to cast his affirmative vote.

The Majority Leader is recognized.

Senator Leviste. Mr. President, also on a point of personal privilege, I ask that Sen. Aquilino Q. Pimentel, Jr. be recognized.

Senator Pimentel. Mr. President, this will be a very brief one.

The President. Sen. Aquilino Q. Pimentel Jr., is recognized.

QUESTION OF PRIVILEGE OF SENATOR PIMENTEL  
(To Warn His Colleagues About So-called Press  
Statements  
Purportedly Coming From Him and Requests the  
Chamber  
To Investigate the Same)

Senator Pimentel. Mr. President, I received a copy of a press statement purportedly issued on my stationery, carrying the name of my friend who is helping me with press statements, but this statement did not come from me.

Mr. President, I would like to rise to warn our colleagues about this situation because it can affect all of us, not only me. Fortunately, this so-called "statement" says, "Pimentel Urges Marcelo To Refuse Ombudsman Appointment for *Delicadeza*". I never said that. I never issued a statement of this kind. It is dated October 14, 2002.

The President. Today.

Senator Pimentel. It was sent through-- what I can read here--the "Chat Computer System". In this connection, I would like to request that this matter be really investigated because it goes into the heart of statements that we supposedly release to the public and we can get blamed or praised, as a matter of fact, for statements that we make through the so-called "press statements."

Apparently, this is a disinformation that contradicts my earlier announcement that Mr. Marcelo's--I hardly know him from Adam. I met him as one of the prosecutors here-- appointment as Ombudsman is the President's call and he should not be condemned until he shows by his specific acts while he is the Ombudsman doing things that he should not do pursuant to the mandate that will now be reposed on him by virtue of the Constitution and by virtue of his appointment.

Mr. President, this brief statement will kindly be submitted to the Senate President so that action can be taken to investigate matters of this kind because it can really reflect badly on the senators of this country.

Thank you very much, Mr. President.

The President. The Sergeant at Arms is directed to conduct an investigation on this press release, particularly on the origin of the faxed statement. If Senator Pimentel can provide us with a copy of this report, the appropriate report will be made to the Senate President and will be submitted to Senator Pimentel.

Thank you.

Senator Biazon, Mr. President.

The President. Sen. Rodolfo G. Biazon is recognized.

PARLIAMENTARY INQUIRY OF SENATOR BIAZON  
(If the Senate Select Oversight Committee  
on Intelligence Funds Still Exists)

Senator Biazon. Just a point of parliamentary inquiry, Mr. President.

May I know the status of the Senate Select Oversight Committee on Intelligence Funds? If this is still existing, Mr. President?

The President. The Majority Leader is recognized.

SUSPENSION OF SESSION

Senator Leviste. Mr. President, may I ask that we suspend the session for one minute.

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

*It was 3:56 p.m.*

RESUMPTION OF SESSION

*At 3:59 p.m., the session was resumed.*

The President. The session is resumed.

The Majority Leader is recognized.

Senator Leviste. Mr. President, as to the inquiry of Senator Biazon, the chairman of the Select Oversight Committee on Intelligence Funds, Programs and Activities is Sen. Ramon Magsaysay Jr. The members are Senators Osmena, Cayetano, Barbers, Lacson and Biazon.

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Senator Biazon. Thank you, Mr. President.

Because of the state of national security situation in the country today, especially coming from terroristic groups as mentioned by Sen. Manuel B. Villar Jr. in his prayers, we just recently suffered two such incidents. I think the Bali incident should not be disregarded as just something that happened in the next-door neighbor of Indonesia.

Mr. President, the functioning of this Senate Select Oversight Committee on Intelligence Funds, Programs, and Activities is now very, very relevant. Because tomorrow, I will be filing a resolution requesting the said committee to convene so that we may take a look into the state of affairs in our intelligence community, the state of affairs in that community, including how it puts together the programs, and whether or not Congress is sufficiently supporting this agency. So I have to ask that question. Thank you for the answer.

The President. Thank you, Senator Biazon.

The Majority Leader is recognized.

#### BILL ON THIRD READING

H. Bill No. 2025 - Granting Calapan Waterworks System and Development Corporation  
A Franchise

Senator Leviste. Mr. President. I move that we vote on Third Reading on House Bill No. 2025. Copies of the bill were distributed to the members on October 10, 2002.

The President. Is there any objection [Silence] There being none, voting on Third Reading on House Bill No. 2025 is now in order.

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

The Acting Secretary (Atty. Reyes). House Bill No. 2025. entitled

AN ACT GRANTING THE CALAPAN WATERWORKS SYSTEM AND DEVELOPMENT CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, OPERATE AND MAINTAIN A WATER SUPPLY AND SEWERAGE SYSTEM IN THE CITY OF CALAPAN, PROVINCE OF ORIENTAL MINDORO

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

The Acting Secretary. Senators

- Angara.....
- Aquino Oreta.....Yes
- Arroyo.....Yes
- Barbera.....
- Biazon.....Yes
- Cavetano.....Yes
- De Castro.....Yes
- Ejercito Estrada.....Yes
- Flavier.....Yes
- Honasan.....Yes
- Jaworski.....Yes
- Lacson.....Yes
- Legarda Leviste.....Yes
- Magsaysay.....Yes
- Osmeña (J).....Yes
- Osmeña III (S).....Yes
- Pangilinan.....Yes
- Pimentel.....Yes
- Recto.....Yes
- Revilla.....Yes
- Sotto.....Yes
- Villiar.....
- The President.....Yes

APPROVAL OF H. NO. 2025 ON THIRD READING

The President. With 20 affirmative votes, no negative vote, and no abstention. House Bill No. 2025 is approved on Third Reading.

SUSPENSION OF SESSION

Senator Leviste. Mr. President. I move that we suspend the session for one minute to allow the sponsor to come down to the Floor.

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

It was 4:03 p.m.

RESUMPTION OF SESSION

At 4:04 p.m., the session was resumed with the Hon. Juan M. Flavler, President Pro Tempore of the Senate, presiding.

The President Pro Tempore. The session is resumed.

The Majority Leader is recognized.

BILL ON SECOND READING

S. No. 2130 - The Dual Citizenship Act (Continuation)

Senator Leviste. Mr. President. I move that we resume consideration of Senate Bill No. 2130 as reported out under Committee Report No. 46.

The President Pro Tempore. Is there any objection? [Silence] There being none, resumption of consideration of Senate Bill No. 2130 is now in order.

Senator Leviste. Mr. President, we are in the period of interpellations, I ask that the sponsor, Senate President Franklin M. Drilon, be recognized.

The President Pro Tempore. Senate President Franklin M. Drilon is recognized.

Senator Leviste. To interpellate, I ask that Sen. Noli "Kabayan" De Castro, be recognized.

The President Pro Tempore. Sen. Noli De Castro is recognized.

Senator De Castro. Thank you, Mr. President.

Senator Drilon. Thank you, Mr. President.

Senator De Castro. Will the gentleman from Iloilo answer some clarificatory questions?

Senator Drilon. With pleasure, Mr. President.

Senator De Castro. Mr. President, according to the sponsor, page 1, lines 14 to 15 means that a former Filipino automatically reacquires his Filipino citizenship under this bill without doing anything, like filing a petition in court. Am I correct?

Senator Drilon. Tama po iyan, G. Panulo. Sa ating umiral na batas ngayon, kung ibig matamona muli ng isang dating Filipino ang kaniyang pagkamamamayan sa ating bansa, may prosesong sinusunod diyan. Iyan ang tinatawag nating "repatriation." Sa katunayan, iyan ay hindi susundin dito sa nabanggit na panukalang-batas kundi magiging automatic ang pag-reacquire ng Filipino citizenship.



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Senator De Castro. Ano na laman po ang kaniyang gagawin. G. Pangulo. kung basta automatic?

Senator Drilon. Wala po siyang gagawin dahil ibinabalik ng batas ang kaniyang status bilang natural-born Filipino, in the same manner that the good senator and this representation did not have to do anything in order to prove that we are citizens of the country, unless and until we deal with some government agency where our status as natural-born citizens of the country is concerned.

For example, when we filed our certificates of candidacy as senators, a constitutional requirement is that one must be a natural-born citizen of the country, and therefore, at that point, we had to show proof that we are natural-born citizens of the country. Similarly, a former natural-born citizen of the country who reacquires citizenship under this measure, once it becomes law, will not be required to do anything until he would avail himself of some privilege reserved to a natural-born Filipino citizen, in which case he may be required to show proof that indeed he is a natural-born citizen of the country and is covered under this proposed law.

Senator De Castro. All right. G. Pangulo, sa isang pangkaraniwang isipan ng isa nating kababayan, paano raw kung ang dating Pilipinong ito, dating Pinoy, ay may kaso sa ibang bansa katulad ng terrorism, money laundering, murder, estafa o di kaya ay swindling. Paano po ang gagawin kung automatic ang reacquirement niya ng citizenship niya?

Senator Drilon. Sa akin pong tindin, G. Pangulo, wala pong epekto ang paghaharap o

dagsasampa ng kaso laban sa isang dating Filipino na ngayon ay magiging Filipino sa ilalim ng panukalang-batas na ito. The act is punishable assuming that he is found guilty under the laws of the country where he is being tried and his citizenship would not be material for purposes of determining his innocence or guilt. That is our submission.

Senator De Castro. Kaya hindi po ito magiging hadlang o hindrance para sa isang Filipino na ma-reacquire niya ang kaniyang Filipino citizenship?

Senator Drilon. Hindi po. Wala pong....

Senator De Castro. Automatic din po siyang magiging Filipino citizen?

Senator Drilon. Tama po iyan. Nounit kung talagang siya ay nagkasala, makukulong din siya kahit siya ay Filipino na o dayuhan pa rin.

Senator De Castro. All right. Paano po natin iko-consider these former Filipinos? Sila po ba ay natural-born or naturalized citizens, Mr. President?

Senator Drilon. Natural-born citizens dahil automatic po. Ibinabalik natin sila sa kanilang dating status. Iyong dating status nila ay natural-born citizens of the Philippines. And that is also a question raised earlier in the previous interpellation wherein we said we needed time to review it. After reviewing the proposed law, it is our submission that they are reverted to their status as natural-born citizens of the Philippines.

Senator De Castro. I would like to thank the sponsor for that, Mr. President.

C-1259

Under page 2, lines 6 to 9, specifically letters c and d, will this bill now bar or prohibit the automatic reacquisition of Filipino citizenship who have joined the Armed Forces of the U.S.A. and by reason thereof they became naturalized U.S. citizens? Halimbawa, itong mga war veteran natin who have decided to avail themselves of the U.S. law granting them U.S. citizenship. Paano po makakaapekto ang bill na ito sa existing naturalization laws katulad ng Commonwealth Act No. 63. G. Pangulo?

Senator Drilon. That is a very good question, Mr. President, because it provides us an opportunity to place on record that precisely one of the reasons we are sponsoring this measure is the veterans, former Filipino citizens.

We have many veterans who, because of the requirements of the U.S. laws, have become naturalized American citizens. Therefore, we have a situation where many veterans who fought in the Second World War defending the Philippines are now aliens because they have lost their citizenship under Commonwealth Act No. 63.

It will be noted, Mr. President, that those who are excluded are those in the active service as commissioned or noncommissioned officers of the armed forces of the country in which they are naturalized citizens.

Senator De Castro. They are excluded, those who are in active service?

Senator Drilon. Active, yes. Therefore, those who have already served, like the veterans, are included in the bill, and

therefore can avail themselves of the benefits under this measure.

Senator De Castro. And isa pong kawal na miyembro pa ng U.S. Army ay hindi maqkakaroon ng automatic Filipino citizenship?

Senator Drilon. Hindi po siya maqkakaroon ng automatic Filipino citizenship. Let me emphasize that this is just a restatement of the present law.

Under Commonwealth Act No. 63, a Filipino who joins the U.S. Armed Forces would have the benefits of Filipino citizenship suspended. That is the express provision of Commonwealth Act No. 63. So, the present provision does not in any way amend the existing law. Of course, this sponsor is willing to listen, to consider amendments if the gentleman from Mindoro is thinking of any.

Senator De Castro. Kaya, kung hindi na siya active sa Armed Forces of the U.S.A., pwede na siyang mag-acquire ng Filipino citizenship?

Senator Drilon. Tama po iyan, G. Panoulo.

Senator De Castro. On the same page, Mr. President, pwede po bang malaman what these civilian and military positions are that will bar the reacquisition of Filipino citizenship? Well, isa iyong sa military. But in the first place, bakit nga pala, G. Panoulo, kasama iyong civilian positions? Are these civilian positions in the military or in any private or public corporation or offices?

Senator Drilon. That is a good question, Mr. President. In fact, this sponsor noted this in the committee report. And to the mind of this sponsor, item (d) on line 8 of page 2

is a redundancy because it is already covered by sentences under (b) and (c) of the same paragraph. Therefore, at the appropriate period of amendments, we can delete (d) as being a surplusage.

Senator De Castro. Thank you, Mr. President.

G. Pangulo. puwede po bang malaman kung ilan o gaano karaming Filipino ang inaasahan nating magbe-benefit kapag naigiging batas na ang bill na ito?

Senator Drilon. Mr. President, there is no accurate count. But the estimates of the Commission on Overseas Filipinos, for example, would indicate that about 1,800,000 naturalized American citizens would be benefited by this measure.

Senator De Castro. American citizens lamang po?

Senator Drilon. Those who are naturalized under American laws. Hindi po kasama iyon mga naturalized Japanese citizen. Marami rin po iyon. Ang sabi nga ni Senator Pimentel, marami rin Koreanos at Australyano ang mabebenipisyuhan nito.

Senator De Castro. How about Chinese?

Senator Drilon. Hindi ko po masyadong alam ang sa Chinese, but I can, with a certain degree of confidence, mention former Filipino citizens who are now Japanese, Australians and Koreans citizens. Those are the three countries where there are a good number of Filipinos who were former natural-born citizens of the country.

Senator De Castro. That is all in the meantime. Mr. President. Thank you, Mr. Sponsor.

Senator Drilon. Thank you, Senator De Castro.

Senator Leviste. To continue with the interpellation, Mr. President. I ask that Sen. Panfilo M. Lacson be recognized.

The President Pro Tempore. Sen. Panfilo M. Lacson is recognized.

Senator Lacson. Thank you, Mr. President. Will the gentleman from Iloilo be willing to answer some questions?

Senator Drilon. With pleasure, Mr. President, to the gentleman from Cavite.

Senator Lacson. For my education, Mr. President, how would we differentiate "citizenship" from "nationality"? When is a national not a citizen? Or is there no difference between the two?

Senator Drilon. The Department of Foreign Affairs during the committee hearings used the two terms interchangeably—"national" and "citizen." But technically, this representation would like to think that "citizenship" would refer to the legal status of a person in terms of the laws applicable to him. "Nationality" generally would refer to the race, the color of one's skin, the culture to which he belongs. For example, one can be a Philippine national but a citizen of another country. So that the Filipino connotation would refer to one's race as a Filipino, to one's culture as a Filipino, and the citizenship would refer to the country where one is recognized as a citizen of.

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Senator Lacson. In other words, a citizen enjoys certain exclusive rights, like political and civil rights.

Senator Drilon. That is correct, Mr. President. A very accurate description.

Senator Lacson. And this would include the right to vote and be voted into office.

Senator Drilon. That is correct, subject, of course, to the qualifications of the country which allows the exercise of such right.

Senator Lacson. Yes, Mr. President. And that includes the right to exploit natural resources, the right to operate public utilities, so forth and so on.

Senator Drilon. That is correct, Mr. President. Because precisely, one of the purposes of this measure is to enable our former Filipino citizens who are still Filipino nationals to contribute their share in the economic development of our country.

Senator Lacson. Then if it includes the right to vote and the right to be voted into public office, why would this proposal or this bill bar a person with dual citizenship to be voted into office?

Senator Drilon. We are imposing certain qualifications for a person running for public office--that he should renounce his other citizenship. It is not a bar. It is rather an imposition of a qualification that a candidate for office must have only one citizenship. And that is, if he wants to run for public office in this country, he has to renounce his other citizenship. That is a qualification to run for public office apart

from the other qualifications imposed under our laws. As far as suffrage is concerned, that would be governed by any proposed absentee voting law.

Senator Lacson. Would it be violative of the Constitution if we include in this bill the right of a Filipino citizen, assuming that he acquires dual citizenship, to be voted into office?

Senator Drilon. I do not think so, Mr. President, because what we are saying is, we are imposing the qualification that he must have only one citizenship to run for office. That is a qualification, just like a qualification of being of age. For example, in the Constitution, only natural-born citizens of the country can run for the Senate, Congress, President and Vice President. But the Local Government Code would allow naturalized citizens to run. So these are, I submit, distinctions which could be sustained under the law.

Senator Lacson. Thank you, Mr. President. Is it not a fact that due to our country's ...

Senator Drilon. In fact, just to strengthen that argument, the Local Government Code prohibits those with dual citizenship. Therefore, this is proof that indeed this is a qualification that we are adding in the law in the same manner that when Congress enacted the Local Government Code, it included among those disqualified, those holding dual citizenship. So that is a qualification which is already found in the existing law.

Senator Lacson. Thank you for that, Mr. President. Is it not a fact that due to our country's adherence to the principle of *jus sanguinis* and since a country like the United



States adheres to the *jus soli* principle, many Filipinos actually enjoy dual citizenship and it is a reality among so many Filipinos?

Senator Drilon. That is correct, Mr. President, until these dual citizens would have to take their oath as American citizens, in which case they lose their Filipino citizenship because under existing law, Commonwealth Act No. 63 which was enacted in 1936, the moment they take their oath as an American citizen upon reaching the age of 21, if I am not mistaken, they lose Filipino citizenship, and this proposed measure would cure that defect.

Senator Lacson. Because under the proposal, Mr. President, the renunciation must be made before Philippine authorities.

Senator Drilon. That is correct, Mr. President, a very good observation.

As Senator Lacson pointed out correctly, there must be a renunciation and taking the oath as a naturalized citizen of the other country is not sufficient to strip him of his Filipino citizenship.

Senator Lacson. So what happens, Mr. President, if the Filipino does not renounce his Filipino citizenship before Philippine authorities? Then he acquires dual citizenship.

Senator Drilon. That is correct, Mr. President.

Senator Lacson. Assuming that the Philippines would be at war with the United States and the Filipino will be given a choice to render service to either country and he chooses one, let us say the United States, but

he has not renounced his Filipino citizenship. Will he not be liable for treason, Mr. President?

Senator Drilon. Can the gentleman say it again, Mr. President?

Senator Lacson. Assuming that the Philippines would be at war with the United States--in the remotest possibility that the Philippines would be at war with the United States--and that the Filipino citizen who acquired American citizenship had not renounced his Filipino citizenship before Philippine authorities, and therefore retaining his original citizenship as a Filipino, and at the same time acquiring a second citizenship such as the U.S. citizenship, then he will be given a choice to render military service to either country, the U.S. or the Philippines, will he not be liable for treason?

Senator Drilon. A very good question, Mr. President. The first problem that we will encounter in that situation is, if the Philippines would win in the war against the United States. That is the first problem that we should handle. But having said that, the sponsor would have no basic objection and consider favorably a provision during the period of amendments to indicate that in case of war, the dual citizen who may want to join the Philippine Armed Forces must renounce his foreign citizenship.

Senator Lacson. But he has already taken his oath of allegiance before the American Government, Mr. President. In that case, he would be liable for treason under American law.

Senator Drilon. That is his own problem. That is his problem if he does that.

Firstly, let me state that I would believe that the express renunciation of American citizenship in that situation would be sufficient to remove from him even, under American laws, his American citizenship. But assuming that that is not so, then really it is the choice of that particular dual citizen what to do. We cannot cover all situations. That is a judgment call which he has to make.

Senator Lacson. But either way, he is a loser, Mr. President.

Senator Drilon. Then he should not join the Armed Forces and not join the war.

Senator Lacson. But there is such a thing as being drafted to render military service.

Senator Drilon. That is precisely what I am saying. He can make an express statement that he is holding dual citizenship and is willing to renounce the other citizenship and that he will only do. That is the best under the circumstances that we can provide.

Senator Lacson. That would bring us to the principle of indelible allegiance, Mr. President, wherein a Filipino citizen may not divest himself of Philippine citizenship while the Philippines is at war with any country.

So what will happen now to the poor fellow, Mr. President?

Senator Drilon. I do not know if that is a realistic problem, Mr. President,--that we will go to war during our lifetime. Without passing judgment on the ability of our armed forces, the gentleman from Cavite, I think,

will agree with me that really a situation of some Filipinos being caught in a war situation is a little remote.

But if we look back to history, as we earlier cited, during the Second World War, when there were a number of American citizens of Japanese descent present in the United States, what the United States did was to put them in camps. I am not saying that we should do that, but that is one of the remedies if we look at history.

Senator Lacson. To make it a clearer possibility, Mr. President, let us not talk of the United States. Let us talk of Malaysia.

Senator Drilon. All right.

Senator Lacson. What happens if a Filipino citizen acquires a Malaysian citizenship but has not renounced his Filipino citizenship before Philippine authorities?

Senator Drilon. The moment he acquires Malaysian citizenship, under Philippine laws, he already lost his Philippine citizenship as it stands these days.

Senator Lacson. Even without renouncing his Filipino citizenship before Philippine authorities, Mr. President?

Senator Drilon. Under Commonwealth Act No. 63, as it exists right now, Mr. President, the moment one becomes a Malaysian citizen, he loses his Philippine citizenship. Under the proposed measure, one will be allowed to retain his Philippine citizenship. And the mere fact that one took his oath of allegiance as a necessary incident to his acquiring Malaysian citizenship will not divest him of Philippine citizenship.

Senator Lacson. I am asking these questions and clarifications, Mr. President, so that during the period of amendments, we can, more or less, fine-tune these provisions because there will be some absurdities in this proposal.

Senator Drilon. We would be very pleased if the good Senator can assist us in fine-tuning this proposed measure.

Senator Lacson. My major concern in this particular bill, Mr. President, is the interoperability of citizenship with allegiance. Because necessarily, if one acquires, say, a U.S. citizenship, he will take his oath of allegiance to be an American citizen, but it is not necessary that he renounces his Filipino citizenship. So it is dual allegiance that is being prohibited by the Constitution. As a matter of fact, the Constitution or even the Supreme Court in that Manzano case--

Senator Drilon. *Mercado vs. Manzano.*

Senator Lacson. --*Mercado vs. Manzano* case. Mr. President, declared that dual allegiance is inimical to national interest.

Is that a correct statement, Mr. President?

Senator Drilon. That is a correct statement, Mr. President, and that is a verbatim restatement of what the Constitution says that dual allegiance is inimical to public interest. And a reading of the Constitutional Convention records, as the Supreme Court itself indicated in its decision, would show that when then Commissioner Ople inserted or moved for the inclusion of this phrase on dual allegiance,

he had cited the case of ethnic Chinese who, notwithstanding their having acquired Philippine citizenship, still owed allegiance to either Taiwan or to the People's Republic of China.

In fact, the Supreme Court in the case of *Mercado vs. Manzano* expressly stated that "dual allegiance is not dual citizenship", citing with approval the statement of Constitutional Commissioner Blas F. Ople who said: "The concern of the Constitutional Commission was not the dual citizen per se but naturalized citizens who maintained their allegiance to their countries of origin even after naturalization."

So, I would repeat, it is not a question of dual citizenship per se but naturalized citizens who maintained their allegiance to their countries of origin after naturalization. And the records will show that this would refer, as we said, to basically Chinese nationals who continue to maintain allegiance, according to Senator Ople then, to mainland China or to Taiwan.

It has no reference to Filipinos who have acquired another citizenship and therefore, under this provision or under this law, will be allowed to retain their Philippine citizenship because the dual allegiance is not of the dual allegiance which constitutional Commissioner Ople referred to but the opposite.

So that in the mind of this humble sponsor, Mr. President, the question of the dual allegiance of the Filipino is the problem of the second country to which that naturalized Filipino is now a citizen of.

Senator Lacson. Yes. Mr. President. If we could give this privilege to Filipino-Chinese who have acquired Filipino citizenship, then why should we deny our own citizens--the original Filipino citizens--the same privilege? Because this might lead to the siphoning of our very limited resources, very limited national capital.

Senator Drilon. Very good point, Mr. President. In fact, that strengthens the policy foundation of this proposed measure.

Senator Lacson. Another concern, Mr. President, is the New Civil Code.

Senator Drilon. Yes.

Senator Lacson. I will give a situation. This is hypothetical but this has happened. I believe, so many times during the past.

Assuming that husband A and wife B migrated to the U.S. and became naturalized citizens and had a child, child C. Mr. President. In the absence of a valid and express renunciation before the proper Philippine authorities, will they be covered by Article 15 of the New Civil Code? Meaning, if the marrying age in the U.S. is 17 years old and in the Philippines I believe it is....What, 20 years old?

Senator Drilon. 18 years old.

Senator Lacson. 18 years old.

Senator Drilon. Yes.

Senator Lacson. So, which law would apply?

Senator Drilon. Both laws.

Senator Lacson. Will the marriage be valid in the Philippines, Mr. President? If the 17-year-old son or daughter gets married in the U.S., will the New Civil Code apply to that particular person?

Senator Drilon. If the marriage is valid in the place where it was celebrated, it will be recognized as valid in the Philippines, Mr. President.

Senator Lacson. But that is not the marrying age in the Philippines, Mr. President.

Senator Drilon. But the principle of private and international law would dictate that in cases of this kind of conflict of laws, the laws of the country where the marriage is celebrated will govern in the same manner that Article 16 of the Civil Code provides that the property is subject to the law of the country where it is situated.

In other words, the place where the act took place or where the property is located is the principle that is followed in determining which law is applicable.

Senator Lacson. But we must admit, Mr. President, that this marriage is null and void because of--

Senator Drilon. No, Mr. President.

Senator Lacson. --the situation that I have just....

Senator Drilon. No, Mr. President. Under settled principles of private and international law, that marriage is valid if valid in the place where celebrated.



SUSPENSION OF SESSION

Senator Lacson. Mr. President. I move that we suspend the session for one minute.

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

*It was 4:35 p.m.*

RESUMPTION OF SESSION

*At 4:37 p.m., the session was resumed.*

The President Pro Tempore. The session is resumed.

Sen. Franklin M. Drilon is recognized.

Senator Drilon. After discussing off the Floor with Senator Lacson, there are some valid points raised by the good Senator from Cavite in the sense that these matters of age and capacity to marry are personal laws of a person which should follow him wherever he goes.

On the other hand, there is a decision of the Supreme Court which clearly enunciates that it is the law of the place where the marriage is celebrated that governs.

In view of these two schools of thought, Mr. President, may we suggest that these views be placed on the *Record* as we cannot resolve it here. And it is good that these views are reflected so that in the future, when a similar question would be presented before a judicial body, again these rules can be revisited as at this point in time. There are really two schools of thought on this point in our jurisprudence.

So, with that, we would submit that since this bill does not squarely rule or provide laws or affect the laws of the contracting parties.... I am sorry. Since this law would principally be a question of citizenship and the personal laws would be incidental thereto, we would leave this matter to the courts in the future to decide.

That is my suggestion, Mr. President.

Senator Lacson. I agree, Mr. President. While Senator Osmeña has a novel solution to this problem to just allow a citizen of this country to acquire as many wives, it should be directly proportional to the number of citizenships that he would like to acquire.  
[Laughter]

At any rate, Mr. President, I would like to temporarily terminate my interpellations.

Senator Drilon. May we request that if there are still other questions....

Senator Lacson. No other questions, but...

Senator Drilon. If there are no more questions, then we can terminate without prejudice to the gentleman's request for reconsideration, Mr. President.

Senator Lacson. I would like to give a chance to Senator Villar who signified earlier to be the first to interpellate, Mr. President.

Senator Drilon. I thank the gentleman from Cavite, Mr. President.

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The Presiding Officer [Sen. Flavie].  
Senator Villar is recognized for the next  
interpellation.

Senator Villar. Thank you, Mr. President.

Will the sponsor yield for some questions?

Senator Drilon. With pleasure, Mr.  
President, to Senator Villar.

Senator Villar. The gentleman mentioned  
earlier that it is automatic. But before that,  
may we just state for the record that I am  
personally for the passage of this bill. I am  
asking these questions just to ensure that its  
implications are properly studied and  
considered.

The gentleman mentioned earlier that it is  
automatic for anyone to qualify to reacquire  
Filipino citizenship. Is it not better to  
require this special class of Filipinos to  
report their dual citizenship within a certain  
period, say, one year from the effectivity of  
the law and ask them to signify their choice  
of citizenship before an office authorized to  
administer oath?

Senator Drilon. That could be a good  
idea, Mr. President, but I am concerned that  
it could pose some administrative problem. We  
may have to maintain a registry of Filipino  
citizens, which may be difficult. We will  
review this proposal. We are only concerned  
about this resulting administrative nightmare  
and difficulty if we impose such requirement.  
But we will study the proposal.

Senator Villar. I ask that question, Mr.  
President, because in Mexico, which allows  
dual citizenship, it sets a requirement that  
before one can regain his/her Mexican

citizenship, he has to complete a form before the DFA office, consulate or embassy, and must submit a copy of his birth certificate, prove that he is a citizen of another country, and pay the corresponding fees.

Senator Drilon. Mr. President, imposing such requirement may not be practical in our case. Firstly, when we impose a fee, that can be interpreted as imposing a fee to reacquire one's citizenship, which, policywise, may not be very good.

As far as the registry is concerned, or signifying one's intention to reacquire his citizenship, again, given the numbers that we have, may result in voluminous documents which we do not know what to do with.

In my mind, Mr. President, if after this bill becomes a law, one would approach government for some privilege as a natural-born citizen of the country, then it is at that point that it is valid to require proof of being a natural-born citizen of the country. But before that, it is just, I would say, a passive status, that is, one is a natural-born citizen of the country, and it is at that time when he invokes certain rights and privileges attendant to a Philippine citizenship that he could be required to produce proof that indeed he is a natural-born citizen of the country.

Senator Villar. Maybe, Mr. President, as we go through the interpellations, not only by this representation but even by the other colleagues, we can see if enough problems would crop up that we will make it wiser to have a system of registration or at least a formal registration. Although the gentleman provided for a continuing registration of individuals in Section 3.

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Senator Drilon. That is correct, Mr. President.

Senator Villar. In fact, this representation wants to ask whether the registration of the applying citizen can be opposed if there are grounds. And if there is an opposition, who will finally determine the controversy?

Senator Drilon. The continued registration is only an administrative mechanism. It is not the act of registering which would confer upon the applicant the status of a natural-born citizen. It is just for record purposes, so to say, and the nonregistration in the registration book will not prevent the conferment of the natural-born citizen of the country.

On the other hand, the registration in the book will not automatically remove any question as to his being a natural-born citizen of the country. So, it is just for record purposes, Mr. President. But, yes, the proposal in fact provides for a registration but not as a condition for reacquisition of Filipino citizenship.

Senator Villar. So, Mr. President, there can be no opposition?

Senator Drilon. There can be no opposition.

Senator Villar. Mr. President, once qualified to regain his or her citizenship, will he qualify to vote if....

Senator Drilon. Well, depending on what the absentee voting bill will finally provide for.

Senator Villar. That is actually my second question. Yes, my question will be, will he be considered an absentee voter, if the absentee-voting bill is passed into law, or as a regular voter under our existing election laws?

Senator Drilon. That is why, I said, depending on how the absentee-voting bill will finally shape. Because one important consideration here is residence. But that residence requirement will be determined by the absentee-voting bill adopted by this measure.

Senator Villar. It is easier to understand, Mr. President, spending for the OFWs because they normally contribute to our economy through remittances. But for Filipinos who have acquired citizenship, I am not sure whether this is a good idea for the government to spend a lot of money in including them in the list of voters.

Senator Drilon. Mr. President, we must point out that under the Philippine Constitution, those whose Filipino fathers or mothers are citizens of the country are considered natural-born citizens. Therefore, what this bill does is only to reaffirm that constitutional provision. We are not doing anything new. In fact, what we are doing is to remove that iniquitous and outmoded provision under the Commonwealth Act No. 63, passed 62 years ago, which would provide the loss of Philippine citizenship upon naturalization in a foreign country. So that is what we are correcting by this bill.

I would repeat that under the present Constitution, those whose fathers or mothers are citizens of the country are considered

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natural-born citizens even if they stayed their whole life abroad.

Senator Villar. Mr. President, I agree, except that I would just like to point out the fact that we would be spending a lot more money, and this must be taken into consideration in the passage of this bill.

Senator Drilon. Mr. President, if we talk about remittances as a factor, the statistics would show that more than half of the remittances would come from the United States and not necessarily from our overseas Filipinos workers. At least, a majority, 56%, would come from the Filipinos in the United States which includes both naturalized and nonnaturalized American citizens.

Senator Villar. Actually, Mr. President, this representation would not say that we should not pass this bill because of the cost involved. I agree that we can carry the cost, although I have to mention that not all Filipinos in America are citizens. I would also like to point out that the amount of remittances coming from the U.S. is big partly because of the fact that the Saudi remittances, I understand, are coursed through U.S. banks. Therefore, there is a technical transfer of origin from the Middle East to the U.S. because U.S. banks are used as a conduit.

Anyway, I agree, Mr. President, that, all told, the government can and should shoulder the costs of the increased number of voters that will result should this bill be approved into law.

Senator Drilon. May I suggest, Mr. President, that that point be taken up in the Absentee Voting Bill because that is where the cost would really be material. As far as the

retention of Philippine citizenship is concerned, we can technically say that there is no cost involved except where the Absentee Voting Bill would allow them to vote.

Senator Villar. All right, Mr. President, is it also correct to assume that once qualified under this bill, one can be considered to have regained all the rights of a Filipino under existing laws? That is my understanding.

Senator Drilon. That is correct, Mr. President.

Senator Villar. This rerepresentation believes that for every right, there is also a corresponding obligation. And how can we be sure that this law will not be taken advantage of, such that they will invoke dual citizenship? It will work as an advantage or a benefit to them.

I observe that this bill right now consists of only three pages and we may have to add sufficient provisions to address this concern.

Senator Drilon. This sponsor, Mr. President, would be very much willing to listen to the proposed amendments at the appropriate time. As we earlier manifested, indeed, we would welcome refinements on this measure.

Senator Villar. Please allow me, Mr. President, to jump to Section 7. It mentions that the natural-born citizen shall continue to enjoy full civil and political rights.

I do not claim expertise in the field of law but from the layman's point of view, does the gentleman not think that this law may be



abused by those who simply invoke Philippine law when they see it fit and ask for exemption when it will work to their advantage?

May I cite, Mr. President, two possible situations..

Senator Drilon. Yes, Mr. President.

Senator Villar. Two instances which immediately come to my mind are the laws on family rights and duties which include the issue of custody and support, status condition, and legal capacity of persons.

What if a Filipino who has a dual citizenship and a divorcee goes back to the Philippines, marries a Filipina in the Philippines and later goes back to the United States and gets a divorce, taking advantage of his being an American. Can he later go back to the Philippines and marry this time invoking his American citizenship? Can he be prosecuted for bigamy?

Senator Drilon. No, Mr. President. Under our existing laws, if he is an American citizen, the divorce taken in the United States would be valid. If he or she is married to a citizen of the Philippines, that citizen of the Philippines is free to remarry because of that valid divorce or decree secured by that American citizen. So the same rules will apply. There is no undue advantage given to that dual citizen.

Senator Villar. There is no undue advantage?

Senator Drilon. That is correct, Mr. President, in that example.

Senator Villar. Another area of concern, Mr. President, is on wills and succession. I believe that in the United States there is no legitime which the U.S. law puts aside for compulsory heir. What if a natural-born citizen with dual citizenship dies? What law will be followed in the settlement of his estate when the law in the country where he is also a citizen is in conflict with the Philippine law? How will the conflict be resolved?

Senator Drilon. That particular question is governed by Article 16 of the Civil Code. Let me read it, for the record, in reply to that question. Article 16 of the Civil Code provides:

Real property as well as personal property is subject to the law of the country where it is situated. However, intestate and testamentary successions, both with respect to the order of succession and to the amount of successional rights and to the intrinsic validity of testamentary provisions, shall be regulated by the national law of the person whose succession is under consideration, whatever may be the nature of the property and regardless of the country wherein said property may be found.

That is how the present law is worded. Therefore, in that example, it is governed by the national law of the person whose succession is under consideration.

Senator Villar. Mr. President, will a dual citizen be compelled to pay taxes for both the Philippines and the United States or any other country?

Senator Drilon. No, Mr. President. Under our present laws--and we are not changing this law--under our National Internal Revenue Code, Filipino citizens who earn income outside of the Philippines are not subject to income tax laws of the Philippines. So that that provision should apply with equal force even to dual citizens. If that dual citizen earns income in the United States or anywhere else outside of the Philippines, he is exempt from Philippine income taxes as present Filipinos working abroad are exempt from income taxes.

However, where that dual citizen earns income in the Philippines, then he is subject to income taxes.

Senator Villar. Income tax.

Senator Drilon. That is correct. Whether or not he is also subject to income taxes in the country of his origin or of his residence would now depend on the laws of that country and on the tax treaties that we may have with that country.

Senator Villar. Mr. President, is the gentleman saying that it is his residence that will determine?

Senator Drilon. No, I am talking only about Philippine laws. The Philippine law would exempt from taxation income earned by Filipino citizens abroad. It only taxes income earned by Philippine nationals in the country and for that matter by foreigners earning income in the Philippines.

Senator Villar. But he cannot, of course, use that argument in refusing to pay in the other country, let us say, in the U.S.

Senator Drilon. That is a matter that will be governed by U.S. laws.

Senator Villar. In Section 2, Mr. President, there are two ways or means by which a citizen of the Philippines may lose his Filipino citizenship. One way is by a free, willful and voluntary act on the part of the citizen to expressly and formally renounce his citizenship before proper Philippine authorities.

Mr. President, my question is: How do we define "Philippine authorities" who are deemed authorized to administer an act of renunciation? Is there a special written authority to be granted to such Philippine authorities before they can administer an act of renunciation, and who gives such authority?

Senator Drilon. If the gentleman will note, Mr. President, on page 1, line 16 going on to line 1 of page 2, states two officials of the Philippine government, one, before a consular official abroad; and two, any public officer authorized to administer an oath. Public officials authorized to administer an oath would be defined under the Administrative Code. There is a separate definition.

In other words, not every employee of the bureaucracy can administer an oath. But who can administer an oath is well-defined under our Revised Administrative Code, Mr. President.

Senator Villar. Mr. President, will it not be necessary that we enumerate them here?

Senator Drilon. I do not think so, Mr. President, because we can always make reference to that provision of the Revised Administrative Code. It is a standard clause

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in many of the laws which would require an administration of an oath to refer to public officials authorized under the law to administer an oath, and that is through the Revised Administrative Code.

Senator Villar. Mr. President, when people rally in front of the Philippine consulate in a foreign country, shouting that because of the failure of the government to protect their rights they are renouncing their citizenship, will their act be considered an act of renunciation under the proposed law?

Senator Drilon. No, Mr. President. It must be an express renunciation in writing under oath. That is why it is under oath, because this assumes a written renunciation. We can so expressly provide that it shall be a written renunciation.

Senator Villar. Also, Mr. President, in Section 3, it enumerates the instances when natural-born citizens will not qualify to have reacquired their Philippine citizenship, one of which is, if they are candidates for, or are currently occupying any public office, elective or appointive, after the term or tenure of their offices. Can they still qualify under the law?

Senator Drilon. Yes, Mr. President.

Senator Villar. Mr. President, what about the case of those who have occupied civilian or military position requiring allegiance to a country other than the Philippines, when after retirement or severance from office they would like to avail themselves of the provisions of the law?

Senator Drilon. They can benefit from this measure once this becomes a law. Let me

put on record, Mr. President, that this is similar to the existing law, Commonwealth Act No. 63 under Section 1, paragraph 4(b), as far as the United States is concerned.

Senator Villar. This may have been asked, Mr. President, but I just want to be clarified.

Section 4 states: "The unmarried child, whether legitimate, illegitimate or adopted, below eighteen (18) years of age, of Filipino parents, who avail of the benefits under this Act shall hold dual citizenship status as derived from one or both parents."

Does this mean to say that an American child, for example, adopted by a natural-born Filipino who later on becomes a naturalized citizen in another country, would automatically become a Filipino citizen by virtue of this provision?

Senator Drilon. Legally adopted child, yes, Mr. President.

Senator Villar: Well, this might be extending the law too far. Is this also adopted by other countries allowing dual citizenship?

Senator Drilon. This is our existing rule and law as far as foreigners who become naturalized under our laws are concerned.

A foreign national who becomes naturalized under Philippine laws, who have unmarried minor children at the time of naturalization, by virtue of the principle of derivative citizenship, his children would also acquire Philippine citizenship. So this is a restatement only of the existing law on naturalization, Mr. President.

Senator Villar. Mr. President. Section 5 states that "A valid renunciation of Philippine citizenship under the provisions of this Act shall be irrevocable." What does the gentleman mean by "valid renunciation" and who determines if a renunciation is valid or not? Can that determination or decision be appealable and to whom?

Senator Drilon. The renunciation is provided under Section 3(a) of the measure. He places it under oath before a consular official abroad or a public officer authorized to administer the oath. Once he has done that, it is irrevocable.

Now, who determines whether or not that has been validly done? My answer to that will be, it will be before the appropriate government agency that would have to decide on the compliance with nationality requirement.

For example, a physician who renounced his Philippine citizenship, or a lawyer who renounced his Philippine citizenship would come to the Philippines and would now seek to practice law, under the proposal of Senator Pimentel which we have accepted and which we will incorporate at the appropriate time, he would have to go to the Supreme Court and seek permission. It is at that point when that disqualification can be invoked to deny him the right to practice a profession reserved for Philippine citizens.

Senator Villar. Lastly, Mr. President. Section 5 also states that "A renunciation made by parents shall not have the effect of divesting their minor children of Philippine citizenship." Is there any possibility where the minors can choose to avail themselves of the provisions of this law notwithstanding the

objection and opposition of the parents? Who would represent the minors in this case should the parents refuse to assist them in availing themselves of the provisions of this law?

Senator Drilon. Well, the child, since he is a minor, would have no legal capacity to avail himself of the benefits under this law since he is still a minor, Mr. President. The provision here states, "A renunciation made by parents shall not have the effect of divesting their minor children of Philippine citizenship" is a policy thrust that the children should be allowed to retain their citizenship. But again, this is a policy issue which this representation is willing to review come the period of amendments, if the Chamber would believe otherwise.

Senator Villar. Well, Mr. President, this representation would like to thank the sponsor of the bill. My questions have been answered and clarified, and I would like to thank the Senate President and sponsor again.

Senator Drilon. Thank you, Mr. President.

The President Pro Tempore. The Majority Leader is recognized.

#### SUSPENSION OF SESSION

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

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

*It was 5:09 p.m.*

#### RESUMPTION OF SESSION



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At 5:10 p.m., the session was resumed.

The President Pro Tempore. The session is resumed.

The Majority Leader is recognized.

Senator Leviste. Mr. President, I move that we suspend the interpellations on Senate Bill No. 2130.

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

Senator Drilon. Just for the record, Mr. President, Sen. Rodolfo G. Biazon has expressed his desire to interpellate tomorrow, to avail himself of the period of interpellations tomorrow, and so has Sen. Joker P. Arroyo and Sen. Vicente C. Sotto III.

Senator Leviste. Yes, in this order, Mr. President, based on their reservations: Senators Cayetano, Biazon, Estrada, Serge Osmeña (S) and Arroyo.

The President Pro Tempore. The reservations are noted.

Senator Leviste. And Sen. John H. Osmeña.

The President Pro Tempore. It is noted.

#### SUSPENSION OF CONSIDERATION OF S. NO. 2130

Senator Leviste. Mr. President, I move first that we suspend consideration of Senate Bill No. 2130.

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

Senator Leviste. Mr. President. I ask that the Minority Leader, Sen. Vicente C. Sotto III, be recognized.

The President Pro Tempore. Sen. Vicente C. Sotto III is recognized.

MANIFESTATION OF SENATOR SOTTO  
(Mikee Cojuangco Jaworski Won the Only  
Individual Gold Medal in the 14<sup>th</sup> Asian Games)

Senator Sotto. Mr. President, with the indulgence of the Majority Leader, just before she calls the next bill on the Floor, may I just inform the Senate of a late-breaking news. The Philippines says it just won the only individual gold medal two hours ago, and it was won, fortunately, by my goddaughter, Mikee Cojuangco Jaworski, the daughter-in-law of Senator Jaworski.

So I think congratulations are in order. It is the only individual gold won by the Philippines in the Asian Games in the individual equestrian.

Thank you, Mr. President.

The President Pro Tempore. That is a source of pride and honor for the Philippines. The Chair would like to thank Senator Sotto for the information.

SUSPENSION OF SESSION

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

*It was 5:13 p.m.*

RESUMPTION OF SESSION

At 5:14 p.m., the session was resumed.

The President Pro Tempore. The session is resumed.

The Majority Leader is recognized.

MOTION OF SENATOR LEVISTE  
(To Withdraw the Motion to Suspend  
Consideration of S. No. 2130)

Senator Leviste. Mr. President, I withdraw my motion to suspend consideration of Senate Bill No. 2130.

The President Pro Tempore. There is a motion to....

Senator Leviste. I move that we continue the period of interpellations with Sen. Serge R. Osmeña III interpellating.

Senator Osmeña (S). Thank you, Mr. President. Will the distinguished sponsor yield for a few questions?

The President Pro Tempore. Let us act on that first. The motion to suspend consideration of Senate Bill No. 2130 is withdrawn. Is there any objection? [Silence] There being none, the motion is approved.

Sen. Serge R. Osmeña III is recognized for the next interpellation.

Senator Osmeña (S). Thank you, Mr. President. Will the distinguished sponsor yield for a few more questions on the bill?

Senator Drilon. With pleasure, Mr. President.

Senator Osmeña (S). I have been listening to several interpellations and I just wanted to clarify some issues because earlier, in my first interpellation, Mr. President, I was already of the understanding that any child regardless of age, legitimate, illegitimate or adopted, would enjoy the benefits under this bill.

Senator Drilon. No, Mr. President. Just to clarify the previous status. As provided in Section 4, only unmarried children below 18 years of age would benefit from the so-called "derivative citizenship" which is an existing practice under a naturalization law.

The gentleman from Cebu has proposed that even the children who are already of major age, if I recall correctly, should be allowed the benefit of a derivative citizenship. Our reply to that, Mr. President, is that we will review the implications. We are not completely closed to it but allow us time and we will, at the appropriate time--meaning during the period of amendments--be able to state clearly the legal implications and the consequences of an inclusion of children of major age in the benefit of the derivative citizenship.

Senator Osmeña (S). Yes. Essentially, Mr. President, I do not want to belabor the point, but in the matter of fairness, if this bill were passed last year, those who were 17 years old last year would enjoy the benefits. Because we have been delayed through no fault of theirs. They would not be able to enjoy the benefits now of this bill and so on.

Senator Drilon. Mr. President, we also agree that there must be a cutoff somewhere.

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Senator Osmeña (S). Why? Why would it be necessary to have a cutoff?

Senator Drilon. If there is no cutoff, then how about the children of the children and the grandchildren of the children?

Senator Osmeña (S). I am just talking, Mr. President. I ask that question and I thought that if the spirit of the law was to recognize Filipinos, then we should recognize the children and the grandchildren as Filipinos. After all, we do not lose anything in doing so.

Senator Drilon. The situation, however, Mr. President, is at the time these children were born, their parents may not be citizens of the Philippines.

Senator Osmeña (S). That is correct.

Senator Drilon. And therefore, they are not really citizens of the Philippines at the time of their birth. They are not natural-born citizens of the country. They are not citizens of the country because neither their father nor their mother is a citizen of the Philippines.

Senator Osmeña (S). Therefore, I would like to ask whether the word "reacquire" means that these former Filipinos who are now going to be recognized as Filipinos again would have to do anything to perfect their reacquisition of Filipino citizenship.

Senator Drilon. They do not have to do anything, Mr. President.

Senator Osmeña (S). Would it be also accurate to state that the law will now deem

them not to have lost their citizenship at all?

Senator Drilon. They are deemed to have reacquired their status as natural-born citizens.

Senator Osmeña (S). So that in the interregnum or that period between the time they took an oath as citizens of another country and the time when this bill becomes law is deemed to have been lost years.

Senator Drilon. Subject to further discussion and analysis, my answer would be in the affirmative, Mr. President, because of the difficulty of redefining the legal status during that interregnum and the effects of such. So, the reacquisition and the reinstatement to be a natural-born citizen would be effective upon the passage of the law.

Senator Osmeña (S). For example, Mr. President, let us talk about the children. Earlier, I heard the gentleman made mention of veterans of World War II--

Senator Drilon. That is correct, Mr. President.

Senator Osmeña (S). --who have since become or acquired American citizenship. Therefore, any of their children after their acquisition of American citizenship up to the time this bill becomes law will not have the right to be recognized as Filipino citizens because of that period, that interregnum, where the law will say, "Well, hindi ka puwede because at that time you were born, your father was an American citizen."

I would have thought that the spirit of this law would have covered those children, and at the same time would have really meant to say that, "Alam mo, null and void iyong nangyari, and we will recognize you as Filipinos without your having to do any overt physical act to reacquire your citizenship." In other words, by the mere fact that one was a Filipino before, he is a Filipino today.

Senator Drilon. Mr. President, certainly that is a very valid point raised by the gentleman from Cebu. However, I am concerned that it may already run afoul of our Constitution because our Constitution defines who are natural-born citizens of the country. And if one is born of foreign parents at the time of his birth, then our Constitution says that he is a foreigner because he does not fall within any of those provisions which recognize a Philippine citizen. So I am afraid that much as we would want to allow those who are born in the interregnum presented by the gentleman, I am afraid that that may not meet our constitutional requirements.

Senator Osmena (S). I appreciate that argument and that position. But let us argue that a little bit further.

In Section 2 of the bill, it includes that provision in the Constitution which mandates that "those whose fathers or mothers are citizens of the Philippines" are among those embraced by the State as its citizens, it is hereby declared the policy of the State to recognize that Philippine citizenship acquired by parentage is constitutionally guaranteed and protected, such that its natural-born citizens may not be automatically deprived of Filipino citizenship...."

Therefore, the gentleman is saying here that, "Mali kami noon." Therefore, if one is a Filipino citizen then, *ipso jure* absent any corresponding pre-voluntary act, we are actually reinterpreting what the Constitution means. If we are going to do that, does it necessarily follow that that interregnum period did not exist at all, and that Filipinos should be recognized as Filipino citizens if they were born either to a Filipino mother or a Filipino father?

Senator Drilon. Very good point. Mr. President. That is why we said that the effects of the law will be at the time of the passage. Because, precisely, to retroact it to any other point could result in legal complications which will be difficult to resolve, and more importantly, may add a class of citizens to the enumeration under Article IV of our Constitution by adding a provision which says that those born of foreign parents who once upon a time were natural-born citizens are citizens of the country.

I am afraid that it may, as we said, add another class of citizens which are not provided for in our Constitution. But we are willing to study further Senator Osmena's views because these are matters which are just brought to our attention. This was not discussed during the committee hearings.

Senator Osmena (S). Yes, Mr. President. I would really appreciate that because essentially, what we are saying here is, "Talaang Pilipino kayo."

Senator Drilon. Yes.

Senator Osmena (S). Why do we have a time line when they became Filipino and when they



unbecame Filipino, and when they become Filipinos again?

Senator Drilon. Yes, Mr. President. That is why, as I said, this is a legal issue which was not brought up during the committee hearings, and we would like to thank the gentleman from Cebu for bringing this out. Allow us an opportunity to review this matter, Mr. President, and at the appropriate time we will submit the study to the good Senator.

Senator Osmeña (S). All right. On page 1, line 14, in connection with the same argument, Mr. President, the word "re-acquired" is used. I know what the distinguished sponsor means by utilizing this word, because I was going to ask the sponsor if instead of "re-acquired", we may use the phrase DECLARED NOT TO HAVE LOST.

Senator Drilon. That would be a necessary consequence of a proposal that the gentleman has earlier made, and allow us to review the same, Mr. President. If it is both policy and constitutionally feasible, then the amendment that the Senator is proposing will be in order.

Senator Osmeña (S). All right. Then furtherance of that argument, Mr. President, would be the phrase on line 4 of page 2, where the phrase states: "not be a bar to reacquisition of Philippine citizenship".

Mr. President, we are talking about renunciation. So why should such a renunciation be a bar to reacquisition?

I would have thought, Mr. President...

Senator Drilon. No, Mr. President. Just to clarify, what we are saying here on line 4

is that a renunciation which is a part of a naturalization proceeding is not a bar to the reacquisition, but an express renunciation independent of a naturalization proceeding will be the one that will constitute a bar to the reacquisition, and that is found on line 16 of page 1 and the first line of page 2.

Senator Osmeña (S). Mr. President. I understand that argument. What I was trying to say here is that on line 15 of page 1, the phrase "unless, by their free, willfull and voluntary act..." So the dispositive phrase is "willfull, free and voluntary." Therefore, I was just about to propose that because I am not comfortable with the words "reacquire" or "reacquisition" and since what the good sponsor originally meant was free, willfull and voluntary act of renunciation, would it not read better if it is rephrased in the manner that "renunciation, which was merely a part, et cetera, of oath of allegiance, which may have been required by the said foreign country for purposes of naturalization, will not be INTERPRETED AS A FREE, WILLFULL AND VOLUNTARY ACT OF RENUNCIATION.

Senator Drilon. We have no problem with that, Mr. President. We will accept that at the appropriate period.

Senator Osmeña (S). All right. Then in subsections (b), (c), and (d) provided that they are not candidates for, or are currently occupying any public office, elective or appointive, et cetera, or active in the armed service as commissioned or noncommissioned officers; or occuoying civilian or military positions, would the sponsor accept an amendment that would make this a separate section and just refer it to the right to vote rather than citizenship? So it will now appear

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that anybody who has born of a Filipino father or a Filipino mother is a Filipino citizen.

Senator Drilon. Except that they have...

Senator Osmeña (S). Except that if he is already active in the armed service or in public office and have served in public office in the foreign country, then he may not exercise the right to vote, which means he cannot run for public office here also.

Senator Drilon. A very good thought, Mr. President, we are not averse to that proposal at the appropriate time. That is a good policy thrust.

In other words, we allow the exercise of Philippine citizenship except the right to vote--

Senator Osmeña (S). And hold public office.

Senator Drilon. --and be voted upon if any of (b), (c), and (d) in Section 3 would be in existence. We would favorably consider that, Mr. President.

Senator Osmeña (S). All right. Then on line 10, the very next paragraph, the sponsor made mention of "A system for continuing registration."

I thought that the person involved does not have to do anything to perfect his citizenship. So why should there be a system for registration?

Senator Drilon. As we earlier mentioned, Mr. President, registration in this registry does not confer citizenship. It is just an administrative mechanism. The registration

here does not confer citizenship nor the nonregistration deprives one of the benefits of the law and neither would registration mean that one is qualified if he is not otherwise qualified. So it is just an administrative mechanism.

To be candid about it, Mr. President, we are not very firm on this point personally. Then if presented with valid arguments, we can accept an amendment which can delete this.

Senator Osmeña (S). I was not too sure what was the reason for this, that is why I am asking about it. I thought it might be superfluous.

Senator Drilon. Yes. Can I ask Senator Pangilinan to reply to this for purposes of record, Mr. President?

Senator Pangilinan. Yes, Mr. President. I remember this particular issue was raised during the committee hearings. It was raised primarily by the officials of the Bureau of Immigration and Deportation. If I remember right, they have an existing list of Filipino-Americans...Alien Certificate of Registration which is required of aliens but of former natural-born citizens. So this actually might require some administrative measures to ensure that this existing list which they have may somehow be utilized in the processing of the documents only for administration purposes.

I, too, am not very clear as to whether or not this administrative mechanism should be in the bill in its final form. We decided to be conservative about it and agreed to the suggestion of the BID officials. However, at the proper time, Mr. President, and based on the arguments raised by the Senate President that he is also willing to accept an

amendment; I see no reason why we cannot do away with such administrative mechanism.

Senator Osmeña (S). I would like to thank the distinguished gentleman for that, Mr. President.

The sentence reads as follows: "A system for continuing registration for individuals covered by this act shall be established as an administrative mechanism."

Now, essentially, the distinguished gentleman mentioned ACF or the Alien Certificate of Registration. That is the green card of aliens in this country. So if they stop going and registering, we do not lose anything. We do not really care anyway whether they register or not. They are just given a lot of trouble when they leave the country and return to this country if they are residents here. But if they are Filipinos and they are questioned subsequently, then let them answer the questions. What they can do now as I understand is apply even for a Filipino passport.

Senator Drilon. That is correct, Mr. President. And when they apply for a Philippine passport, they can be required to show their birth certificate.

Senator Osmeña (S). So maybe this thing is superfluous and I hope the committee can study that.

Senator Drilon. Yes. In fact, we have said, Mr. President, that we are not very firm on this and we would accept the appropriate amendment.

Senator Osmeña (S). Thank you.

Now, lastly,--maybe this was a typo or there was an oversight--on line 21, Mr. President....

Senator Drilon. What page?

Senator Osmeña (S). On page 2, Section 4, line 21.

Senator Drilon. Yes.

Senator Osmeña (S). It reads, "...illegitimate or adopted, below eighteen (18) years of age, of Filipino parents..."

Does the distinguished gentleman mean one of whose parents was Filipino?

Senator Drilon. That is correct, Mr. President. In fact, we have underscored that.

Senator Osmeña (S). Thank you, Mr. President.

The President Pro Tempore. The Majority Leader is recognized.

Senator Leviste. To interpellate, Mr. President, I ask that Sen. Renato L. Cayetano be recognized.

The President Pro Tempore. Sen. Renato L. *Compañero* Cayetano is recognized.

Senator Cayetano. Will the Senate President and gentleman from Iloilo answer some questions, Mr. President?

Senator Drilon. With pleasure, Mr. President. I am sure the entire Chamber would benefit and learn from the questions that will be raised by Senator Cayetano.

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Senator Cayetano. Unfortunately, Mr. President, I wish that we are through but those who interpellated the gentleman ahead of me asked relevant and important questions which otherwise I would have also raised.

So, with the gentleman's apology, I may have to repeat some of these questions just for the purpose of understanding it.

Senator Drilon. Yes, Mr. President. We would be willing to answer again.

Senator Cayetano. Am I correct in understanding, Mr. President, that only natural-born citizens can acquire dual citizenship?

Senator Drilon. Mr. President, a naturalized citizen of the country can acquire dual citizenship depending upon the laws of the country that he or she would be a citizen of.

In this particular measure, it is only natural-born citizens who will be allowed dual citizenship, Mr. President.

Senator Cayetano. So, given the fact that there are very few countries that would allow dual citizenship, as far as this bill is concerned only those that are natural-born citizens, as defined in the Constitution and had been naturalized in other countries, can avail themselves of this particular provision. Am I correct, Mr. President?

Senator Drilon. That is a very precise understanding of the proposed measure, Mr. President. Senator Cayetano is completely correct.

Senator Cayetano. Let us reverse the situation, Mr. President. Can a naturalized Filipino--originally, of course, an alien--take advantage of this particular provision and acquire Filipino citizenship?

Senator Drilon. No, Mr. President, because under Section 2, *Declaration of Policy*, the declaration of policy is to recognize that Philippine citizenship is acquired by parentage as being constitutionally guaranteed.

The matter of a citizenship being acquired through naturalization is not in the contemplation of the proposed measure because this would only protect those citizens who are citizens by the principle of *jus sanguinis*. Mr. President.

Senator Cayetano. So, a foreigner who is a permanent resident in the Philippines cannot acquire Filipino citizenship under this particular bill.

Senator Drilon. That is correct, Mr. President.

Senator Cayetano. I would like to thank the distinguished gentleman.

Let me speak of the renunciation on page 2.

Senator Drilon. Yes, Mr. President.

Senator Cayetano. The renunciation that is allowed here is the renunciation as part and parcel of taking an oath of allegiance when a Filipino becomes a naturalized American. Am I correct?

Senator Drilon. That is correct, Mr. President. A renunciation which is merely a



part of or in connection with an oath of allegiance required by a foreign country for purposes of naturalization will not constitute an impediment to the grant of benefits under this proposed measure by natural-born citizens of the Philippines.

Senator Cayetano. So much so, Mr. President, that a mere renunciation as part of the ceremony, for instance, without letters (b), (c), and (d) would not disqualify a Filipino--

Senator Drilon. Very correct, Mr. President.

Senator Cayetano. --from reacquiring the Filipino citizenship. Am I correct, Mr. President?

Senator Drilon. That is a correct reading of the proposed measure, Mr. President.

Senator Cayetano. Now, may I call the attention of the Senate President to line 8, page 2.

Senator Drilon. Yes.

Senator Cayetano. It speaks of "those who are occupying civilian or military positions".

I can appreciate positions of military, Mr. President, but how about civilian--a mere clerk or a mere janitor in the Post Office or for that matter, a mere messenger? It is really a position that we can call sensitive vis-à-vis national security, for instance, of the Philippines. Why are we including it?

Senator Drilon. Thank you for that very incisive question, Mr. President. That

question has also bothered this representation.

To the first question, to my reading, Mr. President, lines 8 and 9 on page 2 are restatements of lines 5, 6, 7 and 8. So, I would not be averse if that is the intention of the gentleman from Taquid and Rizal--to delete letter (d) at the appropriate time. The other point that the gentleman has validly raised is covered by lines 5--those who "are currently occupying any public office, elective or appointive". The word "any" has pointed to, say, mail carriers in the federal government.

This provision would suspend the effects of the law as far as the rank-and-file employees of a foreign country is concerned. In fact, in some jurisdictions, excluded are those who are involved in policy-making. But that is not even universal. Because in the case of former Secretary of State Albright, she was still considered a citizen of Czechoslovakia notwithstanding the fact that she was the Secretary of State. And therefore this representation would be open to a further debate on this point, Mr. President.

Senator Osmeña. Mr. President.

The President Pro Tempore. Sen. Sergio R. Osmeña III is recognized.

Senator Osmeña (S). May I respectfully request both the sponsor and the interpellator, if I might intervene at his point?

Senator Cavetano. I have no objection, Mr. president.

Senator Drilon. No objection, Mr. President.

Senator Osmeña (S). Mr. President, to my mind, there would be three categories here. The first category--one can reacquire Filipino citizenship but not the right to vote nor the right to be voted upon. The second category--one can become Filipino citizen, be recognized as a Filipino citizen again, be allowed to vote but not be voted upon. And the third category--one can become all three. So, I guess it would be up to the committee to determine what sort of categories (b), (c) and (d) the persons would fall under.

Senator Drilon. We would be open to a vote, to a decision of the Chamber on this, Mr. President.

Senator Osmeña (S). May I also point out at this time, Mr. President, that this representation is fully aware that under U.S. law, for example, an American citizen who was not born in the United States cannot become President of the United States.

Senator Drilon. Even if he is of American parents, Mr. President?

Senator Osmeña (S). That is correct. This is why many good members of the Senate and U. S. Congress would not be qualified to run for President of the United States.

But having said that, we have immidrants like Henry Kissinger, Bzrezenski, Albright who have served in very high positions of power. But we must take into consideration that the United States completely and utterly vets its appointees to this position.

I mean, one cannot become a Secretary of State until the FBI has gone through one's background with a fine-tooth comb to find out. We do not have that capability in this country.

Senator Drilon. But, Mr. President, regardless of the manner in which they vet their prospective officials in government. I think the legal question of whether they are still citizens is independent of that vetting. We are talking here of the status of the country.

Senator Osmena (S). I agree, Mr. President. What we were trying to avoid was that somebody who had been, say, occupying a high position in another country is now able to come back home and also qualify to hold a high position in this country.

Now, knowing that we have a small country, we do not have the resources to find out more deeply about backgrounds of various people. It would be very difficult for us, for example, to avoid someone who had a very high position in a foreign country like the United States or China from coming here, particularly those who have enough money to run and win a congressional seat or a gubernatorial seat, and be influenced by the country from whence he or she came.

So, I just wanted to make sure that our national security would not be jeopardized by opening up citizenship again to those who have renounced it before by virtue of their vote of allegiance to the new adopted country and be able to come in here and influence policy if there is some doubt as to their allegiance or loyalty.

Thank you very much, Mr. President.

Senator Cayetano. I just want to ask Senator Osmena, just out of curiosity.

I thought that there was no qualification for natural-born American in order to become President of the United States.

Senator Osmena (S). There is a qualification, I think the U.S. Constitution says that they should have been born in one of the 50 states of the United States. They cannot have been born in Manila even if both their parents, both their father and mother were Americans and qualify to run for President of the United States. This was a safety factor, I think.

Senator Cayetano. Anyway, we can check that, Mr. President.

Senator Osmena (S). Yes, Mr. President.

Allow me to go just a little bit further, Mr. President. Let me say this: If Madeleine Albright had served in Yugoslavia, I doubt very much if she would have even been considered for Secretary of State of the United States.

Thank you, Mr. President.

Senator Drilon. Yes, Mr. President. We are now again willing to answer questions from Senator Cayetano.

Senator Cayetano. Mr. President, we would like to thank Senator Osmena for that additional information.

As far as Section 4 is concerned, Mr. President, has the gentleman accepted the proposition that, at the proper time, legitimate, illegitimate or adopted children

of Filipino parents who are below 18 years of age shall be beneficiaries of this bill. Has the sponsor accepted this?

Senator Drilon. Not yet, Mr. President. We said that we will look at it because of the policy and constitutional implications. We have not stated a position on that. But we are willing to listen to the views of the Chamber on this.

Senator Cayetano. The reason I mentioned that, Mr. President, is, an illegitimate child could have a father who is a foreigner but whose mother is a Filipino citizen.

Senator Drilon. Yes, Mr. President. In that particular case, that child would be a Filipino citizen. There is an error in the statement referring to parents. As pointed out by Sen. Seroio R. Osmeña III and admitted by the sponsor, there is an error here. It should be of Filipino mother or father, to be consistent with the Constitution. That is on line 21.

Senator Cayetano. Well, since the sponsor has not taken a particular position on this, Mr. President, let me say that personally, I feel that those who are below 18 years of age, not over 18, shall have the benefit of a dual citizenship once one of their parents become a Filipino citizen or reacquired Filipino citizenship after having been naturalized. Meaning, a benefit of this law.

Senator Drilon. Yes, Mr. President.

Senator Cayetano. The reason for that is, our law is such that at 18, one is already considered of the age of majority. And therefore, it will be up to this particular young man or young woman to choose whatever

citizenship that she or he may prefer, aside from the fact that the parent no longer exercises parental authority.

Senator Drilon. Yes, Mr. President.

Senator Cayetano. It is just an observation, Mr. President.

Senator Drilon. We clearly hear what Senator Cayetano is saying and that is in fact the policy consideration in Section 4.

But may I ask Senator Cayetano his views on this matter of derivative citizenship because Section 4 contemplates of two circumstances. One, the child must be unmarried and second, the child must be below 18. In the view of Senator Cayetano, suppose the child is married but below 18, should we allow him or her a derivative citizenship?

Senator Cayetano. Married to a Filipino?

Senator Drilon. Regardless, Mr. President, because in this particular case, we are talking about the citizenship of the child by virtue of the citizenship of the mother or father. In other words, it is a situation where we have a minor child already married at that time when this law becomes effective, and one of the parents is a former natural-born citizen of the country. I am seeking the guidance of Senator Cayetano and subsequently the Chamber what the views are as far as that particular instance is concerned. Meaning, a minor child already married at the time of the passage of this Act where a parent or both is benefited by the provisions of this bill.

Senator Cayetano. An example of this situation is, of course, where a child is born in the United States and marries a Filipino or

an American. That would be a good example where a young man, less than 18, is legally married because of the provision of the Civil Code that on the matter of the solemnity of marriage, the place where it was held shall be the law as far the legality of the marriage is concerned.

Now, as far as the question of our good friend is concerned, to be consistent, since our law would now recognize that particular example I have given as a valid marriage even though the young man is 18, therefore, he is already out of the parental authority of his parents. In that case, he can choose whether to reacquire Filipino citizenship, if he so desires, just as much as if he is already 18 and over, he can also make a decision whether to take advantage of dual citizenship or not.

Senator Drilon. I would like to thank the gentleman for that view, Mr. President. We certainly value that opinion expressed by Senator Cayetano.

Senator Cayetano. Now, finally, Mr. President, maybe not finally but a few....

Senator Drilon. What does the gentleman mean by "finally"?

Senator Cayetano. A few more questions. In Section 5, when a renunciation is made by the parents....I believe this is a renunciation by the parents of the Filipino citizenship which he has acquired.

Senator Drilon. That is correct, Mr. President.

Senator Cayetano. Now, why should minor children be prejudiced by the renunciation made by the parents?



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Senator Drilon. Minor children, precisely, are not prejudiced by the renunciation. The last sentence provides that a renunciation made by parents shall not have the effect of divesting their minor children of Philippine citizenship. So that when these minor children become of age, they are eligible to have dual citizenship.

Senator Cayetano. I stand corrected, Mr. President.

Can we go to page 3, please?

Senator Drilon. Yes, Mr. President.

Senator Cayetano. *Civil and Political Rights and Liabilities.* Well, in most cases, of course, we are going to talk....What will happen here is, Filipinos who will take advantage of this measure will invest in lands, businesses, in some other economic endeavors which otherwise they are now prohibited because of the 60:40 requirement.

Now, Mr. President, what does the gentleman mean by....I am on page 3.

Senator Drilon. Yes, Mr. President.

Senator Cayetano. Let me read line 1 so that we can understand each other, Mr. President.

Unless Philippine citizenship is lost in the manner provided under this Act, natural-born citizens of the Philippines who acquire foreign citizenship shall, except when placed under interdiction by a court of competent jurisdiction, continue to enjoy full civil and political rights

and shall be subject to all attendant liabilities and responsibilities under existing laws of the Philippines.

Is it correct to say, therefore, that an individual, a Filipino, who now has dual citizenship, will be able to enjoy not only economic, business, civil rights, but as well as political rights which means the right to vote and be voted?

Senator Drilon. Yes, Mr. President. subject to the qualifications provided in the same section and that is, first, those who wish to exercise the right of suffrage must meet the constitutional requirements; and second, those who are seeking elective or appointive office shall make a personal and sworn renunciation of any and all foreign citizenship.

So as far as the exercise of political right is concerned, the exercise of that right is, first, subject to the Philippine Constitution, particularly on the right of suffrage. Of course, without so stating here, subject to the provisions of the Absentee Voting Bill if that becomes a law. Second, if those dual citizens would seek public office in the Philippines, either elective or appointive, then they should renounce their foreign citizenship as a qualification.

Senator Cayetano. I thank the gentleman for that answer, Mr. President.

Am I to understand that when we speak of Section 1, Article V, this refers to the qualifications of candidates for offices? For instance, only natural-born citizens can be elected as President of the Republic. Only natural-born citizens, for instance, can also be appointed as Chief Justice and members of

the Supreme Court. Is that what we are talking here, Mr. President?

Senator Drilon. Yes, Mr. President. Apart from that is the residency requirement which is subject, of course, to the interpretation that this Congress may provide under the proposed Absentee Voting Act.

Senator Cavetano. Finally, I seem to have overheard earlier, about two hours ago, that there seems to be a difference now because we give just about every civil and political right to a person with dual citizenship, except those that the Constitution requires.

Am I correct in having heard that as regards the requirement of the Local Government Code, as far as the elected officials are concerned, they will not enjoy this privilege?

Senator Drilon. Under the Local Government Code, Mr. President, those with dual citizenships are not allowed to run for local government post. That is the present provision of the Local Government Code and is, in fact, the issue in the case of *Mercado vs. Manzano* where the private respondent ran for vice mayor of Makati City and his qualification to run for such public office was questioned on the ground that he is a holder of a dual citizenship. The Supreme Court ruled that that deficiency was cured when the private respondent renounced his American citizenship.

Let me add, as earlier pointed out by Sen. Sergio Osmena, we can really categorize these prospective citizens who would benefit under this Act, into several categories, one of which is, we will say, whether or not they can run for public office as a qualification.

Again, we said that we are completely open to that suggestion. We will review this provision as far as that is concerned, Mr. President.

Senator Cayetano. In reviewing, this comment may be taken into consideration. We have a saying that a later law when contrary to an earlier law supersedes the former law.

Assuming, for the sake of argument, that the local government provision on banning dual citizenship for candidates of local government units has not been changed, regardless of the Manzano case which is completely different, will this particular bill now change that particular provision of the law because this is of a latter enactment?

Senator Drilon. What I would suggest, Mr. President, is, if that is the policy direction and rule that we will follow, we will expressly state so rather than rely on the statutory rule--that the latter statute amends the former statute in case of conflict. If this Chamber would decide that dual citizenship should not be a disqualification for local government posts, then we expressly state so and that will clearly amend the Local Government Code.

I am not in favor of an implied repeal, Mr. President.

Senator Cayetano. May I be favored with... If my *compadre* already has an idea of whether it is now time to also look into the Local Government Code as to whether or not we will allow Filipinos with dual citizenships. Because, right now, there are many Filipinos who have returned to this country, even green-

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card holders, who have been disqualified. Let alone, of course, with dual citizenship.

Perhaps, more or less, in *pari passu*, we can give the same kind of benefit to our local government officials at the very least, not the full and political rights when it comes to their qualifications to run for public office.

Senator Drilon. That is a very valid concern, Mr. President. If the good senator can just allow me an opportunity to discuss this with the chairman of the Committee on Justice and Human Rights, who originally submitted this report. At the appropriate time, we will present a proposed committee amendment for the adoption of this Chamber.

Senator Cayetano. Mr. President, I would like to thank the gentleman from Ilcilo. This has been a very interesting discussion in the last two hours.

I know for a fact, Mr. President, because when I was with some gentlemen like Senator Pimentel and lady Sen. Luisa P. Eiercito Estrada, the clamor is not only for absentee balloting but also for dual citizenship. Because they feel that dual citizenship is more important to them, at least to many of them, because this would give them an opportunity to sort of go back to the Philippines and put in their money in certain economic and business endeavors.

With that, the sponsor can rest assured of my own personal support of this bill. Thank you, Mr. President.

Senator Drilon. I would like to thank the gentleman. The views expressed by Sen. Renato L. *Compañero* Cayetano, in fact, confirms the earlier views also expressed by Sen. Aquilino

D. Pimentel Jr. who has had the opportunity to bring this issue to many Filipino communities abroad, Mr. President. Indeed, I am so pleased that the Senator has expressed his personal support, his valuable support for the passage of this measure.

The President Pro Tempore. The Majority Leader is recognized.

Senator Leviste. I ask that Sen. Luisa P. Ejercito Estrada be recognized to interpellate, Mr. President.

The President Pro Tempore. Sen. Luisa P. Ejercito Estrada is recognized.

Senator Estrada. Will the gentleman from Iloilo yield for some questions?

Senator Drilon. With pleasure, Mr. President.

Senator Estrada. Earlier, Sen. Panfilo M. Lacson talked about two concepts: the dual citizenship and the dual allegiance.

Senator Drilon. Yes.

Senator Estrada. The sponsor on the other hand mentioned the case of *Mercado vs. Manzano* to explain his point. I would like to be educated further, being a nonlawyer.

My understanding is that dual citizenship is allowed only in cases where no voluntary acts are involved, such as the result of the concurrent application of the different laws of two states. A person becomes a national or citizen by both *jus soli* and *jus sanguinis*.

Senator Drilon. That is correct, Mr. President. In fact, this proposed measure

would be consistent with that principle that a dual citizenship is one which arises as a result of the concurrent application of the laws of two or more countries without the need for a particular act to be done by the beneficiary of the measure. So that in this particular proposal, the former natural-born Filipino citizen automatically reacquires the status of a natural-born citizen upon the passage of this measure without need for any further act. This is precisely a classic example of how dual citizenship is acquired through application of two laws of two different countries.

Senator Estrada. Yes. I have also read the deliberations of the framers and it appears this is their position. Hence, I would like to know if naturalization is included.

Senator Drilon. Does the lady senator mean naturalized citizens of the Philippines?

Senator Estrada. Yes. a voluntary act. Is it a voluntary act?

Senator Drilon. A naturalized citizen of the Philippines is not included in this bill because it only covers natural-born citizens who lost their citizenship by virtue of Commonwealth Act No. 63. A naturalized citizen is not a natural-born citizen. And the proposed measure would guarantee the constitutionally acquired status of a natural-born citizen. A naturalized citizen does not have a constitutionally guaranteed status, not being a natural-born citizen of the Philippines, Mr. President.

Senator Estrada. Is this tantamount to dual allegiance?

Senator Drilon. No, Mr. President. As precisely pointed out in the case of *Mercado vs. Manzano*, dual allegiance is completely different from dual citizenship. While indeed the Constitution provides that dual allegiance is considered as inimical to the national interest and shall be dealt with by law, the proceedings of the Constitutional Commission would show that in fact the dual allegiance would refer to those who have acquired and maintained their allegiance to their countries of origin even after they become naturalized citizens of the country.

Kaya baligtad po iyong sitwasyong ipinagbabawal ng ating Saligang-Batas--na iyong mga dating dayuhang naging mamamayan ng ating bansa ay nandoon pa rin sa kanilang bayan kung saan sila ipinanganak.

Iba po ang ating pinag-uusapan sa ilalim ng panukalang-batas na ito--iyong mga Filipino na naging banyaga dahil sa proseso ng naturalisasyon sa ibang bansa at sa bisa ng ating Commonwealth Act No. 63, a 66-year old law enacted during the time of the Americans, which says that the moment one is naturalized in another country, he loses Filipino citizenship. And it has resulted in a number of inequities, the most glaring of which are our Filipino veterans.

So that is the reason we thought that we should now amend a 66-year old law.

Senator Estrada. Anyway, Mr. President, there is another concern that I would like to bring to the attention of the sponsor.

Last week, the sponsor was expounding on the benefits of the proposed measure by emphasizing that once it is enacted into law, the Philippines could benefit, for instance,



from the expertise of our professional talents abroad.

Further, he was stressing that fresh capital and opportunities can be brought into the country as in the case of Mr. Mark Pangilinan who has been longing to invest here.

While I agree with this, I would like to remind us about the negative flip side of the proposed measure. There is also a possibility that this might actually result in siphoning of scarce national capital to other countries. There is a possibility, for instance, that a Filipino would choose to be a citizen of another country like, for instance, Taiwan, and avail himself of the benefits here and bring his capital to said country. There is also a possibility that some business tycoon abroad would take advantage of this being deemed also a Filipino--by taking advantage of the benefits here and in turn exploit our natural resources and abuse cheap labor all for the benefit of his business empire abroad.

Hence, my question is: How can we guarantee that this would not happen? And what measures can we incorporate in the bill to, more or less, prevent this?

Senator Drilon, Mr. President, we respectfully submit that the situation that is contemplated or that is presented by the good senator can happen regardless of whether or not we have this proposed law. We respectfully submit that it is speculative and that the abuses can be there not because of this proposed law but because of the propensity of certain individuals to take advantage of certain laws. In other words, a foreigner can also abuse our hospitality in the same manner that a Filipino national can

abuse the hospitality of his own country as far as the laws are concerned.

So, it is our respectful submission, Mr. President, that this bill would not change the circumstances or would not in itself bring the circumstances feared by the good senator. In other words, what we are suggesting is that whether or not we have this proposed law, that possibility is always there.

The bill is for another purpose, and that is to give an opportunity to former Filipino natural-born citizens to come back to the country. The matter of abuses is a matter that would be addressed or that should be addressed by our officials. So that regardless of whether or not he or she is a former natural-born citizen or a foreigner, the same degree of diligence by our officials should be made in order that Philippine laws are complied with, Mr. President. That is our respectful submission.

Senator Estrada. But in this case, it is possible because here we are according them all the civil and political rights. For example, they can now own lands and practice their professions here.

Senator Drilon. The law right now, Mr. President, provides that former natural-born citizens of the country can already own land to the extent of 5,000 square meters in urban areas and three hectares in rural areas.

So, the valid concern of the senator can be addressed, and this particular measure will not make any changes as far as that particular concern is presented or is addressed or that particular concern is being brought to light. In other words, regardless of this bill, such abuses can take place, Mr. President. It is a

question of our authorities being able to enforce our laws properly.

Senator Estrada. Mr. President, perhaps we can study this further if only to protect our citizens.

Senator Drilon. Yes, Mr. President, we are willing to consider whatever amendments the senator would have to address this particular concern.

Senator Estrada. Mr. President, I would like to refer to Senator Lacson's earlier inquiry about Article XV. The sponsor seems to apply conflict of laws. Being a nonlawyer, allow me to expound on this for my education. Is conflict of laws applicable only to procedural matters and not substantial matters such that in the example given earlier, legal capacity is substantial and hence covered by Article XV?

Senator Drilon. It is a very good question, Mr. President.

As far as we know, conflict of laws would apply to both procedural and substantive laws. The authorities do not make a distinction between the matters of procedure and the matters of substance as far as the application of laws are concerned.

Senator Estrada. Mr. President, let me give the gentleman an example to clarify this. Let us take the issue on succession. Under Article XV, it follows that suppose a Filipino dies in the U.S. I believe that with respect to the forms of will and procedures observed in the probate court, U.S. laws will govern. But with respect to capacity of successors, Philippine laws govern here. The latter is a substantial issue.

Another example is marriage. With respect to form and procedures, U.S. laws govern but with respect to legal capacity or authority of the solemnizing officer, Philippine laws, particularly the Family Code, prevail. So, if the issue is procedural in nature, there is no problem. But if the issue is substantial in nature, I am afraid there will be a dilemma.

Senator Drilon. It is a very valid concern, Mr. President.

As we have earlier manifested, there are actually two schools of thought that are propounded on this matter. We have suggested to Senator Lacson earlier that since this bill would govern citizenship, the matter of the application of the laws of two sovereign countries be left for the courts to determine. Because it is really a very dynamic rule concerning, as it does, application of laws.

Private international law is a very complex issue, Mr. President. So, we are making a suggestion and a plea that we do not define every possible situation in this bill as far as matters of property relations and matters of succession are concerned, and leave that to our existing new Civil Code and jurisprudence and the rules on private international law. We cannot cover everything in this measure. That is our submission, Mr. President.

Senator Estrada. Thank you, Mr. President.

The President Pro Tempore. The Majority Leader is recognized.

SUSPENSION OF SESSION

Senator Leviste. May I request a one-minute suspension of the session, Mr. President.

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

*It was 6:25 p.m.*

#### RESUMPTION OF SESSION

*At 6:26 p.m., the session was resumed.*

The President. The session is resumed.

The Majority Leader is recognized.

Senator Leviste. Mr. President. I move that we suspend the interpellations on Senate Bill No. 2130.

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

#### SUSPENSION OF CONSIDERATION OF S. NO. 2130

Senator Leviste. I move that we suspend consideration of Senate Bill No. 2130.

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

Senator Leviste. Mr. President. I move that we proceed to the reading of the Additional Reference of Business.

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

The Secretary will now read the Additional Reference of Business.

ADDITIONAL REFERENCE OF BUSINESS

The Acting Secretary (Atty. Reyes).  
Senate Bill No. 2377, entitled

AN ACT AMENDING REPUBLIC ACT NO. 8353,  
OTHERWISE KNOWN AS THE ANTI-RAPE  
LAW OF 1997

Introduced by Senator Pangilinan

The President Pro Tempore. Referred to  
the Committees on Youth, Women and Family  
Relations; and Constitutional Amendments,  
Revision of Codes and Laws

The Acting Secretary. Senate Bill No.  
2378, entitled

AN ACT AMENDING SECTION 87 OF REPUBLIC  
ACT NUMBER 8550. OTHERWISE KNOWN AS  
THE FISHERIES CODE OF 1998

Introduced by Senator Barbers

The President Pro Tempore. Referred to  
the Committees on Agriculture and Food; and  
Environment and Natural Resources

COMMITTEE REPORT

The Acting Secretary. Committee Report  
No. 86 prepared and submitted jointly by the  
Committees on National Defense and Security;  
and Finance on Senate Bill No. 2379 with  
Senators Legarda Leviste, Biazon, Honasan,  
Magsaysay Jr., Drilon, Villar Jr. and the  
Members of the Committees as authors thereof,  
entitled

AN ACT STRENGTHENING THE PROFESSIONALISM IN THE ARMED FORCES OF THE PHILIPPINES BY INCREASING THE PERCENTAGE DISTRIBUTION OF GENERALS/FLAG OFFICERS IN THE AFF TABLE OF ORGANIZATION, AMENDING FOR THIS PURPOSE REPUBLIC ACT NUMBERED EIGHTY-ONE EIGHTY-SIX (R.A. 8186), AND FOR OTHER PURPOSES

recommending its approval in substitution of Senate Bill Nos. 1343, 1344, 1677, 1810 and 2096

Sponsors: Senators Magsaysay Jr., Villar Jr., Legarda Leviste, Biazon and Drilon

The President Pro Tempore. To the Calendar for Ordinary Business.

The Majority Leader is recognized.

Senator Leviste. Mr. President, I ask that Minority Leader, Senator Sotto, be recognized.

The President Pro Tempore. Senator Sotto is recognized.

MOTION OF SENATOR SOTTO  
(Sen. Aquino-Oreta as Member of  
Public Services Committee in Lieu  
of Sen. Pimentel)

Senator Sotto. Thank you, Mr. President.

On the part of the Minority, we would like to propose the inclusion or election of Sen. Teresa Aquino-Oreta as member of the Committee on Public Services in replacement or in lieu of Sen. Aquilino Q. Pimentel Jr.

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

MANIFESTATION OF SENATOR LEVISTE  
(Senators Jaworski and De Castro as  
Members of Ways & Means Committee; and  
Senator De Castro of Energy Committee)

Senator Leviste. I will just manifest the additional members of the Committee on Ways and Means: Sen. Robert S. Jaworski and Sen. Noli De Castro. And for the Committee on Energy, Sen. Noli De Castro.

The President Pro Tempore. The manifestation is noted.

MOTION OF SENATOR SOTTO  
(Expansion of Membership in the  
Justice & Human Rights Committee)

Senator Sotto. Mr. President, I was informed by the Secretariat that the Minority has elected an extra name or an extra member into the Committee on Justice and Human Rights. May we propose to the Senate leadership that we just expand the membership of the Committee on Justice and Human Rights if it is possible. The proposal can be laid out today and can be acted upon in the next few days just in case the Majority agrees to an additional membership instead of removing one of our representatives there.

The President Pro Tempore. What does the Majority Leader say?

SUSPENSION OF SESSION

Senator Leviste. I move that we suspend the session for one minute.



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

*It was 6:30 p.m.*

#### RESUMPTION OF SESSION

*At 6:31 p.m., the session was resumed.*

The President Pro Tempore. The session is resumed.

The Majority Leader is recognized.

#### MANIFESTATION OF SENATOR LEVISTE (Increase in Membership of the Committee on Justice and Human Rights)

Senator Leviste. The Minority Leader has requested that the membership in the Committee on Justice and Human Rights be increased from seven members to nine members. We will consider the proposal of the Minority Leader in consultation with the Senate President as well as the chairman of the Committee on Justice and Human Rights.

The President Pro Tempore. The manifestation is noted.

#### ADJOURNMENT OF SESSION

Senator Leviste. Mr. President, I move that we adjourn the session until three o'clock tomorrow afternoon, Tuesday, October 15, 2002.

The President Pro Tempore. Is there any objection? *[Silence]* There being none, the session is adjourned until three o'clock tomorrow afternoon, Tuesday, October 15, 2002.

*It was 6:32 p.m.*

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