

TUESDAY, OCTOBER 8, 2002

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TUESDAY, OCTOBER 8, 2002

OPENING OF THE SESSION

At 3:49 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

The President. The 22nd 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. Ramon B. Revilla.

Everybody rose for the prayer.

PRAYER

Senator Revilla.

Panginoon, umiral nawa tuwina ang diwa ng pagkakaisa sa Kapulungang ito at palayain sa anumang kapahamakan at karamdaman ang sinuman, at higit sa lahat ay pagalingin ang mga mayroong karamdaman.

Gayundin, Panginoon, nawa ay manumbalik nang maaga ang aking kalusugan.

Amen.

The President. The Secretary will please call the roll.

ROLL CALL

The Secretary. *reading:*

Senator Edgardo J. Angara	Present
Senator Teresa Aquino-Oreta	Present*
Senator Joker P. Arroyo	Present
Senator Robert Z. Barbers	Present
Senator Rodolfo G. Blazon	Present
Senator Renato L. <i>Compañero</i> Cayetano	Present
Senator Noli "Kabayan" De Castro	Present
Senator Luisa "Lo!" 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. Magsaysay Jr.	Present
Senator John H. Osmeña	Absent
Senator Sergio R. Osmeña III	Present
Senator Francis N. Pangilinan	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 19 senators present, there is a quorum.

Senator Leviste. Mr. President.

The President. The Majority Leader is recognized.

THE JOURNAL

Senator Leviste. Mr. President. I move that we dispense with the reading of the *Journal* of the previous session and consider it approved.

* Arrived after roll call
 ** On official mission

The President. Is there any objection? [Silence] There being one, 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

BILLS ON FIRST READING

The Secretary. Senate Bill No. 2365, entitled:

AN ACT AMENDING SECTION 40 OF
REPUBLIC ACT NO. 7277
OTHERWISE KNOWN AS AN ACT
PROVIDING FOR THE
REHABILITATION, SELF-
DEVELOPMENT AND SELF-
RELIANCE OF DISABLED
PERSONS AND THEIR
INTEGRATION INTO THE
MAINSTREAM OF SOCIETY AND
FOR OTHER PURPOSES

Introduced by Senator Flavier

The President. Referred to the Committees on Local Government; and Social Justice, Welfare and Rural Development

The Secretary. Senate Bill No. 2366, entitled

AN ACT COMPELLING INTERMEDIATE
GRADE SCHOOLERS, SECONDARY
AND COLLEGE STUDENTS TO DO
COMMUNITY WORK AS PART OF
THEIR CURRICULUM AND AS
PREREQUISITE FOR GRADUATION

Introduced by Senator Villar Jr.

The President. Referred to the
Committee on Education, Arts. and
Culture

The Secretary. Senate Bill No.
2367, entitled

AN ACT REQUIRING ALL COLLEGES
AND UNIVERSITIES TO PROVIDE
COLLEGE SCHOLARSHIP GRANT
TO AT LEAST TEN PERCENT
(10%) OF THEIR STUDENT
POPULATION WHO ARE POOR BUT
DESSERVING STUDENTS, AND
FOR OTHER PURPOSES

Introduced by Senator Villar Jr.

Senator Villar. Mr. President.

The President. Sen. Manuel B.
Villar Jr. is recognized.

MOTION OF SENATOR VILLAR
(Senator Robert Z. Barbers as
Coauthor of Senate Bill No. 2367)

Senator Villar. Sen. Robert Z.
Barbers wishes to be a coauthor of this
Senate Bill No. 2367.

The President. Place the
coauthorship of Senator Barbers on the
Record, if there is no objection.
[There was none.]

This bill is referred to the
Committee on Education, Arts and Culture

RESOLUTIONS

The Secretary. Proposed Senate
Resolution No. 450, entitled

RESOLUTION URGING THE
DEPARTMENT OF EDUCATION
(DEPED) AND THE COMMISSION
ON HIGHER EDUCATION (CHED)
TO ACKNOWLEDGE THE
SIGNIFICANCE OF AND LESSONS
FROM THE OCCURRENCE OF
MILITARY SEXUAL COERCION BY
THE JAPANESE IMPERIAL
FORCES TO THE FILIPINO
GIRLS AND WOMEN DURING
WORLD WAR II BY CONDUCTING
A HISTORICAL STUDY AND
DOCUMENTATION OF THE FACTS
AND EVENTS ABOUT FILIPINO
VICTIMS OF SEXUAL COERCION
DURING THE SECOND WORLD
WAR, COMMONLY KNOWN AS
'COMFORT WOMEN' AND
INCLUDING SUCH SUBJECT IN
THE HISTORY BOOKS OF
ELEMENTARY, HIGH SCHOOL AND
COLLEGE STUDENTS, AND TO
ESTABLISH A SHRINE OR A
MARKER IN THEIR HONOR IN
ANY RELATED SIGNIFICANT
LOCATION IN THE COUNTRY

Introduced by Senator Leviste

The President. Referred to the
Committees on Education, Arts and
Culture; and Youth, Women and Family
Relations

The Secretary. Proposed Senate
Resolution No. 451, entitled

RESOLUTION SUPPORTING THE
CONCLUDING OBSERVATIONS OF
THE COMMITTEE ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS:
JAPAN OF THE ECONOMIC AND
SOCIAL COUNCIL OF THE
UNITED NATIONS HIGHER
COMMISSION ON HUMAN RIGHTS

Introduced by Senator Leviste

The President. Referred to the
Committees on Foreign Relations; and
Youth, Women and Family Relations

The Secretary. Proposed Senate
Resolution No. 452, entitled

RESOLUTION DIRECTING THE SENATE
COMMITTEE ON FOREIGN
RELATIONS, TO CONDUCT AN
INQUIRY, IN AID OF
LEGISLATION, INTO THE
REPORTED INCREASING NUMBER
OF ILLEGAL MIGRANT AND
UNDOCUMENTED FILIPINOS
ABROAD THREATENED TO BE
DEPORTED FROM SEVERAL
FOREIGN COUNTRIES, WITH THE
END VIEW OF RECOMMENDING
POLICY MEASURES AS MAY BE
NECESSARY TO ENSURE THEIR
SAFETY, PROTECTION AND
WELFARE PENDING THEIR
DEPORTATION AND TO ABATE
THE BUILD UP OF ILLEGAL
FILIPINO ALIENS

Introduced by Senator Villar
Jr.

The President. Referred to the
Committees on Foreign Relations; and
Labor, Employment and Human Resources
Development

The Majority Leader is recognized.

OFFICIAL VISIT OF THE STUDENT
COUNCIL OFFICERS OF THE PHILIPPINE
STATE COLLEGE OF AERONAUTICS AND
ATENEO DE NAGA ACKNOWLEDGED

Senator Leviste. Mr. President, we would like to acknowledge the presence of the Student Council officers of the Philippine State College of Aeronautics.

The President. Place their presence on the *Record*. And if I recall correctly, the students of Ateneo de Naga are also in the audience.

Place their presence on the record.

MOTION OF SENATOR LEVISTE
(Transfer of Referral of S. No. 2183
from the Rules Committee to the
Committees on Local Government; and
Constitutional Amendments, Revision of
Codes and Laws)

Senator Leviste. Mr. President, I move to transfer the referral of Senate Bill No. 2183, entitled "AN ACT CONSTITUTING ANGELES CITY IN THE PROVINCE OF PAMPANGA INTO A LONE CONGRESSIONAL DISTRICT," from the Committee on Rules to the Committee on Local Government; and Committee on Constitutional Amendments, Revision of Codes and Laws.

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

BILL ON THIRD READING
H. Bill No. 4265--Granting the Supreme
Broadcasting
System, Inc., a Franchise

Senator Leviste. Mr. President, I move that we vote on Third Reading on House Bill No. 4265. Copies of the bill were distributed to the members on October 4, 2002.

The President. Is there any objection? [Silence] There being none, voting on third Reading on House Bill No. 4265 is now in order.

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

The Secretary. House Bill No. 4265, entitled

AN ACT GRANTING THE SUPREME
BROADCASTING SYSTEM, INC.,
A FRANCHISE TO CONSTRUCT,
INSTALL, ESTABLISH, OPERATE
AND MAINTAIN RADIO AND
TELEVISION BROADCASTING
STATIONS IN THE PHILIPPINES

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

The Secretary. Senators

Angara.....Yes
Aquino-Dreta.....Yes
ArroyoYes
Barbers.....Yes
BiazonYes
CayetanoYes
De CastroYes
EstradaYes
FlavierYes

Honasan	.....	Yes
Jaworski	.....	Yes
Lacson	.....	Yes
Leviste	.....	Yes
Magsaysay	.....	Yes
Osmena (J)	.....
Osmena (S)	.....	Yes
Pangilinan	.....
Pimentel	.....	Yes
Recto	.....
Revilla	.....	Yes
Sotto	.....	Yes
Villar	.....	Yes
The President	.....	Yes

APPROVAL OF H. No. 4265 ON
THIRD READING

The President. With 20 affirmative votes, no negative vote, and no abstention, House Bill No. 4265 is approved on Third Reading.

BILL ON THIRD READING
H. Bill No. 4479--Granting the Asian
Spirit Inc., a Franchise

Senator Leviste. Mr. President, I move that we vote on Third Reading on House Bill No. 4479. Copies of the bill were distributed to the members on October 4, 2002.

The President. Is there any objection? [Silence] There being none, voting on Third Reading on House Bill No. 4479 is now in order.

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

The Secretary. House Bill No. 4479, entitled

AN ACT GRANTING THE ASIAN SPIRIT INC., A FRANCHISE TO ESTABLISH, OPERATE AND MAINTAIN DOMESTIC AND INTERNATIONAL AIRCRAFT TRANSPORT SERVICES

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

The Secretary. Senators

Angara.....	Yes
Aquino-Oreta	Yes
Arroyo	Yes
Barbers	Yes
Biazon	Yes
Cayetano	Yes
De Castro	Yes
Estrada	Yes
Flavier	Yes
Honasan	Yes
Jaworski	Yes
Lacson	Yes
Leviste	Yes
Magsaysay	Yes
Osmena (J).....	
Osmena (S)	Yes
Pangilinan	
Pimentel	Yes
Recto	
Revilla	Yes
Sotto	Yes
Villar	Yes
The President	Yes

APPROVAL OF H. NO. 4479 ON
THIRD READING

The President. With 20 affirmative votes, no negative vote, and no abstention, House Bill No. 4479 is approved on Third Reading.

BILL ON THIRD READING
H. Bill No. 4063--Granting the ACWS-
UNITED Broadcasting Network, Inc., a
Franchise

Senator Leviste. Mr. President, I move that we vote on Third Reading on House Bill No. 4063. Copies of the bill were distributed to the members on October 4, 2002.

The President. Is there any objection? [Silence] There being none, voting on Third Reading on House Bill No. 4063 is now in order.

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

The Secretary. House Bill No. 4063, entitled

AN ACT GRANTING THE ACWS-UNITED
BROADCASTING NETWORK INC.,
A FRANCHISE TO CONSTRUCT,
INSTALL, ESTABLISH, OPERATE
AND MAINTAIN RADIO AND
TELEVISION BROADCASTING
STATIONS IN THE PHILIPPINES

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

The Secretary. Senators

Angara.....Yes
Aquino-OretaYes
ArroyoYes
BarbersYes
BiazonYes
CayetanoYes
De CastroYes
EstradaYes
Flavier.....Yes

Honasan	Yes
Jaworski	Yes
Lacson	Yes
Leviste	Yes
Magsaysay	Yes
Osmena (J).....	
Osmena (S)	Yes
Pangilinan	
Pimentel	Yes
Recto	
Revilla	Yes
Sotto	Yes
Villar	Yes
The President	Yes

APPROVAL OF H. NO. 4063 ON
THIRD READING

The President. With 20 affirmative votes, no negative vote, and no abstention, House Bill No. 4063 is approved on Third Reading.

BILL ON THIRD READING

H. Bill No. 4065--Granting the
Provincial Airways Corporation, a
Franchise

Senator Leviste. Mr. President, I move that we vote on Third Reading on House Bill No. 4065. Copies of the bill were distributed to the members on October 4, 2002.

The President. Is there any objection? [*Silence*] There being none, voting on Third Reading on House Bill No. 4065 is now in order.

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

The Secretary. House Bill No. 4065, entitled

AN ACT GRANTING THE PROVINCIAL
AIRWAYS CORPORATION A
FRANCHISE TO ESTABLISH,
OPERATE, AND MAINTAIN
DOMESTIC AND INTERNATIONAL
AIR TRANSPORT SERVICE

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

The Secretary. Senators

Angara.....	Yes
Aquino-Oreta	Yes
Arroyo	Yes
Barbers	Yes
Biazon	Yes
Cayetano	Yes
De Castro	Yes
Estrada	Yes
Flavier	Yes
Honasan	Yes
Jaworski	Yes
Lacson	Yes
Leviste	Yes
Magsaysay	Yes
Osmena (J).....	
Osmena (S)	Yes
Pangilinan	
Pimentel	Yes
Recto	
Revilla	Yes
Sotto	Yes
Villar	Yes
The President	Yes

APPROVAL OF H. NO. 4065 ON
THIRD READING

The President. With 20 affirmative
votes, no negative vote, and no
abstention, House Bill No. 4065 is
approved on Third Reading.

CONFERENCE COMMITTEE REPORT ON
S. NO. 2292/H. NO. 1084
(Philippine Nursing Act of 2002)

Senator Leviste. Mr. President, we are in receipt of the Bicameral Conference Committee Report on the disagreeing provisions of Senate Bill No. 2292 and House Bill No. 1084. The Bicameral Conference Committee Report has been duly filed and copies have been distributed to the members of this Chamber.

I ask that the chairman of the Committee on Health, Sen. Juan M. Flavier, be recognized to present the Bicameral Conference Committee Report.

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

Consideration of the Bicameral Conference Committee Report on House Bill No. 1084 and Senate Bill No. 2292 is in order.

Sen. Juan M. Flavier is recognized to render the report.

REPORT OF SENATOR FLAVIER

Senator Flavier. Mr. President, it is my honor and pleasure to report on the joint explanation of the Bicameral Conference Committee on the disagreeing provisions of the Nursing Act of 2002.

Mr. President, our Senate panel was composed of Sen. Edgardo J. Angara, Sen. Loren Legarda Leviste, Sen. Manuel B. Villar, Sen. Rodolfo G. Biazon, and this representation as the chairperson

of the Senate Committee on Health and Demography.

Mr. President, after having met and fully discussed the subject matter, I have submitted a detailed joint explanation of the Conference Committee on the disagreeing provisions of House Bill No. 1084 and Senate Bill No. 2292, the Philippine Nursing Act. May I manifest that the same be read into the *Record of the Senate*.

Therefore, let me just give the highlights of the Bicameral Conference Committee.

1. The Senate version was adopted as the working draft.

2. Of the 70 conflicting provisions, 14 were adopted from the House versions, six were consolidated versions, and the rest were taken from the Senate version.

3. One of the more controversial provisions which generated some discussion was on the provision on the qualifications of the chairperson and the members of the Board of Nursing. There was a consensus that as a minimum requirement, the chairperson and the members of the Board shall be a registered nurse.

As regards the requirement that they be a holder of a master's degree, masterates in other fields such as education and other allied medical professions are allowed but majority of the members shall be a holder of a master's degree in nursing. The chairperson shall, however, be a holder of a master's degree in nursing.

Finally, the three areas of nursing, namely, nursing education, nursing service, and community health nursing must be represented in the Board.

4. The other issues questioned by the House panel were related to appropriation provisions, particularly on the funding for the Comprehensive Nursing Specialty Program, Salary and Incentives and Benefits. There were no House counterpart provisions. The Senate version was finally adopted.

Thank you, Mr. President.

APPROVAL OF THE CONFERENCE COMMITTEE
REPORT ON S. NO. 2292/H. NO. 1084

Senator Leviste. Mr. President, I move that we approve the Bicameral Conference Committee Report.

The President. Is there any objection? [*Silence*] There being none, the Bicameral Conference Committee Report on the disagreeing provisions of House Bill No. 1084 and Senate Bill No. 2292 as reported out by Sen. Juan M. Flavier, with the joint explanation to be made of record in detail, is hereby approved.

The following is the whole text of the Conference Committee Report on H. No. 1084 and S. No. 2292

(Insert)

BILL ON SECOND READING
S. No. 2104--The Absentee voting
Act of 2002
(Continuation)

Senator Leviste. Mr. President, I move that we resume consideration of Senate Bill No. 2104 as reported out under Committee Report No. 39.

The President. Is there any objection? [Silence] There being none, resumption of consideration of Senate Bill No. 2104 is now in order.

Senator Leviste. Mr. President, we are still in the period of individual amendments.

I ask that Senator Angara be recognized.

The President. Senator Angara is recognized.

Senator Angara. Mr. President, at least four of our colleagues indicated that they will introduce individual amendments. In fact, three of our colleagues have already submitted to me their individual amendments, namely, Sen. Luisa Ejercito Estrada, Sen. Loren Legarda Leviste, and Sen. Ramon B. Revilla.

In addition to the three, Senator Lacson also indicated that he will propose an amendment on the Floor.

With that, Mr. President, perhaps we can call now on Senator Estrada to introduce her individual amendments.

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

ESTRADA AMENDMENTS

Senator Estrada. Mr. President, on page 5, line 27, insert a comma (,) after the word "shall" and after the inserted comma (,) insert the phrase AS A GENERAL RULE. On the same line insert a comma (,) after the words "GENERAL RULE" and delete the comma (,) after the word "permanent".

On line 26, Mr. President, on the same page, delete the phrase "special process to be prescribed by the Commission" and in lieu thereof, insert the phrase ANY OF THE FOLLOWING CASES: after the words "except through".

The sentence on page 5, lines 24 to 26, shall now be read as follows: "The entries in the Registry of Absentee Voters and the annotations as absentee voters in the Certified Voters' List shall, AS A GENERAL RULE, be permanent and cannot be cancelled or amended except through ANY OF THE FOLLOWING CASES:"

On page 5, after line 26, insert the following enumeration....

The President. Excuse me, Senator Estrada.

Senator Estrada. Yes.

The President. May the Chair be guided and may the Chamber be guided which version we are using for purposes of the individual amendments. We have an original committee report which was used by Senator Angara. We have before us a second draft "with approved committee amendments as of October 6,

2002," which amendments are subject to the continuing reservation of Senator Arroyo.

May we know which version is being referred to by Senator Estrada so that we can follow the amendments.

Senator Estrada. The version is "with the approved amendments as of October 6, 2002 (subject to the continuing reservation of Senator Arroyo)."

The President. All right. For purposes of the individual amendments, with the permission of the Chamber, we will now be using for convenience, the version which already contains the approved committee amendments as of October 6, 2002, which amendments are subject to the continuing reservation of Senator Arroyo.

Senator Angara. Yes.

The President. With the permission of Senator Estrada, can we repeat the proposed amendments so that we can have them approve one by one?

Senator Angara. Before that, Mr. President, may I suggest this procedure so that the individual amendments will be introduced according to page. So we go over it page by page and the Chair can.....

The President. All right, I agree.

Senator Estrada. All right.

Senator Angara. When the page for Senator Estrada to introduce her

amendments comes, then she will stand up and indicate her amendments.

The President. All right. Can the Majority Leader assist the Chamber on this so we go to the amendments page by page?

Senator Angara. So on page 1, Mr. President,.....

The President. Shall we suspend the session first so that the other session can be.....

SUSPENSION OF SESSION

The Chair moves that we suspend the session for one minute, if there is no objection? [*There was none.*]

It was 4:09 p.m.

RESUMPTION OF SESSION

At 4:20 p.m., the session was resumed.

The President. The session is resumed.

The Majority Leader is recognized.

Senator Leviste. Mr. President, as agreed upon, the individual amendments will be done page by page. We are on page 1.

The President. All right. Any amendment on page 1?

Senator Arroyo. Mr. President.

The President. Sen. Joker P. Arroyo is recognized.

Senator Arroyo. Mr. President, I only want to make an inquiry as to whether anybody would like an amendment on Section 2, meaning, lines 3 to 6.

DRILON AMENDMENTS

The President. The Chair has a proposed amendment.

Senator Arroyo. Then we may hear it first.

The President. The Chair would propose an amendment on page 1, line 3. Instead of the word "Filipinos", we change it with the phrase CITIZENS OF THE PHILIPPINES. The reason is, "Filipinos" would refer to nationality. What we are talking about here is citizenship. So we propose that an omnibus amendment actually, instead of "Filipinos" on line 3, we change it to CITIZENS OF THE PHILIPPINES.

Senator Angara. So that would be an omnibus amendment?

The President. Yes, an omnibus amendment.

Senator Angara. All the words "Filipinos" will be automatically changed to CITIZENS OF THE PHILIPPINES?

The President. Yes.

Senator Angara. We accept it, Mr. President.

Senator Arroyo. Mr. President.

The President. Sen. Joker P. Arroyo is recognized.

Senator Arroyo. Can we go back to Section 2 later on?

The President. Certainly, yes.

Senator Arroyo. Because we have eight reelectionists here, and they do not want to say it, I will say it later about their concerns on this.

The President. All right. The Chair has a proposed amendment on line 3, actually, an omnibus amendment that whenever the word "Filipino" or "Filipinos" appears, it should be changed to CITIZENS OF THE PHILIPPINES. The sponsor has accepted it.

What is the pleasure of Sen. Robert S. Jaworski?

Senator Jaworski. Mr. President, how would that apply to the title itself?

Senator Angara. Later. That is the last amendment.

Senator Jaworski. All right.

The President. All right, the sponsor has accepted the amendment of the Chair.

Senator Angara. Yes, it is accepted, Mr. President.

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

Senator Arroyo is recognized now.

Senator Arroyo. Well, I just make a reservation whether we can go back to Section 2.

The President. Yes, certainly.

Senator Angara. Page 2.

Senator Arroyo. Mr. President.

The President. Yes, Senator Arroyo. Before we go to page 2, the Chair has another proposal on page 1 if that.....

Senator Angara. Line.....?

The President. On page 1, before the Chair proposes the amendment, would line 9 be really necessary? This is a disqualification. The coverage would be Filipino citizens. Therefore, line 9 would appear to be redundant. If the sponsor will agree, we can delete. If not, if it is important, we can retain that. The reading of the Chair is that, Section 3 (a), line 9, appears to be a redundancy considering that the coverage would be Filipino citizens, and therefore those who have lost their Filipino citizenship are no longer covered.

Senator Angara. This is just an enumeration of those disqualified to vote already under.....

The President. That is correct. If the sponsor feels that it is necessary, I defer to.....

Senator Angara. I think there is no harm in keeping it, Mr. President.

The President. All right. Now, on line 10, the matter of the disqualification by reason of conviction of an offense, may the Chair propose the following amendment. The phrase on line 10 "Any Filipino

abroad" be replaced with the word THOSE. It is an editorial amendment. The phrase "Any Filipino abroad" be replaced with the word THOSE.

May the Chair be allowed to finish the amendment so that we can take it up as a whole?

Senator Angara. Yes, please.

The President. All right. So, on line 10, replace the phrase "Any Filipino abroad" with the word THOSE, and then after the word--

Senator Angara. THOSE who HAVE been...

The President. Yes. After the word "who", delete the phrase "has been" and insert the following: AFTER THE EFFECTIVITY OF THIS ACT SHALL COMMIT AND BE.

On line 11, after the word "tribunal", add the phrase OF AN OFFENSE; and also on line 11, delete the phrase "to suffer" and replace it with the phrase PUNISHABLE BY.

With The proposed amendment, the Chair's version of paragraph b) will read as follows:

"THOSE WHO, AFTER THE EFFECTIVITY OF THIS ACT, SHALL COMMIT AND BE sentenced by final judgment by a Philippine court or tribunal OF AN OFFENSE PUNISHABLE BY imprisonment of not less than one (1) year, including those WHO HAVE COMMITTED AND BEEN found guilty of disloyalty as defined IN Article 137" et cetera, no more change.

Senator Angara. It is accepted, Mr. President.

The President. The sponsor has accepted the proposed amendment. Is there any objection? [Silence] There being none, the amendment is approved.

Now we go to page 2.

Senator Arroyo. Mr. President.

The President. Sen. Joker P. Arroyo is recognized.

Senator Arroyo. Mr. President, my amendment is actually an amendment by substitution and will encompass many sections. So to be able to convey the meaning or the import of my amendment, let me state what it is all about.

I would like to move to substitute Section 4 with my individual amendment which would read:

ABSENTEE VOTER. THE FOLLOWING ARE CONSIDERED AS QUALIFIED ABSENTEE VOTER:

SEC. 4.1. FILIPINOS ABROAD WHO HAVE REGISTERED AS VOTERS WITH THE ELECTION REGISTRATION BOARD OF THE CITY OR MUNICIPALITY WHERE HE RESIDED BEFORE HE LEFT THE PHILIPPINES.

SEC. 4.2. FILIPINOS ABROAD WHO REGISTERED AS VOTERS WITH THE ELECTION REGISTRATION BOARD OF THE CITY OR MUNICIPALITY WHERE HE RESIDED BEFORE HE LEAVES OR BEFORE HE LEFT THE PHILIPPINES.

Mr. President, I had objected to the registration by mail because of my submission that when one registers by

mail, there is no way of identifying the voter. The Election Code is very clear. A voter must belong to a barangay and to a particular polling place. That is what the Election Code says. There is no such thing as a voter at large.

For instance, a voter who resides in Makati cannot move to Manila and say, "I will now vote in Manila." No, he cannot do that. He has to vote in Makati because that is where he resides. Any exercise whereby a voter does not come face to face with the registration board and identified personally, is--my respectful submission--not a voter at all. That is the reason for registration--the identity of the voter, the residence.

In fact, as I said earlier, Congress shall provide a system for absentee voting for qualified Filipinos abroad. The point is, the only way that a Filipino can vote is that he must first be registered in the Philippines, assigned a polling place. Neither Senator Angara nor myself can vote anywhere. We have to vote in our respective barangay and polling place.

So I am just trying to correct a situation where a Filipino abroad will file his application by mail and on the basis of that application, which would be accompanied with photocopies of his passport or other documents authenticated by the consulate or the embassy, can be accepted as a basis for registration. My respectful submission is that, there can be no registration without identification and in person.

Section 4 of the proposed law allows registration by mail. So I ask the question: How do we know that the applicant exists, or the one who presents himself or files his application by mail is indeed a person he insists? Anyone can file an application pretending that he stays in one place, let us say, in the United States. He stays in Los Angeles, gives an address, photocopies a fake passport, and he will be registered.

That is my submission, Mr. President. That is why I am proposing this amendment.

Senator Angara. Can I now reply, Mr. President?

Mr. President, we are back to the original debate when we started the committee amendments; and that is, whether it is unavoidable that when a voter who lives abroad should be present before his election registrar in order to register as a voter.

The contemplation of this bill is that he need not be physically present, that he can do so by mail. Does that mean then that the usual safeguards surrounding the registration of a resident voter is done away with? Absolutely not, Mr. President. The only requirement that is done away with is personal presence before the election board. But why are we dispensing with the personal presence? For very obvious reason—because this is absentee voting. The Constitution has made a special case for overseas Filipinos to be able to vote even if they are not personally present, they do not go personally to cast their votes, because

precisely this is a special scheme. That is why, Mr. President, despite the provision of the Election Code that one must be a resident of a municipality for 60 days or one year, the Constitution has allowed that residence be equated and be interpreted synonymously with domicile because precisely, physical presence is not necessary.

Now, what is the practical implication of the proposal of the distinguished gentleman? The practical application of this, Mr. President, is that a large body of Filipinos abroad would be disenfranchised. We would be limiting the application of this franchise, of this right to vote to only those Filipinos who may have been already registered as a voter here in the Philippines or who, if they really passionately want to vote, should spend time, spend money, come to the Philippines, present himself personally before his election board. That means that we are going to place a very costly price on a right that the Constitution tells us to provide our overseas Filipinos.

So what is the fear if there is no personal presence? Of course, the mistaken identity--one can present himself as the person he purports to be when actually, he is not. That is the only risk that we are taking here. But how many people will succeed in producing documents, including a picture, which will go to his own hometown, will be posted in the municipal bulletin board, will be examined by representatives of political parties? I do not think as a practical matter, very few people will

do that. Of course, the ingenuity of man is such that they will try everything. But it is almost a *de minimis* as we say among lawyers, Mr. President, the problem may be so minimal that it is not worth answering; it is not worth providing for in a law. But we must consider, Mr. President, overall that it is not even a privilege that we are extending. This is their right, and the Constitution just simply tells us that we implement what is lawfully, rightfully due to the absentee voters. So if we require physical presence, then in effect, we are telling them, "You go home, you register before you exercise the right." I do not think that this is right; that this is acceptable.

Just to repeat, Mr. President, the application for registration will undergo the same severe test as one locally registering. For instance, it has to be under oath. The Commission, through the Election Registry Board, will verify the correct identity of the applicant. So, the apprehension may be a little bit exaggerated.

Senator Arroyo. Mr. President, my objection is anchored on two grounds: One, it is constitutional; the other one is practical.

The Constitution is very clear that the voter shall have resided in the Philippines for at least one year and in the place where he proposes to vote for at least six months immediately preceding the election. The Constitution says, "He must reside in the place where he proposes to vote for at least six months immediately preceding the election." That is the

requirement. We cannot dispense with that.

How do we meet this constitutional injunction if a voter can just apply by mail without passing the test of six months immediately preceding the election? He must reside in the place where he proposes to vote for at least six months immediately preceding the election. That is the key phrase.

Now, we cannot bend this constitutional provision. The provision is clear and peremptory. He must reside in the place where he proposes to vote for at least six months immediately preceding the election. How can we satisfy this if...?

Senator Angara. I will answer, Mr. President.

Senator Arroyo. Yes, I would appreciate it. Anyway, we are having an academic discussion and I welcome it.

Senator Angara. Yes, and I think it is enlightening and even good for the record, Mr. President.

Senator Arroyo. No, because, Mr. President, this case might reach the Supreme Court--

Senator Angara. Yes.

Senator Arroyo. --that is why we have to discuss this and put into the record the arguments because I am pretty sure that the Supreme Court will go over the case.

Senator Angara. We welcome it, Mr. President. Now, the key operating word

in that constitutional provision is "reside", "residence", "has resided." One must have resided in his barangay for six months in order to be qualified as a voter of Bgy. De la Cruz. That is what it says. I must be a resident of Baler, Quezon, if I want to run for congressman in Baler.

In that context, Mr. President, "residence" means physical presence. But when the Constitutional Commission framed and formulated an absentee-voting system, it anticipated the requirement of physical presence. That is why it stated very clearly on the record of the Constitutional Commission that "residence" here which ordinarily means "physical presence" will be interpreted as synonymous with "domicile."

Now, what is "domicile," Mr. President, in ordinary and legal parlance? "Domicile" means simply the intention to return. If I have an intention to return to Baler, then I am qualified even if I am not physically present in Baler for the whole 12 months. That is also the intendment here because....Otherwise if we read it literally as the gentleman wants us to read, then no one will be qualified to vote in the United States or elsewhere. They have to go back to their municipality or their barangay, but that is a little bit ridiculous because precisely we are providing for an absentee voting. That means one is absent physically from his home, from his residence or from his hometown. And that is why they were careful to say and place the provision on absentee voting immediately after the requirements of voting to emphasize

that it is an exception to the general rule.

One can read the record of the Constitutional Commission. One can even quote the commissioners, especially the *kababayan* of our distinguished gentleman, Fr. Joaquin Bernas, who made it clear that this is really an exception to the general rule that one must be physically present because otherwise really, come to think of it, Mr. President, it will not be possible to have absentee voting.

Senator Arroyo. Mr. President, we can go round and round here, but again, under our Omnibus Election Code, when we register we are given a polling place number in our voter's I.D. In short, we have the voter's I.D. where the particular polling place number is indicated where we can cast our vote. As a matter of fact, if there is a Polling Place No. 1, Polling Place No. 2, Polling Place No. 3, and for instance, I am in Polling Place No. 1, I cannot vote even in Polling Place No. 3. I have to vote in Polling Place No. 1. That is how strict our Election Code is.

In the case of absentee voters, what the Constitution says is we can have an absentee voting but certainly not an absentee registration. There is a whale of the difference between the two.

I think we are trying to mix up the two that absentee voting includes absentee registration.

Mr. President, we have read the instances in the United States where we practically got this.

Yes, all these voters, there are voters registered in a particular precinct--what corresponds to the polling place. That is why when they mail it, it is also counted in that particular precinct. That is how it works.

There is no such thing, for instance, in the United States as an absentee voter--at large. He is an absentee voter who votes outside of the United States but in a particular precinct. That is how it works.

The Constitution did not intend that every absentee voter, every Filipino abroad has the right to vote, certainly not. Any Filipino can claim that he has a right to vote.

I said earlier I am from Makati. I cannot just go to Manila to vote. That is how strict it is.

Yes, our *kababayan* abroad would like to vote. But we cannot give them a *carte blanche* to say that they just file an application by mail again. How do we know that they are flying voters, or fake voters, or ghost voters? There is no way of checking it.

This is the practical side of it. The identity of the applicant can never be checked under this process. That is why my submission is that....Anyway, most of our *kababayan* come home. They come to visit and come to see their relatives. They can always go there. I mean, when one registers with the

Registration Board, Mr. President, it does not take 15 minutes to do that especially when he is accompanied by relatives or someone who will identify the applicant. It does not take 15 minutes.

So, those who come can register. Those who are about to leave can register. But we cannot, if the idea is to make every one--all Filipinos abroad--that all of them should vote, I think that is not the intention of the Constitution, Mr. President, because in the Philippines right now, if one transfers residence, he cannot vote. In fact, if he changes residence six months before or within six months before the election, he cannot vote. Why? Because he does not fulfill the requirements of six months. That is how stringent our rules on elections are.

That is why, Mr. President, we have to find a solution as to how we can come up with a way that satisfies the constitutional requisition and the practical problems that we will face.

Senator Angara. If I may now reply, Mr. President.

First, we are not requiring every Filipino abroad to vote. What we are trying to do here, Mr. President, is to enable them to vote. Whether they seize the opportunity or not is really entirely up to them.

The point is we should not put extra hurdle to their right to vote because then we may be defeating the very purpose of the exercise, which is to enable them to vote.

No. 2, in the Philippines, Mr. President, there is a version too of local absentee voting. Soldier....

Senator Pimentel. Teachers.

Senator Angara. Teachers, yes. And the same principle, Mr. President.

Senator Arroyo. May I interrupt. They belong to a certain polling place.

Senator Angara. The same year, Mr. President. They belong to their barangay or *municipio*. They are listed there. But they cast the ballot elsewhere.

Senator Arroyo. But they registered first.

Senator Angara. That is true. That is why we are trying to reregister them except that we are dispensing with their physical presence.

Because, logically, Mr. President, if we follow the logic and require physical presence, then we cannot also allow them to vote by mail. We must require everyone to troop to the embassy or consular office. And then it becomes a nightmare. Then it will never be able to implement such a law. Because then we would require armies of Comelec lawyers and technical people to man a precinct, to set a precinct of 200 voters in all these places.

I do not think that is the contemplation of an absentee voting, Mr. President.

Senator Arroyo. But, Mr. President, how about again this constitutional

injunction to secure the secrecy and the sanctity of the ballots? The word used is "sanctity", meaning the inviolability of the ballot.

If the registration is flawed, necessarily the voting becomes flawed. That is why I am trying to figure out, Mr. President, how we could meet and have a system whereby the constitutional requirement of the sanctity of the ballots, as the word used, will be satisfied by having a registration that is also impressed with having met the constitutional requirements and that on the practical side it does not give room for fraud. That is all that I am trying to...I am not saying that this was designed for fraud, or nothing about that. I am trying precisely to avoid the fraud.

Senator Angara. Yes, yes.

Senator Arroyo. And I think Senator Angara and myself are one.

Senator Angara. Yes, we understand.

Senator Arroyo. ...That we want our compatriots abroad to vote. There is no disagreement about that.

Senator Angara. And I also appreciate the gentleman's concern about the fraud. Of course, we all want to have a fraud-free system. But in this case, Mr. President, first of all, let me say that the issue of secrecy and sanctity is an entirely different issue. And I do not think it is involved here.

Senator Arroyo. No, Mr. President, the sanctity of the ballots flows from

the sanctity of the registration. There can be no sanctity of the ballot if the registration is not....

Senator Angara. Well, that is where we differ. Because the gentleman's assumption is that, by dispensing with the physical presence when registering to vote, that is already a defective registration.

Senator Pimentel. Mr. President, with the permission of the two gentlemen, if the Chair will allow.

The President. With the permission of the two gentlemen, Sen. Aquilino Q. Pimentel Jr. is recognized.

Senator Pimentel. The requirement that Senator Arroyo wants to impose on the registration of absentee voting based on the principles set out in the electoral law may not really apply, Mr. President, for the simple reason that the Election Code was enacted long before there was such a phenomenon that consists of overseas Filipino voters.

Senator Arroyo. Mr. President, I am using and quoting the Constitution of the Election Code.

Senator Pimentel. No, no.

Senator Arroyo. Everything that I mentioned here is...

Senator Pimentel. No, no. But the requirement that the gentleman pointed out about "You must vote in a particular precinct," "You must vote in a particular barangay," that is a requirement that is set forth in the Election Code. And I am not too sure

that that will apply in a situation for the absentee voters because they spread all over the world. In the second place, there is no barangay in Saudi Arabia, for that matter, or in New York.

Senator Arroyo. The phrase, Mr. President, is "in the place". The word is "place".

Senator Pimentel. Yes, "in the place--"

Senator Arroyo. That is in the Constitution.

Senator Pimentel. In the place...

Senator Arroyo. "--wherein they propose to vote for at least six months immediately preceding the election".

Senator Pimentel. That is correct, Mr. President.

Senator Arroyo. This is the constitutional provision, "in the place". Not even town, not even municipality, "in the place."

Senator Pimentel. Yes, let me address that issue, Mr. President. When the Constitution speaks of "in the place" where he is supposed to have resided, that is modified already by the requirement of the Constitution allowing absentee voting. Otherwise, it will not be correct to say that the Constitution allows only absentee voting but not absentee registration.

Because, Mr. President, if we want to eat steak in any restaurant, that includes the cooking of the steak.

Obviously, we cannot eat steak if it is not cooked.

To my mind, the process of enabling the absentee voter to vote would also require innovative approaches, not necessarily those that are found already existing in laws that were enacted prior to the advent of the absentee voter. Otherwise, if we insist on requiring those laws to apply and those strictures to apply to the absentee voter, obviously then there will be no absentee voting at all.

Senator Arroyo. Mr. President, Article V, on Suffrage of the Constitution, is very short. It has only two sections. But it is very clear.

Section 1. Suffrage may be exercised by all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen years of age, and who shall have resided in the Philippines for at least one year and in the place wherein they propose to vote for at least six months immediately preceding the election.

Now, if we will notice, Mr. President, that Section 1 refers to qualification.

Let us look at Section 2. Section 2 reads:

Sec. 2. The Congress shall provide a system for securing the secrecy and sanctity of the ballot as well as a system for

absentee voting by qualified
Filipinos abroad.

Now, "qualified Filipinos abroad". Congress is required to provide a system for absentee voting by qualified Filipinos abroad. Therefore, when we talk about qualifications, we talk now, as stated or as we understand statutory construction--Section 1 is the general rule. It provides exactly the requirements, standards, and that is, to repeat, "the place wherein they propose to vote for at least six months immediately preceding the election".

Now, Mr. President, as I have said, I have avoided very carefully the Election Code because the Election Code cannot prevail over the Constitution. So, I zeroed in on the Constitution because when the Constitution allows absentee voting, it did not intend that we have to remove all safeguards. That identification, which is a very essential part of voting, cannot be met in the proposed law.

In fact, if we can find a compromise whereby the identity of the voter can be established, then we will have no problem. But if the identity cannot be established and that the only thing that an applicant will do is mail a photocopy of his passport, then that is no identification.

In fact, when we go to the bank, it will ask us for our signature. Now, what is the signature? When we register, our thumbmark is there. How about by mail? How do we apply the standards of signature, the standards of the thumbmark? All those tests

cannot be applied under the proposed law.

What we are trying to figure out, Mr. President,....

Senator Angara. All those tests will be applicable under this law, Mr. President. The only requirement missing under the gentleman's very stringent requirement is the physical presence. But as we said, physical presence is dispensed with because this is about absentee voting.

SUSPENSION OF SESSION

Mr. President, I move 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 5:00 p.m.

RESUMPTION OF SESSION

At 5:20 p.m., the session was resumed.

The President. The session is resumed.

Senator Angara. Mr. President.

The President. Senator Angara is recognized.

Senator Angara. Mr. President, we have agreed with Senator Arroyo that we will defer further discussion on this particular amendment of his and we will move on--

Senator Arroyo. And all other amendments of mine which are related to this.

Senator Angara. Well, if they are all related to that, maybe we can set them aside.

The President. Is Senator Arroyo referring to the proposed amendments on Sections 4, 5, 6, 7, 8, 9 and 10?

Senator Arroyo. Well, I just numbered these according to my own numbering but these are all interrelated. So if we will just come back, I mean I do not mind.

Senator Angara. Yes, we can come back to it. But in the meantime, Mr. President, I think that everyone would be grateful if the Senator can provide each one now a copy of his proposed amendments.

Senator Arroyo. I will do that, Mr. President.

The President. All right. The Secretariat is directed to furnish the members of the Chamber a copy of the proposed amendment by Senator Arroyo.

Senator Arroyo. That is fine. Of course, we have to be clear about this. We are not opposing the measure; we are just trying to put in some refinements.

Senator Angara. Yes, we are trying to improve it.

Senator Arroyo. I am also for the Absentee Voting measure, Mr. President.

Senator Angara. And we are happy that Senator Arroyo is helping us refine it and improve it.

In the meantime, Mr. President, we can now entertain other amendments from the rest of the Body.

The President. All right. So, with that reservation of Senator Arroyo, we will proceed.

All right. On page 2 now. Are there any other amendments on page 2? [Silence] There are none.

On page 3. [Silence]

Senator Angara. There is none, Mr. President.

The President. On page 4.

REVILLA AMENDMENTS

Senator Angara. There is one, Mr. President, on page 4. And I was asked by Senator Revilla--this is an amendment by Senator Revilla--to read it for him.

"SEC. 5. *System of Continuing Registration.*"

On page 4, line 18, between the words "of" and "data", insert the phrase DATA GATHERING; so that the phrase will now read as follows: "Towards this end, the Commission shall optimize the use of existing facilities and mechanisms of the various government agencies for purposes of DATA GATHERING, data validation, information dissemination

and facilitation of the registration process."

The President. DATA GATHERING, data validation....

Senator Angara. "information dissemination and facilitation of the registration process."

The President. All right. The Revilla amendment. What does the sponsor say?

Senator Angara. It is accepted, Mr. President.

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

Senator Angara. And if I may do it now, Mr. President, Senator Revilla is proposing an omnibus amendment that will make this law gender friendly. He is proposing that all words using "his" shall be replaced with the word HIS/HER; all words using "he" shall be replaced with the word HE/SHE; all the words using "himself" shall be replaced with the word HIMSELF/HERSELF; all the words using "him" shall be replaced with the word HIM/HER.

The President. It is an omnibus amendment. What does the sponsor say?

Senator Angara. It is accepted, Mr. President.

The President. Is there any objection?

Senator Arroyo. Mr. President.

The President. Senator Arroyo is recognized.

Senator Arroyo. No. It has nothing to do with this.

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

Senator Arroyo. Mr. President.

The President. Senator Arroyo is recognized.

Senator Arroyo. I just received word from Senator Pangilinan that he is tied up with the Liberal Party Convention--I do not know why he still sticks to the Liberal Party--but anyway, he is....

I am sorry, Mr. President. He is stuck in the JBC, the Judicial and Bar Council. He cannot leave the place because they are interviewing the prospective nominees to the Supreme Court. He would like to introduce also individual amendments, so he wants to make that reservation, Mr. President.

The President. All right, we will not close the period of individual amendments yet.

Can we now proceed, Senator Angara?

Senator Angara. Page 5, Mr. President. Sen. Luisa P. Ejercito Estrada has amendments.

The President. Sen. Estrada is recognized for her amendments on page 5.

ESTRADA AMENDMENTS

Senator Estrada. On page 5, line 25, insert a comma (,) after the word "shall", and after the inserted comma, insert the phrase AS A GENERAL RULE.

On the same line, insert a comma (,) after the words GENERAL RULE and delete the comma after the word "permanent".

On line 26 of the same page, delete the phrase "a special process to be prescribed by the Commission", and in lieu thereof insert the phrase ANY OF THE FOLLOWING CASES: after the words "except through".

The sentence on page 5, lines 24 to 26, shall now read as follows:

"The entries in the Registry of Absentee Voters and the annotations as absentee voters in the Certified Voters' List shall, AS A GENERAL RULE, be permanent and cannot be cancelled or amended except through ANY OF THE FOLLOWING CASES:"

On the same page, after line 26, insert the following ...

Senator Angara. Can we first act on this proposed amendment, Mr. President?

The President. Yes.

Senator Angara. It is accepted, Mr. President.

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

Senator Estrada. On the same page after line 26, insert the following enumeration:

1. WHEN THE ABSENTEE VOTER FINALLY INTENDS TO RESIDE PERMANENTLY IN THE PHILIPPINES, HE OR SHE SHOULD FILE A LETTER ADDRESSED TO THE COMMISSION DECLARING SUCH INTENT TO RESIDE PERMANENTLY SO THAT HIS OR HER NAME MAY BE CANCELLED ACCORDINGLY IN THE REGISTRY OF ABSENTEE VOTERS.

Senator Angara. It is accepted, Mr. President, except the word CANCELLED we suggest that it be changed to DEACTIVATED which is the language used by the Omnibus Election Code. The registration is not "cancelled" but it is "deactivated."

The President. And if he now desires to vote not as an absentee voter but as a regular voter, which registry will he look up for purposes of finding out where he will vote?

Senator Angara. His original registry, Mr. President.

The President. Then should we not say that the voter's name should now be transferred to the regular registry of voters rather than simply deactivated because if it is deactivated, then it stays deactivated and he will never be able to find his name anywhere.

Senator Angara. Maybe the word should be TRANSFERRED.

The President. If he is no longer an absentee voter, then conceptually, his registration as a voter should be

transferred to the regular registry of voters.

Senator Angara. Yes, Mr. President.

The President. If we simply say, "shall be deactivated", then if it is deactivated, it is in the archives.

Senator Angara. HIS OR HER NAME MAY BE RETURNED TO THE ORIGINAL REGISTRY subject to style, Mr. President. We know the intent.

The President. If that is acceptable not as "deactivated" but shall be TRANSFERRED TO THE REGULAR REGISTRY OF VOTERS rather than deactivated.

Senator Angara. Yes, Mr. President.

The President. Otherwise he will have to register again.

Senator Angara. Yes, Mr. President.

Mr. President, our Comelec resource person is suggesting that the letter be under oath, if it is acceptable to the proponent. So it will read: SHE SHOULD FILE A LETTER UNDER OATH ADDRESSED TO THE COMMISSION DECLARING SUCH INTENT TO RESIDE PERMANENTLY SO THAT HIS OR HER NAME MAY BE TRANSFERRED TO THE REGULAR REGISTRY OF VOTERS. Subject to style.

The President. As a matter of implementation, the Chair would like to get the views of the sponsor. How will that work? Would one have to go to the Philippine Embassy and have it placed under oath? I know this is essential for purposes of authentication. But since we are talking here about

absentee voters who precisely are abroad, how do we propose to implement this?

Senator Angara. Either go to a notary or go to the embassy. I think the concern of our Comelec person, Mr. President, is that there is no mistaking the fact that one is canceling his being a voter in the absentee list.

The President. And transferring the same to the regular list of voters.

Senator Angara. Yes.

The President. All right. So the amendment is accepted by the sponsor, subject to style and subject to the other amendments proposed by the sponsor. Is that correct?

Senator Angara. Yes.

The President. For the record, may the Chair ask the sponsor to state in substance the amendment so that there can be no mistaking.

ANGARA-ESTRADA AMENDMENTS

Senator Angara. So that the amended proposal will read as follows, Mr. President: WHEN THE ABSENTEE VOTER FINALLY INTENDS TO RESIDE PERMANENTLY IN THE PHILIPPINES, HE OR SHE SHOULD FILE A LETTER UNDER OATH ADDRESSED TO THE COMMISSION DECLARING SUCH INTENT TO RESIDE PERMANENTLY SO THAT HIS OR HER NAME MAY BE TRANSFERRED TO THE REGULAR REGISTRY OF VOTERS.

The President. SO THAT THE VOTER'S REGISTRATION MAY BE TRANSFERRED.

Senator Angara. Yes. Subject to style.

The President. All right. That is the substance if that is acceptable to the sponsor subject to the continuing reservation of Senator Arroyo. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Estrada. Mr. President, 7.2. WHEN AN ABSENTEE VOTERS NAME WAS ORDERED REMOVED BY THE COMMISSION FROM THE REGISTRY OF ABSENTEE VOTERS FOR HIS FAILURE TO EXERCISE HIS OR HER RIGHT TO VOTE UNDER THIS ACT FOR THREE (3) CONSECUTIVE NATIONAL ELECTIONS.

The President. Saan pong page?

Senator Estrada. Continuing.

The President. Continuing, I am sorry.

Senator Angara. It is acceptable, Mr. President, but we would like to make the requirement of failure conform with the rule here in the Philippines. Because here, failure in two national elections will result in the cancellation of...

Senator Estrada. That is right, Mr. President.

Senator Angara. So instead of three, we will accept, Mr. President, two--FOR TWO (2) CONSECUTIVE NATIONAL ELECTIONS.

Senator Estrada. All right.

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

Senator Estrada. And follow-through. THE ABSENTEE VOTER WHOSE NAME WAS REMOVED FROM THE REGULAR REGISTRY SHOULD AGAIN RE-REGISTER UNDER SECTION 4 OF THIS ACT BEFORE HE SHALL AGAIN BE ALLOWED TO VOTE UNDER THIS ACT.

Senator Angara. It is accepted, Mr. President.

That means he is reapplying to vote as an absentee voter and what it says, Mr. President, is that he must apply again.

The President. So the first amendment should not refer to permanent transfers. If the Chair recalls correctly...

Senator Angara. No, not permanent, permanent residence, but not permanent transfer.

SUSPENSION OF SESSION

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

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

It was 5:34 p.m.

RESUMPTION OF SESSION

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

The President. The session is resumed.

Senator Estrada is recognized.

Senator Estrada. Mr. President, I will just withdraw the last sentence.

The President. All right, the last proposal has been withdrawn, the last paragraph, the last sentence--

Senator Estrada. The last paragraph.

The President. --which refers to re-registration of the absentee voter is withdrawn.

Senator Estrada. Yes.

Senator Angara. That is right. Yes. Page 6?

Senator Estrada. Still on page 5.

Senator Angara. Still on page 5.

Senator Estrada. No more. Thank you, Mr. President.

Senator Angara. On page 6, Mr. President, there seems to be no amendment.

The President. All right, there are no amendments on page 6.

Senator Angara. On page 7, there is no amendment, Mr. President.

The President. All right.

Senator Angara. On page 8.... If there are no other amendments, Mr.

President, I will read the amendments of Senator Revilla.

The President. Please proceed.

Senator Angara. On Section 13, "Casting and Submission of Ballots".

The President. Is it on page 8?

Senator Angara. Let me correct myself, Mr. President. His amendment will appear on page 9, line 14.

The President. All right.

REVILLA AMENDMENT

Senator Angara. After the word "TECHNICALLY", insert the phrase AND FINANCIALLY. And on line 16 of the same page, after the word "SYSTEMS", insert the phrase AND SECURITY MECHANISMS. So that the whole phrase will now read as follows:

13.9. THE COMMISSION MAY PUT IN PLACE, WHENEVER TECHNICALLY AND FINANCIALLY FEASIBLE, ALONGSIDE THE DOMESTIC MODERNIZATION, THE NECESSARY SYSTEMS AND SECURITY MECHANISMS THAT WOULD ALLOW ABSENTEE VOTERS TO USE ELECTRONIC MAIL, INTERNET, OR OTHER SECURED NETWORKS IN THE CASTING OF THEIR VOTES, IN ACCORDANCE WITH THE RULES AND GUIDELINES TO BE ISSUED BY THE COMMISSION.

The President. All right.

Senator Leviste. Mr. President, may I propose some amendments on page 9?

The President. Before that, what does the sponsor say of the Revilla amendment?

Senator Angara. Accepted, Mr. President.

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

The Majority Leader is recognized.

LEVISTE AMENDMENT

Senator Leviste. On page 9, line 27, Section 14, after the word "place" before the period (.), insert the phrase AT LEAST NINETY (90) DAYS BEFORE THE DATE OF THE ELECTION WHICH SHALL BE POSTED IN EMBASSIES AND CONSULATES OR IN SUCH OTHER PLACES AS MAY BE DETERMINED BY THE COMMISSION.

So Section 14.2 will now read as follows: "The Commission shall prepare a listing of the countries where on-site counting and canvassing will take place AT LEAST NINETY (90) DAYS BEFORE THE DATE OF THE ELECTION WHICH SHALL BE POSTED IN EMBASSIES AND CONSULATES OR IN SUCH OTHER PLACES AS MAY BE DETERMINED BY THE COMMISSION.

Senator Angara. It is accepted, Mr. President, subject to style.

The President. Before the Chair submits it to a vote, if the sponsor will recall, there was an amendment which removed all the periods that were previously indicated in order to give the Comelec some flexibility in fixing the periods. Now, we have placed here NINETY (90) DAYS. The Chair is just

wondering whether that NINETY (90) DAYS would bring back the questions earlier raised on the periods that must be followed.

SUSPENSION OF SESSION

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

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

It was 5:39 p.m.

RESUMPTION OF SESSION

At 5:41 p.m., the session was resumed.

The President. The session is resumed.

Sen. Edgardo J. Angara is recognized.

Senator Angara. Yes, we accept the amendment, Mr. President.

The President. During the recess, it was indicated that the Comelec can live with the period proposed: NINETY (90) DAYS. So, with that and the acceptance by the sponsor, is there any objection? *[Silence]* There being none, the amendment is approved.

Senator Angara. On page 10, Mr. President, there is no amendment.

The President. On page 10.

Senator Angara. On page 11.

The President. On page 10, the Chair has an amendment.

Instead of....No, it is on another page. I am sorry.

Senator Angara. No individual amendment, Mr. President.

On page 11, if there is none from the other senators, Mr. President, I will propose the amendment of Senator Revilla.

DRILON AMENDMENT

The President. The Chair has a proposed amendment on line 5.

Senator Angara. Line 5, yes, Mr. President.

The President. We propose the following: FOR PURPOSES OF THIS ACT, THE RETURNS OF EVERY ELECTION FOR PRESIDENT AND VICE PRESIDENT PREPARED BY THE SPECIAL BOARD OF CANVASSERS SHALL BE DEEMED A CERTIFICATE OF CANVASS OF A CITY OR A PROVINCE.

Senator Angara. It is accepted, Mr. President.

The President. This is to conform with the constitutional provision.

Senator Angara. Yes.

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

Senator Angara. May I now propose the amendment of Senator Revilla, Mr. President.

REVILLA AMENDMENT

On line 25, after the word "Information", insert a comma (,) and the phrase *EDUCATION AND COMMUNICATION (IEC)*. So, that the phrase will now read as follows: *INFORMATION, EDUCATION AND COMMUNICATION CAMPAIGN (IEC)*.

The President. What does the sponsor say?

Senator Angara. It is accepted, Mr. President.

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

Senator Angara. On page 12, Mr. President, there is no amendment.

On page 13, there is no amendment, Mr. President.

On page 14, there is a Revilla amendment, Mr. President.

On page 13, previous page, Mr. President, Section 21. *Oversight Committee*, insert the following paragraphs to read as follows....Let me just explain.

What he is inserting, Mr. President, is the standard "OVERSIGHT POWERS AND FUNCTION." And so I will read it, It will be lengthy but I am happy to read it for him.

Capital letter "A"...

SUSPENSION OF SESSION

The President. With the permission of the Chamber, the Chair declares a one-minute suspension of the session, if there is no objection. [There was none].

It was 5:45 p.m.

RESUMPTION OF SESSION

At 6:06 p.m., the session was resumed.

The President. The session is resumed.

Senator Angara is recognized.

Senator Angara. Mr. President, upon consultation with our colleagues and the Senate President, I would like to withdraw in behalf of Senator Revilla his proposal to amend the provision on oversight committee. In lieu of that, we would like that Senator Sotto be recognized for an alternative formula.

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

SOTTO AMENDMENT

Senator Sotto. Thank you, Mr. President.

Mr. President, just for the record, with the concurrence of the Senate President, we would like to propose Section 21, the creation of the oversight committee as follows:

OVERSIGHT COMMITTEE. - THE
CONGRESSIONAL OVERSIGHT COMMITTEE

CREATED UNDER REPUBLIC ACT NO. 8436 SHALL LIKEWISE EXERCISE OVERSIGHT FUNCTIONS ON THE IMPLEMENTATION OF THIS ACT AND SHALL BE EXPANDED TO CONSIST OF FIVE (5) SENATORS DESIGNATED BY THE SENATE PRESIDENT AND FIVE (5) MEMBERS OF THE HOUSE OF REPRESENTATIVES DESIGNATED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES: *PROVIDED*, THAT OF THE FIVE MEMBERS TO BE DESIGNATED OF EACH HOUSE OF CONGRESS, THREE (3) OF THEM SHALL COME FROM THE MAJORITY AND THE REMAINING TWO (2) FROM THE MINORITY.

Senator Angara. It is accepted, Mr. President.

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

Senator Angara. That completes the period of individual amendments, Mr. President.

The President. Subject, of course, to the pending amendments of Senator Arroyo. Senator Pangilinan also manifests that he may have individual amendments.

So, may we now suspend consideration of this measure with those agreements.

Senator Leviste. Mr. President, I move that we suspend the period of individual amendments on Senate Bill No. 2104 under Committee Report No. 39.

The President. Is there any objection? [*Silence*] There being none, the period of amendments is suspended.

SUSPENSION OF CONSIDERATION OF
S. NO. 2104

Senator Leviste. I move that we suspend consideration of the measure.

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

MANIFESTATION OF SENATOR LEVISTE
(That the Secretariat Provide Each
Member with a Clean Copy of S. No.
2104)

Senator Leviste. May we request the Secretariat to provide each member of the Chamber with a clean copy of the measure tomorrow.

The President. The Secretariat is so directed.

SUSPENSION OF SESSION

Senator Leviste. Mr. President, I move 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 6:10 p.m.

RESUMPTION OF SESSION

At 6:11 p.m., the session was resumed with Sen. Juan M. Flavien, President Pro Tempore, presiding.

The President Pro Tempore. The session is resumed.

The Majority Leader is recognized.

BILL ON SECOND READING
S. No. 2130 - 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. We are in the period of interpellations. I move that we recognize the sponsor, Sen. Franklin M. Drilon.

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

Senator Leviste. And to interpellate, I move that we recognize Sen. Aquilino Q. Pimentel Jr.

The President Pro Tempore. Sen. Nene Pimentel is recognized to interpellate.

Senator Pimentel. Thank you, Mr. President.

Once the bill under consideration is passed, Mr. President, does it expect any act to be performed by the former Filipino whose citizenship is being restored to him? Is it required for him to do any act in order to perfect the reinvestment of that citizenship upon his person?

Senator Drilon. There is none. The retention of the citizenship or the reinstatement of the Filipino citizenship is automatic, except that there is a system of continuing registration. But the registration is not a condition *sine qua non* for the reacquisition of the Philippine citizenship.

Senator Pimentel. Are we speaking here of registration for purposes of voting?

Senator Drilon. No, we are not. It is just a registration to keep a record. But the nonregistration in the registry does not prevent the acquisition or the effects of the law.

Senator Pimentel. I can see the wisdom of that requirement but at the same time, I am bothered by this thought. How do we then monitor the exercise of the functions of a citizen in the nature of a Filipino who has merely reacquired that citizenship if, for example, he or she wants to exercise a profession in this country?

Senator Drilon. The requirements applicable to Filipinos who never lost their citizenship would be equally applied. For example, if somebody would want to exercise a profession, he presents his or her license issued by the appropriate government agency. Now, if there are instances where somebody will challenge his capacity to exercise the profession, he has to show that indeed, a renunciation has been made of the Filipino citizenship or that he committed any of the acts enumerated in the law which will cause a loss of Filipino citizenship.

In other words, in the same manner that the distinguished gentleman and I are presumed to be natural-born citizens of the country, we do acts as natural-born Filipino citizens, and if challenged, then we have to prove that indeed we are natural-born citizens of the country.

The proposal of the committee is that we follow the same setup and procedure and not require any particular act in order for a particular former citizen of the country to be covered by the provisions of the law.

Senator Pimentel. Mr. President, since we are not legislating in a vacuum, let us cite specific examples. Here is A. He was a lawyer in the Philippines prior to migrating, let us say, to the U.S. where subsequently he acquired the citizenship of a United States national, and because of this bill, he reacquires his Filipino citizenship. For purposes of exercising the profession of law, what does he need to do should he come back to the country?

Senator Drilon. He should present his being listed in the roll of attorneys of the Supreme Court and present his payment of IBP dues which are the standard requirements for a Filipino to practice law in the Philippines--admission to the Bar which is proven by his name being in the roll of attorneys and payment of the IBP dues.

Senator Pimentel. In effect, Mr. President, he does not have to prove the negative fact of his having been

formerly a citizen of this country and then his having acquired a U.S. citizenship, and all he does in the sponsor's response is to register with the local bar association. For example, if he claims that he is a resident of Quezon City, he applies with the local bar association, pays his dues, and in the opinion of the sponsor, he should now be entitled to exercise the profession of a lawyer of this country.

Senator Drilon. Yes, Mr. President, that is the proposed policy so that we assume that he is a natural-born Filipino citizen, qualified to practice law in the country as proven by his having been admitted to the legal profession as his name appears in the roll of attorneys and he has paid his dues in the IBP. That is the policy thrust.

The committee examined all the options and the difficulty of requiring, say, an oath of allegiance once more to the Philippines, and registering in some registry will make it difficult for one to reacquire the Filipino citizenship. And therefore, the policy thrust of the committee is, the assumption is that he is a Filipino citizen unless somebody questions his ability to exercise the rights and obligations of being a Filipino citizen.

Senator Fimentel. Mr. President, it is not my suggestion that there should be a requirement for subscribing to an oath of allegiance, but probably, for example, in the case of a lawyer, why do we not allow the Supreme Court to qualify him again?

In other words, I think that there should be a superior authority for purposes of monitoring and regulating the practice of law in this country, as it would be in the practice of medicine, in the practice of engineering, in the practice of whatever other professions that are licensed where there are existing organizations for some kind of a process, I think, to be followed. Because it is not only the citizens of this country who have an interest in the way the profession is practiced, but the professional guilds as it were, have a duty and a right to see to it that qualified persons really are allowed to practice the profession by virtue of their being Filipino citizens. Just a wild thought, Mr. President.

Senator Drilon. The sponsor has no strong objections to that proposal. If proposed in the period of amendments, we can consider it favorably. As we said, we would like these things to come out during the interpellations so that we can have ideas discussed. We have no objection to that kind of a proposal to have the licensing body go through applications for practice of a profession.

Senator Pimentel. Yes. And there is, I think, merit in that proposal particularly because in this country, for example, even if one does not go abroad and he is a lawyer, he can be suspended or he loses his license and he has to reapply. In the same manner therefore that a lawyer licensed in the Philippines who became a citizen of the United States or any other country, during that period while he

is a citizen of the other country, his right to practice is suspended in this country. Therefore, there should be some kind of a requirement for him to reacquire the right to practice that profession.

Senator Drilon. I fully concur, Mr. President. That should apply to all the professions.

Senator Pimentel. Exactly. I was just using the example of a lawyer because the two of us will understand it. I do not know if the presiding officer will understand that proposal. But nonetheless....

Senator Drilon. We accept that suggestion, and at the appropriate time, we will include it as part of the amendments.

Senator Pimentel. Thank you for that, Mr. President.

Now, let us go to an ordinary citizen. He is not a professional. He has acquired citizenship elsewhere. He comes back and avails himself of this law. What kind of proof will be required of him or her in order to, let us say, go into business or engage in the buy-and-sell business where there is some kind of a licensing requirement also?

Senator Drilon. As we earlier manifested, if I would apply for a business license, and the information sheet would require information on my citizenship, I would assert that I am a Filipino citizen. If that is challenged in the case of a nationalized business, then I will

present proof that indeed I was born in the country of Filipino parents, and while I have acquired American citizenship, I am covered by this particular law and have not done anything to cause the loss of my citizenship.

Senator Pimentel. Yes. That is important because this bill will restore citizenship to former Filipino citizens. As such, a citizen who is now in full possession of what he had previously lost by acquiring another citizenship, would be entitled to go into businesses that could be reserved to Filipino citizens. Or there might be some citizenship requirement for him to engage in that particular business, and therefore, there should be some requirement for him to produce proof that indeed, he is a Filipino. Which means, Mr. President, that in those areas where there is a requirement for Filipino citizenship to engage in particular activities, some regulatory requirements will have to be included, probably in the implementing rules and regulations that might have to be formulated by the agencies concerned.

Senator Drilon. Again, we have no particular problem with the proposal that in the implementing rules, the agency concerned may provide such regulation as necessary in order to ascertain that nationality requirements are not violated.

Senator Pimentel. So, Mr. President, let us go to one of the rights that he or she will have acquired by virtue of the reacquisition of Philippine

citizenship--The Right to Vote. Where will this citizen now who has reacquired his citizenship by virtue of this law, where will he or she vote?

Senator Drilon. Where?

Senator Pimentel. Where and how?

Senator Drilon. I believe those mechanics and procedure will be governed by the Absentee Voting bill that the Chamber is debating right now, because the former Filipinos who will be benefited by this Act will be considered as absentee voters.

Senator Pimentel. We are assuming that he or she stays abroad, of course.

Senator Drilon. That is correct.

Senator Pimentel. Because the rule would be different if he comes to the Philippines and says he will more or less now want to exercise his right of suffrage. I suppose that the National Election Law will now apply as far as he is concerned if he intends to come here and register and vote as a newly restored Filipino, as it were, Mr. President.

Senator Drilon. That is correct, distinguished gentleman. In fact, what comes to mind is the Estrada amendment earlier proposed in the absentee-voting measure, which covered instances when the absentee voter would now come home and vote here. And if the gentleman will recall, there was a suggested procedure by which the registration is transferred to the

local registry and therefore, he must comply with the procedure for voting domestically.

Senator Pimentel. Mr. President, the question of taxes that this Filipino who has reacquired his citizenship would come into play, I suppose and maybe it is good if we can put on record our views on this issue.

A Filipino professional who used to be, let us say, an American citizen earns a huge amount of money by being a doctor in the United States. He comes home, performs his profession here also because he is now also considered a Filipino citizen. What kind of taxes will be required of him to pay as far as we are concerned?

Senator Drilon. Under the present laws, Mr. President, in the example cited by the distinguished gentleman, the Filipino physician would be subject to income taxes for income earned within the Philippines. But for income earned outside of the Philippines, he is exempt from income taxes as our present laws provide that income earned by Filipinos abroad are not subject to income taxes. That is under the National Internal Revenue Code, as amended, by the Eleventh Congress.

Senator Pimentel. Mr. President, here is a Filipino who has reacquired his Philippine citizenship but while abroad, he married a Mexican lady. Will his citizenship as a Filipino also spill over to his wife? Meaning to say, will his wife or spouse for that matter acquire Filipino

citizenship because the other spouse has regained his Filipino citizenship?

Senator Drilon. The domestic laws, Mr. President, as far as citizenship is concerned, follows the person of the citizen wherever he goes. So that the citizenship laws of this country and the effects of that citizenship would follow the person wherever he goes.

As far as that example is concerned, I am not aware of any law in the Philippines right now, Mr. President, which would allow or which would automatically grant Philippine citizenship to an alien wife. I could be wrong--but just on the basis of what I recall our naturalization laws to be, there is no automatic acquisition by the spouse of the citizenship of the Filipino citizen.

Senator Fimentel. We probably would have to dig deeper into this, Mr. President. Let us not close the issue at this point so that we can place on record just exactly what the effect of a Filipino reacquiring his citizenship on the citizenship of his or her spouse.

Senator Drilon. Under existing laws, the wife would have to go through the naturalization process. And under Section 4 of the proposed measure, the derivative citizenship would be limited to unmarried children who are below 18 years of age. Therefore, the spouse in that example, Mr. President, would not benefit from this derivative citizenship under the law.

Senator Pimentel. All right. On the assumption, Mr. President, that the law of the spouse's land requires him or her to follow the citizenship of her or his spouse, would the reacquisition of a Filipino citizenship entitle the spouse to follow the citizenship of the husband or wife?

Senator Drilon. No, Mr. President, because the laws of the country of the spouse cannot be imposed on our laws as we define who are our citizens. And if our laws do not provide an automatic acquisition of Philippine citizenship over the alien spouse, then regardless of what the laws of the alien spouse's country provides, that would not be binding on our country.

Senator Pimentel. Now, Mr. President, we know very well that in this country there is no divorce. Here is a Filipino who has reacquired his citizenship and he or she has an alien spouse, somehow they get divorced. What effect would that divorce be in Philippine laws?

Senator Drilon. As far as Philippine laws would be concerned, the divorce decree would have no effect since we have no divorce in our country. But under the laws where that dual citizen would be subjected to, and if divorce in that country is allowed, then in the laws of that country, divorce would be recognized.

But as far as Philippine laws are concerned, the divorce is not recognized because as we earlier stated as a principle, the personal

laws of the country follow the person wherever he goes.

Senator Pimentel. Now, if the position of the distinguished gentleman is correct, Mr. President, that means that the foreign or alien spouse will be free to get married and the Filipino spouse will have to remain celibate or undergo castration, whatever, in order to live peacefully despite the divorce?

Senator Drilon. Under the Family Code, Mr. President, Mr. President, there is a provision under Article 26, which states:

Article 26. All marriages solemnized outside the Philippines in accordance with the laws enforced in the country where they were solemnized, and valid there as such, shall also be valid in this country, except those prohibited under Article 35, paragraph 1, paragraph 4, paragraphs 5 and 6 and Articles 36, 37 and 39.

The second paragraph says:

Where a marriage between a Filipino citizen and a foreigner is validly celebrated and a divorce is thereafter validly obtained abroad by the alien spouse capacitating him or her to remarry, the Filipino spouse shall likewise have the capacity to remarry under Philippine law.

Senator Pimentel. . Yes. That is what I wanted inserted into the *Record* which is under the Family Code.

Meaning to say, Mr. President, we are not creating a situation where the Filipino who reacquires his citizenship here will be put to disadvantage in the event that there is such a situation that we have just described.

Senator Drilon. That is correct, Mr. President, and the sponsor stands corrected.

Senator Pimentel. And, Mr. President, what about the laws on property? In other words, how will the laws on property be impacted by this reacquisition of Filipino citizenship especially in a situation where there are alien spouses involved and children also?

Senator Drilon. I would hazardly guess, Mr. President, that is a very difficult question involving application of principles of private and international law.

The most classic situation that we can think of is in the question of inheritance.

Senator Pimentel. Yes, exactly.

Senator Drilon. In the Philippines, there is a system of *legitime*, as we lawyers know, so that the *legitime* of certain offsprings cannot be removed.

Now, in case of a dual citizen, the provisions of the Civil Code

states that the laws relating to family rights and duties or to the status condition and legal capacity of persons are binding upon the citizens of the Philippines even though living abroad, but real property as well as personal property is subject to the law of the country where it is situated.

In case of a real case, Mr. President, I assume that the principles of private and international law will govern in terms of the property rights of a dual citizen.

I must confess that I could not provide a very authoritative answer. I am giving the answer on the basis of what we recall to be the provisions of our laws on private and international law.

Senator Pimentel. In my book, Mr. President, the gentleman is graded 95% by his response to my question.

In any event, the Chair mentions that the children below 18 years of age would also acquire a citizenship of their parent.

Senator Drilon. Yes.

Senator Pimentel. Are we talking here of parent, Mr. President, meaning to say regardless of sex? It can be a Filipino woman or a Filipino male.

Senator Drilon. That is correct. Because under our Constitution citizens are those whose fathers or mothers are citizens of the country. So, the derivative citizenship could

be that of the father or the mother, if they are married, and 18 years of age and below.

Senator Pimentel. And, therefore, the kind of citizenship rights that they will enjoy as children will cease once they are beyond 18 years of age. In other words, on the date of the reacquisition of the citizenship, the age would be determinative of the kind of rights that they will enjoy vis-à-vis the citizenship of their parent. Is that what we are saying here, Mr. President?

Senator Drilon. Yes, Mr. President. So that if he is already 18 years of age or if he or she is already married, the benefits of a derivative citizenship will not accrue to the offspring.

Senator Pimentel. Even if the married child or son or daughter is below 18, Mr. President, at the time of the reacquisition of the citizenship of the parent?

Senator Drilon. That is how the committee report is drafted because the assumption is that, marriage or age would be the event of emancipation.

Senator Pimentel. Yes, emancipates the person concerned.

Senator Drilon. That is correct.

Senator Pimentel. All right. I will take that as a valid proposition for the moment, Mr. President. But can we reiterate what we discussed yesterday that for purposes of election to

public office, one would rather that there will be a renunciation of the citizenship previously held by a now Filipino citizen under the bill, Mr. President?

Senator Drilon. That is correct, Mr. President.

That is the policy recommendation of the committee as found in the bill, particularly on page 3, Section 6, of the report of the committee which says: That those seeking elective or appointive public office in the Philippines shall meet the qualifications for holding such public office as required by the Constitution and existing laws and, at the time of the filing of the certificate of candidacy, make a personal and sworn renunciation of any and all foreign citizenship before any public officer authorized to administer oath.

Senator Pimentel. Yesterday, Mr. President, we had occasion to pass over quite lightly on the issue of being natural born as a qualification to some specific public offices in this country like running for congressman, senator, vice president or president. There is a requirement for the person to be a natural born citizen. And under the old interpretation of the law, what constitutes a citizen's being natural born, the definition would be that he does not need to do any act in order to prove that he is a Filipino citizen. In other words, as opposed to a citizen by naturalization, he is a citizen simply because of his birth. He did not have to acquire citizenship by naturalization. I suppose that was

the opposite of the phrase "natural born" as against a citizen who is naturalized.

If I remember the decisions of the Supreme Court in the past, it says that "You are a natural born if you do not do anything, any act to acquire your citizenship."

Now, in this particular case, we are requiring him, among other things, to undergo certain acts like renouncing his former citizenship in order to run for public office.

Would that not be an inhibition for him to run, let us say, for Congress, Mr. President?

Senator Drilon. This requirement or renunciation can be interpreted as a qualification to run for--

Senator Pimentel. Public office.

Senator Drilon. --public office. But the question of the sponsor brings to my mind a more basic question. How do we consider now the Filipino who would be benefited by this Act? Is he natural-born or is he not natural-born? I do not have an answer yet to that question, Mr. President.

That is a question which must be resolved through provisions of this proposed law because, honestly, I have no answer to that question yet, Mr. President.

Senator Pimentel. Yes, Mr. President. I think we still have time to ponder on these issues. But there is a comment from the side. What about

those who were born by caesarean section? [Laughter]

Senator Drilon. The intervention of the physician is not the kind of intervention that we talk about, Mr. President.

Senator Pimentel. All right. So, I would like to end my interpellation at this point, subject to further questions at the proper time, Mr. President.

Senator Drilon. Yes, maybe when we propose amendments, particularly on that question of whether they are natural-born or not.

Thank you, Mr. President.

Senator Pimentel. Thank you, Mr. President.

Senator Leviste. Mr. President, we thank the sponsor and we move now to suspend the interpellation 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. Mr. President, I move that we suspend consideration of the measure.

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

ADJOURNMENT OF SESSION

Senator Leviste. I move that the session be adjourned until three o'clock tomorrow afternoon, Wednesday, October 9, 2002.

The President Pro Tempore. Is there any objection? [*Silence*] There being none, the session is adjourned until three o'clock tomorrow afternoon, October 9.

It was 6:46 p. m.