

RECORD OF THE SENATE

WEDNESDAY, DECEMBER 15, 1999

RESUMPTION OF SESSION

At 4:28 p.m., the session was resumed with the Senate President, Blas F. Ople presiding.

The President. The session is resumed. The Majority Leader is recognized.

SUSPENSION OF SESSION

Senator Drilon. 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 4:28 p.m.

RESUMPTION OF SESSION

At 4:29 p.m., the session was resumed.

The President. The session is resumed. The Majority Leader is recognized.

Senator Drilon. Mr. President, may I ask that Sen. Ramon B. Magsaysay Jr. be recognized on a point of personal privilege.

The President. Sen. Ramon B. Magsaysay Jr. is recognized.

QUESTION OF PRIVILEGE OF SENATOR MAGSAYSAY (On the State of Senate Premises After the Earthquake)

Senator Magsaysay. Thank you, Mr. President.

I just want to take a couple of minutes to make a report on the state of our Senate building which is part of the GSIS Complex.

In brief, Mr. President, we have a report from Atty. Arnel Bañas, our Deputy Secretary for Administrative and Financial Services, to wit:

This morning, Dr. Raymundo Punongbayan of the Philippine Institute of Volcanology and Seismology, or PHILVOCS, and Engr. Benito M. Pacheco, past president of the Association of Structural Engineers of the Philippines, came in with their engineers to inspect our building as to safety and structure.

The following are the reports of Dr. Punongbayan and Dr. Pacheco:

Most of the damages are cosmetic in nature. Meaning, plasters. Even the cracks which are mostly located at the end of the building are plasters, having been cracked by the intensity of the earthquake. These cores, being two of the cores of the seven-core building of the GSIS Complex, are designed primarily with seismic joints. This means that there is a safety tolerance wherein if there is a movement of the earth beneath us as what happened last Sunday, the seismic joints will allow for a play so that the whole building will not be affected structurally on their supporting columns and beams.

So, the following were recommended:

First, the architectural finish should respect the seismic joints. These are the lines that separate the cores from each other. It might be a good idea not to cover them with paint and wall paper so as to allow free play.

Second, the Senate personnel should be aware and be prepared for any emergency. The fear that people feel is the result of not knowing what to do and where to go in case of emergency when they are in the building.

So, in effect, Mr. President, the building is safe for occupancy, and I am certain that we will be able to finish our seven-year lease—two years have already passed—up to 2004 and we still have full use of this part of the GSIS Complex.

Senator Biazon. Mr. President.

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

Senator Biazon. Thank you, Mr. President.

Will the distinguished gentleman yield for some clarificatory questions?

Senator Magsaysay. Certainly, Mr. President.

Senator Biazon. Mr. President, who is Dr. Pacheco?

Senator Magsaysay. Dr. Benito M. Pacheco is the immediate past president of the Association of Structural Engineers of the Philippines.

Senator Biazon. Is he willing to submit this report in written form officially?

The President. Is there any objection? *[Silence]* There being none, we shall now vote on Second Reading on Senate Bill No. 1519, as amended.

As many as are in favor of the bill, say *aye*.

Several Members. *Aye.*

The President. As many as are against the bill, say *nay*. *[Silence]*

Senate Bill No. 1519, as amended, is approved on Second Reading.

Senator Roco. Mr. President, I would like to thank my colleagues for their votes and approval of the bill on Second Reading. Thank you.

SUSPENSION OF CONSIDERATION OF S. NO. 1519

Senator Drilon. Mr. President, I move that we suspend consideration of Senate Bill No. 1519.

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

Senator Drilon. Mr. President, there is a bicameral report submitted. Under the *Rules*, we should take this up, we should give this priority.

CONFERENCE COMMITTEE REPORT ON S. NO. 468/H. NO. 7127 (Public Employment Service Office Act of 1999)

Mr. President, submitted to the Chamber is the Bicameral Conference Committee Report on the disagreeing provisions of House Bill No. 7127 and Senate Bill No. 468. This pertains to the establishment of the Public Employment Service Office. May I ask the Chair to recognize the chairman of the Committee on Labor, Sen. Francisco S. Tatad, to formally submit the report to the Chamber.

The President. Sen. Francisco S. Tatad, chairman of the Committee on Labor, is recognized.

REPORT OF SENATOR TATAD

Senator Tatad. Thank you very much, Mr. President.

It is my pleasure to report to the Chamber the results of the Bicameral Conference Committee meeting on the disagreeing provisions of House Bill No. 7127 and Senate Bill No. 468, both

entitled "An Act Institutionalizing A National Facilitation Service Network Through the Establishment of a Public Employment Service Office in Every Province, Key City, and Other Strategic Areas Throughout the Country." The Senate bill is authored principally by the Senate President.

We had the advantage of starting with nearly identical versions of the bill. The House and the Senate versions were nearly identical, except in one area referring to the funding of the operations of the PESOs. Largely because of the intervention of the chairman of Local Governments and author of the Local Government Code, our colleague from Cagayan de Oro, the Senate panel insisted that PESOs to be organized and institutionalized should be funded from the budget of DOLE.

During the conference, Mr. President, we succeeded in convincing our House colleagues that this was the wiser approach. And so the result of this understanding is reflected in Section 7 of the harmonized bill, and it reads as follows:

Role of DOLE and LGUs, NGOs, CBOs, and SUCs-- Upon the request of the LGUs, NGOs, CBOs, SUCs which do not have existing PESOs the establishment, operation and maintenance of PESOs, shall be undertaken by the DOLE. The DOLE shall enter into memoranda of agreements with the concerned LGUs, NGOs, CBOs, SUCs for the establishment, operation, and maintenance of PESOs in their respective areas of jurisdiction and the institutionalization of existing PESOs.

It shall be the responsibility of the DOLE to:

- a) establish and maintain a computerized national manpower register of skills and employment and business opportunities to facilitate the provision and packaging of employment assistance to PESO clients and the setting up of intra- and inter-regional job clearance systems as part of the overall employment network;
- (b) Provide office space, equipment and/or supplies, as well as the necessary personnel complement to manage, operate and maintain the PESO;
- (c) Designate, in consultation with the LGU, NGO, CBO or SUC concerned, a qualified project manager and/or key personnel who shall be responsible for the operation and management of the PESO;
- (d) Provide technical assistance and allied support services to the PESO;

(e) Train PESO personnel in the various aspects of employment facilitation functions;

(f) Extend/facilitate such other package of employment services to the provision of employment assistance to clients of the LGU, NGO, CBO or SUC concerned, including the conduct of job fairs and other activities; and

(g) Undertake, monitor, assess and evaluate the PESO program implementation.

For their part, the LGUs, NGOs, CBOs or SUCs shall extend such assistance and services as may be necessary in the promotion of employment within their respective areas of jurisdiction.

This particular section, Mr. President, harmonizes the only major conflicting provision in the different versions.

With this, Mr. President, we have a bill which we are rather proud of and happy to report back to the Chamber.

I move for the adoption of this report.

The President. Is there any objection?

MOTION OF SENATOR TATAD

(All Senators Present be made Coauthors of S. No. 468)

Senator Tatad. There is a proposal, Mr. President, that all members of the Chamber who are here present be made coauthors of this particular landmark legislation.

The President. That is an excellent idea.

Senator Tatad. With the permission of the principal author, Mr. President, may we so move.

The President. The Chair grants and concurs in this motion. Is there any objection to this motion of Senator Tatad that all senators present be made coauthors of this Public Service Employment Office bill? *[Silence]* There being none, the motion is approved.

APPROVAL OF CONFERENCE COMMITTEE REPORT ONS. NO. 468/H.NO. 7127

(Public Employment Service Office Act of 1999)

Senator Tatad. I move that we adopt the report.

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

The following is the whole text of the Conference Committee Report:

CONFERENCE COMMITTEE REPORT

The Conference Committee on the disagreeing provisions of House Bill No. 7127, entitled

AN ACT INSTITUTIONALIZING A NATIONAL FACILITATION SERVICE NETWORK THROUGH THE ESTABLISHMENT OF A PUBLIC EMPLOYMENT SERVICE OFFICE IN EVERY PROVINCE, KEY CITY AND OTHER STRATEGIC AREAS THROUGHOUT THE COUNTRY

and Senate Bill No. 468, entitled

AN ACT INSTITUTIONALIZING A NATIONAL FACILITATION SERVICE NETWORK THROUGH THE ESTABLISHMENT OF A PUBLIC EMPLOYMENT SERVICE OFFICE IN EVERY PROVINCE, KEY CITY AND OTHER STRATEGIC AREAS THROUGHOUT THE COUNTRY,

having met, after full and free conference, has agreed to recommend and do hereby recommend to their respective Houses that House Bill No. 7127, in consolidation with Senate Bill No. 468, be approved in accordance with the attached copy of the bill as reconciled and approved by the conferees:

Approved,

CONFEREES ON THE PART OF THE SENATE:

(Sgd.) SEN. FRANCISCO S. TATAD

(Sgd.) SEN. AQUILINO Q. PIMENTEL JR.

(Sgd.) SEN. FRANKLIN M. DRILON

SEN. RENATO L. "COMPAÑERO" CAYETANO

(Sgd.) SEN. LOREN LEGARDA-LEVISTE

CONFEREES ON THE PART OF HOUSE OF REPRESENTATIVES:

(Sgd.) REP. JULIO A. LEDESMA IV

(Sgd.) REP. MANUEL A. ROXAS II

(Sgd.) REP. ERNESTO F. HERRERA

REP. JOAQUIN M. CHIPECO JR.

(Sgd.) REP. ROSELLER L. BARINAGA

REP. IMEE R. MARCOS

(Sgd.) REP. IGNACIO R. BUNYE

AN ACT INSTITUTIONALIZING A NATIONAL FACILITATION SERVICE NETWORK THROUGH THE ESTABLISHMENT OF A PUBLIC EMPLOYMENT SERVICE OFFICE IN EVERY PROVINCE, KEY CITY AND OTHER STRATEGIC AREAS THROUGHOUT THE COUNTRY

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Title.* - This Act shall be known as the "Public Employment Service Office Act of 1999."

SEC. 2. *Declaration of Policy.* - It is a declared policy of the State to promote full employment and equality of employment opportunities for all, and for this purpose, to strengthen and expand the existing employment facilitation service machinery of the government particularly at the local levels.

SEC. 3. *Establishment of the Public Employment Service Office.* - To carry out the above-declared policy, there shall be established in all capital towns of provinces, key cities, and other strategic areas a Public Employment Service Office, hereinafter referred to as "PESO", which shall be community-based and maintained largely by local government units (LGUs) and a number of non-governmental organizations (NGOs) or community-based organizations (CBOs) and state universities and colleges (SUCs). The PESOs shall be linked to the regional offices of the Department of Labor and Employment (DOLE) for coordination and technical supervision, and to the DOLE central office, to constitute the national employment service network.

SEC. 4. *Objectives of the PESO.* - In general, the PESO shall ensure the prompt, timely and efficient

delivery of employment service and provision of information on the other DOLE programs.

Specifically, the PESO shall:

(a) Provide a venue where people could explore simultaneously various employment options and actually seek assistance they prefer;

(b) Serve as referral and information center for the various services and programs of DOLE and other government agencies present in the area;

(c) Provide clients with adequate information on employment and labor market situation in the area; and

(d) Network with other PESOs within the region on employment for job exchange purposes.

SEC. 5. *Functions of the PESO.* - The PESO shall have the following functions:

(a) Encourage employers to submit to the PESO on a regular basis a list of job vacancies in their respective establishments in order to facilitate the exchange of labor market information between job seekers and employers by providing employment information services to job seeker, both for local and overseas employment, and recruitment assistance to employers;

(b) Develop and administer testing and evaluation instruments for effective job selection, training and counseling;

(c) Provide persons with entrepreneurship qualities access to the various livelihood and self-employment programs offered by both government and non-governmental organizations at the provincial/municipal/barangay levels by undertaking referrals for such programs;

(d) Undertake employability enhancement trainings/seminars for job seekers, as well as those who would like to change career or enhance their employability;

(e) Provide employment or occupational counseling, career guidance, mass motivation and values development activities;

(f) Conduct pre-employment counseling and orientation to prospective local and, most especially, overseas workers;

(g) Provide reintegration assistance services to returning Filipino migrant workers; and

(h) Perform such functions as will fully carry out the objectives of this Act.

SEC. 6. Other Services of the PESO. - In addition to the functions enumerated in the preceding section, every PESO shall also undertake the following programs and activities:

(a) *Job Fairs* - these shall be conducted periodically all over the country to bring together in one venue job seekers and employers for immediate matching;

(b) *Livelihood and Self-employment Bazaars* - these will give clients information on the wide array of livelihood programs they choose to avail of, particularly in the rural areas;

(c) *Special Credit Assistance for Placed Overseas Workers* - this type of assistance will enable poor but qualified applicants to avail of opportunities for overseas employment;

(d) *Special Program for Employment of Students and Out-of-School Youth (SPESOS)* - this program shall endeavor to provide employment to deserving students and out-of-school youths coming from poor families during summer and/or Christmas vacations as provided for under Republic Act No. 7323 and its implementing rules, to enable them to pursue their education;

(e) *Work Appreciation Program (WAP)* - this program aims to develop the values of work appreciation and ethics by exposing the young to actual work situations;

(f) *Workers Hiring for Infrastructure Projects (WHIP)* - this program is in pursuance of Republic Act No. 6685 which requires construction companies, including the Department of Public Works and Highways and contractors for government-funded infrastructure projects, to hire thirty percent (30%) of skilled and fifty percent (50%) of unskilled labor requirements from the areas where the project is constructed/located; and

(g) Other programs/activities developed by DOLE to enhance provision of employment assistance to PESO clients, particularly for special groups of disadvantaged workers such as persons with disabilities (PWDs) and displaced workers.

SEC. 7. Role of DOLE and LGUs, NGOs, CBOs and SUCs - Upon the request of the LGUs, NGOs, CBOs, SUCs which do not have existing PESOs, the establishment, operation and maintenance of PESOs shall be undertaken by the DOLE. The DOLE shall enter into memoranda of agreements with the concerned LGUs, NGOs, CBOs, SUCs for the establishment, operation and maintenance of PESOs in their respective areas of jurisdiction, and the institutionalization of existing PESOs.

It shall be the responsibility of the DOLE to:

(a) Establish and maintain a computerized national manpower registry of skills and employment and business opportunities to facilitate the provision and packaging of employment assistance to PESO clients and the setting-up of intra- and inter-regional job clearance systems as part of the overall employment network;

(b) Provide office space, equipment and/or supplies, as well as the necessary personnel complement to manage, operate and maintain the PESO;

(c) Designate, in consultation with the LGU, NGO, CBO or SUC concerned, a qualified project manager and/or key personnel who shall be responsible for the operation and management of the PESO;

(d) Provide technical assistance and allied support services to the PESO;

(e) Train PESO personnel in the various aspects of employment facilitation functions;

(f) Extend/facilitate such other package of employment services to the provision of employment assistance to clients of the LGU, NGO, CBO or SUC concerned, including the conduct of job fairs and other activities; and

(g) Undertake, monitor, assess and evaluate the PESO program implementation.

For their part, the LGUs, NGOs, CBOs or SUCs shall extend such assistance and services as may be necessary in the promotion of employment within their respective areas of jurisdiction.

SEC. 8. Administration of the PESO Program - The DOLE shall be primarily responsible for the administration of the PESO Program through its Bureau of Local Employment, as well as its regional offices

throughout the country. The Secretary of Labor and Employment, in coordination with the Department of Interior and Local Government and in consultation with the presidents of the various local government leagues, namely the League of Provinces, the League of Cities, the League of Municipalities, and the Leagues of Barangays, shall accordingly promulgate within ninety (90) days from the effectivity of this Act, the necessary rules and regulations for the effective implementation of the Program.

SEC. 9. Funding - The amount necessary for the initial implementation of this Act shall be charged against the existing appropriation of the DOLE and its other operating agencies. Thereafter, the amounts needed for the full implementation of this Act shall be included in the budget of the DOLE in the succeeding General Appropriations Act.

SEC. 10. Repealing Clause. - All laws, decrees, executive orders, rules and regulations or any part thereof which are inconsistent herewith are hereby deemed repealed or modified accordingly.

SEC. 11. Separability Clause. - If for any reason, any section or provision of this Act or any part thereof, or the application of such section, provision or portion declared invalid or unconstitutional, the remainder thereof shall not be affected by such declaration.

SEC. 12. Effectivity - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,

BILL ON SECOND READING

S. No. 1830—Road User's Charge on All Motor Vehicles
(Continuation)

Senator Drilon. Mr. President, I move that we resume consideration of Senate Bill No. 1830 as reported out under Committee Report No. 89.

The President. Is there any objection? [*Silence*] There being none, resumption of consideration of Senate Bill No. 89 is now in order.

Senator Drilon. This is the proposed Motor Vehicle User's Tax on owners of all types of motor vehicles.

We are still in the period of interpellations. May I ask the Chair to recognize the principal sponsor, Sen. Juan Ponce Enrile; and to interpellate, the Minority Leader, Sen. Teofisto T. Guingona Jr.

The President. Sen. Juan Ponce Enrile is recognized; and the Minority Leader, Sen. Teofisto T. Guingona Jr., is recognized as well.

Senator Enrile. Mr. President, gladly will I yield to the distinguished Minority Leader.

Senator Guingona. Thank you, Mr. President, for yielding so graciously.

May I know, Mr. President, whether this measure has a similar bill from the House of Representatives?

Senator Enrile. There is, Mr. President. This is a substitute bill and the House of Representatives approved its own version.

Senator Guingona. Is it not a fact that under the Constitution, it is the House of Representatives which has the exclusive power to initiate revenue measures and taxes?

Senator Enrile. The gentleman is correct, Mr. President. The House of Representatives has the specific and special prerogative under the Constitution to initiate revenue measures, appropriation measures, local bills, and private bills. But we can amend it here in the Senate; we can even change it.

Senator Guingona. Yes, Mr. President. But is it not a fact that the members of the Senate are entitled to know the merits of the proposed tax measure coming from the House of Representatives?

Senator Enrile. That is why Mr. President, this was exposed to a public hearing in the committee level. That is where the bill, coming from the House, was discussed because it was reported by the secretariat to the Chamber during the First Reading, and it was assigned to the Committee on Ways and Means. The Committee on Ways and Means subjected it to a public hearing and it was there that this proposed amendatory or substitute legislation was crafted.

Senator Guingona. But the findings of the said hearing were contained in the committee report. I see no findings in the report.

Senator Enrile. The findings, Mr. President, is already stated in the substitute bill.

Senator Guingona. That is precisely, if the gentleman