

RECORD OF THE SENATE

TUESDAY, AUGUST 19, 2003

OPENING OF THE SESSION

At 3:53 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

The President. The 11th session of the Third Regular Session of the Twelfth Congress is hereby called to order.

Let us all rise for the prayer to be led by Sen. Panfilo M. Lacson.

Everybody rose for the prayer.

PRAYER

Senator Lacson.

Panginoon, kami po ngayon ay naririto at nagtitipon upang magpasalamat sa buhay na ipinagkaloob at sa mga biyayang patuloy na sa amin ay dumadaloy.

Iba-iba man ang aming lahi, iba-iba man ang aming pananaw, ngunit hindi kailanman nag-iba ang pagmamahal na ipinataw ng Iyong dakilang puso sa ami'y walang sawang kumalinga.

Higit kailan man, ngayon ay aming kailangan ang Inyong gabay at karunungan, upang sa aming gawain ay maipatupad anumang ayon sa Inyong kagustuhan.

Itinataas po namin ang aming kakayahan sa paglilingkod sa aming Inang Bayan. Hindi man perpekto ang bawat isa, sa harap naman Ninyo kami ay iisa sa pagmamahal namin sa Inyo.

Ang lahat ng aming panalangin, sa Inyong harapan, kami ay humihiling.

Amen.

ROLL CALL

The President. The Secretary will call the roll.

The Secretary, reading:

Senator Edgardo J. Angara	Absent
Senator Teresa Aquino-Oreta	Present
Senator Joker P. Arroyo	Present
Senator Robert Z. Barbers	Present
Senator Rodolfo G. Biazon	Present

Senator Noli "Kabayan" De Castro	Present
Senator Luisa "Loi" P. Ejercito Estrada	Present
Senator Juan M. Flavies	Present
Senator Gregorio B. Honasan	Absent
Senator Robert S. "JAWO" Jaworski	Present
Senator Panfilo M. Lacson	Present
Senator Loren B. Legarda	Present
Senator Ramon B. Magsaysay Jr.	Present
Senator John Henry R. Osmeña	Present*
Senator Sergio R. Osmeña III	Absent
Senator Francis N. Pangilinan	Present
Senator Aquilino Q. Pimentel Jr.	Present
Senator Ralph G. Recto	Present
Senator Ramon B. Revilla	Absent
Senator Vicente C. Sotto III	Present
Senator Manuel B. Villar Jr.	Present
The President	Present

The President. With 17 senators present, the Chair declares the presence of a quorum.

The Majority Leader is recognized.

THE JOURNAL

Senator Legarda. Mr. President, I move that we dispense with the reading of the *Journal* of the 10th session, August 18, 2003, and consider it approved.

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

Senator Legarda. 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

MESSAGE OF THE PRESIDENT OF THE PHILIPPINES

The Secretary.

August 8, 2003

The Honorable Senate President
and Members of the Senate
Senate of the Philippines
Pasay City

* Arrived after the roll call

WITH A CAB THAT HAS A MAXIMUM OF TWO (2) DOORS AND ONLY ONE (1) ROW OF SEATS.

- (F) SPECIAL PURPOSE VEHICLE SHALL MEAN A MOTOR VEHICLE DESIGNED FOR SPECIFIC APPLICATIONS SUCH AS CEMENT MIXER, FIRE TRUCK, BOOM TRUCK, AMBULANCE AND/ OR MEDICAL UNIT, AND OFF-ROAD VEHICLES FOR HEAVY INDUSTRIES AND NOT FOR RECREATIONAL ACTIVITIES.

Provided, That in the case of imported automobiles not for sale, the tax imposed herein shall be based on the total LANDED value, [used by the Bureau of Customs in determining tariff and customs duties,] including TRANSACTION VALUE, customs duty and all other charges[, plus ten percent (10%) of the total hereof].

Automobiles USED EXCLUSIVELY [acquired for use by persons or entities operating] within the freeport zone shall be exempt from excise tax. [*Provided*, That utility vehicles of registered zone enterprises, which are indispensable in the conduct and operations of their business, such as delivery trucks and cargo vans with gross vehicle weight above three (3) metric tons may be allowed unrestricted use outside the freeport zone: *Provided, Further*, That vehicles owned by tourist-oriented enterprises, such as tourist buses and cars with yellow plates, color-coded and utilized exclusively for the purpose of transporting tourists in tourism-oriented activities, and service vehicles of freeport registered enterprises and executives, such as company service cars and expatriates' and investors' automobiles brought in the name of such enterprises, may be used outside the freeport zone for such periods as may be prescribed by the Departments of Finance, and Trade and Industry, the Bureau of Customs and the Freeport authorities concerned, which in no case shall exceed fourteen (14) days per month.]

“[In case such tourist buses and cars, service vehicles of registered freeport enterprises and company service cars are used for more than an aggregate period of fourteen (14) days per month outside of the freeport zone, the owner or importer shall pay the corresponding customs duties, taxes and charges.]

“[In the case of personally-owned vehicles of residents, including leaseholders of residences inside the freeport zone, the use of such vehicles outside of the freeport zone shall be deemed an introduction into the

Philippine customs territory, and such introduction shall be deemed an importation into the Philippines and shall subject such vehicles to customs duties, taxes and charges, including excise tax due on such vehicle.]

“[The Secretaries of Finance, and Trade and Industry, together with the Commissioner of Customs and administrators of the freeports concerned, shall promulgate rules and regulations for the proper identification and control of said automobiles.”]

SEC. 2. *Rules and Regulations*. — The Secretary of Finance, upon the recommendation of the Commissioner of Internal Revenue, shall promulgate the necessary rules and regulations for the effective implementation of the provisions of this Act within thirty (30) days from the date of approval.

SEC. 3. *Separability Clause*. — If any provision of this Act is held unconstitutional or invalid, all other provisions not affected thereby shall remain valid.

SEC. 4. *Repealing Clause*. — All laws, decrees, executive orders, letters of instruction, rules and regulations or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC. 5. *Effectivity Clause*. — This Act shall take effect fifteen (15) days after the publication of the approved Implementing Rules and Regulations.

Approved,

Senator Pimentel. Mr. President.

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

EXPLANATION OF VOTE OF SENATOR PIMENTEL

Senator Pimentel. Yes, Mr. President, for purposes of record, may I state that I am voting against the Committee Report for the reasons that were explained very cogently by Senator Osmeña.

The President. Let the explanation of vote of Senator Pimentel be reflected in the *Record*.

The Majority Leader is recognized.

BILL ON SECOND READING
S. No. 2155-Magna Carta for the Working Child
(Continuation)

Senator Legarda. Mr. President, I move that we resume consideration of Senate Bill No. 2155 as reported out under Committee Report No. 52.

The President. Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 2155 is now in order.

Senator Legarda. We are in the period of individual amendments. I ask that we recognize Sen. Ramon B. Magsaysay Jr., the sponsor of the measure.

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

Senator Legarda. To introduce his amendments, may I ask that Sen. Vicente C. Sotto III be recognized.

The President. Sen. Vicente C. Sotto III is recognized. *[There was a very long pause.]*

Senator Sotto. Mr. President, will the distinguished gentleman yield for a number of proposed amendments?

The President. The sponsor of the measure, Senator Magsaysay?

Senator Magsaysay. Yes, Mr. President, Senator Sotto is welcome to give his individual amendments.

SOTTO AMENDMENTS

Senator Sotto. Thank you. Mr. President, if there are no anterior amendments, may I propose that an amendment be accepted on page 8, Section 12, line 2.

Senator Magsaysay. On page 8, Section?

Senator Sotto. Section 12, line 2, of page 8, Mr. President.

Senator Magsaysay. Yes, on line 2.

Senator Sotto. Between the last word "activities" and the punctuation mark period (.), insert the following phrase: AT LEAST ONE (1) HOUR PER DAY WITH PAY.

Senator Magsaysay. AT LEAST ONE (1) HOUR PER DAY.

Senator Sotto. WITH PAY.

Senator Magsaysay. WITH PAY. It is accepted, Mr. President.

Senator Sotto. Thank you, Mr. President.

Senator Magsaysay. This refers to "Rest and Recreation".

Senator Sotto. Yes, Mr. President.

Senator Magsaysay. It is accepted, Mr. President.

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

Senator Sotto. On the same page, Mr. President, on Section 16, line 21.

Senator Magsaysay. Yes, Mr. President.

Senator Sotto. I propose that we replace the figure "P500,00.00" with TWO HUNDRED THOUSAND PESOS (P200,000.00) in words and figures.

Senator Magsaysay. It is accepted, Mr. President.

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

Senator Sotto. On the same page, line 24, replace the words and figures "ten percent (10%)" with the words and figures FIFTEEN PERCENT (15%). If I recall, the distinguished sponsor agreed to this during the period of interpellations.

Senator Magsaysay. We therefore accept, Mr. President.

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

Senator Sotto. In Section 17, page 9, line 2, replace the words and figures "fifteen (15)" with the words and figures EIGHTEEN (18).

The President. What does the sponsor say?

Senator Magsaysay. It is accepted, Mr. President.

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

Senator Sotto. On the same page and section, line 3, replace the words and figures "twenty-five percent (25%)" with the words and figures THIRTY PERCENT (30%).

Senator Magsaysay. It is accepted, Mr. President.

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

Senator Sotto. Still on the same page and section, Mr. President, on line 4, replace the figure "P500,000.00" with the

words and figures TWO HUNDRED THOUSAND PESOS (P200,000.00).

Senator Magsaysay. It is accepted, Mr. President. This is in harmony.

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

Senator Sotto. On page 16, again, if there are no anterior amendments.

Senator Magsaysay. Page 15?

Senator Sotto. Page 16, Mr. President. In Section 35, between subparagraphs (e) and (f), insert new subparagraphs (F) and (G), to read as follows: (F) VIOLATIONS OF THE PROVISIONS OF SECTION 16 OF THIS ACT ON BOND TO SECURE INCOME OF THE WORKING CHILD;

Senator Magsaysay. It is accepted, Mr. President.

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

Senator Magsaysay. That is subsection (F).

Senator Sotto. Subsection (F).

For subsection (G): VIOLATIONS OF THE PROVISIONS OF SECTION 17 OF THIS ACT ON TRUST FUND TO PRESERVE PART OF THE WORKING CHILD'S INCOME;

Senator Magsaysay. It is accepted, Mr. President. That is subparagraph (G).

Senator Sotto. Yes. Subparagraph (G), Mr. President.

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

Senator Sotto. And, finally, Mr. President, just a relettering of the succeeding subparagraphs.

Senator Magsaysay. It is accepted, Mr. President.

The President. The Secretariat is so ordered to reletter the succeeding subparagraphs.

Senator Sotto. We thank the sponsor, Mr. President, for accepting the proposed amendments.

The President. Are there any other amendments?

Senator Pimentel. Mr. President.

The President. Yes, Senator Pimentel is recognized.

Senator Pimentel. Mr. President, for the record, we have some amendments, but we were really caught off guard about this proceedings now. So may we ask that this be deferred to another day for purposes of presenting our amendments.

Senator Magsaysay. We have no objection, Mr. President.

Senator Legarda. Mr. President, we are just awaiting Senator Aquino-Oreta for her individual amendments. She is on her way down.

The President. All right.

SUSPENSION OF SESSION

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

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

It was 5:08 p.m.

RESUMPTION OF SESSION

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

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

Senator Legarda. Mr. President, Senators Pimentel and Oreta have reserved to introduce their individual amendments tomorrow.

SUSPENSION OF CONSIDERATION OF S. NO. 2155

I move that we suspend consideration of Senate Bill No. 2155.

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

SPECIAL ORDERS

Senator Legarda. Mr. President, I move that we transfer from the Calendar for Ordinary Business to the Calendar for Special Orders Committee Report No. 231 on Senate Bill No. 2579, entitled

AN ACT MODERNIZING THE PRACTICE OF
LIBRARIANSHIP IN THE PHILIPPINES THEREBY
REPEALING REPUBLIC ACT NO. 6966,