

it is to the credit of this Chamber that we are not drawn into such exchanges and that we have sought to clarify the issue. I agree with Senator Lina that measures that originate in the House, such as the appropriations bill and bills of local application, the Senate may propose amendments and we may even refuse to approve them if these amendments are not accepted by the House of Representatives. As stated by Senator Lina, we are not merely passive participants in lawmaking even if these bills are of local application.

Mr. President, I move that we consider Committee Report No. 99 on House Bill No. . . .

The President. Just a moment. Senator Pimentel would like to say something.

**MOTION OF SENATOR PIMENTEL
(Referral of Lina Speech to the Committee on Rules)**

Senator Pimentel. Thank you very much, Mr. President. May we ask that the speech of Senator Lina be referred to the Committee on Rules for proper evaluation as to what we can do regarding the matter.

Senator Mercado. I second the motion, Mr. President.

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

Perhaps a copy of the speech should be furnished also the Secretary of the House of Representatives for transmittal to their Members.

**MOTION OF SENATOR AQUINO
(Referral of Senate Bill No. 414 to the Committees on Public Information; Trade and Commerce; and Health)**

Senator Aquino. Mr. President, in the Bills on First Reading, there is Senate Bill No. 414

which has to do with advertisements, especially on cigarettes and smoking as dangerous to health and so on. I believe that this should also be referred to the Committee on Public Information and Mass Media.

The President. All right, referred to that Committee, in cooperation with the Committees on Trade and Commerce; and Health.

**BILL ON SECOND READING
House Bill No. 2528 – Free Public
Secondary Education
(Continuation)**

Senator Mercado. Mr. President, I move that we consider Committee Report No. 99 on House Bill No. 2528, entitled

**AN ACT ESTABLISHING AND PROVIDING
FOR A FREE PUBLIC SECONDARY
EDUCATION AND FOR OTHER PURPOSES.**

We are in the period of committee amendments. I move that we recognize the Sponsor, Senator Angara.

The President. Was the debate closed yesterday?

Senator Mercado. Yes, Mr. President.

The President. It is now the period of amendments.

Are there any committee amendments?

COMMITTEE AMENDMENTS

Senator Angara. Yes, Mr. President. One amendment on Section 6, we would like to add the word ESTABLISHMENT. So that Section 6 will read:

To effectively implement the system, the ESTABLISHMENT, administration, supervision and control . . .

SUSPENSION OF THE SESSION

The President. Just a moment. Do we have

the proper copy? Section 6 is entitled "Implementing Rules and Regulations."

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

It was 4:41 p.m.

RESUMPTION OF THE SESSION

At 4:42 p.m., the session was resumed.

The President. The session is resumed.

Senator Angara. Thank you, Mr. President.

On page 4, line 1, add a new section entitled: NATIONALIZATION OF SECONDARY SCHOOLS to be numbered as Section 6, and to read as follows:

SEC. 6. NATIONALIZATION OF SECONDARY SCHOOLS. – TO EFFECTIVELY IMPLEMENT THE SYSTEM, THE ESTABLISHMENT, ADMINISTRATION, SUPERVISION, AND CONTROL OF ALL PUBLIC SECONDARY SCHOOLS AND PUBLIC SECONDARY TEACHERS, INCLUDING THE PAYMENT OF THEIR SALARIES, ALLOWANCES AND OTHER FRINGE BENEFITS ARE HEREBY VESTED IN THE DEPARTMENT OF EDUCATION, CULTURE AND SPORTS.

The President. Is there any objection?

Senator Pimentel is recognized.

PIMENTEL AMENDMENT

Senator Pimentel. It is not an objection, Mr. President. It is just a suggestion as to the heading of Section 6. I do not know if I heard the honorable Sponsor correctly, Mr. President, but perhaps the wording should be NATIONALIZATION OF PUBLIC SECONDARY SCHOOLS. In order to emphasize right from the very beginning that we are not really nationalizing all secondary schools.

Senator Angara. The amendment is accepted, Mr. President.

The President. Is there any objection to the amendment, as amended? [*Silence*] The Chair hears none, the same is approved.

COMMITTEE AMENDMENTS

Senator Angara. On page 4, line 1, the former Section 6, entitled: *Implementing Rules and Regulations*, is to be renumbered as Section 7.

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

Senator Angara. On page 4, line 4, the former Section 7, entitled: *Repealing Clause*, to be numbered as Section 8.

The President. Is there any objection? [*Silence*] The Chair hears none; the amendment is approved.

Senator Angara. On page 4, line 9, the former Section 8, entitled: *Effectivity*, to be numbered as Section 9.

The President. Is there any objection? [*Silence*] The Chair hears none; the amendment is approved.

Senator Angara. That is all, Mr. President.

The President. Is there any individual amendment?

Senator Guingona is recognized.

Senator Guingona. If there are no previous amendments, Mr. President, on page 3, add a new Section after Section 4.

The President. Shall we ask: Are there any individual amendments on page 2? [*Silence*] All right. Let us tackle page 3.

GUINGONA AMENDMENT

Senator Guingona. On page 3, add a new Section after Section 4, Mr. President, which will read:

THE DEPARTMENT OF EDUCATION, CULTURE AND SPORTS SHALL FORMU-

LATE A SECONDARY EDUCATION CURRICULUM IN ORDER TO UPGRADE ITS QUALITY, EFFICIENCY AND ACCESS IN ADDITION TO PROVIDING THE HIGH SCHOOL STUDENTS WITH GENERAL SKILLS, KNOWLEDGE AND VALUES. SUCH A CURRICULUM MUST INCLUDE VOCATIONAL AND TECHNICAL COURSES THAT WILL GIVE THE STUDENTS GAINFUL EMPLOYMENT.

Senator Angara. We accept the amendment, Mr. President, since this amendment will give a mandate to the Secretary of the Department of Education to really look again at the secondary curriculum in order to improve its efficiency and access. So, it is in line with the principle of the bill, Mr. President.

Senator Gonzales. Mr. President.

The President. Senator Gonzales is recognized.

Senator Gonzales. Will the distinguished Sponsor yield to a few questions?

Senator Angara. Yes, Mr. President.

The President. Just a moment. The amendment of Senator Guingona has not yet been disposed of.

Is there any objection? [*Silence*] The Chair hears none; the amendment is approved.

Senator Gonzales. I just wish to propound a few questions.

Is the omission of any appropriation in this bill deliberate? Because this bill would require expenditure of huge public funds, yet there is no provision regarding any appropriation of funds. We speak of implementation of this bill if approved. How can we implement it without the necessary funding therefor?

Senator Angara. Yes, that seems to be one of the peculiarities of this bill, Mr. President. There seems to be some bit of history behind it, but I would not bother the Body with that. But as explained to us during the budget hearing and

during the hearing of this bill by the Department of Budget and Management and the Department of Education, there is a provision in the budget of the Department of Education amounting to about ₱350 or ₱360 million that will accommodate the implementation of this bill for the calendar year 1988. That will not be sufficient for the whole school year 1988-89. But the balance of ₱350 million can be very well provided for in the 1989 Appropriations Act.

Senator Gonzales. Mr. President, has there been a study as to how much this free public high school education will cost?

Senator Angara. Yes, Mr. President. The initial year of implementation, which is 1988-89, will cost about ₱700 million. And the subsequent years of implementation will be a four-year program, and the second year of implementation will require ₱1.7 billion.

Senator Gonzales. I mean appropriations do not require actual appropriation, but there is an authorization aspect of public funding. At least there should be an authorization contained herein under which certain funds which, according to the department, may be available for this purpose and which would be spent to implement the provisions of this bill if enacted into a law. They cannot just take funds which had been appropriated for other purposes and devote it for this purpose, because that would be contrary to the constitutional provision that no money shall be paid out of the public treasury except in pursuance of an appropriation made by law. That would even be technical malversation if we spend public money other than the purposes for which they had been intended by law.

Senator Angara. That is the reason why, Mr. President, Senator Maceda has reserved his right to provide for the right to realign this appropriation in the 1988 Appropriations Act

to enable the use of these funds for a free high school.

Senator Gonzales. I think not only that, but there should also be some provision that the fund necessary to finance this should be included in the budget to be submitted by the President for the succeeding fiscal years, because this, apparently, will be in the nature of continuing appropriations.

Senator Angara. We would welcome any amendment that the Gentleman may introduce, Mr. President.

Senator Gonzales. The distinguished Sponsor had indicated that apparently this matter had already been preempted by Senator Maceda, because he will introduce the necessary amendments. I would defer to the wisdom of the good Senator from Manila and Laguna.

Senator Maceda. Mr. President.

The President. Senator Maceda is recognized.

Senator Maceda. Mr. President, the distinguished Gentleman from Mandaluyong, being the Chairman of the Committee on Finance, and I am only the humble Vice Chairman, I presented that in his absence, but now that he is present, I will defer to him. Anyway, I would like to give this explanation to the Body.

In the light of the privilege speech of Senator Lina, I feel more at ease to state this for the record to clarify a valid question of the distinguished Chairman of the Committee on Finance. After all, the answer given to me by the Undersecretary of Education and the Undersecretary of the Budget was not off-the-record or in confidence. The real reason for the presentation of this bill in the Lower House was really to provide the appropriation that was needed, but in their hurry to get credit for the establishment of free high school which was already established by the Constitution,

apparently the matter was not referred to the Committee on Appropriations, and was reported to the House of the Committee on Education. And the Chairman of the Committee on Appropriations, the Gentleman from Camarines Sur, refused to agree to the passage of the bill with appropriation because it was not referred to his Committee. But since they wanted to pass the bill before December, they passed it anyway with the compromise that they would pass it without any appropriation.

The House may not be happy with our explanation here, but I guess it should be said. And so it is up to the Senate now — and that is part of the function of the Senate — to remedy any deficiencies in bills that come from the House, to provide some appropriation authority which we hope that the distinguished Chairman of the Committee on Finance, in this bill, would see to it that at least the additional ₱350 million or more that is needed could be authorized under the authority that we will grant the President from a realignment of existing provisions of the budget.

That is the story, Mr. President.

The President. Just a minute. The Chair would like to be enlightened on the complexities of this measure. The Chair understands that House Bill No. 2528, entitled "AN ACT ESTABLISHING AND PROVIDING FOR A FREE PUBLIC SECONDARY EDUCATION AND FOR OTHER PURPOSES," does not have any appropriation provision. Is that correct?

Senator Angara. That is correct, Mr. President.

The President. And our own bill, that is to say, Senate Bill No. 99 does not also have any appropriation provision. How can we pay out funds from the public treasury without any appropriation under the law?

Senator Angara. That is the question raised

by the Chairman of the Committee on Finance, Mr. President.

SUSPENSION OF THE SESSION

The President. The session is suspended for a few minutes, if there is no objection. [*There was none.*]

It was 4:56 p.m.

RESUMPTION OF THE SESSION

At 5:07 p.m., the session was resumed.

The President. The session is resumed.

Senator Angara. Mr. President.

The President. Senator Angara is recognized.

SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 2528

Senator Angara. In view of the very important point raised by the Chairman of the Committee on Finance and the need for authorization, and the need to clarify it with the Department of Budget and the Department of Education, may I move for the suspension of the consideration of this bill until Friday?

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

Senator Angara. Thank you, Mr. President.

BILL ON SECOND READING

Senate Bill No. 314 – Regional Consultative Commission for the Cordilleras

(Continuation)

The President. The Majority Floor Leader.

Senator Mercado. Mr. President, I move that we consider Committee Report No. 150 on Senate Bill No. 314.

I move that we recognize the Sponsor, Senator Pimentel.

The President. Senator Pimentel is recognized.

Senator Pimentel. Thank you very much, Mr. President. It is with pleasure that I rise to ask this Chamber to consider the passage of this Act which will create the Regional Consultative Commission for the Cordilleras, describing its powers, functions and duties, and providing funds therefor, and for other purposes.

Mr. President, I will not elaborate on the various aspects of this bill considering that, practically, this is a reproduction of the provisions which we have already tackled when we passed the Regional Consultative Commission bill for Muslim Mindanao. Instead, Mr. President, I would like to request that Senator Letty Ramos Shahani be recognized as she wants to have an input also into the sponsorship of this bill.

[*Senator Pimentel confers with Senator Shahani.*]

Mr. President, in view of the fact that Senator Shahani is requesting that we just go ahead and make the sponsorship in behalf of the Committee, we are ready for any interpellation on this matter, Mr. President.

The President. Is the sponsorship speech over?

Senator Pimentel. Yes, Mr. President.

The President. Are there any interpellations?

Senator Pimentel. I understand, Mr. President, that the questions are practically the same as those raised during the Mindanao RCC debates, so the answer will also be the same. [*Laughter*]

Senator Mercado. Mr. President, I have spoken to a few leaders from the Province of Benguet, who have expressed their apprehension with regard to this measure creating