

RECORD OF THE SENATE

TUESDAY, AUGUST 15, 2000

OPENING OF THE SESSION

At 3:32 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 Eleventh Congress is hereby called to order.

Let us all stand for the opening prayer to be led by the Majority Leader, Sen. Francisco S. Tatad.

Everybody rose for the prayer.

PRAYER

Senator Tatad. Let us pray.

Almighty Father, so much hate, anger and foolishness have covered our land with blood. Listen to us not for our inequities but for the love You bear Your children.

On the solemnity of the Assumption, may the prayers of the Virgin whom You have clothed with the sun and filled with grace be also ours so that we may have the humility to seek true peace and by Your goodness find it; not our peace but Your peace.

All these we ask in the name of Jesus, Your Son, our Lord, who lives and reigns with You and the Holy Spirit, one God, forever and ever.

Amen.

ROLL CALL

The President. The Secretary will please call the roll.

The Secretary, reading:

Senator Teresa Aquino-Oreta Present
Senator Robert Z. Barbers Present
Senator Rodolfo G. Biazon Present
Senator Renato L. Compañero Cayetano Present
Senator Anna Dominique M.L. Coseteng Present
Senator Miriam Defensor Santiago Present
Senator Juan Ponce Enrile Present
Senator Juan M. Flavies Present
Senator Teofisto T. Guingona Jr. Present
Senator Gregorio B. Honasan Present

Senator Robert S. Jaworski Present
Senator Loren B. Legarda-Leviste Present
Senator Ramon B. Magsaysay Jr. Present
Senator Blas F. Ople Present
Senator John Henry R. Osmeña Present
Senator Sergio R. Osmeña III Present*
Senator Aquilino Q. Pimentel Jr. Present
Senator Ramon B. Revilla Present
Senator Raul S. Roco Present
Senator Vicente C. Sotto III Present
Senator Francisco S. Tatad Present
The President Present

The President. With 21 senators present, there is a quorum.

The Majority Leader is recognized.

THE JOURNAL

Senator Tatad. Mr. President, I move that we dispense with the reading of the *Journal* of the previous session, Session No. 10, and consider it approved.

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

Senator Tatad. 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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Secretary.

August 9, 2000

The Honorable
FRANKLIN M. DRILON
President of the Senate
Financial Center
Pasay City 1308

Mr. President:

I have been directed to inform the Senate that the

*Arrived after the roll call

The President. The Majority Leader is recognized.

APPROVAL OF CONFERENCE COMMITTEE REPORT

Senator Tatad. Mr. President, I move that we approve the report.

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

BILL ON SECOND READING

S. No. 2038 -- Anti-Injunction Act of 2000
(Continuation)

Senator Tatad. Mr. President, I move that we resume consideration of Senate Bill No. 2038 as reported out under Committee Report No. 239.

The President. Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 2038 is now in order.

Senator Tatad. Mr. President, we are still in the period of amendments. I ask that the distinguished sponsor, Senator Cayetano, be recognized, and to propose some further amendments, Sen. Miriam Defensor Santiago.

The President. Sen. Renato L. *Compañero* Cayetano, the principal sponsor, is recognized, and to introduce amendments, Sen. Miriam Defensor Santiago is also recognized.

Senator Defensor Santiago. Thank you, Mr. President. Will the distinguished sponsor yield, please?

Senator Cayetano. Gladly, Mr. President.

Senator Defensor Santiago. May I first inquire what the latest clean copy of Senate Bill No. 2038 on TRO is? Is it dated August 9? So I can be sure that we shall be reading from the same document.

Senator Cayetano. Yes, Mr. President.

Senator Defensor Santiago. I note that not only has the original bill been reduced to this clean copy as of August 9, but in addition, it spawned a separate bill, Senate Bill No. 2117 on expropriation.

Senator Cayetano. Yes, Mr. President. During several interpellations, it was suggested that to include provisions on expropriation might raise a question of the constitutionality of the bill itself having two subject matters. Because of that,

the committee decided that the matter of expropriation proceeding with respect to guidelines be contained in a separate bill although that portion on expropriation, for the record, has already been subject to interpellations. That is the reason there is already another bill, Senate Bill No. 2117.

Senator Defensor Santiago. I have no objection to the procedure that has been followed. But I have very deep-seated reservations about our present bill on TRO. May I please raise this question: What is the significant, substantial difference between our present bill and PD No. 1818?

This question is raised in order to determine the threshold question of whether there is a necessity for this bill or whether it is justifiable to pass another bill when the present existing law might be sufficient for our purposes. So, let me just ask this simple question: What is the salient difference or differences between our present TRO bill and PD No. 1818?

Senator Cayetano. Mr. President, the salient differences between Senate Bill No. 2038 and PD No. 1818 are the following:

1. The definition of what constitutes government infrastructure project is broader than that covered by the definition under PD No. 1818;

2. Senate Bill No. 2038 provides certain alternatives whereby the Supreme Court—and this is found, for instance, in Section 6—may refer the matter, exercising its sound discretion, to the Court of Appeals, thereby unclogging possibly its docket which, by the way, is not found in PD No. 1818.

3. Under Section 7 of Senate Bill No. 2038, Regional Trial Courts may be designated by the Supreme Court in certain areas to act as commissioners for the sole purpose of receiving the facts involving acquisition and development of the right-of-way for the Supreme Court to determine what course of action to take. That is not found in PD No. 1818.

4. As a further protection for the right of citizens, there is Section 8 where the lower courts are allowed to inquire into any reported illegal acts committed by any government official, vis-a-vis acquisition, clearance and development of right-of-way for government infrastructure projects which, again, is not found in PD No. 1818.

5. This Senate Bill No. 2038 provides a penal sanction, administrative in character, penalizing any lower court judge who would issue a TRO in violation of the provision of Senate Bill No. 2038, a suspension of sixty (60) days.

Those are the salient differences.

Senator Defensor Santiago. Good. I will admit that there is one salient difference and that is, while all courts are prohibited from issuing TROs by the present law, our proposed bill exempts the Supreme Court from that prohibition. I agree with that exemption because the Supreme Court might interpret the Constitution differently if the provision under the old law was held over in the new law.

However, with respect to the other points, allow me to raise the following questions. First, just for formality's sake, should we not amend the title so as to reflect the fact that it amends or repeals PD No. 1818 and, I believe, another bill, Senate Bill No. 605, since we are required by the Constitution to craft the title in such a manner that it will reflect the contents of the bill so as to give a fair warning to any layman who reads the title?

So, is there any objection if I move that the title be amended so as to add after the last word, which is PD No. 1818, a comma (,) and then the phrase AMENDING OR REPEALING FOR THE PURPOSE PD NOS. 1818 AND 605?

Senator Cayetano. Mr. President, if the phrase shall be AMENDING OR REPEALING, yes, I will accept that

Senator Defensor Santiago. Presidential Decree Nos. 1818 and 605. Thank you.

Now, I come to the point whether there is a need to pass this bill rather than simply amend the existing bill so as to exempt the Supreme Court from the prohibition. The response to my first question was that, this bill is necessary because, among other reasons, it has a wider scope than the old bill based on the definition of each act of the term "infrastructure projects." I beg to disagree with that distinction, but it is not important because I will come to what is my most important point momentarily.

Let me just add one more proviso. The response to the question on what is the difference between the two bills is that this instant bill seeks to impose a criminal penalty while the existing bill did not so impose a penalty.

The response or reply to that comment is this: The Penal Code already provides penalties for judges who violate existing laws or regulations. I am referring to Articles 204, 205, and 206. Article 204 criminalizes knowingly rendering unjust judgment; Article 205 criminalizes judgment rendered through negligence; and, Article 206 criminalizes unjust interlocutory order.

The penalties for these crimes range from *arresto mayor* to *prision mayor*. The penalty provided in this bill is only a

suspension from office of 60 days. If the purpose of this provision is to ensure compliance with the prohibition, then the existing law is less strong or is much weaker than—I mean, the proposed bill is much weaker than the existing law because the penalty is lower than that already provided in the Penal Code.

What, therefore, is the necessity for the penalty clause?

Senator Cayetano. Mr. President, with due respect, I beg to differ with the comments of our esteemed colleague. In this penal sanction of suspension of 60 days without pay, it does not exclude the possibility that the same act may constitute administrative, civil, and criminal liabilities under existing laws.

The lady senator from Iloilo is correct in saying that there are provisions in the Penal Code. We are not excluding that. That is why the provision under Section 9 says, "IN ADDITION TO ANY ADMINISTRATIVE, CIVIL AND CRIMINAL LIABILITIES HE MAY INCUR UNDER EXISTING LAWS."

So, Mr. President, we are saying that we are not excluding it. In fact, we are saying that it is in addition to any criminal or civil liability that may be incurred by a judge when imposing a penalty of suspension of 60 days.

So, this is not really more lenient, Mr. President. This is actually more restrictive as far as the errant judge is concerned.

Senator Defensor Santiago. Let us assume that that is the correct view of Section 9. Section 9, however, provides: "IN ADDITION TO ANY ADMINISTRATIVE, ... LIABILITIES". Does the gentleman mean to say that after imposing an administrative liability, which might well be suspension from office, the Supreme Court must compulsorily add another suspension of 60 days? And will that not violate certain restrictions placed by the Constitution on the imposition of penalties?

Senator Cayetano. Mr. President, as the lady senator says, it will be the Supreme Court that will impose this, the lower courts being under the supervision of the Supreme Court.

My own thinking about this is that once the Supreme Court suspends an errant judge for issuing a TRO in violation of this Act, pursuant to Section 9 of 60 days, I honestly feel that there will be no further administrative sanction that the court would impose on the errant judge.

Senator Defensor Santiago. I do not believe Section 9 merits longer debate than we are already having. I believe that our points of disagreement, if any, are mostly semantic or rhetorical in nature. I am sure that this may be cured by

restyling this paragraph so that we may, for example, include before the penal clause this clause: SUFFER THE PENALTY AT LEAST OF SUSPENSION FOR 60 DAYS and then delete, for example, the word "administrative" in the first part of that sentence in Section 9 so that there will be no double administrative penalties.

Let me just submit this for the consideration of the author.

Senator Cayetano. If that is the proposed amendment, I will accept it, Mr. President.

Senator Defensor Santiago. Now, I will come to the real gravamen of my amendment or interpellation.

After our latest Senate debate on this bill, the bill now, in its version dated August 9, gives the Supreme Court three alternatives on how to exercise its power to issue TROs. The first is for the Supreme Court to exercise the power directly; the second is for the Supreme Court to refer the matter of the TRO to the Court of Appeals; and the third is for the Supreme Court to appoint an RTC to, in effect, discharge the functions of a hearing commissioner.

In other words, after the latest Senate debate on this bill, we have, at least, admitted that perhaps it might be impolitic to assign to the Supreme Court alone the function of issuing TROs for many, many reasons, and chief among these is the fact that the Supreme Court is overworked. If that is the case, it seems to me that we have taken one step forward and then we have taken two steps backward.

First, we said, "No court shall issue TROs." Then we reconsidered and properly so because under the Constitution, it might be unconstitutional to deprive the Supreme Court of jurisdiction particularly since, in light of a 1994 case, the Supreme Court itself said, "There are strong suspicions about the constitutionality of PD No. 1818." We have always cited during our debates the 1998 case. But notice that in the 1998 case, the Supreme Court did not mention the constitutionality of PD No. 1818. It simply in that case said, "PD No. 1818 prohibits the issuance of TROs by RTCs. This RTC judge issued a TRO and therefore we berate him and we reverse his rulings." But there is no categorical explicit mention of the constitutionality or not of PD No. 1818. So there is always some suspicion that to deprive the Supreme Court of jurisdiction might be unconstitutional. That is addressed by our existing bill.

However, we have been faced, we have been confronted with the reality that the Supreme Court cannot possibly assume more functions than it already is doing. In other words, what I am leading to is that, although I have declared at the initiation of

these debates that I support this bill, it seems to me that an absolutist view of the need to prohibit TROs might be counterproductive, countereffective. Should we then not make an exception?

In our latest Senate debates, the answer was in the affirmative, and the exceptions took the form of the Court of Appeals and the RTC options.

But may I please call the attention of the distinguished sponsor that two years ago, in 1998, I filed my own bill seeking to amend PD No. 1818 and amend it in the sense only that it provided an exception for the absolute prohibition.

Therefore, I move this afternoon that we insert the following exception to Section 4 of our instant bill. Section 4 of our instant bill is found on page 2, lines 9 to 23. My motion to amend is after the last word of Section 4 which is "LAW", to add a comma (,) and then to add this paragraph:

UNLESS THE MATTER IS OF EXTREME URGENCY INVOLVING NATIONAL INTEREST, SUCH THAT UNLESS A TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, OR PRELIMINARY MANDATORY INJUNCTION IS ISSUED, GRAVE INJUSTICE AND IRREPARABLE INJURY WILL ARISE, AND *PROVIDED*, THAT THE APPLICANT SHALL FILE A BOND, IN AN AMOUNT FIXED BY THE COURT, TO THE EFFECT THAT SUCH BOND SHALL ACCRUE IN FAVOR OF THE GOVERNMENT IF THE COURT SHOULD FINALLY DECIDE THAT THE APPLICANT WAS NOT ENTITLED THERETO.

That is my motion to amend. I recommend to our colleagues that we must study with extreme judiciousness the question of whether we want an absolute rule that no other court in the Philippines can issue a TRO unless it is the Supreme Court itself, or the Supreme Court authorizes that issuance.

I do not believe that our Supreme Court, as presently constituted and under present procedures, can possibly attend to these matters, and that the issuance of a TRO—which is a concept incorporated in our Rules of Court and has been sustained by the wisdom of many decades of experience in the courtroom—would completely be marginalized as a judicial measure if we pass this bill.

In other words, what I am trying to say is, I support the general rule but we must make, at least, one exception because we cannot possibly visualize or prophesy all possible factual situations. That is why a lawmaker always makes an exception. It is an admission on his part that he cannot possibly conceive all possible applications of the law. That is actually the issue that I am placing before our colleagues. Should we not make

an exception? We may craft it as strictly as we wish but there should be an exception. I do not believe that the Court of Appeals and the RTC options are genuine options. The options will, in effect, simply lengthen the judicial process and thus in that manner, still marginalize the concept of the TRO.

If the gentleman wishes, we can hold this under advisement until tomorrow so that the gentleman can possibly discuss with his technical working group the point that I have raised and our colleague might possibly need time to think about it as well.

Senator Cayetano. Mr. President, offhand I wish to take special note --

Senator Defensor Santiago. Thank you.

Senator Cayetano. —of proposed Senate Bill No. 1162 which the lady senator from Iloilo referred to. I have a copy of that. I also wish to emphasize Section 8 of the present Senate bill, Senate Bill No. 2038, although worded differently. Nevertheless, it has the objective of the proposed amendment being suggested by our esteemed colleague.

And may I read the proposed Section 8. "*Judicial Inquiry on the Acquisition of Right-of-Way*. Nothing in this Act shall preclude lower courts from inquiring into any reported illegal acts committed by any government official or agency involved in the acquisition, clearance and development of right-of-way for government infrastructure projects."

The record will show, Mr. President, that this was proposed by no less than my own colleague, the Minority Leader, precisely on the possibility of deprivation of the basic rights of an individual whose real property may be taken illegally, not in accordance with law on expropriation. The same sentiment was also expressed by, again, another colleague from Mindanao, which is found in Section 7 where regional courts may be designated by the Supreme Court to act as commissioner for the sole purpose of determining the facts of acquiring a right-of-way, the idea being that, with particular reference to Section 8, if the illegal acts are proven, then these are really outside the realm of Senate Bill No. 2038 and therefore the lower court may issue a TRO.

SUSPENSION OF SESSION

Having said that, Mr. President, I move that we suspend the session for one minute and confer with my colleague.

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

It was 4:09 p.m.

RESUMPTION OF SESSION

At 4:14 p.m., the session was resumed.

The President. The session is resumed.

Senator Tatad. Mr. President.

The President. The Majority Leader is recognized.

Senator Tatad. Mr. President, Senator Defensor Santiago has raised a number of issues in an effort to lay the basis for a number of possible amendments. I believe she is done with these.

May I now invite her to propose the actual amendments so that these may be accepted by the sponsor and approved by the Chamber.

I propose that we go page by page.

The President. Sen. Miriam Defensor Santiago may proceed.

Senator Defensor Santiago. Thank you, Mr. President.

I would like to move to amend the sections of the bill in the order in which they appear. I will deal first with Section 4, entitled "*Prohibition on the Issuance of Temporary Restraining Orders and Preliminary Injunctions*."

Senator Tatad. May I propose an anterior amendment, Mr. President.

The President. Sen. Francisco S. Tatad has an anterior amendment. He is recognized.

TATAD AMENDMENTS

Senator Tatad. On page 1, line 9, may I propose to delete the words "due to delay in order" between the words "costs" and "to". In lieu thereof, insert the word AND. So that the sentence will now read: "TOWARDS THIS END, the State shall ensure the expeditious and efficient implementation and completion of government infrastructure projects to avoid unnecessary increase in construction, maintenance and/or repair costs AND to immediately enjoy the social and economic benefits therefrom."

The President. What does the sponsor say?

Senator Cayetano. It is accepted, Mr. President.

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

Senator Tatad. On the same page, last line, running to line 3 of page 2, after the words "NECESSARY ACTIVITIES" until the word "UNDERTAKEN" in line 3, page 2, I move that we delete all the words therein without changing the intent and meaning of "NECESSARY ACTIVITIES."

Senator Cayetano. How would it now read, Mr. President?

Senator Tatad. THE TERM "GOVERNMENT INFRASTRUCTURE PROJECT" REFERS TO ALL LOCALLY AND/OR INTERNATIONALLY FUNDED INFRASTRUCTURE WORKS, SERVICE CONTRACTS AND OTHER RELATED AND NECESSARY ACTIVITIES UNDERTAKEN BY THE NATIONAL GOVERNMENT, ITS AGENCIES AND INSTRUMENTALITIES INCLUDING GOVERNMENT OWNED AND CONTROLLED CORPORATIONS AND LOCAL GOVERNMENT UNITS, AND ALL GOVERNMENT PROJECTS COVERED UNDER REPUBLIC ACT NO. 6957, AS AMENDED BY REPUBLIC ACT NO. 7718, OTHERWISE KNOWN AS THE BUILD-OPERATE-AND-TRANSFER LAW.

The reason, Mr. President, is mainly editorial. It does not read too well.

The President. What does the sponsor say?

Senator Cayetano. If it is purely editorial or semantics, Mr. President, as long as the objective...

Senator Tatad. We are saying on the record that it does not change the meaning and intent, Mr. President.

Senator Cayetano. In that sense, it is accepted, Mr. President.

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

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

The President. Sen. Miriam Defensor Santiago may proceed.

DEFENSOR SANTIAGO AMENDMENTS

Senator Defensor Santiago. I am on page 2, Section 4. I move that we add a proviso to Section 4 such that the last line of Section 4, line 23 will read as follows: THE BUILD-OPERATE-AND-TRANSFER LAW: *PROVIDED, HOWEVER, THAT THIS PROHIBITION SHALL NOT APPLY WHEN THE MATTER IS OF EXTREME URGENCY INVOLVING*

CONSTITUTIONAL ISSUE, SUCH THAT UNLESS A TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION OR PRELIMINARY MANDATORY INJUNCTION IS ISSUED, GRAVE INJUSTICE AND IRREPARABLE INJURY WILL ARISE, AND *PROVIDED*, THAT THE APPLICANT SHALL FILE A BOND IN AN AMOUNT TO BE FIXED BY THE COURT, TO THE EFFECT THAT SUCH BOND SHALL ACCRUE IN FAVOR OF THE GOVERNMENT IF THE COURT SHOULD FINALLY DECIDE THAT THE APPLICANT WAS NOT ENTITLED THERETO.

I would like to manifest, for the record, that my cosponsors for this amendment are the Minority Leader, Sen. Teofisto T. Guingona Jr., and Sen. Aquilino Q. Pimentel Jr.

Senator Cayetano. After a fruitful discussion about the scope of this proviso, Mr. President, this humble representation accepts gladly the amendment proposed by the lady senator from Iloilo.

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

Senator Defensor Santiago. If there is no other anterior amendment, I would like to deal with Section 8 on page 3.

Senator Cayetano. Mr. President, I do not know if this is proper. But since we are here, may the sponsor also propose an amendment?

Senator Tatad. It is proper, Mr. President.

CAYETANO AMENDMENTS

Senator Cayetano. In Section 6, instead of "DESIGNATION", I propose an amendment by substituting the "REFERRAL TO the Court of Appeals."

Senator Tatad. "DESIGNATION OF" is deleted.

Senator Cayetano. That is all, Mr. President.

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

The President. Senator Defensor Santiago is recognized.

Senator Defensor Santiago. Page 3, Section 8, unless there is an anterior amendment.

Senator Cayetano. Yes, Mr. President. Again, in Section 7, line 3, I move that after the word "COURTS", the phrase

"IN RURAL AREAS" be deleted. So it will now read: "THE SUPREME COURT MAY DESIGNATE REGIONAL TRIAL COURTS TO ACT...." This is the request of Senator Pimentel.

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

Senator Defensor Santiago is again recognized.

DEFENSOR SANTIAGO AMENDMENTS

Senator Defensor Santiago. I move that we take out Section 8 for the reason that it seems to be unnecessary in light of the acceptance by the sponsor of the proviso to the previous Section 4.

The President. What does the sponsor say?

Senator Cayetano. I join the lady senator in having this deleted, Mr. President.

The President. All right. Section 8 from lines 10 to 15 is proposed to be deleted. The proposal is accepted by the sponsor. Is there any objection? *[Silence]* There being none, the amendment is approved.

Senator Defensor Santiago. Mr. President, in Section 9 which will have to be renumbered now --

The President. Yes.

Senator Defensor Santiago. —I propose that subject to style, the technical working group should reword Section 9 on Penal Sanctions in order to make it clear that the bill imposes the penalty of suspension in contemplation that the suspension shall be for at least 60 days, that is one; and two, that there will be no double administrative liabilities to be incurred by the judge. Because as presently worded, this section reads: "IN ADDITION TO ANY ADMINISTRATIVE,...LIABILITIES...ANY judge who shall issue a TEMPORARY restraining order...shall suffer the penalty of suspension for sixty (60) days without PAY", thus, implying that if his administrative penalty is suspension from office, still, under this section, the Supreme Court will be compelled to impose an additional suspension from office. He should have only one administrative penalty and that penalty can be described as suspension for at least 60 days.

The President. What does the sponsor say?

CAYETANO-DEFENSOR SANTIAGO AMENDMENT

Senator Cayetano. Yes, Mr. President. In fact, with the

permission of the sponsor, I would like to propose an amendment by deleting now the word "ADMINISTRATIVE" in line 16. So that it will read: "IN ADDITION TO ANY CIVIL AND CRIMINAL LIABILITIES HE MAY INCUR UNDER EXISTING LAWS, ANY judge who shall issue a TEMPORARY restraining order, preliminary injunction OR PRELIMINARY MANDATORY INJUNCTION IN VIOLATION OF SECTION 4 hereof, shall suffer the penalty of suspension of at least "sixty (60) days without pay."

Senator Defensor Santiago. I accept this amendment to my amendment.

Senator Cayetano. Thank you, Mr. President.

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

Is there any other amendment, Senator Defensor Santiago?

Senator Defensor Santiago. None, Mr. President.

Senator Tatad. Amendment to the title.

The President. To the title, Senator Defensor Santiago.

Senator Defensor Santiago. After the last word of the title which is "PURPOSES", add a comma (,), and then the phrase AMENDING FOR THIS PURPOSE PD NOS. 1818 AND 605.

Senator Cayetano. I accept the amendment, Mr. President.

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

Senator Cayetano. In that connection, Mr. President, may I also move that we amend by deletion Section 11, on page 3, "Repealing Clause." It says here: "All laws, decrees INCLUDING PRESIDENTIAL DECREE NOS. 605 AND 1818."

I move that the phrase "INCLUDING PRESIDENTIAL DECREE NOS. 605 AND 1818" be deleted since this is already in the title.

Senator Tatad. I believe the title should reflect the text. It should be preserved, Mr. President.

The President. Therefore, the Repealing Clause should be preserved.

Senator Cayetano. In that case, I withdraw my proposed amendment, Mr. President.

The President. Are there no more amendments coming from the floor?

Senator Defensor Santiago. Not from me, Mr. President. Thank you, and I would like to thank the sponsor.

Senator Cayetano. I would also like to thank the lady senator for several of the proposed amendments which we have accepted.

Senator Tatad. There being no further amendments, I move that we close the period of amendments.

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

APPROVAL OF S. NO. 2038 ON SECOND READING

Senator Tatad. Mr. President, I move that we vote on Second Reading on Senate Bill No. 2038, as amended.

The President. Is there any objection? *[Silence]* There being none, we shall now vote on Second Reading on Senate Bill No. 2038, 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]*

The *ayes* have it; Senate Bill No. 2038, as amended, is approved on Second Reading.

SUSPENSION OF CONSIDERATION OF S. NO. 2038

Senator Tatad. Mr. President, I move that we suspend consideration of Senate Bill No. 2038.

The President. Is there any objection? *[Silence]* There being none, consideration of Senate Bill No. 2038 is hereby suspended.

Senator Cayetano. Mr. President.

The President. Senator Cayetano is recognized.

MANIFESTATION OF SENATOR CAYETANO (Senators Barbers and Legarda-Leviste as Coauthors of S. No. 2038)

Senator Cayetano. With the permission of the Majority Leader, and before I lose a colleague to LAMP—

Senator Tatad. We would like to lose that colleague to LAMP. *[Laughter]*

Senator Cayetano. —I would like to make it of record that Sen. Robert Z. Barbers is one of the principal authors of Senate Bill No. 2038.

The President. The record will so reflect the authorship of Sen. Robert Z. Barbers.

Senator Barbers. Mr. President.

The President. Senator Barbers is recognized.

Senator Barbers. I would just like to extend my gratitude to Senator Cayetano after accepting the proposed amendments of Senator Defensor Santiago, especially on the designation of the Court of Appeals, which was also my proposed amendment which he earlier rejected. *[Laughter]*

Thank you very much, Mr. President.

The President. Thank you, Senator Barbers.

Senator Cayetano. Again, Mr. President, with the permission of the Majority Leader, I would like to add—and for the reason that we may also lose our only lady member of the Minority to LAMP—that Sen. Loren Legarda-Leviste be considered as one of the principal authors of Senate Bill No. 2038.

The President. Let the record so reflect the authorship of Sen. Loren Legarda-Leviste.

Senator Pimentel. Mr. President.

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

Senator Pimentel. Let me just make this comment that the apprehensions of Senator Cayetano about losing some of their members to LAMP and his desire to accommodate them as coauthors of this bill should be interpreted as a meaning without prejudice to their joining LAMP, Mr. President. *[Laughter]*

Senator Tatad. Later on.

Senator Pimentel. In due time, Mr. President.

The President. It is duly noted.

Senator Osmeña III. Mr. President.

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