

RECORD OF THE SENATE

WEDNESDAY, AUGUST 16, 2000

OPENING OF THE SESSION

At 3:19 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

The President. The 12th 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 Sen. Gregorio B. Honasan.

Everybody rose for the prayer.

PRAYER

Senator Honasan.

Almighty Father, once again we humbly seek Your wisdom and strength as we face another day of service to our people.

As our country faces the challenges of peace and development, may we not lose the vision of what lies beyond — a day when the Filipino people would stand as a nation proud and united, a day of glory and thanksgiving.

Heal the wounds of conflict and allow us to pay the price of solidarity and direction with grace, compassion and humility. In this, let us be Your instruments.

Remind us, Lord, that every word uttered in this Hall will shape our people's lives. Keep us focused on the vision of a better tomorrow as today's children look to us for their future.

Allow us to acknowledge in the most basic terms what is asked from us by our simple people—confidence, shared hope and sacrifice, leadership, clarity of thought, and some purity of heart—*non multa, sed multum*...not too many things, but well.

All these we ask in Your Mighty Name.

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. <i>Compañero</i> Cayetano	Present
Senator Anna Dominique M. L. Coseteng ...	Present
Senator Miriam Defensor Santiago	Present
Senator Juan Ponce Enrile	**
Senator Juan M. Flavie	Present
Senator Teofisto T. Guingona Jr.	Present
Senator Gregorio B. Honasan	Present
Senator Robert S. Jaworski	Present
Senator Loren Legarda-Leviste	Present
Senator Ramon B. Magsaysay Jr.	*
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 20 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. 11, 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.

* Arrived after the roll call

** On official mission

then what do we do? Either we imprison them or we send them back home and still the problem is not solved. That is why there has to be a concerted effort on the part of all government agencies to address this problem led primarily by the DSWD because mendicancy and the plight of the *Badjaos* in our midst today are factors of poverty.

Senator Biazon. Mr. President, I would agree to the proposition that the appropriate committee should look into this and look into the possibility of putting together a legislative program to specifically address this problem.

Thank you, Mr. President.

Senator Pimentel. Thank you, Mr. President.

The President. The Majority Leader is recognized.

**MOTION OF SENATOR TATAD
(Referral of Senator Pimentel's Speech and
Interpellations Thereto to Social Justice, Welfare &
Rural Development; and Local Government Committees)**

Senator Tatad. Mr. President, I move that we refer the privilege speech of Senator Pimentel and the interpellations thereto to the Committee on Social Justice, Welfare and Rural Development; and to the Committee on Local Government.

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

**MOTION OF SENATOR TATAD
(Senators Enrile and Biazon as Members of the
Local Government Committee)**

Senator Tatad. Mr. President, may I nominate Senators Juan Ponce Enrile and Rodolfo G. Biazon as members of the Committee on Local Government.

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

**MOTION OF SENATOR TATAD
(Transfer of Referral of S. No. 1858 to the Energy
Committee as Primary Committee)**

Senator Tatad. Mr. President, I move that we transfer referral of Senate Bill No. 1858 from the Committee on Government Corporations and Public Enterprises to the Committee on Energy as the primary committee.

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

**BILL ON SECOND READING
S. No. 2117 – Providing Guidelines for
Expropriation Proceedings**

Senator Tatad. Mr. President I move that we consider Senate Bill No. 2117 as reported out under Committee Report No. 384.

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

Consideration of Senate Bill No. 2117 is now in order. With the permission of the Body, the Secretary will read only the title of the bill, without prejudice to inserting in the *Record* the whole text thereof.

The Secretary. Senate Bill No. 2117, entitled

**AN ACT PROVIDING GUIDELINES FOR
EXPROPRIATION PROCEEDINGS AND FOR
OTHER PURPOSES**

The following is the whole text of the bill:

Senate Bill No. 2117

**AN ACT PROVIDING GUIDELINES FOR
EXPROPRIATION PROCEEDINGS, AND FOR
OTHER PURPOSES**

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

SECTION 1. Declaration of Policy. - Section 9, Article III of the Constitution states that private property shall not be taken for public use without just compensation. To effectuate this provision, the State shall ensure that owners of real properties to be expropriated for any government infrastructure project are paid just and prompt compensation.

SEC. 2. Government Infrastructure Project. - The term "government infrastructure project" refers to all locally and/or internationally funded infrastructure works, service contracts and other related and necessary activities such as implementation, construction, completion, operation, maintenance, improvement, repair and rehabilitation of said infrastructure works, 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.

SEC. 3. Guidelines for Expropriation Proceedings. - The government may acquire real property needed as right-of-way and/or site or location of any government infrastructure project through donation, negotiated sale or expropriation.

If the property is to be acquired through expropriation, the implementing agency responsible for the infrastructure project shall file with the appropriate court the corresponding expropriation case. The said implementing agency shall make a deposit with the court in the amount of (a) fifty percent (50%) of the estimated value of the land, based on the latest relevant Zonal Valuation of the Bureau of Internal Revenue, and (b) fifty percent (50%) of the estimated value of the structures and improvements based on the fair market value as stated in the current tax declaration.

Upon receipt of the said deposit, the court shall immediately issue to the said government implementing agency a "Writ of Possession" for the property. With this "Writ of Possession", the said implementing agency may enter and take possession of the subject property and start the implementation of the project. The court shall immediately order the remittance of the said deposit to the owner of the property.

In case the land is occupied by squatters, the court shall also issue a "Writ of Demolition" for the purpose of dismantling any and all structures found in the subject property.

Within sixty (60) days from the date of filing of the expropriation case, the court shall determine the just compensation to be paid to the owner for the property acquired, based on the market value of the property. On or before the date of the completion of the project, the said implementing agency shall pay to the owner of the property the difference between the just compensation as determined by the court and the said fifty percent (50%) deposit.

SEC. 4. Squatter Relocation Sites. - The Government, through the National Housing Authority, in coordination with the local government units and

implementing agencies concerned, shall establish and develop squatter relocation sites, including the provision of adequate utilities and services, in anticipation of squatters that have to be removed from the right-of-way or site of future infrastructure projects.

Upon receipt of the "Writ of Possession" or "Permit to Enter" for a property to be used as the right-of-way and/or site or location for the government infrastructure project, the implementing agency concerned is authorized to effect the immediate relocation of any squatters to the said relocation sites.

Funds for the relocation sites shall come from appropriations for the purpose under the General Appropriations Act, as well as from appropriate infrastructure projects funds of the implementing agency concerned, with counterpart funds from the concerned local government units.

SEC. 5. Appropriation for Acquisition of Right-of-Way or Site for Infrastructure Project in Advance of Project Implementation. - The Government shall provide adequate appropriation that will allow the concerned implementing agencies to acquire the required right-of-way and/or site or location for the government infrastructure projects.

SEC. 6. Separability Clause. - If any provision of this Act is declared unconstitutional or invalid, other parts or provisions hereof not affected thereby shall continue to be in full force and effect.

SEC. 7. Repealing Clause. - All laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 8. Effectivity Clause. - This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved,

Senator Tatad. I ask that Senator Cayetano be recognized to sponsor the measure.

The President. Sen. Renato L. Compañero Cayetano is recognized to sponsor the measure.

SPONSORSHIP SPEECH OF SENATOR CAYETANO

Senator Cayetano. Thank you, Mr. President.

By way of explanation, Mr. President,—and I wish to have this recorded for the benefit of our colleagues—Senate Bill No. 2117 originated in Senate Bill No. 2038 which was, I believe, approved on Second Reading a couple of days ago.

The reason for taking out what is now contained and denominated as Senate Bill No. 2117 under Committee Report No. 384 was that some of our colleagues expressed the view that Senate Bill No. 2038 could be constitutionally infirm because it contains two subject matters, meaning, the prohibition on the issuance of temporary restraining order, preliminary injunction, and/or mandatory injunction, and provisions on expropriation of real and other properties pursuant to the constitutional mandate of eminent domain.

As a result of this, our committee extracted from Senate Bill No. 2038 that portion which could be, as I said, held as constitutionally infirm as it does not belong to Senate Bill No. 2038.

Now, if we will recall, this particular provision, now contained in Senate Bill No. 2117, which is really the acquisition of lands for government infrastructure program, as well as guidelines in payments of just compensation and related matters, was deliberated upon and subject to interpellations by some of our colleagues, the result of which, as I said, is to take out from Senate Bill No. 2038 these possible offending provisions and put them in another bill which is now Senate Bill No. 2117.

So that is the status of Senate Bill No. 2117, Mr. President.

By the way, this Senate Bill No. 2117 also took into consideration House Bill No. 1422, entitled

AN ACT PROVIDING FOR MEASURES TO FACILITATE THE ACQUISITION OF RIGHT-OF-WAY FOR INFRASTRUCTURE PROJECTS AND FOR OTHER PURPOSES,

which was already passed by the House of Representatives and sent to this Chamber before Senate Bill No. 2038 was approved.

Thank you, Mr. President.

Senator Tatad. Mr. President, we thank Senator Cayetano for his sponsorship speech. We now proceed to the period of

interpellations but as explained by the sponsor, this particular measure has been subjected to extensive interpellation during the original debates on Senate Bill No. 2038. Unless therefore there are any further interpellations, I would like to move that the period of interpellations be closed.

The President. There is a motion to close the period of interpellations on Senate Bill No. 2117 as reported out under Committee Report No. 384. Is there any objection? *[Silence]* There being none, the period of interpellations on Senate Bill No. 2117 is hereby terminated.

Senator Tatad. I move that we now proceed to the period of amendments. This is a substitute measure. I move therefore that the period of committee amendments be closed.

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

Senator Tatad. I move that we now proceed to the period of individual amendments. I propose that we go page by page, Mr. President.

Senator Cayetano. Section 1, Mr. President, I do not hear any proposed individual amendment. I move that we consider Section 1, the "Declaration of Policy" as approved.

The President. The Chair wishes to invite the attention of the sponsor that there is an Administrative Order No. 50, which contains guidelines on expropriation proceedings. I was wondering if the sponsor has taken note of the guidelines in AO No. 50, and whether or not he finds it necessary to incorporate these guidelines in Section 3.

Senator Cayetano. Yes, Mr. President. We have the copy of Administrative Order No. 50 issued by President Estrada on February 17, 1999. We feel that the present bill, Senate Bill No. 2117, is supportive of Administrative Order No. 50 and although we did not incorporate any language of Administrative Order No. 50, we nevertheless took into consideration the contents of the same.

The President. May the Chair know the views of the sponsor on the guidelines for determining the fair market value of the property as found in AO No. 50?

Senator Cayetano. The guideline, Mr. President, is stated in Section 3 thereof. It says here:

In order to facilitate the immediate judicial determination of just compensation during the

expropriation proceedings, the expropriating agency or its duly authorized assessor, in appraising the fair market value of the private property intended to be condemned, must consider, among others, well established factors, the following relevant standards:

(a) The classification and use for which the property is suited;

(b) The developmental costs for improving the land;

(c) The value declared by the owners;

(d) The current selling price of similar lands in the vicinity;

(e) The reasonable disturbance compensation for the removal and/or demolition of certain improvements on the land and for the value of improvements thereon;

(f) The size, shape or location, tax declaration and zonal valuation of the land;

(g) The price of the land as manifested in the ocular findings, oral as well as documentary evidence presented; and

(h) Such facts and events so as to enable the affected property owners to have sufficient funds to acquire similarly-situated lands of approximate areas as those required from them by the government, and thereby rehabilitate themselves as early as possible.

These are basically the standards under Administrative Order No. 50.

Mr. President, under prevailing jurisprudence, both the legislative body and the executive department may suggest guidelines on what constitutes "just compensation." But at the end of the day, it will be the court that will determine what really is "just compensation."

In our Senate Bill No. 2117, the standard we set there, Mr. President, is the zonal valuation of the Bureau of Internal Revenue, which I understand the bureau undertakes every so often in many urban areas. And in the absence of that, also on the basis of the fair market value, which, of course, would be determined by the court.

My own observation there, Mr. President, is, we need not

put these standards for the purpose of Senate Bill No. 2117 because at the end of the day, as I said, the court would consider everything. And whatever we put here will only be considered as a guideline for the court.

The President. The Chair is satisfied with the answer of the sponsor.

The Majority Leader is recognized.

TATAD AMENDMENT

Senator Tatad. Mr. President, there is a motion to the... I am sorry, I think that has been disposed of.

On page 1, Mr. President, Section 2, consistent with the amendment that I had proposed—and which was accepted on Senate Bill No. 2038—I move that we strike out the words appearing after the word "activities" in line 8 until the word "undertaken" in line 10.

The President. What does the sponsor say?

Senator Cayetano. I accept the amendment, Mr. President, in view of the fact that such amendment was also proposed by the Majority Leader and accepted by the sponsor on Senate Bill No. 2038.

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

Senator Tatad. Unless there are any amendments on page 1, I propose that we now go to page 2.

The President. Page 2.

Senator Cayetano. On page 2, in answer to the query of the President, I did discuss basically the guidelines for the basis of payment of just compensation.

So with due respect, Mr. President, I need not repeat myself on the subject matter as regards what would be the basis of the valuation of just compensation.

The President. Yes.

Senator Defensor Santiago. Mr. President.

The President. Sen. Miriam Defensor Santiago is recognized.

DEFENSOR SANTIAGO AMENDMENT

Senator Defensor Santiago. Mr. President, please, I will refer to Section 3 in general terms. I have no specific amendment to make on any of the phraseologies that are included in this lengthy Section 3. But I have an amendment in terms of the concept of Section 3.

On page 1, line 15, the first line of Section 3 provides:

Guidelines for Expropriation Proceedings. — The government may acquire real property needed as right-of-way and/or site or location of any government infrastructure project through donation, negotiated sale or expropriation.

In other words, our bill provides for three ways by which government may initiate the process of acquiring private property for public use: No. 1, by donation; No. 2, by negotiated sale; and No. 3, by expropriation.

However, if we read Section 3, we find that Section 3 deals only with cases of expropriation. It does not mention or contain any provision relating to donation or negotiated sale.

I believe that just like agrarian reform, the question of expropriation of private property for public use should as much as possible focus the proceedings on voluntary settlement by the owner of the property so as to avoid costly and maybe time-consuming litigation.

So may I propose an amendment to Section 3 such that there shall be provisions on both donation and negotiated sale with the end in view of providing incentives to the private property owner to choose these two methods rather than to await the third method which is expropriation.

Perhaps we could, in those provisions, specify what incentives should be added. Maybe, we can make the price a little bit higher. That way, the private property owner would be motivated to give up his property, either donate it outright or conduct a negotiation towards a negotiated sale rather than resisting and possibly contesting the expropriation proceedings.

The President. The sponsor may consider that under AO No. 50, the government may offer 10 percent higher than the zonal value in case of a negotiated sale.

Senator Cayetano. I really have no strong feeling against the observation and proposed amendment of the lady senator from Iloilo, except that Section 3 deals with expropriation.

When we speak of donation or negotiated sale, we are not really speaking of expropriation because expropriation will pass through the courts. On donation and negotiated sale, these certainly will not pass through the courts.

I do believe, however, as I said, that the point of the lady senator is not only correct but realistic. I will just have to be assisted where to locate that particular provision because Section 3 speaks only of expropriation proceedings in courts.

Senator Defensor Santiago. If I may be allowed to respond, Section 3 can remain as it is with the first paragraph. Then after this first paragraph, new paragraphs should follow concerning donation and negotiated sale.

Thereafter, line 18 of page 1, which begins with "If the property is to be acquired through expropriation" should be made Section 4, with the title "*Guidelines for Expropriation Proceedings.*"

Senator Cayetano. In that case, Mr. President, I accept gladly the proposed amendment. I would appreciate if the lady senator could write out the amendment so that...

Senator Defensor Santiago. Yes, I can submit this.

SUSPENSION OF SESSION

Senator Tatad. 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 3:40 p.m.

RESUMPTION OF SESSION

At 4:01 p.m., the session was resumed.

The President. The session is resumed.

Senator Cayetano. Mr. President, after a consensual meeting of minds with the lady senator hosted by the Majority Leader, we accept the proposed amendment and thereby renumber in the process as well as change the paragraph beginning Section 3. Section 3 which reads "*Guidelines for Expropriation Proceedings*" will now be renamed as METHODS OF ACQUIRING REAL PROPERTIES. Then the whole paragraph will continue: "The government may acquire real property needed as right-of-way and/or site or location of any govern-

ment infrastructure project through donation, negotiated sale or expropriation." Then it will continue as follows: IN CASE OF DONATION OR NEGOTIATED SALE, THE GOVERNMENT SHALL PAY THE PRIVATE OWNER OF THE REAL PROPERTY AN AMOUNT EQUIVALENT TO TEN PERCENT (10%) HIGHER THAN THE ZONAL VALUATION OF THE BUREAU OF INTERNAL REVENUE OR HIGHER THAN THE PREVAILING FAIR MARKET VALUE OF THE LAND.

This is consistent with Administrative Order No. 50 of the President.

The President. May I hear the view of the proponent, Sen. Miriam Defensor Santiago, on that proposed amendment.

Senator Defensor Santiago. This is as we substantially agreed upon, subject to style.

The President. The amendment has been proposed by Sen. Miriam Defensor Santiago and accepted by the sponsor. Is there any objection?

Senator Roco. Mr. President.

The President. Sen. Raul S. Roco is recognized.

Senator Roco. I just want to be clear on the proposed amendment, Mr. President. As I take it, on page 2, the implementing agency shall now pay—not deposit to the court—an amount equivalent to 10 percent above the zonal valuation. Is this correct?

The President. Or fair market value.

Senator Cayetano. Yes, Mr. President. This is in case of negotiated sale because it does not pass through the court.

Senator Roco. And then later on we shall give another mode for expropriation.

The President. Yes, that is correct.

Senator Cayetano. Under the proposed amendment, Section 3 which is titled "*Guidelines for Expropriation Proceedings*" will now be the title of a new Section 4 beginning in line 18.

The President. Yes.

Senator Roco. So are we saying that in case of donation, this will apply to donation and negotiated sale?

Senator Cayetano. No. I am sorry. It does not apply in case of donation.

Senator Roco. Yes, of course.

Senator Cayetano. It is on a negotiated sale only.

Senator Roco. That is correct. So, this applies only to a negotiated sale. But if it is a negotiated sale, how come we are already furnishing the valuation? I can understand it if it were in the expropriation that there is a payment of 10 percent over zonal value and then we litigate on the balance. And that is the recommended amendment I wish to propose later on. But in a negotiated sale, I take it that if it is negotiated, there must be an agreement.

Senator Cayetano. Yes, Mr. President.

Senator Roco. So we must leave the agreement on the valuation to the parties concerned.

Senator Cayetano. That is correct. But the proposal is to precisely offer a little higher. The private landowner may feel that the amount being offered to buy the property is not acceptable to him so the idea is to offer a little higher.

Senator Roco. I have no problem with higher valuation, Mr. President. But in the three modes, obviously, in donation, we do not need any valuation because who cares? I mean, I can donate to him by whatever valuation. It is immaterial since it is given freely.

But on a negotiated sale, we cannot put on the law the valuation because it is precisely negotiated. I mean, it is contradictory in terms. Let us not call it a negotiated sale if we are already furnishing the price. But in an expropriation, then I can understand the formula. If that formula were to apply to expropriation so that it is 10 percent over zonal and whatever is above that we litigate, then I think, Mr. President, we will finally really solve the problem of right-of-way. We allow litigation on anything above 10 percent over zonal.

SUSPENSION OF SESSION

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

It was 4:07 p.m.

RESUMPTION OF SESSION

At 4:10 p.m., the session was resumed.

The President. The session is resumed.

Senator Defensor Santiago. Mr. President, I would like to file a motion for reconsideration of my amendment.

The President. The lady senator may proceed.

DEFENSOR SANTIAGO AMENDMENT

Senator Defensor Santiago. My proposed amendment in Section 3 is now in this form. On page 1, line 17, eliminate the term "negotiated sale", such that line 17 will read "infrastructure project through donation or expropriation."

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

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

Senator Defensor Santiago. I will now go to page 2 still on this section, line 5, which reads: "the fair market value as stated in the current tax declaration." I move to amend this paragraph by removing the period (.) ...

Senator Roco. Anterior amendment, Mr. President.

The President. Senator Roco is recognized.

Senator Roco. With leave of the main proponent. During the break, we were suggesting precisely that in case of expropriation, the implementing agency—no longer with the court—shall pay to the owner the amount of 10 percent over zonal value as defined by the BIR, provided, however, that if the owner requires anything more, the balance of the amount shall be litigated. I am defining concepts first, Mr. President.

The owner gets paid 10 percent over zonal value. If he disagrees with that amount, we litigate whatever the balance is. But government assumes possession already over the property. In that way, I think we satisfy all the present standards for expropriation. The owner is basically happy because he has zonal value plus 10 percent and he may still win his case. The government is happy because it can assume possession and the project continues, and it waits for the litigation to finish in whatever time.

The President. Just to clarify. The owner will be paid immediately 10 percent over zonal value.

Senator Roco. Yes, Mr. President, immediately 10 percent over the zonal value.

The President. Whatever is the balance, if there is no agreement on just compensation, will be litigated in court.

Senator Roco. Yes, Mr. President. If the demand of the owner is more than that, then the balance shall be litigated. So we do not deprive the courts of the authority and the right to define what is the fair and just compensation of the case that was referred to.

The President. So that there is no more concept of depositing 50 percent.

Senator Roco. No more, Mr. President. We change totally the concept of this deposit because it does not solve it. The owner can always claim that there was an abuse or somebody misused. But if he is fully paid, first installment, transfer of title is already given to the government and infrastructure projects proceed.

The President. What does the lady senator say?

Senator Defensor Santiago. This concerns the estimated value of the land. Does it address in any way the estimated value of these structures or improvements on that land?

Senator Roco. No, Mr. President. But we are not adverse to putting another formula for estimated structures. Although normally, in terms of right-of-way—and here I am very sympathetic to the problems of right-of-way—if there are buildings, we would normally plan a road or a highway away from where it is occupied by structures because it becomes more expensive. But the problem always is that the owner, especially when we cut through or divide his property, of course, will complain.

On the other hand, in terms of valuation, when we cut through a property, the owner has incremental value for what remains because a property without a road is obviously cheaper.

While I am not hostile to defining a valuation for structures, I prefer to leave that to the committee or to the lady senator. But, first, we must address normal right-of-way problems. Then we have another definition on structures if that is necessary.

Senator Cayetano. Mr. President, with the consent of the gentleman from Camarines Sur and the lady senator from Iloilo, the concept—if I am correct—is to immediately pay to the owner 100 percent of the estimated value of the land based on the latest zonal valuation of the Bureau of Internal Revenue.

Senator Roco. It is zonal valuation plus 10 percent.

Senator Cayetano. Plus 10 percent. Or in the absence thereof, the fair market value...

Senator Roco. There is no more alternative.

Senator Cayetano. Mr. President, we are talking of concept. I understand that not all provinces and cities have been subjected to zonal valuation by the Bureau of Internal Revenue. I checked this myself with the people in the Bureau of Internal Revenue and they said they have practically done it in all the urban areas. So again, concept-wise, in cases where we have no zonal valuation by the Bureau of Internal Revenue, we have to reckon the value of the land on certain basis. Conceptually speaking, according to the definition of "just compensation," it is basically fair market value.

The other one, which was addressed by the lady senator from Iloilo City, is that the proposed bill has a provision on payment of 50 percent of the estimated value of the structure and improvements on the land, based on the market value again, as stated in the current tax declaration.

So the bill speaks of pure right-of-way without any improvement or structure therein. In case there is an improvement or structure, it also addresses this. But I do realize that probably, this has to be in a separate paragraph.

Senator Roco. Mr. President, the concept of my proposed amendment is precisely to simplify. The first thing we have to address is the problem of right-of-way, whether there are zonal valuations or not. If there is a zonal valuation, then the owner gets paid immediately 10 percent over zonal valuation. That is the first proposal. If that is accepted in concept, then we can go now to the second case.

Senator Cayetano. Yes, Mr. President. For the record, I accept that in concept.

Senator Roco. All right. The second case therefore will be in places where there is no zonal valuation. As a matter of development policy, I think we should therefore require the Bureau of Internal Revenue or whoever—

The President. The Bureau of Internal Revenue.

Senator Roco.—to give the zonal valuation because tax planning based on land valuation is essential to development. So we solve the problem of lack of zonal valuation that is still with government. So we are ahead.

The Bureau of Internal Revenue will be mandated under the second instance to fix the zonal valuation. There is a

procedure, and it is done with the city or the municipality council concerned. So we solve that problem.

Senator Cayetano. May I interject.

Senator Roco. Yes, please.

Senator Cayetano. Mr. President, I would share that assertion by the gentleman from Camarines Sur, except that realistically speaking, we may not be able to get the Bureau of Internal Revenue to immediately go to a place where a right-of-way will be taken for expropriation proceedings and to conduct a zonal valuation because I think it is doing this on a province-per-province basis, city-per-city, and municipality-per-municipality. I think this is not an easy job as far as the Bureau of Internal Revenue is concerned.

I am just worried that if we adopt that as a concept, we may stymie, we may create a stalemate here where instead of hastening the acquisition of right-of-way, we may have to await the zonal valuation of the Bureau of Internal Revenue which may take months or even years. That is my only worry there.

Senator Roco. Yes, Mr. President.

If we assume, for the sake of argument, that the second mode that we are recommending is accepted by the committee, then we get to the third mode.

In the event that there is a need for a right-of-way and there is no zonal valuation, then we adopt whatever is the fair market valuation but we incorporate the same formula. So the government pays immediately whatever is acceptable to government, maybe 60 percent immediately of fair market value and litigate on the balance but transfer ownership upon payment.

I appreciate, Mr. President, and I really share the concern of the national government here. I have seen this stymied development. We must solve the initial problem of transferring possession and title over the land. That can only be done if there is payment of some kind. Because when we are litigating, the owner becomes more firm in protesting because the government is getting his land and the government is not even giving him anything. But if the government gives him whatever, 60 percent or 70 percent immediately, and then litigate on the balance, we assuage already the loss of property.

The President. May the Chair be clarified?

Senator Roco. Yes, Mr. President.

The President. Conceptually, it is payment of zonal valuation plus 10 percent, if there is a zonal valuation.

Senator Roco. That is the first mode. No. 2...

The President. If there is no zonal valuation—

Senator Roco. Mandate immediate zonal valuation by BIR.

The President. —mandate immediate zonal valuation, say, within x period.

Senator Roco. Yes, because it is still government. It depends on...

The President. We can probably mandate within what, 60 days?

Senator Roco. Whatever, or let the President just discipline these guys. I mean, after all, they are under the executive department and they should be straightened out.

The President. And then?

Senator Roco. This is where the real right-of-way problems occur, Mr. President. When there is no valuation and these are small parcels of land in the hinterlands and these are the last pieces of property of the last son of the family, then there will really be problems because magpapakamatay, to prevent the government. We must therefore assuage the loss of property by immediate payment of whatever formula the committee recommends.

Senator Cayetano. I agree with the third method, but I will even go further, Mr. President. If there were a zonal valuation, we are paying 10 percent over the zonal valuation. In the absence of a zonal valuation, which is the third method now, it is the fair market value. I think we have to provide also the same formula. Meaning, 10 percent over the fair market value.

Senator Roco. No, the fair market value will be litigated. It is the one that will be litigated. What is the fair market value? When a willing seller sells to a willing buyer, what is that fair market value or whatever fair and... So we want to avoid litigation that prevents the implementation of the project. There must be payment.

Senator Cayetano. Yes, there will be payment. I am not saying that there will not be any payment. What I am even saying is, since we are giving 10 percent over zonal, if there was a zonal valuation to the landowner as payment so it is 110 percent, now in the absence of that, we are looking at what the fair market value is.

What I am suggesting is really not to discriminate a

landowner whose land has not been valued by the Bureau of Internal Revenue and pay not only 60 percent but even 110 percent of the fair market value, *kaya wala nang* litigation.

SUSPENSION OF SESSION

Senator Tatad. 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 4:23 p.m.

RESUMPTION OF SESSION

At 4:25 p.m., the session was resumed.

The President. The session is resumed. Senator Roco is recognized.

Senator Roco. Mr. President, on the third mode, I think we have tentatively reached a formula.

Since the assumption here is there is no zonal valuation and the government thinks the fair market value is x, but the owner thinks the fair market value is $x + 500$, then the government pays fully what it thinks is the rightful fair market value. Transfer of ownership occurs and the balance is litigated.

The President. Is it transfer of ownership or transfer of possession?

Senator Roco. Possession. Whatever it is that we need, Mr. President, possession or ownership. I have not crossed that bridge.

Senator Cayetano. It is transfer of possession.

Senator Roco. All right. Transfer of possession then.

So if we have a transfer of possession on the basis of what the government feels is the correct market value, 100 percent. It depends now. The reasonableness will become litigated. The balance, the claim of the owner of $x + 500$, we litigate the 500. Then x is fully paid.

Senator Cayetano. I accept that concept, Mr. President, as discussed with the Majority Leader.

Senator Roco. In which case, Mr. President, if we will put that x, the committee should think of some factors to define for

the government, because some unreasonable government bureaucrat may decide that P100,000 is reasonable. We must now give an appropriate standard by which the government will define its x.

The President. That standard may be found in Section 3 of Administrative Order No. 50 which was read earlier.

Senator Cayetano. That is right, Mr. President.

Senator Roco. In the Administrative Order.

Senator Cayetano. Yes. That is a standard that we may use.

Senator Roco. Then in this case, reference to that or actual reproduction of that, Mr. President, will give legislative standard.

Senator Cayetano. We will lift it verbatim, Mr. President.

Senator Roco. But it will be fully paid.

Senator Cayetano. Yes, Mr. President.

Senator Roco. So that is great, Mr. President. In which case, we may satisfy all the requirements.

Senator Cayetano. Yes.

The President. So subject to style.

Senator Cayetano. Yes, Mr. President, subject to style.

The President. Sen. Miriam Defensor Santiago wishes to be recognized.

Senator Defensor Santiago. Before we vote on this amendment, may I inquire from the sponsor whether page 2, lines 1 to 5, are based on the administrative order.

Senator Roco. Yes, Mr. President.

Senator Defensor Santiago. Are we basing it on the Malacañang issuance—the original provision for depositing 50 percent on the zonal value, 50 percent on the fair market value? Was that based on the administrative order issued by Malacañang?

Senator Cayetano. No, Mr. President. As far as I know about Administrative Order No. 50, the deposited amount is only equivalent to 10 percent of the offered amount.

Senator Defensor Santiago. Only 10 percent, and the committee raised it to 50 percent.

Senator Cayetano. As I said, we also consider the reality of the situation as far as the landowner is concerned. Because 10 percent is really a very small amount when one is going to be deprived of the possession and use of his property.

Senator Defensor Santiago. I asked that question to place our discussion in perspective.

Malacañang believes that a deposit in court of 10 percent of these values would be sufficient. Our committee raised it to 50 percent, but now there is a pending amendment to pay 110 percent of either the zonal value or the fair market value.

My point here is, if Malacañang, specifically the Department of Budget and Management, determines that there is no sufficient money in the Treasury to pay 110 percent of the zonal value before the infrastructure project can be initiated, then this proposed amendment might only serve to delay further public works projects.

In other words, I need information on whether the Department of Budget and Management thinks it is within the financial capability of national government to pay immediately to the private property owner 110 percent of zonal value or of fair market value, considering that when it drafted from its side the original administrative order, it started with a very low 10 percent only as a deposit in court. From 10 percent to 110 percent is a quantum jump, and we do not want Malacañang later to protest assuming that it cannot implement this bill or this law.

Senator Cayetano. Mr. President, I appreciate the comment of our distinguished colleague. I think the basis of Malacañang's provision on the deposit of 10 percent is the present provision of the Rules of Court on expropriation.

But for the record, when we conducted a public hearing on this, the Department of Public Works and Highways was represented and it did not object to the 50 percent. Of course, we are no longer talking of 50 percent but of 100 percent. I do not know what is the view now of the implementing agency. Certainly, it will cost much more, at least, in terms of immediate outflow of cash for the implementing agency. But at the end of the day, according to this bill, within 60 days from the filing of the expropriation, the balance that will be litigated and determined later on by the court will be paid to the owner. So it is only a matter of days. Of course, the immediate cash outflow is the problem here as far as the implementing agency is concerned.

Senator Defensor Santiago. I submit to the considered wisdom of the chair of the committee, Mr. President. I do not know whether we should continue this debate in our next session day after we would have obtained the necessary data, or whether we should just proceed and assume that Malacañang will simply have to tailor its own procedures to comply with the provisions of our bill.

That is all, Mr. President.

Senator Cayetano. Mr. President, I understand that when we had a hearing on this bill, the implementing agency, the Department of Public Works and Highways, has already an x amount for acquisition of right-of-way. As I said, it did not object to this 50 percent deposit. Of course, there is also a provision here in the bill that each implementing agency will have so much amount for expropriation.

We are concerned as much as the gentle lady senator from Iloilo is concerned with that, but I think we could proceed with this and just urge the implementing agency to comply as much as possible to what we will agree on here, Mr. President.

The President. There is a pending motion to amend in the manner presented by Senator Roco and the committee has accepted the same, subject to style.

Senator Roco. Yes, Mr. President. If we can have an approval of that amendment, I can touch on another point.

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

Senator Roco. Thank you, Mr. President. Having approved now the three-step valuation, I think there is a point in seeking inputs or some kind of action from the Department of Budget and Management because if there is no budget even for the right-of-way, obviously, there cannot be money even for the project. It goes without saying.

Mr. President, the other portion that I want to touch on now is we must define the guidelines for the court in determining the litigated balance. So the next point is to give guidelines to the court on how it will decide the disputed balance—in my example, $x + 500$, the 500 units.

Mr. President, I will ask the committee staff to try to define it later on. But the concept, if it is acceptable to the chairman, should be something like this:

If there is an incremental value, that should be considered because when we build a road, there is an increase in value of

the real estate, of the property. That should, therefore, be taken into consideration to determine the final amount. But if the right-of-way totally or proportionately renders useless the property—because if it is one hectare and three-fourths of the hectare is taken away, it is more expensive to plant rice on one-fourth of a hectare, although it is no longer needed—that “total loss” provision should also be considered by the court. So we may actually pay more simply because we destroy the whole property.

But those legislative standards, Mr. President—and I am not ready with the wordings—should be necessary so that the property owners, especially now that they only have very small properties because of the Agrarian Reform Program, are also amply compensated under the constitutional standards of fair and just compensation.

Senator Cayetano. Mr. President, as a comment, the jurisprudence on what just compensation is tells us that even though we have fixed the amount in a law, nevertheless, the ultimate arbiter of what just compensation is belongs to the court. We cannot deprive the court in determining what just compensation is. In fact, there are rulings that the amount provided by statutory guidelines are merely *prima facie* evidence of what just compensation is. The ultimate amount of what constitutes just compensation is judicial in character.

Now, as far as consequential damages and consequential benefits are concerned, again, jurisprudence tells us that the courts have already considered these and therefore we may not include them anymore as standards because there are several cases. For instance, in *Manila Railroad vs. Rodriguez*; 13 Philippines 347, an almost 100 year-old case, it says that not only must the court include consequential damages but it must also include consequential benefits; that the increase in the value of the other interest of the landowner may acquire as a result of the acquisition of his property.

So I think on the basis of jurisprudence now prevailing, Mr. President, and with due respect to my esteemed colleague, we need not put any statutory guideline on what will be the basis of just compensation.

Senator Roco. Mr. President, I do not think we have disagreements in concept with the sponsor. There is no disagreement. We are familiar with the cases, not specifically with that 100 year-old case, but we are familiar with the legislative and judicial standards followed in terms of fair, full equivalent or just and fair compensation and all these.

But what we are saying, Mr. President, is the consequence of the formula we have adopted. If the formula is the 1, 2, 3,

of zonal; or 100 percent of what the government says, or oblige the BIR to have zonal valuation, the next portion is the balance. In litigating that balance, we are not depriving the courts of inherent power to define what is just compensation. But what we are suggesting is precisely to sanctify, fossilize, or give sense of urgency to the courts. Since here we are favoring government in taking possession immediately, we must do something for the owner who has lost possession of the land.

That is why, I am saying that if this is an acceptable concept—I was not even moving to accept it already—I will ask the staff to now define the judicial standards that can be used in determining as soon as possible the factor of 500 that I was using in my example, the difference between 100 percent of fair market value according to government and the value according to the owner.

It is unfair and I am very conscious about this because of actual instances in Camarines Sur. There is a road, it is prevented because of a very small property. Airport is prevented because it cuts—we already had an agrarian reform, and now they are cutting it because of the airport; and so they become very emotional situations, Mr. President.

If we want to help government completely solve or minimize the problems arising from right-of-way, we are giving the suggestion to the committee to consider defining judicial standards. It does not violate the cases but it will facilitate because, at least, the litigated issues of fact are already defined for the government and the owner.

Senator Cayetano. Mr. President, concept-wise—and this I think is what we are talking about—even though we provide any kind of standard, the ruling case law says, as I said earlier that that is only a *prima facie* assessment of the legislative body and it does not bind the court. At the end of the day, it will be the court that will determine what is really just compensation.

Senator Roco. I am not disputing this, Mr. President.

Senator Cayetano. Mr. President, the reason I am trying to emphasize this is that we have a utility of putting up a standard whereby the court may or may not consider at all in determining what just compensation is.

So I think if we leave it to the court, under the present prevailing jurisprudence, there would be no need for such a standard. That is my point, Mr. President.

Senator Roco. That is my problem, Mr. President. My

problem precisely is leaving it totally to the court. I mean the court will have to be guided, of course, by the law. The issue is whether the court will strike it as unconstitutional simply because we define the legislative standards. I suggest not. But even if it does, then we are back exactly where the gentleman finds himself in the present judicial system.

Mr. President, having changed the nature of the situation, and having transferred possession immediately to the government, the equitable situation has changed. We must do something for the owner.

That is why I am not asking the committee now to give the answer or the specific formula. What I am asking the committee, and maybe the Majority Leader, is that we suspend consideration of this measure so that we define that formula, and we also answer the questions of the lady senator from Iloilo. I am not trying to delay this. Maybe we can work out a real solution to the right-of-way problem.

SUSPENSION OF SESSION

Senator Tatad. 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 4:42 p.m.

RESUMPTION OF SESSION

At 4:49 p.m., the session was resumed.

The President. The session is resumed.

With the indulgence of Senator Jaworski, may we just dispose of the pending motion of Senator Roco?

Senator Jaworski. Yes, Mr. President.

The President. Senator Roco is recognized.

Senator Roco. Mr. President, during the informal caucus, we proposed and we agreed on the concept that in the litigation, on the balance claimed by the owner, definite standards be identified. And the standards are...

The President. Section 3 of AO No. 50.

Senator Roco. Whatever it is, that may be repeated in the bill. If this is acceptable to the committee, Mr. President.

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

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

Sen. Robert S. Jaworski is recognized.

Senator Jaworski. Thank you, Mr. President.

Just a point of clarification. This is also relative to the standards that we are about to set. I can imagine that there are a lot of rural expropriations. But in the midst of development, there are also a lot of urban expropriations. I read the portion of the administrative order which says that reasonable compensation should be effected when only a portion of the structure is affected. I guess we also have to consider this in the standards that we have to set. Because in both propositions, whether it be 50 percent or 110 percent, the government's side will be truly jeopardized if this is not properly defined.

Thank you, Mr. President.

The President. Sen. Miriam Defensor Santiago is recognized.

DEFENSOR SANTIAGO AMENDMENT

Senator Defensor Santiago. Pursuant to the understanding during the suspension of the session, may I please recommend to the kind consideration of the sponsor the amendment in Section 3 to reflect that BEFORE POSSESSION OF THE PROPERTY IS TAKEN BY THE GOVERNMENT AFTER THE PAYMENT PROCEDURES HAVE BEEN OBSERVED, FIRST, THE GOVERNMENT MUST SHOW A CERTIFICATE FROM THE PROPER GOVERNMENT OFFICE, CONCEIVABLY THE DEPARTMENT OF BUDGET AND MANAGEMENT, THAT FUNDS ARE AVAILABLE in compliance with the procedure set out in Section 3.

The President. What does the sponsor say?

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

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

Senator Roco is recognized.

Senator Roco. I take it, Mr. President, we are now in line 11. In the case of the squatters.

The President. Yes.

ROCO AMENDMENTS

Senator Roco. In the case of the squatters, I am submitting again, for consideration of the committee, another concept, "the court shall issue a 'Writ of Demolition' for the purpose of dismantling any and all structures found in the subject property."

I suggest that that is a fairly harsh provision. What the committee may want to consider, Mr. President, since there is already an existing law on paying squatters' disturbance or transfer or some kind of compensation for moving them or relocating them, that formula then should also be adopted. Because there is an existing law covering squatters. If they are there and we have the so-called "disturbance compensation,"—I think that is what they call it—then they should be paid, instead of the writ of demolition. Imagine passing a law ... We have just taken over the property and then, if there are squatters, we will also demolish them. I think it will create... It is like taking over Camp Abubakar.

Senator Cayetano. Mr. President, the use of the word "demolition" is nothing new. Even RA No. 7279, under Section 28, speaks of eviction and demolition. But I do agree that we can probably use a better language.

Senator Roco. But the concept, Mr. President, is that, since the squatters under the Lina Law—I think it is referred to as the Lina Law—are given some kind of disturbance compensation, then it should also be introduced here. Otherwise, because of the difference in treatment, this will supersede that portion of the Lina Law. Whether policy reasons will compel us to do that is another question. But I do not hear that as the intention. I hear it only as the fastest way to build an infrastructure without necessarily depriving people of rights.

So will the gentleman or the staff consider the formula for disturbance compensation? I do not know it myself.

Senator Cayetano. Mr. President, I accept not only the concept but the amendment, if the gentleman will introduce it as an amendment. Because, indeed, under Section 4, which speaks of squatter relocation sites, this was taken from the Lina Law. But it does not contain, as the gentleman from Camarines Sur has said, any financial assistance in case there is no relocation site. We will include that as a matter of policy. And if it is introduced as an amendment, we will accept it.

Senator Roco. If that is the situation then, we will propose the concept as an amendment so that it can be acted on.

Senator Cayetano. Yes, I accept that, Mr. President.

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

Senator Roco. Finally, Mr. President, there is the remaining problem of the structure. I would imagine that the structures would occur only in urban infrastructure projects. But the situation radically changes when there are structures. There are structures that are more expensive than the land. There are structures that can be overvalued, in the example of Senator Jaworski, when they are even already abandoned structures. So, we have an area for graft. We would want also to avoid that.

I have no concept, Mr. President. I have not solved that myself, but I will ask the committee and the staff to focus on structures in urban infrastructure programs. They should be treated differently.

That is all I am saying, Mr. President. I do not know whether the lady senator from Iloilo has a proposed formula; but if not, the committee staff may want to focus on these and find out how other cities in the world treat them.

Senator Cayetano. Mr. President, in this Senate bill under consideration, normally, the value of the improvements on the land is listed on the tax declaration for tax purposes. It is on this basis that this bill considers payment of 50 percent, first payment, immediate payment of 50 percent of the estimated value of the structures and improvements on the land to be acquired as stated in the current tax declaration.

I think the best evidence, as far as the owner is concerned, is the tax declaration where the owner puts the value of the improvements on the land. On that basis, we could probably proceed that 50 percent of that will be paid, and if the owner does not agree, then we can leave that again to litigation.

Senator Roco. No, Mr. President. In the case of the structures now, I think we should just try to find a new formula.

I will give an example. Now, it is not just the land or the structure. The right to a view was one of the problems in Makati, in LRT. The Makati guys did not want an LRT on top, so they went under. So valuation then changes depending on whether one has a train rolling above his roof or rolling under the ground. That is one.

The other problem I have some familiarity with, Mr. President, is the overpass that leads to our homes, the overpass near Ateneo. There was a chapel. So the valuation became very difficult. How do we value the Carmelite nuns'... *Ano iyon*, where we put eggs so that there is no rain?

These are the valuations. That was settled when a private entity built an exact replica.

Those are the things, Mr. President, that are very difficult and yet they delayed. Senator Tatad and I who live in that area have to suffer through three years, I think, of extremely agonizing traffic because of that.

So, I am suggesting that the committee, with its pool of information, find a formula that may be used in some major city for structures, because we should not go on the old formulas of what is declared. That is exactly the reason there is a litigation.

That is all, Mr. President.

Senator Cayetano. Mr. President, during the public hearing, I recall that we brought up this particular problem about valuation of improvements, and the reply of the Department of Public Works and Highways is that, as a matter of practice, it does start the valuation on the basis of what is declared in the tax declaration. Because it said, there is really no way of comparing the formula. Other countries have different ways of determining the value of the improvements on the land.

But as far as the Philippines is concerned, the Department of Public Works and Highways informed us that its first step is to see what is declared in the tax declaration.

I am not averse, Mr. President, to the suggestion of our colleague. But my point is, if we do inquire about this, we will not be able to get this bill going because certainly it will take a long time to have a consensus on what is an acceptable basis for determining the value of the improvements on the land.

The President. Is it acceptable to Senator Roco and the gentleman on the floor that we impose certain standards and leave to the administrative agency the issuance of the rules and regulations to determine proper compensation for structures in the urban areas?

Senator Roco. Of course, Mr. President, I mean, only to hasten the approval of the bill. But it is very important at this time not to be too in love with old standards because the value system has changed. The right of a property owner to feel that he wants his trees around, I mean, how do we value that? The right to a view and all these become more important in the urban sites. That is all I am saying. I mean, if these are standards, I am sure the staff can find some standards—it does not have to be a foolproof formula. I will be satisfied with some standards.

Senator Cayetano. Mr. President, as suggested by the Chair, if we may include a provision here for the adoption of

implementating rules to determine precisely the basis of what constitutes fair market value of the structures and improvements on the land, we can probably go on.

I understand that the gentleman from Camarines Sur is amenable to the suggestion of the Chair.

Senator Roco. If the concept is acceptable, subject to style, then maybe we can adopt that, Mr. President.

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

Senator Roco. One final point, Mr. President, and I beg really the indulgence of the Chair of the committee.

One final point is the environmental aspect. Again, we keep talking of ecology, environment, et cetera, but in drafting the laws, we tend to forget that these have an impact on the ecology. Therefore, Mr. President, some provisions also in recognition of ecological and environmental planning should be put in.

Whether it is environmentally sound so that we do not build the road that will obstruct a river because that is not good or something like that, Mr. President.

And together with a very specific standard that if one cuts trees, he must replace it with another tree or something to that effect. He must create or revive or bring back or return the balance of nature somewhere else. If we build a road here and we cut 10 trees, put 10 trees on the other side. I do not care how we do it.

Again, the concept is that there must be ecological and environmental consciousness in this infrastructure so that we have sustainable development, and as we build more roads, we do not become poorer but we actually become healthier as a nation.

Senator Cayetano. I accept that concept, Mr. President, and if the gentleman will agree, we can put that also as a guideline in the implementing rules that the concerned agencies will be required to adopt.

The President. In fact, right now, as far as the Chair knows, there can be no execution of any government infrastructure without an ECC being issued.

Senator Roco. That is correct, Mr. President.

The President. So that should cover the concern of the senator.

Senator Roco. But it is an undertaking that the sustainable development aspect of ecology and environment must be part of the consciousness imparted by the law.

The President. The committee can incorporate in the law that the existing requirement that ECC must be secured taking into account the ecological...

Senator Roco. Balance.

The President. Yes.

Senator Roco. Yes, Mr. President.

The President. Is that acceptable, subject to style?

Senator Cayetano. Yes, Mr. President.

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

Senator Roco. Then let me thank the gentleman, Mr. President, and now, hold my peace for the remainder of the day.

Thank you, Mr. President.

Senator Cayetano. Thank you, Mr. President.

TATAD AMENDMENT

Senator Tatad. Mr. President, we are still on page 2. May I just ask one question of the sponsor with respect to the full payment of compensation, lines 16 and 17, "On or before the date of the completion of the project".

Would it not be wiser to fix the period? Say, not later than the fixed period?

Senator Cayetano. Yes, Mr. President. We can probably change this language that the full payment of what has been litigated and determined by the court should be paid once the judgment on what is just compensation becomes final and executory.

Senator Tatad. I so move, Mr. President.

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

Senator Tatad. If there are 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.

Senator Tatad. With the understanding that the conceptual amendments will be dutifully translated into precise text.

APPROVAL OF S. NO. 2117 ON SECOND READING

Mr. President, I move that we vote on Second Reading on Senate Bill No. 2117, as amended.

The President. Is there any objection? *[Silence]* There being none, we shall now vote on Second Reading on Senate Bill No. 2117, 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. 2117, as amended, is approved on Second Reading.

Senator Cayetano. Thank you, Mr. President.

SUSPENSION OF SESSION

Senator Tatad. 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 5:07 p.m.

RESUMPTION OF SESSION

At 5:08 p.m., the session was resumed.

The President. The session is resumed.

SUSPENSION OF CONSIDERATION OF S. NO. 2117

Senator Tatad. Mr. President, before we adjourn, I move that we suspend consideration of Senate Bill No. 2117.

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

Senator Tatad. Mr. President, I move that we adjourn the session until three o'clock...

The President. Before that, Senator Roco is recognized.

Senator Roco. Do I take it, Mr. President, that the absentee-voting bill is in Special Orders on Monday?

Senator Tatad. We have intended to take up the absentee-voting bill today.

The President. How about the political ad?

Senator Roco. We thought, Mr. President, because of the hearing this morning, that we will reverse.

Senator Tatad. So as to keep the momentum, we will have the absentee voting. We have intended to call it today but those who had reserved to interpellate made the request that we do it on Monday.

Senator Roco. Monday is fine, Mr. President, as long as we prepare for Monday.

Senator Tatad. So it will be in Special Orders.

The President. All right.

Senator Roco. Thank you, Mr. President.

ADJOURNMENT OF THE SESSION

Senator Tatad. With that, Mr. President, I move that we adjourn the session until three o'clock Monday afternoon, August 21, 2000.

The President. Is there any objection? *[Silence]* There being none, the session is adjourned until three o'clock Monday afternoon, August 21, 2000.

It was 5:09 p.m.