

RECORD OF THE SENATE

TUESDAY, AUGUST 8, 2000

OPENING OF THE SESSION

At 3:18 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

The President. The eighth session of the Senate in 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. Juan M. Flavier.

Everybody rose for the prayer.

PRAYER

Senator Flavier.

Prayer Before A Meeting

Lord, as we go to session today
We ask freshness of Your Spirit
to quicken our thinking,
That out of confused issues
may come simplicity of plan,

That out of fear may come confidence,
That out of hurry may come deliberation,
That out of frustration may come guidance.

Let us get to our work
Not head first but heart first.
May we be able to disagree
without being disagreeable,
To differ without being difficult,
To be honest without tension
And frank without offense
In an atmosphere of team spirit.

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. Flavier.....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 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 Session No. 7 of Monday, August 7, 2000, and consider it approved.

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

SUSPENSION OF SESSION

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

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

It was 3:21 p.m.

RESUMPTION OF SESSION

At 3:23 p.m., the session was resumed.

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

*Arrived after the roll call

the issue is so sensitive that we should give everybody a chance because a mistake here could be fatal.

Senator Roco. May I recommend this, Mr. President. We take this up in caucus on Monday and set it on Special Orders on Monday afternoon's session so that it is a continuous preparation and discussion with our colleagues. If it becomes so tedious, then we will know what to do later on. But it is very sensitive, and I agree that it should be deliberated on.

So, if that is all right, there is a notice of caucus on Monday. It is specially included in the agenda, and then we move for Special Orders on Monday assuming we have some agreements in the caucus.

Will that be appropriate, Mr. President? If that is appropriate, then everybody should be happy with the schedule on Monday.

Senator Tatad. I support that position, Mr. President.

The President. The issue will be calendared for the caucus on Monday—

Senator Roco. And Special Orders in the afternoon, if it is so decided.

The President. —and Special Orders, yes.

The Chair earlier really called before the session today a majority caucus. With this manifestation now, it will be a caucus of the entire Chamber.

**MOTION OF SENATOR ROCO
(To Recall S. No. 1976 from the Bicameral
Conference Committee)**

Senator Roco. That is correct, Mr. President.

The President. So, we amend it accordingly.

Senator Roco. May we have an approval if there is no objection, Mr. President.

The President. On the recall of the bill from the Bicameral Conference Committee...

Senator Roco. Just for the conference, and not yet on the approval of the motion. I think we will hold a caucus and Special Orders on Monday.

Senator Tatad. Yes, Mr. President. Just the caucus and Special Orders.

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

Senator Roco. Thank you, Mr. President.

**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 now in the period of amendments. I ask that the distinguished sponsor, the chairman of the Committee on Justice and Human Rights, Sen. Renato L. *Compañero* Cayetano, be recognized.

The President. Senator Cayetano is recognized for the period of amendments.

Senator Tatad. We are now in the period of individual amendments.

Senator Cayetano. Thank you, Mr. President. These are committee amendments, Mr. President.

Senator Tatad. Is that a substitute measure?

Senator Cayetano. Yes, Mr. President.

Senator Tatad. That is a substitute measure.

Senator Cayetano. Yes, a revised copy.

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 5:38 p.m.

RESUMPTION OF SESSION

At 5:39 p.m., the session was resumed.

The President. The session is resumed.

Senator Tatad. Mr. President, this being a substitute bill, this forms the committee amendments. But the chairman has collated the individual amendments, and these amendments will now be presented as individual amendments.

The President. The sponsor, Senator Cayetano, may now proceed.

Senator Cayetano. Thank you, Mr. President. A copy of this revised version containing the several proposals for amendments during the period of interpellations are contained in this revised copy.

May I read, for the record AN ACT PROHIBITING LOWER COURTS FROM ISSUING TEMPORARY RESTRAINING ORDERS, PRELIMINARY INJUNCTIONS OR PRELIMINARY MANDATORY INJUNCTIONS. Delete the comma (,)...

Senator Tatad. We leave the title for last, Mr. President. We start with Section 2 and we go to the title last.

Senator Cayetano. With the suggestion of the Majority Leader, I will read Section 2, *Declaration of Policy*:

"It is hereby declared that the policy of the State to..." Delete the words "promote the" and insert the phrase INSURE THE EXPEDITIOUS AND. Insert the words AND COMPLETION between the words "implementation" and "of".

In line 5, delete the word "and" up to the word "and" in line 8.

The sentence will now read: "to avoid unnecessary increase in construction, MAINTENANCE AND/OR REPAIR costS due to delay", delete "ed" in "delay", then "project implementation" and insert IN ORDER TO IMMEDIATELY ENJOY THE SOCIAL AND ECONOMIC BENEFITS THEREFROM.

The President. Is there any objection to the proposed amendment in Section 2?

Senator Roco. Mr. President.

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

Senator Roco. Mr. President, I notice that there are many brackets and there are amendments. This is a very important bill. Since it was just given out today, is it all right if we read it overnight and then start on it tomorrow?

Senator Cayetano. I would like to propose, Mr. President, with due respect, which is, of course, I understand, I may just read this, for the record, and then maybe, later on, tomorrow, any objections to the proposed amendments could be heard.

Senator Roco. I appreciate that, Mr. President, but it does not save time. In fact, it just replicates. Whereas if it has been read and when these are introduced as committee amendments—maybe we all agree anyway—then we go home. But if he reads it, for the record, I am even willing to go on an omnibus motion. I have done it for past bills. In omnibus motions actually we do not have to read it line by line. It saves our voice and it saves our time. But all I want is for some time to reflect because it is an important measure. In fact, it is replicated also in this amazing Urban Development Council that Senator Biazon has proposed. Several of these provisions also appear there.

The President. Would the gentleman on the floor agree that we can just put this into the *Record*? We will not approve it, and for purposes of the session tomorrow, we will use this as the working draft.

Senator Roco. That is an appropriate remedy, Mr. President, and so we roll home on that basis.

Senator Cayetano. I appreciate the suggestion of the Senate President and I accept. I also defer to the request of the gentleman from Naga City, Camarines Sur.

Senator Roco. We are slow readers, Mr. President.

The President. With that, the Chair directs the Secretary to reflect into the *Record* and into the *Journal* the draft revised copy as of August 8, 2000. In the session tomorrow, the basis of the debates will be the revised copy as of August 8, 2000, the understanding being that these amendments have not yet been approved.

The following are the proposed individual amendments on Senate Bill No. 2038:

PROPOSED AMENDMENTS

1. On page 1, line 4, delete the words "promote the" and in lieu thereof, insert the phrase ENSURE THE EXPEDITIOUS AND; after the word "implementation," insert the words AND COMPLETION;

2. On the same page, delete the phrase starting

with the words "and/or the unhampered" in line 5 up to the words "possible and" in line 8;

3. On the same page, line 9, after the word "construction," insert the words MAINTENANCE AND/OR REPAIR; add the S to the word "cost"; delete "ed" in the word "delayed" and the words "project implementation" in line 10, and in lieu thereof, insert the phrase IN ORDER TO IMMEDIATELY ENJOY THE SOCIAL AND ECONOMIC BENEFITS THEREFROM;

4. On the same page, delete the entire Section 3 starting in line 12 up to page 2, line 7;

5. On page 2, delete the entire Section 4 starting in line 8 up to line 1 of page 3;

6. On page 3, delete lines 2 to 30;

7. On page 4, delete lines 1 to 13;

8. On the same page, line 14, renumber "SEC. 8" to SEC. 3;

9. On the same page, lines 16 and 17, change the capital letters "T," "R," "O," "P," "I," "P," "M" and "I" to small letters in the words "Temporary Restraining Order, Preliminary Injunction or Preliminary Mandatory Injunction";

10. On the same page, line 18, delete the semicolon (;) after the word "government" and the conjunction "or" and in lieu thereof, insert the phrase AS DEFINED HEREIN, TO;

11. On the same page, line 20, after the words "any such," insert the word INFRASTRUCTURE;

12. On the same page, line 21, delete the semicolon (;) after the word "project" and in lieu thereof, insert a comma (,);

13. On the same page, line 22, delete the semicolon (;) after the word "operation";

14. On the same page, line 23, insert "AND/" between the words "right-of-way" and "or"; and insert the conjunction OR after the word "site";

15. On the same page, line 24, insert the word LOCATION before the words "of any government";

and delete the semicolon (;) after the word "project";

16. On the same page, line 25, after the word "contracts," insert the phrase OF PROJECTS UNDER REPUBLIC ACT NO. 7718, OTHERWISE KNOWN AS THE BUILD-OPERATE-TRANSFER LAW and delete the phrase "under Section 7 hereof" in line 27;

17. On the same page, delete lines 28 to 30;

18. On the same page 4, starting in line 31, up to page 5, line 12, insert the following new Sections:

SEC. 4. NULLITY OF WRITS AND ORDERS. – ANY TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION OR PRELIMINARY MANDATORY INJUNCTION ISSUED IN VIOLATION HEREOF IS VOID AND OF NO FORCE AND EFFECT.

SEC. 5. 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 PROJECTS COVERED UNDER THE BUILD-OPERATE-TRANSFER LAW.

19. On page 5, line 13, change "SEC. 9" to SEC. 6 and delete the last letter "s" in the word "Sanctions";

20. On the same page, delete the provision starting with the word "No person" in line 13 up to the article "A" in line 17 and in lieu thereof, insert the following proviso: IN ADDITION TO ANY ADMINISTRATIVE, CIVIL AND CRIMINAL LIABILITIES HE MAY INCUR UNDER EXISTING LAWS, ANY;

21. On the same page, line 19, insert the word TEMPORARY between the article "a" and the word

"restraining"; delete the words "or a writ of"; and insert the phrase OR PRELIMINARY MANDATORY INJUNCTION IN VIOLATION OF after the word "injunction";

22. On the same page, lines 20 and 21, delete the words "contrary to Section 8" and in lieu thereof, insert SECTION 3; delete the comma (,) after the word "days";

23. On the same page, line 22, insert the word PAY and a period (.) after the word "without" and delete the phrase thereafter;

24. Delete the proviso starting in line 24 of page 5 up to line 30 of page 6;

25. On page 6, in line 31 up to line 4 of page 7, delete the entire Section 10; the succeeding Sections accordingly;

26. On page 7, line 5, renumber "Section 11" to Section 7; and

27. On the title of the bill, delete the comma (,) after the word "INJUNCTION" on the fourth line, and insert the phrase IN CASES INVOLVING GOVERNMENT INFRASTRUCTURE PROJECTS; and after the word "COMPLETION," delete the words "OF

GOVERNMENT INFRASTRUCTURE PROJECTS," and in lieu thereof, insert the word THEREOF.

Senator Cayetano. Thank you, Mr. President.

Senator Roco. I thank the gentleman. Thank you, Mr. President.

SUSPENSION OF CONSIDERATION
OF S. NO. 2038

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

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

ADJOURNMENT OF THE SESSION

Senator Tatad. Mr. President, I move that we adjourn the session until three o'clock tomorrow afternoon, August 9, 2000.

The President. Is there any objection? [Silence] There being none, the session is adjourned until three o'clock tomorrow afternoon, August 9, 2000.

It was 5:45 p.m.