

RECORD OF THE SENATE

TUESDAY, DECEMBER 12, 2000

RESUMPTION OF THE SESSION

At 10:11 a.m., the session was resumed with the Senate President, Hon. Aquilino Q. Pimentel Jr., presiding.

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

Senator Tatad. Mr. President, may I ask the Secretary to read the Second Additional Reference of Business.

The President. The Secretary will read the Second Additional Reference of Business.

SECOND ADDITIONAL REFERENCE OF BUSINESS

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Secretary.

December 5, 2000

The Honorable
AQUILINO Q. PIMENTEL JR.
President of the Senate
GSIS Bldg. Financial Center
Pasay City 1308

Mr. President:

I have the honor to transmit herewith, a copy of Resolution No. 159, entitled

RESOLUTION STRONGLY URGING THE SENATE OF THE PHILIPPINES, PURSUANT TO THE CONSTITUTION AND INTER-CHAMBER COURTESY, TO CAUSE ANY AND ALL OF ITS COMMITTEES TO CEASE AND DESIST FROM FURTHER PROCEEDING IN ANY INVESTIGATION, IN AID OF LEGISLATION, INVOLVING THE CHARGES MADE BY SENATOR TEOFILO GUINGONA AND/OR ILOCO SUR GOVERNOR LUIS C. SINGSON AGAINST PRESIDENT JOSEPH EJERCITO ESTRADA ALLEGEDLY FOR IMPEACHABLE OFFENSES, IN VIEW OF THE FILING AND PENDENCY OF CASES OF IMPEACHMENT BEFORE THE HOUSE COMMITTEE ON JUSTICE INVOLVING THE SAME OFFICIAL AND ISSUES.

which was adopted by the House of Representatives on October 26, 2000.

Very truly yours,

(Sgd.) ROBERTO P. NAZARENO
Secretary General

The President. To the Archives

The Secretary.

November 21, 2000

The Honorable
AQUILINO Q. PIMENTEL JR.
President of the Senate
GSIS Bldg. Financial Center
Pasay City 1308

Mr. President:

I have been directed to inform the Senate that the House of Representatives on November 20, 2000 agreed on Senate Bill No. 2197 as an amendment to House Bill No. 8191, entitled

AN ACT CONVERTING THE MUNICIPALITY OF BAYAWAN IN THE PROVINCE OF NEGROS ORIENTAL INTO A COMPONENT CITY TO BE KNOWN AS THE CITY OF BAYAWAN.

Very truly yours,

(Sgd.) ROBERTO P. NAZARENO
Secretary General

The President. To the Archives

The Secretary.

November 29, 2000

The Honorable
AQUILINO Q. PIMENTEL JR.
President of the Senate
GSIS Bldg. Financial Center
Pasay City 1308

Mr. President:

I have been directed to inform the Senate that the

regulations issued by other government agencies and instrumentalities for the prevention and/or abatement of the solid waste management problem not inconsistent with this Act shall supplement the rules and regulations issued by the Department, pursuant to the provisions of this Act.

The draft of the IRR shall be published and be the subject of public consultations with affected sectors. It shall be submitted to the Committees on Environment and Ecology of the Senate and House of Representatives, respectively, for review before approval by the Secretary.

SEC. 60. Joint Congressional Oversight Committee. - There is hereby created a Joint Congressional Oversight Committee to monitor the implementation of the Act and to oversee the functions of the Commission. The Committee shall be composed of five (5) Senators and five (5) Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The Oversight Committee shall be co-chaired by a Senator and a Representative designated by the Senate President and the Speaker of the House of Representatives, respectively.

SEC. 61. Abolition of the Presidential Task Force on Waste Management and the Project Management Office on Solid Waste Management. - The Presidential Task Force on Waste Management which was created by virtue of Memorandum Circular No. 39 dated November 2, 1987, as amended by Memorandum Circular No. 39-A and 88 is hereby abolished. Further, pursuant to Administrative Order No. 90 dated October 19, 1992, the Project Management Office on Solid Waste Management is likewise hereby abolished. Consequently, their powers and functions shall be absorbed by the Commission pursuant to the provisions of this Act.

SEC. 62. Transitory Provision. - Pending the establishment of the framework under Sec. 15 hereof, plans under Sec. 16 and promulgation of the IRR under Sec. 59 of this Act, existing laws, regulations, programs and projects on solid waste management shall be enforced. *Provided*, That for specific undertaking, the same may be revised in the interim in accordance with the intentions of this Act.

SEC. 63. Report to Congress. - The Commission shall report to Congress, not later than March 30 of every year following the approval of this Act, giving a detailed account of its accomplishments and progress on solid

waste management during the year and make the necessary recommendations in areas where there is need for legislative action.

SEC. 64. Separability Clause. - If any provision of this Act or the application of such provision to any person or circumstances is declared unconstitutional, the remainder of the Act or the application of such provision to other persons or circumstances shall not be affected by such declaration.

SEC. 65. Repealing Clause. - All laws, decrees, issuances, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 66. Effectivity. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,

**MOTION OF SENATOR TATAD
(Transfer of S. No. 1919 from Rules Committee
to Committees on Education, Arts and Culture;
and Finance)**

Senator Tatad. Mr. President, I move that we transfer Senate Bill No. 1919, now part of the Committee on Rules, to the Committees on Education, Arts and Culture; and Finance. This has been introduced by Senator Flavio in aid of reelection.

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

**BILL ON SECOND READING
S. No. 1734—National Athletes, Coaches and
Trainers Benefits and Incentives Act of 1999
(Continuation)**

Senator Tatad. Mr. President, I move that we resume consideration of Senate Bill No. 1734.

The President Pro Tempore. Is there any objection? *[Silence]*
There being none, resumption of consideration of Senate Bill No. 1734 is now in order.

Senator Tatad. This is the bill providing for cash incentives to distinguished athletes. We are now in the period of committee amendments. I ask that the sponsor, Senator Jaworski, be recognized. With the consent of the Chamber, I ask that we now consider amendments from the committee although this is a substitute measure.

The President Pro Tempore. Sen. Robert S. Jaworski is recognized.

Senator Jaworski. Thank you, Mr. President.

Senator Tatad. Before the sponsor proceeds, there are a number of proposed amendments. I would ask that copies of the same be distributed to the members to facilitate discussion.

The President Pro Tempore. The amendments are in order.

Senator Jaworski. May I proceed, Mr. President.

The President Pro Tempore. Senator Jaworski may proceed.

COMMITTEE AMENDMENTS

Senator Jaworski. In Section 1 of the bill, page 1, line 2, change the Short Title by deleting the year "1999" and replacing it with the year "2000".

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

Senator Jaworski. In Section 2, under Statement of Policy, page 1, delete the phrase "and development needs" in line 4 and insert the words TO THE COUNTRY between the words "recognition" and "by".

In line 6, delete the words "awards and prizes" after the word "winning".

In the same lines 6 and 7, delete the phrase "the Olympics, Asian Games, World Cup, Southeast Asian Games, and other regional and world sports" and replace them with the word INTERNATIONAL.

The President Pro Tempore. We will take it up amendment by amendment.

Senator Jaworski. Yes, Mr. President.

The President Pro Tempore. Is there any objection? *[Silence]* There being none, the amendments are approved.

Senator Jaworski. In Section 3, under Definition of Terms, page 1, lines 12 to 13, between the words "who" and "represent", insert the word HAVE and add ED to the word "represent" so that it will now read: Who HAVE representED.

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

Senator Jaworski. And then delete the words "regional or world sports" and replace them with the word INTERNATIONAL.

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

Senator Jaworski. In the same section, page 1, lines 15 to 16, between the words "who" and "represent", insert the word HAVE and add ED to the word "represent" so that it will now read: who HAVE representED.

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

Senator Jaworski. In line 16, after the word "country" insert the phrase AS OFFICIAL COACHES/TRAINERS TO NATIONAL ATHLETES.

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

Senator Jaworski. And in lines 16 to 17, replace the words "regional or world sports" with the word INTERNATIONAL and delete the phrase "as official coaches/trainers to national athletes" after the word "competitions".

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

Senator Jaworski. In the same section, page 2, lines 1 to 5, delete the terms "International Championships" and "International Federation", together with their respective definitions, as they were never used in the bill. The term "International Competitions" in line 6 shall now become letter C in the Definition of Terms.

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

Senator Jaworski. Still in the same section, page 2, the definition of the term "International Competitions" is modified to read as follows:

C. *International Competitions*—shall pertain to international sports competitions which are:

(i) SANCTIONED BY THE INTERNATIONAL OLYMPIC COMMITTEE (IOC), EXCEPT SOUTHEAST ASIAN GAMES; OR

(ii) WHILE NOT BEING SANCTIONED BY THE INTERNATIONAL OLYMPIC COMMITTEE, ARE PARTICIPATED IN BY COUNTRIES WHOSE NUMBERS SHALL

NOT BE LESS THAN FIFTY PERCENT OF THE NUMBER OF COUNTRIES PARTICIPATING IN THE OLYMPIC GAMES.

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

Senator Jaworski. Mr. President, in Section 4, page 2, line 10, after the caption "Benefits and Privileges", add the phrase FOR NATIONAL ATHLETES, COACHES AND TRAINERS so that it will now read as "Benefits and Privileges FOR NATIONAL ATHLETES, COACHES AND TRAINERS."

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

Senator Jaworski. In the same Section 4, page 2, line 15, remove the letter "S" of the word "charges" and replace it with the letter D so that it will now read as charged.

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

Senator Jaworski. In the same section, page 2, lines 21 to 23, delete the phrase "the Social Security System is hereby mandated to formulate, at the earliest possible time", and after the word "program" insert the phrase FORMULATED AT THE EARLIEST POSSIBLE TIME BY THE SOCIAL SECURITY SYSTEM and delete altogether the subsequent phrase "for national athletes after their tenure from government service". It will now read:

"d. A comprehensive social security program FORMULATED AT THE EARLIEST POSSIBLE TIME BY THE SOCIAL SECURITY SYSTEM."

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

Senator Jaworski. In the same section, page 2, lines 24 to 25, add the words PRIORITY IN before the word "existing" and between the words "agencies" and "subject", delete the phrase "may be availed of by national athletes and they shall enjoy priority".

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

Senator Jaworski. In the same section, page 3, lines 1 to 3, the first sentence of letter (f) is modified and shall read as follows:

"f. PRIORITY IN NATIONAL HOUSING PROGRAMS, AFFORDABLE "PABAHAY" LOANS AND OTHER HOUSING OPPORTUNITIES SUBJECT TO THE GUIDELINES AND QUALIFICATIONS SET BY THE NATIONAL HOUSING AUTHORITY OR THE HOME MUTUAL DEVELOPMENT FUND."

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

Senator Jaworski. In the same section, page 3, line 7, delete the word "implementing" between the words "the" and "rules", and insert the words FOR THE IMPLEMENTATION between the words "regulations" and "of" so that it will now read as follows:

"The Bureau of Internal Revenue (BIR) shall as soon as possible provide for the rules and regulations FOR THE IMPLEMENTATION of this section."

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

Senator Jaworski. In Section 5, page 3, line 8, at the beginning of the first sentence, delete the words "The winning" and replace them with the words A NATIONAL; after the word "athlete", add the phrase WHO WINS IN AN INTERNATIONAL COMPETITION; in line 9, between the words "family" and "shall", insert the phrase WITHIN THE FOURTH CIVIL DEGREE OF CONSANGUINITY, and; in line 10, between the words "winning" and "athlete", insert the word NATIONAL.

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

Senator Jaworski. In the same Section 5, page 3, line 14, between the words "winning" and "athletes", insert the word NATIONAL.

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

Senator Jaworski. Section 6 of the bill is modified to read as follows:

"SEC. 6. *Retirement Benefits.* - Any national athlete, coach or trainer who WINS IN AN INTERNATIONAL COMPETITION OR HAS COACHED OR TRAINED SUCH WINNING NATIONAL ATHLETE shall receive a lump sum amount equivalent to twenty five percent (25%) of his/her total cash incentives computed from the start of his/HER active sports career as a member of the national training pool OR NATIONAL COACHES/TRAINERS POOL up to the day of retirement from active competition OR TRAINING. Such lump sum amount shall be extended sixty (60) days after the filing of the retirement papers."

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

Senator Jaworski. Section 7 of the bill is modified to read as follows:

"SEC. 7. *Cash Incentives.* - NATIONAL athletes who win gold, silver and bronze medals IN INTERNATIONAL COMPETITIONS AS DEFINED IN SECTION 3 (E) OF THIS ACT shall be entitled to cash awards in the following amounts:

A. Individuals in Individual Competitions

1. Gold Medalist - ONE MILLION FIVE HUNDRED THOUSAND PESOS (P1,500,000.00)

2. Silver Medalist - ONE MILLION PESOS (P1,000,000.00)

3. Bronze Medalist - SEVEN HUNDRED FIFTY THOUSAND PESOS (P750,000.00)

B. Individuals in Team Competitions

1. Gold Medalists - FIVE HUNDRED THOUSAND PESOS (P500,000.00)

2. Silver Medalists - TWO HUNDRED FIFTY THOUSAND PESOS (P250,000.00)

3. Bronze Medalists - ONE HUNDRED THOUSAND PESOS (P100,000.00)"

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

Senator Jaworski. In Section 7, a new paragraph is hereby inserted after the last paragraph to read as follows:

EXCEPT THAT FOR THE SOUTHEAST ASIAN (SEA) GAMES, MONETARY INCENTIVES SHALL BE GIVEN TO THE ATHLETES OR TEAMS WHO HAVE EQUALED OR SURPASSED THE EXISTING GAMES RECORDS OR PREVIOUS PLACINGS, AS THE CASE MAY BE, AND WHICH WILL COMMENCE IN THE 2001 SEA GAMES.

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

Senator Jaworski. Section 8 of the bill is also modified to read as follows:

"SEC. 8. *Qualification for Winning Athletes.* - Only athletes duly registered with the Philippine Sports Commission as members of the National Sports Amateur Training Pool and those who have participated and won in international competitions prior to the creation of the Training Pool under REPUBLIC ACT NO. 6847 shall be entitled to the incentives provided for in this Act. Nothing herein shall prevent any NATIONAL athlete who, PRIOR TO THE ENACTMENT OF THIS ACT, WON GOLD, SILVER OR BRONZE

MEDAL IN THE OLYMPIC AND ASIAN GAMES FROM CLAIMING THE BENEFITS AND PRIVILEGES PROVIDED UNDER SECTION 4 AND FIFTY PERCENT (50%) OF THE CASH INCENTIVES PROVIDED UNDER SECTION 7 OF THIS ACT."

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

Senator Jaworski. Section 10 of the bill is also modified to read as follows:

"SEC. 10. *Adjustment of Cash Incentives.* - The PHILIPPINE SPORTS COMMISSION is hereby authorized to adjust the schedule of incentives in Section 7 hereof, based on studies, consultations and public hearings with relevant agencies TO reflect the economic needs of the athletes. NO MEMORANDUM, ORDER, or issuance shall diminish the prescribed schedule of incentives. Donations and gifts from private institutions or groups shall be construed AS distinct and separate from the cash incentives provided herein."

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

Senator Jaworski. On page 5, Section 11, line 9, delete the words "Philippine Sports Commission (PSC)" together with the parentheses of its abbreviation.

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

Senator Jaworski. Again, in Section 11, a paragraph is hereby added to be read, as follows:

A SEPARATE FUND EQUIVALENT TO TEN PERCENTUM (10%) OF EXISTING NATIONAL SPORTS DEVELOPMENT FUND (NSDF) SHALL BE AUTOMATICALLY SET ASIDE FOR THE TRAINING AND PREPARATION OF NATIONAL ATHLETES COVERED BY THIS ACT.

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

Senator Jaworski. Just for the record, Mr. President. This was incorporated in this proposed bill through the intercession of our colleague, Senator Roco.

Once more, on page 5, Section 12, lines 12 to 13, delete the words "Philippine Sports Commission" and replace it with the acronym PSC; in line 14, delete the words "Philippine Olympic Committee" and replace it with POC; and in line 15, between the words "sixty" and "days", insert the number (60) enclosed in parentheses.

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

**MANIFESTATION OF SENATOR JAWORSKI
(Senators Roco, Cayetano, Defensor Santiago and
All Senators Present as Coauthors
of S. No. 1734)**

Senator Jaworski. Mr. President, I would also like to manifest that Senators Roco, Cayetano and Defensor Santiago—

Senator Tatad. All the senators here present.

Senator Jaworski. —and all the senators here present be made coauthors of this proposed bill.

The President Pro Tempore. The manifestation is noted.

Senator Tatad. Mr. President, before we close the period of committee amendments, just one clarificatory question.

I believe a question was raised by Senator Sotto on some of the cash incentive provisions. We would like to find out if, under Section 7, our good friend qualifies for cash awards for his past performance?

The President Pro Tempore. The sponsor may reply.

Senator Jaworski. Mr. President, as I said yesterday, his winnings in the Asian Games count, but because of financial constraints I do not think we will be able to accommodate those who have won in the Southeast Asian Games.

Senator Tatad. Asian Games?

Senator Jaworski. The Asian Games winnings of our honorable colleague will be...

Senator Tatad. In light of that answer, will the sponsor consider an amendment that would say, THIS CASH AWARD SHOULD BE DONATED BACK TO THE GOVERNMENT SINCE HE HAS BEEN ELECTED MEMBER OF THE SENATE?

Senator Jaworski. Maybe I would like to request our colleague to make a statement as far as this is concerned. *[Laughter]*

Senator Tatad. I withdraw that.

The President Pro Tempore. Let Senator Sotto speak for himself.

Senator Sotto. Mr. President, I have no objection to the proposal of the Majority Leader. As a matter of fact, I will concur.

The President Pro Tempore. What does the sponsor say?

Senator Tatad. No, I am not going to propose it. *[Laughter]*

Mr. President, I move that the period of committee amendments be closed.

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

Senator Tatad. Mr. President, to allow the members of the Chamber to propose individual amendments, if they have any, I ask that the Secretariat prepare a clean copy of the bill as amended by the committee.

SUSPENSION OF CONSIDERATION OF S. NO. 1734

In the meantime, I move that we suspend consideration of Senate Bill No. 1734.

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

Senator Jaworski. Thank you, Mr. President.

Thank you, Mr. Majority Leader.

The President Pro Tempore. The Secretary is directed to carry out the recommendation of the Majority Leader.

SUSPENSION OF SESSION

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

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

It was 11:16 a.m.

RESUMPTION OF SESSION

At 11:19 a.m., the session was resumed.

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

SUSPENSION OF SESSION

Senator Tatad. I move that we suspend the session for a few minutes, Mr. President.

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