

## RECORD OF THE SENATE

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MONDAY, DECEMBER 18, 2000

### RESUMPTION OF THE SESSION

*At 10:05 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.** I move that we proceed to the reading of the Fourth Additional Reference of Business.

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

The Secretary will now read the Fourth Additional Reference of Business.

### FOURTH ADDITIONAL REFERENCE OF BUSINESS

#### COMMUNICATIONS

**The Acting Secretary** [Atty. Reyes]. Letter from Secretary Anecita G. Pasaylo of the Cebu Provincial Board, furnishing the Senate a copy of Res. No. 2663-2000, entitled

RESPECTFULLY URGING THE SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES TO TAKE COGNIZANCE OF AND TREAT WITH URGENCY SENATOR ROBERT S. JAWORSKI'S SENATE RESOLUTION NO. 796 WHICH CALLS FOR A RE-STUDY OF THE GOVERNMENT'S POLICY ON THE GRANTING OF PERMITS AND LICENSES TO OPERATORS OF CEMENT PLANTS AND QUARRYING SITES

**The President.** Referred to the Committee on Environment and Natural Resources

**The Acting Secretary** [Atty. Reyes]. Letter from Vice Mayor Sonia C. Pablo of the Sangguniang Bayan of Rizal, Occidental Mindoro, transmitting to the Senate S.B. Resolution No. 91-00, entitled

RESOLUTION SUPPORTING A BILL OF BOTH HOUSE OF SENATE AND THE HOUSE OF REPRESENTATIVES, AMENDING THE THREE YEARS REVISION PERIOD IN THE ASSESSMENT OF ALL REAL PROPERTIES IN THE PHILIPPINES TO FIVE YEARS REVISION PERIOD

**The President.** Referred to the Committee on Local Government

**The Acting Secretary** [Atty. Reyes]. Letter from Director Pepe B. Mateo, Al-Haj of the Commission on Audit, Region XI, Davao City, furnishing the Senate a copy of the Annual Audit Report on the results of the audit conducted by said office on the Panabo Water District, Davao del Norte for the years ended December 31, 1997 and December 31, 1998.

**The President.** Referred to the Committee on Finance

**The Acting Secretary** [Atty. Reyes]. Special Audit of Tanza Water District covering the accounts and operations for calendar years 1995 to 1998.

**The President.** Referred to the Committee on Finance

### COMMITTEE REPORTS

**The Acting Secretary** [Atty. Reyes]. Committee Report No. 503, submitted jointly by the Committees on Public Works; and Finance on House Bill No. 168, introduced by Representative Monfort, entitled

AN ACT CONVERTING THE POBLACION-SAPAO-NALUOYAN-DACUTAN BARANGAY ROADS IN THE FOURTH DISTRICT OF THE PROVINCE OF ILOILO INTO NATIONAL ROADS AND APPROPRIATING FUNDS THEREFOR,

recommending its approval without amendments.

Sponsor: Senator Revilla

**The President.** To the Calendar for Ordinary Business

**The Acting Secretary** [Atty. Reyes]. Committee Report No. 504, submitted jointly by the Committees on Public Works; and Finance on House Bill No. 994, introduced by Representative Adiong, entitled

AN ACT CONVERTING THE BUBONG-CAROCOTAN-BUMBARAN-KALILANGAN PROVINCIAL ROAD LOCATED IN THE PROVINCES OF LANAO DEL SUR AND BUKIDNON INTO A NATIONAL ROAD AND APPROPRIATING FUNDS THEREFOR,

recommending its approval without amendments.

Sponsor: Senator Revilla

So because of this, Mr. President, certain recommendations were suggested by the committee, namely: (a) that legislative measures necessary for the proper grant of tax credit to export claimants be carefully studied and passed by the Senate with a view to an efficient and effective implementation of the Omnibus Investment Code and other laws granting fiscal incentives; (b) that an immediate review of the Omnibus Investment Code be undertaken by the appropriate Senate Committee with the view of ascertaining whether such policies and objectives of the national government regarding the encouragement of foreign and domestic investments and stimulation of growth need to be redefined, revised and modified, if necessary; (c) that the appropriate government agencies be directed to immediately investigate and prosecute the perpetrators herein listed in connection with the violations of the Anti-Graft and Corrupt Practices Act, and that the anti-graft charges against those involved in the tax credit scam be upgraded to plunder considering the billions of taxpayers' money taken out of the coffers of the national government.

Mr. President, we are submitting this preliminary report for the consideration of the Chamber in the hope that with this, we can move on and do something partially in order to arrest this menace to our revenue collection effort.

We still continue with the rest of the investigation because this whole tax credit scam, Mr. President, involves not less than P10 billion of money of the government that was taken out of the Treasury and actually sold to three major buyers, namely, the oil companies: Filipinas Shell, Petron and Caltex Philippines which, in turn, used these tax credit certificates to discharge their tax obligations to the government.

So, Mr. President, with that I submit this for your consideration and approval.

Thank you, Mr. President.

*At this juncture, the Senate President relinquished the Chair to the Senate President Pro Tempore, Hon. Blas F. Ople.*

**The President Pro Tempore.** The Majority Leader is recognized.

SUSPENSION OF CONSIDERATION OF  
COMMITTEE REPORT NO. 510

**Senator Tatad.** Mr. President, to allow our colleagues to prepare for interpellation, I move that we suspend consideration of Committee Report No. 510.

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

**Senator Tatad.** Mr. President, one of our agreed priority measures is the bill of the Senate President, the proposed amendments to the ARMM Organic Act. We have long terminated the committee amendments and we are now waiting for the individual amendments. I would just like to invite the attention of the members of the Chamber to this very important measure so that we can have a specific order for the individual amendments.

**Senator Guingona.** Mr. President.

**The President Pro Tempore.** Sen. Teofisto T. Guingona Jr. is recognized.

**Senator Guingona.** Mr. President, I have some individual amendments already in writing which I will submit tomorrow morning to the Body; but as far as where they will be placed, et cetera, we leave it to the chairman and the style committee. I will submit them tomorrow morning.

**The President Pro Tempore.** The Majority Leader is recognized.

**Senator Tatad.** I thank the distinguished gentleman for that manifestation, Mr. President.

I understand that Sen. Juan M. Flavie would like to propose some amendments.

BILL ON SECOND READING  
S. No. 2129 -- Strengthening the ARMM Organic Act  
*(Continuation)*

Mr. President, I therefore move that we resume consideration of Senate Bill No. 2129 as reported out under Committee Report No. 393.

**The President Pro Tempore.** Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 2129 is now in order.

**Senator Tatad.** I ask that the distinguished sponsor, the Senate President, be recognized to accept proposed individual amendments coming from Senator Flavie.

**The President Pro Tempore.** The Senate President, Sen. Aquilino Q. Pimentel Jr., is recognized.

**Senator Pimentel.** Mr. President, we are prepared to accept the proposed amendments of Senator Flavie which he will articulate in a few minutes. It has to do with very minor typographical errors.

**The President Pro Tempore.** Senator Flavie is recognized.

## FLAVIER-PIMENTEL AMENDMENTS

**Senator Flavier.** Yes. Thank you, Mr. President.

It is really an editorial matter but very important because in the other parts of the bill, we completed the enumeration by adding the phrase "ZAMBOANGA SIBUGAY" and was done in other places except in this which is found on page 3, line 21. After "Zamboanga del Sur", insert the phrase AND THE NEWLY CREATED ZAMBOANGA SIBUGAY.

**Senator Pimentel.** Maybe AND THE NEWLY CREATED PROVINCE OF ZAMBOANGA SIBUGAY would be clearer, Mr. President.

**Senator Flavier.** It is accepted, Mr. President.

**Senator Pimentel.** So we accept the amendment, Mr. President.

**Senator Flavier.** And then also, on the same... Shall we act on that first, Mr. President? If that can be approved I will go to a second...

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

**Senator Flavier.** On the same page, line 22, between the words "Puerto Princesa" and "and", insert DIGOS.

**Senator Pimentel.** DIGOS and two more cities.

**Senator Flavier.** Insert DIGOS, KORONADAL, TACURONG.

**Senator Pimentel.** DIGOS, KORONADAL and TACURONG.

**Senator Flavier.** Yes, Mr. President.

**Senator Pimentel.** We accept the amendment, Mr. President.

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

**Senator Flavier.** Thank you, Mr. President.

**Senator Pimentel.** Thank you very much, Mr. President. I think the amendment of Senator Guingona will be submitted tomorrow.

**The President Pro Tempore.** The Majority Leader is recognized.

**Senator Tatad.** Mr. President, I have no proposed amendment but just a point of clarification.

I do recall this point was raised in the interpellation by Sen. Miriam Defensor Santiago. It has reference to the nomenclature we are using. As of now, we know the autonomous region as the Autonomous Region in Muslim Mindanao and this conforms to the constitutional provision, Article X, Section 15, which says: "There shall be created autonomous regions in Muslim Mindanao and in the Cordilleras", et cetera.

Now under Section 1, we are departing from that nomenclature, and we are saying the name of the autonomous region shall be the Muslim Autonomous Region in Mindanao.

The question, Mr. President, is as follows:

The way the constitutional provision reads, we understand the term "Muslim Mindanao" to mean a cultural area in the Philippines, rather, a geographical area in the Philippines, inhabited by cultural communities who are predominantly Muslim. So when we use the term "Muslim Mindanao," we are speaking of a cultural entity.

Now, when we speak of a Muslim autonomous region, are we not saying something more than the fact that it is cultural? Are we, in fact, adopting the generally observed Islamic practice in Islamic countries where there is no distinction between the religion and the State, or the political entity?

**Senator Pimentel.** We thank the Majority Leader for bringing up that very important point and I think it deserves a lot of rethinking on our part. So, at the proper time, Mr. President, we will accept an amendment to this proposal. In any event, the amendment should probably come after we are through with all the rest of the proposed amendments which we shall have accepted.

**Senator Tatad.** I thank the Senate President for that, Mr. President. I have no ready ideas because I do not believe it is very easy to craft a phrase that would capture what we are trying to say that would preserve the identity of our Islamic brothers. Normally, they are supposed to be known by their being Tausogs, Yakans, Bilaans, et cetera, rather than by the tribal identities rather than by their religion otherwise we describe the rest of the country as Christian Filipinos or Christian Philippines. But I think this is something that we really have to work on.

**Senator Pimentel.** Probably, Mr. President, let us just revert to the old name. This has been debated on even in the Constitutional Commission very extensively. I do not think we will have any problem with that.

**Senator Tatad.** Thank you, Mr. President.

SUSPENSION OF CONSIDERATION OF S. NO. 2129

So, at this point, may I move that we suspend consideration of Senate Bill No. 2129.

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

**Senator Tatad.** Mr. President, before I present my next motion, may I just call attention to the fact that as agreed, we do not adjourn at 12 o'clock. We simply suspend our sessions. This is the agreement that should hold until the last day of the week which, according to our calendar, is the adjournment for Christmas.

But there are a number of bills on Third Reading which we need to act on; so, may we invite the Secretariat to kindly communicate to our colleagues that we will need a good number

on the floor so that we can have a roll-call vote on these measures awaiting Third Reading.

**The President Pro Tempore.** Is there any objection to this interpretation of the agreement by the Majority Leader? *[Silence]*  
There being none, the motion is approved.

SUSPENSION OF SESSION

**Senator Tatad.** Mr. President, I move that we suspend our session until 10 o'clock tomorrow morning, December 19, 2000.

**The President Pro Tempore.** Is there any objection? *[Silence]*  
There being none, the session is suspended until 10 o'clock tomorrow morning, December 19, 2000.

*It was 11:09 a.m.*