

## RECORD OF THE SENATE

**TUESDAY, DECEMBER 19, 2000**

### RESUMPTION OF THE SESSION

*At 10:03 a.m., the session was resumed with the Hon. Anna Dominique M.L. Coseteng presiding.*

**The Presiding Officer** [Sen. Coseteng]. The session is resumed. The Majority Leader is recognized.

**Senator Tatad.** Madam President, I move that we read the Seventh Additional Reference of Business.

**The Presiding Officer** [Sen. Coseteng]. Is there any objection? [*Silence*] There being none, the motion is approved.

The Secretary will read the Seventh Additional Reference of Business.

### SEVENTH ADDITIONAL REFERENCE OF BUSINESS

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

**The Acting Secretary** [Atty. Reyes].

December 13, 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 December 12, 2000 elected Representatives Jesli A. Lapus, Joey Sarte Salceda, Harry C. Angping, Joseph Ace H. Durano, Marcelino C. Libanan, Emily R. Lopez, Pedro M. Pancho, Ma. Victoria L. Locsin, Ramon M. Reyes and Angelito M. Sarmiento as conferees should the Senate ask for a conference upon approval of its counterpart version of House Bill No. 8118, entitled

AN ACT ESTABLISHING THE PHILIPPINE QUALITY AWARD IN ORDER TO ENCOURAGE ORGANIZATIONS IN BOTH THE PRIVATE AND PUBLIC SECTORS TO ATTAIN EXCELLENCE IN QUALITY IN THE PRODUCTION AND/OR DELIVERY OF THEIR GOODS AND SERVICES,

which was earlier approved on February 8, 2000.

Very truly yours,

(Sgd.) ROBERTO P. NAZARENO  
Secretary General

**The Presiding Officer** [Sen. Coseteng]. Referred to the Committee on Rules

**The Acting Secretary** [Atty. Reyes].

December 14, 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 December 13, 2000 elected Representatives Rogelio M. Sarmiento, Nestor C. Ponce Jr., Prospero A. Pichay Jr., Marcial C. Punzalan Jr., and Jose Macario Laurel IV as additional members of the Bicameral Conference Committee on House Bill No. 8118, entitled

AN ACT ESTABLISHING THE PHILIPPINE QUALITY AWARD IN ORDER TO ENCOURAGE ORGANIZATIONS IN BOTH THE PRIVATE AND PUBLIC SECTORS TO ATTAIN EXCELLENCE IN QUALITY IN THE PRODUCTION AND/OR DELIVERY OF THEIR GOODS AND SERVICES.

Very truly yours,

(Sgd.) ROBERTO P. NAZARENO  
Secretary General

**The Presiding Officer** [Sen. Coseteng]. Referred to the Committee on Rules

**The Acting Secretary** [Atty. Reyes].

December 14, 2000

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

**The Acting Secretary** [Atty. Reyes]. Committee Report No. 513, prepared and submitted by the Committee on Electoral Reforms, Suffrage and People's Participation on Proposed Senate Resolution No. 911 with Senator Roco and the members of the committee as authors thereof, entitled

RESOLUTION RECOGNIZING THE AUTHORITY OF THE COMMISSION ON ELECTIONS (COMELEC) TO IMPLEMENT THE AUTOMATED ELECTION SYSTEM UNDER REPUBLIC ACT NO. 8436 FOR THE PURPOSES OF 14 MAY 2001 SYNCHRONIZED ELECTIONS ONLY IN THE AUTONOMOUS REGION IN MUSLIM MINDANAO (ARMM) AND PILOT TEST THE SAME IN THE CITY OF MANILA, AND POSSIBLY, PASIG CITY,

recommending its approval without amendments.

Sponsors: Senator Roco and the members of the Committee on Electoral Reforms, Suffrage and People's Participation

**The Presiding Officer** [Sen. Coseteng]. To the Calendar for Ordinary Business

The Majority Leader is recognized.

**MOTION OF SENATOR TATAD  
(Reconsideration of Referral of P. S.  
Res. No. 909 to the Impeachment Court)**

**Senator Tatad.** Madam President, I ask that we reconsider the referral of Proposed Senate Resolution No. 909 from the Committees on Justice and Human Rights; and National Defense and Security to the Impeachment Court.

The reason for this is that yesterday, I proposed the organization of a select committee precisely to investigate this matter. But we subsequently decided to refer it to the Impeachment Court, for which reason we are going to convene the Court at 10:30 this morning.

So I move that the proposed resolution be similarly referred to the Court.

**The Presiding Officer** [Sen. Coseteng]. Is there any objection? [Silence] There being none, the motion is approved.

**SPECIAL ORDERS**

**Senator Tatad.** Madam President, I also move that we transfer from the Calendar for Ordinary Business to the Calendar for Special Orders, Committee Report No. 509 on Senate Bill No. 2225, entitled

AN ACT IMPOSING THE VALUE-ADDED TAX ON CERTAIN SERVICES BEGINNING JANUARY 1, 2003, AMENDING FOR THE PURPOSE SECTION 5 OF REPUBLIC ACT NO. 8424, AS AMENDED, AND FOR OTHER PURPOSES.

**The Presiding Officer** [Sen. Coseteng]. Is there any objection? [Silence] There being none, the motion is approved.

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

**Senator Tatad.** Madam President, I move that we now resume consideration of Senate Bill No. 2129 as reported out under Committee Report No. 393.

**The Presiding Officer** [Sen. Coseteng]. Is there any objection? [Silence] There being none, resumption of consideration of Senate Bill No. 2129 is now in order.

**Senator Tatad.** We are still in the period of individual amendments. I ask that the distinguished sponsor, the Senate President, be recognized. To propose some individual amendments, I ask that the Minority Leader be recognized.

**The Presiding Officer** [Sen. Coseteng]. The Senate President is recognized.

But before he starts, for the information of the Body, we are now using the version of December 13, 2000. Is that what the Senate President is using as well?

**Senator Pimentel.** Yes, Madam President.

**The Presiding Officer** [Sen. Coseteng]. Please proceed.

**Senator Pimentel.** Thank you, Madam President.

**Senator Guingona.** Thank you, Madam President. I do not have the copy of December 13.

**The Presiding Officer** [Sen. Coseteng]. Will the Minority Leader please be given a copy by the Secretary?

**Senator Guingona.** However, my amendments may be adjusted by the distinguished committee chairman.

**Senator Pimentel.** Yes, Madam President.

**Senator Tatad.** May we ask the Secretary to distribute adequate copies to all the members.

**Senator Pimentel.** In any event, Madam President, the proposed amendments of the Minority Leader will be intercalated

at the proper place in the Organic Act that we are now debating. So at the proper time we will make sure that his amendments are properly inserted where it could make sense in the bill itself.

**Senator Guingona.** Madam President.

**The Presiding Officer** [Sen. Coseteng]. The Minority Leader is recognized.

#### GUINGONA AMENDMENTS

**Senator Guingona.** Thank you, Madam President.

On page 5, line 18, after the word "denomination" in the August 21 version, which can be adjusted, the proposed amendment is as follows:

*PROVIDED, HOWEVER, THAT THE GENERAL ASSEMBLY, IN CONSULTATION WITH THE SUPREME COURT, THE SENATE AND THE HOUSE OF REPRESENTATIVES, MAY FORMULATE A SHARI'A LAW INCLUDING THE CRIMINAL ASPECT THEREOF CONSISTENT WITH THE CONSTITUTION OF THE REPUBLIC WHICH SHALL BE APPLICABLE IN THE REGION ONLY TO MUSLIMS OR THOSE WHO PROFESS THE MUSLIM FAITH.*

**Senator Pimentel.** It is accepted, Madam President, subject to style.

**The Presiding Officer** [Sen. Coseteng]. Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Guingona.** Thank you. The second proposed amendment is on page 5, after line 31, on the August 21 version, subject to adjustments. The proposed amendment reads as follows:

THE EDUCATIONAL POLICIES SHOULD ALSO TAKE INTO CONSIDERATION THE TEACHING IN THE KORAN THAT AN EDUCATIONAL SYSTEM SHOULD INCUCLATE RESPECT BY INDIVIDUALS FOR DULY CONSTITUTED AUTHORITY. A PERIODIC REVIEW AND SUPERVISION OF THE EDUCATIONAL SYSTEM "MADARIS" SHALL BE CONDUCTED BY THE DEPARTMENT OF EDUCATION AND A MONTHLY REPORT SHALL BE SUBMITTED BY THE DEPARTMENT TO CONGRESS THROUGH THE SENATE PRESIDENT, THE SPEAKER AND THE CHAIRMEN OF RESPECTIVE ARMM COMMITTEES OR THE CORRESPONDING COMMITTEES, REGIONAL AUTONOMOUS COMMITTEES, IF THERE ARE SUCH COMMITTEES IN THE HOUSE.

**The Presiding Officer** [Sen. Coseteng]. What does the sponsor say?

**Senator Pimentel.** It is accepted, Madam President.

**The Presiding Officer** [Sen. Coseteng]. Is there any objection? *[Silence]* There being none, the amendment is approved.

#### GUINGONA-PIMENTEL AMENDMENT

**Senator Guingona.** Thank you, Madam President.

The next proposed amendment is on page 7, line 7, after the word "development". Add the following, on the August 21 version, subject to adjustment, which reads as follows: WHENEVER THE COMMISSION ON AUDIT FINDS THAT THE INTERNAL CONTROLS SET UP IN THE REGION ARE INADEQUATE, IT MAY AUTHORIZE PREAUDIT AND SHALL CONDUCT SEMINARS IN THE COMMUNITIES CONCERNED EXPLAINING THE BENEFITS AND PROPER USE OF INTERNAL REVENUE ALLOTMENTS.

**Senator Pimentel.** The amendment is accepted, subject to style. But, Mr. President, would it be possible to delete the word "AUTHORIZE" and replace it with the word REQUIRE?

**Senator Guingona.** REQUIRE, yes, Madam President.

**Senator Pimentel.** Thank you, Madam President. The amendment is accepted, subject to that condition.

**The Presiding Officer** [Sen. Coseteng]. The sponsor accepts the amendment. Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Pimentel.** Thank you very much, Madam President. I think that is the last individual amendment.

**Senator Guingona.** Madam President.

**The Presiding Officer** [Sen. Coseteng]. The Minority Leader is recognized.

**Senator Guingona.** I understand from Senator Drilon that he has some amendments, especially on the municipalities that may be...

**Senator Pimentel.** We have already discussed that with Senator Drilon, Madam President.

**Senator Guingona.** I see. So that will be included. Thank you, Madam President.

**The Presiding Officer** [Sen. Coseteng]. Thank you, Mr. Minority Leader.

The Majority Leader is recognized.

**Senator Tatad.** Madam President, in a previous interpellation, this representation raised the issue of the correct title for the autonomous region and the sponsor is in agreement with the observation that we simply follow the provision of the Constitution.

**The Presiding Officer** [Sen. Coseteng]. May the Chair know what the proposed title should be?

**Senator Tatad.** The bill, as drafted, says that the region is going to be called "Muslim Autonomous Region in Mindanao." The Constitution provides for an Autonomous Region in Muslim Mindanao.

So, we propose to give the sponsor leave to insert the appropriate amendment. And since there is also an agreement now between the sponsor and Senator Drilon that certain amendments would be inserted by the sponsor, if they have not been so inserted, we give the committee leave to introduce this minor editorial amendment.

With that understanding, I move that we now close the period of individual amendments.

**Senator Enrile.** Madam President.

**The Presiding Officer** [Sen. Coseteng]. Senator Enrile is recognized.

**Senator Enrile.** Madam President, I would like to make a manifestation and call the attention of the Chamber that I heard that the term "Shari'a Law" was used in one of the proposed amendments. My suggestion is to check the real technical meaning of "Shari'a" because my understanding of "Shari'a" is that it is a law, and so we cannot say "law, law."

**Senator Pimentel.** Yes, Madam President. The observation of Senator Enrile is correct.

**The Presiding Officer** [Sen. Coseteng]. So, the sponsor will make the necessary correction in the amendment of Senator Guingona.

**Senator Pimentel.** Yes, Madam President. And also, we confirm the manifestation of Senator Tatad regarding the change in the title.

**The Presiding Officer** [Sen. Coseteng]. Thank you.

**Senator J. Osmeña.** Madam President.

**The Presiding Officer** [Sen. Coseteng]. Did I hear correctly a motion to close the period of individual amendments?

**Senator Tatad.** Yes, that was the motion.

**Senator J. Osmeña.** I would like to make a reservation. I have a very keen interest in this area and to be honest, I have not had the opportunity—with the power bill, the budget, the impeachment and all other things that are before us, in our very crowded table—I have not given this bill the proper attention.

#### SUSPENSION OF SESSION

I move that we suspend the session for one minute to talk to the Senate President.

**The Presiding Officer** [Sen. Coseteng]. The session is suspended for one minute, if there is no objection. *[There was none.]*

*It was 10:24 a.m.*

#### RESUMPTION OF SESSION

*At 10:26 a.m., the session was resumed.*

**The Presiding Officer** [Sen. Coseteng]. The session is resumed. The Majority Leader is recognized.

#### SUSPENSION OF CONSIDERATION OF S. NO. 2129

**Senator Tatad.** Madam President, in view of the fact that Sen. John H. Osmeña would like to have a little more time to prepare his amendments, I move that we temporarily suspend consideration of Senate Bill No. 2129.

**The Presiding Officer** [Sen. Coseteng]. Is there any objection? *[Silence]* There being none, the motion is approved.

#### BILL ON SECOND READING

##### S. No. 2225—Imposition of VAT on Certain Services

**Senator Tatad.** Mr. President, I move that we consider Senate Bill No. 2225 as reported out under Committee Report No. 509.

**The Presiding Officer** [Sen. Coseteng]. Is there any objection? *[Silence]* There being none, the motion is approved.

Consideration of Senate Bill No. 2225 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 Acting Secretary** [Atty. Reyes]. Senate Bill No. 2225, entitled

AN ACT IMPOSING THE VALUE-ADDED TAX ON  
CERTAIN SERVICES BEGINNING JANUARY  
01, 2003, AMENDING FOR THE PURPOSE