

RECORD OF THE SENATE

TUESDAY, DECEMBER 5, 2000

RESUMPTION OF THE SESSION

At 3:32 p.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 Additional Reference of Business.

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

The Secretary will read the Additional Reference of Business.

ADDITIONAL REFERENCE OF BUSINESS

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Secretary.

November 28, 2000

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

Mr. President:

I have been directed to inform the Senate that the House of Representatives on October 26, 2000 adopted House Concurrent Resolution No. 13, entitled

CONCURRENT RESOLUTION URGING THE EXECUTIVE DEPARTMENT TO INCREASE THE DAILY SUBSISTENCE ALLOWANCE OF ALL OFFICERS AND ENLISTED PERSONNEL OF THE ARMED FORCES OF THE PHILIPPINES (AFP) AND THE PHILIPPINE NATIONAL POLICE (PNP) FROM THIRTY PESOS (P30.00) TO EIGHTY-FIVE PESOS (P85.00),

to which it requests the concurrence of the Senate.

Very truly yours,

(Sgd.) ROBERTO P. NAZARENO
Secretary General

The President. Referred to the Committee on Rules

The Secretary.

November 29, 2000

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

Mr. President:

I have been directed to inform the Senate that the House of Representatives on November 28, 2000 agreed to the amendments of the Senate on House Bill No. 12520, entitled

AN ACT CONVERTING THE MUNICIPALITY OF BALANGA, BATAAN PROVINCE INTO A COMPONENT CITY TO BE KNOWN AS THE CITY OF BALANGA.

Very truly yours,

(Sgd.) ROBERTO P. NAZARENO
Secretary General

The President. To the Archives

BILL ON FIRST READING

The Secretary. Senate Bill No. 2219, entitled

AN ACT RENAMING CAMP BAGONG DIWA AS CAMP RICARDO PAPA

Introduced by Senator Renato L. Compañero Cayetano

The President. Referred to the Committee on Public Order and Illegal Drugs

The Majority Leader is recognized.

Senator Tatad. Mr. President, on a question of personal and collective privilege, may I ask that Senator Sotto be recognized.

The President. Sen. Vicente C. Sotto III is recognized.

QUESTION OF PRIVILEGE OF SENATOR SOTTO
(On the Issue of Actors in Government Service)

Senator Sotto. Mr. President, thank you very much.

The Presiding Officer [Sen. Sotto]. Is there any objection? [Silence] There being none, we shall now vote on Second Reading on Senate Bill No. 2198.

As many as are in favor of the bill, say *aye*.

Several Members. *Aye*.

The Presiding Officer [Sen. Sotto]. As many as are against the bill, say *nay*. [Silence]

Senate Bill No. 2198 is approved on Second Reading.

SUSPENSION OF CONSIDERATION OF S. NO. 2198

Senator Tatad. I move that we suspend consideration of Senate Bill No. 2198.

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

MOTION OF SENATOR TATAD (Nomination of Senator Drilon in Place of Senator Tatad in the Commission on Labor Panel)

Senator Tatad. Mr. President, I move that we amend the composition of the Senate panel in the Commission on Labor by nominating Sen. Franklin M. Drilon in place of Sen. Francisco S. Tatad.

The Presiding Officer [Sen. Sotto]. 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. Mr. President, I move that we resume consideration of Senate Bill No. 2129 as reported out under Committee Report No. 393.

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

Senator Tatad. Mr. President, we are still in the period of interpellations.

With the consent of the Chamber, may I ask that the Senate President, formerly chairman of the Committee on Local Government and sponsor of the measure, be allowed to answer interpellations.

The Presiding Officer [Sen. Sotto]. The Senate President, Sen. Aquilino Q. Pimentel Jr., is recognized for the period of interpellations.

Senator Tatad. For the interpellation, I ask that the distinguished Minority Leader, Sen. Teofisto T. Guingona Jr., be recognized.

The Presiding Officer [Sen. Sotto]. The Minority Leader, Sen. Teofisto T. Guingona Jr., is likewise recognized. The Juniors have the floor.

Senator Pimentel. The Junior is presiding also.

Senator Guingona. Mr. President, will the distinguished continuing sponsor yield the floor for some questions?

Senator Pimentel. Willingly, Mr. President.

Senator Guingona. There are only three points that I would like to clarify. First is the share of the local governments within the ARMM of their IRA. I have told this view to our Muslim brothers frankly and openly, and many of them agreed that many of the mayors in the ARMM consider the IRA, which is due the municipality, as funds which they can dispose of at their pleasure in accordance with their own wishes and not pursuant to what the law intended or a program of development for the benefit of the municipality that is why much of the funds have been diverted to personal benefits rather than the public welfare.

May I know from the distinguished sponsor whether during the period of amendments, he would be amenable to certain safeguards concerning this, coupled with perhaps, reorientation of needed lectures or seminars on the proper use of the IRA?

Senator Pimentel. Mr. President, the lectures may fall on deaf ears but the safeguards would do wonders, I think, during the period of amendments. If the distinguished gentleman would have specific suggestions, we certainly would welcome such suggestions.

Senator Guingona. Yes, the suggestion that we had in mind for a possible amendment is to impose preaudit in certain areas in accordance with the recommendation of the Commission on Audit because the Constitution allows that where there is insufficient internal controls then there can be a preaudit. But this is easier said than done, Mr. President.

Senator Pimentel. So maybe we should put it in this law, Mr. President.

Senator Guingona. But the practical consideration is what bothers not only the officials concerned but the COA itself

because if they do so, they may preaudit but at the risk of certain security perils. And so I do not know... We can put that into the amendment but as far as security measures are concerned, these would have to be worked out with the executive, with the governor of ARMM.

Senator Pimentel. And maybe with the DILG also.

Senator Guingona. DILG, yes, because otherwise the preaudit might end up with the auditor being preaudited himself.

Senator Pimentel. Mr. President, maybe one way really of ensuring that there is proper accounting of the monies going to the local governments in the ARMM would be to insist that... First of all, the law would make it very clear that they are obliged to render an accounting of the way the money was spent and if there is failure to do so, the central government should be given a leeway to withhold releasing the next tranche of the Internal Revenue Allotment so that there is a way of administrative safeguarding against the continued misuse of the Internal Revenue share of the local government in that area. That is probably a way of helping ensure that the money of the central government going to the local governments in the area we are discussing may not be dissipated.

Senator Guingona. Yes, Mr. President. So at the proper time, we will make that proposal.

Senator Pimentel. Yes.

Senator Guingona. The second point that we would like to bring up is the amendment for the Shari'ah law. We wanted to be specific following the pattern of the Shari'ah law in Egypt. But for lack of material time, perhaps it is best to just authorize, as it is already stated, that the local ARMM assembly would have the power to enact, with proper consultations, a Shari'ah law that would not violate the Constitution.

Senator Pimentel. That is correct.

Senator Guingona. And that the same would be applicable only to Muslims, both the respondent and the complainant.

There are several shades of this and we wanted to craft it into the bill itself. But as we explained, for lack of material time because of the trial that we are undertaking, perhaps that can be just as worded, authorizing with those conditions.

Senator Pimentel. We will see how we can include the distinguished gentleman's concerns in the bill itself, Mr. President.

Senator Guingona. Yes. My third concern, Mr. President, is the system of education in the ARMM areas.

Madaris is the form of education that the ARMM has adopted in many areas and the foreign teachers have been

harnessed to teach the *madaris* system. But the core of that education, and this I have also openly consulted with our Muslim brothers, the core of the *madaris* is that the Islamic Church and State are one. Islam is both the Church and the State. It is both a religion, a way of life and governance, and this seems to go against our own separation of Church and State.

There are consequences that would flow from this teaching. If Church and State are one and a 16-year old Muslim student is told that, then any deprivation of rights to his religious way of life would be cause for him to take up arms, et cetera.

We inquired whether our national Department of Education, Culture and Sports is closely reviewing the implementation of education in the ARMM. The DECS officials said they are not because they leave it to the secretary of Education of ARMM.

So we were thinking of adopting certain forms practiced in areas similar to ours where the Muslims are minorities and their system of education is patterned after the *madaris*, but on a modified form. Otherwise, if we encourage that kind of thinking, that might lead to the disparate divisions that we are seeing now and worsening.

So I was thinking of an amendment to the education portion where we cite the Koran principle of recognizing authority of government, at least.

Senator Pimentel. We would be very happy to see the amendment, Mr. President.

Senator Guingona. That would, at least, without going against their way of teaching, be countered by another Koran directive to always respect authority.

Senator Pimentel. So we will wait for those amendments in their proper form, Mr. President.

Senator Guingona. I would like therefore to thank the distinguished sponsor for yielding to those questions.

Thank you, Mr. President.

The Presiding Officer [Sen. Sotto]. The Majority Leader is recognized.

Senator Tatad. Thank you, Mr. President.

On my list of interpellators, we still have Sen. Franklin M. Drilon, but he will be ready with his questions next week.

SUSPENSION OF CONSIDERATION OF S. NO. 2129

Mr. President, I move that we suspend consideration of Senate Bill No. 2129.

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

Senator Tatad. Mr. President, I ask that Sen. Raul S. Roco be recognized for a parliamentary inquiry.

The Presiding Officer [Sen. Sotto]. Sen. Raul S. Roco is recognized.

PARLIAMENTARY INQUIRY OF SENATOR ROCO
(Some Impeachment Procedures)

Senator Roco. Mr. President, this is as regards some impeachment procedures. I really waited until the end to ask them because they are small points, but still they must be asked. These should be addressed to the Senate President.

Mr. President, one newspaper reported that the Senate President has designated a Senate spokesman for the impeachment proceedings. I must have read it either in the *Philippine Daily Inquirer* or the *Philippine Star* because they were the only two newspapers I read today. The others I will read later.

I just want to know if this is so and how we should look at this Senate spokesman. It is the first time I am hearing of a Senate spokesman in this regard.

The Presiding Officer [Sen. Sotto]. The Senate President is recognized.

Senator Pimentel. The spokesman whose services we had wanted to engage was intended to speak on behalf of the Office of the Senate President to answer questions that would normally be directed to the Office of the Senate President.

Senator Roco. So it is not for the Senate.

Senator Pimentel. Not the Senate.

Senator Roco. Then it must have been misreported.

Senator Pimentel. *Oo, medyo mali iyong dating.*

Senator Roco. Of course, the Senate President can have a spokesman for the Office of the Senate President or any senator for that matter. I am glad to hear that, Mr. President.

The other query is again very procedural. The office has been furnished these 20 tickets for December 7. It is only because they sent it early. I looked at my mail early. So I have 20 tickets now, 10 apparently for December 7 and 10 for December 8. Although I understood in the caucus that the seats would be on a first come-first served basis, apparently, there are seat assignments. I was just wondering how this was ascertained because Senator Enrile

was complaining that during the oath taking, his guests could hardly see. I just want to be enlightened on the procedures so that we can all be guided accordingly, Mr. President.

Senator Pimentel. My information is that, indeed, the visitors will come and will be seated on a first come- first served basis, except probably for some VIP seats for the members of the Supreme Court who are coming and maybe some dignitaries from the Department of Foreign Affairs. That would probably be just about the only exception on a rotation basis.

Senator Roco. Then I take it that this memorandum which says: "Each senator is allocated ten entry passes which shall be assigned specific seat numbers. The seat numbers assigned to each senator is rotated for every scheduled hearing". This is not applicable.

Senator Pimentel. *Mali iyon. Mali.* That is a little...

Senator Roco. Yes, as long as that is understood.

Senator Pimentel. On a first come-first served basis, I think that is more democratic that way.

Senator Roco. That is correct. All right. How about just in the event—this is very personal, Mr. President—but if family, for instance, a senator's wife. Anyway, everybody here has a wife or husband or whatever—would that classify under "VIP" or they are ordinary guests?

Senator Pimentel. *Sa palagay ko,* we can just make arrangements with the... We can do that.

Senator Roco. So everything will be on a first come-first served basis. All right.

Thank you, Mr. President.

The Presiding Officer [Sen. Sotto]. Senator Osmeña III is recognized.

Senator Osmeña III. Just follow-up questions, Mr. President, of the Senate President.

Mr. Senate President, I counted the seats the other day, and there are only about 172 seats. If we give 10 tickets per senator, that would add up to 220 seats. May we know where we are going to get the extra seats?

Senator Pimentel. They are going to put in... There is a different kind of seats. It is more compressed.

Senator Osmeña III. I see. So they will be adding chairs?

Senator Pimentel. Yes, Mr. President.