

RECORD OF THE SENATE

THURSDAY, FEBRUARY 8, 2001

OPENING OF THE SESSION

At 10:26 a.m., the Senate President, Hon. Aquilino Q. Pimentel Jr. called the session to order.

The President. The 53rd 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. Loren Legarda-Leviste. She is not yet in the hall. So let us have a one-minute... Ah, Senator Magsaysay will read the prayer on her behalf.

Everybody rose for the prayer.

PRAYER

Senator Magsaysay. This is on behalf of Sen. Loren Legarda-Leviste, Mr. President.

Mahal naming Panginoon,

Sa nalalapit na pagtatapos ng makasaysayang Kongresong ito, nais po namin Kayong bigyang pasasalamat sa Inyong walang tigil na paggabay sa aming isip, kilos at gawa. Kayo ang marapat naming bigyang pagpupugay dahil kung hindi dahil sa Inyong patnubay at sa talino at lakas na ipinagkaloob Ninyo sa amin, ay hindi po namin maisasagawa ang lahat ng mga samut-saring tungkulin namin bilang mga senador ng Republika, mambabatas at tagapaglingkod ng bayan.

Hiling namin na ang lahat ng mga batas na aming naipasa at naipatupad ay magdulot ng lubos na kabutihan at kaginhawaan sa aming mga milyun-milyong pinaglingkurang mamamayan, at para sa higit pang ikauunlad ng aming bayan. Huwag sana kaming makalimot na kami ay Inyong iniluklok sa aming kinalalagyan ngayon upang maging sanga at haligi ng Inyong kabutihan, at bilang mga tagapaglingkod lamang.

Alam namin na marami pa kaming mga bagay na dapat matutunan at maisagawa, at suliraning dapat gampanan sa aming pagbabalik sa susunod na Kongreso. Hiling po namin na sa aming pansamantalang pagtatapos ay mabigyan kami ng pagkakataon na makaipon pa ng kinakailangang lakas ng katawan at lakas ng espiritu, upang magampanan ang lahat ng ito.

Nagpapasalamat pokami, Panginoon, sa magandang samahan at pagkakaibigan na aming nabuo nitong mga nagdaang taon, na kahit na sa matinding pagdedebate at pagkakaiba ng aming mga opinyon, ay nananaig pa rin ang aming pagkakaisa bilang isang Kamara na may mataas na tungkulin at pananagutan sa Inyo at sa bayan. Ang ilan po sa amin ay magsisilbi na sa ibang pamamaraan. Hiling po namin na patuloy Ninyo silang gabayan at patnubayan sa bago nilang mga tungkulin.

Higit sa lahat, hinihiling po namin na ang nalalapit na eleksyon ay maging maayos, malaya, at mapayapa. Gabayan po Ninyo ang ating mga mamamayan sa pagpili ng mga pinuno na tapat sa kanilang tungkulin at sa layuning mapaunlad ang bayan.

Muli, ang aming taus-pusong pasasalamat sa Inyo aming mahal na Panginoon,

Amen.

ROLL CALL

The President. The Secretary will please call the roll.

The Secretary, reading:

Senator Teresa Aquino-Oreta	Present*
Senator Robert Z. Barbers	Absent**
Senator Rodolfo G. Biazon	Present*
Senator Renato L. Compañero Cayetano	Present
Senator Anna Dominique M.L. Coseteng ...	Present
Senator Miriam Defensor Santiago	Present*
Senator Franklin M. Drilon	Present
Senator Juan Ponce Enrile	Present
Senator Juan M. Flavies	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 Ramon B. Revilla	Present
Senator Raul S. Roco	Present
Senator Vicente C. Sotto III	Absent
Senator Francisco S. Tatad	Present
The President	Present

* Arrived after the roll call

** On account of illness

Dear Senate President Pimentel:

Pursuant to the provisions of Article VI, Section 26 (2) of the Constitution, I hereby certify to the necessity of the immediate enactment of Senate Bill No. 2128, entitled

AN ACT PROVIDING FOR THE CONSERVATION AND PROTECTION OF WILDLIFE RESOURCES AND THEIR HABITATS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES,

to address the public emergency comprising of the continuous introduction of exotic species into protected areas and critical habitats due to lack of necessary system for their protection and conservation.

Best wishes.

Very truly yours,

(Sgd.) GLORIA MACAPAGAL ARROYO

cc: Hon. Feliciano R. Belmonte Jr.
Speaker
House of Representatives
Quezon City

SUSPENSION OF CONSIDERATION OF S. NO. 2226

Senator Tatad. Mr. President, just an oversight. Before I make my next motion, I move that we suspend consideration of the bill that was sponsored by Senator Legarda-Leviste.

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

BILL ON THIRD READING
S. No. 2128—Wildlife Conservation
and Protection Act

Senator Tatad. Mr. President, I move that we vote on Third Reading on Senate Bill No. 2128.

The President. Is there any objection? [Silence] There being none, voting on Third Reading on Senate Bill No. 2128 is now in order.

The Secretary will please read only the title of the bill.

The Secretary. Senate Bill No. 2128, entitled

AN ACT PROVIDING FOR THE CONSERVATION AND PROTECTION OF WILDLIFE RESOURCES AND THEIR HABITATS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

The President. We shall now vote on the bill and the Secretary will call the roll.

The Secretary. Senators

Aquino-Oreta	Yes
Barbers	
Biazon	
Cayetano	Yes
Coseteng	Yes
Defensor Santiago	
Drilon	
Enrile	Yes
Flavier	
Guingona Jr.	Yes
Honasan	Yes
Jaworski	
Legarda-Leviste	Yes
Magsaysay Jr.	
Ople	Yes
Osmeña (J.)	
Osmeña III	Yes
Revilla	
Roco	Yes
Sotto III	
Tatad	Yes
The President	Yes

APPROVAL OF S. NO. 2128 ON THIRD READING

The President. With 12 affirmative votes, no negative vote, and no abstention, Senate Bill No. 2128 is approved on Third Reading.

CONFERENCE COMMITTEE REPORT ON
S. NO. 2216/H. NO. 499
(Art Authentication Act of 2000)

Senator Tatad. Mr. President, I move that we now consider the Bicameral Conference Committee Report on the disagreeing provisions of Senate Bill No. 2216 and House Bill No. 499.

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

Senator Tatad. I ask that Sen. Teresa Aquino-Oreta be recognized to sponsor this report.

The President. Sen. Teresa Aquino-Oreta is recognized.

REPORT OF SENATOR AQUINO-ORETA

Senator Aquino-Oreta. Thank you, Mr. President.

Mr. President, the Conference Committee on the disagreeing provisions of Senate Bill No. 2216 and House Bill No. 499, after having met and fully discussed the subject matter, would like to report the following:

1. Both the Senate and the House versions were adopted as working drafts;

2. Section 1 of both bills were merged and modified as Section 1 of the consolidated version, to read as follows:

SECTION 1. *Short Title.* - This Act shall be known as the "Art Forgery Act of 2001.";

3. Section 3 of the Senate version was rearranged to give emphasis to the definition of art forgery. Subsection (c), items, i, ii, iii and iv, which enumerate the acts of art forgery, were transposed to become the new subsection (a), items 1, 2, 3 and 4. Subsequently, subsections (a) and (b) became subsections (b) and (c), respectively;

4. The intent of the Senate bill to institutionalize the Panel of Experts, as prescribed by Republic Act No. 4846, as amended by Presidential Decree No. 374, and the proposal of the House bill (Section 5) to create an Art Authentication Board, were merged, modified and adopted as Section 4 of the consolidated version, to read as follows:

SEC. 4. ART AUTHENTICATION PANEL; CREATION AND COMPOSITION. - THERE IS HEREBY CREATED A PANEL TO BE KNOWN AS THE ART AUTHENTICATION PANEL TO REPLACE AND ASSUME THE POWERS AND FUNCTIONS OF THE PANEL OF EXPERTS FOR FINE ARTS PROVIDED FOR IN REPUBLIC ACT 4846, AS AMENDED BY P.D. 374. THE PANEL SHALL BE COMPOSED OF THREE (3) MEMBERS, WHO SHALL BE CHOSEN AND APPOINTED BY THE NATIONAL MUSEUM BOARD OF TRUSTEES FROM A LIST SUBMITTED BY THE SEARCH COMMITTEE CREATED UNDER SECTION 8 OF THIS ACT.

No. 5...

MOTION OF SENATOR PIMENTEL
(Conference Committee Report Considered
as Read into the *Record*)

The President. Maybe, Senator Aquino-Oreta can submit the report and we will consider it as read—

Senator Aquino-Oreta. All right.

The President. —so that she will not be losing her voice.

Senator Aquino-Oreta. All right, if no one will object to it.

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

The Majority Leader is recognized.

APPROVAL OF CONFERENCE COMMITTEE
REPORT ON S. NO. 2216/H. NO. 499

Senator Tatad. I move that we the adopt the report.

The President. And consider the rest of the report as read into the *Record*.

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

Senator Aquino-Oreta. Thank you, Mr. President.

The following is the whole text of the continuation of the conference committee report:

5. Section 6 of the Senate version (Broadening of the Powers of the Panel) was amended and adopted as Section 5 of the consolidated version. The title and the first paragraph of the Section were revised to conform to the new Section 4, to read:

"SEC. 5. FUNCTIONS OF THE ART AUTHENTICATION PANEL. - IN ADDITION TO THE POWERS GRANTED TO IT UNDER REPUBLIC ACT 4846 AS AMENDED, THE ART AUTHENTICATION PANEL, HEREIN REFERRED TO AS THE PANEL, SHALL ALSO HAVE THE FOLLOWING POWERS AND FUNCTIONS:"

6. Section 7 of the Senate version (*Qualifications of the Members of the Panel*) was adopted as the new Section 6, with the following amendments:

a. On the title, after the word "Panel", the phrase "of Experts." was deleted;

b. On the text, the word "reputed" was replaced with the word "PROVEN."; and the provisos were deleted and made part of the new Section 7.

Thus, the new Section 6 shall read as follows:

"SEC. 6. *QUALIFICATIONS OF THE MEMBERS OF THE PANEL.* - THE MEMBERS OF THE PANEL MUST BE CITIZENS OF THE PHILIPPINES, AT LEAST THIRTY-FIVE (35) YEARS OF AGE ON THE DAY OF THEIR APPOINTMENT, OF PROVEN COMPETENCE, INTEGRITY, PROBITY AND INDEPENDENCE OF MIND, AND HOLDERS OF A DEGREE OR EQUIVALENT TRAINING AND EXPERIENCE IN ART CONSERVATION, CONNOISSEURSHIP, ART HISTORY, OR VISUAL ARTS."

7. Section 7 of the House version, the provisos of Section 7 and item a., Section 5 of the Senate version, were merged, modified and adopted as Section 7 of the consolidated version, to wit:

"SEC. 7. *TERM OF OFFICE.* - THE MEMBERS OF THE PANEL SHALL BE APPOINTED BY THE BOARD OF TRUSTEES FOR A TERM OF TWO (2) YEARS: *PROVIDED*, THAT NO MEMBER OF THE PANEL SHALL SERVE FOR MORE THAN TWO (2) CONSECUTIVE TERMS: *PROVIDED, FURTHER*, THAT APPOINTMENT TO ANY VACANCY SHALL ONLY BE FOR THE UNEXPIRED TERM OF THE PREDECESSOR AND SHALL BE COUNTED AS ONE TERM."

8. Section 4 of the Senate version (*Creation of a Search Committee for the Panel*) was adopted as the new Section 8 of this proposed Act but with the following amendments:

a. On the title, the phrase "of Experts" after the word "Panel" was deleted;

and

b. The phrase "BUT NOT LIMITED TO," between the phrases "composed of" and "the following persons." was inserted;

9. Section 5 of the Senate version (*Functions of the Search Committee for the Panel*) was adopted as the new Section 9, with certain modifications of subsection a. which shall now read, as follows:

"a. SUBMIT TO THE NATIONAL MUSEUM BOARD OF TRUSTEES A LIST OF SIX (6) NAMES, FROM WHICH THE MEMBERS OF THE PANEL SHALL BE CHOSEN; AND";

10. Section 7, second paragraph of the Senate

version was refined and made Section 10 of the consolidated version, which shall read as follows:

"SEC. 10. *COMPENSATION.* - MEMBERS OF THE SEARCH COMMITTEE, THE PANEL AND THE ART CONSULTANTS SHALL BE ENTITLED TO RECEIVE PER DIEMS IN ACCORDANCE WITH EXISTING RULES AND REGULATIONS.";

11. Section 9 of the Senate version was amended and adopted as the new Section 11. The phrase "Five thousand pesos (P5,000.00)" was deleted and replaced with the phrase "FIFTY THOUSAND PESOS (P50,000.00)";

12. Section 10 of the Senate version and Section 12 of the House version (*Appropriations*) were merged and refined to become Section 12 of the consolidated version, to read:

"SEC. 12. *APPROPRIATIONS.* - FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS ACT, THE AMOUNT OF FIFTY MILLION PESOS (P50,000,000.00) IS HEREBY APPROPRIATED AND SHALL BE TAKEN FROM THE ORGANIZATIONAL ADJUSTMENT FUND FOR THE ACQUISITION OF THE NECESSARY EQUIPMENT, SUPPLIES AND EXPERTISE.

THEREAFTER, THE AMOUNT NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT SHALL BE INCLUDED IN THE GENERAL APPROPRIATIONS ACT OF THE YEAR FOLLOWING ITS ENACTMENT INTO LAW.

ANY AND ALL AMOUNTS COLLECTED BY THE PANEL IN THE EXERCISE OF ITS FUNCTIONS SHALL BE RETAINED BY THE NATIONAL MUSEUM TO AUGMENT ITS ANNUAL APPROPRIATIONS. DISBURSEMENTS THEREFROM SHALL BE SUBJECT TO THE APPROVAL OF THE BOARD OF TRUSTEES OF THE NATIONAL MUSEUM.";

13. A new Section 13 was introduced, which shall read as follows:

"SECTION 13. *IMPLEMENTING RULES AND REGULATIONS.* - THE BOARD OF TRUSTEES OF THE NATIONAL MUSEUM SHALL PROMULGATE THE NECESSARY RULES AND REGULATIONS FOR THE EFFECTIVE IMPLEMENTATION OF THE PROVISIONS OF THIS ACT.";

14. The title of the bill shall read:

AN ACT DEFINING THE CRIME OF ART FORGERY,
PROVIDING PENALTIES, AND INSTITU-
TIONALIZING A MECHANISM FOR ART
AUTHENTICATION, APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES

In case of conflict between statements and
amendments stated in this Explanatory Statement and
that of the provisions of the reconciled version in the
accompanying Conference Committee Report, the
provisions of the latter shall prevail.

(Sgd.) TERESA AQUINO-ORETA
Chairperson
Senate Panel

SPECIAL ORDERS

Senator Tatad. Mr. President, I move that we transfer from
the Calendar for Ordinary Business to the Calendar for Special
Orders the following measures: Committee Report No. 640 on
Senate Bill No. 2199, entitled

AN ACT TO ABOLISH THE APICULTURE TRAIN-
ING AND DEVELOPMENT CENTER AT THE
DON MARIANO MARCOS MEMORIAL
STATE UNIVERSITY, MUNICIPALITY OF
BACNOTAN, PROVINCE OF LA UNION, AND
CREATE THE NATIONAL APICULTURE
RESEARCH, TRAINING AND DEVELOPMENT
INSTITUTE, AUTHORIZING THE APPRO-
PRIATIONS OF FUNDS THEREFOR, AND FOR
OTHER PURPOSES;

Committee Report No. 517 on House Bill No. 2150, entitled

AN ACT CONVERTING THE BALO-I PANTAO-
RAGAT-MUNAI-BACOLOD PROVINCIAL
ROAD, WITHIN THE TERRITORIAL JURIS-
DICTION OF THE PROVINCE OF LANA DEL
NORTE, INTO A NATIONAL ROAD AND
APPROPRIATING FUNDS THEREFOR;

Committee Report No. 515 on House Bill No. 7183, entitled

AN ACT PROVIDING FOR THE CONVERSION
OF THE NRJ TINIWISAN-MAGUINDAMAN-
DAMO (BUTUAN CITY)-POBLACION-
MALICATO-SAN ISIDRO-ROSARIO-MARCOS
CALO (LAS NIEVES)-SIBAGAT-NRJ AGUSAN

DAVAO ROAD IN THE PROVINCE OF AGUSAN
DEL NORTE, INTO A NATIONAL SECON-
DARY ROAD AND APPROPRIATING FUNDS
THEREFOR;

Committee Report No. 506 on House Bill No. 993, entitled

AN ACT CONVERTING THE KAPAI-TALACAG
PROVINCIAL ROAD LOCATED IN THE
PROVINCES OF LANA DEL SUR AND
BUKIDNON INTO A NATIONAL ROAD AND
APPROPRIATING FUNDS THEREFOR;

Committee Report No. 505 on House Bill No. 5896, entitled

AN ACT PROVIDING FOR THE CONVERSION OF
THE MAGAPIT-NICOLAS AGATEP PROVINCIAL
ROAD LOCATED IN THE MUNICIPAL-
ITIES OF LALLO AND LASAM BOTH IN
THE PROVINCE OF CAGAYAN, INTO A
NATIONAL ROAD AND APPROPRIATING
FUNDS FOR THE IMPROVEMENT AND
MAINTENANCE THEREOF;

Committee Report No. 504 on House Bill No. 994, entitled

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

Committee Report No. 603 on House Bill No. 7951, entitled

AN ACT CONVERTING THE MALACAMPA-
MAYANTOC ROAD IN THE MUNICIPAL-
ITIES OF CAMILING AND MAYANTOC,
PROVINCE OF TARLAC INTO A NATIONAL
ROAD AND PROVIDING FUNDS THEREFOR;

Committee Report No. 602 on House Bill No. 7950, entitled

AN ACT CONVERTING THE TARLAC CITY-SAN
JOSE VIA BURGOS ROAD, PROVINCE OF
TARLAC INTO A NATIONAL ROAD AND
PROVIDING FUNDS THEREFOR;

Committee Report No. 533 on House Bill No. 7020, entitled

AN ACT CONVERTING AND DECLARING
CERTAIN ROADS IN THE FIRST DISTRICT,
PROVINCE OF NORTHERN SAMAR INTO