

RECORD OF THE SENATE

WEDNESDAY, JANUARY 24, 2001

RESUMPTION OF THE SESSION

At 3:22 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. Mr. President, may I ask the Secretary to read the Additional Reference of Business.

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

Senator Drilon. Mr. President.

The President. Sen. Franklin M. Drilon is recognized.

Senator Drilon. Mr. President, on a point of personal privilege and with the permission of the Chair before we read the Additional Reference of Business.

The President. Yes, Senator Drilon.

QUESTION OF PRIVILEGE OF SENATOR DRILON (On Retention of Sen. Osmeña (J.) as Finance Committee Chair)

Senator Drilon. Mr. President, in one of the national dailies today, there was a news article which, permit me to read, for the record, a part of that said:

The anti-Estrada, now considered administration senators, have agreed that all committee heads and other Senate posts will not be touched but they want Senator John Osmeña replaced by Senator Franklin Drilon as chair of the Finance Committee.

Mr. President, I wish to thank some of my colleagues for the confidence that they have reposed in this representation. But I wish to state that I believe it is to the national interest that we retain the present chairman of the Committee on Finance.

Mr. President, we have barely ten days from today, ten session days, and nothing will be served by this representation's replacing Sen. John H. Osmeña as chairman of the Finance Committee. We simply would not have the physical time nor the effort to go through the thousands of pages of the General Appropriations Bill, much less sitting down in the Bicameral Conference Committee when we sit with our counterparts in the House.

I must emphasize that we must pass a budget, especially for the Comelec, considering that we have the forthcoming election in May. If we do not have the election because of lack of funds, then there will be a constitutional crisis in July when there will be no more Congress as all the terms of the congressmen and half of the Senate would have expired. Therefore, it is to the interest of the nation that we must pass the budget for the Comelec.

Likewise, Mr. President, the foreign-assisted projects wherein, I think, about nearly P60 billion is allocated and about a third of that would be local counterpart funds. Again, these are projects which are on the pipeline and the execution of which will be delayed if we do not have a budget.

So, for all of these reasons, Mr. President, I would like to manifest that we should have the budget debated as soon as possible so that we can have it enacted in the manner or in that shape which we believe is to the best interest of the country.

Thank you very much, Mr. President.

The President. Thank you, Senator Drilon.

Senator John Osmeña is recognized.

Senator J. Osmeña. Thank you, Mr. President.

I would like to express my gratitude to my dear friend, Sen. Franklin Drilon, for his remarks and for the confidence that he has reposed in me.

I have always maintained, Mr. President, that the chairmanship of the committees in this Chamber are at the disposal of a Majority that can be put together in the Chamber. And that when the time comes which, I think, it will be either now or in July when we return to become the Minority, I have no reservations or no hesitation on yielding the chairmanship of a committee or any committee that I may hold to whoever is chosen by the Majority. That is the cardinal rule here in the Senate.

Now, on the matter of the approval of the budget which Senator Drilon correctly points out carries with it a lot of very essential items of appropriations, I would like to report to the Chamber that as a result of the efforts of some friends, I saw the President—President Gloria Macapagal-Arroyo—yesterday at five o'clock in the afternoon in the residence of her late father, President Diosdado Macapagal, in Forbes Park. And together with the secretary of Finance, Secretary Alberto G. Romulo, who is our colleague here in the prior sessions, I presented to them the abstract of the budget. I told the President and Secretary Romulo that we were running out of time in the Senate; that the deficit that we are foreseeing in the Committee on Finance which will be reflected in the report of the Committee on Finance is going to be

SEC. 14. *Separability Clause.* - If any provision or part of this Act, or the application thereof to any person or circumstances, is held invalid or unconstitutional, the remaining sections of this Act or the application of such provision or part hereof to other persons or circumstance shall remain in full force and effect.

SEC. 15. *Repealing Clause.* - All laws, decrees, orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 16. *Effectivity.* - This Act shall take effect fifteen (15) days after its approval and publication in the *Official Gazette* and/or in two (2) newspapers of general circulation, whichever comes earlier.

Approved,

BILL ON SECOND READING
S. No. 2216 — Art Authentication Act of 2000
(Continuation)

Senator Tatad. Mr. President, I move that we now resume consideration of Senate Bill No. 2216 under Committee Report No. 489.

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

Senator Tatad. We are now in the period of individual amendments. Sen. Raul S. Roco had previously made a reservation to examine the bill for any possible individual amendment. It appears that the draft is completely satisfactory. And in his own words: "It has reached the apotheosis of perfection almost."

So if there are no individual amendments being proposed, I move that the period of individual amendments be closed.

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

Senator Tatad. I move that we approve on...

MANIFESTATION OF SENATOR AQUINO-ORETA
(To Correct the Title of S. No. 2216)

Senator Aquino-Oreta. Mr. President, before we go, may I just make a small manifestation—a little correction regarding my sponsorship speech yesterday? For the record, I humbly enter into the *Record* and, as a consequence, into the *Journal* the title of Senate Bill No. 2216 as covered under Committee Report No. 489. The title will be

AN ACT DEFINING THE CRIME OF ART FORGERY, PROVIDING PENALTIES THERETO, BROADENING THE POWERS OF THE NATIONAL MUSEUM'S PANEL OF EXPERTS, PROVIDING FUNDS THEREFOR AND OTHER PURPOSES.

The President. All right. So noted.

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

SUSPENSION OF CONSIDERATION OF S. NO. 2216

Senator Tatad. I move that we suspend consideration of Senate Bill No. 2216.

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

RESOLUTION ON SECOND READING
P. S. Res. No. 870 — Ratification of the Patent
Cooperation Treaty

Senator Tatad. Mr. President, I move that we now consider on Second Reading Senate Resolution No. 870 under Committee Report No. 408.

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

Consideration of Proposed Senate Resolution No. 870 is now in order. With the permission of the Body, the Secretary will read only the title of the resolution without prejudice to inserting in the *Record* the whole text thereof.

The Secretary. Proposed Senate Resolution No. 870, entitled

RESOLUTION CONCURRING IN THE RATIFI-
CATION OF THE PATENT COOPERATION
TREATY

The following is the whole text of the resolution:

Proposed Senate Resolution No. 870

RESOLUTION CONCURRING IN THE RATIFI-
CATION OF THE PATENT COOPERATION
TREATY

WHEREAS, the Patent Cooperation Treaty (PCT) was adopted at Washington on 19 June 1970, entered into force on 24 January 1978 and became operational on 01 June 1978. It was amended in 1979 and modified in 1984;

measure influenced by the availability of protection for their intellectual property rights. They will not hesitate to invest in the Philippines, knowing that as a contracting party to the treaty their intellectual property rights would be sound and safe in the country. In addition, our accession to the treaty will reinforce our commitment to play an active part in the community of nations.

There have been some concerns expressed during the Committee's deliberations on our accession to the treaty about the confidentiality of inventions after the filing of an application thereof. Such concerns, ranging from the risks of thievery or copying of inventions to bias and discrimination against Filipino inventors in the granting of patents, are valid and therefore need to be addressed.

However, let me assure our distinguished colleagues in the Senate that under the treaty, no third person is allowed access to international patent applications unless so requested or authorized by the applicant, until international publication of the application which is 18 months after the priority date. Furthermore, the applicant may withdraw his application if he so desires and if this is done on time, his application will not be published.

Mr. President, the development of the PCT system, since it entered into force on 24 January 1978 and became operational on 01 June of the same year, has shown a remarkable increase in the number of international applications and demands for international preliminary examinations over the years. This shows the PCT's effectivity and viability as a mechanism for protecting inventions and innovations.

There are already 104 PCT contracting states as of July 15, 1999. In the ASEAN, three countries, namely Indonesia, Singapore, and Vietnam, have ratified their accession to the treaty. With the support of our colleagues, the Philippines could be the fourth.

In view of the foregoing, I urge my distinguished colleagues in this august Chamber to concur in the ratification of the Patent Cooperation Treaty by unanimously approving Proposed Senate Resolution No. 870.

Thank you very much.

Senator Tatad. Mr. President, since there is no indication of any desire to interpellate, I move that the period of interpellations be closed.

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

Thank you, Senator Ople.

Senator Tatad. There are no proposed committee amendments to the resolution, neither are there any proposed individual

amendments to the same. I move that the period of amendments be closed.

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

APPROVAL OF P. S. RES. NO. 870
ON SECOND READING

Senator Tatad. Mr. President, I move that we vote on Second Reading on Proposed Senate Resolution No. 870 under Committee Report No. 408.

The President. Is there any objection? *[Silence]* There being none, we shall now vote on Second Reading on Proposed Senate Resolution No. 870.

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

Several Members. *Aye*.

The President. As many as are against the bill, say *nay*. *[Silence]*

Proposed Senate Resolution No. 870 is approved on Second Reading.

SUSPENSION OF CONSIDERATION OF
P. S. RES. NO. 870

Senator Tatad. I move that we suspend consideration of Proposed Senate Resolution No. 870.

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

BILL ON SECOND READING
S. No. 2216 -- Art Authentication Act of 2000
(Continuation)

Senator Tatad. Mr. President, a while ago we closed the period of individual amendments on Senate Bill No. 2216; we suspended without moving for its approval.

I move that we resume consideration of Senate Bill No. 2216 as reported out under Committee Report No. 489.

The President. Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 2216 is now in order.

APPROVAL OF S. NO. 2216 ON SECOND READING

Senator Tatad. Mr. President, I move that we vote on Second Reading on Senate Bill No. 2216.

The President. Is there any objection? *[Silence]* There being none, we shall now vote on Second Reading on Senate Bill No. 2216.

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

Several Members. *Aye*.

The President. As many as are against the bill, say *nay*. *[Silence]*

Senate Bill No. 2216 is approved on Second Reading.

SUSPENSION OF CONSIDERATION OF S. NO. 2216

Senator Tatad. I move that we suspend consideration of Senate Bill No. 2216.

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

RESOLUTION ON SECOND READING P. S. Res. No. 873 -- Agreement on Social Security Between RP and Canada

Senator Tatad. Mr. President, I move that we consider Proposed Senate Resolution No. 873 as reported out under Committee Report No. 411.

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

Consideration of Proposed Senate Resolution No. 873 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 Secretary. Proposed Senate Resolution No. 873, entitled

RESOLUTION CONCURRING IN THE RATIFI- CATION OF THE SUPPLEMENTARY AGREE- MENT TO THE AGREEMENT ON SOCIAL SECURITY BETWEEN THE REPUBLIC OF THE PHILIPPINES AND CANADA

The following is the whole text of the resolution:

Proposed Senate Resolution No. 873

RESOLUTION CONCURRING IN THE RATIFI- CATION OF THE SUPPLEMENTARY AGREE- MENT TO THE AGREEMENT ON SOCIAL SECURITY BETWEEN THE REPUBLIC OF THE PHILIPPINES AND CANADA

WHEREAS, the Supplementary Agreement to the Agreement on Social Security between the Republic of the Philippines and Canada was signed in Winnipeg, Canada on 13 November 1999;

WHEREAS, The Supplementary Agreement consisting of eleven (11) Articles, aims to strengthen further the relations between the two countries in the field of social security by including the Government Service Insurance System of the Republic of the Philippines in the scope of the Agreement;

WHEREAS, the Supplementary Agreement, taking into account the relevant developments since the signing of the Framework Agreement on Social Security between the Republic of the Philippines and Canada, amends portions of Articles II, III, IV, V, VI, VII, VIII and IX of the same;

WHEREAS, Article XI of the Supplementary Agreement provides that it shall enter into force on the first day of the fourth month following the month in which each Party shall have received written notification from the other Party, through diplomatic channels, that it has complied with all statutory requirements for its entry into force;

WHEREAS, pursuant to Section 21, Article VII of the 1987 Philippine Constitution, "No treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the members of the Senate";

NOW, THEREFORE, be it resolved that the Senate of the Philippines concur as it hereby concurs in the ratification of the Supplementary Agreement to the Agreement on Social Security between the Republic of the Philippines and Canada.

Adopted,

(Sgd.) BLAS F. OPLE
Chairman

Senator Tatad. For the sponsorship, I ask that the distinguished Senate President Pro Tempore, chairman of the Committee on Foreign Relations, Sen. Blas F. Ople, be recognized.

The President. Senator Ople is recognized.