

RECORD OF THE SENATE

TUESDAY, JANUARY 9, 2001

RESUMPTION OF THE SESSION

At 10:07 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. Mr. President, I move that we proceed to the 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

BILLS ON FIRST READING

The Secretary. Senate Bill No. 2229, entitled

AN ACT DEFINING THE SCOPE OF JOB CONTRACTING AND PENALIZING LABOR ONLY CONTRACTING, AMENDING FOR THE PURPOSE, ARTICLE 106 OF PRESIDENTIAL DECREE NO. 442, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, AS AMENDED, AND FOR OTHER PURPOSES

Introduced by Senator Legarda-Leviste

The President. Referred to the Committee on Labor, Employment and Human Resources Development

The Secretary. Senate Bill No. 2230, entitled

AN ACT SEPARATING THE EM'S SIGNAL VILLAGE ELEMENTARY SCHOOL ANNEX IN ZONE 6 BARANGAY SIGNAL VILLAGE, TAGUIG, METRO MANILA FROM EM'S ELEMENTARY SCHOOL IN ZONE 2 BARANGAY SIGNAL VILLAGE, TAGUIG AND CONVERTING IT INTO AN INDEPENDENT ELEMENTARY SCHOOL TO BE KNOWN AS THE KAPITAN JOSE CARDONES MEMORIAL SCHOOL, AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Renato L. Compañero Cayetano

The President. Referred to the Committees on Education, Arts and Culture; and Finance

The Secretary. Senate Bill No. 2231, entitled

AN ACT SEPARATING THE TENEMENT ELEMENTARY SCHOOL ANNEX IN BARANGAY WESTERN BICUTAN, TAGUIG, METRO MANILA FROM THE TENEMENT ELEMENTARY SCHOOL, IN BARANGAY WESTERN BICUTAN, TAGUIG, METRO MANILA AND CONVERTING IT INTO AN INDEPENDENT ELEMENTARY SCHOOL TO BE KNOWN AS THE KAPITAN EDDIE T. REYES MEMORIAL SCHOOL, AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Renato L. Compañero Cayetano

The President. Referred to the Committees on Education, Arts and Culture; and Finance

COMMUNICATIONS

The Secretary. Letter from Commissioner Raul L. Flores of the Commission on Audit, transmitting to the Senate the Auditor's Annual Audit Report on the Senate of the Philippines for calendar year 1999.

The President. Referred to the Committee on Finance

The Secretary. Letter from S.P. Secretary Edgardo L. Samson of the Sangguniang Panlalawigan of Rizal, submitting to the Senate a copy of Resolution No. 232 supporting House Bill No. 8190, granting a three thousand pesos across the board salary increase to all government employees.

The President. Referred to the Committees on Civil Service and Government Reorganization; and Finance

The Acting Secretary [Atty. Reyes]. Letter from Mayor Adolfo M. Carloto of the municipality of Kalawit, Zamboanga del Norte, indorsing to the Senate S.B. Resolution No. 90, series of 2000, supporting Senate Bill No. 272 increasing the IRA of local government units.

The President. Referred to the Committees on Local Government; and Finance

The Acting Secretary [Atty. Reyes]. Resolution No. 2000-219 of the Sangguniang Bayan of Sta. Catalina, Negros Oriental, supporting House Bill No. 7012 which seeks to convert the Third Sub-district Engineering Office of the Department of Public

SALVADOR and SPO4 GUTIERREZ mirrors the best in the performance of duty among members of the Philippine National Police;

WHEREAS, such bravery and devotion to duty is worthy of emulation and deserves the highest public esteem: NOW THEREFORE BE IT

RESOLVED by the Senate to commend, as it hereby commends INSPECTOR NESTOR LINASAN SALVADOR and SPO4 ROBERTO ALPAJARO GUTIERREZ who gave up their lives so that others may live and that wanton destruction of property may be forestalled.

RESOLVED, further to award the Senate Blue Ribbon Gold Medal for Valor to INSPECTOR SALVADOR and SPO4 GUTIERREZ with the recommendation that they be posthumously promoted two ranks higher and their respective widows and children be compensated by the Police Mutual Benefit Fund at double the amount awarded to PNP members who died of other causes;

RESOLVED, finally that copies of this Resolution be furnished 1) the respective families of INSPECTOR SALVADOR and SPO4 GUTIERREZ, 2) the Philippine National Police Headquarters and, 3) the Makati City Police Station.

Adopted,

(Sgd.) FRANCISCO S. TATAD

(Sgd.) AQUILINO Q. PIMENTEL JR.

The President. The Majority Leader is recognized.

ADOPTION OF P. S. RES. NO. 913

Senator Tatad. Mr. President, this is a straightforward resolution. With all the senators here present as coauthors, I move that this resolution be unanimously adopted.

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

SUSPENSION OF SESSION

Senator Tatad. Mr. President, I move that we suspend the session for one minute.

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

It was 10:16 a.m.

RESUMPTION OF SESSION

At 10:17 a.m. the session was resumed.

At this juncture, the Senate President relinquished the Chair to Sen. John H. Osmeña.

The Presiding Officer [Sen. J. Osmeña]. The session is resumed. The Majority Leader is recognized.

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. This is the amendments to the Organic Act.

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

The sponsor is recognized.

Senator Tatad. We are still in the period of individual amendments. The sponsor has been recognized, Mr. President, and will now accept individual amendments.

Senator Drilon. Mr. President.

The Presiding Officer [Sen. J. Osmeña]. For the period of individual amendments, Sen. Franklin M. Drilon is recognized.

DRILON AMENDMENTS

Senator Drilon. Mr. President, on page 27, line 20, may we propose to insert between the words “that” and “at”, the words WHENEVER FEASIBLE. I understand a similar amendment is contained in the House version.

Senator Pimentel. That is correct, Mr. President.

The amendment is accepted.

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

Senator Drilon. Just a minor amendment. As a matter of style. Can we remove the comma (,) after the word “least” in line 20?

Senator Pimentel. It is accepted, Mr. President.

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

Senator Drilon. Mr. President, before I go to the next amendment, may I propose an omnibus amendment so that all reference to "central government" be changed to NATIONAL GOVERNMENT.

Senator Pimentel. Mr. President, may I just kindly inform the distinguished gentleman that "central government" actually is the more acceptable political term. We have made a research on this. It is an attempt to show that there is a central authority and there are regional authorities. But the central government would pervade the entire structure of governance in the country. I hope that the gentleman would...

Senator Drilon. This amendment is based on our body of laws which would usually use "national government."

Senator Pimentel. Yes. If that should be the case, then, probably, we can put an addendum that any reference to central government could also refer to national government because we are trying to introduce the correct terminology, Mr. President, according to political science.

Senator Drilon. We can leave that hanging in the meantime.

Senator Pimentel. Yes.

Senator Drilon. We have that amendment, and consideration of the same be suspended.

Senator Pimentel. Yes, Mr. President. Thank you.

Senator Drilon. And, again, as a matter of style, can we have—for caps and lower case—the following phrases?

Senator Pimentel. Yes, Mr. President.

Senator Drilon. "Supreme Court,—

Senator Pimentel. Yes.

Senator Drilon. —Constitution...

Senator Pimentel. This is an omnibus amendment.

Senator Drilon. Yes, omnibus amendment: "Supreme Court", "Constitution", "Court of Appeals", "Organic Act", "Judicial and Bar Council", "Regional Governor", "Regional Assembly", "Judiciary", "Office of the Deputy Court Administrator", "Deputy Court Administrator", "Chief Justice" and "Regional Governor".

Senator Pimentel. It is accepted, Mr. President.

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

Senator Drilon. Still on page 27, line 28, we propose to change the words "Membership" to CONSULTANT.

The Presiding Officer [Sen. J. Osmeña]. CONSULTANT TO.

Senator Drilon. CONSULTANT TO. Singular, Mr. President.

Senator Pimentel. Also, we remove the word "in".

Senator Drilon. Yes. We remove the word "in". So it should be CONSULTANT TO.

Senator Pimentel. "...the Judicial and Bar Council."

The Presiding Officer [Sen. J. Osmeña]. And also in line 29...

Senator Drilon. Yes. I will go into that, Mr. President.

Senator Pimentel. Line 28 first. We accept the amendment.

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

Senator Drilon. In line 29, therefore, Mr. President, as a consequence, we now change the words "member of" to CONSULTANT TO appearing in line 29.

Senator Pimentel. It is accepted, Mr. President.

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

Senator Drilon. On page 28, line 1, just for clarity, the word "appointee" should be changed to CONSULTANT.

Senator Pimentel. That is correct. It is accepted, Mr. President.

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

The Chair would like to invite attention to the word "sit" in line 1, page 28.

Senator Drilon. All right.

The Presiding Officer [Sen. J. Osmeña]. I think we should clarify that it will have, perhaps, voice but not vote.

Senator Pimentel. That is correct. "Once appointed by..." May be "advised"? Shall ADVISE?

The Presiding Officer [Sen. J. Osmeña]. "Once appointed, the CONSULTANT shall ADVISE the Judicial and Bar Council."

Senator Pimentel. Yes.

Senator Drilon. I think "sit" can stand. Because the Supreme Court, at present, has consultants in the Judicial and Bar Council who are sitting in the Judicial and Bar Council. I think the phrase "shall sit" may be accepted. It describes a circumstance rather than anything else.

So, if we can proceed, Mr. President, to line 26 on page 28.

Senator Pimentel. Before we go to that proposed amendment, with the permission of Senator Drilon, may I put on record that Sen. Miriam Defensor Santiago has also proposed an amendment to this particular item that we are now discussing, and she had wanted to place the concept that the Judicial and Bar Council shall have an adviser. So the concept is the same.

I just wanted to put on record that this is also the thinking of Senator Defensor Santiago, as well as that issue that once appointed by the President, the consultant shall advise the Judicial and Bar Council and be consulted by the Council on matters of appointments to judicial positions in the Autonomous Region. So, in effect, it is more or less the same. I am just putting it on record that this is the proposal of Sen. Miriam Defensor Santiago.

Senator Drilon. I have no objection to that. I leave it to the discretion of the chairman, Mr. President.

Mr. President, in line 26...

Senator Pimentel. Line 26.

Senator Drilon. We again propose to have in caps and lower case the words "appellate court" as a matter of form.

Senator Pimentel. Yes, Mr. President.

Senator Drilon. And we have further amendments in line 26 for clarity. May I propose the amendment all at the same time so that these can be better understood.

In line 26, delete the phrase "together with other Shari'ah and tribal courts" and the comma (,) appearing after the word "which" and the comma (,) appearing after the word "courts"; and in line 27, delete the phrase starting with "involving persons" down to line 30 and in lieu of the deletion from line 27 to line 30, insert the phrase ENUMERATED IN SECTION 9 OF THIS ARTICLE.

The proposed section therefore will read:

"There is hereby created a Shari'ah appellate court which shall have jurisdiction over cases ENUMERATED IN SECTION 9 OF THIS ARTICLE.

Senator Pimentel. That is very well-taken, Mr. President. We certainly appreciate and accept the proposal.

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

Senator Drilon. In Section 9, page 29, we are proposing that instead of the word "Powers" found in line 4, we substitute the same with the word JURISDICTION.

Senator Pimentel. It is accepted, Mr. President.

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

Senator Drilon. So that in line 5...

Senator Pimentel. We do the same.

Senator Drilon. Yes. As a matter of style, we simply say "shall have the following JURISDICTION:"

Senator Pimentel. It is accepted, Mr. President.

Senator Tatad. Mr. President.

The Presiding Officer [Sen. J. Osmeña]. The Majority Leader, Senator Tatad, is recognized.

TATAD-DRILON AMENDMENT

Senator Tatad. I wonder if the sponsor will reconsider that. Perhaps we simply can delete the phrase "have the following powers:" then have the colon (:) after the word "shall".

Senator Drilon. Yes, and have the colon (:) after "shall".

In line 5, Mr. President, as suggested by the Majority Leader, maybe we can just place a colon (:) after the word "shall", and delete the phrase "have the following powers".

Senator Pimentel. Yes, because the verbs are in letters (a) and (b). In other words, we delete the phrase "have the following powers".

Senator Drilon. Yes, and then colon (:).

Senator Pimentel. All right. That makes sense.

Senator Guingona. Mr. President.

The Presiding Officer [Sen. J. Osmeña]. Is the Minority Leader trying to object?

Senator Guingona. After that, Mr. President.

Senator Pimentel. So, we accept first the amendment. Yes.

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

The Minority Leader is recognized.

Senator Guingona. With the permission of the two gentlemen.

May I just go back to page 28 on the Shari'ah Appellate Court.

Senator Pimentel. Page 28. Yes, Mr. President.

Senator Guingona. Because it says in line 27: "shall have jurisdiction over cases involving persons, family..."

Senator Drilon. No. That has been amended to just simply say: "shall have jurisdiction over cases ENUMERATED IN SECTION 9 OF THIS ARTICLE."

Senator Pimentel. *Opo, tinanggal na ito.*

Senator Guingona. Yes, but we are proposing an amendment to the Shari'ah court which may have a change after consultation with the Supreme Court and the Congress so that they can have the criminal aspect over Muslims, or those who profess the Muslim faith.

Senator Pimentel. Before Senator Guingona takes that up, now that he brought back Section 7 for reconsideration, I would like to ask Senator Drilon: What will happen now to the jurisdiction of other Shari'ah and tribal courts which are supposed to have jurisdiction over persons, family and property relations?

Senator Drilon. I assume that the original jurisdiction of the Shari'ah and other courts are defined in another law and the distinguished gentleman is talking here only about the appellate jurisdiction. That is my assumption.

As we know it, in the hierarchy of jurisdiction, an appellate court would only exercise appellate jurisdiction over original matters taken up in the lower courts.

Senator Guingona. But we have the proposed amendment on page 5.

Senator Pimentel. Page 5?

Senator Guingona. Yes, in lines 21 and 22—"... THE REGIONAL ASSEMBLY, IN CONSULTATION WITH THE SUPREME COURT, THE SENATE AND THE HOUSE OF REPRESENTATIVES AND CONSISTENT WITH THE CONSTITUTION, MAY FORMULATE A SHARI'AH INCLUDING THE CRIMINAL ASPECT THEREOF..."

So if the Shari'ah is amended to include the criminal aspect, then the appellate jurisdiction should likewise take that into account.

Senator Drilon. Mr. President.

The Presiding Officer [Sen. J. Osmeña]. Senator Drilon is recognized.

Senator Drilon. I do not think there is anything inconsistent because in the definition of "jurisdiction", the jurisdiction to try the criminal case can still be in the district Shari'ah court. That is how I understand it, Mr. President.

Senator Guingona. Yes. But here, the appellate jurisdiction will be limited to persons and family relations which would be inconsistent.

Senator Pimentel. We are now on page 28.

We talked about the Shari'ah provisions on page 5. But I would like to bring back the discussion, with the permission of the gentlemen on the floor, that the deletion in line 27, starting from the words "involving persons, family and property relations respectively involving Muslims and members of the indigenous cultural communities" could probably be transferred to the bottom of Section 5 which will be between lines 14 and 15 instead of being just deleted. So that we are saying that the Shari'ah courts...

The Presiding Officer [Sen. J. Osmeña]. With the permission of the chairman.

Senator Enrile. With the permission of the gentlemen on the floor, I have a parliamentary inquiry.

Senator Pimentel. Yes, Mr. President.

**PARLIAMENTARY INQUIRY OF SENATOR ENRILE
(If Shari'ah Courts Will Be Part of Judicial
System Under Supreme Court Jurisdiction)**

Senator Enrile. If we are going to establish a Shari'ah court and a Shari'ah Appellate Court, will these be a part of the judicial system of the country subject to the overall jurisdiction of the Supreme Court?

Senator Pimentel. Yes, Mr. President.

Senator Enrile. So, we will have to establish the appeal from the Shari'ah Appellate Court to the Supreme Court.

Senator Pimentel. Yes, Mr. President.

Senator Enrile. On question of law only.

Senator Pimentel. Yes. Probably, we can do that.

Senator Enrile. Thank you.

Senator Pimentel. So with the permission again of Senator Guingona and Senator Drilon, would Senator Drilon have any objection if we transfer and define the jurisdiction of the Shari'ah court and place it under Section 5 because this is where the Shari'ah courts come for the first time?

Senator Drilon. There is a Shari'ah district court. I think that is the lowest level of the Shari'ah court system.

Senator Pimentel. That is correct. That is right.

Senator Drilon. And then we are now establishing a Shari'ah Appellate Court.

Senator Pimentel. That is correct, Shari'ah Appellate Court, but at the same time, we are recognizing that the Shari'ah courts at the lowest level would have jurisdiction over persons, family, property, et cetera.

Senator Drilon. Would it be original jurisdiction?

Senator Pimentel. That is correct, Mr. President.

Senator Drilon. So it was the original jurisdiction in order to distinguish between the original jurisdiction—

Senator Pimentel. And the appellate.

Senator Drilon. —and the appellate jurisdiction in order for us to clearly define the jurisdiction of these various courts.

Senator Pimentel. Yes. So with the permission of Senator Drilon and the Chamber, if they will allow me, I will, subject to style, just insert that particular item that would otherwise have been deleted by the motion of Senator Drilon and move it upwards to place under the Shari'ah court's original jurisdiction in Section 5.

Senator Drilon. Because, if I recall correctly, Mr. President, the existing statute would define the original jurisdiction of the Shari'ah district court.

Senator Pimentel. Absolutely, yes.

Senator Drilon. And that is not being amended by this Organic Act?

Senator Pimentel. No, it will be provided by this Organic Act. We will place it here under Section 5. Can the distinguished gentleman see Section 5, Mr. President?

Senator Drilon. Yes, I can see Section 5. This poses a little problem because it calls for a consultation with the Supreme Court, the Senate and the House of Representatives. We, being a deliberative body, I do not know how this consultation will be manifested. Is it in a form of a resolution?

Senator Pimentel. That part of the consultation shall be deleted as the distinguished gentleman had proposed. That will be eliminated, Mr. President, starting from "THE REGIONAL ASSEMBLY, IN CONSULTATION..." The distinguished gentleman had proposed that that will be...

Senator Drilon. No, I have not. I just saw this particular portion, Mr. President. I do not have any proposed amendment here.

Senator Pimentel. I thought that the distinguished gentleman had included that in his....

Senator Drilon. No, Mr. President, this is not my amendment.

Senator Pimentel. All right. So let us take it one at a time therefore. I am just talking about lines 27 and 28 particularly the words...

Senator Drilon. What page, Mr. President?

Senator Pimentel. Page 28.

Senator Drilon. I am sorry. Yes.

Senator Pimentel. That speaks of "involving persons, family and property relations respectively involving Muslims and members of the indigenous cultural communities." This is the

phrase that, as far as I remember, the distinguished gentleman has moved to strike out.

Senator Drilon. That is correct. My purpose, Mr. President, is not to remove the jurisdiction but just to make clear that the original jurisdiction over these matters should pertain to the Shari'ah district courts. And since we are providing for the Shari'ah Appellate Court, the Shari'ah Appellate Court should only exercise jurisdiction over cases enumerated in Section 9, which, if the distinguished gentleman will note, under Section 9(b), it has exclusive appellate jurisdiction over all cases tried in the Shari'ah district courts as established here.

Senator Pimentel. The distinguished gentleman is absolutely correct. Absolutely. But we are now trying to say that this particular phrase which the distinguished gentleman seeks to delete should probably be transferred to Section 5, because Section 5 speaks of the establishment of Shari'ah courts, and maybe it would be more pertinent to state here that the original jurisdiction, as he pointed out, should concern persons, family and property relations.

Senator Drilon. Should be with the Shari'ah district court?

Senator Pimentel. Shari'ah district court.

Senator Drilon. Yes. And also, while the good sponsor is looking at Section 5, maybe he can take a second look at that concept of consultation with this Chamber and the House of Representatives because I do not know how practical that provision is.

Senator Pimentel. Yes, we will certainly take a look at that. But the distinguished gentleman...

Senator Drilon. I have no problem with the distinguished gentleman's proposal, Mr. President.

Senator Pimentel. So, can we consider that approved then, Mr. President?

The Presiding Officer [Sen. J. Osmeña]. What is the amendment? Please restate it.

PIMENTEL-DRILON AMENDMENT

Senator Pimentel. The amendment would be to transpose the words "involving persons" in line 27, Mr. President.

The Presiding Officer [Sen. J. Osmeña]. The Chair would like to suggest to the sponsor the matter in line 28. It says, "...members of the indigenous cultural communities." Is it the express intention of the committee that matters involving *lumads*, who are not Muslims, should come under the jurisdiction of the Shari'ah court?

Senator Pimentel. Not at all, Mr. President, because if we will see in line 26, what is spoken of here are the Shari'ah and tribal courts. So we will have to insert the phrase SHARI'AH AND TRIBAL COURTS in Section 5 so that the tribal courts will have jurisdiction over matters involving persons, family and property relations of the members of the indigenous cultural communities. This is a separate...

The Presiding Officer [Sen. J. Osmeña]. So the legislative intent is that the Shari'ah court will have jurisdiction only over Muslims and the tribal courts will have jurisdiction over the *lumads*.

Senator Pimentel. Yes, Mr. President.

The Presiding Officer [Sen. J. Osmeña]. So the sponsor's amendment is pending before the Body.

Senator Drilon. Mr. President, just for clarity. Section 7 will now read as I have amended it, without prejudice to the transposition or reincorporation of the deleted phrases into Section 5.

Senator Pimentel. That is correct, Mr. President.

The Presiding Officer [Sen. J. Osmeña]. So subject to style, Section 5 will be amended to restyle lines 27 and 28 and incorporate it in Section 5.

Senator Drilon. That is correct.

Senator Pimentel. Under Section 5. And the concept of the tribal courts, being a separate structure altogether, will deal only with matters concerning the *lumads*, tribal Filipinos.

The Presiding Officer [Sen. J. Osmeña]. Senator Drilon has an... Let us deal with that amendment first.

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

Does Senator Drilon have a restyling of Section 4?

Senator Drilon. Of what section, Mr. President?

The Presiding Officer [Sen. J. Osmeña]. Or is it Section 5?

Senator Pimentel. I think Senator Guingona has an amendment.

Senator Drilon. Section 5.

The Presiding Officer [Sen. J. Osmeña]. Prior to this matter on transposing lines 27 and 28 to Section 5, I heard the distinguished senator talk of an amendment. Or is there no other pending amendment?

Senator Drilon. The next amendment is in Section 9, Mr. President.

The Presiding Officer [Sen. J. Osmeña]. Then the Chair stands corrected.

Senator Pimentel. But can we take up the observation of Senator Guingona which is an antecedent amendment?

The Presiding Officer [Sen. J. Osmeña]. Will Senator Guingona please introduce his amendment?

GUINGONA AMENDMENT

Senator Guingona. I just want the jurisdiction properly laid that it may cover criminal cases. And in the appellate, that the persons, family relations will not only be just confined to the civil aspect but also to the criminal aspect, if and when the Shari'ah law is amended accordingly.

Senator Pimentel. Subject to style, we will try to introduce that.

The Presiding Officer [Sen. J. Osmeña]. Subject to style, is there any objection? *[Silence]* There being none, the amendment is approved.

Senator Drilon. Mr. President, now that the Presiding Officer has pointed to Section 5 on Shari'ah courts, may I inquire from the sponsor: What does Section 5, lines 10 and 11 on page 28 exactly mean? It says: "The regional assembly of the autonomous region shall provide for the establishment of the Shari'ah courts." We have now the district Shari'ah courts. We are now establishing the appellate Shari'ah courts. What are the other Shari'ah courts contemplated in lines 10 and 11?

Senator Pimentel. That exactly is the intention why in lines 29 and 30, the regional assembly shall consult with the Supreme Court to determine the number and the jurisdiction of these courts, where these will be established.

Senator Drilon. The way I understand lines 29 and 30, these refer to the physical number of the Shari'ah district courts—

Senator Pimentel. That is correct.

Senator Drilon. —and their jurisdiction, territorial jurisdiction. But the way the first sentence in Section 5 is crafted, it could mean other Shari'ah courts other than what is already established by law and by this Organic Act.

In fact, Mr. President, I think it is of record in the Supreme Court that there are so many district Shari'ah courts which have

remained vacant. I think out of the two dozens or so, only about two or three have been filled up.

Senator Pimentel. Yes, that may be correct, Mr. President. The reason, among other things, is that the matter of jurisdiction of the Shari'ah courts is so limited that not too many Shari'ah lawyers really want to be appointed to these bodies.

Senator Drilon. And we are hopeful that with the expanded jurisdiction found in the Organic Act, there would be more of our brother Muslims who would be interested in these Shari'ah courts.

Senator Pimentel. Exactly, Mr. President.

Senator Drilon. But I will go back to my question, Mr. President: Exactly, what would the first sentence of Section 5, on page 28, lines 10 and 11, mean when it says that "The regional assembly of the autonomous region shall provide for the establishment of Shari'ah courts"?

Senator Pimentel. In effect, Mr. President, we are equating the regional assembly of the autonomous region to the Congress of the Philippines in the matter of creating courts for the country as far as the Congress of the country is concerned. Now, as far as the autonomous region is concerned, it is the regional assembly that determines how many Shari'ah courts it will establish in any given area within the autonomous region.

The Presiding Officer [Sen. J. Osmeña]. The Chair would like to inquire. Is it the contemplation of the committee that the regional assembly could authorize the number of branches of district courts?

Senator Pimentel. Yes, of the Shari'ah courts.

The Presiding Officer [Sen. J. Osmeña]. Of the Shari'ah district courts.

Senator Pimentel. Yes, Mr. President.

The Presiding Officer [Sen. J. Osmeña]. How about the establishment of branches, or the establishment of—

Senator Pimentel. Regular courts?

The Presiding Officer [Sen. J. Osmeña]. —of Shari'ah municipal courts.

Senator Pimentel. Also, Mr. President. In other words, as their need would indicate, the regional assembly is given the power to create any number of Shari'ah courts.

Senator Drilon. Can it also create a Shari'ah Supreme Court?

Senator Pimentel. No, because the appellate jurisdiction of the Shari'ah court is limited, Mr. President.

Senator Drilon. I just wanted that on the record. All right. With those qualifications, Mr. President, may we go back to page 29?

Senator Pimentel. Page 29, Mr. President.

Senator Drilon. Before I propose an amendment, which I may not, depending on the answer of the good sponsor, for example, a case is filed in the Regional Trial Court on a matter which clearly belongs to the Shari'ah District Court, where would the relief be sought? Is it in the Shari'ah Appellate Court or in the Court of Appeals?

Senator Pimentel. If the matter is one that is within the competence of the Shari'ah court, then the appeal should be to the Shari'ah appellate court, Mr. President.

Senator Drilon. That is my problem, Mr. President. That is why the example that I gave is that the case is clearly within the jurisdiction of the Shari'ah court but filed with the Regional Trial Court. Are we saying that the relief should be to the Shari'ah appellate court so that the court will now exercise jurisdiction over the Regional Trial Court?

Senator Pimentel. Mr. President, in truth, I cannot envision a situation arising in accordance with the facts that the gentleman has brought out. Because if, let us say, two Muslims are litigating against each other and they are within the territorial jurisdiction of the autonomous region, they are bound to litigate their controversy before the Shari'ah court. In which case, if the losing party wants to appeal, the appeal is to the Shari'ah appellate court.

Senator Drilon. In fact, Mr. President, a situation where a plaintiff who is a Muslim will sue another Muslim in the autonomous region over a property, for example, that clearly belongs to the Shari'ah Court.

Senator Pimentel. That is correct, Mr. President.

Senator Drilon. Now, suppose the defendant files a motion to dismiss for lack of jurisdiction and the RTC denies the motion, where does the defendant seek relief? Is it with the Shari'ah appellate court or with the Court of Appeals?

Senator Pimentel. I would say, Mr. President, that the appeal is to the Shari'ah appellate court.

SUSPENSION OF SESSION

Senator Drilon. I move that we suspend the session for one minute, Mr. President.

The Presiding Officer [Sen. J. Osmeña]. Is there any objection? [Silence] There being none, the session is suspended for one minute.

It was 10:51 a.m.

RESUMPTION OF SESSION

At 10:52 a.m., the session was resumed.

The Presiding Officer [Sen. J. Osmeña]. The session is resumed. Sen. Franklin M. Drilon is recognized.

Senator Drilon. Mr. President, may we reiterate our query by way of an example in order to clarify the intent of lines 6 to 8, where a suit is between two Muslims over a matter which pertains exclusively to the Shari'ah district court but the plaintiff brings it before the Regional Trial Court. May we know where the defendant would seek appellate relief in case the RTC judge would deny a motion to dismiss the case?

Senator Pimentel. Thank you, Mr. President, for clarifying the issue.

I am sorry, I misheard the gentleman's example earlier.

Under the example of the gentleman, the court to which the case has been brought is a regular trial court. It is not a Shari'ah court. But the litigants are Muslims within the autonomous region.

Senator Drilon. That is correct, Mr. President.

Senator Pimentel. And the RTC, for one reason or another, shall we say, denies the motion to dismiss, filed by the defendant who might have raised the issue of jurisdiction.

Senator Drilon. Yes, Mr. President.

Senator Pimentel. The appeal should clearly be with the regular court of appeals and not with the Shari'ah Court. And in the Court of Appeals, the issue of jurisdiction can very well be raised.

Senator Drilon. That is correct, Mr. President. So, I would like to thank the gentleman for that clarification.

DRILON AMENDMENTS

In which case, Mr. President, in line 7, would the good sponsor agree to accept an amendment to insert the word ONLY between the words "processes" and "in"?

Senator Pimentel. Yes, Mr. President—ONLY?

Senator Drilon. ONLY. So, it reads: "and other auxiliary writs and processes ONLY in aid of its affiliate jurisdiction;"

Senator Pimentel. It is accepted, Mr. President.

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

Senator Drilon. In line 13, the same page, a matter of style, remove the "s" after the words "supreme courts".

Senator Pimentel. It is accepted, Mr. President.

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

Senator Drilon. My next amendment, Mr. President, is on page 31, between the words "with" and "this".

Senator Pimentel. Is that in line 5?

Senator Drilon. Line 5, Mr. President.

Senator Pimentel. Yes, Mr. President.

Senator Drilon. We propose to insert the phrase THE CONSTITUTION, EXISTING LAWS, AND.

Senator Pimentel. It is accepted, Mr. President.

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

Senator Drilon. In line 16, we delete the phrase "people in the autonomous region who are".

Senator Pimentel. "...prejudice of the non-Muslims".

Senator Drilon. That is correct.

Senator Pimentel. It is accepted, Mr. President.

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

Senator Drilon. Before I propose my next amendment, may we ask the distinguished sponsor what exactly does line 22 to line 24 mean on page 31? The sentence reads: "Except in cases of successional rights to property, the regular courts shall acquire

jurisdiction over controversies involving real property located outside the area of autonomy."

Senator Pimentel. To begin with, the controversy involving real property to fall within the ambit of this provision should be located outside the area of the autonomy. That is the first premise. In which case, it is not the Shari'ah courts that will have jurisdiction but only the regular courts. However, in matters of successional rights, meaning to say inheritance, even if the issue involves properties that are located outside of the autonomous region but the litigants are Muslims, and the litigation centers on who has the better right to succeed to the property, for example, litigation between brothers and sisters over who has prior right to the property in question—we are saying that the Shari'ah courts would have jurisdiction over the issue, not the regular courts.

Senator Drilon. So that the conditions would be, first, it is a litigation among Muslims; second, it involves property rights.

Senator Pimentel. Yes, successional rights.

Senator Drilon. Successional rights. And the property is located outside of the autonomous region.

Senator Pimentel. Yes, Mr. President.

Senator Drilon. In which case, the Shari'ah courts will have jurisdiction.

Senator Pimentel. That is correct, Mr. President.

Senator Drilon. Then I have no amendment under that explanation, Mr. President.

Senator Pimentel. Thank you, Mr. President.

Senator Drilon. I have no further amendments on this bill, Mr. President.

ROCO AMENDMENT

Senator Pimentel. Thank you, Mr. President. May I read into the *Record* the proposed amendment of Senator Roco which is found... The proposed amendment is on page 5, line 3. He proposes that we delete the phrase "where appropriate" on page 5, line 3 and in lieu thereof, insert the phrase IN AREAS OF EDUCATION, HEALTH, HUMAN RESOURCE, SCIENCE AND TECHNOLOGY AND PEOPLE EMPOWERMENT.

We accept the proposed amendment, Mr. President.

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

Senator Drilon. We also have a hanging amendment, Mr. President, and that is the matter of the proposed omnibus amendment that all references to central government be changed to NATIONAL government.

The Presiding Officer [Sen. J. Osmeña]. That has not been resolved...

Senator Pimentel. Maybe what we can do to accommodate the observation of Senator Drilon is to say "central" or "NATIONAL government", as a compromise. *[Laughter]*

The Presiding Officer [Sen. J. Osmeña]. Shall we suspend the session so that we can—unless Sen. Drilon will accept it now.

Senator Drilon. The Constitution, Mr. President, uses the word "national government." Under Article X, Section 17, it says:

Sec. 17. All powers, functions, and responsibilities not granted by this Constitution or by law to the autonomous regions shall be vested in the National Government.

Senator Pimentel. Yes. As an amendment or a compromise, can we just allow "OR central government"? It is the more proper political term, Mr. President.

SUSPENSION OF SESSION

Senator Drilon. Mr. President, I move that we suspend the session for one minute.

The Presiding Officer [Sen. J. Osmeña]. Is there any objection? *[Silence]* There being none, the session is suspended for one minute.

It was 11:02 a.m.

RESUMPTION OF SESSION

At 11:07 a.m., the session was resumed.

The Presiding Officer [Sen. J. Osmeña]. The session is resumed. Senator Drilon is recognized.

Senator Drilon. Thank you, Mr. President.

May we know, for the record, the purpose of the inclusion of the word "central" instead of the term "national government?" Because, as we have pointed out, our Constitution and our body of laws would always refer to national government as against local government. Our Constitution and body of laws would refer to national laws instead of central government laws.

We are now introducing a concept of a central government without any clear definition, in my mind, of what the central government is being referred to. Apparently, the same government is being referred to, and that is why we would like to seek clarification from the sponsor as to the real purpose of now using "central" in substitution of "national government," and what is sought to be achieved by substituting "central" with "national."

Senator Pimentel. Thank you, Mr. President.

Just very briefly. We are trying to make sure that the concepts that we are introducing in the autonomous regional amendments would jibe with the correct political wording as is used in several countries in the world today. As a matter of fact, in Europe, for example, when we talk of autonomous regions, these are autonomous regions in relation to central governments, Mr. President.

So, we are trying to say that what we have now in these amendments of the Organic Act would probably qualify as a new terminology, as far as the gentleman is concerned, but actually, when we talk of the central government, we are also referring to the national government. But in relation to the autonomous region,—because this is an autonomous regional Act—we are trying to say that the proper terminology would be "national government" in relation to the autonomous regional government, Mr. President. So that is probably the only advantage and in order to accommodate the concern of Senator Drilon, my suggestion is, we can put "national" or "central government" as a compromise.

Senator Drilon. "National" or "central".

Senator Pimentel. Or "central".

Senator Drilon. I would like to listen to the views of some of our colleagues on this point, Mr. President. If the Chair may allow, Senator Roco earlier intimated that he has some views on this point. I yield the floor to Senator Roco.

Senator Roco. If we may, Mr. President, if the distinguished sponsor will yield.

Senator Pimentel. Yes.

Senator Roco. With the permission of Senator Drilon.

In the informal discussion, I have a little problem with the term "central government," and it is not something that is impossible to overcome. But I have a problem because it is a term that is not used in our legal system. There is no known—or at least, I do not know—meaning for the term "central government" in Philippine law. If we must use it then, we will be pleased if the sponsor can give us a definitive legal meaning for "central government." If this

can be done, then I am sure both my colleagues, Senator Drilon and I, and all of us, will reasonably yield to the proposal to call the "national government," "central government."

So, can our distinguished friend tell us a definite legal definition for what is "central government?"

Senator Pimentel. Central government is the structure of government that is to be distinguished, in the context of our discussion, from the autonomous government. So, as far as the rest of the country is concerned, it is governed by the central government, more specifically, which may be the rough equivalent of the term "national government" in this context, Mr. President.

Senator Roco. But Section 1, Article X of the Constitution says: "The territorial and political subdivisions of the Republic of the Philippines are the provinces, cities, municipalities and barangays. There shall be autonomous regions in Muslim Mindanao and the Cordilleras..."

In terms of the subdivisions, "central government" is neither here nor there; in fact, it is missing. So what is "central government" in terms of these subdivisions?

Senator Pimentel. Senator Enrile probably wants to interject something.

Senator Roco. All right.

Senator Enrile. I think, Mr. President, the provision read by the distinguished senator from Camarines Sur simply indicates the subdivision of the national government. It does not have to say the structure of government shall include the national, central government, but that national government is further subdivided into provinces, cities, municipalities and barangays. So that, therefore, when we talk of national government, it is the central government, the executive of which sits in Malacañang, and the legislative body of which sits in Congress, and the supreme judicial power rests in the Supreme Court.

Senator Roco. We have no problem with national government. We have a problem with the term "central."

Senator Enrile. So why do we not just adopt a definition, Mr. President, which says that the "central government," for purposes of this Act, shall mean the "national government?"

Senator Pimentel. Yes.

Senator Roco. In which case, let us just use "national" instead of "central." That is precisely why we have to debate on this.

Why use a term that may be superfluous in Philippine law? In legal firmament, there is no meaning. So I can see how the point of Senator Drilon about "national" is important, but in the informal discussion the gentleman is telling me that there is a significance, and that is what I am trying to get into the *Record*. Because if there is no particular significance, let us call it "national." Then it is all right.

Senator Pimentel. The significance is, we are using a terminology that jibes with probably a universal understanding of the term in political law and political truths that are available today, where "central government" is used to distinguish it from an autonomous government within the same government, Mr. President.

Senator Drilon. May we just invite the attention, for the record, of the sponsor to Section 17 of Article X which clearly provides: "All powers, functions, and responsibilities not granted by this Constitution or by law to the autonomous regions shall be vested in the National Government."

Senator Pimentel. That is correct. We recognize that.

Senator Drilon. That is why we are raising this question because, as we said earlier, in our body of laws we have always referred to national government. And there could be some other meaning that can be attributed to central government and it could refer to another government, another structure because the Constitution uses "National Government."

Senator Roco. May I just add, if I still have the floor?

Is it not a fact that under the prior Constitution of the Philippines, the President, as Chief Executive, had control and supervision over local governments? And so, that could have been seen as a central government. Now, the national government we refer to, does not have control and supervision. In fact, it is only supervision and the gentleman has amplified; the distinguished sponsor was the one who put flesh into this in the Local Government Code. When we use now a term "central government" plucked from world universal experience, I am at a loss as to what it means in law. I may understand what it means in Germany—I am sorry, I missed the breakfast with a German, whatever—but it does not mean anything in Philippine law. And it might just create an aberration that cannot be explained.

Senator Pimentel. That is why I am proposing that we accept the amendment of Senator Enrile to clarify things. That when we speak of the central government, we are actually saying it is the national government concept that is contained in that phraseology or that word.

Senator Roco. So, what is it that we are adding by using that term "central?"

Senator Pimentel. We are becoming more politically correct in terminologies, at the very least, Mr. President.

Senator Roco. Well, I am not sure I share the judgment of being politically correct.

Senator Pimentel. Yes.

Senator Roco. One of the things that seems to be bothersome to us as a country is, we are fragmenting. In fact,—even the prayers are talking about the fragmentation. And while there is a need for national unity—and this should be stressed—the continuing thrust—even the proposed concept I introduced yesterday—is that, even as we create autonomous governments, the desire and the effort towards national unity should remain. Autonomy does not mean that we must fragment. Autonomy merely means that we are allowing initiative from below and decentralization. We do not have to brand central government as though it were an odious appendix.

Senator Pimentel. Nobody is branding central government as odious. Or there is no attempt at fragmentation at all. We are only trying to flesh out the constitutional mandate and the Jakarta Agreement in a way that would probably address the concerns of our people in Mindanao. And these terminologies are not that really, shall we say, indispensable except for the fact that we are trying, precisely, as I said, to come up with terminologies that will also be understandable even in the context of our friends abroad and by our people here too.

Senator Roco. But it is us. First, we must understand it. And that is my initial difficulty because I have no common reference point for the term “central.” I do appreciate, as the gentleman has put it informally. I do not know why we do not want to put it on record. But for those who believe in the federal system, there may be some meaning that escapes me now about “central.” But even in the federal government of the United States, it refers to federal government as against the State government. I have not really been familiar with the use of central government with reference to the federal government of the United States. So, even by American practice, I do not find contemporary arguments to support the arguments to support the term “central.”

Senator Pimentel. Yes. We are not using the word “central” just to, shall we say, introduce the concept of federalism in this discussion. That is why we did not mention it. But it is just a concept that we thought would be very appropriate to introduce in this matter of the amendments of the Organic Act where we are trying to strengthen the organic government, the Autonomous Government, *vis-a-vis* the central government as mandated by the Jakarta Agreement. That is all, Mr. President.

Senator Roco. No, the Jakarta Agreement, I am sure, yields to the Constitution.

Senator Pimentel. Absolutely correct.

Senator Roco. What then, if we must choose “central government,” are the essential elements of the central government that we are now introducing as a notion?

Senator Pimentel. Senator Enrile, I think, would...

Senator Enrile. Mr. President, may I suggest a formulation that perhaps would cut short this esoteric discussion, if I may use the word.

Why do we not make a provision, if we want safety in this law, that for purposes of this Act, the terms “national government” and “central government” will be interchangeable?

Senator Pimentel. Will that be all right, Mr. President, as a compromise?

SUSPENSION OF SESSION

Senator Roco. I move that we suspend the session for a few minutes.

The Presiding Officer [Sen. J. Osmeña]. Is there any objection? [*Silence*] There being none, the session is suspended.

It was 11:21 a.m.

RESUMPTION OF SESSION

At 11:29 a.m., the session was resumed.

The Presiding Officer [Sen. J. Osmeña]. The session is resumed. Sen. Franklin Drilon is recognized.

Senator Drilon. May we proceed first with the other amendments as suggested by the Majority Leader while this issue is still being discussed off the floor?

Senator Tatad. Mr. President.

Senator Pimentel. Yes.

The Presiding Officer [Sen. J. Osmeña]. The Majority Leader is recognized.

TATAD AMENDMENT

Senator Tatad. Since we were looking at page 5 earlier, I noticed in line 26 a word that needs to be amended. The word “PROFESSED”, I think, should read “PROFESS”—present tense.

Senator Pimentel. What line is that, Mr. President? Page?

Senator Tatad. Line 26, page 5.

Senator Pimentel. Line 26, page 5, yes. It is a grammatical error, I think.

Senator Tatad. Just a minor editorial amendment.

Senator Pimentel. Yes, PROFESS. That is correct. It should be in the present tense. It is accepted, Mr. President.

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

Shall we go back to page 37? Page 31?

ROCO AMENDMENTS

Senator Pimentel. We still have some amendments proposed by Senator Roco on page 11, lines 24 and 27. He is proposing that the whole provision, starting from lines 24 to 27, be deleted and that the sentence, THE AUTONOMOUS REGIONS MAY BE REPRESENTED IN THE CABINET OF THE REPUBLIC, be inserted in lieu of line 24, starting from the words "central government" up to line 27 ending with the words "autonomous region."

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

Senator Pimentel. On page 13, Mr. President, Senator Roco also proposes that the phrase in line 17 which speaks of the term of the members of the regional assembly, starting with "31st day of March", be deleted and replaced with the words 30TH DAY OF SEPTEMBER.

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

Senator Pimentel. Mr. President, Senator Roco also proposes that lines 14 to 18 of page 27 be deleted and replaced by the following:

SEC. 1. EXERCISE OF JUDICIAL POWER. - THE JUDICIAL POWERS SHALL BE VESTED IN THE SUPREME COURT AND IN SUCH LOWER COURTS AS MAY BE ESTABLISHED BY LAW INCLUDING THE SHARI'AH COURTS IN ACCORDANCE WITH SECTION 5 HEREOF.

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

Senator Pimentel. Now we go to page 66.

The Presiding Officer [Sen. J. Osmeña]. Are we jumping?

Senator Pimentel. Yes, Mr. President, because these are amendments introduced by other senators in writing which I received.

The Presiding Officer [Sen. J. Osmeña]. All right, page 66.

DEFENSORS SANTIAGO AMENDMENTS

Senator Pimentel. On page 66, Section 2, line 11,—these are proposed by Senator Defensor Santiago—after the words "autonomous region", add the following:

THE REGIONAL CIVIL SERVICE LAW SHALL BE CONSISTENT WITH THE PROVISIONS OF ARTICLE IX (B) OF THE CONSTITUTION.

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

Senator Pimentel. On page 68, Mr. President...

The Presiding Officer [Sen. J. Osmeña]. This was already amended, I think.

Senator Pimentel. But the wordings have not yet been spelled out, Mr. President.

From lines 15 to 28, the entire statements or provisions found in lines 15 to 28 be replaced by the following terminology... I am sorry.

Senator Drilon. Mr. President.

Senator Pimentel. Yes.

Senator Drilon. On that point, with the permission of the distinguished sponsor, Mr. President, I was reviewing the stenographic notes and there was a commitment that there will be a written amendment on this point so that we can review it as this is quite lengthy.

Senator Pimentel. Yes, we have the written amendment, Mr. President.

Senator Drilon. There was another section, Mr. President, which a written amendment was also suggested.

Senator Pimentel. Yes. So, Mr. President, we are distributing the written wordings to be inserted...

The Presiding Officer [Sen. J. Osmeña]. Could the sponsor read while the legislative page is distributing the copies?

PIMENTEL AMENDMENTS

Senator Pimentel. Yes. The proposed amendment, Mr. President, for the information of our colleagues, is found on page 2 of these written proposed amendments. The amendment shall start not from line 14, as stated here, but in line 12. We will notice in our text in line 12 the phrase "purchased by the central government". Does everybody see that?

The Presiding Officer [Sen. J. Osmeña]. Line 12, page 68.

Senator Pimentel. Line 12, page 68, Mr. President, the phrase "purchased by the central government". That is in line 12. Then we introduce the phraseology of the proposed amendment that is now embodied in the papers that have been distributed to the distinguished senators which, for purposes of record, I would like to read into the *Record*.

Senator Drilon. What line, Mr. President?

Senator Pimentel. Line 12. *Mali iyong sinabi dito na* line 14. It should be introduced in line 12. May I read line 12: "purchased by the central government". Do the distinguished senators see that? And then the continuing phrase: "at a price agreed upon by the central government." We will delete that and insert the amendment.

Senator Drilon. How about the rest?

Senator Pimentel. Yes. We will come to that, Mr. President. We will just take it one at a time if the distinguished senator will allow. Line 12 reads: "purchased by the central government..." Then I am going to the proposed amendment now found on page 2, which reads: AT A PRICE TO BE DETERMINED BY THE OVERSIGHT COMMITTEE AS PROVIDED FOR IN SECTION 3 OF ARTICLE XIX OF THIS ACT WITHIN THREE (3) MONTHS FROM THE HOLDING OF THE SAID PLEBISCITE.

Senator Drilon. Is it IX or XIX?

Senator Pimentel. Article XIX, I am sorry. *[Laughter]* I am like Moreno, tired already.

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

Senator Pimentel. Then we continue, Mr. President, please.

We remove "PROVIDED, THAT" and then we start with a new sentence: ANY DISPUTE ON THE PRICE AS DETERMINED

BY THE OVERSIGHT COMMITTEE MAY BE APPEALED TO THE PRESIDENT OF THE PHILIPPINES WHO SHALL DECIDE ON SAID PRICE WITH FINALITY WITHIN THREE (3) MONTHS FROM RECEIPT OF APPEAL. THE PROCEEDS OF THE PURCHASE SHALL BE REMITTED TO THE REGIONAL GOVERNMENT OF THE MUSLIM AUTONOMOUS REGION.

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

Senator Pimentel. MUSLIM AUTONOMOUS REGION IN MINDANAO. I am very sorry.

The next paragraph, which is a part of this amendment, Mr. President, will now read:

THE NATIONAL OR CENTRAL GOVERNMENT SHALL WITHIN THREE (3) MONTHS FROM ITS ACQUISITION OF SAID LAND AND PERMANENT BUILDINGS OR STRUCTURES, SELL, TRANSFER, AND CONVEY THE SAID PROPERTIES IN FAVOR OF THE LOCAL GOVERNMENT UNIT HAVING TERRITORIAL JURISDICTION THEREOVER AND WILLING TO PURCHASE THE SAID LAND AND BUILDINGS OR STRUCTURES, OR PORTIONS THEREOF, AT THE PRICE AGREED UPON BY THE CENTRAL GOVERNMENT WITH THE LOCAL GOVERNMENT CONCERNED.

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

Senator Pimentel. That is as far as the pricing of the properties of the autonomous region that are located in provinces and cities which do not vote for inclusion in the autonomous region is concerned.

And so just to continue with the amendment, Mr. President, on this page, we therefore delete the words starting from line 12, "at a price" all the way down to line 28, "regional offices".

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

Senator Pimentel. Mr. President, my attention is called to the fact that we probably have not amended page 20, line 24, that has to do with the...

The Presiding Officer [Sen. J. Osmeña]. Yes, "March".

Senator Pimentel. I think we did that already today.

The Presiding Officer [Sen. J. Osmeña]. No, the other section. That is the Roco amendment.

Senator Pimentel. The Roco amendment. So we will make that coincide with the Roco amendment then, Mr. President.

The Presiding Officer [Sen. J. Osmeña]. Subject to style.

Senator Pimentel. So that in line 24, page 20, we delete the phrase "the 31st day of March" and in lieu thereof, we place the phrase THE 30th DAY OF SEPTEMBER.

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

The Chair would like to invite the attention of the sponsor to the need to provide for the extension of the term of the incumbent officials because we have been extending this.

Senator Pimentel. Yes.

The Presiding Officer [Sen. J. Osmeña]. And now that there will be no elections in May....

Senator Pimentel. Shall we make that amendment then subject to style?

The Presiding Officer [Sen. J. Osmeña]. Included in Section 7.

Senator Pimentel. Section 7, yes.

The Presiding Officer [Sen. J. Osmeña]. Subject to style, the committee will provide the amendment which would extend the terms of the incumbent officials until their successors shall have been elected.

Senator Pimentel. How is that?

The Presiding Officer [Sen. J. Osmeña]. Or up to the 30th of September just in case there is a failure of election. *Wala nang iba kasi may plebisito sa Mayo.*

Senator Pimentel. *Hindi na kaya.* Is that all right?

The Presiding Officer [Sen. J. Osmeña]. So, if there is any objection... There is no more time. The Comelec simply has informed this representation in a hearing of the Committee on Finance that it cannot hold a plebiscite before May 14. It is suggesting that we hold the plebiscite together with the elections of May 14, and that the budget should be provided for an election of the regional government officials 90 days after May 14.

Senator Pimentel. With the permission of the Chamber.

Senator Roco. Mr. President.

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

Senator Roco. Mr. President, I will not object because I think, as a matter of practicality, we have no choice. But could I just put on record my own concerns?

This is the fourth time we are extending the terms of office of the incumbent ARMM officials. Maybe the fifth time. I have lost count. But considering that there is a very serious situation in Mindanao, these constant extensions disenfranchise precisely the people we seek to serve, our Muslim brothers and sisters, and we are not contributing to a sense of dialogue or rapprochement with our Muslim brothers and sisters. I would just want to record my concern instead of letting... But if, as a practical matter, there is nothing else, I guess we have to agree. But consenting to an offense does not absolve one from culpability.

Thank you, Mr. President.

Senator Pimentel. So, Mr. President, may I volunteer the wording of the amendment to this effect: THAT THE INCUMBENT ELECTIVE OFFICIALS OF THE AUTONOMOUS REGION SHALL CONTINUE IN OFFICE UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED.

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

Senator Roco. Mr. President.

The Presiding Officer [Sen. J. Osmeña]. Senator Roco is recognized.

Senator Roco. Mr. President, is it all right to go back to page 6?

Senator Pimentel. Yes. But before we do that, can we make that amendment an omnibus amendment because there are other sections that are affected by that amendment?

The Presiding Officer [Sen. J. Osmeña]. The proposal to make it an omnibus amendment has been made. Is there any objection? [Silence] There being none, the motion is approved.

Senator Pimentel. Let us now go back to page 6.

ROCO AMENDMENT

Senator Roco. On page 6, lines 21 and 22, my copy still has the phrase "All believers in Islam who are citizens of the republic are included in the term Bangsa-moro." Is this still in the draft or has this been deleted?

Senator Pimentel. Mr. President, we do not have any strong feelings here. Maybe we can just delete it.

Senator Roco. May we ask that it be deleted.

Senator Pimentel. Yes. All right.

Senator Roco. Could I just explain a little since we do not have strong feelings?

The father of my chief of staff is a Muslim. He is an Ilocano but he embraces the Muslim faith and he does not feel... The father who is in Indonesia now still considers himself a Filipino.

My other staff member is completely—in fact, he is half-Maranao, half-Maguindanaoan, and she feels very aggrieved by the fact that she will now be classified as Bangsa-moro instead of Filipino. So I am very happy that there is no strong feeling about this if we can delete it.

Senator Pimentel. Yes, we can so delete. We move to delete the phrase.

Senator Roco. I thank the distinguished sponsor. May we have an approval, Mr. President?

The Presiding Officer [Sen. J. Osmeña]. Is there any objection to the deletion of lines 21 and 22 on page 6? *[Silence]* There being none, the motion is approved.

Senator Roco. Thank you, Mr. President.

Senator Pimentel. Finally, Mr. President, may we have the Enrile amendment, whose amendment that the term "national or ..."

The Presiding Officer [Sen. J. Osmeña]. Will the chairman please state the amendment where he wanted it placed?

Senator Pimentel. We will hear it from Senator Enrile himself then.

ROCO-ENRILE AMENDMENT

Senator Enrile. Mr. President, in order to be sure that we understand the terminologies in this Act, with reference to the distinction between "national" and "central" government which is none, I would like to propose that a provision be placed at the

appropriate point in the Act which will say that THE TERMS "NATIONAL GOVERNMENT" AND "CENTRAL GOVERNMENT," FOR PURPOSES OF THIS ACT, SHALL BE INTERCHANGEABLE, subject to style.

The Presiding Officer [Sen. J. Osmeña]. What does the sponsor say?

Senator Pimentel. It is accepted, Mr. President.

The Presiding Officer [Sen. J. Osmeña]. There being no...

Senator Roco. Mr. President.

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

Senator Roco. No, no, I am not objecting. This was informally agreed upon. May I suggest that the first time the term "central government" is used, we then put a parenthetical phrase, THAT HEREFTER THE USE OF THE TERM "CENTRAL" SHALL MEAN NATIONAL GOVERNMENT AND SHALL BE USED INTERCHANGEABLY WITH NATIONAL GOVERNMENT, wherever it appears.

Senator Enrile. The proposed amendment to my amendment is welcome and accepted.

Senator Pimentel. The Enrile amendment is accepted too.

The Presiding Officer [Sen. J. Osmeña]. Is there any objection to the Enrile amendment as amended by Senator Roco? *[Silence]* There being none, the amendment is approved.

Senator Roco. May I just have, on page 2...

The Presiding Officer [Sen. J. Osmeña]. Senator Roco is recognized.

DRILON AMENDMENT

Senator Drilon. An omnibus amendment, Mr. President. In view of this accepted amendment, Enrile amendment, may I propose an omnibus amendment, so that whenever the word "central government" appear, it should be preceded by the phrase "national government or central government".

The Presiding Officer [Sen. J. Osmeña]. What does the sponsor say?

Senator Pimentel. Subject to style, yes.

The Presiding Officer [Sen. J. Osmeña]. Senator Enrile is recognized.

Senator Enrile. I have no problem with that, Mr. President, as long as we understand that both terms are interchangeable, they mean the same thing. They are the same banana, *lakatan*, *chiquita*.

Senator Pimentel. It is accepted.

The Presiding Officer [Sen. J. Osmeña]. The Chair observes that since the amendment was subject to style, we do not have to reopen the amendment, and then amend the amendment.

Senator Drilon. In fact, it is an omnibus amendment so that wherever in the bill the phrase "central government" appears, it should be preceded by the phrase NATIONAL OR.

The Presiding Officer [Sen. J. Osmeña]. That was the amendment of Senator Enrile, as amended by Senator Roco.

Senator Drilon. The Enrile amendment, as I understood it, Mr. President, was a specific provision which says that the terms "national" or "central" shall be used interchangeably. My amendment is very specific, an omnibus amendment, so that every time the phrase "central government" appears, there is a phrase NATIONAL OR.

The Presiding Officer [Sen. J. Osmeña]. What does the chairman of the committee or the sponsor say?

Senator Pimentel. It is accepted, Mr. President.

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

Is there any other amendment?

Senator Roco. Just a question, if I may.

The Presiding Officer [Sen. J. Osmeña]. Senator Roco is recognized.

Senator Roco. If I may revisit page 2. I hate to do this, but our homework has not been as complete as we would have wanted it because of other work.

But on page 2, line 22, there is the term "contiguous municipalities".

The Presiding Officer [Sen. J. Osmeña]. That has been deleted.

Senator Roco. I am glad that has been deleted. I am glad. Thank you, Mr. President.

Senator Pimentel. That has been deleted already because it would have created an "administrative nightmare."

Senator Roco. Yes, yes. Thank you very much.

The Presiding Officer [Sen. J. Osmeña]. The Minority Leader is recognized.

Senator Guingona. Yesterday, I recalled the amendments that we proposed and we found the two amendments concerning the COA and the Shari'ah. We found them, but I am still looking for the one on education.

Senator Pimentel. Education? No, it is there. I saw it myself.

Senator Guingona. All right. On this *Madrasah*...

Senator Pimentel. Page 6?

Senator Guingona. No, *Madrasah*.

Senator Pimentel. It is also found on page 6.

Senator Guingona. Because this *Madrasah* is supposed to be supervised by the regional government.

Senator Pimentel. Mr. President, may I refer the gentleman to page 6, starting from lines 10 to 20. This is an amendment introduced by a certain Teofisto Guingona. Probably he will see that the concepts are there, subject to refinement, of course.

Senator Guingona. May we jibe that with the *Madrasah* structure?

Senator Pimentel. Yes, certainly. Maybe we can even put it there. Transpose the whole statement from line 20 on page 6 to the discussion on the *Madrasah*...

GUINGONA AMENDMENT

Senator Guingona. Yes. On page 61, line 6, if we can just have a slight amendment—"shall be supervised by the NATIONAL—

Senator Pimentel. Page 61, line 6. All right, yes.

Senator Guingona.—Department of Education.

Senator Pimentel. So, instead of ...

Senator Guingona. Instead of "regional".

Senator Pimentel. We will eliminate the word "regional"?

Senator Guingona. Yes.

Senator Pimentel. And say, "Department of Education"?

Senator Guingona. Yes.

Senator Pimentel. Yes. It is accepted, Mr. President.

Senator Guingona. And it is up to the gentleman to rephrase it.

Senator Pimentel. May we approve that first, Mr. President?

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

Senator Enrile. Mr. President.

The Presiding Officer [Sen. J. Osmeña]. Sen. Juan Ponce Enrile is recognized.

Senator Enrile. Mr. President, I am not going to propose any changes in the omnibus amendment proposed by the distinguished gentleman from Iloilo, Senator Drilon, with respect to "national government" or "central government".

I just want to state this in order to avoid any possible misinterpretation. Because the use of the disjunctive "or" could suggest that we are using two terms. For purposes of interpretation later on, I would like to put into the *Record* that the terms "national government" or "central government", although disjunctive in phraseology, would mean the same thing—they are interchangeable terms.

Thank you.

Senator Pimentel. I accept the clarification, Mr. President.

Senator Guingona. Just for the record.

The Presiding Officer [Sen. J. Osmeña]. Sen. Teofisto T. Guingona Jr. is recognized.

Senator Guingona. It does not mean geographical—national and central? It just means "national".

Senator Enrile. These are abstract concepts. We are not talking of territories. We are talking of structures of government.

Senator Guingona. That is why I am putting into the *Record* the gentleman's meaning as he explained it.

Senator Enrile. That is correct, Mr. President.

Senator Pimentel. Mr. President, those were the last amendments and this bill is certified.

Senator Tatad. That being the last amendment, I move that we close the period of amendments.

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

APPROVAL OF S. NO. 2129 ON SECOND READING

Senator Tatad. I move that we now vote on Second Reading on Senate Bill No. 2129, as amended.

The Presiding Officer [Sen. J. Osmeña]. Is there any objection? [Silence] There being none, we shall now vote on Second Reading on Senate Bill No. 2129, as amended.

Senator Roco. Mr. President.

The Presiding Officer [Sen. J. Osmeña]. Senator Roco is recognized.

Senator Roco. I have no objection. But may I just have a clean copy before the bill is submitted for approval? And it is all the same, because it is certified. We can have a clean copy now and vote on Second and Third Readings tomorrow. It is all the same.

But if the Senate President wishes to approve it on Second Reading...

Senator Pimentel. Maybe we can approve it on Second Reading. We will give the gentleman the clean copy anytime this afternoon or tomorrow.

Senator Roco. All right. Thank you.

The Presiding Officer [Sen. J. Osmeña]. There is a motion to approve Senate Bill No. 2129 on Second Reading and there will be a clean copy this afternoon, and then there will be, hopefully, an approval on Third Reading.

Senator Pimentel. Yes.

Senator Tatad. I move to suspend consideration....

Senator Pimentel. May we approve the motion first?

Senator Tatad. Yes.

The Presiding Officer [Sen. J. Osmeña]. As many as are in favor of the bill, as amended, say *aye*.

Several Members. *Aye*.

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

Senate Bill No. 2129, as amended, is approved on Second Reading.

If there is no objection, let the record state that the Presiding Officer, Sen. John H. Osmeña, is voting, is recording a negative vote which is going to be a consistent position from the time of the original ARMM law.

So, if there is no objection, the same is approved other than that.

Senator Roco. Mr. President.

The Presiding Officer [Sen. J. Osmeña]. Senator Roco is recognized.

Senator Roco. In which case, I am objecting for now to the voting on Second Reading. Can we have it tomorrow? I may want to join the Presiding Officer. I mean, considering the reservations and all the discussions, I would like therefore a clean copy before voting.

Senator Tatad. We had already approved the bill on Second Reading. So we have to reconsider the approval of the same.

Senator Roco. Then it should be reconsidered, Mr. President, because there must be serious reasons that compel the distinguished gentleman from Cebu to vote *no*. So I want to share his...

Senator Tatad. He wants to be consistent.

EXPLANATION OF VOTE OF SENATOR J. OSMEÑA

The Presiding Officer [Sen. J. Osmeña]. I voted against that bill because of my opposition to the resurrection of Misuari to the creation of the first ARMM. I campaigned for the rejection of ARMM in the Christian-dominated provinces, and I am happy to note that it was overwhelmingly rejected. I opposed the SPCPD, and I have been very consistent in this, and I already told the sponsor that I was going to vote in the negative on this bill. So that is the reason for my objection. It is not something that sprang this morning. It is something that dates back to 1986.

Senator Roco. Maybe the position of the gentleman has matured and it is now time to look very carefully at this position, especially because I was...

The Presiding Officer [Sen. J. Osmeña]. It is deep conviction arising out of 600 years of conflict between the Cebuanos and the Bangsa-moro.

Senator Roco. It can be contagious, Mr. President, and so I want therefore a clean copy before we vote. It is all the same. It does not affect the time.

Senator Pimentel. Yes, that is correct, Mr. President.

RECONSIDERATION OF THE APPROVAL OF S. NO. 2129 ON SECOND READING

Senator Tatad. I move for a reconsideration of the approval of Senate Bill No. 2129 on Second Reading.

The Presiding Officer [Sen. J. Osmeña]. Is there any objection to the motion to reconsider the approval on Second Reading of Senate Bill No. 2129? *[Silence]* There being none, the motion is approved.

SUSPENSION OF CONSIDERATION OF S. NO. 2129

Senator Tatad. I move that we suspend consideration of Senate Bill No. 2129.

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

Senator Tatad. I ask for the Second Additional Reference of Business.

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

The Secretary will read the Second Additional Reference of Business.

SECOND ADDITIONAL REFERENCE OF BUSINESS

RESOLUTIONS

The Acting Secretary [Atty. Reyes]. Proposed Senate Resolution No. 915, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON ACCOUNTABILITY OF PUBLIC OFFICERS AND INVESTIGATIONS (BLUE RIBBON), TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ALLEGED IRREGULARITIES AND RIGGING OF BIDS CONDUCTED BY THE METROPOLITAN MANILA DEVELOPMENT AUTHORITY AND THE FLAGSHIP COMMITTEE IN RELATION TO THE TWO (2) YEAR WASTE DISPOSAL CONTRACT FOR METRO MANILA GARBAGE

Introduced by Senator J. Osmeña