

RECORD OF THE SENATE

MONDAY, JUNE 4, 2001

OPENING OF THE SESSION

At 3:33 p.m. the Senate President, Hon. Aquilino Q. Pimentel Jr., called the session to order.

The President. The 54th session of the Third Regular Session of the Eleventh Congress is hereby called to order.

Let us all stand for the opening prayer to be led by Sen. Rodolfo G. Biazon. The prayer will be read in his behalf by Sen. Vicente C. Sotto III.

After the reading of the prayer, the Musikapelle will lead us in the singing of the national anthem. The Choir will also render another song, entitled *May Ibong Kakanta-kanta*.

Everybody rose for the prayer.

PRAYER

Senator Sotto. Let us all put ourselves in the presence of the Almighty.

Lord, as we continue our work today as a lawmaking body, we implore You, the Supreme Lawmaker, to guide and teach us the path to more meaningful efforts towards nation-building and development.

We ask You to help us in finding ways in healing the wounds of a deeply divided society with justice as the true meaning of reconciliation.

We thank You for the recent national and local elections so that the seeds of democracy that we have planted may grow and the voice of the people be truly heard and heeded.

We beseech You to help us make this week a productive one for us and the whole country, bearing in mind the need to find ways to alleviate and eventually eradicate poverty that afflicts the majority of our people.

And lastly, Lord, we pray for Your mercy; that we, as a country and as a people, could finally realize and appreciate the gift of life and freedom that every human being deserves.

Amen.

NATIONAL ANTHEM

Everybody remained standing for the singing of the national anthem.

The President. We would like to thank Musikapelle for that beautiful song.

ROLL CALL

We will now ask the Secretary to please call the roll.

The Secretary, reading:

Senator Teresa Aquino-Oreta	Present
Senator Robert Z. Barbers	Present*
Senator Rodolfo G. Biazon	**
Senator Renato L. Compañero Cayetano	Present
Senator Anna Dominique M.L. Coseteng ...	Present*
Senator Miriam Defensor Santiago	Absent
Senator Franklin M. Drilon	Present
Senator Juan Ponce Enrile	Present
Senator Juan M. Flavier	Present
Senator Gregorio B. Honasan	Absent
Senator Robert S. Jaworski	Absent
Senator Loren Legarda-Leviste	Absent
Senator Ramon B. Magsaysay Jr.	Present
Senator Blas F. Ople	Present
Senator John Henry R. Osmeña	Present
Senator Sergio R. Osmeña III	Present*
Senator Ramon B. Revilla	Present
Senator Vicente C. Sotto III	Present
Senator Francisco S. Tatad	Present
The President	Present

The President. With 12 senators present, there is a quorum.

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 Reference of Business.

REFERENCE OF BUSINESS

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The Secretary.

May 31, 2001

* Arrived after the roll call
** On official mission

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

Mr. President:

I have been directed to inform the Senate that the House of Representatives on May 31, 2001 passed House Bill No. 12931, entitled

AN ACT APPROPRIATING THE SUM OF TEN BILLION NINE HUNDRED MILLION PESOS (P10,900,000,000.00) AS SUPPLEMENTAL APPROPRIATION FOR FY 2001 AND FOR OTHER PURPOSES,

to which it requests the concurrence of the Senate.

Very truly yours,

(Sgd.) ROBERTO P. NAZARENO
Secretary General

The President. Referred to the Committee on Finance

COMMITTEE REPORTS

The Secretary. Committee Report No. 655, submitted jointly by the Committees on Education, Arts and Culture; and Finance on House Bill No. 12901, introduced by Representative Lobregat, *et al.*, entitled

AN ACT CONVERTING THE ZAMBOANGA CITY POLYTECHNIC COLLEGE INTO A STATE COLLEGE TO BE KNOWN AS THE ZAMBOANGA CITY STATE POLYTECHNIC COLLEGE, AND FOR OTHER PURPOSES,

recommending its approval with amendments.

Sponsors: Senators Aquino-Oreta and Osmeña (J.)

The President. To the Calendar for Ordinary Business

The Secretary. Committee Report No. 656, submitted by the Committee on Justice and Human Rights on House Bill No. 12228 introduced by Representative Chipeco, *et al.*, entitled

AN ACT PROVIDING FOR THE ACQUISITION OF PHILIPPINE CITIZENSHIP FOR CERTAIN ALIENS BY ADMINISTRATIVE NATURALIZATION AND FOR OTHER PURPOSES,

recommending its approval without amendments, taking into consideration Senate Bill No. 1178.

Sponsors: Senators Renato L. Compañero Cayetano and Drilon

The President. To the Calendar for Ordinary Business

The Majority Leader is recognized.

SPECIAL ORDERS

Senator Tatad. Mr. President, I move that we transfer from the Calendar for Ordinary Business to the Calendar for Special Orders Committee Report No. 655 on House Bill No. 12901, entitled

AN ACT CONVERTING THE ZAMBOANGA CITY POLYTECHNIC COLLEGE INTO A STATE COLLEGE TO BE KNOWN AS THE ZAMBOANGA CITY STATE POLYTECHNIC COLLEGE, AND FOR OTHER PURPOSES

and Committee Report No. 656 on House Bill No. 12228, entitled

AN ACT PROVIDING FOR THE ACQUISITION OF PHILIPPINE CITIZENSHIP FOR CERTAIN ALIENS BY ADMINISTRATIVE NATURALIZATION AND FOR OTHER PURPOSES.

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

CONFERENCE COMMITTEE REPORT ON
S. NOS. 1712, 1621, 1943 AND 2000/H. NO. 8457
(Omnibus Power Bills)

Senator Tatad. Mr. President, we have before us the Bicameral Conference Committee Report on the disagreeing provisions of House Bill No. 8457 and Senate Bill Nos. 1712, 1621, 1943, and 2000. I move that we now consider this report.

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

Senator Tatad. I ask that Sen. John H. Osmeña, Chairman of the Senate panel, be recognized.

The President. Sen. John H. Osmeña is recognized.

REPORT OF SENATOR J. OSMEÑA

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

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

Senator Aquino-Oreta. On page 9, line 7, between the word "officer" and the period "(.)", insert a colon (:) and the phrase: *PROVIDED, FURTHER, THAT THE PRECEDING PROVISIO NOTWITHSTANDING, THE CHAIRMAN OF THE CHED IS HEREBY AUTHORIZED TO DESIGNATE A CHED COMMISSIONER AS THE REGULAR CHAIR OF THE BOARD, IN WHICH CASE, SAID COMMISSIONER SHALL ACT AS THE PRESIDING OFFICER.*

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

Senator Aquino-Oreta. On the same page, after line 22, insert a new paragraph to read: *IN CASE OF VACANCY IN THE OFFICE OF THE PRESIDENT, HIS SUCCESSOR SHALL HOLD OFFICE FOR THE UNEXPIRED TERM: PROVIDED, THAT IF SUCH UNEXPIRED TERM IS MORE THAN TWO (2) YEARS, THEN SUCH SHALL BE CONSIDERED AS ONE FULL TERM FOR THE SUCCESSOR.*

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

Senator Aquino-Oreta. On page 12, line 13, replace the words "tot he" with the words *TO THE.*

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

Senator Aquino-Oreta. On pages 12 and 13, delete the whole Section 20, and then renumber the succeeding sections accordingly.

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

Senator Aquino-Oreta. That is all, Mr. President.

The President. I would like to thank the distinguished lady senator.

The Majority Leader is recognized.

Senator Tatad. Mr. President, there being no further committee amendments, and no individual amendments, I move that the period of committee and individual amendments be closed.

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

APPROVAL OF H. NO. 12901 ON SECOND READING

Senator Tatad. I move that we now vote on Second Reading on House Bill No. 12901, as amended.

The President. Is there any objection? [*Silence*] There being none, we shall now vote on Second Reading on House Bill No. 12901, as amended.

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*]

The *ayes* have it; House Bill No. 12901, as amended, is approved on Second Reading.

SUSPENSION OF CONSIDERATION OF H. NO. 12901

Senator Tatad. I move that we suspend consideration of House Bill No. 12901.

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

MOTION OF SENATOR TATAD (To Withdraw Previous Motion Creating the Senate Panel on H. No. 12901)

Senator Tatad. Mr. President, due to a misimpression earlier creating the Senate panel to the Bicameral Conference Committee on the disagreeing provisions of the Education governance bill, I move to withdraw that motion. The bill is still awaiting Third Reading. Probably, we have the numbers for Third Reading.

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

BILL ON SECOND READING H. No. 12228—The Administrative Naturalization Law of 2000

Senator Tatad. Mr. President, with the consent of the Chamber pursuant to Section 67, I move that we consider House Bill No. 12228 under Committee Report No. 656 on Second Reading.

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

Consideration of House Bill No. 12228 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. House Bill No. 12228, entitled

AN ACT PROVIDING FOR THE ACQUISITION OF
CITIZENSHIP FOR CERTAIN ALIENS BY
ADMINISTRATIVE NATURALIZATION AND
FOR OTHER PURPOSES

The following is the whole text of the bill:

House Bill No. 12228

AN ACT PROVIDING FOR THE ACQUISITION OF
CITIZENSHIP FOR CERTAIN ALIENS BY
ADMINISTRATIVE NATURALIZATION AND
FOR OTHER PURPOSES

*Be it enacted by the Senate and House of
Representatives of the Philippines in Congress
assembled:*

SECTION 1. *Short Title.* - This Act shall be known as "The Administrative Naturalization Law of 2000."

SEC. 2. *Declaration of Policy.* - The State shall control and regulate the admission and integration of aliens into its territory and body politic including the grant of citizenship to aliens. Towards this end, aliens born and residing in the Philippines may be granted Philippine citizenship by administrative proceedings subject to certain requirements dictated by national security and interest.

SEC. 3. *Qualifications.* - Subject to the provisions of the succeeding section, any person desiring to avail of the benefits of this Act must meet the following qualifications:

(a) The applicant must be born in the Philippines and residing therein since birth;

(b) The applicant must not be less than eighteen (18) years of age, at the time of filing of his/her petition;

(c) The applicant must be of good moral character and believes in the principles underlying the Constitution, and must have conducted himself/herself in a proper and irreproachable manner during his/her entire period of residence in the Philippines in his relation with the duly constituted government as well as with the community in which he/she is living;

(d) The applicant must have received his/her primary and secondary education in any public school or private educational institution duly recognized by the Department of Education, Culture and Sports, where Philippine history, government and civics are taught and prescribed as part of the school curriculum and where enrollment is not limited to any race or nationality: *Provided*, That, should he/she have minor children of school age, he/she must have enrolled them in similar schools;

(e) The applicant must have a known trade, business, profession or lawful occupation, from which he/she derives income sufficient for his/her support and if he/she is married and/or has dependents, also that of his/her family: *Provided, however*, That this shall not apply to applicants who are college degree holders but are unable to practice their profession because they are disqualified to do so by reason of their citizenship;

(f) The applicant must be able to read, write and speak Filipino or any of the dialects of the Philippines; and

(g) The applicant must have mingled with the Filipinos and evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipino people.

SEC. 4. *Disqualifications.* - The following are not qualified to be naturalized as Filipino citizens under this Act:

(a) Those opposed to organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing all organized governments;

(b) Those defending or teaching the necessity of or propriety of violence, personal assault or assassination for the success or predominance of their ideas;

(c) Polygamists or believers in the practice of polygamy;

(d) Those convicted of crimes involving moral turpitude;

(e) Those suffering from mental alienation or incurable contagious diseases;

(f) Those who, during the period of their residence in the Philippines, have not mingled socially with

Filipinos, or who have not evinced a sincere desire to learn and embrace the customs, traditions and ideals of Filipinos;

(g) Citizens or subjects with whom the Philippines is at war, during the period of such war; and

(h) Citizens or subjects of a foreign country whose laws do not grant Filipinos the right to be naturalized citizens or subjects thereof.

SEC. 5. *Petition for Citizenship.* - (1) Any person desiring to acquire Philippine citizenship under this Act shall file with the Special Committee on Naturalization created under Section 6 hereof, a petition of five (5) copies legibly typed and signed, thumbmarked and verified by him/her, with the latter's passport-sized photograph attached to each copy of the petition, and setting forth the following:

(a) The petitioner's name and surname, and any other name he/she has used or by which he/she is known;

(b) The petitioner's present and former places of residence;

(c) The petitioner's place and date of birth, the names and citizenship of his/her parents and their residences;

(d) The petitioner's trade, business, profession or occupation, and if married, also that of his/her spouse;

(e) Whether the petitioner is single or married or his/her marriage is annulled. If married, petitioner shall state the date and place of his/her marriage, and the name, date of birth, birthplace, citizenship and residence of his/her spouse; and if his marriage is annulled, the date of decree of annulment of marriage and the court which granted the same;

(f) If the petitioner has children, the name, date and birthplace and residences of his/her children;

(g) A declaration that the petitioner possesses all the qualifications and none of the disqualifications under this Act;

(h) A declaration that the petitioner shall never be a public charge; and

(i) A declaration that it is the petitioner's true and honest intention to acquire Philippine citizenship and

to renounce absolutely and forever any prince, potentate, state of sovereign, and particularly the country of which the applicant is a citizen or subject.

(2) The application shall be accompanied by:

(a) Duplicate original or certified photocopies of petitioner's birth certificate;

(b) Duplicate original or certified photocopies of petitioner's alien certificate of registration and native born certificate of residence;

(c) Duplicate original or certified photocopies of petitioner's marriage certificate, if married, or the death certificate of his spouse, if widowed, or the court decree annulling his marriage, if such was the fact;

(d) Duplicate original or certified photocopies of birth certificates, alien certificate of registration or native born certificate of residence if any, of petitioner's minor children, wherever applicable;

(e) Affidavit of financial capacity by the petitioner, and sworn statements on the good moral character of the petitioner by at least two (2) Filipino citizens of good reputation in his/her place of residence stating that they have personally known the petitioner for at least a period of ten (10) years and that said petitioner has in their own opinion all the qualifications necessary to become a citizen of the Philippines and is not in any way disqualified under the provisions of this Act;

(f) A medical certificate that petitioner is not a user of prohibited drugs or otherwise a drug dependent and that he/she is not afflicted with Acquired Immune Deficiency Syndrome (AIDS);

(g) School diploma and transcript of records of the petitioner in the schools he attended in the Philippines. Should the petitioner have minor children a certification that his children are enrolled in a school where Philippine history, government and civics are taught and are part of the curriculum; and

(h) If gainfully employed, the income tax return for the past three (3) years.

SEC. 6. *Special Committee on Naturalization.* - There shall be constituted a Special Committee on Naturalization herein referred to as the "Committee", with the Solicitor General as chairman, the Secretary of Foreign Affairs, or his representative, and the National

Security Adviser, as members, with the power to approve, deny or reject applications for naturalization as provided in this Act.

The Committee shall meet, as often as practicable, to consider applications for naturalization. For this purpose, the chairman and members shall receive an honorarium of Two thousand pesos (P2,000.00) and One thousand five hundred pesos (P1,500.00), respectively, per meeting attended.

SEC. 7. Powers/Functions of the Special Committee on Naturalization. - An alien who believes that he has all the qualifications, and none of the disqualifications, may file an application for naturalization with the secretariat of the Special Committee on Naturalization, and a processing fee of Forty thousand pesos (P40,000.00). Thereafter, the petition shall be stamped to indicate the date of filing and a corresponding docket number. Within fifteen (15) days from the receipt of the petition, the Committee shall determine whether the petition is complete in substance and in form. If such petition is complete, the Committee shall immediately publish pertinent portions of the petition indicating the name, qualifications and other personal circumstances of the applicant, once a week for three (3) consecutive weeks in a newspaper of general circulation, and have copies of the petition posted in any public or conspicuous area. The Committee shall immediately furnish the Department of Foreign Affairs (DFA), the Bureau of Immigration (BI), the civil registrar of the petitioner's place of residence and the National Bureau of Investigation (NBI) copies of the petition and its supporting documents. These agencies shall have copies of the petition posted in any public or conspicuous area in their buildings, offices and premises, and shall, within thirty (30) days from the receipt of the petition, submit to the Committee a report stating whether or not petitioner has any derogatory record on file or any such relevant and material information which might be adverse to petitioner's application for citizenship.

If the petition is found by the Committee to be wanting in substance and form, the petition shall be dismissed without prejudice.

SEC. 8. Approval or Disapproval of the Petition. - Within sixty (60) days from receipt of the report of the agencies which were furnished a copy of the petition or the date of the last publication of the petition, whichever comes in later, the Committee shall consider and review all relevant and material information it has received

pertaining to the petition, and may, for the purpose call the petitioner for interview to ascertain his/her identity, the authenticity of the petition and its annexes, and to determine the truthfulness of the statements and declarations made in the petition and its annexes.

If the Committee shall have received any information adverse to the petition, the Committee shall allow the petitioner to answer, explain or refute the information.

Thereafter, if the Committee believes, in view of the facts before it, that the petitioner has all the qualifications and none of the disqualifications required for Philippine citizenship under this Act, it shall approve the petition and henceforth, notify the petitioner of the fact of such approval. Otherwise, the Committee shall disapprove the same.

SEC. 9. Decree of Naturalization and Naturalization Processing Fee. - Within thirty (30) days from the receipt of the notice of the approval of his/her petition, the applicant shall pay to the Committee a naturalization fee of One hundred thousand pesos (P100,000.00) payable as follows: Fifty thousand pesos (P50,000.00) upon the approval of the petition and Fifty thousand pesos (P50,000.00) upon the taking of the oath of Allegiance to the Republic of the Philippines, forthwith, a certificate of naturalization shall be issued. Within sixty (60) days from the issuance of the certificate, the petitioner shall take an oath of allegiance in the proper form upon proof of payment of the required naturalization processing fee and certificate of naturalization. Should the applicant fail to take the abovementioned oath of allegiance within said period of time, the approval of the petition shall be deemed abandoned.

SEC. 10. Duty of the Bureau of Immigration. - Within five (5) days after the applicant has taken his oath of allegiance as required in the preceding section, the BI shall forward a copy of the petitioner's oath to the proper local civil registrar. Thereafter, the BI shall cancel the alien certificates of registration of the applicant.

SEC. 11. Status of Alien Wife and Minor Children. - After the approval of the petition for administrative naturalization and cancellation of applicant's alien certificate of registration, applicant's alien lawful wife and minor children may file a petition for cancellation of their alien certificates of registration with the Committee subject to the payment of the filing fee of Twenty thousand pesos (P20,000.00) and naturalization fee of Forty thousand pesos (P40,000.00) payable as follows: Twenty thousand pesos (P20,000.00) upon approval of

the petition and Twenty thousand pesos (P20,000.00) upon the taking of the Oath of Allegiance to the Republic of the Philippines.

SEC. 12. *Status of Alien Husband and Minor Children.* - If the applicant is a married woman, the approval of her petition for administrative naturalization will not benefit her alien husband but her minor children may file a petition for cancellation of their alien certificates of registration with the BI subject to the requirements of existing laws.

SEC. 13. *Cancellation of the Certificate of Naturalization.* - The Special Committee may cancel certificates of naturalization issued under this Act in the following cases:

(a) If it finds that the naturalized person or his duly authorized representative made any false statement or misrepresentation or committed any violation of law, rules and regulations in connection with the petition for naturalization, or if he otherwise obtains Philippine citizenship fraudulently or illegally, the certificate of naturalization shall be cancelled;

(b) If the naturalized person or his wife, or any of his minor children who acquire Filipino citizenship by virtue of his naturalization shall, within five (5) years next following the grant of Philippine citizenship, establish permanent residence in a foreign country, that individual's certificate of naturalization or acquired citizenship shall be cancelled or revoked: *Provided*, That the fact of such person's remaining for more than one (1) year in his country of origin, or two (2) years in any foreign country, shall be considered *prima facie* evidence of intent to permanently reside therein;

(c) If the naturalized person or his wife or child with acquired citizenship allows himself or herself to be used as a dummy in violation of any constitutional or legal provision requiring Philippine citizenship as a condition for the exercise, use or enjoyment of a right, franchise or privilege, the certificate of naturalization or acquired citizenship shall be cancelled or revoked; and

(d) If the naturalized person or his wife or child with acquired citizenship commits any act inimical to national security, the certificate of naturalization or acquired citizenship shall be cancelled or revoked.

In case the naturalized person holds any hereditary title, or belong to any order of nobility, he shall make an express renunciation of his title or member-

ship in this order of nobility before the Special Committee or its duly authorized representative, and such renunciation shall be included in the records of his application for citizenship.

SEC. 14. *Penalties.* - Any person who shall fraudulently make, falsify, forge, change, alter, or cause or aid any person to do the same, or who shall purposely aid and assist in falsely making, forging, falsifying, changing or altering a naturalization certificate issued under this proceeding for the purpose of making use thereof, or in order that the same may be used by another person or persons, and any person who shall purposely aid and assist another in obtaining a naturalization certificate in violation of this decree, shall be punished by a fine of not more than Five hundred thousand pesos (P500,000.00) and by imprisonment for not more than five (5) years, and in the case that the person convicted is a naturalized citizen, his certificate of naturalization shall, if not earlier cancelled by the Special Committee, be ordered cancelled.

SEC. 15. Any person who failed to register his/her birth with the concerned city or municipal civil registrar may, within two (2) years from the effectivity of this Act, file a petition for the acquisition of the Philippine citizenship: *Provided*, That the applicant possesses all the qualifications and none of the disqualifications under this Act and subject to the requirements of existing laws.

SEC. 16. *Special Disposition of the Filing Fee.* - An amount equivalent to twenty-five percent (25%) of the filing fee to be paid by the applicants pursuant to Section 7 hereof shall accrue to the University of the Philippines Law Center and another twenty-five percent (25%) shall be allotted for the publication of the *Journal* of the House of Representatives. Said amount shall be treated as receipts automatically appropriated.

SEC. 17. *Implementing Rules and Regulations.* - The Special Committee on Naturalization is hereby authorized to promulgate such rules and regulations as may be needed for the proper implementation of the provisions of this Act.

SEC. 18. *Repealing Clause.* - All provisions of existing laws, orders, decrees, rules and regulations contrary to or inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 19. *Separability Clause.* - If any part, section or provision of this Act is declared invalid or

unconstitutional, the part, section or provision not affected thereby shall continue to be in force and effect.

SEC. 20. *Effectivity Clause.* - This Act shall take effect after fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved,

Senator Tatad. Mr. President, for the sponsorship, I ask that Senators Cayetano and Drilon be recognized in succession.

SPONSORSHIP SPEECH OF SENATOR CAYETANO

Senator Cayetano. Thank you, Mr. President.

In order to save time, I will just submit my sponsorship speech on House Bill No. 12228 under Committee Report No. 656 which was referred to the Committee on Justice and Human Rights, the title of which had been read by the Secretary and taking into consideration, Mr. President, Senate Bill No. 1178 introduced by Senator Drilon, entitled "AN ACT PROVIDING FOR THE ACQUISITION OF PHILIPPINE CITIZENSHIP FOR CERTAIN ALIENS BY ADMINISTRATIVE NATURALIZATION AND FOR OTHER PURPOSES."

I would like to state, Mr. President, that the committee is happy to report back to the Senate House Bill No. 12228 without amendment and therefore, recommends its approval.

In essence, Mr. President, this House Bill No. 12228 would provide for administrative naturalization process involving Philippine-born foreigners. Let me just state, for the record, that this is not the first time that administrative naturalization has been undertaken in the country.

Under Letter of Instruction No. 7270 issued by the late President Marcos, a Special Committee on Naturalization, chaired by the then Solicitor General, was created to enable all qualified aliens permanently residing in the Philippines to apply for naturalization. As a result, 16,399 aliens were naturalized.

Presidential Decree No. 1379 likewise extended the administrative naturalization of 22,439 Filipinos. Today, as of May 31, 2001, Mr. President, there are still 61,193 native-born aliens who will be benefited by this naturalization bill.

Mr. President, with all the caveat found in the bill, I am happy to ask the author of Senate Bill No. 1178 to provide the cosponsorship speech.

Thank you, Mr. President.

The following is the written sponsorship speech of Senator Cayetano:

I rise today to sponsor House Bill No. 12228, entitled "An Act Providing for the Acquisition of Philippine Citizenship for Certain Aliens by Administrative Naturalization and For Other Purposes," taking into consideration Senate Bill No. 1178 with the same title.

Naturalization is the legal act of adopting an alien and clothing him with the rights that belong to a natural-born citizen. Presently, naturalization may be obtained through judicial means under the existing Naturalization Law, Commonwealth Act No. 473, enacted way back on June 14, 1939. It is high time that said law be reexamined and updated because it is no longer responsive to the increasing demands of the ever-changing international migration and domestic policies. No less than the Supreme Court in the case of *Co vs. Electoral Tribunal of the House of Representatives*, recognized the need to amend C.A. 473:

It is time for the Naturalization Law to be revisited to enable a more positive, affirmative and meaningful examination of an applicant's suitability to be a Filipino. A more humane, more indubitable and less technical approach to citizenship problem is essential.

The grant of citizenship under the present law is too selective, restrictive, technical and time-consuming. It takes an average of five (5) years to get Filipino citizenship through the judicial process. This is the very reason a lot of qualified aliens opt to retain their foreign citizenship for fear of incurring opportunity costs or being unduly burdened, both financially and administratively.

Administrative naturalization envisioned in House Bill No. 12228 is not the first of its kind. Under Letter of Instruction No. 270, the special committee on naturalization, which is chaired by the Solicitor General, was created to enable all qualified aliens permanently residing in the country to apply for naturalization. As a result, 16,399 aliens were naturalized. Presidential Decree No. 1379 entrusted the approval of the remaining 22,439 pending applications to the special committee. However, as of May 31, 2001, there are still 61,193 native-born aliens permanently residing here in the Philippines who will benefit from this bill.

This bill was introduced to correct an oversight in LOI 270 and PD No. 1379, which failed to make a

distinction between native-born applicants vis-a-vis all other classes of aliens. Through this bill, qualified native-born aliens who lived here all their lives, who never saw any other country and all along thought that they were Filipinos; who have developed and demonstrated love and loyalty to the Philippines and affinity to the customs and traditions, will be prescribed a less technical process which is administrative rather than judicial in nature.

Admittedly, naturalization is not a matter of right. It is noteworthy that House Bill No. 12228 is not intended to pave the way for less qualified aliens nor is it designed to impose lesser responsibility on them. Rather, it merely seeks to make the process of acquiring Philippine citizenship less tedious, less technical and more encouraging. Thus, House Bill No. 12228 provides for the qualifications these aliens should possess before they could avail of the benefits and privileges pertaining to Filipino citizens. These are: The applicant must be born in the Philippines and a resident since birth; must not be less than eighteen (18) years of age at the time of filing of his petition; must be of good moral character and believes in the principles underlying in the Constitution; must have received his primary and secondary education in any public schools or private educational institutions duly recognized by the DECS, where Philippine history, government and civics are taught; must have a known trade, business, profession, or lawful occupation from which he derives income sufficient for his support, and if he is married and/or has dependents, also that of his family; must be able to read, write and speak Filipino or any of the dialects in the Philippines; and lastly, must have mingled with the Filipinos and evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipino people.

This bill likewise addresses the concern of degree holders who, by reason of lack of citizenship requirement, cannot practice their profession, thus, promoting "brain gain" for the Philippines.

The power of the legislature includes control over processes through which citizenship is acquired or lost as well as the determination of substantive criteria for admission to citizenship. It is in the light of all these that I sponsor this proposed remedial measure. Therefore, I urge you, my dear colleagues, to stamp the seal of approval on House Bill No. 12228, taking into consideration Senate Bill No. 1178, and to support the expeditious passage of this bill into law.

Thank you, Mr. President.

The President. Senator Drilon is recognized.

**MANIFESTATION OF SENATOR DRILON
(To Insert into the Record His Cosponsorship
Speech on H. No. 12228)**

Senator Drilon. Mr. President, I rise to cosponsor House Bill No. 12228 under Committee Report No. 656, which also considered Senate Bill No. 1178 authored by this representation.

For this purpose, I am submitting a cosponsorship speech for record purposes, and move that this be admitted into the Record.

The President. Yes, it is so noted.

The following is the written sponsorship speech of Sen. Franklin M. Drilon:

Mr. President, I rise to cosponsor House Bill No. 12228 under Committee Report No. 656 which also considered Senate Bill No. 1178, authored by this representation.

As we end the Eleventh Congress, let us cap this productive term with an important measure which proposes the acquisition of Philippine citizenship for certain aliens by administrative naturalization.

Naturalization signifies the act of formally adopting a foreigner into the political body of a nation by clothing him with the privileges of a citizen.

In our jurisdiction, the process of admitting aliens as citizens of the Republic is governed by Commonwealth Act No. 473, enacted way back in June 14, 1939. Under this law, naturalization can only be acquired through a rigid and lengthy judicial process. This revised Naturalization Law of 1939 is now ripe for review as it is no longer responsive to the increasing demands of the ever-changing international migration and domestic policies.

The Supreme Court has, in fact, declared in the case of *Co vs. Electoral Tribunal* (30 July 1991):

Our citizens no doubt constitute the country's greatest wealth. Citizenship is a special privilege which one must forever cherish. However, in order to truly revere this treasure of citizenship, we do not, on the

basis of too harsh an interpretation, have to unreasonably deny it to those who qualify to share in its richness.

Under the overly strict jurisprudence surrounding our antiquated naturalization laws, only the very affluent backed by influential patrons, who were willing to suffer the indignities of a lengthy, sometimes humiliating and often corrupt process of clearances by minor bureaucrats and whose lawyers knew how to overcome so many technical traps of the judicial process were able to acquire citizenship. It is time for the naturalization law to be revisited to enable a more positive, affirmative and meaningful examination of an applicant's suitability to be a Filipino. A more humane, more indubitable and less technical approach to citizenship problems is essential.

One of the inadequacies of the existing law is its failure to give due consideration, regard and recognition to aliens born and residing in the Philippines.

In our midst today are thousands of aliens who are qualified to become citizens of the country and contribute to the general welfare but are prevented from doing so because of the very tedious and difficult judicial process of naturalization.

Despite the fact that they have been born in the Philippines and their continuous residence therein, they continue to be regarded and treated under the existing laws just like all other aliens mainly due to their foreign parentage. They have no choice but to submit themselves to the existing rigorous process of judicial naturalization.

Moreover, it is a sad reality that a substantial number of our native-born alien professionals, who would otherwise wish to practice their profession in our country, find themselves with no other recourse but to migrate to countries where they are allowed to practice their profession.

These aliens, therefore, having been born and continuously residing in the Philippines, deserve special consideration. This measure before us proposes a special administrative process for the naturalization of these aliens.

A person desiring to acquire Philippine citizenship and qualified under this measure may file with a special committee on naturalization a petition for citizenship.

This special committee on naturalization shall be composed of the Solicitor General as chairman, and the secretary of Foreign Affairs and the National Security Adviser as members.

Within 60 days from receipt of the report of the concerned agencies which were furnished a copy of the petition or the date of the last publication of the petition, whichever is later, the committee shall consider and review all relevant and material information it has received pertaining to the petition, and thereafter, if the committee believes that the petitioner has all the qualifications and none of the disqualifications required for Philippine citizenship, it shall approve the petition and issue a decree of naturalization to the petitioner.

It is about time we liberalize the procedure for naturalization with the appropriate safeguards to ensure that only those qualified can acquire Filipino citizenship.

Today, with the fast development of economies around the world, we are almost a borderless economy. For us to insist on the strict process of acquiring citizenship would be a refusal to recognize the realities of the times. This administrative process will provide a speedier recourse for government to harness the entrepreneurial skills of these aliens for the generation of more employment. It will enrich the body politic and assure the continuing inter-racial evolution of the country.

Finally, we cannot fail to mention that this measure is fully supported and has long been anticipated by the Federation of Filipino-Chinese Chamber of Commerce and Industry, Inc., the Filipino-Indian Chamber of Commerce, Inc., the Chinese-Filipino Business Club, Inc., and the UP Chinese Student Association. More than 50,000 aliens are expected to avail of the benefits of this measure.

Mr. President, my colleagues, this proposal for administrative naturalization is long overdue. I earnestly ask for the unanimous approval of this measure.

Senator Tatad. Mr. President, there are no interpellations, except one from the gentleman from Cebu.

The President. Sen. John H. Osmeña is recognized.

**MOTION OF SENATOR J. OSMEÑA
(To Defer Consideration of H. No. 12228)**

Senator J. Osmeña. Mr. President, I just saw this bill. Can we defer this until tomorrow?

The President. All right. There is a motion to defer this until tomorrow, if there is no objection. *[There was none.]*

SUSPENSION OF CONSIDERATION OF H. NO. 12228

Senator Tatad. In that case, Mr. President, I move that we suspend consideration of House Bill No. 12228.

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

Senator Tatad. Mr. President, before I move to adjourn, the chairman of the Committee on Finance wishes to announce that there will be a committee hearing on the special budget tomorrow at 10 o'clock in the morning in one of the committee rooms. The secretary of the Department of Budget and Management will be there. That is a very useful information for a number of senators.

The President. All the senators are hereby notified accordingly.

Senator Tatad. Thank you, Mr. President.

ADJOURNMENT OF SESSION

There being no further business for the day, I move that we adjourn the session until three o'clock tomorrow afternoon, Tuesday, June 5, 2001.

The President. Is there any objection? *[Silence]* There being none, the session is adjourned until three o'clock tomorrow afternoon, Tuesday, June 5, 2001.

It was 8:42 p.m.