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Senator Tatad. Mr. President, I understand that copies of this Report are being distributed now to the senators.

With the consent of the Chamber, I move that the Report be considered as read and adopted by the Chamber.

SUSPENSION OF SESSION

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

The President. The session is suspended for one minute, if there is no objection. *[There was none.]*

It was 8:26 p.m.

RESUMPTION OF SESSION

At 8:27 p.m., the session was resumed.

The President. The session is resumed.

The Majority Leader is recognized.

MANIFESTATION OF SENATOR TATAD (Motion to Consider and Adopt the Conference Committee Report on S. No. 15921/H. No. 518 Withdrawn)

Senator Tatad. Mr. President, it has been brought to my attention that the text has some technical defects at this point which are being addressed. I therefore withdraw my earlier motion.

The President. The motion is withdrawn.

BILL ON SECOND READING S. No. 2033 - Safeguard Measures Act of 2000 (Continuation)

Senator Tatad. Mr. President, I move that we resume consideration of Senate Bill No. 2033.

The President. Is there any objection? [Silence]
There being none, resumption of consideration of Senate Bill
No. 2033 is now in order.

Senator Tatad. We are still in the period of
amendments. Yesterday, following the procedure we adopted
on the power bill, we agreed to spread in the *Record* certain
proposed amendments without acting on them. I move that we
now make a final pass on the bill so that we can approve all
the amendments previously unacted upon.

For this purpose, I ask that the distinguished sponsor,
the honorable Sen. Juan Ponce Enrile, be recognized.

The President. Sen. Juan Ponce Enrile is recognized.

Senator Enrile. Thank you, Mr. President.

Section 1, no amendment.

Section 2. I accepted already all the amendments in
Section 2.

Section 3. I accepted all the amendments proposed in
Section 3.

Section 4. On page 2, I accepted all the amendments in
Section 4.

Section 5. I accepted all the amendments in Section
5.

Section 6. I accepted the amendments in Section 6.

Section 7. I accepted all the amendments in Section 7.

Section 8. On Provisional Measures, I accepted all the
amendments in Section 8. I just want to insert a few
corrections, if I may.

With the permission of the Chamber...

The President. Before the distinguished gentleman proceeds, just for the record, the copy that is being referred to is an amended copy as of June 6, 2000 with the asterisk?

Senator Enrile. That is correct, Mr. President, amended copy as of June 6, 2000.

The President. With an asterisk?

Senator Enrile. There is no asterisk, Mr. President.

The President. Can we ask for a minute's suspension to clarify all of these?

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 session is suspended for one minute.

It was 8:30 p.m.

RESUMPTION OF SESSION

At 8:31 p.m., the session was resumed.

The President. The session is resumed.

Senator Enrile. We will follow this copy with an asterisk, Mr. President.

Mr. President, as I was saying, I have accepted the amendments to Section 1 of the bill and these were approved by the Chamber. I have accepted the amendments to Section 2 of this measure and these have been approved by the Chamber. I have accepted the amendments to Section 3 of this measure

and these have been approved by the Chamber. That is also true in the case of Section 4. I have accepted all the amendments to Section 4 and these were approved by the Chamber. I have likewise accepted all the amendments to Section 5 and these were approved by the Chamber. I have accepted all the amendments to Section 6 and these were accepted and approved by the Chamber. I have likewise accepted all the amendments to Section 7.

The President. How about in Section 6?

Senator Enrile. I have accepted all the amendments to Section 6 and Section 7, and these were approved by the Chamber.

Now, in the case of Section 8, Mr. President, I have accepted all the amendments to Section 8 and these were approved by the Chamber. I just wish to make some last-minute correction to clarify the intent of this section on line 10, Mr. President.

The President. On what page?

ENRILE AMENDMENTS

Senator Enrile. On page 13, I propose to bracket [] the word "INDUSTRY", and in lieu thereof, insert the words PRODUCER OR PRODUCERS. And then after the word MAY on line 10, before the word SET, insert the word BE, MAY BE SET.

The President. Is there any objection to the proposed amendments on line 10? To read: delete the word INDUSTRY and substitute the same with....

Senator Enrile. DOMESTIC "PRODUCER OR PRODUCERS".

The President. ...PRODUCER OR PRODUCERS and insert the word BE between MAY and SET.

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

Senator Enrile. On line 21, Mr. President, after the word SUBJECT and before the preposition TO, may I propose to insert the phrase OR LIMITED so that this phrase shall be read: "SUBJECT OR LIMITED TO THE MAXIMUM LEVEL OF ONE HUNDRED PERCENT (100%)"

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

Senator Enrile. Mr. President, I have accepted and the Chamber approved all the proposed amendments to Section 9.

I have accepted and the Chamber approved all the amendments to Section 10.

May I request that the record indicate where we stopped the last time, Mr. President?

SUSPENSION OF SESSION

The President. The session is suspended for one minute, if there is no objection. *[There was none.]*

It was 8:36 p.m.

RESUMPTION OF SESSION

At 8:37 p.m., the session was resumed.

The President. The session is resumed.

In reply to the sponsor, the Chair advises that on the basis of the *Record*, the Chamber has not yet formally approved the amendments starting on Section 13 on page 17.

Senator Enrile. So I have accepted and the Chamber approved the amendments to Section 11, Mr. President.

I have accepted and the Chamber approved the amendments to Section 12.

Therefore, we are now on Section 13. I will now accept the amendments to Section 13.

The President. The amendments to Section 13 found on pages 17 and 18 of the bill have been accepted by the sponsor. Is there any objection? [Silence] There being none, the amendments are approved.

Senator Enrile. Mr. President, I now accept the amendment to Section 14 of this bill found on page 20, all the way to line 5 of Section 21.

Senator Roco. Mr. President.

The President. Senator Roco is recognized.

Senator Roco. Are we referring to the one on page 24?

Senator Enrile. It is on page 20.

The President. We are just on page 20.

Senator Roco. There is Section 14 on page 24. Sorry, Mr. President.

Senator Enrile. That is bracketed, Mr. President.

The President. On page 20, there is also an underscored paragraph from lines 11 to 15.

Senator Enrile. Lines 11 to 15. Mr. President, I think that underscored provision should be bracketed [] because that is a part of the old Section 12 which has been bracketed.

The President. All right. So, lines 11 to 15 should also be bracketed?

Senator Enrile. Yes, Mr. President. To explain, the bracketing [] shall start from page 18, line 24, before the word "SEC." and the figure "12" all the way to, or it embraces all of page 19 and all the way to line 15 of page 20.

The President. May I invite the attention of the sponsor that on page 19, there is a close (]) bracket on line 7, after the word "Safeguards".

Senator Enrile. Line?

The President. On page 19, line 7, there is a bracket [] after the word "Safeguards", in other words, it would indicate that Section 12, from page 18, on line 24....

Senator Enrile. I stand corrected, Mr. President. So, the bracketing [] will start on line 24, page 18 before the word "SEC" and the figure "12" all the way to line 7, page 19.

The President. Is this proposed to be deleted?

Senator Enrile. Yes, Mr. President.

The President. Is there any objection? *[Silence]*

There being none, the amendment is approved.

Senator Enrile. From line 8, page 19 to....

Senator Tatad. Where are we now, Mr. President?

The President. Page 19, line 8.

Senator Enrile.to line 15 on page 21 will be a part of Section 13.

The President. All right.

Senator Enrile. So that is Section 13.

The President. So that the amendment on page 20, from lines 11 to 15 is a part of Section 13 and must be adopted.

Senator Enrile. That has been accepted and already approved by the Chamber.

Senator Tatad. No, I am sorry. I do not believe that it has been approved.

The President. So, we now go through the formal approval of lines 11 to 15 on page 20.

Senator Tatad. No, we are still on page 19.

The President. All right. Go ahead.

TATAD AMENDMENTS

Senator Tatad. To the best of my understanding, this is where we broke last night. I was proposing some questions and I was asked by the gentleman from Cebu to introduce an appropriate amendment, and I would like to do so now. On page 19, from line 14 to....

Senator Enrile. Line 14 to?

Senator Tatad. I am trying now to locate this particular line, from line 14 to line 17. I propose the deletion of the words beginning with "include" after the word "shall" on line 14 up to the period (.) after the word "review" on line 17, and in lieu thereof, I propose to insert the following words: BE REVIEWED AT REGULAR INTERVALS FOR PURPOSES OF LIBERALIZING OR REDUCING ITS INTENSITY. So that the sentence as amended will now read as

follows: "The decision imposing a general Safeguard Measure, the duration of which is more than one year, shall BE REVIEWED AT REGULAR INTERVALS FOR PURPOSES OF LIBERALIZING OR REDUCING ITS INTENSITY."

The reason for this proposal, Mr. President, is that not only because this is the common practice now as provided for in the agreements but also because while it allows us to liberalize gradually whatever is the General Safeguard Measure initially, it does not commit us beforehand to what we are going to do at certain stages. So, the liberalization would be the result of the review process rather than because of a commitment that we had made beforehand.

Senator Enrile. It is accepted, Mr. President.

The President. Thank you very much, Mr. President.

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

Senator Enrile. And then I accept the rest of the amendments to Section 13, Mr. President.

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

ENRILE AMENDMENT

Senator Enrile. May I make a correction on line 13 to be consistent, Mr. President. After the word "SUBJECT", I propose to insert the phrase OR LIMITED. So that the sentence will be: SUCH INCREASE SHALL NOT BE SUBJECT OR

LIMITED TO THE MAXIMUM LEVEL OF ONE HUNDRED PERCENT (100%),
et cetera.

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

Sen. Raul S. Roco is recognized.

Senator Roco. Were we referring to the bracketed
Section 13?

The President. No.

Senator Enrile. No. Well, this is not it. We are now
on page 20, Section 14, line 16.

Senator Roco. It does not seem to tally in the--

Senator Enrile. May we request the Secretariat to give
the distinguished gentleman a copy...

Senator Roco. No, no. So, it is Section 14, "CONTENTS
OF THE REPORT BY THE COMMISSION".

Senator Enrile. That is correct, Mr. President. As I
said, I am accepting the amendments to Section 14.

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

Senator Enrile. Mr. President, I am adopting all the
amendments to Section 15 appearing from line 28, page 26.

The President. Wait, wait.

Senator Roco. What happened to page 21?

The President. Yes, page 21?

Senator Enrile. On page 21, Mr. President, those are
bracketed items.

Senator Roco. So, what does that mean, Mr. President?

Senator Enrile. Section 13 is bracketed.

Senator Roco. So, these will be proposed?

Senator Enrile. These are deleted.

Senator Roco. So, these are all--no, because it says:
UNDERScoreD WORDS - PROPOSED AMENDMENTS.

Senator Enrile, Yes, but....

Senator Roco. So....

Senator Enrile. Then, I will now read this, Mr.
President, page by page.

The President. Yes, please. Can we start with page
21?

Senator Enrile. On page 21, delete all the words
beginning from lines 6 to 12, Mr. President.

The President. How about line....

Senator Enrile. As well as all the words from line 13
all the way to line 21 on page 21; from line 1 all the way
to line 29 of page 22; all the words from line 1 all the
way to line 30 on page 23; all the words from line 1 all the
way to line 29 on page 24; all the words from line 1 all the
way to line 29 of page 25; all the words from line 1 all the
way to line 27 of page 26.

Senator Roco. Everything is deleted.

The President. So, everything is deleted starting from
line 6 on page 21 up to line 27 on page 26.

Senator Roco. Just out of curiosity, Mr. President.

Why in heaven's name did the staff put it there?

Senator Enrile. Because we had three drafts, Mr.

Senator Roco. All right. So, it was just a carry

Senator Enrile. Yes, Mr. President.

Senator Roco. All right.

The President. Does the Chair hear any objection to the amendment accepted by the sponsor? [Silence] There being none, the amendment is approved.

Senator Enrile. Mr. President, I accept all the amendments to Section 15 found on lines 28, 29, and 30 of page 26; lines 1 to 29 of page 27; and lines 1 to 7 of page 28.

Senator Roco. Before we act on that, Mr. President.

I am not sure that this is the appropriate section but since it is entitled "LIMITATIONS ON ACTIONS", I had previously discussed this with the sponsor.

Can we in this section, or whatever appropriate section the sponsor may wish to put it, add guidelines that in whatever safeguard measure that may be undertaken or whatever action that may be undertaken, we should comply with at least two conditions because these are the limitations?

First, transparency of action, and we must not go into monopolistic tendencies, or--

Senator Enrile. Any kind of anticompetitiveness.

Senator Roco. --anticompetitive. That is No. 1.

Second, because of the effect on certain industries,

whether upward or downward, we must again put the nonimpairment clause. There are forward contracts that require imports--and these will apply also to the agricultural imports--and/or that require inputs from forward supply contracts. Generally, they may be good only for two years, anyway.

Senator Enrile. We can put that, Mr. President, if I may suggest--

Senator Roco. Yes, Mr. President.

Senator Enrile. --between line 7 and line 8 of page 28 as Item No. 5. And may I suggest that the distinguished proponent of the amendment formulate his proposed amendment.

I will accept it and it shall be carried as a part of the approved amendment of Section 15.

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

So, subject to style, the fifth limitation is that all actions shall be transparent and shall not allow any anticompetitive or manipulative business device.

Senator Enrile. And?

Senator Roco. And shall respect--again, we will use this--pursuant to the nonimpairment clause of the Constitution--forward contracts.

Senator Enrile. Shall not impair existing contracts.

Senator Roco. Shall not impair. But I want to specify, Mr. President, the supply or the importation...

Senator Enrile. Existing supply contracts.

Senator Roco. Existing supply contracts. And this should also be reflected in the agricultural.

Senator Enrile. It is accepted, Mr. President.

Senator Roco. Thank you, Mr. President.

The President. Subject to style. The Roco amendment was accepted by the sponsor. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Roco. Thank you, Mr. President.

Senator Enrile. That will be an insertion between lines 7 and 8.

Now, I accept all the proposed amendments to Section 16, Mr. President.

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

Senator Enrile. Mr. President, I accept all the proposed amendments to Section 17 of the measure found from line 12 of page 28, all the way to line 2 of page 29.

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

Senator Enrile. Mr. President, I accept all the proposed amendments to Section 18 found on page 29, beginning with line 3, all the way to line 11.

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

Senator Enrile. Mr. President, I accept all the proposed amendments to Section 19 found on page 29, starting with line 12, all way to line 27 of page 30.

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Senator Flavier. Mr. President, there is a typographical error on page 30, line 7.

Senator Enrile. May we request the approval of the amendments first and then we go to the correction of the typographical error.

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

The President. Senator Flavier is recognized.

Senator Flavier. Thank you, Mr. President. On page 30, line 7, I understand the letter "C" there should be deleted but not the contents, because that is the second paragraph of Item B.

Senator Enrile. I accept it, Mr. President.

Then that will be a part of letter "B".

Mr. President, I accept all the amendments to Section 20, starting from line 28 on page 30, all the way to line 26 on page 31.

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

Senator Enrile. Mr. President, I accept all the amendments to Section 21, starting with line 27, page 31, all the way to line 21 of page 32.

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

Senator Flavier. Mr. President, another typographical error on page 32, line 13. The bracketed "No. 1" should be deleted but the contents should be retained.

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The President. What page?

Senator Flavier. On page 32, line 15, the "No. 1" should be deleted but not the contents.

Senator Enrile. Yes, and that should be aligned, not as a paragraph but as part of the entire paragraph B.

Senator Flavier. That is correct, Mr. President.

Senator Enrile. Mr. President, I accept all the amendments to Section 22, appearing from line 22, page 32, all the way to line 5, page 33.

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

Senator Roco is recognized. Does the gentleman wish to reconsider the....

Senator Roco. Yes. Are we now on page 32?

The President. We are on page 32. We have just approved the amendments from line 22 up to line 5 on page 33.

Senator Roco. Mr. President, we do not have to reconsider.

The President. All right.

Senator Roco. But again, if the sponsor would allow, can we also put a general provision? Because the special safeguard measure here is separate from the general ones already approved. So that separate section, maybe in the end, containing the same guidelines--the special safeguard measures, undertaken under this chapter shall be done with

transparency, shall not result in monopolistic or anticompetitive situations.

Senator Enrile. May I suggest, Mr. President, that if the gentleman wants to cover both general and special safeguards, that we provide a general provision at the very end of this measure. That in applying the general and special safeguards contained in this Act, then the gentleman can put--

Senator Roco. Then the standards of transparency...

Senator Enrile. --the restrictions that he has in mind will be provided.

ROCO AMENDMENTS

Senator Roco. Yes, Mr. President. Maybe we can just add it on page 37...Or a general provision as long as it covers both the general and the special under all the chapters. My only concern is, again, unless we have those three guidelines--transparency, no anti-competitive or monopolistic tendencies and respect for existing contracts--some industries will die.

Senator Enrile: Maybe we can put that, Mr. President, on page 39 before Section 33.

Senator Roco. If that is appropriate, yes, Mr. President.

Senator Enrile. So that we will reconsider our agreement that it will be inserted in...What page was that?

The President. On page 28.

Senator Enrile. I think, yes, page 28. Instead of that general provision being inserted, between line 7 and line 8 of page 28, I suggest that we make that provision as Section 33, between line 7 and line 8 of page 39.

Senator Roco. May we just call it GENERAL PROVISIONS to make it applicable to all instead of "MISCELLANEOUS PROVISIONS".

Senator Enrile. Yes, general provisions for...

Senator Roco. Under Chapter IV, it should not be "MISCELLANEOUS" but GENERAL PROVISIONS applicable to the whole Act.

Senator Enrile. Yes.

Senator Roco. If that is so, Mr. President, then it will be very good because that is the intent--to cover all aspects of the safeguard measures under those three broad limitations.

The President. All right. Is it acceptable to the sponsor, subject to style and placement?

Senator Enrile. Yes. Where did we stop? I forgot; I got lost.

The President. First, can we formally approve the Roco Amendment, subject to style and placement as accepted by the sponsor?

Senator Roco. Just for clarity, Mr. President. The proposed amendment shall be the new Section 33 and--

Senator Enrile. Then renumber the succeeding sections.

Senator Roco. --after renumbering, it shall provide the general limitations to all safeguards, whether general or special safeguards, under the different chapters, subject to three guidelines--transparency, no anti-competitive or monopolistic situations created and respect or nonimpairment of existing supply contracts or imports for inputs, or whatever the technical term may be.

Senator Enrile. Normally, supply contracts.

Senator Roco. Supply contracts, Mr. President.

Senator Enrile. It is accepted, Mr. President.

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

Senator Roco. Thank you, Mr. President.

Just a small editorial correction. The title of Chapter IV shall become GENERAL PROVISIONS.

Senator Enrile. Yes.

Senator Roco. If that is accepted, we can...

Senator Enrile. It is accepted, Mr. President. And may I request the distinguished gentleman from Camarines to prepare the provision.

Senator Roco. Just the title. Instead of "MISCELLANEOUS" because miscellaneous can lead to statutory...

Senator Enrile. General provisions.

Senator Roco. Yes, we just change "MISCELLANEOUS" to GENERAL PROVISIONS so that it becomes applicable to all.

Senator Enrile. Yes, Mr. President.

Senator Roco. Thank you, Mr. President. May we have an approval.

Senator Enrile. So we are now on page 32. I accept all the amendments to Section 22, beginning on line 22 on page 32, all the way to line 5 on page 33, Mr. President.

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

Senator Enrile. And then I accept all the amendments to Section 23 appearing on line 6 on page 33, all the way to line 16 of the same page, Mr. President.

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

Senator Enrile. I accept all the amendments to Section 24 appearing on line 17 on page 33, all the way to lines 1 to 29, page 34 and up to line 2 of page 35, Mr. President.

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

Senator Flavio. Mr. President, I have an anterior amendment on page 33, line 23.

Senator Enrile. Before the distinguished gentleman from the Cordilleras will propose his amendment, may I just propose--this is a major amendment because this will make the provision conform with WTO, Mr. President. This is found in Section 24, page 33, line 23. Instead of the word "THREE", this word "THREE" should be changed to TWO because that is the provision of the WTO. We must remove the bracket ([) before the word "two" and the number

“(2)” before the word “THREE” and bracket [] the word “THREE” as well as the number “3” before the word “preceding”.

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

Sen. Juan M. Flavier is recognized.

Senator Flavier. That was exactly my amendment, Mr. President.

The President. All right.

Senator Enrile. Thank you. I am sorry.

Senator Guingona. Mr. President.

The President. Sen. Teofisto T. Guingona Jr. is recognized.

Senator Guingona. Mr. President, just three small changes. In Section 5, after the word....

Senator Enrile. Section 5? Can we finish first, Mr. President, and then we go back?

Senator Guingona. Yes, Mr. President.

Senator Enrile. Mr. President, I accept all the amendments to Section 25 appearing on page 35, line 3, all the way to line 10 of page 36.

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

FLAVIER AMENDMENTS

Senator Flavier. Mr. President, on page 35, line 7, delete the word “annual” and replace it with the word ACTUAL.

Senator Enrile. It is accepted, Mr. President.

The President. Is there any objection? [Silence]

There being none, the amendment is approved.

Senator Flavier. On the same page 35, same line 7, delete the phrase "price reference" and replace it with the phrase REFERENCE PRICE.

The President. What does the sponsor say?

Senator Enrile. It is accepted, Mr. President.

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

Senator Roco. Mr. President, just for curiosity. Can somebody show me the difference between "reference price" and "price reference"? This is just for my education.

The President. Will the sponsor reply to Senator Roco?

Senator Roco. I will not insist on the answer.

Senator Enrile. There is no such thing as "price reference", Mr. President. The correct terminology is "reference price".

Senator Roco. All right. I am fully enlightened, Mr. President.

Senator Enrile. Thank you, Mr. President.

Mr. President, I accept all the amendments to Section 26 appearing on page 36, lines 11 to 16.

The President. Is there any objection? [Silence]

There being none, the amendment is approved.

Senator Enrile. Mr. President, I accept all the amendments to Section 27 appearing on page 36, beginning on line 17 to line 21.

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

Senator Enrile. I accept all the amendments to Section 28 appearing on page 36, beginning on line 22, all the way to line 5 of page 37, Mr. President.

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

FLAVIER AMENDMENT

Senator Flavier. Mr. President, on page 36, line 27, delete the word "make" and replace it with the word MADE.

Senator Enrile. It is accepted, Mr. President.

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

We are now on page 37.

Senator Enrile. We are now on page 37, "Chapter IV, MISCELLANEOUS PROVISIONS". I accept all the amendments.

Senator Roco. Just an editorial correction, Mr. President. Earlier, it was accepted that the title will be "General Provisions."

The President. On line 6.

Senator Enrile. There is a chapter, "General Provisions", Mr. President.

Senator Roco. Yes, instead of "Miscellaneous."

Senator Enrile. No, this is in Chapter I, "General Provisions."

Senator Roco. Then, may we have another title, Mr. President, that indicates that this....because we put a general limitation here.

Senator Enrile. We can put a special provision.

Senator Roco. Maybe, instead of "MISCELLANEOUS."

Senator Enrile. Maybe we can change the word "MISCELLANEOUS" to SPECIAL and include that section proposed by the distinguished Senator from Camarines Sur.

Senator Roco. Yes, Mr. President.

Senator Enrile. So I propose that line 6, after the word "CHAPTER IV" and the period (.), we delete the word "MISCELLANEOUS" and in lieu thereof, we insert the word SPECIAL.

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

Senator Enrile. I accept all the amendments to Section 29 appearing on line 7, all the way to line 21 on page 37.

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

Senator Enrile. I accept all the amendments to Section 30 on page 37 beginning on line 22 all the way to line 29.

Senator Roco. Mr. President, just for clarification. Among the proposed amendments on lines 25 to 27, I think,

these are bracketed. So, presumably, this word "Provided" will then be deleted. I am on page 37.

The President. Yes, that is correct.

Senator Enrile. What line, Mr. President?

Senator Roco. Line 25, beginning with the proviso up to line 27.

Senator Enrile. That is correct, Mr. President. Those are deleted, including the colon (:).

Senator Roco. Yes. I just have a note here. I have not figured it out yet.

Senator Enrile. The colon (:) should be replaced with a period (.).

Senator Roco. Yes, Mr. President. That is clear to me. But the note indicates that when we delete those lines, the word "Thereafter" on line 27, all the way to the end of line 29 may not make sense. It reads:

There shall be no recourse to the use of general safeguard measure under Chapter II of this Act concurrently with the special safeguard measure as provided for under Chapter III of this Act. Thereafter, recourse to safeguard measures shall be subject to the provisions of general safeguard measures as provided in Chapter II of this Act.

I cannot just understand it.

Senator Enrile. Just a minute. We can delete that, Mr. President. I suggest that we delete the sentence beginning from the word "Thereafter" all the way to the end of the sentence on line 29 of page 37.

Senator Roco. I see.

Senator Osmeña (S). Mr. President.

The President. Sen. Sergio R. Osmeña III is recognized.

Senator Osmeña (S). Mr. President, perhaps to add to the confusion, I would like to indicate to the distinguished sponsor that I was going to move for the retention of the proviso on lines 25 to 27. I agree that lines 27 to 29 would not make sense without lines 25 to 27.

Senator Enrile. So the gentleman wants a restoration of the proviso, Mr. President?

Senator Osmeña (S). To restore the proviso, Mr. President.

Senator Roco. Again, it will not make sense. I am sure that the provisions of the Act are alternative safeguard measures. It says: "There shall be no recourse to the use of general safeguard measure under Chapter II of this Act concurrently with the special safeguard measure," and it adheres to the principle of law that we must select our options; we must select our remedies. If we take a general safeguard measure, that is fine. But we do not hit whoever is affected with a special safeguard measure. But if we take a special safeguard measure under the agricultural provisions, then we do not....

Senator Enrile. What this means, Mr. President, is that, it says here: "There shall be no recourse to the use of general safeguard measure under Chapter II of this Act

concurrently with the special safeguard measure as provided for under Chapter III of this Act and vice versa[:]
[Provided, that the special safeguard measures for agricultural product...--this should be "products", plural, Mr. President. Just a typographical error--

Senator Roco. Yes.

Senator Enrile. "--shall lapse with the duration of the reform process in agriculture as determined in the WTO.]"" There is such a provision. So that after this--the lapse of this duration--"recourse to safeguard measures shall be subject to the provisions of general safeguard measures as provided in Chapter II..." In other words, we can no longer use a special safeguard thereafter.

Senator Roco. Yes. I understand that, Mr. President. Now, can I just share how I read it? Maybe I can understand the first sentence. We cannot use both.

Senator Enrile. That is in the Treaty, Mr. President.

Senator Roco. Yes. So we must choose only one. So the first sentence stands.

Senator Enrile. Yes.

Senator Roco. We have no problem with that, Mr. President. But if we were to say, "that the special safeguard measures for agricultural products shall lapse with the duration of the reform process in agriculture as determined in the WTO" and that thereafter we are covered by Chapter II, then these two sentences probably should be under Chapter III. In other words, put these as a

limitation under Chapter III because it is clearly pursuant to the agricultural products. Chapter III is agricultural. Then, we are clear.

In other words, Chapter III lapses. These wordings will have to be transposed to Chapter III because Chapter III has a definitive life. It lapses after the reform process of WTO and thereafter, we resort only to general.

So it should not be put in this section, Mr. President, if the good sponsor will consider. It should be put under some provision of Chapter III.

Senator Enrile. If the gentleman will propose that, Mr. President, I will accept it, subject to style.

ROCO AMENDMENT

Senator Roco. Yes, Mr. President. So it should be put maybe as an additional section to Chapter III. Because the intent is very clear, except that when we mix up the two ideas, it becomes unclear.

Senator Enrile. Where is Chapter III? Beginning on what page?

Senator Roco. It begins on page 32 and ends on page 37. May we recommend a transposition. From the bottom of page 37, we move it up between lines 5 and 6. The second and the third sentence on line 25 down to line 29 shall now be a separate section between lines 5 and 6 of the same page.

Senator Enrile. Yes. We put a period (.) after the word "vice-versa". And then we delete "Provided, that" and capitalize the letter T in the word "the" and

transpose these whole two sentences beginning with line 25 and ending on line 29....

Senator Roco. Yes, and put them between lines 5 and 6 of the same page. Put it between lines 5 and 6. It is a separate section. It will become the last section of agricultural special safeguards measures.

Senator Enrile. Yes, Mr. President. We will put a separate section between lines 5 and 6 and that will be Section 29, and the next section will be Section 30. We will renumber the sections accordingly.

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

Senator Roco. Thank you, Mr. President.

Senator Enrile. Mr. President, this representation has accepted all the amendments to Section 31 found on page 38, lines 1 to 6.

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

Senator Pimentel. Mr. President.

The President. Senator Pimentel is recognized.

PIMENTEL AMENDMENT

Senator Pimentel. Anterior amendment, Mr. President.

Just a grammatical error found on page 37, line 8. The word "the" is being deleted when it should not be deleted.

Senator Enrile. I agree, Mr. President. I am sorry that this has escaped our attention. We remove the brackets [] that enclose the word "the".

Senator Pimentel. Can we not see how brilliant that observation is, Mr. President? *[Laughter]*

Senator Enrile. With the permission of the Chair, may I ask for an approval of that correction.

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

Senator Enrile. We go to page 38. I accept all the amendments on Section 32, found on lines 7 to 31 of page 38.

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

Senator Enrile. The paragraph found on lines 1 to 7 of page 39 has to be deleted.

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

Senator Enrile. I accept the amendment to Section 33 found on page 39, starting from line 8 to line 10.

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

Senator Enrile. I accept all the amendments to Section 34 found on page 39, starting from line 11 to line 15.

Senator Roco. Mr. President.

The President. What is the pleasure of Senator Roco?

Senator Roco. Just two questions, Mr. President.

No. 1. The provision was already accepted and it was approved. So it will appear as either Section 33 or whatever. It will be before the "Separability Clause."

Senator Enrile. Yes. So we insert.

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Senator Roco. Yes. But that has already been approved, Mr. President. That is already on record.

The question I am going to ask is: What is Section 109 of RA No. 8435?

Senator Osmeña (S). Mr. President, with the permission of the kind sponsor, the gentleman from Bicol, perhaps I may enlighten.

Senator Roco. Yes, Mr. President.

Senator Osmeña (S). Republic Act No. 8435 is the Agriculture and Fisheries Modernization Act of 1997. Section 109 was a section inserted by this representation giving duty-free importation privileges for all inputs into the agricultural sector, including tractors, implements, fertilizers, pesticides, insecticides.

So this particular section may have been interpreted to repeal certain provisions of other Acts. So we made sure that Section 109, which was done for the benefit of the farmers, would not be affected.

Senator Roco. Yes. I have no problem with the concept, Mr. President, only with the drafting. It is unusual in the *Repealing Clause* to put something that instead of repealing, preserves. It is just contradictory.

The President. The Chair shares the observation of Senator Roco. In fact, it could be interpreted that Republic Act No. 8435 is being repealed, except Section 109.

Senator Roco. That is the problem. I ask this because instead of achieving the purpose of the gentleman, we might end up with an argument that we have just repealed that law.

The President. Except Section 109.

Senator Enrile. Just to accommodate, Mr. President, after the *Repealing Clause*, may I propose a section: NOTHING CONTAINED IN THIS ACT SHALL IN ANY WAY AFFECT THE PROVISIONS OF REPUBLIC ACT NO. 8435.

The President. That is correct.

Senator Roco. That is better. It should be before the *Repealing Clause*, because these are all now under Special Provisions.

Senator Enrile. Yes, Mr. President.

After the section proposed by the gentleman, then we insert another section, which will be Section 34, which says: NOTHING CONTAINED IN THIS ACT SHALL IN ANY MANNER AFFECT THE PROVISIONS OF REPUBLIC ACT NO. 8435.

Senator Roco. If I may suggest, Mr. President--this is good in aid of reelection--the gentleman might want to jazz it up with the title--ASSISTANCE TO FARMERS AND FISHERFOLK. Then we can say: TO FURTHER ENHANCE THE CAPACITY OR EMPOWERMENT OF FISHERMEN, et cetera.

Senator Enrile. PROTECTION OF FISHERMEN.

The President. Can the Chair make a query to the sponsor?

When we say, NOTHING IN THIS ACT SHALL BE INTERPRETED IN ANY MANNER TO AMEND OR REPEAL ANY PROVISION OF....

Senator Enrile. AFFECT ANY PROVISION.

The President. AFFECT ANY PROVISION OF REPUBLIC ACT NO. 8435, may the Chair know if there is anything in the proposed Act which, in fact, is intended to affect certain provisions of Republic Act No. 8435?

Senator Enrile. None, Mr. President.

ROCO AMENDMENT

Senator Roco. That is why, Mr. President, my suggestion was, when we put a title of enhancing assistance to fisherfolk, fishermen, and farmers or agricultural workers, we just say, TO FURTHER ENHANCE THE CAPACITY OF THE FISHERMEN.... THE PROVISIONS OF REPUBLIC ACT NO. 8435 ARE HERE REITERATED. So we do not put it negatively.

Senator Enrile. All right. Then may I suggest, Mr. President, that Section 33 will be the Roco provision; Section 34 will be titled ENHANCING THE INTEREST OF FISHERMEN....

The President. Both fishermen and farmers. And agriculture.

Senator Roco. Is Republic Act No. 8435 for fishermen?

The President. No. AFMA- Agriculture, Fisheries Modernization Act.

Senator Roco. Then we say, AGRICULTURE AND FISHERFOLK ASSISTANCE.

Senator Enrile. FARMERS AND FISHERFOLK.

TO SAFEGUARD AND ENHANCE THE INTEREST OF FARMERS AND FISHERFOLK, THE PROVISIONS OF REPUBLIC ACT NO. 8435 SHALL NOT IN ANY WAY BE AFFECTED BY THE PROVISIONS OF THIS ACT.

Senator Roco. Yes. And just so it is not missed by any of the reelectionists, Mr. President, that becomes a one-liner in the leaflet--author and coauthor enhancing fisherfolk and agriculture.

Senator Enrile. Thank you, Mr. President. With that, I will now go to Section...

The President. First, can we approve that amendment formally?

Senator Roco. Yes, Mr. President.

Senator Enrile. Subject to style, Mr. President.

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

Senator Enrile. On *Repealing Clause*, Mr. President, may I suggest that apart from the amendments to Section 34 that I have already accepted, I propose that we delete the last sentence of Section 34 starting with the word "HOWEVER" and ending with the word "EFFECT" on line 15.

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

Senator Enrile. Mr. President, I accept all the amendments to Section 35 of this proposed measure appearing on page 39, starting from line 16 and ending on line 18.

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

Senator Enrile. That ends the amendments, Mr. President.

The President. The Majority Leader is recognized.

Senator Tatad. Mr. President, there are a few points which the Minority Leader would like to revisit.

The President. The Minority Leader is recognized.

GUINGONA AMENDMENT

Senator Guingona. Mr. President, with the permission of Sen. Serge Osmeña who originally authored this, just three amendments.

In Section 5, line 14, between the words "Commission" and....

Senator Enrile. What page, Mr. President?

Senator Guingona. Page 6, Mr. President.

Senator Enrile. Between...?

Senator Guingona. On line 14, between the words "Commission" and "subject".

Senator Enrile. Yes, Mr. President.

Senator Guingona. I would like to introduce the following: AND AFTER IT HAS BEEN ESTABLISHED THAT THE APPLICATION OF SUCH SAFEGUARD MEASURE WOULD BE IN THE PUBLIC INTEREST.

The President. What does the sponsor say?

Senator Enrile. Just a minute, Mr. President. AND AFTER IT HAS BEEN ESTABLISHED....

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Senator Guingona. THAT THE APPLICATION OF SUCH SAFEGUARD MEASURE WOULD BE IN THE PUBLIC INTEREST.

Senator Enrile. What happened to the rest of the....

Senator Guingona. Continue after that, "subject"....

Senator Enrile. Comma (,) "subject to the subsequent provisions of this Act."

Senator Guingona. Yes.

Senator Enrile. It is accepted, Mr. President, subject to style.

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

Senator Osmeña (S). Mr. President.

The President. Sen. Serge Osmeña is recognized.

OSMEÑA (S) AMENDMENT

Senator Osmeña (S). Mr. President, on line 14, we might as well delete the words "INJURY BY".

Senator Enrile. So, "determination of the Commission."

Senator Osmeña (S). So it will read: "shall apply a general safeguard measure upon A positive determination of the Commission AFTER IT HAS BEEN....

Senator Enrile. AND AFTER. Remove the comma (,).

Senator Osmeña (S). Remove the comma (,): AND AFTER IT HAS BEEN ESTABLISHED THAT THE APPLICATION OF SUCH SAFEGUARD MEASURE WOULD BE IN THE PUBLIC INTEREST subject to the subsequent provisions of this Act."

Senator Enrile. It is accepted, Mr. President.

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

Senator Enrile. Is there anything else, Mr. President?

GUINGONA AMENDMENT

Senator Guingona. On page 8, Section 7, line 12, Mr. President, after the words "Preliminary Determination," "not later than SIXTY (60) DAYS IN CASE OF NON-AGRICULTURAL PRODUCTS....

Senator Enrile. So the distinguished gentleman is changing the "FIFTEEN (15) days" to SIXTY (60) DAYS, Mr. President?

Senator Guingona. Yes.

Senator Enrile. We bracket [] "FIFTEEN (15) days" and remove the brackets [] on "sixty (60) days"?

Senator Guingona. AND THIRTY (30) DAYS IN CASE OF AGRICULTURAL PRODUCTS FROM RECEIPT OF THE PETITION.

Senator Enrile. Why the difference between non-agricultural and agricultural products, Mr. President? Why can we not make a uniform period so that we will not confuse the implementors of this measure?

Senator Guingona. The agricultural has more urgency in some cases, Mr. President.

Senator Enrile. I think to be fair, Mr. President, we should treat them alike.

Senator Guingona. It might be perishable and therefore the agricultural could be a little shorter. So that it reads, "Not later than SIXTY (60) DAYS IN CASE OF

NONAGRICULTURAL PRODUCTS AND THIRTY (30) DAYS IN CASE OF AGRICULTURAL PRODUCTS from receipt of petition".

Senator Enrile. If it is perishable, Mr. President, if the gentleman says "not later than 60 days", he could do it in one day, he could do it in seven days, and he can wait until the end of the 60 days to act, depending upon his judgment with respect to the nature of the product. That is why, I am appealing that we make this simpler by using a uniform number of days.

Senator Guingona. Sixty days.

Senator Osmeña (S). Mr. President, may I clarify?

We are talking about two different secretaries here. One would be the Secretary of Agriculture for agricultural products and the other one would be the Secretary of Trade for nonagricultural products.

Senator Enrile. That is correct, Mr. President. But I assume that the Secretary of Agriculture or the Secretary of the Department of Trade and Industry, as the case may be, will exercise their judgment to act. Instead of waiting 60 days in their judgment, the product will deteriorate in their custody if they will delay the action. So, I think, if we say not later than 60 days, he can do it in one hour or he can do it in 60 days, depending upon the circumstance presented to him.

Senator Guingona. The phrase is "not later".

Senator Enrile. "Not later than", Mr. President, that is the starting point.

Senator Osmeña (S). It is accepted, Mr. President. I have no objection.

Senator Guingona. "Not later than".

Senator Enrile. Yes. So, "not later than 60 days". Only one period so that it will not clutter this measure.

I accept, Mr. President.

The President. So the amendment is to change "FIFTEEN" to SIXTY (60) DAYS, or reinstate the 60 days. That is already found there.

Senator Enrile. Yes, I accept, Mr. President.

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

Senator Pimentel. Mr. President.

The President. Sen. Aquilino Q. Pimentel, Jr. is recognized.

Senator Pimentel. What happens if the Secretary does not resolve the issue within the time frame set?

Senator Enrile. We should ask him to be fired, Mr. President.

PIMENTEL AMENDMENT

Senator Pimentel. That is the reason why, probably, we should put a sanction here. If the Secretary does not act within the certain period, we either allow the entry or whatever, or impose a sanction on the Secretary for failure to do so.

Senator Enrile. That will be dereliction of duty, Mr. President.

Senator Pimentel. Yes.

Senator Enrile. I will accept a proposal.

Senator Pimentel. Therefore, the gentleman can frame it and I will accept it, Mr. President. *[Laughter]*

Senator Enrile. I am already *hilo*, Mr. President.

The President. Maybe, Senator Pimentel can just state the concept, if it is acceptable, subject to style.

Senator Pimentel. In other words, Mr. President, at the end of this section, there should be a statement that failure on the part of the Secretary...

Senator Enrile. Maybe in the Special Provision, we can insert a provision that failure of the Secretary to act in a meritorious case shall expose him to disciplinary measure.

Senator Pimentel. Yes, I accept, Mr. President.

Senator Enrile. Subject to style, Mr. President.

Senator Tatad. Mr. President, before we accept that "failure of the Secretary to act in a meritorious case". The secretary is supposed to make the preliminary determination. So how do we know that the case is meritorious before the preliminary determination is made?

Senator Enrile. That is addressed to the evidential appreciation of the applicant. I am sure the applicant will complain if the Secretary will not act. And if the complaint is meritorious because indeed there was serious injury or imminence of serious injury, then the Secretary should be subject to disciplinary action.

Senator Tatad. Probably elevate it to the President.

Senator Enrile. That is a general statement, Mr. President. We do not have to provide the specific procedure to discipline him but we will expose him to disciplinary action.

Senator Roco. Mr. President.

The President. Senator Roco is recognized.

Senator Roco. Mr. President, we are talking of the 15 days from receipt of the petition.

The President. It is now 60 days, Senator Roco.

Senator Roco. Yes. Can I go back then? I think somebody said something about the distinction between agricultural and nonagricultural.

Mr. President, the process, as described here, is already deleterious if it is agricultural, because vegetables will not last. Corn in 15 days loses the *reboflatoxin*, or whatever it is, and is no longer corn.

Senator Enrile. That is why, Mr. President, with due respect to the opinion of my esteemed friend, the wording is "Not later than SIXTY (60) days."

Senator Roco. I realize that, Mr. President. I am just calling attention to a practical problem for those involved in agriculture, and I will suggest a solution if that is acceptable.

Because of the nature of agricultural imports, especially if they are live or if they have a very short shelf life and perishable, there must be some provisions

pending all these determinations. We allow the entry of the corn or whatever and then we just penalize them by fines if we catch them, so that the process will not delay in the case of agricultural products. Otherwise, these will not be agricultural products soon enough.

In other words, the moment somebody complains to the Secretary, it stops the process of importation. Patay na kayo.

What I am saying is...

Senator Enrile. Mr. President, we are not impeding here the release of goods. The petition is filed and the goods have already been imported, because there can be no import surge unless there is a completed importation. So there is no problem of deterioration or rotten eggs or rotten chicken or rotten vegetables.

The Secretary will be confronted with a petition saying that there is an increased importation of goods in the country. And these importations already released from Customs--because importation means release from Customs' custody--are affecting or seriously injuring or threatening to injure the local industries. So there is no possibility of any rotten eggs or rotten vegetables here.

Senator Roco. All right. If that is the process, then my apprehensions were totally...

Senator Enrile. As usual, Mr. President, the distinguished gentleman understands me very well. [Laughter]

Senator Roco. Of course, Mr. President. It must be

the common interest.

Senator Enrile. In aid of reelection. *[Laughter]*

Senator Roco. As long as that is the clear process, then we can be happy with the provision.

Thank you, Mr. President.

Senator Enrile. May I now clarify the suggestion of the distinguished Senator from Cagayan de Oro. Subject to style, it must be placed as a special provision, if the distinguished Majority Leader has no serious objection to the formulation that we have made.

Senator Tatad. There is no serious objection, Mr. President. I just wanted to clarify a point.

Senator Enrile. Can we now approve that amendment, Mr. President?

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

Senator Enrile. May I suggest that the Senate President instruct the Secretariat to put that provision in a proper place in the chapter for Special Provisions.

The President. Sen. Serge Osmena is recognized.

OSMENA (S) AMENDMENTS

Senator Osmena (S). Mr. President, in Section 7, may I just ask for a small amendment to be considered.

Senator Enrile. Surely, Mr. President.

Senator Osmena (S). On line 19, change "fifteen (15)" to "FIVE (5) WORKING days."

Senator Enrile. "FIVE (5) WORKING days." It is

accepted, Mr. President.

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

Senator Osmena. On line 20, delete the words "Receipt of" and capitalize the letter "S" on the word "such". So that the sentence begins, "Such notice shall".

Senator Enrile. Is the distinguished gentleman talking of... There are two phrases of "receipt of" here, Mr. President.

Senator Osmena (S). I am sorry, the second "receipt of."

Senator Enrile. The second "receipt of."

Senator Osmena (S). ...is deleted.

Senator Enrile. ...is deleted and capitalize the "S" in the word "such as". It is accepted, Mr. President.

Senator Osmena (S). After the word "deemed", insert the word...

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

Senator Osmena (S). On the same line, after the word "DEEMED", insert the word RECEIVED, after the word "DEEMED".

Senator Enrile. RECEIVED.

Senator Osmena (S). So it shall read, Such notice shall be deemed RECEIVED.

Senator Enrile. The amendment is accepted, Mr. President.

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

Senator Osmena (S). And lastly, on line

Senator Enrile. One week? Such notice shall be deemed received one week or seven calendar days?

Senator Osmeña (S). I was just about to amend that.

Senator Enrile. Thank you, Mr. President.

Senator Osmeña (S). On lines 20 and 21, delete "one week or seven (7) calendar "days", and insert "FIVE WORKING", the same as the first amendment. So, it shall now read: "Such notice shall be deemed RECEIVED FIVE WORKING days from the date of transmittal".

Senator Enrile. It is accepted, Mr. President.

Senator Tatad. I move for its approval, Mr. President.

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

Senator Guingona. Mr. President.

The President. The Minority Leader is recognized.

GUINGONA AMENDMENT

Senator Guingona. One last amendment on page 14, line 5. Delete the word THIRTY (30) and instead place ONE HUNDRED TWENTY (120) DAYS.

Senator Enrile. It is accepted, Mr. President.

Senator Tatad. I move for its approval, Mr. President.

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

Senator Guingona. On line 6, after the word "Secretary" comma (,) instead of a period (.), EXCEPT WHEN THE SECRETARY CERTIFIES THAT THE SAME IS URGENT comma (,) IN WHICH CASE THE COMMISSION SHALL COMPLETE ITS INVESTIGATION AND SUBMIT THE REPORT TO THE SECRETARY WITHIN THIRTY (30) DAYS.

Senator Enrile. It is accepted, Mr. President.

Senator Tatad. I move for its approval, Mr. President.

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

OSMENA (S) AMENDMENT

Senator Osmeña (S). Mr. President, slight modification. May we emphasize CALENDAR DAYS.

Senator Enrile. It is accepted too, Mr. President.

Senator Tatad. I move for its approval, Mr. President.

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

Senator Osmeña (S). Lastly on page 14, since we are still on page 14, line 3, after the word THE, insert the phrase INITIATION OF THE.

Senator Enrile. INITIATION...

Senator Osmeña (S). ...OF THE, and then after the word...

Senator Enrile. THE INITIATION OF THE INVESTIGATION.

Senator Osmeña (S). And after the word "INVESTIGATION", insert the phrase BY THE COMMISSION. So, it shall now read: "SUBMITTED TO THE COMMISSION WITHIN FIFTEEN (15) DAYS AFTER THE INITIATION OF THE INVESTIGATION BY THE COMMISSION."

Senator Enrile. WITHIN FIFTEEN (15) DAYS AFTER THE INITIATION OF THE INVESTIGATION BY THE COMMISSION.

Senator Osmeña (S). That is correct.

Senator Enrile. The amendment is accepted, Mr. President.

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

Senator Tatad. Mr. President, one final point. On page 29, on Notice of General Safeguard Measure.

Senator Enrile. Just a minute, Mr. President, I have to look for my page 29.

Senator Tatad. Section 18.

Senator Enrile. Section 18, page 29, I found it.

Senator Tatad. Because of this supersonic speed of these omnibus amendments, I have been unable to follow. But to the best of my knowledge, there is only one multilateral organization that we are addressing here. That is the WTO that we are enacting this law on Safeguard Measures, otherwise if the tariffs are not bound, for instance, and we are not dealing with a WTO member, we can unilaterally increase tariff, et cetera.

Senator Enrile. What is the pleasure now of the distinguished gentleman?

Senator Tatad. I want to find out the exact identities of these concerned committees on safeguards of the multilateral and regional trading arrangements, First of all, what multilateral trading arrangements are we talking about and what regional trading arrangements are we talking about?

Senator Enrile. Mr. President, I did not draft this portion of the measure and so...

TATAD AMENDMENT

Senator Tatad. Mr. President, instead of saying "the concerned committees on safeguards of the multilateral and regional trading arrangements", can we specify and simply say: THE COMMITTEE ON SAFEGUARDS AND THE COMMITTEE ON AGRICULTURE--as the case may be--OF THE COUNCIL FOR TRADE IN GOODS OF THE WORLD TRADE ORGANIZATION? These are the two bodies that should be notified.

Senator Enrile. It is accepted, Mr. President, subject to style.

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

Senator Tatad. Thank you very much, that is all, Mr. President.

There being no further amendments, I move that the period of amendments be closed.

The President. Is there any objection? [Silence]
There being none, the period of amendments on Senate Bill No. 2033 is hereby closed.

APPROVAL OF S. NO. 2033 ON SECOND READING

Senator Tatad. Mr. President, I move that we vote on Second Reading on Senate Bill No. 2033, as amended.

The President. Is there any objection? [Silence]
There being none, we shall now vote on Second Reading on Senate Bill No. 2033, 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]

Senate Bill No. 2033, as amended, is approved on Second Reading.

Senator Tatad. This is a certified measure, Mr. President. May we ask the Secretary to read the Certification.

The President. The Secretary will do so.

The Secretary.

May 23, 2000

HON. FRANKLIN M. DRILON
Senate President
Philippine Senate
Pasay City

Dear Senate President Drilon:

Pursuant to the provisions of Article VI,
Section 26 (2) of the Constitution, I hereby 145

certify to the necessity of the immediate enactment of SB No. 2033, entitled:

“AN ACT PROTECTING LOCAL INDUSTRIES BY PROVIDING EMERGENCY SAFEGUARD MEASURES AND FOR OTHER PURPOSES,”

to address the public emergency of providing the necessary protection of the domestic industries, both agricultural and the industrial sector, from injury attributable to the increased importation of goods and due to tariff concessions made under the World Trade Organization.

Best wishes.

Very truly yours,

(Sgd.) JOSEPH EJERCITO ESTRADA

Encl.: a/s
cc: Hon. Manuel B. Villar
Speaker
House of Representatives
Quezon City

PARLIAMENTARY INQUIRY OF SENATOR TATAD
(What Number of Senators Constitute a Quorum)

Senator Tatad. Mr. President, before I ask for a vote on Third Reading, may we hear from the Chair the exact requirement of a quorum at this point.

The President. There are seven who are out of the country. Since there are only 16 senators in the country, for the record, the following senators are presently out of the country: Sen. Teresa Aquino-Oreta, Sen. Renato L. Cayetano, Sen. Anna Dominique M.L. Coseteng, Sen. Miriam Defensor Santiago, Sen. Gregorio B. Honasan, Sen. Blas F. Ople, and Sen. Vicente C. Sotto III.

I am sorry. I have been informed that Senator Oreta is in the country. Therefore, there are six senators who are

out of the country. On the basis of six senators being out of the country, the quorum would be nine senators.

Senator Tatad. There are 12 senators right now. Very safe, Mr. President.

BILL ON THIRD READING
S. No. 2033--Safeguard Measures Act of 2000

Mr. President, I move that we vote on Third Reading on Senate Bill No. 2033.

The President. Is there any objection? [Silence]
There being none, voting on Third Reading on Senate Bill No. 2033 is now in order.

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

The Secretary. Senate Bill No. 2033, entitled:

AN ACT PROTECTING LOCAL INDUSTRIES BY PROVIDING
EMERGENCY SAFEGUARD MEASURES AND FOR OTHER
PURPOSES

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

The Secretary. Senators

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

The President..... Yes

APPROVAL OF S. NO. 2033 ON THIRD READING

The President. With 12 affirmative votes, no negative vote and no abstention, Senate Bill No. 2033 is approved on Third Reading.

CONFERENCE COMMITTEE ON S. NO. 2000/H. NO. 8457
(Electric Power Industry Act of 2000)

Senator Tatad. Mr. President, to constitute the Senate panel on the disagreeing provisions of the House and Senate Energy Bills, I hereby nominate Sen. John H. Osmena as Chairman, and as members, Senators Juan Ponce Enrile, Sergio R. Osmena III, Raul S. Roco, Francisco S. Tatad, Teofisto T. Guingona Jr., and another Senator from the Majority whose name will be submitted later.

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

CONFERENCE COMMITTEE ON S. NO. 2033/H. NO. 7613
(Safeguard Measures Act)

Senator Tatad. Mr. President, I move that we now constitute the Senate panel to the Bicameral Conference Committee on the disagreeing provisions of the Safeguard Measures Act by designating Sen. Juan Ponce Enrile as Chairman, and as members, Senators Raul S. Roco, Ramon B. Magsaysay Jr., Sergio R. Osmena III, and Juan M. Flavier.

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