

## RECORD OF THE SENATE

WEDNESDAY, MAY 30, 2001

### RESUMPTION OF THE SESSION

*At 3:25 p.m., the session was resumed with the Senate President, Hon. Aquilino Q. Pimentel Jr., presiding.*

**The President.** The session is resumed. The Majority Leader is recognized.

**Senator Tatad.** Mr. President, 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.

### THIRD ADDITIONAL REFERENCE OF BUSINESS

#### COMMUNICATION

**The Secretary.** Letter from Deputy Director Elmore O. Capule of the Bangko Sentral ng Pilipinas, furnishing the Senate a copy of Bangko Sentral ng Pilipinas Circular No. 283, Series of 2001, dated May 17, 2001 in compliance with Section 15(a) of Republic Act No. 7653.

**The President.** Referred to the Committee on Banks, Financial Institutions and Currencies

### FOURTH ADDITIONAL REFERENCE OF BUSINESS

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

**The Secretary.**

May 29, 2001

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

Mr. President:

I have been directed to inform the Senate that the House of Representatives on May 28, 2001 elected Representatives Juan Miguel F. Zubiri, J.R. Nereus O. Acosta, Zenaida G. Cruz-Ducut and Carlos O. Cojuangco as conferees should the Senate ask for a

conference upon approval of its counterpart version of House Bill No. 12880, entitled

AN ACT ESTABLISHING MT. KANLA-ON LOCATED IN THE CITIES OF BAGO, LA CARLOTA, AND SAN CARLOS, IN THE MUNICIPALITIES OF LA CASTELLANA AND MURCIA, PROVINCE OF NEGROS OCCIDENTAL, AND IN THE CITY OF CANLAON AND MUNICIPALITY OF VALLEHERMOSA, PROVINCE OF NEGROS ORIENTAL, AS A PROTECTED AREA AND ITS PERIPHERAL AREA AS BUFFER ZONE, PROVIDING FOR ITS MANAGEMENT, AND FOR OTHER PURPOSES,

which was earlier approved on February 8, 2001.

Very truly yours,

(Sgd.) ROBERTO P. NAZARENO  
Secretary General

**The President.** Referred to the Committee on Rules

**The Secretary.**

May 29, 2001

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 on May 28, 2001 the House of Representatives concurred to the adoption of Senate Concurrent Resolution No. 39, entitled

CONCURRENT RESOLUTION CREATING A JOINT COMMITTEE ON BOTH HOUSES TO NOTIFY THE PRESIDENT OF THE PHILIPPINES THAT CONGRESS HAS CONVENED ITS SIXTH SPECIAL SESSION, AND THERE BEING A QUORUM, SAID CONGRESS HAS ALREADY ENTERED UPON THE EXERCISE OF ITS FUNCTIONS.

Very truly yours,

(Sgd.) ROBERTO P. NAZARENO  
Secretary General

**The President.** To the Archives

**The Secretary.**

May 28, 2001

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

**Mr. President:**

I have the honor to transmit herewith, a copy of Resolution No. 185, entitled

RESOLUTION INFORMING THE SENATE THAT  
A QUORUM BEING PRESENT, THE HOUSE  
OF REPRESENTATIVES HAS ENTERED UPON  
THE EXERCISE OF ITS FUNCTIONS,

which was adopted by the House of Representatives on  
May 28, 2001.

Very truly yours,

(Sgd.) ROBERTO P. NAZARENO  
Secretary General

**The President.** To the Archives

The Majority Leader is recognized.

BILL ON SECOND READING  
S. No. 2191 — Governance of Basic Education  
Act of 2001  
(Continuation)

**Senator Tatad.** Mr. President, I move that we resume consideration of Senate Bill No. 2191 as reported out under Committee Report No. 433, and I invite attention to the amended copy as of May 29, 2001 which has been distributed to the members as the basis of today's proceedings.

**The President.** Is there any objection? [Silence] There being none, resumption of consideration of Senate Bill No. 2191 is now in order.

**Senator Tatad.** I ask that Senator Aquino-Oreta be recognized.

**The President.** Sen. Tessie Aquino-Oreta is recognized.

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

**Mr. President,** when we stopped yesterday, we were in the period of individual amendments and we had our Minority Leader giving some amendments.

**Senator Tatad.** I ask that Senator Cayetano be recognized.

**The President.** Senator Cayetano is recognized.

#### SUSPENSION OF SESSION

**Senator Cayetano.** Mr. President, may I ask the permission of the Majority Leader and the lady sponsor for just one minute. I am getting my copy of the bill upstairs but we can assure the Body that it will be very fast.

Thank you.

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

It was 3:29 p.m.

#### RESUMPTION OF SESSION

At 3:31 p.m., the session was resumed.

**The President.** The session is resumed. Senator Cayetano is recognized.

#### CAYETANO AMENDMENT

**Senator Cayetano.** Thank you, Mr. President.

With the permission of the lady senator, after consulting her and the Majority Leader, I would like to propose an amendment by rewording the original amendment I was proposing last night. The reworded proposed amendment would be like this: CURRICULA SUPERVISION.

**The President.** That would be on what page?

**Senator Cayetano.** That would be on page 10, line 17, as a new paragraph (b).

**The President.** And how will it read?

**Senator Cayetano.** CURRICULA SUPERVISION.

**The President.** Just that?

**Senator Cayetano.** Just that, Mr. President.

**Senator Tatad.** Put a semicolon (;).

**Senator Cayetano.** And because of that, line 18 which is paragraph (b), should now be paragraph (c).

**The President.** What does the sponsor say?

**Senator Aquino-Oreta.** The amendment is accepted, Mr. President.

PIMENTEL AMENDMENT

**The President.** I suppose we have to delete the connective word "and" in line 18.

**Senator Cayetano.** Yes, Mr. President.

**The President.** So delete that word "and".

**Senator Tatad.** And put it after the word "supervision".

**The President.** After the word "supervision", put the word AND. Is that correct?

**Senator Cayetano.** Yes, Mr. President.

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

CAYETANO AMENDMENT

**Senator Cayetano.** Finally, Mr. President, beginning in line 20 of page 10, paragraph (2), "Career Path of School District Supervisors," this is more of an editorial amendment than anything else. I would like to add, before the beginning of the sentence in line 21, the following phrase: IN LINE WITH THE DUTIES AND RESPONSIBILITIES OF SCHOOL DISTRICT SUPERVISORS, and then we continue with "the Secretary of Education shall develop, promote and implement a career path for THEM."

**The President.** What does the sponsor say?

**Senator Aquino-Oreta.** It is accepted, Mr. President.

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

**Senator Cayetano.** That is all, Mr. President.

**Senator Tatad.** Mr. President, I ask that Senator Drilon be recognized.

**The President.** Senator Drilon is recognized.

DRILON AMENDMENT

**Senator Drilon.** Mr. President, page 2 is a continuation of Section 2 which is a declaration of policy of the law. Lines 16 to 19

are not a statement of policy but a direction of the establishment of schools and learning centers.

May I move that this be transferred to the appropriate body of the bill instead of being made a declaration of policy because it requires the implementors to do something. I do not know where it should be.

**The President.** There is a motion to transfer lines 16 to 19 on page 2 to a suitable place somewhere in the body of the bill.

**Senator Aquino-Oreta.** May we put that under Objectives.

**The President.** Under Objectives?

**Senator Aquino-Oreta.** Yes, Mr. President.

**Senator Drilon.** I have no problems with that. Since it requires the establishment of schools and learning centers, it is more than an objective. It is a conduct required of the implementors and, therefore, it is not only an objective.

**Senator Aquino-Oreta.** No. What we are trying to emphasize here now is the thrust of the schools being the most important ingredient in our educational system. And so we are sort of repeating that schools have to be established, et cetera, and that schools are not only for students in the school but also for the out-of-school youths and alternative learning centers for adults.

**Senator Drilon.** All right. If that is so, then as objectives it would be part of Section 3 maybe, Mr. President, and properly worded—"To establish schools and learning centers as facilities".

**The President.** All right. "To establish..."

**Senator Drilon.** "...schools and learning centers as facilities FOR schoolchildren who are able to learn," et cetera.

**The President.** What does the sponsor say?

**Senator Aquino-Oreta.** It is accepted, Mr. President.

**The President.** So the idea is to transfer lines 16, 17, 18, 19 on page 2 with the modifications and place it as a part of Section 3, *Purposes and Objectives*.

May we suggest any particular place? Maybe we can put it between lines 12 and 13 on page 4. Is that all right?

**Senator Drilon.** Letter "G", between lines 12 and 13, Mr. President.

**The President.** What does the sponsor say?

**Senator Aquino-Oreta.** It is accepted, Mr. President.

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

#### PIMENTEL-DRILON AMENDMENT

Probably we delete the word "and" in line 9 of page 4 and transfer it with the corresponding semicolon (;) in line 12. We place the word AND after the word "sustained".

**Senator Aquino-Oreta.** Yes, Mr. President.

#### DRILON AMENDMENTS

**Senator Drilon.** Still on the same page, Mr. President. I move that we delete lines 20 to 24. It is not the secretary of Education who should promulgate broad policy framework but it is Congress.

**Senator Aquino-Oreta.** Yes, but this is the framework for education, Mr. President.

**Senator Drilon.** Yes, but the framework for education must be promulgated by Congress and cannot be delegated without appropriate standards to the secretary of Education.

**Senator Aquino-Oreta.** Can we instead change the word "promulgate" to another word so that it is the secretary of Education's responsibility that the framework or the policy for education is strictly followed and enforced?

**Senator Drilon.** Even without stating that, Mr. President, that is the mandate and obligation of the secretary of Education as a member of the Cabinet in the executive branch. What concerns me is that lines 20 to 24 grant broad authority to the secretary of Education to craft and to promulgate policy framework which is a basic function of Congress.

**Senator Aquino-Oreta.** Mr. President, we accept that Congress will do the framework but we would like to emphasize again that the secretary of Education is tasked—if we are overemphasizing, it is because we want to put forth the importance of improving the quality of education and the accountability of the department—with giving out the framework.

**The President.** May the Chair suggest the following wording: "The Secretary of Education shall IMPLEMENT CONGRESSIONAL POLICIES defining missions", et cetera.

In line 20, "The Secretary of Education shall implement the Congressional policies defining the missions..." Of course, there is no need to say that. We are just trying to save the intent of the author.

**Senator Drilon.** The secretary of Education would have to implement the policies of Congress whether it is here or not.

**The President.** It is very true. I think we can live with the deletion of the suggested lines, if the author accepts the deletion.

**Senator Aquino-Oreta.** Mr. President, we accept that. But our purpose of repeating this is that we would like to focus on an aggressive improvement on our educational system. We also included alternative learning system because this is not focused today and we would like the department to be aggressive on this. What is very important to us is the policy of adopting the principle of shared governance. So...

#### SUSPENSION OF SESSION

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

*It was 3:41 p.m.*

#### RESUMPTION OF SESSION

*At 3:42 p.m., the session was resumed.*

**The President.** The session is resumed. Senator Drilon is recognized.

**Senator Drilon.** After discussing with the sponsor, she is willing to go on record as accepting the amendment, Mr. President.

**Senator Aquino-Oreta.** Yes, Mr. President, we accept the amendment. We will delete lines 20 to 24 on page 2.

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

**Senator Drilon.** On page 3, Mr. President, lines 11 to 17 is not a declaration of policy. Therefore, it should again be recast and situated in the appropriate section because it mandates the renaming of the Department of Education, Culture and Sports into the Department of Education, et cetera. Therefore, it is not a mere declaration of policy.

I would suggest that it should be in the first section after Section 2. It is clear that it is not a declaration of policy. Maybe we can place it as Section 4 on Governance of Basic Education.

**The President.** Section 4. Is that a separate section?

**Senator Drilon.** That is correct, Mr. President.

I am sorry, that is already Section 5. Here it is. "The Department of Education, Culture and Sports shall henceforth be called the Department of Education" et cetera.

So we can delete lines 11 to 17 on page 3. It is exactly the same as Section 5 in substance. I do not see why it should be on page 3, lines 11 to 17, when it is also in lines 2 to 6 on page 6.

**The President.** What does the sponsor say?

**Senator Aquino-Oreta.** May I just make a comment, Mr. President?

**The President.** Yes, please.

**Senator Aquino-Oreta.** The reason for this, especially lines 15 and 16, wherein we are talking about the Commission on Audit is that there are times that the Department of Education cannot be strictly... How will I word it? The DECS cannot be tied to the rules of the Commission on Audit. There should be a study on how the rules of the Commission on Audit can be followed at least in the Department of Education, Culture and Sports that will answer also the needs of education. For example, there are some stringent rules in the Commission on Audit which are not applicable to the Department of Education, Culture and Sports. That is one of the reasons we placed these lines 15 to 17 in this section because that will need a special mention. If Senator Drilon can help us flesh that out...

**Senator Drilon.** Mr. President, with more reason would I reiterate my motion to delete lines 11 to 17 on page 3. First, as we said, lines 11 to 13 are already found in Section 5, page 6, lines 2 to 6. As far as the next sentence is concerned, it is too broad and indeed it is a difficult proposition to accept that the rules on auditing should not apply to the Department of Education, Culture and Sports. We will set a very dangerous precedent, other agencies of government may justify their being removed from the stringent rules on auditing. Therefore, I do not believe it is proper that we allow this kind of a broad exemption.

**Senator Aquino-Oreta.** We were not asking for an exemption, Mr. President. The reason we placed these lines there is precisely for the uniqueness of the job, the task or the responsibility of the Department of Education, Culture and Sports. We are saying that if the Department of Budget and Management, the Commission on Audit and the Department of Education, Culture and Sports can sit down, we are looking at steps that will bring a more aggressive approach as far as education needs are concerned.

**Senator Drilon.** Mr. President, I think we have an existing statute of auditing, if I recall correctly. I do not believe we can provide in the law that we recognize the uniqueness of the Department of Education, Culture and Sports, and therefore imply that we can get away from that law which sets forth auditing rules.

Moreover, I know how this bureaucracy works. The other departments, I am sure, can justify the uniqueness of their operation which will justify a special treatment under government auditing rules. I am concerned that such a situation can abet graft in the bureaucracy.

**Senator Aquino-Oreta.** Mr. President, may I just give an example?

**The President.** Yes, please.

**Senator Aquino-Oreta.** Right now, for example, in the books of the COA, when the department sends fund transfers to the region for the salaries of teachers, it calls it cash advance. So, at the end of the day, one will see that the department has the highest cash advance. But in reality, these are not cash advances, these are salaries for our teachers.

**Senator Drilon.** Yes, Mr. President.

**Senator Aquino-Oreta.** And yet, the COA insists that that is the term the department uses for salaries of teachers. Now, why will salaries of teachers be called cash advances? Considering that the budget of the DECS is the highest, and considering that 85 percent of this budget goes to salaries and benefits which are termed cash advances, we are looking at these things, Mr. President, so that we will put COA language and rules into a better shape to show the real condition of our department.

**Senator Drilon.** Mr. President, it is quite obvious that the cash advance is a system adopted so that it can be liquidated by the disbursing officer. It is not the teacher who is making the cash advance on his salary. It is the disbursing officer in whose name the cash advance is made and liquidates it in the form of the payroll duly signed by the teacher.

So, it is a safeguard on the disbursement of public funds. Even assuming that this must be revised, we do not need a law to revise it. In fact, I read in the papers that Secretary Raul S. Roco has ordered that all the salaries should be in the bank accounts directly of the teachers so that this cash advance thing of disbursement officers would no longer be in existence and would no longer be necessary.

So what I am saying, Mr. President, is through administrative issuances. Many of those that concern our teachers can be addressed by having this kind of a provision. It can be cited by the entire bureaucracy now to get exemptions from the regulation of the Commission on Audit for disbursement of public funds. That is the other reason.

**The President.** What does the sponsor say?

**Senator Aquino-Oreta.** I can see the point, Mr. President. If we will delete lines 11 to 17, then I am having a problem now with page 13, Sections 9, 10 and 11.

## 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 3:52 p.m.*

## RESUMPTION OF SESSION

*At 3:53 p.m., the session was resumed.*

**The President.** The session is resumed. Senator Aquino-Oreta is recognized.

**Senator Aquino-Oreta.** Mr. President, we are willing to accept the amendments of Senator Drilon. We will delete lines 11 to 17. So we will start in line 9, "The State shall..." et cetera, up to "learning centers". And then line 18 will already go to Section 3, *Purposes and Objectives*.

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

**Senator Drilon.** Mr. President, I will go to page 8, lines 21 to 23.

**The President.** On what page?

**Senator Drilon.** On page 8. These questions that I will raise will also be applicable to other sections, particularly page 10.

Anyway, the provision says: "The career path for regional directors and assistant regional directors shall be determined by the Career Executive Service Board (CESB)." Similarly, on page 10, lines 3 and 4, for superintendents, again the provision reads: "The career path for Division Superintendents and Assistant Division Superintendents shall be determined by the Career Executive Service Board."

Now, as far as I know, the CESB, Mr. President, gives eligibilities. What we exactly...

**The President.** *Ito ba iyong* CESO?

**Senator Drilon.** Yes, Mr. President. The Career Executive Service Board is the one which grants CESO eligibilities. Now, when we say that the career path for regional directors and

assistant regional directors shall be determined by the CESB, are we saying here that matters of transfers, matters of promotion will now be with the CESB? Does that not expand unnecessarily the CESB powers?

**Senator Aquino-Oreta.** No, Mr. President. Maybe we can change the word "determined." What we intended here is that from division superintendents to regional directors and up, they should first be CESO. They cannot be in that category if they are not CESO ranks.

**Senator Drilon.** Then, why do we not say so instead of saying "the career path," because the career path can be so broad, Mr. President.

**The President.** It can go beyond just being CESO. The career path can go beyond just being CESO.

**Senator Aquino-Oreta.** We are willing to have that amended.

**Senator Drilon.** All right. So, we move first to delete lines 21 to 23 on page 8 with the committee submitting a new substitute—

**The President.** Wording.

**Senator Drilon.**—wording for that particular section. May we move to delete this first, Mr. President?

**Senator Tatad.** How many lines?

**Senator Drilon.** Lines 21 to 23 on page 8, without prejudice to its substitution with a new phraseology.

**The President.** What does the sponsor say?

**Senator Aquino-Oreta.** We accept that, Mr. President.

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

**Senator Drilon.** For the same reason, on page 10, lines 1 to 4.

**The President.** Page 10, lines 1 to 4. What does the sponsor say?

**Senator Aquino-Oreta.** We accept that, Mr. President. We will rephrase this and we will give a new amendment.

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

**Senator Drilon.** Similarly, lines 20 to 22 on page 10, although this one is by the secretary of Education.

**Senator Aquino-Oreta.** Now, when it comes to district supervisors, Mr. President, they do not need the CESO. But we would like the secretary of Education to form a committee or a group that will determine or that will give the promotion to our district supervisors, school heads, et cetera. The present practice is that school heads are promoted based on the number of students or the number of teachers they have in their schools. We feel that this should not be a criterion because we can have a school head in the rural area really improving the learning outcome of that school and yet when it comes to the criteria of a number of students or a number of teachers, that particular school head might not get the promotion that is due him.

What we are saying is that we would want the secretary of Education to broaden the criteria for the promotion of our teachers, our school heads, our district supervisors, so that it will not be based on the present practice, say, on the number of students and teachers, but will be based on the merits of their performance.

**The President.** Senator Drilon is recognized.

**Senator Drilon.** I agree with the sponsor, but the phrase "career path" is too broad. I do not know from the statement of the sponsor if she would want to mandate the establishment of a promotions board which shall consider the factors that she has mentioned in the promotion of teachers. I do not know if that is the intention. Because if that is so, then we can so provide instead of the way lines 20 to 22 are presently crafted.

**Senator Aquino-Oreta.** Mr. President, we are looking at the merit system of promotion which unfortunately is not the mode for promoting our school heads today.

**Senator Drilon.** Then we can state that the merit system shall be the sole basis for promotion.

**The President.** Yes. The proposal to create a promotions board does not conflict with the objective of Madam Sponsor. It does not conflict with the sponsor's objective, as I said.

**Senator Aquino-Oreta.** No, Mr. President. Precisely, we would like to focus on the merits of our school heads and supervisors rather than on the present criteria which depend on the number of students and teachers they have.

**Senator Drilon.** Subject to style. Therefore, may I propose that we provide for the creation of a promotions board which shall promulgate the criteria for promotions based on merit, or words to that effect, instead of the way it is phrased in lines 20 to 22, Mr. President.

**The President.** So, in effect, the suggestion is to delete lines 21, 22, 23...

**Senator Drilon.** No, no, 20, 21, 22, Mr. President.

**The President.** I am sorry. Lines 20...

**Senator Drilon.** Lines 21, 22.

**The President.** But 20 refers to authorities.

**Senator Drilon.** Mr. President, I am looking at...

**Senator Tatad.** It appears we are using two different versions.

**Senator Drilon.** Well, I do not know. I am also holding something here. Maybe ...

**Senator Aquino-Oreta.** The amended copy.

**Senator Tatad.** In the amended copy, this would be lines 21 to 23.

**Senator Drilon.** I was looking at the unamended copy, Mr. President. My mistake, I apologize.

Yes, lines 21, 22, 23 on page 10.

**The President.** Deletion is being proposed to strike out lines 21, 22, 23 on page 10 to be substituted by the CREATION OF A PROMOTIONS BOARD, the wordings of which will be defined by the committee. Is that understood?

**Senator Drilon.** That is correct, Mr. President.

**Senator Aquino-Oreta.** Yes, Mr. President.

**The President.** Is there any objection from the author, sponsor?

**Senator Aquino-Oreta.** None, Mr. President.

**The President.** What about from the floor because this will affect the amendment of Senator Cayetano yesterday?

**Senator Cayetano.** Mr. President.

**The President.** Senator Cayetano is recognized.

**Senator Cayetano.** With the permission of my colleagues, Senator Drilon and the sponsor.

With the new amendment of my colleague from Iloilo and accepted by the sponsor, it would completely delete an earlier—

**The President.** Of course.

**Senator Cayetano.** —amendment accepted by the sponsor as proposed by me. But...

**The President.** On district supervisors.

**Senator Cayetano.** Yes, but I would like to inquire, with the permission of the sponsor, if the proposal of my good colleague from Iloilo to have a promotions board would now include the career path of school district supervisors? Because if it does, then I would not mind that my earlier amendment be completely...

**Senator Drilon.** With that, yes, Mr. President, I have no problems with the proposal. Only that, and with the gentleman's permission, just to avoid using the general phrase "career path."

**The President.** Is that an acceptable compromise, Senator Cayetano?

**Senator Cayetano.** Well, if there would be an amendment and accepted, creating a board of promotion?

**The President.** Promotions board.

**Senator Cayetano.** For all?

**Senator Drilon.** Yes, for all.

**The President.** For all.

**Senator Cayetano.** Well, I will have no objection to that for as long as we know what will be the function.

**The President.** All right.

**Senator Drilon.** Anyway, we can see the amendment once it is crafted and we can...

**Senator Cayetano.** All right, that is all. Thank you, Mr. President.

**The President.** It is understood that it is subject to style but the idea is for the creation of a promotions board to handle all promotions of teachers, supervisors, et cetera.

**Senator Drilon.** Based on merit.

**The President.** Based on merit. Does the sponsor accept it?

**Senator Aquino-Oreta.** Yes, Mr. President. And also may I add that the subtitle of line 21 "Career Path" and all the other lines where the words "career path" are being used will now be changed.

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

**Senator Drilon.** Still on page 10. Lines 24 to 27 are actually a declaration of policy, Mr. President. These do not direct any particular conduct. These do not establish a rule. These are statements of policy and therefore these should be transposed in the section on Declaration of Policy.

**The President.** What does the sponsor say?

**Senator Aquino-Oreta.** It is accepted, Mr. President.

**The President.** So the proposal of Senator Drilon to transfer lines 24, 25, 26 and 27 on page 10 to the section on Declaration of Policy, which is found in Section 2, is accepted by the sponsor. So the sponsor will suggest a suitable location for the transposition.

**Senator Aquino-Oreta.** And may we delete line 24, Mr. President?

**Senator Drilon.** Yes, the phrase "School Level". That is correct.

**The President.** So the first amendment is to delete line 24. That is accepted by the sponsor. Is there any objection? *[Silence]* There being none, the amendment is approved.

Then the next amendment. Lines 25, 26 and 27 are to be placed under Section 2, Declaration of Policy, at a suitable location. Can we agree that the suitable location shall be after line 10 on page 3?

**Senator Aquino-Oreta.** No. Mr. President, may we put it after line 3 of page 2. Line 3 reads "committed Filipino citizens".

**The President.** So after line 3 on page 2.

**Senator Aquino-Oreta.** Yes, Mr. President.

**The President.** What does the proponent say? Senator Drilon, is that all right?

**Senator Drilon.** I have no problem with that, Mr. President.

**The President.** So the proposal has been accepted. Is there any objection from the floor? *[Silence]* There being none, the amendment is approved.

**Senator Drilon.** On page 12, lines 1 to 6 enumerate the duties and responsibilities of school heads. I have difficulty granting the authority to school heads to generate, solicit donations. It is no longer a donation where one generates and solicits it, Mr. President.

May we propose an amendment to this provision by deleting the whole paragraph and, in lieu thereof, add the following:

h) TO ACCEPT DONATIONS, GIFTS, BEQUESTS AND GRANTS for the purpose of upgrading teachers' and learning facilitators' competencies, improving and expanding school facilities and providing instructional materials and equipment. SUCH DONATIONS OR GRANTS MUST BE REPORTED TO THE APPROPRIATE DISTRICT SUPERVISORS AND DIVISION SUPERINTENDENTS.

The President. What does the sponsor say?

Senator Aquino-Oreta. It is accepted, Mr. President.

Senator Tatad. Mr. President.

The President. The Majority Leader is recognized.

TATAD-DRILON AMENDMENT

Senator Tatad. Just a minor point just to be consistent with all the other parts of the section. Perhaps instead of saying "to accept" can we say ACCEPTING?

Senator Drilon. ACCEPTING DONATIONS, yes, Mr. President.

Senator Tatad. Is the amendment of Senator Tatad accepted?

Senator Aquino-Oreta. It is accepted, Mr. President.

Senator Drilon. It is accepted, Mr. President.

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

Senator Drilon. In lines 9 to 15, may I know the pleasure of the sponsor in light of her acceptance of the previous amendments on the same point?

Senator Aquino-Oreta. Again, Mr. President, we will ask for the deletion of lines 9 to 15 and in lieu thereof we will put in our new amendment.

DRILON AMENDMENT

Senator Drilon. We so move for the deletion of lines 9 to 15 on page 12 and in lieu thereof, the appropriate phraseology consistent with the other provisions of the same import in the bill.

The President. The proposal to delete lines 9 to 15 has been

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

Senator Drilon. At this point, we have no further amendments. May we request that a clean copy be prepared before we close the period of amendments.

Senator Cayetano. Mr. President.

The President. Sen. Renato L. Compañero Cayetano is recognized.

CAYETANO AMENDMENT

Senator Cayetano. Mr. President, with the permission of the lady sponsor, may I just propose one amendment, just one word.

On page 10, line 15, it reads, "Providing professional and instructional support..." My amendment is not to delete but to add first the words ADVICE AND. So, it will be "ADVICE AND support."

The President. "Instructional ADVICE AND support."

What does the sponsor say?

Senator Aquino-Oreta. It is accepted, Mr. President.

Senator Cayetano. Thank you, Mr. President.

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

Senator Drilon. Mr. President.

The President. Senator Drilon is recognized.

Senator Drilon. On page 13, Mr. President, before we propose any amendment, we would like to be enlightened.

Section 8 reads: "The Bureau of Physical Education and School Sports shall be absorbed by the Philippine Sports Commission. The program for school sports and physical fitness shall remain part of the school curriculum."

May we now know what the Bureau of Physical Education and School Sports will be doing in the Philippine Sports Commission considering that the program for school sports will remain with the Department of Education, Culture and Sports? That is how I understand it anyway.

Senator Aquino-Oreta. First, we have Executive Order No. 81 that transferred the school sports program and activities of the department to the Philippine Sports Commission.

**Senator Drilon.** That is an activity, Mr. President, not a bureau.

**Senator Aquino-Oreta.** The Bureau of Physical Education and School Sports now will be with the Philippine Sports Commission. It will take care of these Palarong Pambansa and other competitive "paloro" that the DECS used to hold under its auspices.

**Senator Drilon.** What is the present function of the Bureau of Physical Education, Mr. President? Is it only to manage the annual Palarong Pambansa?

**Senator Aquino-Oreta.** Yes, Mr. President. Basically, that is its main function.

**Senator Drilon.** Is that its only function, Mr. President? Does it not supervise the physical education curriculum?

**Senator Aquino-Oreta.** It has a basic physical education curriculum. But the thing is, the DECS has taken over that curriculum now as part of its overall curriculum. We were told that it does not need the Palarong Pambansa, and all other competitive games are not under its auspices anymore. It does not need the Bureau of Physical Education and School Sports. But the problem right now, the reality is that the Philippine Sports Commission has not fully integrated them. So some of them are still with the Department of Education, Culture and Sports. The reason we place them here is just to be clear-cut about the Bureau of Physical Education and School Sports being under the Philippine Sports Commission.

**Senator Drilon.** First of all, Mr. President, the executive order referred to by the sponsor, Executive Order No. 81, as we said, simply transfers the programs, activities and functions, not the bureau itself. May we know how many personnel would be involved in this transfer?

**Senator Aquino-Oreta.** May I have a one-minute suspension of the session, Mr. President.

#### SUSPENSION OF SESSION

**Senator Tatad.** 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 4:15 p.m.*

#### RESUMPTION OF SESSION

*At 4:32 p.m., the session was resumed.*

**The President.** The session is resumed. Senator Drilon is recognized.

**Senator Drilon.** Mr. President, before we suspended our session, I raised a question on the number of employees affected, and also during the break, we discussed with the sponsor the pitfalls of the way Section 8 is crafted given the present situation in the Bureau of Physical Education and School Sports.

#### DRILON AMENDMENT

Therefore, Mr. President, we have agreed during the break that Section 8 in principle will be redrafted by the committee. It is agreed that a new copy be submitted to the Chamber with amendment in Section 8 to reflect the situation in the DECS and the PSC at this time.

**The President.** Does the sponsor confirm that observation?

**Senator Aquino-Oreta.** Yes, Mr. President. We will craft Section 8 again to show that the Bureau of Physical Education and School Sports in the DECS has closed shop but then we will have to take care of the personnel, the items, and see to it that the transfer to the PSC will somehow be clearer.

#### PIMENTEL-DRILON AMENDMENT

**The President.** Yes, and probably I suggest that the specific office in the DECS to handle the program would have to be identified. "The program for school sports and physical fitness shall remain part of the school..."

**Senator Aquino-Oreta.** There is a bureau for the curriculum, Mr. President, in the DECS right now and it included also the program for physical fitness. The physical education activity that our learners undergo now is just a part of the overall curriculum of the DECS.

**The President.** Yes, but the Chair would like to find out who handles it for purposes of a nationwide kind of activity, because the way this is worded, it looks like every school will have its own physical fitness program. Is that it?

**Senator Aquino-Oreta.** Yes, the physical fitness program, Mr. President, here is the physical education.

**The President.** Yes, exactly.

**Senator Aquino-Oreta.** So there is a curriculum for that wherein all the schools will have to follow that curriculum.

**The President.** In any event, this will be recast.

**Senator Aquino-Oreta.** Yes, Mr. President. We will try to make it very clear that the Bureau of Physical Education and

School Sports does not exist under the DECS. We will try to make it clear where these items and facilities that went with this bureau and supposed to be absorbed by the Philippine Sports Commission will go.

**The President.** All right. Is there any objection from the floor? *[Silence]* There being none, the amendment is approved, subject to that proviso.

The Majority Leader is recognized.

**Senator Tatad.** Mr. President, that is the last of the Drilon proposed amendments. There being no further amendments, I move that the period of amendments be closed.

**Senator Drilon.** Mr. President.

**The President.** Senator Drilon is recognized.

**Senator Drilon.** Mr. President, can we postpone acting on that motion until we see the revised copy of the bill?

**The President.** The draft, yes.

**Senator Tatad.** I think that is a reasonable request. I withdraw the motion.

SUSPENSION OF CONSIDERATION OF S. NO. 2191

I move that we now suspend consideration of Senate Bill No. 2191, with the request that a clean copy be provided the Chamber as early as possible tomorrow which would reflect all the agreed amendments.

**The President.** Is there any objection? *[Silence]* There being none, the motion is approved, subject to the explanation of Senator Tatad.

**Senator Tatad.** Thank you very much, Mr. President.

SPECIAL ORDERS

Mr. President, I move that we transfer from the Calendar for Ordinary Business to the Calendar for Special Orders Committee Report No. 410 on Proposed Senate Resolution No. 872, entitled

RESOLUTION CONCURRING IN THE ACCEPTANCE OF THE FIFTH PROTOCOL TO THE GENERAL AGREEMENT ON TRADE IN SERVICES(GATS)

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

RESOLUTION ON SECOND READING  
P. S. Res. No. 872 — Fifth Protocol  
to the General Agreement on Trade in Services

**Senator Tatad.** Mr. President, I move that we consider Proposed Senate Resolution No. 872 as reported out under Committee Report No. 410.

**The President.** Consideration of Proposed Senate Resolution No. 872 is now in order.

With the permission of the Body, the Secretary will read only the title of the resolution, without prejudice to inserting in the *Record* the whole text thereof.

**The Secretary.** Proposed Senate Resolution No. 872, entitled

RESOLUTION CONCURRING IN THE ACCEPTANCE OF THE FIFTH PROTOCOL TO THE GENERAL AGREEMENT ON TRADE IN SERVICES(GATS)

*The following is the whole text of the resolution:*

Proposed Senate Resolution No. 872

RESOLUTION CONCURRING IN THE ACCEPTANCE OF THE FIFTH PROTOCOL TO THE GENERAL AGREEMENT ON TRADE IN SERVICES(GATS)

WHEREAS, on 15 April 1994, the Government of the Republic of the Philippines signed in Marrakesh, Morocco, the Final Act embodying the Results of the Uruguay Round of Multilateral Trade Negotiations (hereinafter referred to as the "Final Act");

WHEREAS, the Final Act was ratified by the President of the Republic of the Philippines and concurred in by the Senate under P. S. Res. No. 1083;

WHEREAS, the final Act sought to bring the new areas of trade in services within the framework of multilateral trade rules through the General Agreement on Trade in Services (GATS), which is part of the results of the Uruguay Round and forms an integral part of the Final Act;

WHEREAS, the primary objective of the GATS negotiations is to formulate a multilateral set of rules of trade in services;