

RECORD OF THE SENATE

MONDAY, OCTOBER 23, 2000

OPENING OF THE SESSION

At 3:32 p.m., the Presiding Officer, Hon. Vicente C. Sotto III, called the session to order.

The Presiding Officer [Sen. Sotto]. The 30th session of the Senate in the Third Regular Session of the Eleventh Congress is hereby called to order.

Let us all stand for the opening prayer to be led by Senate President Franklin M. Drilon.

After the prayer, the Stella Maris Choir will lead us in the singing of the national anthem. The Choir will also render another song, entitled "Medley of Patriotic Songs."

Everybody rose for the prayer.

PRAYER

Senator Drilon.

In the name of the Father, of the Son, and of the Holy Spirit.

Almighty Father,

As we begin another session of the Senate in these challenging times, we humbly appeal for Your divine assistance.

We implore Thee for Thy grace, that You may lead our people and resolve conflicts and issues for the betterment of our country. Make us realize that the national interest cries out for a halt to our overextended political bickering, backstabbing and buck-passing.

Above all, bestow on us, Your people, the grace to come together, once and for all, as one people, one nation and one community. It is only in harmony that we can find lasting strength; it is only in unity that we can move forward; it is only in our efforts toward mutual understanding that we can gain a semblance of Your divine wisdom.

Thank You, dear Lord. In Your name, we pray all these.

Amen.

NATIONAL ANTHEM

Everybody remained standing for the singing of the national anthem.

At this juncture, Senator Sotto relinquished the Chair to the Hon. Senate President Franklin M. Drilon.

The President. The Chair wishes to thank the members of Stella Maris Choir for their rendition of the national anthem and a medley of patriotic songs.

The Secretary will please call the roll.

ROLL CALL

The Secretary, reading:

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

The President. With 17 senators present, there is a quorum. The Majority Leader is recognized.

THE JOURNAL

Senator Tatad. Mr. President, I move that we dispense with the reading of the *Journal* of Session No. 29, Wednesday afternoon, October 18, 2000, and consider it approved.

* Arrived after the roll call

** On official mission

*** On account of illness

One hundred years from today, let our acts be remembered as enabling every Filipino learner to acquire knowledge, to be equipped with skills and imbibe the core values he/she needs to develop his/her potentials to the fullest according to his/her talents and abilities and to grow into a responsible and committed Filipino citizen.

This Senate Bill No. 2191 is premised on a principle of shared governance where there is established a clear delineation of respective roles and responsibilities of the national office and the field offices, namely the regions, school divisions and schools and learning centers. Authority, accountability and responsibility for higher pupil learning outcomes are defined clearly and categorically.

There is now a learning revolution which many say has not been seen since Gutenberg ran the first Bible off a printing press more than 500 years ago. They say that the main element of the revolution is that of linking the modern marvels of the brain research with the power of instantly available information and knowledge.

For the first time, we now know how to store almost all the world's most important information and make it available instantly, in almost any form, to almost anyone on earth—and to link everyone together in a global network learning web. The scope of these changes forces us all to completely rethink everything we have understood about learning, education and schooling. Our schools need to rethink the role of teaching and learning. But our schools cannot improve unless the system to which it belongs also improves.

Let us then begin by reorienting the education system towards a new paradigm where the school shall be at the heart of the education system - where the schoolteacher shall become a learning facilitator who plays a central role in the teaching and learning process and together with the school head be accountable for achieving higher learning outcomes.

Mr. President, my esteemed colleagues: When all of these shall have come to pass with the Chamber's approval of Senate Bill No. 2191, then we can proudly proclaim that the Department of Education, Culture and Sports (DECS), which is now on its 21st century bureaucracy, will now be able to meet the challenges of a 21st century learning revolution.

I earnestly seek the Chamber's approval of Senate Bill No. 2191.

Thank you, Mr. President.

Senator Tatad. Mr. President.

The President. The Majority Leader is recognized.

Senator Tatad. We wish to thank the sponsor for that inspired sponsorship speech.

SUSPENSION OF CONSIDERATION OF S. NO. 2191

To allow the members of the Chamber to prepare for the interpellation, I move that we suspend consideration of Senate Bill No. 2191.

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

BILL ON SECOND READING

S. No. 2129—Strengthening the ARMM Organic Act (Continuation)

Senator Tatad. Mr. President, I move that we resume consideration of Senate Bill No. 2129 as reported out under Committee Report No. 393.

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

Senator Tatad. Mr. President, we are still in the period of interpellations. For the final interpellation, I ask that, first of all, the sponsor, Sen. Aquilino Q. Pimentel Jr., be recognized; and for the final interpellation, Sen. Juan M. Flavie.

The President. Sen. Aquilino Q. Pimentel Jr. is recognized. To avail himself of the period of interpellations, Sen. Juan M. Flavie is recognized.

Senator Flavie. Mr. President, will my guru in Local Government 101 allow me to ask a few clarificatory questions for my education?

Senator Pimentel. Mr. President, I have no choice, otherwise, I will lose my quorum-provider in the meetings that we are having in the committee.

Senator Flavie. Mr. President, I raise these questions reluctantly because I was present in 15 out of the 16 hearings held. However, these are new provisions that were not thoroughly discussed so I hope that my guru will allow me to raise them.

Senator Pimentel. Yes.

Senator Flavie. The first one is in Section 6(3) of Article VII and Section 3 of Article VIII on the proposed measure

that enumerates minimum qualifications of a member of the regional assembly and the regional governor, respectively.

One of the qualifications is that they should be a holder of a bachelor's degree from any college recognized by the DECS. May we know the reason behind this requirement?

We are aware that these offices are regarded as political offices in the government. In comparison, political offices are the provincial governor, city and municipal mayors which, under the Local Government Code of 1991, do not require them to be holders of a Bachelor's degree from any college. So why are we now requiring a stricter qualification from the regional governor? I am sure there is a rationale. Could the distinguished sponsor please explain?

Senator Pimentel. Mr. President, this proposal is really, in Tagalog *tagilid* for the simple reason that the Constitution itself requires only the ability to read and write. That is the basic requirement. However, in a couple of consultations that we had, this idea surfaced that, perhaps, it is time for the people running for public offices, especially those having to do with the crafting of laws, like the regional legislative assembly members, to have a qualification of more than just being able to read and write. So the idea was, why do we not require them to hold, at least, a bachelor's degree.

Having said that, Mr. President, as I tried to explain in my sponsorship speech, the rationale of bringing it out is just to start a discussion on the issue of the qualifications that we require of our elective public officials.

A lot of frustration have been expressed by our people regarding the inability of elected officials to articulate the vision and the thrust of the work of their respective offices.

So, I was hoping that, at least, maybe as a sign of frustration and a manifestation of our desire to do something about this, we decided to insert that provision. But in all honesty, I have no hope that that provision will be sustained on the Floor of this Chamber, let alone when it is challenged, if at all, before the Supreme Court. As I said, the Constitution provides only the qualification of being able to read and write for the voters as well as for those who are elected by the voters.

Senator Flavio. I thank the gentleman for that reply.

Personally, I would certainly support an improvement in the qualifications of our officials, Mr. President.

My second question refers to Section 20 of Article VII which states that public works funds for the regional

government allocated by the central government should be approved by the regional assembly before being disbursed, distributed, realigned or used in any manner.

May we know again the reason behind this provision? Because, in effect, are we granting the regional assembly the power to defeat the purposes, if not veto, in its technical sense, the items in the General Appropriations Act where it is specifically appropriated?

While we approve the spirit of autonomy to the regional government, Mr. President, which might be manifested through this provision, we must not diminish the power of Congress. Can the distinguished gentleman please react?

Senator Pimentel. I support, of course, the distinguished gentleman's concern in this regard, but let me just point out that sometimes, there are monies that are allocated to the autonomous region in lump sum. The experience in the autonomous region, especially during the administration of the first regional governor—I understand, even up to the administration of the second, and probably even during the administration of the third, meaning, Governor Misuari—the regional assembly has been reduced to just being a recipient of the wishes of the regional governor as to how the monies intended for the region will have to be apportioned.

In fact, Mr. President, a friend of mine, who was a member of the regional assembly but who is now dead, unfortunately, told me that they never had a chance to act as a regional legislative assembly to apportion the amounts of money intended for the region. What usually happened, he said, was for the regional governor to just tell them, "O, this is your share for your district or for your public works that you wish to implement in your area."

In other words, even the allocation of funds for the region is already being done by the regional governor.

So, in an attempt to correct this situation, we provided that provision in the amendment so that it becomes very clear that the regional governor cannot, on his own, just allocate the funds that are intended for the region. The funds must be allocated pursuant to an action of the Regional Legislative Assembly as Regional Legislative Assembly. That is the intention, Mr. President.

Senator Flavio. I thank the gentleman for that answer, Mr. President. It is very enlightening.

But would it be feasible to put an amendment that would at least make it more specific, meaning, it would refer to lump sum allocation?

Senator Pimentel. Maybe that would be a good idea. In other words, so long as Congress does not specifically allocate. For example: "For this particular bridge in this province, we are allocating P100 million." Then in that particular instance, there is already an act of Congress that specifies that that particular amount will go to the construction of a bridge. I do not think that the regional legislative assembly will have a right to redirect or amend the purpose that Congress has defined.

So, yes, maybe we can do that. In other words, as long as the money is intended for the region as region, then the regional legislative assembly should have a right to participate in determining where the money should go.

Senator Flavier. That answer is most acceptable, Mr. President.

My next question refers to Section 13, Article VII, of the bill which authorizes the regional legislative assembly to enact its civil service law governing appointments to various positions in the regional government.

Why do we need another set of civil service laws tailor-made for regional government appointees? Is the existing civil service law governing government employees nationwide inadequate or inapplicable to the regional government officials? Can we instead pass a supplementary law in addition to the existing civil service law in Congress defining special rules that may be adaptable only within the regional government offices? Can the distinguished gentleman react on this please?

Senator Pimentel. Mr. President, that proposal sounds good, at least in theory, that Congress can probably pass or enact legislation to govern the civil service adapted to the needs of the autonomous region.

The reason this provision was inserted is to give support to the concept of autonomy so that the autonomous region will not feel as if everything is being decided by us. Among other things, the civil service requirements, as of now, may not find full application in the autonomous region for the reason that the autonomous region, in general, is probably the least-developed region not only in terms of the economy but also in terms of education.

Therefore, if we base the right of people to be employed in government through competitive examination, *medyo lugi sila*. So we are hoping that by providing this particular amendment, we might be able to address that imbalance as it were.

Senator Flavier. I thank the distinguished gentleman for that reply, Mr. President.

Senator Pimentel. May I add, Mr. President, that is also in the peace agreement.

Senator Flavier. I see. I am already convinced by the gentleman's first explanation. The second one nails the final nail to the coffin. [Laughter]

Senator Pimentel. Thank you, Mr. President.

Senator Flavier. Finally, Mr. President, in Section 10, Article VII of the bill, it penalizes nondisclosure by a member of the regional legislative assembly of his or her financial and business interest, including that of his or her immediate family member. I think this is a most laudable provision, but my small question is: It says "nondisclosure." How about the "false disclosure?"

Senator Pimentel. Mr. President. The "false disclosure" would be covered by the laws on falsification. So there are already laws that would require him not to falsify his disclosure. But we are trying to tell all of them that they must disclose. The first obligation therefore is to disclose and that is why that provision is found there.

Senator Flavier. Thank you, Mr. President. I am most satisfied with the replies of my guru and let me end by saying that I am in full support of the MARM bill of the Mister of our Senate.

Thank you.

Senator Pimentel. Thank you, Mr. President.

Senator Tatad. Mr. President, we would like to thank Senator Flavier for his intervention.

We are hoping that we could terminate the interpellation, but the Minority Leader informed us that he would like to wind up his interpellation on Thursday because Wednesday is a special rally day for the opposition.

The President. The Chair had wished that we could at least terminate the period of interpellations before we go on recess so that the committee presumably can come up with the amendments during the break and finish the amendments when we come back on November 15, 2000.

Would it be feasible for the Minority Leader to finish the interpellations tomorrow?

Senator Guingona. Yes, Mr. President.

The President. Good.

Senator Tatad. Tomorrow, Mr. President. We will help him write his speech for Wednesday so that he can interpellate tomorrow.

The President. Is there a motion now to suspend consideration of this bill?

**SUSPENSION OF CONSIDERATION
OF S. NO. 2129**

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

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

**MOTION OF SENATOR TATAD
(Referral of S. No. 400 to the Agriculture
Committee as Primary Committee)**

Senator Tatad. Mr. President, I move that we transfer the referral of Senate Bill No. 400, entitled

**AN ACT CONSTITUTING THE NATIONAL FOOD
AUTHORITY INTO THE NATIONAL FOOD
MARKETING AND DEVELOPMENT AUTHORITY
AND FOR OTHER PURPOSES,**

from the Committee on Government Corporations and Public Enterprises as the primary committee to the Committee on

Agriculture as the primary committee, and the previously mentioned committee as the secondary committee.

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

**MOTION OF SENATOR TATAD
(Referral of S. No. 1834 to the Agriculture; and
Government Corporations and
Public Enterprises Committees)**

Senator Tatad. Likewise, I move that Senate Bill No. 1834 be primarily referred to the Committee on Agriculture, and secondarily to the Committee on Government Corporations and Public Enterprises.

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

ADJOURNMENT OF SESSION

Senator Tatad. Mr. President, there being no further business for today, I move that we adjourn the session until three o'clock in the afternoon of Tuesday, October 24, 2000.

The President. Is there any objection? *[Silence]* There being none, the session is adjourned until three o'clock in the afternoon of Tuesday, October 24, 2000.

It was 4:57 p.m.