

RECORD OF THE SENATE

WEDNESDAY, OCTOBER 4, 2000

OPENING OF THE SESSION

At 3:36 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

The President. The 24th 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 Sen. Francisco S. Tatad.

Everybody rose for the prayer.

PRAYER

Senator Tatad.

God our Father, our strength in adversity, our health in weakness, our comfort in sorrow, look kindly upon Your people.

As we sail through crisis and conflict from day to day, mark not our sins and our infidelities but suffer us to invoke Your protection and Your love from which we can neither hide nor flee.

As You have given us the punishments and pains we deserve, give us also new life and hope for ourselves and our country, on this feast day of St. Francis of Assisi, the sweetest and most Christ-like among Your saints, kindle in our hearts the desire to follow in his path and to become true instruments of Your peace seeking not so much to be loved as to love, to be pardoned as to pardon, to be understood as to understand, to receive as to give, and seeking not Your consolations but You, but teach us in all this never to expect true peace until our restless hearts rest in Thee.

All this we ask in the name of Jesus Christ Your only Son our Lord who lives and reigns with You and the Holy Spirit, one God forever and ever,

Amen.

ROLL CALL

The President. The Secretary will please call the roll.

The Secretary, reading:

Senator Teresa Aquino-Oreta	Present
Senator Robert Z. Barbers	Present
Senator Rodolfo G. Biazon	Present
Senator Renato L. Compañero Cayetano ..	Present
Senator Anna Dominique M.L. Coseteng ..	Absent***
Senator Miriam Defensor Santiago	Present
Senator Juan Ponce Enrile	**
Senator Juan M. Flavie	Present
Senator Teofisto T. Guingona Jr.	Present
Senator Gregorio B. Honasan	**
Senator Robert S. Jaworski	Present
Senator Loren B. Legarda-Leviste	Present
Senator Ramon B. Magsaysay Jr.	Present
Senator Blas F. Ople	**
Senator John Henry R. Osmeña	Present*
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 15 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. 23 of Tuesday, October 3, 2000 and consider it approved.

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

ACKNOWLEDGMENT OF THE OFFICIAL VISIT OF THE MEMBERS OF THE ROYAL COLLEGE OF DEFENSE STUDIES (RCDS) 2000 COURSE HEADED BY REAR ADMIRAL PETER DUNT

Senator Tatad. Mr. President, we are pleased to acknowledge the presence in the Chamber of members of the Royal College of Defense Studies (RCDS) 2000 Course. They are on an East Asia Tour. The delegation is headed by Rear Admiral Peter Dunt of the Royal British Navy, with the following members:

* Arrived after the roll call

** On official mission

*** On account of illness

CHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN FOR RELIGIOUS, EDUCATIONAL AND NON-COMMERCIAL PURPOSES RADIO AND TELEVISION BROADCASTING STATIONS ANYWHERE IN LUZON

Committee Report No. 404 on House Bill No. 9425, entitled

AN ACT GRANTING THE PRIMEWORLD DIGITAL SYSTEMS, INC. A FRANCHISE TO CONSTRUCT, ESTABLISH, INSTALL, MAINTAIN, LEASE AND OPERATE WIRE AND/OR WIRELESS TELECOMMUNICATIONS SYSTEMS THROUGHOUT THE PHILIPPINES

Committee Report No. 405 on House Bill No. 9918, entitled

AN ACT GRANTING THE CLICK COMMUNICATIONS, INC. A FRANCHISE TO CONSTRUCT, ESTABLISH, INSTALL, MAINTAIN AND OPERATE WIRE AND/OR WIRELESS TELECOMMUNICATIONS SYSTEMS THROUGHOUT THE PHILIPPINES

Committee Report No. 406 on House Bill No. 8394, entitled

AN ACT AMENDING REPUBLIC ACT NO. 8531, ENTITLED "AN ACT GRANTING THE IPIL TELEPHONE COMPANY, INC. A FRANCHISE TO CONSTRUCT, INSTALL, MAINTAIN, ESTABLISH AND OPERATE LOCAL EXCHANGE NETWORK IN THE MUNICIPALITY OF IPIL, PROVINCE OF ZAMBOANGA DEL SUR"

Committee Report No. 209 on Senate Resolution No. 275, entitled

RESOLUTION CONCURRING IN THE RATIFICATION OF THE COMPREHENSIVE NUCLEAR TEST BAN TREATY

Committee Report No. 409 on Senate Resolution No. 871, entitled

RESOLUTION CONCURRING IN THE RATIFICATION OF THE INTERNATIONAL LABOR ORGANIZATION CONVENTION CONCERNING THE PROHIBITION AND IMMEDIATE

ACTION FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOR (ILO 182)

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

SUSPENSION OF SESSION

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

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

It was 5:16 p.m.

RESUMPTION OF SESSION

At 5:22 p.m., the session was resumed.

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

BILL ON SECOND READING
S. No. 1742—Fair Election Practices Act
(Lifting the Political Ad Ban)
(Continuation)

Senator Tatad. Mr. President, I move that we resume consideration of Senate Bill No. 1742 as reported out under Committee Report No. 71.

The President. Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 1742 is now in order.

Senator Tatad. Mr. President, we are still in the period of amendments.

I ask that the distinguished sponsor, Sen. Raul S. Roco, be recognized.

The President. Sen. Raul S. Roco is recognized.

Senator Roco. Mr. President, the parliamentary situation is that we were discussing the proposed amendment of Sen. Sergio Osmeña III.

The committee report, Mr. President, submits a total of 90 minutes, the intent. Never mind the wordings. We can worry about the wordings.

The President. With the indulgence of the sponsor. Are we using the October 2 version?

Senator Roco. The committee, Mr. President, is looking at the October 2 version. I am looking at page 4 of the October 2 version. I am looking at line 20 on "The total airtime available for each registered party and bona fide..."

The President. All right. The sponsor may proceed.

Senator Roco. That should be "OR bona fide candidate", Mr. President.

But just to help our colleagues focus on the issues. The recommendation of the committee, Mr. President, is 90 minutes TV time or radio time regardless of whether we use it in a national network or we use it in local.

The proposed amendment, the original, was five minutes. I think that has already been brought down to one minute coverage for both radio and TV, plus one minute in each local service area.

We asked for materials and the KBP representatives gave us materials.

ABS-CBN, for instance, Mr. President, will have one minute under that proposal. ABS-CBN will have one minute for Channel 2, Channel 21, Channel 23, and there is another channel. If it has 20 local areas, one minute each per local area.

Mr. President, the reason the committee finds it very difficult to accept that is that the committee wants to limit it. We are opening the ads on TV and radio, but let us give each candidate only 90 minutes. In fact, if somebody suggests a lower figure, the committee may even consent depending on its reasonability.

Mr. President, 90 minutes on prime time is P9 million on one nationwide station. If we put it in two—I am just going straight line without making any distinction—nine times two, that is P18 million. If we put it in three, it is roughly P27 million.

For the radio, it will hit lesser than P9 million, maybe P3 million or P4 million depending on the stations. So it can be a significant expense. That is why we would appeal to our colleagues if we can just concentrate on the concept of 90 minutes per candidate. If we can agree on this, then we will have to put a prohibition that no TV station or radio station or corporation will grant more than 90 minutes to anyone, whether used nationally or locally. If I am a candidate, I will just monitor my opponents. The moment I have it on tape that they are in excess of 90 minutes, I will just move to disqualify them. So the enforcement mechanism will have to be on the vigilance of the candidates.

I have been thinking about it, Mr. President. I hope we can find a way of just restricting the time available to the candidates just so the candidates with lesser money will not be unduly burdened.

The President. What does Sen. Serge Osmeña say?

Senator Osmeña III. Mr. President, perhaps there was a misunderstanding on the intent of the amendment that we introduced. This amendment will help the candidates with lesser money because it will not mix up what is one hour of local with one hour of national. If we have, let us say, a total of 90 minutes... Again, I do not care about this amendment but we will see the effect it will have on the national candidates...

If we mix up what is one minute of radio spot in Cagayan de Oro City, a local broadcast service area, and equate that with one minute on nationwide network TV, then the tendency of the candidate could always be to opt and spend for nationwide TV. I was mistaken yesterday when the KBP gave me the book.

By the way, ABS-CBN has 21 stations all over the country, but it is learning to decouple now its ad rates for Metro Manila only. Maybe in one or two months, there will come a time when one can advertise just for Metro Manila. So if one is a candidate for mayor of Quezon City, he will not be paying his advertisement for the whole country. He will just be paying for Metro Manila coverage.

We can remove the national time if the gentleman would wish, but every station as mentioned in the October 2 copy of the bill, as amended, must be counted separately. Because if a network time of one minute is equivalent to covering 21 broadcast areas and one decides only to spend for ads in five of those broadcast areas, let us say, Laoag, Tuguegarao, Baguio, it should not be equated to one minute of national time. This will help those candidates who have less resources because otherwise, if that is so, then they will always opt to buy national time simply because it covers the areas that they want covered. We have to think this through very carefully, Mr. President.

I think our colleague here, Senator Cayetano, who is familiar with television broadcasting, and the senator from Antique and Batangas will be able to clarify that this is in essence the situation and I am recommending to the Body that we consider these amendments in order to allow candidates to spend less. But if the candidate wants to spend more, that is fine with me.

As far as ABS-CBN or GMA is concerned, they have never pushed this bill for the simple reason that they are coming out of their ears in commercials. As a matter of fact,

they do tend to bend over backwards, 90 days, I mean a few days every three years just to accommodate friends who want their commercials aired on their programs but they are chockfull of commercials already.

So, perhaps, if my word is not taken for it, an explanation, a helpful explanation from Senator Cayetano or Senator Legarda, or those who have had television experience here, or Senator Sotto, for example, will be able to clarify to the members of this Chamber that this amendment, in fact, will make it cheaper rather than expensive for the national candidates.

Thank you, Mr. President.

Senator Roco. Mr. President, I understand the explanation, and I also discussed this with the members of TV and radio stations.

The concept, again, without looking at the words, Mr. President, is to give each candidate 90 minutes. We leave to the candidate his tactics. If he wants to spend it on national, fine. But if he wants to scrimp, then he mixes markets. If he is weak in Region V, he has to concentrate in Region V. Use the one minute or 90 minutes in Region V. I mean, the bill does not try to define the tactics for the candidates. We leave that to the marketing skills of the candidates. But the only way we can equalize is by giving a finite time. One is entitled to 90 minutes. No TV or radio station can give the candidate more than that. If the candidate decides to use just one minute in Sulu, that is the candidate's problem and he is now down to 89 minutes. We leave it to the candidate. But if the candidate decides to use the 90 minutes nationwide, last day of the election, it is up to him. We do not care. We leave it to them. Because different candidates will have different tactics.

My problem with the per station...

Senator Osmeña III. Mr. President, may I just ask for a clarification.

Senator Roco. Let me just finish because I am trying to sell this concept, Mr. President. Because if we do not solve this, it has to be solved anyway by the Comelec. Although at the beginning I appeal to the Body to go general, the concerns of our members require that we be more specific now.

So, I will listen to the explanations, but if somebody can help us craft it, that is the idea, Mr. President. Everybody gets 90 minutes. Play it like cards.

The President. The Chair will first recognize Sen. Vicente Sotto III.

Senator Osmeña III. Mr. President, may I intercede just for a clarification. Did I hear the sponsor say cumulative? I understand this is noncumulative, Mr. President. That the one minute is per day and if one lets it pass, he does not get it back.

Senator Roco. No, no, I did not use the word "cumulative." But in the bill it says, "The utilization of the airtime shall be determined by the party or the candidate."

Senator Osmeña III. So, does this imply it is cumulative now?

The President. Just for clarification. Did Senator Roco say that the restrictions should be on the candidate's total number of minutes that he can use rather than the restrictions on the TV or radio stations?

Senator Roco. Yes, Mr. President, on a per network. Each candidate has 90 minutes to spend per network, whether he uses the national or he uses only Channel 5.

The President. Per network?

Senator Roco. Per network. So, that is all that he can contract for. If he violates that...and it is easy to prove now, Mr. President, with the video. One can video everything. In fact, the next business after we approve this is monitoring advertisements. Because it is great for the law firms. One can just move to disqualify a candidate with more than 90 minutes.

Senator Sotto. Mr. President.

The President. Senator Sotto III is recognized.

Senator Sotto. My questions, with the permission of the sponsor, are clarificatory because the answers or the questions might help our colleagues to try to analyze the amendment and why the sponsor does not want to accept the amendment.

When the gentleman says, "90 minutes," Mr. President, does it mean 90 minutes per day in a TV station?

Senator Roco. Per TV—whether one uses the national or he uses only one of their local stations.

Senator Sotto. That is correct. We see the point of Sen. Serge Osmeña III, Mr. President, but I do not think they see eye to eye. Because the point of Sen. Serge Osmeña III is that, if one goes on a nationwide television for one minute, that means he can no longer go into the local. That is the concept that he is reading in the present crafting of the bill.

But the way I understand it, Mr. President, is that if one wants to put one minute in a TV station in Cagayan de Oro, one minute in a TV station in Bacolod, one minute in a TV station in Sultan Kudarat, there is no prohibition as long as one uses only one minute per day in a TV station.

Senator Roco. That is what...

Senator Sotto. Exactly. That is correct, Mr. President.

Senator Roco. Per television or radio station. If one uses one minute in Sulu today, he is down to 89 minutes.

Senator Sotto. No, Mr. President. What I mean is...

Senator Roco. One can use Sulu, one can use Sultan Kudarat.

Senator Sotto. If we craft the specific provision to say that one minute daily per TV station—

Senator Roco. That is what it says, Mr. President.

Senator Sotto. —then that is how it is. Because if I use Channel 11 in Cebu and Channel 3 in Bacolod—those are two different TV stations—I can access them four times if I want to use a 15-second commercial, four times on Channel 3 Bacolod and Channel 11 Cebu. Then I am not violating the law. Is that correct, Mr. President?

Senator Roco. I am not sure of the answer, Mr. President, because the mechanics are very difficult. But the concept is to give everybody the same number of minutes per advertisement.

Senator Sotto. Therefore, Mr. President, we might be able to find a better compromise to the proposal of Sen. Sergio Osmeña III if we will just define what we mean by "TV station." Let us forget the word "network." Because once we go into that network word, then it will become a different thing. If one uses one minute of prime time of Channel 2, the way the bill is crafted, he is disqualified from accessing, say, Channel 2 of Bacolod at 11:30 p.m.—

Senator Osmeña III. No. But that is all right with me.

Senator Sotto. —because one has been shown on Channel 2 of Bacolod during prime time.

Senator Osmeña III. If the gentleman wants to prohibit that, that is all right with me. What I am saying is that if I use Channel 2 Bacolod and Channel 2 Cebu on the same day, that should not be counted as two minutes.

Senator Sotto. That is how we understand the bill, Mr. President.

Senator Osmeña III. As a matter of fact, the bill is substantially more than that because it is one minute per day per TV or radio station.

Senator Sotto. Exactly, Mr. President. That is how...

Senator Osmeña III. So if there are 10 radio stations, one has 10 minutes in that area. There is no 90 minutes here. There are 25 radio (AM) stations in Manila and there are, I think, 32 radio (FM) stations. If it is per day per radio station, we can...

Senator Roco. I think we know what everybody is saying now, Mr. President. But those are the parameters. Because the Senate President and many of our colleagues have been asking me to tighten so that we are all clear on the rules. And we do not want to leave this to the Comelec because I do not know what it will do.

So, going back again to basic concepts, even if we have to remodel this 6.2, the concept is that a candidate has six 90s. That is correct. He can use it local—he can choose. On that day one can get one minute everywhere. I do not know if that is feasible. But what I would prefer is one has 90 minutes. How one uses it, is up to him. If he uses only one minute in Bacolod, that is one for the day, then he is down to 89. If the candidate uses one minute in Bacolod and ties up with Cebu, that is one minute also. If he uses one minute nationwide, that is one minute also. I leave it to the Body. Because some people who cannot afford nationwide will just concentrate in Bacolod if he thinks he is weak in Bacolod. That is fine.

Senator Sotto. Whatever the decision of the Body is, Mr. President, I will agree. But that is not how I perceive the line of the bill.

Senator Roco. No. I think we are all interested in not giving a runaway expense. Right now, I listen to the radio programs. I listen to the TV debates. The people do not seem to like this. And the issue is, we just want to do this because of money. That is why from the beginning I anticipated that. Our committee anticipated that and that is why we enhanced it; we talked of fair practices. Because this cannot be just a question of money. It is a question of the right of the people to be informed; the freedom of the press; and the right of a candidate, a bona fide candidate not to be subjected to harassment.

Whatever the words may be, Mr. President, that is the working formula that we are striking. How we craft it so that

we transmit that meaning or we craft it generally and we tell the Comelec to implement.

Senator Sotto. Just one final question, Mr. President, to clarify another point.

If, let us say, I used one minute today on Channel 2, does that disqualify me from getting one minute from Channel 7 today also?

Senator Roco. No, Mr. President. Not as worded. On a daily basis, the gentleman has one minute in all the channels for all he cares.

Senator Sotto. That is exactly how I perceive the line, and that is exactly, I think, how it should be interpreted.

In other words, if I were to use one minute on Channel 2 today, then also today I would like to use one minute on Channel 3 of Bacolod, I am not violating the law.

Senator Roco. No, Mr. President. In fact, as the gentleman explained, I want it even tighter, because I want it really down to 90 minutes. I can see now the loophole, the way it is worded. I do not know if we have the time or the technical skill to put it together.

But what I want is that everybody has so many radio and TV time. And one's ability now to get individual TV stations or radio stations should not give him more time than the others.

I do not know if that is feasible or if that can be done. But nobody should have more than 90 minutes of advertising per network during the campaign period. And if somebody says 20 minutes per month, I will accept.

Senator Osmeña III. Mr. President.

The President. Sen. Serge Osmeña III is recognized.

Senator Osmeña III. Mr. President, I am confused because the original wording now in the bill shows 90 minutes per radio station, per television station per day. So, if there are 60 radio stations just in Metro Manila, that is 60 minutes already.

Now, what I am looking at is from the other point of view. I do not think any candidate is going to spend 60 minutes of advertising in all the radio/television stations in one day, I mean, all the radio stations in one day.

But what I am saying is that for a poorer candidate, for example, there is a Radyo Natin, DZRH. It has now 100

mini-FM stations in small towns. And it covers only one or two towns per FM. If I put a one-minute spot on Radyo Natin in Moalboal, Cebu, the way this is phrased, it is equated to one minute nationwide on DZRH. So, why will I spend for Moalboal, Cebu when I might as well use up my one minute for DZRH.

That is why our amendment seeks to distinguish between what is a national minute and what is a local minute and not equate the two. It is just a refinement of what the sponsor, we felt, intended when he crafted lines 20 to 22 of his bill.

But if it is the decision of this Body to go with this particular clause, I have no strong feelings about it. I will just say that it is the big nationwide stations that will make money, and the small stations will not make money because they will be part of the one-minute limitation. That is all.

Senator Roco. Yes, Mr. President. Now, here, because it affects all of us and it will affect many more—that is the concept that we were trying to state. Whether we have stated it is not another matter. But the only way to prevent a runaway expense and still allow advertisements is by giving every candidate a finite number of advertising blurbs.

The President. But the Chair is curious—the 90 minutes is per network?

Senator Roco. Yes, that is the one on which we raised a point through the suggestion of Senator Osmeña. He can use the 90 minutes only in one network.

The President. No. When the Chair raised the question, the gentleman was saying 90 minutes per network. So that, theoretically, if there are five TV stations, the candidate would have 450 minutes that he can use for TV time. Is that what it means?

Senator Roco. Actually, that is the way it is worded. That is how it means. But now, I was not multiplying the way the Chair is multiplying.

The President. Because if it is per network, then we have...

Senator Roco. The answer is yes. That is still runaway. That is why I was saying, somebody should sell less than 90 minutes because...

The President. Or maybe the restriction is on the candidate—90 minutes for the entire campaign.

Senator Roco. That is what I was suggesting, Mr. President.

The President. In other words, the restriction is on the candidate, not on the TV stations.

Senator Roco. I will leave to the Body whether we want to use it locally or nationally. So we put that 90-minute restriction on the candidate and the same restriction on the network.

The President. The network need not be restricted. If the candidate uses 90 minutes all in one network, that is his own problem.

Yes, Senator Guingona is recognized.

Senator Guingona. Mr. President, I would just like to be enlightened. If it is 90 minutes and the candidate chooses to distribute this one minute a day and he signs up for a network, would it be confined to one TV station or would it be...

Senator Roco. If he uses the network, then he has national exposure. But he may not want the national exposure for the first week, he may just want to be exposed in Cebu so he uses his first five minutes just in Region VI or whatever.

Senator Guingona. So that 90 minutes, as the President said, might be times the number of stations?

Senator Roco. That is correct. But we cannot...

Senator Guingona. I think, Mr. President, we should call for a recess to thresh this out.

Senator Roco. But we cannot help it, Mr. President, because we cannot, on the other hand, prohibit station X, Y and Z from being utilized.

SUSPENSION OF SESSION

Senator Guingona. 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 5:49 p.m.

RESUMPTION OF SESSION

At 6:08 p.m., the session was resumed.

The President. The session is resumed.

ACKNOWLEDGMENT OF THE OFFICIAL VISIT OF AMBASSADOR ATIBEN ABBA OF ISRAEL

Before the Chair recognizes once more the sponsor of the measure, may the Chair first recognize the presence in the hall of Ambassador Atiben Abba of the Republic of Israel.

The sponsor is recognized.

Senator Roco. Mr. President, after a series of consultations, I think our colleagues agreed to the concept that 60 minutes TV time and 90 minutes radio time will be given each candidate for a national office. How he utilizes that time, we will leave it to him. So the restrictions shall be on the candidate. As he contracts for his time, he can distribute his 90 or 60 minutes the way he sees fit.

How it will be formally put together, we can craft it. But can we approve it so that we stop the discussions, and it can be crafted in the appropriate way?

If I were to craft it now, we will just say that:

EACH CANDIDATE FOR NATIONAL OFFICE SHALL BE ENTITLED TO 60 MINUTES OF TV ADVERTISEMENTS AND 90 MINUTES OF RADIO ADVERTISEMENTS WHICH HE MAY DISTRIBUTE AS HE SEES FIT.

The President. How about the local candidates?

Senator Roco. The local candidates? We can have a similar statement. For the local candidates, maybe we will just cut it in half.

A CANDIDATE FOR LOCAL OFFICE SHALL BE ENTITLED TO 30 MINUTES TV TIME AND 45 MINUTES RADIO TIME WHICH HE CAN USE AS HE SEES FIT.

Senator Osmeña III. Mr. President.

The President. Sen. Sergio Osmeña III is recognized.

Senator Osmeña III. Mr. President, this is a total departure from the existing 6.2 clause. In 6.2, we gave a chance to the smaller television and radio stations to land some ads because it limited to one minute the length of the spot one could place on one television station. So if one wanted to place a 5-minute exposure in Manila, he would have to jump from GMA-7 to ABS, to Channel 5, to Channel 13, to Channel 9, et cetera. That cumulative number takes away the chance

of the small stations from participating in the campaign ads of the national or local candidates because there will be a flight to quality.

I would like to ask that this particular provision of one minute per station per day be retained so that we can just give a chance to the smaller radio stations and the smaller TV stations around this country.

Senator Roco. I am just manifesting what was agreed upon in the discussions and the wordings I have proposed to satisfy that...

We submit it, Mr. President. It seems to be the only working limitation. While we lift the ban, we restrict everybody. They can only advertise for 60 minutes on TV and 90 minutes on radio for national office. For local office, they can only advertise for 30 minutes on TV and 45 minutes on radio. We leave it to him and his devices on how he may use it, Mr. President.

If the Majority Leader will recommend that as an individual amendment, the committee will accept it.

Senator Sotto. Yes, Mr. President, as agreed upon during the suspension, subject to style.

Senator Osmeña III. Mr. President, may we see on paper the amendment, because I would like to register an objection or amend it. But since we do not have a written copy, I will not be able to amend.

Senator Roco. I dictated it already, Mr. President. If the Secretariat can transcribe it immediately.

SUSPENSION OF SESSION

The President. The session is suspended for one minute so that the amendment can be crafted properly, if there is no objection. *[There was none.]*

It was 6:14 p.m.

RESUMPTION OF SESSION

At 6:42 p.m., the session was resumed.

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

Senator Sotto. Mr. President, we were given a copy of the suggestion that was discussed during the recess. With

the concurrence of most of the members of the Senate, I would like to propose now the exact amendment to Section 6.2. This will read as follows:

EACH NATIONAL CANDIDATE SHALL BE ENTITLED TO NOT MORE THAN SIXTY (60) MINUTES OF TV ADVERTISEMENT AND NINETY (90) MINUTES OF RADIO ADVERTISEMENT. EACH CANDIDATE FOR A LOCALLY ELECTED POSITION SHALL BE ENTITLED TO NOT MORE THAN THIRTY (30) MINUTES OF TV ADVERTISEMENT AND FORTY-FIVE (45) MINUTES OF RADIO ADVERTISEMENT.

Senator Guingona. Mr. President.

The President. Senator Guingona is recognized.

Senator Guingona. Since this is a very vital provision, Mr. President, may we be allowed to consult with some knowledgeable TV and advertising personalities and be given until Monday to vote on it.

The President. What does the sponsor say?

Senator Roco. We have no problem with suspending consideration of this measure. But can we just agree on the phraseology for this?

The President. Without acting on it, may we have a final phraseology?

Senator Roco. Yes. Just to be consistent, if the Majority Leader will just make it—EACH CANDIDATE FOR A NATIONALLY ELECTED OFFICE, so that the subject is the same. EACH CANDIDATE FOR A NATIONALLY ELECTED OFFICE SHALL BE ENTITLED TO... et cetera. And EACH CANDIDATE FOR A LOCALLY ELECTED OFFICE.

Because the sectoral, Mr. President, apparently is nationally elected.

Senator Sotto. I concur, Mr. President.

The President. And also, may the Chair suggest that we insert the phrase BY PURCHASE OR DONATION somewhere.

Senator Roco. Yes, Mr. President. And it should be: EACH BONA FIDE CANDIDATE OR POLITICAL PARTY.

The President. BY PURCHASE OR DONATION.

Senator Roco. BY PURCHASE OR DONATION.

Senator Sotto. Therefore, Mr. President, I so move that it be the start of 6.2.

Senator Roco. Then we can vote on that, Mr. President.

The President. May the sponsor, just for clarity, now read how 6.2 will be phrased so that when our colleagues will study this for Monday...

Senator Roco. The final phrase will be given out, Mr. President, but it looks like this already:

EACH BONA FIDE CANDIDATE OR POLITICAL PARTY OR REGISTERED POLITICAL PARTY FOR A NATIONALLY ELECTED OFFICE—there is a missing word in the subject, Mr. President—SHALL BE ENTITLED TO NOT MORE THAN 60 MINUTES OF TV ADVERTISEMENT AND 90 MINUTES OF RADIO ADVERTISEMENT WHETHER BY PURCHASE OR DONATION. And the same phraseology will then follow for the locally elected candidate.

The President. All right. May the Secretariat craft the language in accordance with the manifestation of Senator Roco, and distribute copies of this to the members of the Chamber? Is there a motion to suspend consideration of this measure?

Senator Sotto. Mr. President, Senator Cayetano wishes to be recognized.

Senator Roco. A few more things, Mr. President, to accommodate. There has been a reservation to submit an amendment as regards movies; but the Minority Leader has not given us a draft. May we suggest this wording for the Minority Leader. I cleared this with him. It becomes part of page 5 and it becomes 6.5.

May I call the attention of our colleagues. Mr. President, 6.4 is a prohibition under existing law on mass media columnists, commentators, announcers, et cetera. So we use the same phraseology and we just say, A MOVIE PERSONALITY WHO IS A CANDIDATE FOR ANY PUBLIC OFFICE—I am looking at 6.4—SHALL NOT HAVE HIS MOVIE EXHIBITED DURING THE CAMPAIGN PERIOD. Or if the movie is based on a candidate's life, that should not be shown also during the campaign period.

As I understand it, Mr. President, that is in any event what the Comelec is doing. So by just repeating a parallel statement of 6.4 and applying it to movie actors or those who may have movies on their lives, then it may accommodate already the reservation of the Minority Leader.

Senator Guingona. Yes, Mr. President. If it is going to be in that 6.5, I will prepare a written amendment for Monday.

Senator Roco. Yes, and we will really appreciate it. So we are only suggesting this now, Mr. President, and the Minority Leader can rework on the draft.

Now, this is already a response, Mr. President, and I think we are all in the same situation. As we listen to the commentators, Mr. President, and read even some of the commentaries, and even so the debate, there is a tendency to be accused that the bill seems to favor the rich. We can talk on this till our face is blue. I think people will tend to believe that this is for the rich. So we thought of the affirmative action by the Comelec. It has been distributed.

Mr. President, I think the Majority Leader—he has gone because today is his birthday—agreed to sponsor this. If this is acceptable, then we can put this as the new Section 7 or after the right to reply. It is an affirmative action by the Comelec, so that it implements only Section 90 and 92. That is already in the existing law. But we now give it more substance:

THE COMELEC SHALL PROCURE PRINT SPACE UPON PAYMENT OF JUST COMPENSATION THAT COMES FROM THE SUPREME COURT RULINGS, FROM AT LEAST THREE NATIONAL NEWSPAPERS OF GENERAL CIRCULATION WHEREIN CANDIDATES FOR PRESIDENT, VICE PRESIDENT AND SENATORS CAN ANNOUNCE THEIR CANDIDACIES. SUCH SPACE SHALL BE ALLOCATED FREE OF CHARGE EQUALLY AND IMPARTIALLY AMONG ALL THE CANDIDATES FOR PRESIDENT, VICE PRESIDENT, SENATORS ON THREE (3) DIFFERENT CALENDAR DAYS: THE FIRST DAY WITHIN THE FIRST WEEK OF THE CAMPAIGN PERIOD; THE SECOND DAY WITHIN THE FIFTH WEEK OF THE CAMPAIGN PERIOD; AND THE THIRD DAY WITHIN THE 10TH DAY OF THE CAMPAIGN PERIOD.

So, it just amplifies Section 90 and Section 92.

Then 7.2 says: THE COMELEC SHALL ALSO PROCURE FREE AIRTIME FROM AT LEAST THREE (3) NATIONAL TELEVISION NETWORKS AND THREE (3) NATIONAL RADIO NETWORKS WHICH ARE ALSO ALLOCATED FREE OF CHARGE EQUALLY AND IMPARTIALLY AMONG ALL CANDIDATES FOR PRESIDENT, VICE PRESIDENT AND SENATORS. SUCH FREE TIME SHALL BE ALLOCATED ON THREE (3) DIFFERENT CALENDAR DAYS: THE FIRST DAY WITHIN THE FIRST WEEK OF THE CAMPAIGN PERIOD; THE SECOND DAY WITHIN

THE FIFTH WEEK OF THE CAMPAIGN PERIOD; AND THE THIRD DAY WITHIN THE TENTH DAY OF THE CAMPAIGN PERIOD.

A third affirmative obligation, Mr. President, may have been influenced by Vice President Gore and by the debates. But in any event, during the last elections there were plenty of debates.

It reads: ALL NATIONAL TELEVISION AND RADIO NETWORKS SHALL SPONSOR AT LEAST THREE (3) NATIONAL DEBATES AMONG PRESIDENTIAL CANDIDATES AND AT LEAST ONE (1) NATIONAL DEBATE AMONG VICE PRESIDENTIAL CANDIDATES. That happened last time.

THE DEBATES AMONG PRESIDENTIAL CANDIDATES SHALL BE SCHEDULED ON THREE (3) DIFFERENT CALENDAR DAYS: THE FIRST DEBATE SHALL BE SCHEDULED WITHIN THE FIRST AND SECOND WEEK OF THE CAMPAIGN PERIOD; THE SECOND DEBATE WITHIN THE FIFTH AND SIXTH WEEKS OF THE CAMPAIGN PERIOD; AND THE THIRD DEBATE SHALL BE SCHEDULED WITHIN THE 10TH AND 11TH WEEKS OF THE CAMPAIGN PERIOD.

THE SPONSORING TELEVISION OR RADIO NETWORK MAY SELL AIRTIME FOR COMMERCIALS AND ADVERTISEMENTS TO INTERESTED ADVERTISERS AND SPONSORS. THE COMELEC SHALL PROMULGATE RULES AND REGULATIONS FOR THE HOLDING OF THESE DEBATES.

I have passed this, Mr. President, to several radio and TV stations. If the Majority Leader will...

Senator Sotto. Mr. President, as the Acting Majority Leader, I so move that we include this also so that it can be taken up in the draft on Monday.

The President. Is there any problem about presenting this now and adopting it? Is there need to review this?

Senator Roco. No, Mr. President, if the committee will accept this.

Senator Sotto. I so move that we adopt this now, Mr. President. Well, that was before I was informed that Senator Cayetano and Senator Pimentel had questions on this.

The President. All right.

Senator Roco. If the gentleman wishes, we will yield for some questions, Mr. President. But if we can get it done, then we will limit the voting to two or three issues.

The President. Senator Cayetano is recognized.

Senator Cayetano. Thank you, Mr. President. I do not know how long my *compa ero*, Senator Pimentel, would ask time. But for me, the things that I want to find out are: No. 1, can we really compel a television station to hold a presidential debate? No. 2, who will bear the cost? And No. 3, can we compel the presidential candidates to participate in the debates?

These are some of the questions I would like to raise because the wording is, Mr. President, "shall", and so it is mandatory. So that is what I am worried about. This may sound pretty good but in the United States, as we know, this is purely voluntary. And it is not under the auspices of the television stations or networks in the United States but under the so-called Presidential Commission on Presidential Debates, which is basically an NGO.

So those are questions I would like to raise, Mr. President.

The President. Yes.

Senator Cayetano. I certainly would like to be enlightened because this is really mandatory in character.

Senator Pimentel. Mr. President, with the permission of Senator Cayetano and Senator Roco.

The President. Senator Pimentel is recognized.

Senator Pimentel. I am rising also on that issue actually. Because the provision will compel radio stations and television stations to really sponsor, in other words, to spend for the holding of a debate among presidential candidates and vice presidential candidates. But it can happen that a presidential contest would be between the drab and the dreary. And probably the stations would not be encouraged to hold a debate. In other words, maybe we should leave that to the sound discretion of the television stations and the radio stations if they want to hold a debate so that the presidential choices and vice presidential choices can have a farther reach insofar as their candidacies are concerned.

These are my concerns, Mr. President.

Senator Roco. May we just give inputs, Mr. President.

The answer to the question: Can we compel? The answer is yes, as, in fact, the law has compelled both in the ConCon

Law and in the 1987 Constitution. It has always been recognized that we can compel because the TV and radio airtime are owned by the Republic of the Philippines and they operate pursuant to a franchise. So we can always compel.

In fact, in the ConCon Law which was carried over in the '87 elections, barangays were even compelled. But that is government. They are private citizens. To sponsor at least one debate for every barangay, for all the candidates... So everybody just came.

So the question of compulsion, Mr. President, if our distinguished friend will check, can be answered with a yes.

The reason for the last paragraph is very important. In the last elections, Mr. President, there were civic organizations. They started early. They packaged. They even made money.

Seeing that, Mr. President, Channel 2—ABS-CBN—was the most clever. It immediately announced that there will be three. And it packaged it because the different stations... They have to package it so that it sells. *Pagalingan lamang iyan*. That is where the market and creativity come in. Maybe ABS-CBN has debates so that the 10 candidates are in different locations or whatever. It has common questions. But the other stations did not want common questions. They wanted like, "What is it going on with Vice President Gore?" Common questionnaires. But let them think of the creative ways of complying with their duty to inform.

The problem with this law, Mr. President, is, the guys who will benefit do not seem to have duties and will just open up. Let them figure out how to make it interesting so that the people get informed precisely of the candidates.

Senator Cayetano. Mr. President.

Senator Roco. Let me just finish, Mr. President.

Why do we want to do this? Well, we are giving them 60 minutes and 90 minutes additional business per candidate. That is exactly what I saw in "*Mare, Pare*." The stations owe the Republic. Why do they not give *naman* something back? If we are giving them new business of 60 minutes and 90 minutes, what are they giving back? Let them give back by sponsoring whatever—we want to call it "The Debates." We want to call it "Panel Discussion." After all, it is two or three hours at most. Nine hours for the whole campaign.

But really the poor... If somebody really energetic, charismatic, absolutely poor, comes from Tondo and wants to

run for president, let him have his nine hours of fame. He just might win.

The problem now is, if one has absolutely no money, *talagang* he is dead.

But in this case, Mr. President, the concept of affirmative action gives a candidate three exposures in print, three exposures on radio/TV, and three exposures on debate. Then we can say to the people: "This is what we have come up with." Now, we are really equalizing.

Senator Cayetano. I would like to thank the sponsor for that explanation, Mr. President.

I am glad that my esteemed colleague watches television. I remember one time, when we were talking about watching television, he told me that he never watched television because he does not want to be influenced in his decision.

Senator Roco. No. I do not watch the news. "I do not watch the news," that is what I said. I do not watch the news, Mr. President, because I do not want to be influenced. The staff gives me the summary.

Senator Cayetano. All right. But the news will certainly not influence the opinion of our esteemed colleague. It is the talk show like "Debate," the figure of which he is quoting from "Debate." [Laughter] But then, Mr. President, the last point is...

Senator Roco. Just to correct this, because if it is... I watch TV but not the news, not on a religious matter, because these precisely influence. But I watch a lot of TV movies.

Senator Cayetano. I am really all for this giving free spaces, free airtime. In fact, the first two paragraphs provide that. I am looking at it in the reality.

May we compel, for instance, the presidential candidates and the vice-presidential candidates to attend?

I recall that the incumbent President of the Republic did not participate in any debate.

Senator Roco. No, no. He participated in three.

The President. But Senator Cayetano, it is the lookout of the candidate if he does not participate in the debate.

Senator Roco. Yes, that is the lookout of the candidate.

Senator Cayetano. My point is, sure it is his lookout. But compelling the station, there might be some grounds. After

having the first two paragraphs where we provide spaces and airtime, it might be too much for the government. On what ground? Police power? Or because the franchise is under the ownership of the government for it to compel? That is the only point I am trying to bring out.

Senator Roco. I am trying to assuage the apprehension of our good friend, Mr. President. The present Constitution empowers the Comelec to do that.

Senator Cayetano. In fact, the first two suggested paragraphs, I am 101 percent agreeable to these. But it is just my thought that compelling a television station or radio station to sponsor presidential and vice-presidential debates might be too much.

Anyway, if the idea is to ensure that the poor candidates will have an opportunity and that what we are trying to justify is that lifting the political ad ban is not merely for money, but also for the public, which, I think, the sponsor has said, I agree, then I withdraw my objection.

Senator Roco. Thank you, Mr. President. *Wala na ba?*

Senator Cayetano. *Mayroon pa.*

The President. Senator Pimentel is recognized if there is any other matter he wants to bring up. Just on this point first. On this proposed amendment, Section 7.

Senator Pimentel. Just on that issue of compulsion on the television and radio stations, Mr. President, to sponsor a presidential and vice-presidential debate, I would prefer to leave that matter to the discretion of the stations rather than compel them to sponsor such debate. I would like to put that on record and I will vote against this proposal if this is ever proposed again. On that issue only.

Senator Roco. May we then approve the proposed 7.1 and 7.2 amendments?

The President. If this meets with the approval of the Chamber, the motion is to approve 7.1 and 7.2 for now.

Senator Guingona. Mr. President.

The President. The Minority Leader is recognized.

Senator Guingona. Mr. President, it is a little impractical if we have senatorial debates also. But since the principle and the objective is that I would like to be given time to frame some...

Senator Roco. But again, in 7.1 and 7.2 we can approve these. *Wala namang problema ryan.*

Senator Cayetano. That is a restatement of the present law.

Senator Roco. *Itong 7.1 and 7.2 ay wala namang kuwenta.*

Senator Cayetano. It is a restatement.

The President. There is a motion to approve the proposed 7.1 and 7.2 amendments. Is there any objection? *[Silence]* There being none, the 7.1 and 7.2 amendments, as read by the sponsor, are approved.

Senator Roco. Thank you, Mr. President.

The committee tried to figure out also a way of having a rule on the senators, but I looked at the average number of candidates for senators and I think the lowest number was 95, when it was 40 something or 48. So, it was very difficult.

I remember having gone through two campaigns. We left it to the stations to create. They devised some way of *parang* 6 x 6. But again, I do not propose to discuss that because we can leave this also for voting and discussion on Monday.

Again, just to summarize, Mr. President. I know that I am imposing very much on the Chamber. But I think all of us are caught in a quandary by trying and exerting our best to come up with something good—good law and good policy. Even those who are benefiting from this are not our friends. Those who are benefiting from this are not even appreciative of the efforts because we are putting restrictions. And yet the public goal of keeping the people informed, of ensuring freedom of the press, of ensuring that all of the candidates have an even chance...I think we are exerting towards that effort, Mr. President. And that is why we are really doing our best to get all the policy goals achieved.

The only other thing to be debated on, Mr. President, is the Cayetano amendment. I did ask him to clean it up a little so that...

Senator Cayetano. With the permission of the principal sponsor, I will now read the proposed amendment: ANY ELECTED OFFICIAL WHO IS RUNNING FOR VICE-PRESIDENT OR PRESIDENT SHALL BE CONSIDERED *IPSO FACTO* RESIGNED FROM HIS OFFICE UPON THE FILING OF THE CERTIFICATE OF CANDIDACY. That is the rephrasing of this proposed amendment.

Senator Roco. That is how the question will be put on Monday, Mr. President. I will ask the Senate President or the Secretariat to notify the Chamber of the vote on that because it affects each individual here. So, let the vote determine it.

Those are the pending issues, Mr. President. I hope we can get them done. We need a little time to grapple with our colleagues in the House. So, Monday?

The President. Is there a motion to suspend consideration of Senate Bill No. 1742?

Senator Roco. With those specific issues, Mr. President, for Monday.

The President. With the caveat that there are...How many more amendments are to be tackled—7.3, the Cayetano amendment...

Senator Roco. Sections 6.2, 7.3, the question of debate and the Cayetano amendment, Mr. President.

SUSPENSION OF CONSIDERATION OF S. NO. 1742

Senator Sotto. Mr. President, I move that we suspend consideration of Senate Bill No. 1742.

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

Senator Roco. Thank you, Mr. President.

SUSPENSION OF SESSION

Senator Sotto. Mr. President, I move that we suspend the session until 10 o'clock tomorrow morning.

The President. Is there any objection? *[Silence]* There being none, the session is suspended until 10 o'clock tomorrow morning.

It was 7:07 p.m.