

## RECORD OF THE SENATE

MONDAY, OCTOBER 9, 2000

### OPENING OF THE SESSION

*At 3:27 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.*

**The President.** The 25th session of the Third Regular Session of the Eleventh Congress is hereby called to order.

Let us all stand for the opening prayer to be led by Sen. Robert Z. Barbers.

After the prayer, the Philrice Choir will lead us in the singing of the national anthem. The Choir will also render another song, entitled *Isang Dugo, Isang Lahi, Isang Musika*.

*Everybody rose for the prayer.*

### PRAYER

**Senator Barbers.**

Ama naming makapangyarihan sa lahat, muli po naming hinihingi ang Inyong paggabay at basbas sa aming pagpupulong na ito upang ang lahat ng aming tatalakayin at pagpapasiyahan ay maayon sa Iyong kagustuhan.

Sa gitna ng mga nangyayaring iskandalo ngayon, bigyan po Ninyo kami ng katahimikan at pagkakasundo sa isa't isa at pairalin Ninyo ang katarungan at hustisiya sa aming bayan.

Maraming salamat, Panginoon, sa lahat ng mga biyayang patuloy Ninyong ipinagkakaloob sa amin, sampu ng aming buhay, gayundin sa pagkakaligtas ng mga bihag sa Mindanao.

Tulungan po Ninyo silang makapagsimula ng buhay na mapayapa at maligaya kasama ang kanilang mga pamilya. Samantala, dasal namin na matapos na ang paghihirap ng mga bihag ng Abu Sayyaf at sila ay makalaya na rin.

Hipuin sana Ninyo, Panginoon, ang mga kapatid naming hindi pa nagkakasundo sa Mindanao upang matunton nila ang landas tungo sa tunay na pagkakaisa at pag-ibig sa kapwa.

Amin ding hinihingi ang Inyong pamamagitan upang mahinto nang tuluyan ang patuloy na pagdanak

ng dugo sa Mindanao, dugong galing sa isang lahi at bansa, upang sa gayon ay maging tunay kaming karapat-dapat sa Iyong kaharian.

Ang aming bansa, Panginoon, ay kasalukuyang nahaharap sa suliraning pang-ekonomiya. Huwag po Ninyo kaming bitiwang, Ama, sa ganitong katayuan. Ituro po Ninyo sa amin ang tamang solusyon at paraan upang matagumpay naming maiiahon ang bansang Pilipinas sa pagkakalugmok nito.

Muli ko pong hinihingi, Ama, ang Inyong patuloy na patnubay dito sa Senado upang kami ay manatili sa pagbalangkas ng mga batas na maka-Diyos tungo sa ikauunlad ng sambayanang Pilipino. Itinataas po namin ang kaligtasan ng aming mga kapatid sa Mindanao sa anumang kapahamakan.

Ang lahat ng ito ay isinasamo namin sa matamis na pangalan ni Jesus.

Amen.

### NATIONAL ANTHEM

*Everybody remained standing for the singing of the national anthem.*

**The President.** We thank the Philrice Choir for that beautiful rendition of the national anthem and a very nationalistic song, *Isang Dugo, Isang Lahi, Isang Musika*.

### ROLL CALL

The Secretary will please call the roll.

**The Secretary, reading:**

Senator Teresa Aquino-Oreta .....	**
Senator Robert Z. Barbers .....	Present
Senator Rodolfo G. Biazon .....	Present
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. Flavies .....	Present
Senator Teofisto T. Guingona Jr. ....	Present
Senator Gregorio B. Honasan .....	Present
Senator Robert S. Jaworski .....	Present
Senator Loren B. Legarda-Leviste .....	Present

\*\* On official mission

ADMINISTRATION, AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 7820, OTHERWISE KNOWN AS THE "PARTIDO DEVELOPMENT ADMINISTRATION ACT OF 1994,"

recommending its approval without amendments.

Sponsor: Senator Legarda-Leviste

**The President.** To the Calendar for Ordinary Business

ADDITIONAL REFERENCE OF BUSINESS

BILL ON FIRST READING

**The Secretary.** Senate Bill No. 2179, entitled

AN ACT ELEVATING THE RANK OF THE COURT OF TAX APPEALS (CTA) TO THE LEVEL OF A COLLEGIATE COURT WITH SPECIAL JURISDICTION, ENLARGING ITS ORGANIZATIONAL STRUCTURE, EXPANDING ITS JURISDICTION, AMENDING FOR THE PURPOSE CERTAIN SECTIONS OF REPUBLIC ACT NO. 1125, AS AMENDED, OTHERWISE KNOWN AS THE LAW CREATING THE COURT OF TAX APPEALS, AND FOR OTHER PURPOSES

Introduced by Senator Enrile

**The President.** Referred to the Committees on Justice and Human Rights; Constitutional Amendments, Revision of Codes and Laws; and Finance

COMMITTEE REPORT

**The Secretary.** Committee Report No. 423, prepared and submitted jointly by the Committees on Youth, Women and Family Relations; and Constitutional Amendments, Revision of Codes and Laws on Senate Bill No. 2178 with Senators Aquino-Oreta and Defensor Santiago as authors thereof, entitled

AN ACT AMENDING ARTICLES 96, 124, 211 AND 225 OF THE FAMILY CODE TO PROVIDE FOR JUDICIAL INTERVENTION IN CASES OF DISAGREEMENT BETWEEN HUSBAND AND WIFE OVER THE ADMINISTRATION AND ENJOYMENT OF COMMUNITY PROPERTY, THE ADMINISTRATION AND ENJOYMENT OF CONJUGAL PARTNERSHIP PROPERTY

AND THE EXERCISE OF PARENTAL AUTHORITY AND LEGAL GUARDIANSHIP OVER THE PERSON AND PROPERTY OF UNEMANCIPATED COMMON CHILD,

recommending its approval in substitution of Senate Bill No. 711, taking into consideration House Bill No. 8789.

Sponsors: Senators Aquino-Oreta and Defensor Santiago

**The President.** To the Calendar for Ordinary Business

The Majority Leader is recognized.

MOTION OF SENATOR TATAD

(That Senator Guingona's Speech on October 5, 2000 Be also Referred to the Committee on Justice and Human Rights as a Secondary Committee)

**Senator Tatad.** Mr. President, I move that the speech of Sen. Teofisto T. Guingona Jr. on the floor of the Senate on the 5th of October 2000, which has been referred to the Blue Ribbon Committee, be also referred to the Committee on Justice and Human Rights as a secondary committee.

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

BILL ON SECOND READING

S. No. 1742 — Fair Election Practices Act  
(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, the motion is approved. Resumption of consideration of Senate Bill No. 1742 is now in order.

**Senator Tatad.** We are still in the period of amendments. I ask that the distinguished sponsor, Sen. Raul S. Roco, be recognized.

**The President.** Senator Roco is recognized.

**Senator Roco.** Mr. President, I hope this is the last day for this bill, if only to be able to shift my studies on other topics.

The parliamentary status is, there are three pending amendments, two of which probably can be handled very fast, and the third one, that will probably have to be voted on, and a fourth one, where we are awaiting the draft of the Minority Leader so we can take that up later, Mr. President.

On page 4 of the draft given out by the Secretariat, with approved committee and individual amendments of October 4, page 4, line 20, 6.2, the proposed amendment which the committee accepted appears on page 8, 6.2, A) and B). The committee is pleased to accept these amendments and we seek the Chamber's support for the amendments.

**The President.** All right. The proposed amendment in lines 20 to 23 on page 4 appears on page 8, lines 1 to 10 of the version of the bill as of October 4, 2000. The amendment has been accepted by the committee.

Is there any objection? Sen. Sergio R. Osmeña III is recognized.

**Senator Osmeña III.** This is not an objection, Mr. President, but the copies given to us—I have two copies of this bill, of which a few words are missing. I think there is something wrong with the xerox machines. May we just be furnished with...

**The President.** The Chair thinks it is best that we first suspend the session for one minute and direct the secretary to make sure that the copies of the senators would reflect the version being debated upon.

#### SUSPENSION OF SESSION

The Chair declares a one-minute suspension of the session, if there is no objection. *[There was none.]*

*It was 4:44 p.m.*

#### RESUMPTION OF SESSION

*At 4:53 p.m., the session was resumed.*

**The President.** The session is resumed.

The Chair assumes all the members are now holding a copy of the version being used by the sponsor. This is the version containing approved committee and individual amendments as of October 4, 2000.

Senator Roco is recognized.

**Senator Roco.** We were saying, Mr. President, that the committee has accepted proposed amendment 6.2, and may we ask the support of the Chamber.

#### DRILON AMENDMENT

**The President.** Before we finally vote and approve the proposal, the Chair notes a need for an editorial amendment on page 8, lines 2 and 7. The word "ELECTED" should be...

It is now phrased "NATIONALLY ELECTED OFFICE". We do not elect an office. It should be NATIONALLY ELECTED CANDIDATE or what?

**Senator Roco.** A CANDIDATE FOR AN OFFICE.

**The President.** FOR A NATIONAL OFFICE instead of "NATIONALLY ELECTED."

**Senator Guingona.** "ELECTIVE."

**The President.** Elective?

**Senator Roco.** Whatever. If we read the sentence, Mr. President, it becomes A CANDIDATE FOR A NATIONALLY ELECTIVE OFFICE.

**The President.** So, just an editorial amendment will be acceptable to the sponsor.

**Senator Roco.** Yes, Mr. President.

**The President.** It should be A NATIONALLY ELECTIVE OFFICE in line 2 and A LOCALLY ELECTIVE OFFICE in line 7.

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

#### TATAD AMENDMENT

**Senator Roco.** The next proposed amendment, Mr. President, is on 7.3 and should appear then on page 6 between lines 5 and 6. Senator Pimentel has reservation on 7.3, Mr. President, about the compulsory way it is written. So, before accepting, if the proposal—I think the Majority Leader suggested this—can be reworded so that in line 11, the word "ALL" shall be changed to the phrase THE COMELEC MAY REQUIRE. So it becomes "THE COMELEC MAY REQUIRE NATIONAL TELEVISION AND RADIO NETWORKS" and in line 12, instead of the word "SHALL", replace it with the word TO. "TO SPONSOR AT LEAST THREE (3) NATIONAL DEBATES." The rest is as is.

With that modification, Mr. President, I see people nodding but I have to ask the Majority Leader if that is all right with him.

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

**Senator Roco.** In that case, Mr. President, the committee will be happy to accept this proposal.

**The President.** Is there any objection to the proposed amendment on page 6, between lines 5 and 6, which amendment appears in lines 11 to 25 on page 8? *[Silence]* There being none, the amendment, as amended, is approved.

**Senator Guingona.** Mr. President.

**The President.** What is the pleasure of the Minority Leader?

**Senator Guingona.** An oversight in line 4 of page 8. I propose to change the "NINETY (90) MINUTES" to SIXTY (60) MINUTES also.

**The President.** May the Chair invite the attention of Senator Roco to the statement of Senator Guingona. On page 8, line 4, it is asserted that the 90 minutes of radio advertisement should be 60 minutes of radio advertisement.

**Senator Roco.** No, Mr. President. That was the agreement—sixty minutes for TV and 90 minutes for radio. That was the agreement on the floor.

**Senator Guingona.** If the distinguished sponsor will agree to a further reduction, because we have inquired. There is very ample time for radio.

**The President.** So, it is an amendment that the senator is proposing to the sponsor.

**Senator Roco.** This was a function of cost, Mr. President. We have discussed it with our colleagues and the consensus was 60/90. Unless I touch base again with everybody, it is difficult now to move for the committee. Everybody has agreed on 60/90. If we can leave it that way, *para wala nang...* no more movable parts. We thank the Minority Leader.

**The President.** The record will reflect the withdrawal by the Minority Leader of the proposed amendment to line 4, page 8.

**Senator Roco.** Now, we come to the Cayetano amendment, Mr. President, which should appear on page 5, between lines 12 and 13. It will become part of this...Actually, it may appear somewhere else. I am sorry. It may appear under 7.4 since 7.3 has been accepted. It may appear now as an additional affirmative action. So, the Cayetano amendment is shown on page 9. It speaks for itself. The committee only regrets that we cannot accept the amendment and that there be a vote. I mean, it is so important to let our colleagues vote on the matter.

**The President.** Before that, may the Chair inquire if the

specification of elected official excludes from the coverage appointive officials?

**Senator Roco.** Appointed officials, Mr. President, are covered by a present prohibition, under Section 6.6. They automatically forfeit. So, appointed officials—because they only borrowed, in any event—always step down.

**The President.** All right. So, the Cayetano amendment cannot be accepted by the sponsor. Does the sponsor of the amendment wish to have a division of the house?

#### DIVISION OF THE HOUSE

**Senator Cayetano.** Yes, Mr. President. Because of the importance of this amendment, I move for a division of the house.

**The President.** All right. The Chair would like to put this to a vote now. That is in accordance with our *Rules*. Before that, Sen. Sergio Osmeña is recognized.

**Senator Osmeña III.** Would the distinguished sponsor of the amendment yield for one or two clarificatory questions?

**Senator Cayetano.** Gladly, Mr. President.

**Senator Osmeña III.** Mr. President, is the Vice President of the Republic entitled to run for reelection?

**Senator Cayetano.** Yes. This amendment, Mr. President, is subject to the constitutional provision.

**Senator Osmeña III.** Therefore, if the Vice President decides to run for reelection, she would have to resign.

**Senator Cayetano.** No. Because the Constitution says precisely that the Vice President may seek two consecutive terms.

**Senator Osmeña III.** But under this particular provision that he is introducing, it seems that the Vice President would now have to resign.

**Senator Cayetano.** No, Mr. President. That is why I said this is subject to the provision of the Constitution. It goes without saying that all bills...

**Senator Osmeña III.** Thank you.

**Senator Cayetano.** Thank you.

**The President.** All right. The Chair would now put to a vote the proposed Cayetano amendment. For purposes of record, will the Secretary read the Cayetano amendment?

Senator Roco. Let me do that, Mr. President, if we may.

The President. All right.

#### CAYETANO AMENDMENT

Senator Roco. The proposed amendment which will now be 7.4, if it is accepted, reads: 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.

The President. Those who are in favor of the Cayetano amendment, say *aye*.

Several Members. *Aye*.

The President. Those who are against the Cayetano amendment, say *nay*.

Few Members. *Nay*.

The President. The *ayes* have it; the Cayetano amendment is approved.

The Minority Leader is recognized.

Senator Roco. Mr. President, one more small thing.

The President. The Chair recognizes Sen. Raul Roco.

Senator Roco. There is one other reservation on movies. On the movies, Mr. President, I am just waiting for the proposal of the Minority Leader. *Ito ang huling hirit*.

#### GUINGONA AMENDMENT

Senator Guingona. The proposed *huling hirit* reads as follows, Mr. President: NO MOVIE, CINEMATOGRAPH, OR DOCUMENTARY PORTRAYING THE LIFE OR BIOGRAPHY OF A CANDIDATE SHALL BE PUBLICLY EXHIBITED IN A THEATER, TELEVISION STATION, OR ANY PUBLIC FORUM DURING THE CAMPAIGN PERIOD. Then another paragraph:

NO MOVIE, CINEMATOGRAPH OR DOCUMENTARY PORTRAYED BY AN ACTOR OR MEDIA PERSONALITY WHO IS HIMSELF A CANDIDATE SHALL LIKEWISE BE PUBLICLY EXHIBITED IN A THEATER OR ANY PUBLIC FORUM DURING THE CAMPAIGN PERIOD.

The President. What does the sponsor say?

Senator Roco. Mr. President, the committee accepts the amendment. We can put it as the new Sections 6.5 and 6.6, with the Cayetano amendment as Section 6.7.

Senator Guingona. Yes, Mr. President.

Senator Osmeña III. Mr. President.

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

Senator Osmeña III. Will the distinguished sponsor of the amendment yield for a few clarificatory questions?

Senator Guingona. Certainly.

Senator Osmeña III. What if the candidate does not control the distribution of the commercial film? For example, in my particular case, I do not own nor control the rights to the film.

Senator Guingona. He should take pains to do it.

Senator Osmeña III. I will take all the pains, Mr. President, because I do not own the rights.

Senator Guingona. The Comelec is the one in charge.

Senator Osmeña III. It is the Comelec now that will stop the showing.

Senator Guingona. Yes, Mr. President.

Senator Osmeña III. Thank you, Mr. President.

The President. The Guingona amendment has been accepted by the sponsor. Is there any objection? [*Silence*] There being none, the amendment is approved.

Senator Roco. There is another amendment from Senator Sotto.

The President. Sen. Vicente C. Sotto III is recognized.

Senator Sotto. Thank you, Mr. President. Earlier, I discussed with the sponsor the possibility of including in the *Repealing Clause*, Section 11, of the current bill, the repeal of Section 12 of Republic Act No. 8436, which is the Automated Elections Act.

This refers to the substitution of candidates. The way it is in the law right now, it has never been tested and used because we have never had computerized elections. But now that we are going to have automated elections in the forthcoming elections next year, Section 12 can then be abused.

Section 12, on the substitution of candidates, reads:

In case of valid substitutions after the official ballots have been printed, the votes cast for the substituted candidate shall be considered votes for the substitutes.

If on December 30 I file a name of a very popular personality, like Fernando Poe Jr., as candidate for mayor of my town, and four days before the election he signs a withdrawal and I decide to substitute him with my name, all the votes cast for Fernando Poe Jr. will be counted in my favor because the automated elections will not provide for a change. In the automated elections that will be forthcoming next year, one will just have to mark the oval beside the name of the candidate. Therefore, this section will be tested in this coming election. Right now, the way it is worded, it can be definitely abused in any position for the 2001 elections.

So I have consulted the sponsor for the possibility of changing it. In fact, I submitted to him a proposed amendment to Section 11, the *Repealing Clause* of the bill, and Section 12 of Republic Act No. 8436, but he has a better idea of simply repealing Section 12.

I would like to propose this to the sponsor now and, if possible, for the Body to act on it.

#### SUSPENSION OF SESSION

Senator Roco. 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 5:09 p.m.*

#### RESUMPTION OF SESSION

*At 5:11 p.m., the session was resumed.*

The President. The session is resumed. Senator Roco is recognized.

Senator Roco. Mr. President, the distinguished gentleman has a proposed amendment, if he could read it.

Senator Sotto. Mr. President, in consultation with the other members, most especially the sponsor, may I now propose the insertion of a new section before Section 11 and this will come after Section 10. It shall read...

Senator Roco. No, I think it should be before Section 10.

Senator Sotto. Before Section 10.

Senator Roco. Yes, so it is covered.

Senator Sotto. All right, Mr. President, before Section 10.

**SUBSTITUTION OF CANDIDATES.** -- IN CASE OF VALID SUBSTITUTIONS AFTER THE OFFICIAL BALLOTS HAVE BEEN PRINTED, THE VOTES CAST FOR THE SUBSTITUTED CANDIDATES SHALL BE CONSIDERED AS STRAY VOTES BUT SHALL NOT INVALIDATE THE WHOLE BALLOT. FOR THIS PURPOSE, THE OFFICIAL BALLOTS SHALL PROVIDE SPACES WHERE THE VOTERS MAY WRITE THE NAMES OF THE SUBSTITUTE CANDIDATES IF THEY ARE VOTING FOR THE LATTER.

Senator Roco. Yes, Mr. President. It may address a lacuna in the law.

Senator Guingona. Mr. President.

The President. The Minority Leader is recognized.

Senator Guingona. Just for clarification. May we know, under the present law, what is the latest hour for substitution?

Senator Sotto. Under Section 12 of Republic Act No. 8436, there is no specific time or limit. As has been the practice in the past, Mr. President, the substitution may come even one day before as in the case of former Sen. Magnolia Antonino.

Senator Guingona. I was coming to that. When there is no time limit and it is the same name, same family name at least, then it would be very difficult to determine whether the vote was intended for one or the other.

Senator Sotto. Yes, Mr. President, although that is not a case of abuse. But what we should address is a section that can now be abused because of the automated election.

#### SUSPENSION OF SESSION

Senator Roco. 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 5:13 p.m.*

#### RESUMPTION OF SESSION

*At 5:15 p.m., the session was resumed.*

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

#### GUINGONA-SOTTO AMENDMENT

**Senator Sotto.** During the suspension of the session, Mr. President, we conferred with the sponsor and the Minority Leader. The Minority Leader has graciously asked us to provide an amendment to this amendment which is to include, after the word "LATTER", the following proviso: *PROVIDED, HOWEVER, THAT IF THE SUBSTITUTION IS A CANDIDATE OF THE SAME FAMILY NAME, THIS PROVISION SHALL NOT APPLY.*

This would address the concern raised by the Minority Leader, Mr. President, if the sponsor will accept.

**Senator Roco.** Yes. With that, Mr. President, the committee will be happy to accept, and we seek the Chamber's support.

**The President.** What is the pleasure of the Majority Leader?

**Senator Tatad.** I am just preparing for the final stage, Mr. President.

**The President.** The Sotto amendment, as amended, is accepted by the sponsor.

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

#### ROCO AMENDMENT

**Senator Roco.** A final editorial lapse, Mr. President.

In Section 10, line 23, it says, "Violation of the rules and regulations..." We seem to have omitted for some reason: "Violation of THIS ACT AND THE RULES AND REGULATIONS." Otherwise, it is only the rules that will be punishable.

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

**Senator Roco.** Thank you, Mr. President. We seek the support of the Chamber.

**Senator Tatad.** Mr. President, there are no further individual amendments. I move that the period of individual amendments be closed.

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

**Senator Tatad.** Mr. President, there may be need for some press writing in order to make sure that the minor editorial lapses are corrected.

#### APPROVAL OF S. NO. 1742 ON SECOND READING

With that understanding, Mr. President, I move that we vote on Second Reading on Senate Bill No. 1742, as amended.

**The President.** Is there any objection? *[Silence]* There being none, we shall now vote on Second Reading on Senate Bill No. 1742, as amended.

As many as are in favor of the bill, say *aye*.

**Several Members.** *Aye.*

**The President.** As many as are against the bill, say *nay*. *[Silence]*

Senate Bill No. 1742, as amended, is approved on Second Reading.

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

#### SUSPENSION OF CONSIDERATION OF S. NO. 1742

**Senator Tatad.** 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 Tatad.** We would like to thank in advance PPI and KBP for all the editorials that they will be putting out tomorrow in praise of the Senate.

**The President.** I think the deadline for tomorrow's press is already past. *[Laughter]*

#### SPECIAL ORDERS

**Senator Tatad.** Mr. President, I move that we transfer from the Calendar for Ordinary Business to the Calendar for Special Orders, Committee Report No. 412 on Senate Bill No. 2170, entitled

AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2000, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES.