

RECORD OF THE SENATE

WEDNESDAY, SEPTEMBER 27, 2000

RESUMPTION OF THE SESSION

At 3:20 p.m., the session was resumed with the Senate President, Hon. Franklin M. Drilon, presiding.

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

Senator Sotto. Mr. President, may we have the Second Additional Reference of Business.

The President. The Secretary is directed to read the Second Additional Reference of Business.

SECOND ADDITIONAL REFERENCE OF BUSINESS

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Secretary.

September 21, 2000

The Honorable
FRANKLIN M. DRILON
President of the Senate
Financial Center
Pasay City 1308

Mr. President:

I have been directed to inform the Senate that the House of Representatives on September 20, 2000 passed House Bill No. 3618, entitled

AN ACT CREATING THE ZAMBOANGA CITY INTERNATIONAL AIRPORT AUTHORITY, DEFINING ITS POWERS AND FUNCTIONS AND APPROPRIATING FUNDS THEREFOR,

to which it requests the concurrence of the Senate.

Very truly yours,

(Sgd.) ROBERTO P. NAZARENO
Secretary General

The President. Referred to the Committees on Government Corporations and Public Enterprises; Public Services; Ways and Means; and Finance

The Secretary.

September 21, 2000

The Honorable
FRANKLIN M. DRILON
President of the Senate
Financial Center
Pasay City 1308

Mr. President:

I have been directed to inform the Senate that the House of Representatives on September 20, 2000 passed House Bill No. 10633, entitled

AN ACT PROVIDING FOR A MORE RESPONSIVE AND COMPREHENSIVE REGULATION FOR THE REGISTRATION, LICENSING AND PRACTICE OF ELECTRONICS ENGINEERS AND ELECTRONICS TECHNICIANS, REPEALING REPUBLIC ACT NO. 5734 AND FOR OTHER PURPOSES,

to which it requests the concurrence of the Senate.

Very truly yours,

(Sgd.) ROBERTO P. NAZARENO
Secretary General

The President. Referred to the Committees on Civil Service and Government Reorganization; and Finance

The Secretary.

September 21, 2000

The Honorable
FRANKLIN M. DRILON
President of the Senate
Financial Center
Pasay City 1308

Mr. President:

I have been directed to inform the Senate that the House of Representatives on September 20, 2000 passed House Bill No. 10665, entitled

From the Kingdom of Thailand, we have Mme. Areera Watanasin.

From the Socialist Republic of Vietnam, we have H.E. Dr. Tran Kieu.

We have the Deputy Director of SEAMEO Secretariat from Bangkok, Thailand, Dr. Pracob Cooparat.

And the Director and Head of the Business Development Office of SEAMEO Innotech, Dr. Erlinda C. Pefianco and Dr. Zenaida T. Domingo, respectively.

SUSPENSION OF SESSION

Mr. President, I move that we suspend the session for one minute for the members of the Senate to greet our visitors.

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

It was 3:29 p.m.

RESUMPTION OF SESSION

At 3:34 p.m. the session was resumed.

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

ACKNOWLEDGMENT OF THE OFFICIAL VISIT OF THE POLITICAL SCIENCE STUDENTS FROM THE PAMANTASAN NG LUNGSOD NG MAYNILA

Senator Sotto. Mr. President, before we proceed, we would just like to acknowledge the presence in the Hall of 40 Political Science students of the Pamantasan ng Lungsod ng Maynila.

The President. The students from the Pamantasan ng Lungsod ng Maynila are hereby recognized, and welcome to the Senate! *[Applause]*

BILL ON SECOND READING

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

Senator Sotto. 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 Sotto. Mr. President, I ask that the principal sponsor, Sen. Aquilino Q. Pimentel Jr., be recognized. For the parliamentary status, we are in the period of interpellations.

The President. Sen. Aquilino Q. Pimentel Jr., the principal sponsor, is recognized for the period of interpellations.

Senator Sotto. To interpellate, may I ask that the Minority Leader, Sen. Teofisto T. Guingona Jr., be recognized.

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

Senator Pimentel. Thank you, Mr. President.

Senator Guingona. Thank you, Mr. President.

Will the distinguished sponsor yield for some questions?

Senator Pimentel. Yes, to some, not many. Some only, Mr. President.

Senator Guingona. I think the "some" is subject to "somes." *[Laughter]*

First, we would like to congratulate the distinguished sponsor for the speech and the bill itself which we have not really finished analyzing or reading because this was suddenly called today. We thought that it would be calendared for next week.

May we know, first, whether the constitutional issues on the challenges to the validity of calling for further amendments to the Regional Autonomous Law has already been threshed out by the Supreme Court?

Senator Pimentel. Mr. President, the chairman has no personal knowledge about the existence of any legal challenge pending in the Supreme Court. But, please, enlighten us if there is any such challenge.

Senator Guingona. What I am referring to is, in the past.

Senator Pimentel. In the past, yes. I think, it has already been settled.

Senator Guingona. So there can be further amendments even if the Constitution seemingly mandates and implies that there is only one enactment.

Senator Pimentel. Mr. President, in the original Organic Act for Muslim Mindanao, the Act itself contained the procedure for amending the same. And for as long as the process is observed—and it will be observed when we amend the Organic Act this time around—I do not think that there will be any constitutional inhibition or prohibition against that.

Senator Guingona. We have here a situation where the Executive entered into a peace agreement with then revolutionary forces of the MNLF. May we know the extent of the agreement as far as expansion of the Autonomous Region is concerned?

Senator Pimentel. Mr. President, the agreement, which is more popularly called the Jakarta Peace Agreement of 1996, stipulates that ten more provinces and ten cities would be added to the expanded area of the autonomy which, as of the present, constitutes only four provinces as we very well know. But the amendment would call for ten more provinces and ten cities, subject, however, to a plebiscite that will be called for that purpose so that we can determine the will of the people.

Senator Guingona. That is perfectly constitutional and legal.

Senator Pimentel. Yes, Mr. President.

Senator Guingona. We note, however, that the proposed expansion calls for two sets of questions. One, for those provinces already embraced in the Autonomous Region and another one for those who may wish to join the Autonomous Region.

Senator Pimentel. That is correct, Mr. President. Just for the enlightenment of our colleagues, the plebiscite intended for the original four provinces of the Autonomous Region would be worded as follows, and this is only a suggestion of the chairman.

The question to be addressed to the voters of the four original provinces is: "Do you favor the amendments being introduced by Republic Act No. _____, amending RA No. 6734 which is the original Organic Act creating the Autonomous Region in Mindanao?"

The other plebiscite question is intended to be asked of the voters of the 10 more provinces and 10 cities, and the proposed wording is: "Do you approve of the amendments being introduced in this Republic Act No. _____, amending for that purpose RA No. 6734, which is the Act Creating the Organic Act for Muslim Mindanao?"

If the gentleman will allow me, let me just put these few thoughts to explain why there should be two sets of questions. The first set of question to be addressed to the original members of the Organic Act is simply this: "Do you want the Organic Act to be amended?" as proposed under this Republic Act that we are now crafting. And we are not, therefore, allowing them to answer "yes" or "no" to the question of whether they want to continue staying within the Autonomous Region in Muslim Mindanao.

The reason for that is, the creation of the Organic Act for Muslim Mindanao under RA No. 6734 was intended to address supposedly the ongoing problems that we are encountering every now and then in southern and central Philippines. And it is mandated in the Constitution that an organic act be enacted for the purpose of establishing an autonomous region. If we allow or give the present residents of the Autonomous Region, namely, the residents of Lanao del Sur, Maguindanao, Sulu and Tawi-tawi, the opportunity to say "yes" or "no" and the question would be the one to continue belonging to this Autonomous Region, the danger is that the Autonomous Region will be dissolved.

And that is a gut feel that I gathered after we had conducted the consultations not only in the four provinces that we have mentioned earlier, but also among the ten additional provinces and the ten cities that are proposed for inclusion in the new expanded area of the Autonomous Region.

Therefore, if the present Autonomous Region is dissolved, we will be faced again with the problem of creating a new autonomous region because that is mandated by the Constitution.

Therefore, the question to be addressed to the present residents of the four original members of the Autonomous Region would be different from the question that will be proposed to the inhabitants of the ten provinces and ten cities that are proposed for inclusion. That is a judgment call which the committee is submitting to the better judgment of this Chamber.

Senator Guingona. We understand perfectly the reason for the differential treatment of those already within the ARMM and the different question for those outside the ARMM. But this was not really contemplated in the Jakarta Agreement, as we call it. Expansion was intended to be done, as I understand it, in accordance with the Constitution and with the law.

Senator Pimentel. That is correct, Mr. President. The Jakarta Agreement does not specify how the question would

be put to the residents of the areas contemplated to be included in the expanded autonomous area. Therefore, since the expansion of the area of the autonomy would involve an amendment of the old Organic Act, we cannot escape the obligation to somehow consult and get the decision of the residents of the present Autonomous Region so that we can comply with the requirements of the Constitution.

Senator Guingona. Yes, Mr. President. And ultimately, it is the people's choice really, notwithstanding the very sane rationale already manifested by the distinguished sponsor. If the same questions were asked, whether they are inside or outside, it would be the people, within and without, who should really decide the ultimate question of whether they want to join ARMM or whether they want to remain in ARMM. And if the questions were phrased differently, the desire of whether they want to remain or the desire to join might not be really the desired intent of any expansion.

Senator Pimentel. The senator is correct in the sense that ultimately, whether to stay in the ARMM or to opt out of it, or to expand the ARMM and allow those residing in the expanded autonomy, whether they want to belong to the new expanded area or not, that will have to be the people's decision.

Nonetheless, I would like to point out the fact that we are faced here with very serious judgment calls that we have to do as a Chamber. My assessment of the situation is that if the people of Sulu, for example, are given a chance to opt out of the region, my gut feel is they will. I have spoken with the governor of Sulu and this is what he told me. I have spoken with the governor of Lanao del Sur and, in effect, this is also what he wanted to convey to us.

The people of Tawi-Tawi might also even consider departing from the embrace of the present Autonomous Region in Muslim Mindanao.

But having said that, we would like to state that the people of these four provinces had already been asked in the previous plebiscite whether they want to belong to the Autonomous Region or not. And they have opted very decisively to belong to the Autonomous Region.

Therefore, serious policy considerations would rather, perhaps, be adopted by this Chamber in a manner that will militate against the possibility of the breakup of the autonomous region itself.

As I have said, if we allow that to happen and there is indeed a breakup of the autonomous region, we will have to

begin from square one and try to create another autonomous region because that is what is mandated in the Constitution.

Senator Guingona. Yes. We understand the rationale perfectly. But as earlier stated, we seem to be bound not only by the Constitution and the laws, but also by tradition and precedent. May we know if the Cordillera Region underwent diverse questions as to whether it should be included or not? Or, was there only one set of questions for all?

Senator Pimentel. The situation in the Cordilleras, Mr. President, is not exactly at par with the situation in the Autonomous Region in Muslim Mindanao.

To begin with, the Cordillera Autonomous Region never got around to being organized because from the very beginning there was only one question addressed to—if I am not mistaken—five provinces and one city, the City of Baguio. Only one question was asked: "Do you wish to belong or do you approve of the creation of the autonomous region in the Cordilleras?"

In the first plebiscite, the people of the Cordilleras rejected the proposal and there was, if I am not mistaken, only Kalinga-Apayao that voted for inclusion and the Supreme Court or the Comelec itself declared that there was no sufficient reason to create an autonomous region with only one province. Only one province voted in the first plebiscite.

Subsequent to that, Mr. President, another law, in fact, was crafted by Congressman Vergara and the congressmen of the Cordilleras in the hope that this time around, they would be able to address the concerns of the people in the Cordilleras who rejected the creation of the autonomous region in the first plebiscite. As a result, another plebiscite was held. The same question was addressed to the people of the Cordilleras and again, they voted it down. This time only one province voted for inclusion or for the approval of the organic act for the Cordilleras, but the first province that voted for it no longer voted for it.

In other words, the first province that said "yes" in the first plebiscite no longer supported the creation of the Cordilleras. Another province this time, voted for the creation of the autonomous region.

I see Senator Flavio shaking his head vigorously in affirmation of what I have just said, because he represents that area among all the rest of the country. He comes from that place and he knows the history of the situation of the creation of the autonomous region in the Cordilleras, Mr. President.

Senator Guingona. Well, that is a precedent and it shows democracy in action where the people really voted. Originally they said, "Yes, we want." Then the original province in the second referendum said, "No, we have changed our minds. We no longer want to be a member of any region—under the Constitution also." So there may be a different situation in Mindanao, but prescinding from the volatile situation there, the Constitution and the laws, although these may not have foreseen this volatile situation, are for all of us to heed and to follow.

There may be questions of unequal or unfair treatment in the proposed expansion because the question is not whether they want to stay or get out. The question rather is: "Do you want, do you accept the amendments or not?" And in the nature of things, very few would really care to read or know the exact nature of the amendments. They would be more interested in the overall but simple question of whether they want to stay or not. And since they would be situated differently, the unequal treatment may pose some difficulties, Mr. President. I wonder whether the distinguished sponsor can enlighten us on this.

Senator Pimentel. Mr. President, we appreciate the concerns of the senator. But the principle of equal protection of the laws would hardly apply in this particular situation because of the different circumstances obtaining in the Cordilleras and the circumstances obtaining in the Autonomous Region in Muslim Mindanao.

As we tried to point out, the Cordillera people never organized an autonomous region. They were never able to get enough votes to justify the creation of an autonomous region. On the other hand, four provinces in Southern and Central Mindanao voted for the creation of the autonomous region when the Autonomous Region in Muslim Mindanao was first created. And therefore, that particular situation should be appreciated in our conversation regarding the suggestion that the principle of equal protection of the laws might come into play in this particular issue.

Secondly, Mr. President, what we are saying is that although the wording of the question is—for the people in the four provinces, original members of the autonomous region—"Do you approve of the amendments being presented in Republic Act No. ____ that we are now crafting?"

The contents of this question will be explained in the campaign for the ratification or rejection of this organic act in the areas to be affected by the plebiscite, to be covered by the plebiscite. And we have several months lined up for purposes of informing the people, getting them to know what the contents are of the organic act amendments that are being

proposed so that nobody is caught off guard. But if there is a simpler way of encapsulating the contents of the Republic Act that we are crafting so that these can be captured in one single question, why not, Mr. President? As the gentleman pointed out, these are suggestions emanating from our committee in the hope that we can reform or restructure the question as we see fit.

Senator Guingona. I would like to thank the gentleman for that. Those who are asked of the question outside of the autonomous region have a different set of questions. They may say, "Yes, these would be included in the new ARMM." But the majority of those inside may say: "No, we will still be within ARMM with additional members, but the same law will govern?"

Senator Pimentel. That is our proposal, Mr. President. And the reason we are saying: "Okay, if the original members say no, the effect would be no dissolution of the present ARMM. The ARMM will continue but it will be governed only by the existing Organic Act law," minus the amendments that we are introducing. Incidentally, it will not preclude the accession of the new provinces, cities and municipalities to the expanded area of the autonomous region for the reason that that is provided for by the Jakarta Agreement.

In other words, we are trying to accommodate the requirements of the Jakarta Agreement. That is precisely one of the difficulties that we are encountering today.

Senator Guingona. Yes, I do understand that. But there are also instances considering the reality of things where a municipality so far out like Pangantukan, which is a part of Lanao del Sur but which is more accessible through Bukidnon, that may geographically, culturally, ethnically be better off with Bukidnon. I do not know how many instances there are of this but they may find themselves in a situation where they would like to be out.

Since the bill itself allows the decision of municipalities, they may say: "Why only municipalities to be added and not those in a situation like us where we would like to be?" for very understandable reasons. I think even Lanao del Sur itself will not mind if Pangantukan goes, for example.

I have many more questions, Mr. President. But since there is a very vital social event facing a distinguished member of this Chamber, *[Laughter]* I think many are going to attend that great social event, I will defer with the reservation that I will continue in the next session.

Thank you very much.

Senator Pimentel. Let me just reply very briefly to the question, Mr. President.

The matter of distance between and among municipalities which might opt to be included in the expanded autonomous region should not pose too much of a problem, Mr. President. Even Sabah is several kilometers away from the heart of Malaysia but it is included in the Malaysian Federation.

In other words, Mr. President, what I am trying to say is that we are trying to give way more to the sentiment of the people or the will of the people if they will express a desire to belong to the autonomous region even if they are only municipalities. We should try to give effect to that will, primarily, because that is the will of the people; and secondarily, because that is included in the Jakarta Agreement.

I would rather have only provinces and cities exercise that option but the Jakarta Agreement, Mr. President, that was entered into by former President Ramos and the then chairman of the Moro National Liberation Front, Mr. Misuari, indicates otherwise.

So we are bound by those terms and we will try to accommodate these as best we can.

Thank you, Mr. President.

Senator Sotto. Mr. President.

The President. The Majority Leader is recognized.

SUSPENSION OF CONSIDERATION OF S. NO. 2129

Senator Sotto. Mr. President, I move that we suspend consideration of Senate Bill No. 2129.

The President. Is there any objection? *[Silence]* There being none, consideration of Senate Bill No. 2129 is hereby suspended.

MOTION OF SENATOR SOTTO (Referral of H. No. 11749 Also to the Finance Committee)

Senator Sotto. Mr. President, earlier House Bill No. 11749 was referred to the Committees on Local Government; and Social Justice, Welfare and Rural Development. I move that it be likewise referred to the Committee on Finance as requested by the chairman of the Committee on Finance.

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

SUSPENSION OF SESSION

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

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

It was 4:05 p.m.

RESUMPTION OF SESSION

At 4:06 p.m., the session was resumed.

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

Senator Sotto. Mr. President, I move that we suspend the session until 10 o'clock tomorrow morning, September 28, 2000.

The President. Before the Chair would act on the motion, the Minority Leader wishes to be recognized.

Senator Guingona. Mr. President, may I know the agenda for tomorrow.

The President. There are a number of local bills being presented by the Committee on Local Government. But if the Minority Leader would be willing to continue his interpellation on the ARMM bill, I think the sponsor would be willing to answer questions.

Senator Guingona. That is not the query, Mr. President. If there are no major bills during the regular days, we can take up the local bills also and dispense with tomorrow's session.

The President. There are a number of local bills. So we proceed with tomorrow's session. Just the local bills.

Senator Guingona. Because there are many senators who would like to go to the provinces.

SUSPENSION OF THE SESSION

The President. The session is suspended until 10 o'clock tomorrow morning, September 28, 2000.

It was 4:07 p.m.