

RECORD OF THE SENATE

TUESDAY, SEPTEMBER 29, 1998

OPENING OF THE SESSION

At 3:15 p.m., the Senate President, Hon. Marcelo B. Fernan, called the session to order.

The President. The 20th session of the First Regular Session of the 11th Congress is hereby called to order.

We shall be led in prayer by Sen. Raul S. Roco.

Everybody rose for the prayer.

PRAYER

Senator Roco. Mr. President, this morning, a Grade V student from Miriam College read this prayer, and I wish to share it with the Senate:

Sa gagan ng Ama, ng Anak at ng Espiritu Santo

O Ama naming makapangyarihan sa lahat, kami ay nagpupuri at nagpapasalamat sa magandang araw na ito. Nawa ay patnubayan Mo po kami sa aming pakikinig at pakikibahagi sa gawaing ito. Bigyan Mo po kami ng lakas at ituro Mo po sa amin ang tamang paraan upang magamit ang aming talino at talento para sa ikauunlad namin at ng aming Inang Bayan.

Ibigay Mo po sa amin at sa aming mga lider ang kabayanihan, ang susi ng kalayaan, ang gintong pamana sa kabataan.

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 .. Present*
Senator Franklin M. Drilon Present
Senator Juan Ponce Enrile Present
Senator Juan M. Flavie Present
Senator Teofisto T. Guingona Jr. Present
Senator Gregorio B. Honasan Present

Senator Robert S. Jaworski Present*
Senator Loren B. Legarda-Leviste Present
Senator Ramon B. Magsaysay Jr. Present
Senator Blas F. Ople Present**
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 Miriam Defensor Santiago Present
Senator Vicente C. Sotto III Present
Senator Francisco S. Tatad Present
The President Present

The President. With 16 senators present, the Chair declares the presence of a quorum.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

Senator Drilon. Mr. President, before we take up the business for the day, I ask that we suspend the session for one minute in order that we can officially greet the members of the Myanmar delegation who are in the Chamber today, headed by the Hon. U Tha Tun, Attorney General and Member of the National Convention Convening Commission. *[Applause]*

SUSPENSION OF SESSION

The President. Is there any objection? *[Silence]* There being none, the session is hereby suspended.

It was 3:19 p.m.

RESUMPTION OF SESSION

At 3:20 p.m., the session was resumed.

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

THE JOURNAL

Senator Drilon. Mr. President, I move that we dispense with the reading of the *Journal* of the previous session and consider it approved.

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

* Arrived after the roll call

** On official mission

The President. The session is suspended to enable the Secretary to check the matter.

Senator Roco. Thank you, Mr. President.

It was 3:37 p.m.

RESUMPTION OF SESSION

At 3:38 p.m., the session was resumed.

The President. The session is resumed.

Senator Drilon. Mr. President, on September 14, 1998, the Office of the President, in a communication to the President of the Senate, furnished us copies of Executive Order Nos. 1 to 21, except Executive Order No. 7. So the Senate was never furnished with a copy of Executive Order No. 7 as far as our record indicates.

Senator Roco. Mr. President, this was mentioned in reports earlier. In fact, we did request a copy. But in view of its furnishing us copies of all the executive orders, may we ask--and if a motion is necessary, we will request the Majority Leader to do so--that the Senate be furnished, with this executive order that was reported to be a "secret" executive order, at least to the Senate and, maybe, to the public. Executive orders, so long as these affect people and rights, cannot be kept a secret from the public.

MOTION OF SENATOR DRILON

(That the Senate Be Furnished with a Copy of EO No. 7)

Senator Drilon. I so move, if it is in order, Mr. President, that the Chamber, through its appropriate officers, request the Office of the President that the Senate be provided a copy of Executive Order No. 7.

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

Senator Roco. Thank you, Mr. President.

BILL ON THIRD READING
S. No. 763--Anti-Dumping Law

Senator Drilon. Mr. President, I move that we vote on Third Reading on Senate Bill No. 763. Copies of the bill were distributed to the members on September 2, 1998.

The President. Is there any objection? *[Silence]* There being none, voting on Third Reading on Senate Bill No. 763 is now in order.

The Secretary will please read only the title of the bill.

The Secretary. Senate Bill No. 763, entitled

AN ACT PROVIDING THE RULES FOR THE IMPOSITION OF AN ANTIDUMPING DUTY, AMENDING FOR THE PURPOSE SECTION 301, PART 2, TITLE II, BOOK 1 OF THE TARIFF AND CUSTOMS CODE OF THE PHILIPPINES AS AMENDED BY REPUBLIC ACT NO. 7843, AND FOR OTHER PURPOSES

The President. We shall now vote on the bill and the Secretary will call the roll.

The Secretary. Senators

- Aquino-Oreta Yes
- Barbers Yes
- Biazon Yes
- Cayetano
- Coseteng
- Drilon Yes
- Enrile Yes
- Flavier Yes
- Guingona Yes
- Honasan Yes
- Jaworski Yes
- Legarda-Leviste Yes
- Magsaysay Jr.
- Ople
- Osmeña
- Osmeña III
- Pimentel Jr.
- Revilla
- Roco Yes
- Santiago Yes
- Sotto III Yes
- Tatad Yes
- The President Yes

Senator Tatad. Mr. President.

The President. Senator Tatad is recognized.

MANIFESTATION OF SENATOR TATAD
(That He Had Requested that He Be Made Coauthor of S. No. 763)

Senator Tatad. I just want to register an affirmative vote with the note that I remember having asked to be made coauthor of this particular bill.

The President. May we hear from Sen. Juan Ponce Enrile?

Senator Enrile. Yes, Mr. President.

The President. It is noted.

APPROVAL OF S. NO. 763 ON THIRD READING

With 15 affirmative votes, no negative vote, and no abstention, Senate Bill No. 763 is approved on Third Reading.

Senator Drilon. On a point of personal privilege, may I ask the Chair to recognize Sen. Miriam Defensor Santiago.

The President. Sen. Miriam Defensor Santiago is recognized.

QUESTION OF PRIVILEGE OF SENATOR SANTIAGO (On P. S. Res. Nos. 218 and 230 Inquiring into PAL's Management and Labor Practices)

Senator Santiago. Thank you, Mr. President.

A few weeks ago, I filed Senate Resolution No. 218. It is entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO INVESTIGATE, IN AID OF LEGISLATION, THE ALLEGATION THAT LUCIO TAN'S FIRMS MADE P25 BILLION FROM DOING BUSINESS WITH PHILIPPINE AIRLINES.

Today, I have received a notice from the Committee on Public Services that there will be a public hearing on this resolution this coming Thursday. From the time that I filed the resolution and now that the date of the public hearing is advancing upon us, I have received requests from certain individuals and private groups that the Senate also look not only into management but also into labor practices in PAL. And that is why today, I have filed Senate Bill No. 230, entitled

RESOLUTION DIRECTING AN INQUIRY, IN AID OF LEGISLATION, ON ALLEGATIONS THAT CERTAIN LABOR UNION LEADERS NO LONGER REPRESENT UNION MEMBERS BUT DOMINATE LABOR NEGOTIATIONS BY THEIR IMPROPER LIFESTYLE, INCOME AND VALUES.

The background of this resolution took place as late as only

yesterday, September 28, 1998 when we received a delegation from a contingent of the Philippine Airlines Employees Association or PALEA here in the Session Hall. They furnished each one of us with a copy of their letter to the President, appealing for the reopening of Philippine Airlines (PAL) and accepting certain terms offered by management, subject to the ratification of the union members.

Apparently, the document indicates that Mr. Lucio Tan, the PAL Chairman, through his representatives, has already expressed conformity to this agreement. I looked closely at the document that was furnished to us yesterday, and I discovered that the terms of the latest PALEA acceptance are virtually the same as Mr. Tan's offer at the start of negotiations, which was initially accepted and subsequently rejected by the PALEA.

There cannot be any gainsaying, it cannot be denied that the closure of PAL during the time starting from PALEA's initial rejection and its most recent acceptance of the management offer imposed unquantifiable costs on the national prestige of our country, in the international community, and to the national economy. Therefore, I believe, it is now incumbent on the Senate to determine why PALEA initially accepted and then rejected and then finally accepted the management offer.

During these many inexplicable u-turns taken by PALEA, there have been accounts in media of alleged unwarranted intervention of union leaders from the following labor unions: Bukluran ng Manggagawang Pilipino, Trade Union Congress of the Philippines, and Kilusang Mayo Uno.

In fact, a newspaper, the Philippine Star went so far as to carry a news report on an accusation from an unidentified labor department official, that Felimon Lagman, BMP Chair, allegedly received money from Mr. Tan in consideration for settling the PALEA's strike in 1996. Only last Sunday, the newspaper Today in the Letters to the Editor section alleged that Lagman "asked for and received P20 million and a car from Lucio Tan to settle the PAL strike."

But long before this PAL imbroglio happened, I have already been receiving reports that a number of union members have become disaffected from their leaders reportedly because the unions have become a distinct third party with interests apart from those of the workers.

There are widespread allegations, even as we speak, that union leaders draw high salaries plus generous benefits and perquisites. There are also allegations that some union leaders pad their basic salaries allowing them to live more like bosses than the workers.