

## RECORD OF THE SENATE

WEDNESDAY, SEPTEMBER 22, 1999

### OPENING OF THE SESSION

*At 3:29 p.m., the Senate President, Hon. Blas F. Ople, called the session to order.*

**The President.** The 26th session of the Second Regular Session of the Eleventh Congress is hereby called to order.

Let us all stand for the opening prayer to be led by Sen. Anna Dominique M.L. Coseteng.

*Everybody rose for the prayer.*

### PRAYER

**Senator Coseteng.**

Banal na Ama, dinggin Mo po ang aming pagsusumamo. Bigyan kami ng Iyong grasya at patnubay upang sa ganoon ay manatili kaming karapat-dapat na mga anak Mo na handang manungkulan nang buongpuso at katapatan sa sambayanang nagtitiwala sa amin.

Pagkalooban Mo po rin kami ng lakas na makaiwas sa mga patibong sa aming matagumpay at taos-pusong paninilbihan.

Ang pagiging makasarili, ang pag-aakala na kami ay nakakaangat sa iba, ang pag-aabuso sa posisyon na aming kinalalagyan, ang pagkutya at pagmamaliit sa di namin mga kapanalig, ang pagbibingi-bingihan at pagbubulag-bulagan sa tunay na hinaing at pangangailangan ng bayan.

Alam po namin na ang landas tungo sa kabanalan ay mahirap tahakin, lalo na ngayong panahon na hitik sa katiwalian at korapsiyon, na kadalasan ang salapi ay makapangyarihan at nabibili ang sinuman at ano mang bagay upang ang kasinungalingan ay magmistulang katotohanan.

Ipinagdarasal din po namin ang kaligtasan ng libu-libong manggagawang Pilipinong nasa Taiwan, na ang ilan ay nasalanta at nasugatan dahil sa katatapos pa lamang na lindol. Nawa ay malasap nila ang Iyong mapaghimalang kalinga at makatikim ng tulong mula sa kinauukulan iyong mga nagnanais na makauwi nang matiwasay sa piling ng kanilang mga mahal sa buhay.

Pagpalain Mo po kami, Diyos Ama, upang kami ay maging matatag at tapat sa aming sagradong kasunduan—

sa Iyo at sa inang bayan ngayon at magpakailanman.

Siya nawa.

### ROLL CALL

**The President.** 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 ..	**
Senator Anna Dominique M.L. Coseteng ..	Present
Senator Franklin M. Drilon .....	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 .....	Absent ***
Senator Ramon B. Magsaysay Jr. ....	Present
Senator John Henry R. Osmeña .....	*
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 .....	Absent ***
Senator Vicente C. Sotto III .....	*
Senator Francisco S. Tatad .....	Present
The President .....	Present

**The President.** With 16 senators present, there is a quorum. The Majority Leader is recognized.

### THE JOURNAL

**Senator Drilon.** Mr. President, I move that we dispense with the reading of the *Journal* of Session No. 25 on September 21, 1999 and consider it approved.

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

### THE JOURNAL (Consideration Deferred)

**Senator Drilon.** Mr. President, the *Journal* for our session on Monday, September 20, 1999 is still being revised pursuant to

\* On official mission

\*\* On official mission but arrived after the roll call

\*\*\* On account of illness



cosponsorship speech, for which reason we could not commence with the period of interpellations on this measure.

I therefore move to suspend consideration of this bill.

**The Presiding Officer** [Sen. Flavie]. Is there any objection? [Silence] There being none, the motion is approved.

BILL ON SECOND READING

S. No. 1271--Professional Regulation Commission Act  
(Continuation)

**Senator Drilon.** Mr. President, I move that we resume consideration of Senate Bill No. 1271 as reported out under Committee Report No. 25.

**The Presiding Officer** [Sen. Flavie]. Is there any objection? [Silence] There being none, resumption of consideration of Senate Bill No. 1271 is now in order.

**Senator Drilon.** We are still in the period of interpellations. May I ask the Chair to recognize Sen. Anna Dominique M. L. Coseteng, the principal sponsor.

**The Presiding Officer** [Sen. Flavie]. Sen. Anna Dominique M. L. Coseteng is recognized.

**Senator Coseteng.** Mr. President, distinguished colleagues, at the outset, I would like to recognize the presence in the Session Hall of the Professional Regulation Commission officials headed by Chairman Hermogenes Pobre, Commissioner Dela Rhea Tan and Associate Commissioner Abad.

I believe that from where we left off, Mr. President, we were in the period of interpellations.

**Senator Drilon.** Yes, Mr. President. For that purpose, may I ask the Chair to recognize Sen. Raul S. Roco for two or three questions.

**The Presiding Officer** [Sen. Flavie]. Sen. Raul S. Roco is recognized.

**Senator Roco.** Mr. President, may I ask questions in support of the lady senator's sponsorship?

**Senator Coseteng.** Yes, Mr. President.

**Senator Roco.** We are very happy that the lady Senator has reformed the original request of our colleagues on the licensing. I understand from the present draft that relicensing of teachers is no longer required.

**Senator Coseteng.** For the moment, Mr. President, there has been a moratorium on the CPE as a prerequisite for the renewal of licenses.

**Senator Roco.** But the continuing education, of course, will be there. As mentioned in a special law, the teachers themselves may take special examinations for promotion purposes. Is this correct?

**Senator Coseteng.** That is correct, Mr. President, under Republic Act No. 7836.

**Senator Roco.** And this was the major concern that both the lady senator and this representation shared. Since this has been addressed by the present bill, the status of the other professionals and their continuing education or their tests can be treated as the committee sees fit. But we are very happy to support the bill in view of that concern for the teachers.

I will just ask the lady senator to ask the staff if there may be a special law on this licensing. I suspect we could not find any. But just in case there is, then we address it in the amendatory section.

**Senator Coseteng.** Mr. President, Executive Order No. 266 requires all professionals to comply with a certain number of units before their licenses could be renewed. This is done over a period of three years.

Before this bill was sponsored on the Floor for deliberation, such was the practice. However, the Professional Regulation Commission decided to hold a moratorium pending the approval of this bill because we have realized that this was a very unfair situation where professionals were required to attend seminars, conventions, et cetera, as a prerequisite for the renewal of their licenses. We are not anti-CPE or Continuing Professional Education. We are leaving that to the individual boards. What we are removing is the fact that it used to be a prerequisite for the renewal of license, Mr. President.

**Senator Roco.** So we are leaving a flexibility provision to the PRC and the concerned board will fully remove the possible abuse that may arise from the executive order. There may have been instances, in fact, where inadvertently some professions suffered.

But because of all these modifications, Mr. President, we are very happy to support the lady senator's bill.

Thank you, Mr. President.

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



**The Presiding Officer** [Sen. Flavier]. The Majority Leader is recognized.

**Senator Drilon.** Mr. President, I now move that we close the period of interpellations on Senate Bill No. 1271 under Committee Report No... I am sorry.

**Senator Enrile.** Mr. President.

**The Presiding Officer** [Sen. Flavier]. Sen. Juan Ponce Enrile is recognized.

**Senator Enrile.** I would like to ask a few questions, Mr. President, if the lady sponsor will care to answer them.

**Senator Coseteng.** Yes, Mr. President.

**Senator Enrile.** Mr. President, is my understanding correct that when a person finishes a professional career by going through the required number of units to attain a college degree and passes a licensure examination, he or she acquires a vested right to practice his profession, and that he could not be deprived of that vested right by the mere caprice or the mere injunction or a flimsy reason issued by any authority in the government? Am I correct in this?

**Senator Coseteng.** Yes, the right should hold, Mr. President, after he passes the government licensure examination.

**Senator Enrile.** Now, with respect to the requirement that before any professional under the jurisdiction of the Professional Regulation Commission could renew a license issued to that person to practice his or her profession, he or she must undergo certain upgrading in his or her professional skills in order to renew his or her license.

How many people have been denied a renewal of their licenses by virtue of this executive order?

**Senator Coseteng.** Because of the controversy, Mr. President, no professional has been denied the renewal of his license. The requirement, however, of Executive Order No. 266 is that the professional must have 60 units, equivalent to 60 hours, over a period of three years before his license is renewed.

**Senator Enrile.** How many professionals have been required to undergo this under this executive order over the time that it was in effect?

**Senator Coseteng.** There are 1.7 million professionals, Mr. President...

**Senator Enrile.** Is it 1.7 million?

**Senator Coseteng.** There are 1.7 million professionals.

**Senator Enrile.** And all of them had to comply with this executive order.

**Senator Coseteng.** The information that is given by the PRC officials, Mr. President, is that those who are 65 years old and above do not have to undergo the 60-hour requirement, but they have not kept track of the total number who have not complied with this requirement. They allowed promissory notes or affidavits stating that the professionals would be taking the CPE at a future date in the event that they are unable to do so because they may have been abroad or they may have been indisposed when the seminars were held.

**Senator Enrile.** Mr. President, the reason I am raising this question—and I do not think that the Professional Regulation Commission is telling us the truth—is that when I was in a radio program two Sundays or three Sundays ago, I was bombarded with questions about this by professionals—dentists, nurses and CPAs—who are complaining that they could not renew their licenses because they were required to undergo seminars.

The Professional Regulation Commission is telling us that out of 1.7 million professionals, none was denied renewal of a license; that everyone complied. I will ask for the suspension of the consideration of this measure if we are not going to get the true facts.

**Senator Coseteng.** According to the Associate Commissioner present in the Hall, Mr. President, the PRC officials could easily sign an affidavit pledging or committing to take within one year the required 60-hour seminar.

**Senator Enrile.** Therefore, there was no compliance with the executive order issued by a president. Who was the president who issued this executive order?

**Senator Coseteng.** Then Pres. Fidel V. Ramos, Mr. President.

**Senator Enrile.** And when was this executive order issued?

**Senator Coseteng.** In July 1995, Mr. President.

**Senator Enrile.** And from July 1995 to date, there has been a lackadaisical enforcement of this measure. Is this the way the Professional Regulation Commission executes edicts of the executive department under which it operates when there is



such an edict? I would like to get an explanation.

**Senator Coseteng.** Mr. President, I, for one, was against this practice that was why as early as three years ago, I had already taken a position against it.

The PRC officials are giving us the information, Mr. President, that because of the controversy that has arisen, they are not very strict in enforcing this. And the professionals that opted to take the 60-hour seminar requirement did so on their own free will.

**Senator Enrile.** Mr. President, did the leadership of the Professional Regulation Commission raise the issue with Malacañang when the executive order was issued, and when it noticed that there were many complaints about this executive order?

**Senator Coseteng.** There is a case pending at the moment in the Court of Appeals, Mr. President.

**Senator Enrile.** No, Mr. President, I am asking if the leadership of the Professional Regulation Commission took pains to take up the matter with Malacañang when it sensed a strong resistance about the enforcement of this executive order considering that these professionals are the clientele of this Commission and they must obey the Commission. And it is its duty to be just to the professional members under its jurisdiction.

Did the PRC leadership take the case of these complaining professionals and brought it to the attention of the authorities that could make a disposition of the issue?

**Senator Coseteng.** According to Chairman Pobre, the PRC did not take this up with Malacañang.

**Senator Enrile.** Why not?

**Senator Coseteng.** Instead, Mr. President, the PRC officials met with the different boards and tried to arrive at some kind of a consensus as far as the taking of the CPE as a prerequisite to the renewal of their licenses was concerned.

**Senator Enrile.** Mr. President, I will not take that answer because it is the duty of a civil administrator to raise an issue and correct a bad law.

Even here in this Congress, in this forum, if we enact a bad law and somebody will bring it to our attention that it is a bad law, we will have to listen and we will have to act in the same manner that if we find that a bad law has been passed and that

there is a strong political pressure from the people to revise it, we bring it to the attention of the President, or whatever remedies we can take.

Mr. President, here is a Professional Regulation Commission entrusted with the fate and future of our professionals, having in its lap an executive order that was unwisely issued injuring the livelihood of many professionals. Why did it not raise the issue with Malacañang and asked that it be rescinded in order to correct the unfairness?

**Senator Coseteng.** Mr. President, I completely agree with the distinguished gentleman on this matter. This is, perhaps, one of the reasons the presentation on the floor of this particular bill has been delayed. I believe the PRC has realized today that the law is flawed, it is unfair, it is unjust, and it can jeopardize the career of millions of our professionals, so the PRC officials are now willing to accept that flaw in the law. They are now willing to do away with the CPE as a prerequisite for the license renewal.

**Senator Enrile.** Mr. President, it is not their decision that will matter here. It is our decision. I would like to find out from the sponsor if she will accept an amendment in due time that the Professional Regulation Commission is prohibited from requiring any condition by way of seminar or any other requirement for the renewal of licenses other than the payment of the required professional fees.

**Senator Coseteng.** Yes, Mr. President. This representation had manifested that at the outset, before the debate began, and I believe and agree completely with the sentiments of the gentleman from Cagayan.

**Senator Enrile.** And that the upgrading of one's skills, once he finished the minimum requirement to practice his profession, is addressed to the individual predilection of the professional concerned.

**Senator Coseteng.** That is correct, Mr. President.

**Senator Enrile.** Mr. President, having done that, I would like to go to another matter.

On page 3 of the bill, lines 11 and 12, there is a provision which says that the Commission may issue or "shall issue or promulgate rules and regulations for the administration, implementation and enforcement of its regulatory policies."

In line 23, it is empowered to make "rules and regulations." What is the distinction, if any, between the "rules and regulations" in line 23 and the "rules and regulations" in lines 11 and 12?



**Senator Coseteng.** Mr. President, letter (a) involves operations while letter (b) involves administrative aspects.

**Senator Enrile.** Why not just empower them to issue rules and regulations to perform their functions?

**Senator Coseteng.** Yes, Mr. President. We agree to the simplification and to the merging of letters (a) and (b) under Section 6, from lines 10 to 27.

**Senator Enrile.** Finally, Mr. President, may I request the distinguished sponsor to require the Professional Regulation Commission to submit to us the different professions under its jurisdiction, and the number of parties which undertook to provide seminars to the members of those professions and what were the charges that were collected from the professionals, regardless of the fact that this has been stopped just for our information and record.

**Senator Coseteng.** Yes, Mr. President. The PRC has agreed to comply within a period of two weeks.

**Senator Enrile.** Thank you, Mr. President. In that case, we move for the suspension of this measure until we get that information.

#### SUSPENSION OF SESSION

**The Presiding Officer [Sen. Flavie].** 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 Presiding Officer [Sen. Flavie].** The session is resumed.

The Majority Leader is recognized.

**Senator Drilon.** Mr. President, Sen. Aquilino Q. Pimentel Jr. requests to be recognized for the interpellation.

**The Presiding Officer [Sen. Flavie].** Sen. Aquilino Q. Pimentel Jr. is recognized.

**Senator Pimentel.** Thank you, Mr. President. But next time, do not imitate my voice, please. *[Laughter]*

Mr. President, I would like to ask the lady senator if she would kindly respond to a few questions.

**Senator Coseteng.** Gladly, Mr. President.

**Senator Pimentel.** Let us talk about the seminars that are being required of professionals.

I take a different view, Mr. President, because I think the intention is really good. But between intention and fact is a world of probable abuses which may not detract from the integrity of the original purpose, which is to continue upgrading the learning corps, as it were, of the professionals because without the seminars...

I wonder—we have, let us say, 100 professionals—how many of them would bother reading, honing up on professional literatures, for example, to try to improve their own knowledge of their profession from which they might have graduated years back?

Mr. President, I would like to ask the lady senator if there is no way of saving that requirement with safeguards?

**Senator Coseteng.** I thank the gentleman for that, Mr. President.

Actually, it is not the continuing professional education that is being deleted from practice. It is actually the requirement of the CPE prior to the renewal of license. The individual professional boards regularly undertake continuing professional education seminars—they hold conventions, they take study tours—to continuously upgrade the skills and the standards of their respective professions. So it is not doing away with the CPE that the individual boards continue to hold their CPEs, but it is no longer a prerequisite for the renewal of their license.

**Senator Pimentel.** For the renewal of their license, Mr. President, is it a requirement that they must be recommended by their particular organization to which they belong?

**Senator Coseteng.** No, Mr. President. The renewal of their license does not require the recommendation of their boards, unless there are cases filed against them or that they have violated some of the code of ethics of their respective boards, and that the penalty includes the nonrenewal or suspension of their license.

**Senator Pimentel.** Assuming that the undergoing of seminars by the professional is not required of him by his own organization to which he belongs, what then is the strength or the constraint for a professional to undergo a seminar organized by his peers? The seminars might well just turn out to be *sosyalan* and *pasyalan*, Mr. President.



**Senator Coseteng.** In the first place, Mr. President, they have to pay for these seminars. They are not given out for free. Secondly, I think, among their peers, there is also some kind of pressure that if there is new technology or if there is something that has to be learned, or if there are some new products in the market, et cetera, they would also want to know about these modern developments. The more respectable ones or those who would like to carve a name for themselves in their respective professions would also want to be known as being diligent.

This will also show in their output and the quality of work that they do or the quality of service that they render to the public. For example, in the case of engineers or architects, they are architects and they are architects; they are engineers and they are engineers. Over time, their track record will reflect their diligence and their work will show what they have learned. I would like to think that our professionals are responsible enough, and those who somehow fall along the wayside and those who somehow lose interest in their careers and choose another career or decide to go into, maybe, career not related to their profession eventually drop out of the roster of active professionals.

We also have heard, for example, in the committee hearing, reports that nonprofessionals also attend these seminars. In the case of librarians, for example, many of those who attend seminars for librarians are actually nonlibrarians but would like to learn more about that particular field of expertise.

**Senator Pimentel.** I am aware of the example of librarians because I know of a librarian who is always accompanied by her husband to attend the seminars of librarians. In any event, is it clear, therefore, that this bill of the lady senator does not require seminars as a precondition to the renewal of licenses?

**Senator Coseteng.** That is correct, Mr. President.

**Senator Pimentel.** Therefore, these seminars that are being held by different disciplines are on their own initiative and would not have any sanction under the law.

**Senator Coseteng.** That is correct, Mr. President.

**Senator Pimentel.** Let us talk about Section 5 of the bill, I do not know if it is still there, but my reading of the bill on which this question was premised is that the commissioner and the associate commissioner of the PRC shall have the same rank, salary, privileges, and retirement benefits as the presiding justice and associate justices of the Supreme Court. Is this correct, Mr. President?

**Senator Coseteng.** That is what appears in the bill. However, Senator Santiago has made the recommendation that

they be given the same rank, salary, privileges, and retirement benefits as those of cabinet secretaries and undersecretaries.

**Senator Pimentel.** Mr. President, this practice of giving the same rank, privileges, salary, and retirement benefits as justices of the Supreme Court or justices of the Court of Appeals has led to the abuse of that rank. Some people would not respond if we do not address them as justice because they say they have the same rank as the justice of the Court of Appeals. If the lady senator has already accepted the suggestion of Senator Santiago, that would be a step in the right direction. Also, in one of the decisions of the Supreme Court, the Supreme Court looked down upon this practice of investing certain officials with the title of justice when they are not justices.

**Senator Coseteng.** I guess this stemmed from the fact that the commissioner and the associate commissioners also perform quasi-judicial functions in the PRC.

**Senator Pimentel.** I would like to thank my colleague for that. Mr. President, under paragraph (d), Section 6 of the bill, it provides that the PRC is empowered to approve the results of examinations and release the same; to adopt measures to preserve the integrity and inviolability of licensure examinations.

Can the sponsor kindly tell us what specific measures might be adopted to protect the integrity and inviolability of these licensure examinations or is the intention just to delegate these powers to the PRC?

**Senator Coseteng.** The computerization of the examination process, from drafting of questions to selection of questions for a particular examination, et cetera, has greatly eliminated the risk of cheating or collusion between examinees and examiners.

The examinations also have security marks and security procedures are also observed. I believe that the PRC has a representative from the National Bureau of Investigation whenever examinations are undertaken. Every now and then, whenever a complaint arises, it would try to address certain loopholes, if there are still any.

Mr. President, PRC statistics show that in the last five years, zero anomalies were recorded as far as examinations are concerned.

**Senator Pimentel.** I think that is very important because once the PRC certifies that this particular person is a duly qualified engineer or a qualified.... *Pati ba nurse?*

**Senator Coseteng.** Yes, Mr. President.



**Senator Pimentel.** How about medicine?

**Senator Coseteng.** Yes, Mr. President.

**Senator Pimentel.** A certification for a medical doctor, for example, should be given great weight anywhere, not only in the Philippines but also abroad. But if our examinations are tainted with corruption, naturally the entire country suffers as a result of that because what will be the reaction of, let us say, foreign countries to Filipino professionals going there? "*Bakayong titulo nito ay peke.*"

**Senator Coseteng.** This is also one of the reasons we have stepped up our campaign especially with the law enforcement agencies. A syndicate or a ring was recently busted. The syndicate's mastermind was based in Pangasinan. Charges were filed against him because he was producing certificates and charging around P200,000 for each of these certificates.

I do not think that he is in jail yet. He was jailed for a while but he was released.

**Senator Pimentel.** To whose protective custody was he released?

**Senator Coseteng.** The PRC cannot give us enough information on this matter. He was released on bail. I understand that thousands of fake certificates were issued by this group at that time. I believe he was operating before 1997. He was actually caught sometime in 1997.

We have also, through the help of the chairman's executive assistant, managed to procure—just for purposes of evidence—diplomas for doctor of medicine and accountancy on Claro M. Recto Avenue for P200. If we will produce another P240, Mr. President, we would have been able to get a complete transcript of records.

This was referred to the National Bureau of Investigation and the police. I believe that these operators are still on Claro M. Recto Avenue. I brought this up again to the attention of Dr. Garcia of the Commission on Higher Education just two hours ago. She apparently knows about this operation and promised to go after the crooks. How successful they can be remains to be seen, Mr. President.

**Senator Pimentel.** I would like to thank the lady senator for that reply. I remember several years back, the lady senator brought out this issue already.

**Senator Coseteng.** Yes, Mr. President.

**Senator Pimentel.** And yet, she is still talking about this thing and the perpetrators are still out on bail or whatever. Maybe they have already jumped bail for all I know. Although I am happy that, apparently, this took place before the elections so they could not have been put under the custody of people from Pangasinan. [Laughter]

**Senator Coseteng.** This was four years ago when we took this up as a crusade. However, it will take more than just pressure from PRC because it has no arresting powers. I have actually volunteered to go with the chairman to close down these joints. Perhaps we should bring perhaps the police with us when we do this.

**Senator Pimentel.** Nonetheless, Mr. President, seriously speaking, I do not think this Chamber is without any power to pressure the authorities to act on this situation. For example, the lady senator mentioned the National Bureau of Investigation. Has the National Bureau of Investigation given her a report in writing on just what kind of action it has done with regard to her complaint?

**Senator Coseteng.** To date, we have written them about five or six times, and they have not replied as far as I can remember.

It is not just a matter of fake certificates, fake diplomas, fake transcripts; it also involves nonlicensed professionals that continue to practice in spite of the fact that they have no licenses. And these are charges that have been brought to the attention of the NBI by the different professional boards. So far, nothing has happened.

The other issue that we had called attention of the PRC to is the fact that foreign practitioners, foreign professionals are practicing in the country without clearance from the Department of Labor and Employment and without clearance from the PRC.

**Senator Pimentel.** Or the basketball players from abroad practicing basketball here.

**Senator Coseteng.** Basketball is not a regulated profession, Mr. President. The players do not need to take a government examination from PRC to be able to play basketball. But architects and engineers have big billboards, these giant billboards that we find next to beautiful buildings. These persons have not been given licenses although they seem to be invoking the principle of reciprocity. I asked several other embassies and they told us that our professionals can practice in their countries if their equivalent of the PRC grants them a license. But when they come here, they do not even ask the PRC for a license before they are able to practice.



**Senator Pimentel.** Yes. This is exactly one of the things that I would like to highlight with the lady senator's permission in this exchange of views that we are now holding. Our own professionals are being, shall we say, oppressed right in their own country. *Bayan natin ito*, and yet we cannot protect the rights of our professionals to bar, shall we say, undue competition from professionals who are not entitled to practice their professions in this country.

I have been told that there are supposed to be treaties, I think, which grant some kind of reciprocity. But as the lady senator said, for that reciprocity to be recognized here, our professionals must also enjoy the same rights to exercise their profession in a foreign land, whose nationals are exercising the rights that belong to our professionals in this country, Mr. President.

**Senator Coseteng.** That should be the case, Mr. President. I think the ASEAN nations are going to take a collective stand on this particular issue, especially pertaining to the General Agreement on Trade and Services (GATS). I just do not know whether it is in November that the Philippines will be—or sometime before the end of this year—taking up position on this matter.

**Senator Pimentel.** Mr. President, I would like to bring to the attention of our colleagues and the sponsor the practice of allowing foreign professionals, especially in engineering, as well as in some esoteric professions like hydrological profession, in which the Philippines, I understand, has only about four recognized professionals....

One of them told me that in this country of ours, foreign experts are being hired by, let us say, water development firms, and they are being paid high salaries much more than their counterpart in the Philippines.

My friend tells me that he has read the same books as these people have read. He has, in fact, graduated from a foreign university, to be more precise, in England. And probably because he is only a Filipino in the Philippines and only the PRC certified him as an expert with foreign studies abroad, kidding aside, he and other Filipino professionals are not being given their due right in our own country, Mr. President.

**Senator Coseteng.** I would like to thank the distinguished gentleman for that, Mr. President. As a matter of fact, there is a way by which these foreign professionals can actually skirt the law because they are hired as consultants. Sometimes, these consultants are tied to loan packages. If we want to get that loan package, we will have to agree, for example, that the engineers... I remember that in the DOTC and the DPWH, they have foreign engineers that were paid anywhere from P250,000.00 to P500,000.00

a month each, whereas the highest paid Filipino engineer would be earning P20,000, the most—P18,000 to P20,000. Or they are hired as consultants in private firms. Or they are supposed to be hired in the Philippines as long as they have a Filipino understudy.

We are looking at amending that particular provision because it is quite unfair to say that foreigners can practice here provided they get a Filipino understudy. Because that automatically presupposes that the Filipino knows less about his own climatic condition or about his own soil condition or about his own water condition than this foreign engineer or foreign architect. Because of this, what this foreign consultant or foreign professional does, he gets an understudy, hires an understudy and legitimizes his stay in the country.

So, apart from being tied with the loan packages, I think these are some other ways by which they skirt the law. But a check with the PRC and the Department of Labor and Employment shows that no professional has actually been granted a license to practice here so far, Mr. President.

**Senator Pimentel.** I would like to thank the sponsor for that reply.

Mr. President, may I go back to the issue of the NBI not answering the letter of the sponsor. Under the law, Ethical Conduct, I forgot the exact terminology...

**Senator Coseteng.** They have to reply, I think, within 15 days.

**Senator Pimentel.** The Code of Ethics. That is the short name of that Act, Mr. President. Anybody in government who is addressed a letter by our, let us say, constituent would have to answer within 15 days.

**Senator Coseteng.** Mr. President, I remember our experience with the Bureau of Immigration where the same thing had happened. Congress actually zeroed out the budget for MOOE of the Bureau of Immigration that year. The NBI's budget is coming up before the Senate for approval. So I am still waiting for that opportunity.

**Senator Pimentel.** Yes, that is right. The NBI budget will be coming up before the Senate any time now. That is one avenue which we can explore to make the bureaucracy a little more responsive to the demands of the Congress of this country.

Now, Mr. President, what are the so-called minor violations that the legal officers of the Commission may deal with summarily?

**Senator Coseteng.** Some of the minor violations consist



of writing, for example, their names on the examination answer sheets when they should not be doing so. Perhaps other forms of cheating. I suppose writing their names on the answer sheet would constitute a marked answer sheet and that would enable the person correcting the answer sheet to identify the examinee.

**Senator Pimentel.** Mr. President, we probably have to prescribe more stringent regulations here because the way the provision is worded is that the legal officer may deal with this matter summarily. That gives him really an opportunity for abuse of these powers.

**Senator Coseteng.** May I request the distinguished gentleman to please give us the page that he is referring to.

**Senator Pimentel.** It is Section 8, paragraph (d).

**Senator Coseteng.** What page, Mr. President?

**Senator Pimentel.** I do not have the page, Mr. President.

**Senator Coseteng.** It is specifically on line 12, page 14, Mr. President. "If after thirty (30) days from the receipt of such decision no appeal is taken therefrom to the Commission, the same shall become".... I am sorry.

**Senator Pimentel.** Minor violations, Mr. President.

**Senator Coseteng.** "CONDUCT THROUGH THE LEGAL OFFICERS OF THE COMMISSION SUMMARY PROCEEDINGS ON MINOR VIOLATIONS OF THEIR RESPECTIVE REGULATORY LAWS, VIOLATIONS OF THE RULES AND REGULATIONS ISSUED BY THE BOARDS TO IMPLEMENT THEIR RESPECTIVE LAWS, INCLUDING VIOLATIONS OF THE GENERAL INSTRUCTIONS TO EXAMINEES COMMITTED BY EXAMINEES, AND RENDER SUMMARY JUDGMENT THEREON WHICH SHALL, UNLESS APPEALED TO THE COMMISSION, BECOME FINAL AND EXECUTORY"...

May we know the recommendations so that these can be incorporated during the period of amendments, Mr. President?

**Senator Pimentel.** Yes, Mr. President. We will probably be able to do that at the proper time. But I was just trying to bring it up to the sponsor's attention already at this point, because granting a legal staffer, for example, in a body to deal with minor offenses, as the sponsor puts it summarily, can really give an opportunity for a lot of abuse. So maybe we can tighten this up a little bit.

**Senator Coseteng.** Mr. President, I appreciate the

gentleman calling our attention to this particular item. We will await his recommendation at the proper time.

**Senator Pimentel.** Mr. President, Section 12 of the bill provides that the commission is authorized to use 75% of its income from all sources except collections of oath-taking fees under Section 6(h) thereof, for the operational expenses of the commission.

My first question is: When the bill says "from all sources," what does that encompass, Mr. President?

**Senator Coseteng.** Registration fees, examination fees and certification fees.

**Senator Pimentel.** Only those three?

**Senator Coseteng.** There is what the PRC officials call "miscellaneous fees" and that includes surcharges or penalties.

**Senator Pimentel.** Did the lady senator say "penalties"?

**Senator Coseteng.** I am sorry. Surcharges, Mr. President, not penalties.

**Senator Pimentel.** How about fines?

**Senator Coseteng.** Based on their statement of revenues, they have examination fees, professional license fees, certification fees, registration fees and miscellaneous fees. Under fines and penalties, they have what they call surcharges.

**Senator Pimentel.** That is exactly what I was trying to drive at because it may be an inducement to impose big fines. *Bibigyan ninyo sila ng 75% of their revenue*, and if part of their revenue would come from fines, then obviously it can be an inducement to raise revenue by fining people.

**Senator Coseteng.** The PRC defends this apprehension or this particular caution by way of an explanation that these surcharges, fines and all fees are actually fixed. So it is not discretionary, and there is a schedule of fees published for the public to know.

**Senator Pimentel.** Nonetheless, just an academic discussion, Mr. President, let us assume that the fines are fixed. The concern is not addressed by fixing the amounts of the fine because the idea is still there—that by imposing the fine, the fine goes to the income of the Commission over which it will have discretion for its use for operational purposes. That is the whole concept of it.

Fixing or not fixing will amount to some degree of a difference. But just the same, the whole concept is that, it is possible for



the Commission to be imposing fines even if fines may not actually be warranted just to raise revenues.

**Senator Coseteng.** Its other justification is that the fines are collected by window tellers and fine collectors who really have nothing to do with the overall disposition of these funds. However, should the gentleman have any recommendation to curb abuse, we would consider that, Mr. President.

**Senator Pimentel.** I think we should do something about it.

In Pasig, for example, my understanding is that drivers and people parking vehicles in their own places, or even in the right places, sometimes would be harassed by the parking supervisors, wherein their vehicles would be brought to the office of the MMDA, or whatever, and they will have to redeem the vehicle because the supervisors have a share in the fine. That is what I am trying to point out. *Kaya kung kasakiman na ang papasok doon, mahirap na. Mas maganda siguro* if we will be able to sort of refine this proposal.

On this point, more seriously, I have consulted with the legal minds of this Chamber without parallel, like the Minority Leader, Sen. Teofisto T. Guingona Jr., and Sen. Raul S. Roco. To some extent they agreed with my observation that there may be constitutional constraints here where we allow a Commission ...

I know it is being done in some other agencies of government. But just because it is being done does not mean that it must necessarily be correct. This is as good a time as any to bring this issue before this Chamber.

When this bill provides that the Commission is authorized to use 75% of its income from all sources, that actually diminishes the purse function of Congress in that respect, although we are the ones giving it up.

But what I would like to emphasize is that slowly in this country, the powers of Congress are being eroded by acts of this kind. In effect, we are giving up our function in favor of the Executive department and its various departments, offices, and bureaus that are under its operation, supervision or control. More to the point, Senator Guingona told me that this can even be contrary to the concept of one fund envisioned in the Constitution itself which is under the control of Congress.

If slowly the monies that are collected by the various agencies of the government, including the PRC, are left to them to decide how to use that money, in effect, Congress loses that oversight function, that management of the purse. I think it is about time we stood up in this Chamber to put an end to this practice.

I am not only talking about PRC. I am talking of all the other agencies that are always coming to us asking for the same privilege.

**Senator Coseteng.** I understand the concern of the gentleman, Mr. President. As a matter of fact, many of the colleges and universities, and even some of the hospitals, are already granted the power to use their income. Perhaps this could also be rationalized by the way funding or budget releases are oftentimes delayed.

In the PRC, for example, overtime pay and payables for the last three months for 1998 have not been paid by the Department of Budget and Management. So this could be a way by which the PRC could augment its income to improve its operational efficiency and, upon the approval of this bill, organize regional offices throughout the country. Perhaps the PRC budget could be reduced by Congress considering that PRC could show a certain income level which would enable it to beef up its operations.

**Senator Pimentel.** I can understand the difficulties that some of our agencies encounter by way of the delay in the releases of their appropriations. But just the same, Mr. President, allowing them to use a part of their income, in effect, takes away from Congress the right to determine how much an agency will receive and how that money will be spent. That is an important and vital part of our oversight function on the power of the purse. But these are just observations which we probably will have to specify more concretely when the period of amendments come.

Finally, I wonder if anybody has already suggested that perhaps the term of office of the chairman and the commissioners of the PRC should be reduced from nine years to seven years.

**Senator Coseteng.** Yes, that has already been agreed upon. Thank you, Mr. President.

**Senator Pimentel.** In any event, I just wish to put on record that seven years is more or less the same term that is given to other constitutional offices, not nine.

I think the other matters have already been covered by other interpellators. I would like to thank the lady senator for the kind reply.

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

**The Presiding Officer [Sen. Flavio].** The Majority Leader is recognized.

**Senator Drilon.** Senator Biazon wishes to interpellate, Mr. President.



**The Presiding Officer** [Sen. Flavio]. Sen. Rodolfo G. Biazon is recognized.

**Senator Biazon.** Thank you, Mr. President. Will the lady senator from Quezon City and the Republic of the Philippines yield for some questions?

**Senator Coseteng.** Yes, Mr. President.

**Senator Biazon.** Mr. President, the objective of the issuance of license is to ensure that the professional is qualified to render professional service to his clients. Would this be a fairly accurate statement?

**Senator Coseteng.** That is correct, Mr. President.

**Senator Biazon.** Before any license to any professional is issued, is there a testing standard being implemented?

**Senator Coseteng.** There is, Mr. President.

**Senator Biazon.** Mostly for whom?

**Senator Coseteng.** For all professionals, Mr. President.

**Senator Biazon.** And so one cannot be and should not be issued a license to exercise his profession without exhibiting or showing expertise in his field of discipline.

**Senator Coseteng.** Mr. President, I would like to make a slight correction. I was referring to professions regulated by the Professional Regulation Commission. Other professions that are not regulated by the PRC are not required to take the examination.

**Senator Biazon.** Yes, this is accepted, Mr. President, because the pilots who fly our aircraft are not tested by the PRC.

**Senator Coseteng.** No, Mr. President.

**Senator Biazon.** There is another agency that does that. But here, Mr. President, we are talking of professionals under the jurisdiction of the PRC.

**Senator Coseteng.** Yes, Mr. President.

**Senator Biazon.** Would the lady senator say, Mr. President, that no license would be issued without measuring the expertise of the licensee so that he can exercise his profession?

**Senator Coseteng.** That is correct, Mr. President.

**Senator Biazon.** Mr. President, what is the basis of the standard of testing? Is it the academic skills development

curriculum or is it based on something else?

**Senator Coseteng.** There is a fixed curriculum, a syllabus, Mr. President.

**Senator Biazon.** So that a doctor who graduated in 1935 and who is still a doctor now would probably be tested on what—on the standards of 1935 or on the standards of 1999?

**Senator Coseteng.** If he takes the examination today, Mr. President, even if he graduated in 1935, he would be taking the examination of today.

**Senator Biazon.** Which brings me to the question, Mr. President: Do we update our testing standards?

**Senator Coseteng.** Yes, Mr. President.

**Senator Biazon.** How often do we do this?

**Senator Coseteng.** It depends on the profession, Mr. President.

**Senator Biazon.** For example, let us take Medicine. When was the last time that its testing standard was updated?

**Senator Coseteng.** The physicians are presently updating their curriculum, Mr. President, and the individual professional board makes its own recommendations to the PRC.

**Senator Biazon.** Because the advancement in technology tells us that there should be a constant review of the necessary skills required of a professional to enable him to serve his clients better. Am I correct?

**Senator Coseteng.** Yes, Mr. President.

**Senator Biazon.** Especially if the profession has something to do with the preservation of life, say, medicine, dentistry, pharmacy, physical therapy and other professions such as deck marine or marine engineers.

**Senator Coseteng.** Yes, Mr. President. The marine profession, Mr. President, is now STCW compliant.

**Senator Biazon.** Yes, Mr. President. The question is: How often do we upgrade or revise our testing standards?

**Senator Coseteng.** I suppose there is no fixed schedule, Mr. President. It will depend on the professional boards. These professional boards would be the ones to recommend this testing standard to the PRC and to the Commission on Higher Education.



**Senator Biazon.** Who determines when we update? Is it the professional board or is it the PRC?

**Senator Coseteng.** The board determines, Mr. President.

**Senator Biazon.** Which board?

**Senator Coseteng.** The 42 different professional boards, Mr. President.

**Senator Biazon.** The 42 professional boards. Let us take the case of the medical profession. When was the last time we upgraded or revised our testing standards?

**Senator Coseteng.** The syllabus of the medical profession will be submitted this week, Mr. President.

**Senator Biazon.** Yes, and when was the last time? I asked that question four times already, Mr. President.

**Senator Coseteng.** In 1992, Mr. President.

**Senator Biazon.** And are we considering a review of whether or not we will again upgrade or revise the testing standard?

**Senator Coseteng.** It is being revised now, Mr. President.

**Senator Biazon.** It is now being revised.

Now, Mr. President, who conducts the testing of marine officers—meaning, the captain, the deck officer or the first mate, for example?

**Senator Coseteng.** The board and the PRC, Mr. President.

**Senator Biazon.** The board itself and the PRC. Does the testing process include, let us say, actual, other than written, and oral tests? Does it include actual test or, what we call, practicum or practical test to determine the skills of the licensee?

**Senator Coseteng.** At the moment, Mr. President, the on-the-job training is required by the school before it permits its graduates to take the test. And the students are not able to satisfactorily comply with all the requirements, unless they do this. But by the year 2000, it will be part of the PRC testing...

**Senator Biazon.** Testing process.

**Senator Coseteng.** That is right.

**Senator Biazon.** Meaning, prior to the year 2000, the

testing process did not include the practical aspect of the testing.

**Senator Coseteng.** Before the students graduate, they will need a...

**Senator Biazon.** Yes, Mr. President. But this is not done by the PRC. This is done by the school.

**Senator Coseteng.** That is right, Mr. President.

**Senator Biazon.** Could this be the reason we have a lot of sinking ships in this country? Because, as the sponsor said, the PRC is the only authority that issues the license to the licensee to ensure that the proper academic preparations and technical skills are possessed by the licensee himself, and yet the information is coming out that it will only be in the year 2000 where practical tests will be administered by the PRC itself. Is this correct, Mr. President?

**Senator Coseteng.** Mr. President, the PRC has no facilities to actually conduct simulated testing. These facilities are going to be available in the year 2000, depending on the budgetary allocation that is given to the PRC. At the moment, there is only one location where the simulator is found and that is the academy in Tacloban. But all of them are required to go through the one year on-the-job-training.

**Senator Biazon.** Yes, Mr. President. But in the apprenticeship for one year, the PRC is not there.

**Senator Coseteng.** That is right, Mr. President.

**Senator Biazon.** It is the PRC that issues the license, not the school.

**Senator Coseteng.** It is not, Mr. President.

**Senator Biazon.** Because if it is the school that we are talking about, there are other factors to consider like some schools are nothing but diploma mills.

**Senator Coseteng.** That is correct, Mr. President.

**Senator Biazon.** Therefore, they could care less what kind of academic and skills development the graduate has because they say, this graduate is still going to be tested by the PRC.

**Senator Coseteng.** Let us put it this way, Mr. President. I understand where the gentleman is coming from and that would have been the ideal situation. However, inasmuch as the PRC has been following the STCW standard since 1978—at the time, the practical test was not a requirement for the PRC to give—it is required for the year 2001 and that is the requirement now.



**Senator Biazon.** That is probably the reason our deck officers are falling short of the skills required of deck officers, where we end up with Sulpicio Lines finding itself always at the bottom of the sea. *Hindi bale sana, Ginoong Pangulo, kungiyong barko lamang ang lumubog. Pero may mga nakasakaysa barko.* This is a serious thing because from 1978 to the year 2001, a lot of advancement in sea-handling and sea-faring technology have been acquired, and these should be included in the evaluation of the licensee as to the sufficiency of his academic and technical skills.

**Senator Coseteng.** Mr. President, I appreciate the point raised by our colleague. Actually, this is really a sad state of affairs and it does not just concern the marine deck officers.

The passing average for marine deck officers is only 30%. The passing average for teachers used to be 26%, now it is 33%.

**Senator Biazon.** Who set this passing grade?

**Senator Coseteng.** It is not a grade, Mr. President. It is the average.

**Senator Biazon.** Whatever, who set this standard—33% for teachers, 30% for marine deck officers?

**Senator Coseteng.** This is not the passing grade of the examinee, Mr. President. This is actually the number of examinees that took the test and successfully passed the examination. In the field of accountancy, it is only 16%; in the field of customs administration, it is only 10% or 9%; in the field of medicine, it is 75% because it takes them 10 years to prepare for the test.

I understand the apprehension of the distinguished gentleman, and this is also my apprehension. In fact, I have made representations with the Commission on Higher Education on this because some of the schools that are producing graduates in accountancy, engineering, marine deck officer courses, et cetera, have not even produced a single passing examinee over the last five years. So it is really a sad state of affairs.

In the case of Sulpicio Lines, based on the reports that we have received, apparently it was not the captain's fault—I do not want to go into the debate because I do not really know the details—but of the handlers who were remiss in their duties by feeding the captain incomplete information. And the handlers of the ship do not take a government licensure exam to be handlers of a ship. Apparently, that is the situation.

**Senator Biazon.** Mr. President, was this conclusion coming from the BMI, the Board of Marine Inquiry? Was this its findings?

**Senator Coseteng.** This was the findings of the Board of Marine Inquiry, Mr. President.

**Senator Biazon.** Which one, the *Doña Paz* or the *M/V Princess of the Orient*?

**Senator Coseteng.** The *Princess of the Orient*, Mr. President.

**Senator Biazon.** What about *Doña Paz*?

**Senator Coseteng.** The resource persons of the PRC are not aware of the final findings of that case, Mr. President.

**Senator Biazon.** Because it happened 10 years ago.

Anyway, the next question, Mr. President, if I may, probably the last or third to the last question: How often does PRC renew licenses?

**Senator Coseteng.** Every three years, Mr. President.

**Senator Biazon.** For all professions.

**Senator Coseteng.** Except marine officers who renew their licenses every five years, Mr. President.

**Senator Biazon.** Yes, Mr. President. And every five years, there are probable advancement in technology that would make the former knowledge of the deck officers obsolete.

**Senator Coseteng.** It could be, Mr. President, except that the ships that they are manning may be older than five years. So there is no additional technology in the particular ships that they are manning in the first place.

**Senator Biazon.** All right. In the conduct of the renewal of licenses, does the licensee go through a testing?

#### SUSPENSION OF SESSION

**Senator Coseteng.** May I move that we suspend the session for one minute, Mr. President?

**The Presiding Officer [Sen. Flavio].** Is there any objection? [Silence] There being none, the motion is approved.

*It was 5:03 p.m.*

#### RESUMPTION OF SESSION

*At 5:04 p.m., the session was resumed.*



**The Presiding Officer** [Sen. Flavie]. The session is resumed.

Senator Coseteng is recognized.

**Senator Coseteng.** Mr. President, the reassessment and revalidation as a requirement of the STCW will still be, in effect, in the year 2002. At the moment, the licenses are renewed upon completion of seminars given by the shipping owners, some by maritime training institutions, and some by the shipping companies themselves.

**Senator Biazon.** Which is telling us again that we leave it to the owners of the school to determine the shortcomings and insufficiency of the professionals and leave to the school owners the determination of the qualification of the licensee. Is this what it is, Mr. President?

**Senator Coseteng.** Yes, the shipowners conduct their own training and their own seminars.

**Senator Biazon.** Yes, but what if a shipowner is reputed to be known for shortcuts to reduce operational expenses?

**Senator Coseteng.** Actually, under the STCW requirement, the Commission on Higher Education conducts all trainings while the PRC does the assessment.

**Senator Biazon.** This is what I was asking—if there is a pretesting prior to the renewal of a license. Let us say I am a graduate of Class 61, University of Sto. Tomas, College of Medicine. If the license that I carry is renewed every year without the benefit of a retesting and redetermination of my competence in accordance with the current, contemporary advancement in medicine, my knowledge and skills will be obsolete. I could be endangering the lives of my clients.

**Senator Coseteng.** As far as the marine officers are concerned...

**Senator Biazon.** No, I am talking about the medical profession this time.

**Senator Coseteng.** I am not aware that any country in the world upgrades its standards every year.

**Senator Biazon.** I am asking this question because, as I said, since there is a great advance in technology, especially in the life-preserving discipline, this should be looked into to ensure that the professionals have the updated skills in fairness to their clients.

**Senator Coseteng.** I understand what the gentleman is

talking about. However, it takes four years before a school satisfies complete compliance as regards CHED requirements. Because after the syllabus is drawn up, this is given to the schools and the schools actually teach this to those in the first year, for example. And it will take four years before the professionals get the complete educational process.

So, if we are going to test our professionals on the latest medical technology that comes out, for example, in the latest American Journals, they would not have learned that in school and they would not have learned that anywhere else unless they were graduates of those schools that had previously, during the last four years, implemented that particular curriculum.

**Senator Biazon.** Yes, Mr. President, I understand that. But we are talking about life preservation here.

**Senator Coseteng.** Precisely, Mr. President. If we were to test a doctor every year, let us say he graduated nine years ago, between nine years and today, there have been great advances in medicine. If we are going to require a doctor to go back to four years of schooling for him to know everything that happened in the last nine years, I do not think we will have any doctors left that would be issued licenses.

But I would not want to go to a new doctor, for example, who graduated in 1999. He may know all these new technologies but I would rather put my life in the hands of a doctor who graduated five or 10 years ago because he would have had enough practice and experience. It is not so much of what he knows but the actual application of what he knows which is more important to me.

**Senator Biazon.** Mr. President, probably this is where we are going to disagree with one another. When I was still active in the military service, we had two doctors. One was somewhat old but still under retirement age. He used to prescribe aspirin to whatever sickness we had. And we had a new doctor, a younger doctor who was giving us the correct prescription. This is what I am saying.

**Senator Coseteng.** I think that is also carrying too much to the extreme. If a doctor was prescribing aspirin to every single sickness, he had no business being in the PMA or whatever that institution is.

**Senator Biazon.** But why was he licensed by the PRC to practice medicine?

**Senator Coseteng.** I do not know about that time. Maybe Chairman Pobre was not the commissioner at that time.

**Senator Biazon.** This is what I am saying, Mr. President.



**Senator Coseteng.** I think the clients or the patients today are more discriminating. The mass media has managed to disseminate enough information to the public. We can really tell a quack from a nonquack and there will always be snakes in every forest. There are good soldiers and bad soldiers. There are good senators and bad senators. There may be good priests and bad priests.

I mean, there is just a whole spectrum of all kinds of people with different grades and capabilities. It is not so much of the test. I know somebody who flunked the bar and could be a better lawyer than somebody who passed the bar. But that does not mean to say that everyone who passed the bar are dumber than those who did not. I do not think that we can make this kind of conclusion, Mr. President.

**Senator Biazon.** I do agree, Mr. President. But here, we are talking about minimum standards. If these minimum standards are useless, then why do we have the PRC?

**Senator Coseteng.** Let us put it this way, Mr. President. What would the gentleman recommend? Would he recommend testing for latest developments in the last how many years?

For example, one can pass the test but the hospital where he is practicing does not even have an X ray machine. They are even using Añejo rum bottles for test tubes. Sometimes we have students that passed the test of the PRC. They are able to comply with all the requirements. But when they are assigned to hospitals, they are using equipment of 1949. They do not know how to use the 1949 equipment because they passed the test for 1999.

So, we are really faced with a complex situation. I would like to think that so far, Filipinos have not had the reputation of being bad doctors. In fact, the more popular doctors in the U.S. are Filipinos. They are practicing there.

**Senator Biazon.** Yes, but they have to pass the testing in the United States.

**Senator Coseteng.** They are also using equipment in the United States. If we go to the NKI, for example, or to Makati Medical Center or to St. Luke's Medical Center, those doctors have been having their licenses renewed. So far we have not really heard of a widespread situation where doctors are unable to handle modern equipment.

**Senator Biazon.** Mr. President, we are not suggesting that the testing standards should be realigned with the standards set in 1945.

**Senator Coseteng.** I do not think that I said that, Mr. President.

**Senator Biazon.** Yes, Mr. President. I am glad that the lady senator disagreed with that. The fact that our hospitals are underequipped does not excuse us from allowing professionals to perform their profession even without meeting the minimum standard.

**Senator Coseteng.** As far as minimum standard is concerned, I think the examinations given by the PRC would meet minimum standards. I have not seen the documents. I have not seen, for example, the actual examination questionnaires. I think the professional boards would be ashamed of themselves if the PRC fell short of the standard demanded or expected of them. I think that there are enough professionals in the country that could safeguard the interest of their respective professions. And it would be very insulting to say, for example, that if these professionals are not tested for the latest in technology year after year or every three years, then their knowledge is obsolete, or that they fall short of international standards because they were not tested or they were not sent back to school to learn these new technologies. I think that, on their own, they have access to reading materials, video tapes, discs, computers, Internet facilities, et cetera. And that would separate those who are lazy from those who are more diligent. As professionals, I think it is incumbent upon them to improve their own skills.

**Senator Biazon.** Yes, I do agree with that, Mr. President. But I still do assert that in the renewal of licenses, these factors should be inputted, or I might be constrained to ask for a deferment of this measure. Because I do declare that the professionals should ensure that they possess the academic and technical skills required of them to fairly deliver the services they are required to deliver.

Mr. President, I would like to thank the lady senator for yielding to the questions.

**Senator Coseteng.** Yes, I appreciate the concerns, I share the concerns of the good gentleman. But the PRC, especially with its computerization program and, perhaps, the vigilance of the different professional boards, has managed to conduct its own educational programs, refresher courses, et cetera, so that each sector could be adequately informed of new developments and new trends in its respective field of specialization.

**The Presiding Officer [Sen. Flavie].** The Majority Leader is recognized.

**Senator Drilon.** Mr. President, I think the list of those who wish to interpellate the sponsor has been exhausted. I therefore move that we close the period of interpellations.

**The Presiding Officer [Sen. Flavie].** Is there any



objection? *[Silence]* There being none, the motion is approved.

#### SUSPENSION OF CONSIDERATION OF S. NO. 1271

**Senator Drilon.** Mr. President, I move that we suspend consideration of Senate Bill No. 1271 under Committee Report No. 25.

**The Presiding Officer** [Sen. Flavie]. Is there any objection? *[Silence]* There being none, the motion is approved.

#### BILL ON SECOND READING

##### S. No. 1519--General Banking Law of 1999 (Continuation)

**Senator Drilon.** Mr. President, I move that we resume consideration of Senate Bill No. 1519 under Committee Report No. 29.

**The Presiding Officer** [Sen. Flavie]. Is there any objection? *[Silence]* There being none, the motion is approved.

**Senator Drilon.** Mr. President, we are still in the period of interpellations. May I ask the Chair to recognize Sen. Sergio R. Osmeña III, sponsor of the measure.

I am sorry. I was referring to Sen. Raul S. Roco, Mr. President, but the Bangko Sentral people are no longer here.

#### SUSPENSION OF CONSIDERATION OF S. NO. 1519

**Senator Drilon.** I move that we suspend consideration of Senate Bill No. 1519 under Committee Report No. 29.

**The Presiding Officer** [Sen. Flavie]. Is there any objection? *[Silence]* There being none, the motion is approved.

#### BILL ON SECOND READING

##### S. No. 153--Retail Trade Liberalization Act of 1998 (Continuation)

**Senator Drilon.** Mr. President, I move that we resume consideration of Senate Bill No. 153 as reported out under Committee Report No. 41.

**The Presiding Officer** [Sen. Flavie]. Is there any objection? *[Silence]* There being none, the motion is approved.

**Senator Drilon.** Mr. President, I ask that Sen. Sergio R. Osmeña III, the principal sponsor of the measure, be recognized. We are in the period of interpellations.

**The Presiding Officer** [Sen. Flavie]. Sen. Sergio R. Osmeña III is recognized.

**Senator Drilon.** For the interpellation, may I ask the Chair to recognize Sen. Renato L. Compañero Cayetano.

**The Presiding Officer** [Sen. Flavie]. Sen. Renato L. Compañero Cayetano is recognized.

**Senator Cayetano.** Thank you, Mr. President. Will the other gentleman from Cebu, the sponsor of this bill, yield for some clarificatory questions?

**Senator S. Osmeña III.** With pleasure, to the dashing gentleman from Taguig, Pateros, Bulacan, Muntinlupa, the rest of Luzon and the Philippines.

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

May I make of note, Mr. President, that the presiding officer is occupying the Chair rather frequently. I said before and I say now that I hope he will occupy that permanently in the very near future.

**The Presiding Officer** [Sen. Flavie]. Thank you for the appointment. *[Laughter]*

**Senator Cayetano.** Mr. President, I have a very few clarificatory questions which refer basically to the definition of the term "retail trade." Under this bill, "retail trade" is defined under Section 3 of page 1. For the record, I would like to read the definition:

"Retail trade" shall mean any act, occupation or calling of habitually selling merchandise, commodities or goods in small quantities directly to the ultimate consumer for personal or household consumption, excluding the following, to which the restrictions of this law shall not apply:

I shall not go through the exceptions, Mr. President.

Mr. President, I want to find out if this definition was taken out from the original Retail Trade Act. The reason being, the Supreme Court has time and again interpreted the meaning of the phrase "retail trade." It might be very prudent on our part that we adopt not only the definition of the phrase "retail trade" as found in RA No. 1180—I believe the original Retail Trade Act—but as well as the construction of the phrase "retail trade" by the Supreme Court.

**Senator S. Osmeña III.** Mr. President, I am not a lawyer. If the distinguished attorney would like to compare the definition