

RECORD OF THE SENATE

TUESDAY, FEBRUARY 14, 1995

RESUMPTION OF THE SESSION

At 11:11 a.m., the session was resumed with the Honorable Orlando S. Mercado, presiding.

The Presiding Officer [Senator Mercado]: The session is resumed.

The Majority Leader is recognized.

Senator Romulo: Mr. President, we have an Additional Reference of Business. May I ask the Secretary to read it.

The Presiding Officer [Senator Mercado]: The Secretary will please read the Fifth Additional Reference of Business.

FIFTH ADDITIONAL REFERENCE OF BUSINESS

MESSAGE OF THE PRESIDENT OF THE PHILIPPINES

The Secretary:

February 11, 1995

Honorable Edgardo J. Angara
Senate President
Senate, Manila

Dear Senate President Angara:

Pursuant to Section 26(2), Article VI of the Constitution, I hereby certify to the necessity of the immediate enactment of Senate Bill No. 2046, entitled

**AN ACT AMENDING CERTAIN PROVISIONS OF
REPUBLIC ACT 7202, OTHERWISE KNOWN
AS THE SUGAR RESTITUTION LAW,
APPROPRIATING FUNDS THEREFOR AND
FOR OTHER PURPOSES,**

to meet the public emergency consisting of serious economic dislocation brought about by severe losses experienced by sugar planters/producers, and as a GATT safety net measure.

Very truly yours,

(Sgd.) FIDEL V. RAMOS

cc: Honorable Jose de Venecia
Speaker
House of Representatives

The Presiding Officer [Senator Mercado]: To the Committee on Rules.

The Majority Leader is recognized.

Senator Romulo: Mr. President, yesterday we recalled the Senate panel in the Bicameral Conference Committee on the disagreeing provisions of the House and the Senate versions on House Bill No. 1248, An Act Providing for Repatriation of Filipinos.

Thereafter, Mr. President, we reconsidered our approval on Third and Second readings of said bill. Therefore, it is still pending on Second Reading.

BILL ON SECOND READING H. No. 1248 - Repatriation of Filipinos (Continuation)

Mr. President, I move that we resume consideration of House Bill No. 1248 on Second Reading as reported out under Committee Report No. 563.

The Presiding Officer [Senator Mercado]: Resumption of consideration of House Bill No. 1248 is now in order.

Senator Romulo: Mr. President, may I ask that the distinguished Chairman of the Committee on Justice and Human Rights, Senator Roco, be recognized.

The Presiding Officer [Senator Mercado]: The Chair recognizes Senator Roco.

APPROVAL OF HOUSE BILL NO. 1248, AS AMENDED, ON SECOND READING

Senator Roco: Thank you very much, Mr. President.

In the interest of hastening the passage of the bill, Mr. President, because of its urgent nature and in view of the very limited time we have, the Committee is recommending that we now approve on Second Reading House Bill No. 1248, An Act Providing for the Repatriation of Filipinos, as approved by the House in its entirety as a substitute to the original Committee Report.

The Presiding Officer [Senator Mercado]: We shall now vote on the bill, as amended, on Second Reading. As many as are in favor of the bill, please say *Aye*. [Several Senators: *Aye*] As many as are against, please say *Nay*. [Silence]

House Bill No. 1248, as amended, is approved on Second Reading.

individual amendments.

Senator Tatad: So we have two new terms, Mr. President. I would like to thank our distinguished Colleague for his amendments which helped to perfect this bill.

May I be allowed to just correct certain editorial errors and omissions on the text. On page 15, line 27, between the word "Panel" and the word "Arbitrators," the word "or" should read "OF."

The President: Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Tatad: On page 35, line 13, the words "of Environment and Natural Resources" should be deleted, and in lieu thereof, we should have the phrase "FOREST MANAGEMENT BUREAU OF THE DEPARTMENT."

The President: That is already deleted.

Senator Tatad: And as a consequence of certain Sections deleted upon the motion of Senator Osmeña on the Geosciences Bureau, we propose the deletion of everything that appears on page 53, beginning on line 24, extending up to line 3 of page 54, Mr. President.

The President: Will the Gentleman repeat that please?

Senator Tatad: Line 24, on page 53 up to line 3 on page 54.

The President: That is already deleted.

Senator Tatad: Thank you very much, Mr. President.

The President: Are there any more individual amendments?

Senator Romulo: There are no more individual amendments, Mr. President.

I move that we close the period of individual amendments.

The President: Is there any objection? [Silence] Hearing none, the motion is approved.

APPROVAL OF S. NO. 1639 ON SECOND READING

Senator Romulo: Mr. President, I move that we vote and approve on Second Reading Senate Bill No. 1639, as amended.

The President: We shall now vote on Senate Bill No. 1639, as amended.

As many as are in favor of this bill, will please say *Aye*. [Several Senators: *Aye*] As many as are against, will please say *Nay*. [Silence]

Senate Bill No. 1639, as amended, is approved on Second Reading.

BILL ON SECOND READING S. No. 1998 - Regulating the Practice of Optometry (Continuation)

Senator Romulo: Mr. President, I move that we resume consideration of Senate Bill No. 1998 as reported out under Committee Report No. 764.

The President: Resumption of the consideration of the bill is now in order.

Senator Romulo: We are now in the period of individual amendments, Mr. President. May I ask that the Chairman of the Committee on Health and Demography, Senator Webb, be recognized, with the distinguished Gentleman from Leyte and Quezon City, Senator Mercado, for his amendments.

The President: Senator Webb and Senator Mercado are recognized.

MERCADO AMENDMENTS

Senator Mercado: Mr. President, I would like to propose individual amendments to the measure before us. Starting with page 1, on line 11, I move for the deletion of the last comma (,) and the insertion of the phrase "FOR THE SOLE PURPOSE OF."

Senator Webb: It is accepted, Mr. President.

The President: Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Mercado: On page 2, Mr. President, I move for the deletion of lines 26 to 30, and lines 1 to 5 on page 3.

Mr. President, if I may explain my amendment. The previous amendment that has been accepted by the Chairman was meant to limit what this Representation feels is an encroachment on the field of ophthalmology on the part of optometry.

At this juncture, the Senate President relinquished the Chair to Senator Agapito A. Aquino.

The second amendment, Mr. President, is a provision that allows nonmedical personnel to prescribe, use, and dispense

drugs, and this grants to the optometrists the function which this Representation believes belongs to medical doctors. These drugs require special handling and the limitations of the drugs are better left to the Board of Optometry and the Department of Health. That is the reason I am moving for the deletion of the said lines.

The Presiding Officer [Senator Aquino]: What does the Sponsor say?

Senator Webb: Mr. President, if I may explain my position regarding the amendment of the Gentleman from Quezon City and Leyte.

Mr. President, I am not an expert on this particular matter, but representations were made by the Department of Health and, in fact, even by the ophthalmologists, and they agreed that indeed the optometrists should be given this particular provision. Anyway, they will be taking, as part of their curricula, the practice of pharmacology.

I know the fear of the Gentleman from Quezon City and, partly, I am in agreement. But after exhaustive talk and discussions, not only with the Department of Health but even with the ophthalmologists, Mr. President, they have agreed that such be given to optometrists.

Senator Mercado: Mr. President, the question raised by Senator Webb is a very technical issue. That being the case, maybe, this technical issue — because both of us are not doctors or ophthalmologists — can be better resolved by doctors. And maybe, if we recommit this measure to the Committee and we can conduct hearings, we will be able to clarify a technical point that has been raised by Senator Webb.

I hold a separate view other than that of Senator Webb and, I believe, this can be resolved by technical information to be provided to this Body.

Senator Webb: Mr. President, just to put everything in its proper perspective. There had been exhaustive meetings held. In fact, both sides of the profession were heard by the Committee and, as I mentioned, though I am not an expert, having heard all concerned and both sides being in agreement, I felt that this was a necessity.

So, I would appeal to the Gentleman, if it is possible, for him to withdraw this particular amendment because of the importance that has to be given to optometrists to administer the DPAs so that they can use this as part of their profession.

Senator Mercado: Mr. President, the Gentleman strikes at

the very root of our disagreement on this measure. In fact, as it can be remembered, this measure was approved and reached the Office of the President. It was vetoed precisely because of the issue of the encroachment on the part of optometrists in a field that rightfully belongs to ophthalmologists. And there are real present and clear dangers to the health of our people. It is different, maybe, if this were a matter of skin disease. But we're talking of the eyes — the eyesight of our people. We cannot cavalierly treat the technical information that is being presented.

So, Mr. President, as the Chairman has agreed and submitted that he is not an expert and neither am I, I think this should be settled by a panel of experts, some of whom I have consulted, who hold a different view from the Chairman of the Committee on Health.

I implore our Colleagues to examine this particular issue because there is real danger if we just pass it as a matter of course.

Senator Webb: Mr. President, just for clarity again. During the particular Committee hearing, we had two groups, one called *Samahan Ng Mga Ophthalmologists*, and another big group. If I may say, they are the experts on the matter and as such, they have supported this particular inclusion. If they were not they would have sent this Representation letters stating they were not in agreement. But the records will show me out that they have agreed that the optometrists be given this particular privilege.

Anyway, there is a list, Mr. President, of the DPAs that they can use. They are drops or ointments that one puts on the eyes before they can examine them.

Senator Mercado: Mr. President, we have both agreed that we do not have the competence, the technical competence, to determine whether or not there would be dangers to the eyesight of our consumers. It is in the interest of our consumers and it is in view of these possible dangers that I am raising this point. Inasmuch as this technical medical information cannot be resolved in this debate, I suggest we postpone our discussion until we can establish this medically.

Senator Webb: Mr. President, I have mentioned that I am not an expert and, as such, we rely on those who are experts in the field. May I reiterate that, indeed, there were opinions by both, if I may mention, the Philippine Society of Ophthalmologists and the Philippine Academy of Ophthalmology and Otolaryngology. They are the experts, that is why I relied on them when they gave their opinion to this Representation. Their opinion favored that this particular profession — the optometrists — be given this particular right.

The record will bear this Representation out, Mr. President,

that we have had a series of consultations where the optometrists were present and agreed to this measure.

If we are to recommit the bill, Mr. President, it will still come out the same. I cannot see any reason why there should be a recommitment of the bill on one particular matter.

Senator Mercado: Mr. President, unfortunately, I am not willing to leave the eyesight of our people, wherein there are possible dangers, especially our consumers, to such claims.

We have been informed that there are potential problems as a consequence of this particular provision. We are concerned about those apprehensions and they have to be clarified. Unless we have the technical information that is agreeable in terms of acceptability on both sides, I think we will have a debate where one side avers certain points and the other avers certain points. But there is no way we can resolve it unless we have medical doctors who are acceptable to both this Representation and the Chairman who will agree that, indeed, there are no dangers to the eyesight of our people if we allow the optometrists to use the drugs that they want to use on the eyes of the consumers.

SUSPENSION OF THE SESSION

Senator Romulo: May I ask for a one-minute suspension of the session, Mr. President.

The Presiding Officer [Senator Aquino]: The session is suspended for one minute, if there is no objection. [*There was none.*]

It was 5:37 p.m.

RESUMPTION OF THE SESSION

At 5:40 p.m., the session was resumed.

The Presiding Officer [Senator Aquino]: The session is resumed.

Senator Mercado is recognized.

Senator Mercado: Mr. President, I would like to reiterate my proposed amendment for the deletion of lines 26 to 30 on page 2, and lines 1 to 5 on page 3 for the reasons I have previously stated.

The Presiding Officer [Senator Aquino]: What does the Sponsor say?

Senator Webb: After consultation with the optometrists who are definitely not in favor of the amendment — I have tried

to convince them — that in order to have an early passage of the bill, we will accept the said amendment.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Mercado: Mr. President, I have another amendment. On page 3, line 20, I move for the deletion of the word "fitting" and the insertion of the word "AND" between the words "prescribing" and "dispensing," and the deletion of the words "and selling."

The Presiding Officer [Senator Aquino]: How will it read now?

Senator Mercado: The line would read: "The prescribing AND dispensing of."

Senator Webb: It is accepted, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Mercado: On page 5, line 19, I move for the deletion of the words "Prohibition Against" and the insertion of the words "PROVISION ON." On line 20, I move for the deletion of the word "No" and the replacement of the same with the word "AN," and the deletion of the phrase "shall be allowed to use any" with the words "MAY USE A."

So that the provision would read as follows: "PROVISION ON the Use of Trade Names. - AN optometrist MAY USE A trade or business name."

Senator Webb: May I know first the intent of the amendment, Mr. President?

Senator Mercado: So that Section 8 would read, "PROVISION ON the Use of Trade Names. - AN optometrist MAY USE A trade name or business name. All optometrists shall practice under their names as appearing in the Registry of Optometrists maintained by the PRC."

So, in short, an optometrist shall always practice under his or her registered name and if he or she desires, under a trade name.

I remember, Mr. President, that Senator Maceda had indicated that one of the common practices in the United States for lawyers is to incorporate themselves as a means of protecting their practice. We must give that particular protective arm to the optometrists and allow them to incorporate if they so desire.

Senator Webb: If that is the intent of the Gentleman, then

I would like to propose an amendment to his amendment.

Why not delete the whole Section 6, Mr. President? It would be better because then the spirit of the prohibition itself has been cut into halves already. So I propose to delete Section 6 instead.

Senator Mercado: Mr. President, we are amenable to the deletion of Section 6.

So, if the Sponsor will propose it as a Committee amendment — although the period of Committee amendments has passed — it can be proposed as an individual amendment. I will no longer press for my revision of Section 6 because the same would have been deleted completely from line 19 to line 23.

Senator Webb: It is accepted, Mr. President.

The Presiding Officer [Senator Aquino]: So we are deleting line 19 to line 23. Is that the proposal of Senator Webb?

Is there any objection?

Senator Lina: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Lina is recognized.

Senator Lina: Mr. President, I believe that there is wisdom in prohibiting the use of trade names or business names by professionals.

In this country, Mr. President, doctors, lawyers, even, I think, engineers are not allowed to use trade names or business names.

The danger, Mr. President, is that it will be difficult for the Board to monitor the practice of the profession. It will be a safer, better arrangement if optometrists use their names in the practice of their profession since their names are the ones that appear in the Registry of Optometrists.

Considering that the Committee had already agreed to delete Section 7 and Section 6, which are the very controversial provisions, I believe we should retain Section 6 as is, so that optometrists shall only practice using their names as appearing in the Registry of Optometrists.

This is my view, Mr. President. In the practice of law, for example, I am quite positive that we are disallowed from using trade name or business name because the practice can be camouflaged under a trade name or business name.

So, for monitoring purposes and for the protection of the

patients themselves, I think it will be better if the optometrists are known by their names and not by any other assignation.

The Presiding Officer [Senator Aquino]: Is the Gentleman formally objecting to the proposed amendment of the Sponsor? Or is the Gentleman just presenting his view?

Senator Lina: I am presenting my view, Mr. President. I am advancing the argument that it will be better for the protection of the public and for monitoring purposes in the practice of the profession that the optometrists use their names as appearing in the Registry of Optometrists.

I see no rhyme or reason why we should allow them to use a trade name or business name. There may be some malpractices committed by those using the trade names. People may not be forewarned or may not really know whether those who are practicing optometry are under the Registry of Optometrists.

I am advancing that argument against the deletion of Section 6, Mr. President.

The Presiding Officer [Senator Aquino]: Maybe we can listen to some words of wisdom from Senator Roco.

SUSPENSION OF THE SESSION

Senator Roco: I ask for a one-minute suspension of the session, Mr. President.

The Presiding Officer [Senator Aquino]: The session is suspended for one minute, if there is no objection. [*There was none.*]

It was 5:51 p.m.

RESUMPTION OF THE SESSION

At 6:02 p.m., the session was resumed.

The Presiding Officer [Senator Aquino]: The session is resumed.

Senator Lina: Mr. President, during the recess, the Sponsor has agreed to delete lines 19 to 23 or the entire Section 6.

Since the amendment has been accepted, I will not prolong the debate. But let me just put into the *Record* that what Section 6 merely means is that only those who have passed all the requirements for optometry can practice the profession of optometry. Therefore, only the optometrists, the natural persons, can practice the profession under their names.

Let that be the interpretation, and let me put that interpretation into the *Record* why I see no reason for the deletion of Section 6. This section merely states the obvious, that the practice of the profession of optometry can only be pursued by a natural person, by the optometrist, under his very name. If we remove Section 6, the implication will be to the effect that business can practice the profession of optometry. That is why I moved against the deletion of Section 6. But I cannot be more popish than the Pope since Section 6 has been accepted to be deleted.

The Presiding Officer [Senator Aquino]: Senator Webb has already moved for the deletion of Section 6.

Is there any objection to the deletion of Section 6? [*Silence*] There being none, the amendment is approved.

Are there other amendments?

Senator Mercado: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Mercado is recognized.

Senator Mercado: Mr. President, the next amendment will be on page 16.

Senator Gonzales: Mr. President, anterior amendment.

The Presiding Officer [Senator Aquino]: Senator Gonzales has an anterior amendment.

Senator Gonzales is recognized.

GONZALES AMENDMENT

Senator Gonzales: Mr. President, as a consequence of the approval of the Committee amendment, deleting the original Sections 6 and 7 of the bill, I am proposing certain amendments on pages 15 and 16 on Section 34. The amendments are as follows:

On page 15, Section 34, delete paragraph (a) from lines 23 to 25.

The Presiding Officer [Senator Aquino]: May we take this one by one. What does the Sponsor say?

Senator Webb: Mr. President, I was hoping to propose an amendment to the amendment. Instead of letter (a) of Section 34, I would propose that we just delete the words "or indirect."

Senator Gonzales: But there is reference to Section 6...

Senator Webb: And also delete "and 6." And it follows, Mr. President, that letter (b) would also be deleted.

Mr. President, may I read my proposed amendment to the amendment. "ENGAGING IN AN UNAUTHORIZED PRACTICE OF OPTOMETRY AS DEFINED IN SECTION 5 OF THIS ACT."

Senator Gonzales: Can we just check what Section 5 is, Mr. President.

I accept the amendment to the proposed amendment.

The Presiding Officer [Senator Aquino]: The amendment is accepted. Does the Gentleman accept letter (a) "ENGAGING IN UNAUTHORIZED PRACTICE OF OPTOMETRY AS DEFINED IN SECTION 5 OF THIS ACT"? Is that acceptable to the Gentleman?

Senator Webb: Yes, Mr. President, that was an amendment to the amendment. I accept.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Gonzales: The second amendment on the same section, but appearing on page 16, will be the deletion of paragraph (d) from lines 5 to 10.

Senator Webb: It is accepted, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Gonzales: As a consequence of the approval of these amendments, then on line 26, page 15, change letter (b) to (a). It will be paragraph (a) now.

The Presiding Officer [Senator Aquino]: That is correct. We will now renumber or reletter — letter (b) will now be letter (a); letter (c) will be letter (b).

Senator Gonzales: On line 30, letter (c) will be letter (d); on line 11, page 16, letter (e) will be letter (c); on line 15, paragraph (f) will be letter (d).

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Let us go back to Senator Mercado.

Senator Mercado: I have no more amendments, Mr. President.

The Presiding Officer [Senator Aquino]: Senator Mercado has no more amendments.

Senator Maceda is recognized.

Senator Maceda: First of all, on page 11.

Mr. President, one of the requirements of good legislation is that we do not put unnecessary verbiage where it is not necessary. I cannot understand Section 20, paragraph (c), lines 10 to 29. This is the first time I have seen anything like this. It states: "A holder of a degree of Doctor of Optometry," *et cetera*. After that, it enumerates all the subjects.

The degree of Doctor of Optometry is supposed to be already with a prescribed curriculum by the Department of Education, Culture and Sports, now by the CHED. Why do we have to enumerate all the subject matters, just like saying, a person before he has to take an examination to be a physician, then we enumerate all the subjects — pediatrics, radiology, *et cetera*? I do not know.

MACEDA AMENDMENTS

Unless there is a special reason, I propose that on line 13 put a period (.) after the word "Education" and delete all this long list of subjects.

The Presiding Officer [Senator Aquino]: Would the Sponsor care to reply to the question why this is enumerated?

Senator Webb: I am amenable to the proposed amendment, Mr. President.

Just for the record, such is placed as it is placed in the Medical Act of doctors. All of the list of courses and the subjects that they take are all enumerated in the Medical Act. But we have no objection. We can delete that particular paragraph.

The Presiding Officer [Senator Aquino]: The amendment is to delete everything after the words "Higher Education." Is that correct?

Senator Maceda: That is correct, Mr. President.

Senator Webb: It is accepted, Mr. President.

Senator Roco: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Roco is recognized.

Senator Roco: Could I just ask: Does this mean that if one

becomes a Doctor of Optometry from a foreign university, he will not qualify here? Is this the intention of the bill? I am leaving it to the Sponsor, but the way it is worded,...

Senator Webb: We have a specific section on that, Mr. President; it is on page 18, Section 40, if the Gentleman would look into it.

Senator Roco: Assuming therefore that he qualifies under reciprocity, he can still take the test in the Philippines. Is this correct?

Senator Webb: In short, Mr. President, if one is a foreign optometrist, he is disallowed to practice in the Philippines under certain conditions as stated here.

Senator Roco: No, Mr. President. In Section 20, we are only talking of taking the Licensure Examination in the Philippines. I have no objection to the amendment. But having been amended, the effect is that one can only take the examination if he studied in the Philippines.

Senator Webb: That is right, Mr. President. That is the intent of the bill.

Senator Roco: If that is the wish of the profession, it seems restrictive to the profession. If that is what they want, why should we complain? It fossilizes them.

Senator Webb: That is the intent, Mr. President, and that is the special provision that was placed into the bill.

The Presiding Officer [Senator Aquino]: The amendment is to delete everything after the word "Education" on line 13 of Section 20. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Maceda: The next amendment, Mr. President, is on page 13 on Disqualifications.

First of all, under the old Section 22, now Section 20, which we have just amended, there is the eligibility, Filipino citizen, of good moral character, a holder of a degree of Doctor of Optometry.

Then in connection with Section 26 — the old Section 28 — "The following applicants shall not be allowed to take their oath as optometrists nor issued certificates of registration:

a) Those who do not possess the qualifications set forth in Section 22 of this Act;"

Are we saying that they were able to take the examinations

and to fake the requirements under Section 20? This seems to be a given. If one does not possess the qualifications, he is not supposed to take the examination in the first place.

So, why do we say here that one is disqualified if he does not possess the qualifications set forth in Section 22, which should now be Section 20?

I am proposing to delete paragraph "(a)" of Section 26 because this is already provided positively by the requirement of qualifications.

The Presiding Officer [Senator Aquino]: What does the Sponsor say?

Senator Webb: Mr. President, the reason why it is stated here — the reasons for disqualification — is for purposes of emphasis, because there are times wherein certain people have anomalous intentions and they produce fake records and fake certificates. That is why we have to be extra careful.

Senator Maceda: I will not argue with that although it is not really necessary.

The Presiding Officer [Senator Aquino]: But it is necessary to amend that to Section 20 instead of Section 22.

Senator Webb: That is right, Mr. President.

The Presiding Officer [Senator Aquino]: Just for purposes of the *Record*. On line 7, Section 26, paragraph (a) instead of "SECTION 22," it shall be written "Section 20."

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

Senator Maceda: In Section 24, line 26, "All successful nominees shall be required to take their oath before the Board" *et cetera*.

Of course, that is a given. To be able to take their oath, they have to be successful examinees. Why do we still provide in Section 26 — the old Section 28 — that those who fail to pass the Optometry Board licensure examination are not supposed to take their oath? It is already provided for that one has to be a successful nominee to take the oath.

Again, this is some sort of a duplication. Is this again for emphasis, Mr. President?

Senator Webb: People will view it as redundancy. But, again, I agree with the distinguished Gentleman that it has been

placed for purposes of emphasis.

Senator Maceda: To me, Mr. President — and I am not referring to the Sponsor — it just means to say that the bill was not very well-prepared.

"c) Those who have been convicted of any crime involving moral turpitude;" Among lawyers, we know what this means — convicted by the proper court.

The Presiding Officer [Senator Aquino]: We are now on page 13, line 10.

Senator Maceda: The more complete enumeration would be "CONVICTED BY FINAL JUDGMENT BY A COURT OF ANY CRIME INVOLVING MORAL TURPITUDE."

Senator Webb: If that is an amendment, Mr. President —

Senator Maceda: Yes, Mr. President. I so propose if the Sponsor wants it clarified and emphasized.

Senator Webb: I accept the amendment, Mr. President.

The Presiding Officer [Senator Aquino]: How will it read again, Senator Maceda?

Senator Maceda: "THOSE WHO HAVE BEEN CONVICTED BY FINAL JUDGMENT OF ANY COURT OF ANY CRIME INVOLVING MORAL TURPITUDE."

The Presiding Officer [Senator Aquino]: What does the Sponsor say?

Senator Webb: It is accepted, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any objection to the amendment? [*Silence*] Hearing none, the amendment is approved.

Senator Maceda: Next. "Those who have been found guilty of immoral or dishonorable conduct."

In the case of moral turpitude, it is convicted by the court. In this case, which is the agency that we are supposed to be referring to that found them guilty of immoral or dishonorable conduct?

Senator Webb: There is the Board of Optometry that will look into this. Under its existence, it specifies some of the things that it can do, and this is found in that particular Act.

Senator Maceda: So this refers to that very short period

between the time the nominees filed their applications to take the exams — they are supposed to be of good moral character — and the time they took the exams, passed the exams, and before they took their oath. In that intervening period, the Board conducted an investigation and found them guilty of immoral or dishonorable conduct.

If they are not yet optometrists, by what jurisdiction will the Board have to find them guilty of immoral or dishonorable conduct when they are not yet licensed optometrists?

Senator Webb: Mr. President, even before they take their oath as optometrists, this is a provision of great importance. But even if it happens that such an act is committed after they have taken their oath as optometrists, then again found if guilty by the Board, they could be suspended or even expelled as optometrists.

Senator Maceda: The usual effect of this — and I have no problem with it — is, after they pass the Board of Optometry, some jilted girlfriend or boyfriend or maybe somebody who wants to be fixed monetarily will file a petition with the Board to prevent them from taking their oath. I am just pointing out that that would be the practical application of this.

At any rate, then to clarify, those who have been found "GUILTY BY THE BOARD," if the Board is referred to already in a previous section as "Board of Optometry."

Senator Webb: I will accept the proposed amendment, Mr. President.

The Presiding Officer [Senator Aquino]: On line 12, we will therefore insert the word "GUILTY BY THE BOARD OF OPTOMETRY."

Senator Webb: Just "THE BOARD" will do, Mr. President, because when we talk of the board, we talk of the Board of Optometry.

The Presiding Officer [Senator Aquino]: So, insertion of the words "BY THE BOARD."

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

Senator Maceda: I think the next amendment will require a suspension of the session because I am proposing to delete from Section 36 to Section 39 on the Integration of Optometrists.

SUSPENSION OF THE SESSION

I move for a suspension of the session, Mr. President.

The Presiding Officer [Senator Aquino]: The session is suspended for a few minutes, if there is no objection. [*There was none.*]

It was 6:23 p.m.

RESUMPTION OF THE SESSION

At 6:26 p.m. the session was resumed.

The Presiding Officer [Senator Aquino]: The session is resumed.

Senator Maceda: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Maceda is recognized.

Senator Maceda: Just like the approved Engineering bill — I do not know if I recall it right — we do not compel everybody to be a member of the national association of engineers. We cannot even compel ordinary workers to be members of a labor union. It is against the constitutional protection of freedom of association.

I know, of course, that this was started under martial law, the integration of the bar, which is only practiced here. When I practiced in New York, for example, I did not have to join the State Bar Association. It was a voluntary thing. We cannot use the Bar as a precedent because it was a martial law decree. If it were presented here today, I would fight it, as a matter of fact.

Now, the associations, if they are strong enough, if they give enough good training courses and other benefits, optometrists will see the advantage of joining the association. But an optometrist in Kalinga, Apayao, who does not want to join the association, should not be compelled to do it especially in the nature of things.

Look at the Integrated Bar Association of the Philippines. The fees are going up. For a lot of people, they just pay the fees to keep their licenses, but they do not get really anything out of it, especially if they are not in the actual practice of their profession.

The amendment that I would like to propose to save this would be something like, instead of "shall be integrated," it should be "all OF THEM shall be ENCOURAGED TO JOIN AND be integrated into one national organization which shall be recognized by the Board and the PRC."

That would be the starting point, if it is acceptable to the

Sponsor. Then we can correspondingly amend all the others. But, if it is not acceptable, I guess it is something that we have to debate on and to vote upon.

Senator Webb: We are now opening up the possibility that the optometrists are not required to join a national association.

Senator Maceda: It is along the same line that we took even with the National Health Insurance bill which we cosponsored with the Gentleman, where we were even against the idea of compelling people to take out national health insurance. That is already in the police power of the State to compel them to protect themselves and give them good health.

But in the matter of a practice of a profession, I do not think we should compel anybody to join one organization.

Senator Webb: I accept the amendment, Mr. President.

The Presiding Officer [Senator Aquino]: The amendment is accepted, so that line 5 will now read: "All optometrists shall be ENCOURAGED TO be integrated into one national organization" *et cetera*, subject to style. Is that correct, Senator Maceda?

Senator Maceda: That would do, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Maceda: Then on line 7, we have to delete the last sentence which starts with "Every optometrist" up to the end of the paragraph.

The Presiding Officer [Senator Aquino]: On line 7, delete the sentences starting with "Every optometrist" until the word "effectivity" on line 12.

Senator Maceda: That is correct, Mr. President.

The Presiding Officer [Senator Aquino]: What does the Sponsor say?

Senator Webb: Will the distinguished Gentleman agree to an amendment by putting the word "MAY" on line 8 of the same page between the words "*facto*" and "become"? So, in short, it will read: "Every optometrist, upon registration with the Board, *ipso facto* MAY become a member of the integrated national organization."

Senator Maceda: We have to remove the word "*ipso facto*," Mr. President, because *ipso facto* means "automatically."

The Presiding Officer [Senator Aquino]: So we shall have to remove the phrase "shall, *ipso facto*" on line 8.

Senator Maceda: And insert the word "MAY."

The Presiding Officer [Senator Aquino]: Is that acceptable to the Sponsor?

Senator Webb: It is accepted, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Maceda: On line 10, change the word "shall" to "MAY."

Senator Webb: It is accepted, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Maceda: Section 37 is all right. In Section 38, "All optometrists WHO JOINED THE..."

The Presiding Officer [Senator Aquino]: I think it is "All MEMBER optometrists."

Senator Tatad wants to say something.

Senator Tatad: Just a point of clarification on line 14, Mr. President, referring to the Code of Ethics. Is there an existing Code of Ethics?

Senator Webb: There is, Mr. President.

Senator Tatad: Formulated by whom?

Senator Webb: Basically, the Code of Ethics came from the Professional Regulation Commission.

Senator Tatad: Thank you, Mr. President.

The Presiding Officer [Senator Aquino]: All right. Back to Senator Maceda.

Senator Maceda: On line 21, change the word "optometrists" to "MEMBERS."

The Presiding Officer [Senator Aquino]: What does the Sponsor say?

Senator Webb: It is accepted, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Maceda: On line 22, delete the word "membership."

Senator Webb: It is accepted, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Maceda: On page 18, after the word "themselves," put a period (.) and delete the proviso up to the end of the paragraph.

The Presiding Officer [Senator Aquino]: Starting with what line is that, Senator Maceda?

Senator Maceda: Starting with line 1, page 18, Mr. President. After the word "themselves," put a period (.) and delete the proviso up to the end of the sentence.

The Presiding Officer [Senator Aquino]: What does the Sponsor say?

Senator Webb: It is accepted, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Maceda: I guess that will be all. Thank you, Mr. President.

The Presiding Officer [Senator Aquino]: Senator Roco is recognized.

Senator Roco: Just for the record, Mr. President. We did agree with the Chairman that there would be some deletions but these still appear in the text. I was assured in the caucus that these will disappear or that these had been deleted. For instance, on page 3, line 20, the words "fitting" and "selling."

The Presiding Officer [Senator Aquino]: Those words were deleted.

Senator Roco: The words "and their other accessories," et cetera., on lines 21 to 23, have these been deleted?

The Presiding Officer [Senator Aquino]: No, line 20, b), reads: "The prescribing and dispensing of ophthalmic lenses" et cetera, those are all intact.

Senator Roco: May we then move, Mr. President, that the

words "their accessories and solutions, frames and their accessories, and supplies" be deleted because these have nothing to do with the profession, these can even be sold in the sidewalk. These are strictly commercial activities. These were agreed upon in the text that we were working on last week. So, to delete lines 21 to 23, beginning with "and their accessories" and ending with "and supplies."

The Presiding Officer [Senator Aquino]: What does the Sponsor say?

Senator Webb: Mr. President, I think it is the job of the optometrist to prescribe and dispense "ophthalmic lenses, prisms," and even "contact lenses." If we take these out, then...

The Presiding Officer [Senator Aquino]: No, he is not taking them out.

Senator Roco: No, I am not taking those out — "and their accessories." Only the phrase "accessories and solutions."

The Presiding Officer [Senator Aquino]: On line 21, starting from "and their accessories," et cetera, until the word "supplies" on line 23. That is what the Gentleman intends to remove.

Senator Roco: Yes, the water, the special solutions, the frames, the *tornilyo* because we guys who wear eyeglasses always have to look for these small *tornilyo*. And then the screwdriver, because we need the screwdriver for the smallest screw and we get a little screw.

Senator Webb: Mr. President, the Gentleman is right if there is no provision here, particularly on line 16, that all of these devices, visual aids and apparatus, even the machines are going to be utilized for the purpose of determining the condition and acuity of the human vision to correct and improve the same in accordance with subsections b, c and d hereof.

There is a reason behind that, Mr. President. It is not purely for commercial purposes as mentioned. Definitely not.

Senator Roco: Mr. President, really effectively since the "fitting and selling" was removed because these are basically commercial activities, accessories and solutions, the water — that special water — that is put on the contact lenses. I do not wear contact lenses so I am not familiar with this special blue water or whatever. The frames, these are sold by everybody. Accessories of the frames — I do not know what they call these things which support frame of the glasses on the nose — the pads. Those do not really constitute the practice of optometry. I mean, how does one learn that from taking the course, or where in these

subjects does one learn those: mathematics, general organic chemistry, practical/mechanical optics? Maybe there, the small screw, how to measure the small screw, maybe those are there. General pathology, ocular pathology, those professional activities do not include these accessories. Otherwise, the *sari-sari* store in the corner may be sued for illegal practice of optometry because they have blue water to wash the contact lens.

Can the Gentleman imagine, Mr. President, considering how litigious some of our citizens can be? And it is eight years imprisonment.

This bill, Mr. President, is bordering on violations of human rights. It is eight years imprisonment for selling a screw or a pad to support eyeglasses, or the blue water to clean the contact lenses, or a fine of P40,000.00. The screw costs P6.00. How, in heaven's name, do we justify this to our people?

Senator Webb: Mr. President, though exaggerated, certainly, there is no provision that says they cannot sell the screw, provided, that it is, again as written in the bill, "for the purpose of correcting refractive errors."

Senator Roco: Correct. So that will be sufficient to qualify ophthalmic lenses, prisms, contact lenses, for the purpose of correcting refractive errors and those related to deficiencies and abnormalities of human visions. But somebody has to explain to me how the screw will correct refractive error.

Senator Webb: For instance, it is part of the frame, Mr. President. If a screw of a particular frame gets lost, I mean to say, where does one go? As the Gentleman mentioned, I doubt if he will go to a *sari-sari* store. He has to go to the optometrist who has this particular device. But again, the Gentleman talks of the frames and their accessories. A frame itself has accessories and part of its accessories could be the screw.

Senator Roco: It is still not the practice of optometry. That is all we are saying. That cannot possibly be envisioned to be included in the practice of optometry. And then even, Mr. President, when we first discussed this...

Senator Webb: I will accept the proposed amendment, Mr. President, for the purpose of expediency because, I think, both of us have given our points. But, to an end, for someone who wants a particular bill approved, sometimes we have to give in also. So, I accept the amendment.

Senator Roco: Thank you, Mr. President.

The Presiding Officer [Senator Aquino]: I think it is also important to realize that the frame and what constitutes the frame

is not necessarily an optometrist's job. That is, I think, what Senator Roco is trying to say. I hope the Gentleman accepts the amendment because it is the right thing to do, but not for expediency.

Anyway, since the Sponsor accepted the amendment, is there any objection?

That means deleting the phrase "and their accessories and solutions, frames and their accessories, and supplies." Senator Roco, is that correct?

Senator Roco: That is correct, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Roco: Mr. President, also the establishment of offices, on page 4, lines 3 and 4, should also be deleted: "The establishment of offices and clinics where optometric services are offered."

That has nothing to do also with the practice. I mean, it is an incident of the commercial activity. But if one establishes therefore an office which can, in any manner, be considered where an optometrist dispenses his or her services, that is also subject to illegal practice. It is like saying that when one puts up an office for the lawyers, it is illegal practice of law. The physical must be separated from the professional, Mr. President.

Senator Webb: The motive of the bill itself, Mr. President, specifically in Section 6 that was deleted, was to prohibit indirect practice. Now that we have deleted that particular provision, I will accept the amendment of deleting also letter "(e)".

Senator Roco: Thank you, Mr. President.

The Presiding Officer [Senator Aquino]: All right. The amendment is to delete letter (e) which comprises lines 3 and 4 of page 4. Is there any objection? [*Silence*] Hearing none, the same is approved.

Senator Roco: And then, on page 9, Mr. President, lines 12 to 15. I will request the Sponsor to dwell a little on this judicial power.

It says, the "Board"—whoever this Board is—is composed of five (5) members: an optometrist; a citizen of the Philippines; 35 years of age; of good moral character; and has ten (10) years practice in the profession.

With those qualifications, five people will exercise judicial

power — "Upon application, to issue an order enjoining or abating the illegal practice of optometry by unqualified persons or corporations, partnerships and other entities."

It deprives people of whatever it is they are doing. Five individuals exercising judicial power. I think it is even unconstitutional. I do not know whether we can delegate judicial power to a Board composed of five persons with these qualifications.

It is very serious, Mr. President. When we authorize a Board of five and give them the power to deprive others of their livelihood on the pretext of abating illegal practice, those are judgment calls. I think this is a very dangerous power, and no optometrist should agree to this — to be subject to such an arbitrary deprivation of his livelihood.

If I were an optometrist, Mr. President, I will rise in rebellion against this provision. "Who are these five anointed individuals who will deprive me of my livelihood?" The Supreme Court is protected by the Constitution. The whole infrastructure of judicial theory is based on the proposition that the Supreme Court is the repository of judicial discretion.

But here on page 9, lines 12 to 13, it says "enjoining or abating the illegal practice." Illegal is a judgment that must be formed by persons informed in law. There is no such qualification for the five. I do not understand this, Mr. President.

Senator Webb: Mr. President, in response to Senator Roco's query, the Board of Medicine has only three members, and yet they have the same power.

Senator Roco: Then they should also be removed.

Senator Webb: We did not. That is why we took it from there — having five people. And we talk of not only quality but quantity. I think we picked it up from there. This is one of the things that is authorized by the Board of Medicine for applicants to the Board.

Senator Roco: Mr. President, this one is a point of policy. One wrong cannot justify another. If it slipped through that some Board has been authorized to do this, we should not allow it again, and in due time we should also modify that law.

But the power to stop people from a purportedly illegal practice without having been determined by a court is probably unconstitutional, and this will not stand scrutiny, if questioned. I do not think that we can delegate such judicial powers to a Board of five, no matter how bright as optometrists they may be, under the qualifications in Section 9. This is dangerous, Mr. President.

Senator Webb: Mr. President, the optometrists who are present here, after seeing that Senator Roco is very much after their welfare, had told this Representation that we should delete it, so I accept their recommendation and the amendment.

Senator Roco: Thank you, Mr. President.

The Presiding Officer [Senator Aquino]: So, what exactly are we deleting now, Senator Roco?

Senator Roco: Lines 12 to 15 on page 9, Mr. President.

The Presiding Officer [Senator Aquino]: On Page 9, lines...?

Senator Roco: Lines 12 to 15.

Senator Webb: Lines 12 to 15, letter (l).

The Presiding Officer [Senator Aquino]: Is there any objection to deleting lines 12 to 15 on page 9, letter (l)? [*Silence*] Hearing none, the amendment is approved.

Senator Roco: On page 15, Mr. President, I would imagine this is just a typing error because "Section 6" has been deleted on line 24. So I will just call attention to it. I think that has been deleted editorially.

The Presiding Officer [Senator Aquino]: That is correct.

Senator Roco: I would imagine, Mr. President, on page 16, editorially, lines 5 to 10 letter (d), have also been deleted.

The Presiding Officer [Senator Aquino]: That is correct.

Senator Roco: And lines 24 to 28 have also been deleted.

The Presiding Officer [Senator Aquino]: No, that has not been deleted. Lines 24 to 28?

Senator Roco: Yes, Mr. President, "If the violation is committed."

Mr. President, may we propose then that that phrase, the second sentence be deleted.

Let me just say, Mr. President, that one of the nightmares of a member of a board of directors is a law like this. He does not know anything about what is happening. He is a member of the board. Under the corporation law, he does not even have individual powers. He just has collegial participation. Things are submitted to him; he approves. He does not know anything

about the operations. One can be a member of the board of directors without understanding the business, as long as he makes sense.

But here, when the violation is committed by a corporation or other institutions, the president, the directors and the managing officer may not even know. The director may not even know what in heaven's name was being done by a salesman or an employee. But he will wake up one day facing the possibility of eight years of imprisonment or a fine of P10,000.

Mr. President, I will suggest that we should not inflict that kind of anxiety on persons involved with optometry. Otherwise, we shall have very anxious optometrists all the time. I will request, that it be deleted because this is what the lawyers will call—and I hate to say it—*mala prohibita* because it is a special law. Mere violation of the words of this bill when it becomes a law becomes a crime.

One does not even have to say he did not know. If he did not know, that is too bad. One does not have to say he did not intend it. In the penal code, he must have intentions. Here, whether the mind is criminal, whether the mind intended it or not, under this provision, he will face eight years of imprisonment.

It is good for the lawyers, Mr. President, because when people are accused of a crime facing eight years imprisonment, they pay good legal fees. But I do not think, that is the intention of this bill.

The Presiding Officer [Senator Aquino]: What happens to lines 28 to 30? Because it says there "In addition."

Senator Roco: Yes, in addition to the penal provisions, the administrative penalties specified on line 29 shall be imposed whenever applicable. That is correct, Mr. President.

The Presiding Officer [Senator Aquino]: So, the proposal is to delete the second to the last sentence starting with the words "If the violation" until line 28 with the words "this Act". What does the Sponsor say?

Senator Webb: Mr. President, though I will accept the proposed amendment, just for the record, when we create a board, then I think the board members themselves should be responsible, should exercise vigilance. That is part of being a member of the board. There are certain parameters and responsibilities that one has to assume. But since the good Senator from the Bicol region is more aware of legal issues, I will rely on his better judgment. I will accept the proposed amendment.

Senator Roco: Thank you, Mr. President.

Just to demonstrate, Mr. President. The acts punished are in the immediately preceding sections. One of those acts is the "use of diagnostic pharmaceutical agents by an untrained optometrist."

The director will never know that use, Mr. President, by an untrained optometrist. Some junior clerk comes into his clinic, starts toying around without authority on the diagnostic pharmaceutical or whatever it is, whatever this instrument may be. And under the provisions of Section 35, that will be punishable. The director, who never even realized that some persons went into the clinic, will be held liable. That is the possibility.

But I am grateful it is accepted. I have no interest in the matter, Mr. President, and it is really better for the people involved in the profession.

The Presiding Officer [Senator Aquino]: All right, let us act on the proposed deletion of the words on line 24 starting with the word "If" until line 28 ending with the word "Act." Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Roco: A final proposal, Mr. President. This is a policy issue that I submit to the judgment of the Committee Chairman.

On page 18, there may be good reason, Mr. President, to delete line 16 to the end of the page on line 31.

On Foreign Reciprocity, Mr. President, the way this is worded, it says that no foreigner shall be admitted to the optometric Board examinations unless there is reciprocal treatment in his country of origin.

Perfect, Mr. President. He must prove, according to the Rules of Court, that his country of origin will give the Filipino the same even chance.

Having said that, Mr. President, it goes under the proviso, from line 16 to line 26A: "Provided, however, That the Board, UPON APPROVAL BY THE PRC" — I assume this is the Professional Regulation Commission or Committee — "may grant a special permit to a foreign optometrist to practice the profession in this country whether or not reciprocity exists between his country and the Philippines and under such conditions as may be determined by the Board, if such foreigner is internationally known to be an outstanding expert in the profession or a well-known specialist in any of its branches, and that his services will promote the advancement of the profession in the Philippines. The Board is also hereby authorized to prescribe, UPON APPROVAL BY THE PRC, additional requirements..."

Mr. President, I am no optometrist so I can live with this. But this will subject the profession to arbitrary unfair competition from people who claim to be internationally known.

I have met so many people, Mr. President, who claim to be internationally known. They are internationally known only in their minds. But they are able to convince others that they are internationally known.

Mr. President, if I were an optometrist, I will object to this. If we want protection, reciprocal protection in countries, we should not put exceptions. All we are doing is authorizing the Board, these five anointed individuals specially gifted individuals, to therefore select and say, "Aha, so and so is internationally known. So and so is an expert." And all of a sudden, one has in his own backyard some person internationally known in the field who is competing with him.

We should not allow this, Mr. President. But I leave it to the Committee Chairman and to the optometrists. If they can live with this, let them be punished by their own doing.

Senator Webb: If we look at the special sentence, particularly on line 24, again, this is a judgment call. If we have five people, anointed as they are, and they have nothing to do except to sign papers, then why create a board? That is why we are putting the best five people in the profession of optometry to be members of the Board.

As such, I feel that they should be the ones responsible to make sure that the people that they will get are not only foreign experts in optometry by name but rather by deeds and track record that they can be proud of.

That is why we place here on line 24 the phrase "that his services will promote the advancement of the profession in the Philippines." We specifically mentioned that.

We even invite foreign basketball players, Mr. President, to come here because we want a transfer of technology. We want to see how they play.

So, as mentioned by the Gentleman, we would leave it to the discretion of the Chairman and I appeal, that maybe, we should leave this particular provision.

Senator Roco: Yes. Let me just put a final word.

Mr. President, I always react against arbitrariness. This is a mind full of arbitrariness. If the Chairman wants to inflict it upon the optometrists and the optometrists are willing to live with it, so be it. I think the Spanish has a saying, *mira se la pena*.

Thank you, Mr. President.

The Presiding Officer [Senator Aquino]: The Majority Leader is recognized.

Senator Romulo: For one last amendment, I ask that Senator Mercado be recognized.

The Presiding Officer [Senator Aquino]: Senator Mercado is recognized for one last amendment.

Senator Mercado: Last amendments.

The Presiding Officer [Senator Aquino]: For last amendments.

Senator Mercado: Mr. President, on page 16, line 17...

Senator Webb: What page is that, Mr. President?

MERCADO AMENDMENTS

Senator Mercado: On page 16, line 17, we have deleted in this particular measure the words "pharmaceutical agents" as a consequence of one of my amendments, and it is still referred to in this particular provision "is authorized to use under this Act."

I move for the deletion of the phrase "under this Act," and a period (.) be placed after the word "use" on line 16.

Senator Webb: It is accepted, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Mercado: I guess there can be an omnibus amendment to adjust the section numbers on this page. Section 35 here will become Section 33, if I am not mistaken.

Senator Webb: Yes, Mr. President, there is a renumbering.

The Presiding Officer [Senator Aquino]: Omnibus amendment for the renumbering of the sections. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Mercado: The other amendment which I would like to propose is on page 4, from line 16 up to line 18. I move for the deletion of the words "who have received post-graduate training in the diagnosis and treatment of eye diseases."

That phrase, Mr. President, qualifies doctors. They have to have a post-graduate training course in the diagnosis and treat-

ment of eye diseases to practice optometry. But in the same provision or in the same section, we allow public health workers trained and involved in the Government's blindness prevention program.

Mr. President, if we allow public health workers who are not doctors, it stands to reason that to qualify the requirement for doctors to be graduates of post-graduate courses in diagnosis and treatment of eye diseases is inconsistent with the other provision. So, I move for the deletion of that phrase, from the word "who" on line 16 up to the word "diseases" on line 18.

The Presiding Officer [Senator Aquino]: What does the Sponsor say?

Senator Webb: Mr. President, in response to Senator Mercado, if he would read lines 21 to 24, it does not preclude any doctor from examining the eyes of the patient. Lines 16 to 18 are primarily directed to ophthalmologists.

Senator Mercado: Precisely, Mr. President, we have an inconsistency here. We are allowing public health workers who may not be doctors to practice, while we are restricting doctors to only those who have post-graduate training by virtue of this particular provision. This makes the requirements inconsistent. It is the submission of this Representation that that qualification should be removed.

Senator Webb: The public health workers are allowed only visual acuity tests and vision screening, but not the job of an optometrist. These are two different things.

If Senator Mercado is asking, "Why are we allowing public health workers to examine the eye of the patients?", there is a limitation to what they can do, unlike an ophthalmologist or an optometrist. That is why it is specified here what the doctor can do to his patients as far as eye examination is concerned. If we talk of consistency here, there is consistency in this particular provision.

Senator Mercado: For proper understanding, let us read the provision carefully: "No person shall practice optometry as defined in Section 3 of this Act nor perform any of the acts constituting the practice of optometry as set forth in Section 4 hereof, without having been first admitted to the practice of this profession under the provisions of this Act and its implementing rules and regulations: *Provided, however,* that this prohibition shall not apply to regularly licensed and duly registered physicians who have received post-graduate training in the diagnosis and treatment of eye diseases, as well as to public health workers trained and involved in the government's blindness prevention program who may conduct visual acuity tests and vision screening."

Here, Mr. President, it is very clear that what we are doing is that we are allowing doctors, only certain types of doctors, who have finished post-graduate training courses in the diagnosis and treatment of eye diseases as well as public health workers.

Mr. President, we are not belittling the course of optometry. It is a four-year course. Those who finish the course correct deficiencies of the eyes. But somebody who finished medicine goes through ophthalmology as a course of medicine. And so, what we are doing here, if one is a doctor, for example, one is a general practitioner, he cannot practice unless he takes that post-graduate course. At the same time, we are allowing public health workers to do the same. Moreover, eye examinations are basic in almost all diagnostic procedures.

Mr. President, I believe this provision is inconsistent and it can be corrected if we delete lines 16, 17, and 18 with the words that I have mentioned.

Senator Webb: Mr. President, the ophthalmologist can do everything that an optometrist can do, but a public health worker can only do a limited job description, which is well-described here. He may conduct visual acuity tests and vision screening, and that is it. Compared to what the ophthalmologist and the optometrist can do, that is only a drop in the bucket. That is why we are stating certain parameters of what each profession can do.

Senator Mercado: Mr. President, I do not want to repeat myself. I think I have made myself clear that this particular provision is, to my mind, inconsistent and it can be corrected by the deletion of certain words.

If the Sponsor does not accept it, then, I believe, parliamentarily we have a means of solving this particular problem. I just want to call the attention of the Body to this provision which, I think, can be solved by the amendment that I am proposing.

Senator Webb: May the Author of the amendment accept an amendment to the amendment just to make sure that the job description of public health workers are definitely mentioned in the bill? And this is on lines 19 and 20 which says, "involved in the government's blindness prevention program who may conduct ONLY..." *Nangangahulugan na ito lamang ang magiging trabaho nila.* Nothing more than that.

Senator Mercado: Mr. President, I think I have not made myself very clear. The amendment that I am proposing does not have anything to do with the functions of the public health workers. The amendment that I am proposing deals with the qualification of the doctors who are allowed to practice optometry.

In other words, Mr. President, what we have here is a more stringent requirement for doctors of medicine which, I believe, is not necessary that they should take post-graduate training, diagnosis and treatment of the eyes. If the function is to determine error of refraction, I believe that it is too much of a requirement that we are asking of the doctor to take the post-graduate training course in ophthalmology.

The Presiding Officer [Senator Aquino]: May the Chair be enlightened.

Is Senator Mercado trying to say that although public health workers are trained and involved in the government's Blindness Prevention Program, that duly registered physicians are probably even more qualified than public health workers.

Senator Mercado: More qualified in the practice of medicine.

The Presiding Officer [Senator Aquino]: That is correct.

Senator Mercado: But here, in this case, Mr. President, we are qualifying the requirements for physicians as asking them to have undergone postgraduate training courses. That is the simple intent of my amendment.

The Presiding Officer [Senator Aquino]: So what the Gentleman is saying is, regularly licensed and duly registered physicians, as well as public health workers trained and involved in the government's Blindness Prevention Program, may conduct, *et cetera*.

Senator Mercado: Yes. That is the intent, Mr. President.

The Presiding Officer [Senator Aquino]: I think there is some misunderstanding somewhere.

SUSPENSION OF THE SESSION

Senator Webb: May I ask for a one-minute suspension of the session, Mr. President.

The Presiding Officer [Senator Aquino]: The session is suspended for one-minute, if there is no objection. [*There was none.*]

It was 7:11 p.m.

RESUMPTION OF THE SESSION

At 7:18 p.m., the session was resumed.

The Presiding Officer [Senator Aquino]: The session is resumed.

Senator Romulo: I believe Senator Mercado has a motion.

The Presiding Officer [Senator Aquino]: Senator Mercado is recognized.

Senator Mercado: My motion, Mr. President, as earlier stated, and I am reiterating it, is to delete the words on line 16, starting with "who" up to the word "diseases" on line 18.

The Presiding Officer [Senator Aquino]: What does the Sponsor say?

Senator Webb: May I hear the amendment, Mr. President?

The Presiding Officer [Senator Aquino]: Delete the phrase on line 16, starting with the phrase "who have received post-graduate training in the diagnosis and treatment of eye diseases."

Senator Webb: I regret that I cannot accept the amendment, Mr. President, because this was one of the prerequisites that I agreed to with the ophthalmologists. I am just banking on my promise that such will be placed in the bill.

Senator Mercado: Mr. President, I leave it to the Body to decide on the matter. I have articulated my view and the intent of my proposed amendment.

The Presiding Officer [Senator Aquino]: The amendment will now read starting on line 14, "*Provided, however, That this prohibition shall not apply to regularly licensed and duly registered physicians, as well as to public health workers, trained and*"

We are deleting the words "who have received post-graduate training in the diagnosis and treatment of eye diseases." I hope this is clear to all.

All those in favor of the Mercado amendment, will please raise their right hands. [*Seven (7) Senators raised their right hands.*] All those against, will please do the same. [*Four Senators raised their right hands.*]

The amendment of Senator Mercado is carried. Therefore, we are deleting the words on lines 16 to 18, "who have received post-graduate training in the diagnosis and treatment of eye diseases."

Senator Gonzales: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Gonzales is recognized.

Senator Gonzales: Will the distinguished Sponsor allow me to ask some preliminary questions to determine whether there is a need to introduce the amendment I have in mind, Mr. President?

Senator Webb: Certainly, Mr. President.

Senator Gonzales: May I know, Mr. President, whether page 3, paragraph (b) of Section 4 has been affected by any Committee or individual amendment?

Senator Tatad: Mr. President.

The Presiding Officer [Senator Aquino]: Does Senator Tatad have an anterior amendment?

Senator Tatad: With the indulgence of our distinguished Colleague, before we leave that section that was the subject of the Mercado amendment. May we call attention to the fact that the Mercado amendment makes it possible now for any regularly licensed and duly registered physician to practice optometry; and yet in the same section, lines 21 to 24, it states that the examination of the human eye by duly registered physicians in connection with the physical examination of the patients shall not be considered as practice of optometry.

So these two statements now contradict each other. I believe we have to do something about this, Mr. President.

The Presiding Officer [Senator Aquino]: First of all, I think what is being allowed is only visual acuity test and vision screening which is not the practice of optometry.

Senator Tatad: No, Mr. President. The sentence that the Chair just referred to has to do with what public health workers trained and involved in the government's Blindness Prevention Program may do.

The Presiding Officer [Senator Aquino]: That is correct, and so with regularly licensed and duly registered physicians.

Senator Tatad: No, I do not believe that is the sense.

Senator Webb: Mr. President, may I just interject.

The Presiding Officer [Senator Aquino]: Senator Webb is recognized.

Senator Webb: That is the reason I insisted on that particular provision. Now that we have taken that out, Mr. President, it would now mean that even a fresh doctor or someone who has been practicing medicine as doctor of medi-

cine can now practice optometry which should not be the case. I have always pinpointed that — a doctor of medicine with no training whatsoever in optometry — we are now allowing the person to practice optometry with that particular deletion.

The Presiding Officer [Senator Aquino]: Is conducting visual acuity test and vision screening a practice of optometry? I thought only those workers trained and involved in the government's Blindness Prevention Program.

Senator Webb: Yes, Mr. President. We are allowing public health workers on two counts of job description and, that is, acuity test and vision screening.

The Presiding Officer [Senator Aquino]: That is correct. That is not the practice of optometry, and that is also what we are allowing now the duly registered physicians.

Senator Webb: Because with the amendment that we have approved, Mr. President, an ophthalmologist now cannot practice optometry anymore. That is the implication of that particular provision that we have deleted. But I guess that is now water under the bridge, Mr. President.

SUSPENSION OF THE SESSION

Senator Tatad: Mr. President, may we ask for a short suspension of the session?

The Presiding Officer [Senator Aquino]: The session is suspended, if there is no objection. [*There was none.*]

It was 7:25 p.m.

RESUMPTION OF THE SESSION

At 7:25 p.m., the session was resumed.

The Presiding Officer [Senator Aquino]: The session is resumed.

Senator Webb: Mr. President, I am ready to hear any amendments.

Senator Gonzales: I have a pending question to the Sponsor, Mr. President.

The Presiding Officer [Senator Aquino]: Yes, Senator Gonzales is recognized.

Senator Gonzales: Mr. President, I am asking the preliminary question of whether or not paragraph (b) of Section 4 on

page 3 of this bill has been affected by any Committee or individual amendment. approved.

Senator Webb: It has been affected, Mr. President, particularly on line 20. The word "fitting" has been deleted.

The Presiding Officer [Senator Aquino]: May the Chair read as it is amended.

"The prescribing and dispensing of ophthalmic lenses, prisms, contact lenses for the purpose of correcting refractive errors and those related to deficiencies and abnormalities of human vision."

Senator Gonzales: So the "selling" of ophthalmic lenses has been deleted.

The Presiding Officer [Senator Aquino]: That has been deleted.

Senator Gonzales: How about the phrase "and supplies for the purpose of correcting refractive errors", Mr. President?

The Presiding Officer [Senator Aquino]: What has been deleted is on line 21, starting with the word "and" — "and their accessories and solutions, frames and their accessories, and supplies." That has been deleted. So we continue, after the words "contact lenses," "for the purpose of."

Senator Gonzales: How about the word "OR"? Does the word "OR" still remain on line 20, which has replaced the word "and," Mr. President?

The Presiding Officer [Senator Aquino]: That has also been deleted. So it is "The prescribing and dispensing of ophthalmic..."

Senator Gonzales: In which case — that is why I premised my intervention with that preliminary question — then I see no need for pushing through the amendment I have in mind.

Thank you, Mr. President.

The Presiding Officer [Senator Aquino]: Are there any other individual amendments? [Silence]

The Majority Leader is recognized.

Senator Romulo: Mr. President, I move that we close the period of amendments.

The Presiding Officer [Senator Aquino]: Is there any objection to the motion? [Silence] Hearing none, the same is

APPROVAL OF S. NO. 1998 ON SECOND READING

Senator Romulo: Mr. President, I move that we vote on this very important and long-drawn bill, Senate Bill No. 1998, as amended, on Second Reading.

The Presiding Officer [Senator Aquino]: We shall now vote on the bill, as amended, on Second Reading. As many as are in favor of the bill, please say *Aye*. [Several Senators: *Aye*] As many as are against, please say *Nay*. [Silence]

Senate Bill No. 1998, as amended, is approved on Second Reading.

BILL ON SECOND READING S. No. 1828 - Moratorium on Eviction and Demolition (Continuation)

Senator Romulo: Mr. President, I move that we resume consideration of Senate Bill No. 1828 as reported out under Committee Report No. 851.

The Presiding Officer [Senator Aquino]: Resumption of consideration of Senate Bill No. 1828 is now in order.

Senator Romulo: Mr. President, we are still in the period of interpellations.

I ask that the Chairman of the Committee on Urban Planning and Resettlement, Senator Biazon, be recognized.

The Presiding Officer [Senator Aquino]: Senator Biazon is recognized.

Senator Biazon: The Sponsor is ready for any interpellation, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any interpellation at this time?

Senator Lina: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Lina is recognized.

Senator Lina: Thank you, Mr. President.

This will be very brief and direct to the point. I just would like to ask some clarificatory questions, if the distinguished Sponsor will kindly yield.