

RECORD OF THE SENATE

TUESDAY, MAY 22, 1990

OPENING OF THE SESSION

At 3:22 p.m., the Honorable Jovito R. Salonga, President of the Senate, called the session to order.

The President. Binubuksan ang pulong ng Senado.

Pangungunahan tayo sa panalangin ni Senador Orlando S. Mercado.

Everybody remained standing for the opening prayer.

PRAYER

Senator Mercado.

Almighty and eternal lawgiver, instill in us such a strong thirst for social justice that we may strive mightily to lift the great masses of our people from the quagmire of poverty.

Stir in us such a deep anger at social inequity that we may courageously battle against the forces that chain our impoverished people to misery.

Bestow upon us, dear Lord, Your light and wisdom that we may see clearly the path we should take and the ways and means we should adopt to liberate our masses from their ills and woes.

Strengthen our faith and hope so that we may not falter in our efforts — for and in behalf of the Filipino people, we have to work for them.

Amen.

ROLL CALL

The Secretary.

Senator Heherson T. Alvarez	Present *
Senator Edgardo J. Angara	Present **
Senator Agapito A. Aquino	Present
Senator Juan Ponce Enrile	Present
Senator Joseph Ejercito Estrada	Present *
Senator Neptali A. Gonzales	Present
Senator Teofisto T. Guingona, Jr.	Present
Senator Ernesto F. Herrera	Present
Senator Sotero H. Laurel	Absent
Senator Jose D. Lina, Jr.	Present
Senator Ernesto M. Maceda	Present
Senator Orlando S. Mercado	Present
Senator John H. Osmefia	Present
Senator Vicente T. Paterno	Present

*Arrived after the roll call

**On official mission

Senator Aquilino Q. Pimentel, Jr.	**
Senator Santanina T. Rasul	Present
Senator Alberto G. Romulo	Present
Senator Rene A. V. Saguisag	Present
Senator Leticia Ramos Shahani	Present
Senator Mamintal Abdul J. Tamano	Present
Senator Wigberto E. Tañada	Present
Senator Victor S. Ziga	Present
The President	Present

The President. Labingwalong Senador ang dumalo sa ating pagpupulong; mayroon tayong korum.

THE JOURNAL

Senator Guingona. Mr. President, I move that we dispense with the reading of the *Journal* of yesterday's session and consider the same as approved.

The President. Is there any objection? [*Silence*] The Chair hears none; the *Journal* is approved.

The Secretary will now proceed with the reading of the Order of Business.

REFERENCE OF BUSINESS

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Secretary.

April 3, 1990

Mr. President:

I have been directed to inform the Senate that the House of Representatives on April 3, 1990 passed House Bill No. 25773, entitled

AN ACT INSTITUTING THE PUBLIC MARKET CODE OF THE PHILIPPINES,

in which it requests the concurrence of the Senate.

Very respectfully yours,

(Sgd.) QUIRINO D. ABAD SANTOS, JR.
Secretary

Honorable Jovito R. Salonga
President of the Senate
Manila

The President. Referred to the Committees on Trade and Commerce; and Local Government.

The Secretary.

The Presiding Officer [Senator Tañada]. The Majority Floor Leader is recognized.

MOTION OF SENATOR GUINGONA
(Referral of Senator Osmeña's Privilege Speech
to the Blue Ribbon Committee)

Senator Guingona. Mr. President, I move that that speech be referred to the Blue Ribbon Committee.

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

BILL ON SECOND READING
Senate Bill No. 88 — Citizens' Soldiers
(Continuation)

Senator Guingona. Mr. President, I move that we resume consideration of Senate Bill No. 88 as reported out under Committee Report No. 548.

The Presiding Officer [Senator Tañada]. Resumption of consideration of Senate Bill No. 88 is now in order.

Senator Guingona. Mr. President, we are in the period of Committee amendments. I ask that this Representation be recognized.

The Presiding Officer [Senator Tañada]. Senator Guingona is recognized.

Senator Guingona. Mr. President, last week we distributed two documents. Concerning the proposed amendments, we beg the indulgence of this Body, in view of the fact that we lifted many of the provisions of the House versions and incorporated them here, so that we will minimize differences and, perhaps there will be no need for the Conference Committee.

So, if the distinguished Members will bear with us, Mr. President:

On page 1 of Senate Bill No. 88, line 1, delete the words AND DEFINITIONS.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. On the same page, between lines 3 and 4, insert the new Articles to read as follows:

ARTICLE I. TITLE

SECTION 1. TITLE OF THIS ACT. - THIS ACT SHALL BE KNOWN AS THE "CITIZEN SOLDIERS OR AFP RESERVISTS ACT."

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. ARTICLE II. DECLARATION OF PRINCIPLES

SEC. 2. THE REGULAR FORCE. - IT IS THE POLICY OF THE STATE TO MAINTAIN A SMALL STANDING OR REGULAR MILITARY FORCE IN TIME OF PEACE CONSONANT WITH ITS ADEQUATE AND ACTUAL NEEDS ON THE SECURITY OF THE STATE BUT WHICH CAN BE RAPIDLY EXPANDED BY THE WELL-DISCIPLINED CITIZEN ARMED FORCE IN THE EVENT OF WAR, INVASION, OR REBELLION.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. SEC. 3. THE SECURITY AND SOCIO-ECONOMIC DEVELOPMENT OF THE STATE. - THE CITIZEN ARMED FORCE SHALL BE PROVIDED THE MAXIMUM OPPORTUNITY TO PARTICIPATE IN SAFEGUARDING THE SECURITY OF THE STATE AND IN ASSISTING IN SOCIO-ECONOMIC DEVELOPMENT.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. SEC. 4. THE CALL TO PERSONAL MILITARY AND CIVIL SERVICE. - THE CITIZEN ARMED FORCE SHALL BE SO ORGANIZED, TRAINED, DEVELOPED AND MAINTAINED AS TO ENSURE THEIR READINESS TO IMMEDIATELY RESPOND TO THE CALL FOR SERVICE.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. SEC. 5. THE PUBLIC AWARENESS. - THE STATE SHALL PROMOTE AND DEVELOP PUBLIC SUPPORT TO AND AWARENESS OF THE IMPORTANT ROLE OF THE CITIZEN ARMED FORCE AS A PROTECTOR OF THE PEOPLE AND THE STATE.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. SEC. 6. THE MANPOWER OF THE CITIZEN ARMED FORCE. - THE MANPOWER OBJECTIVE

FOR THE CITIZEN ARMED FORCE SHALL CONFORM TO PROJECTED AND ACTUAL NEED. IT IS NOT ENVISIONED BY THE STATE TO HAVE A NATION UNDER ARMS, UNLESS EXTREMELY NECESSARY.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. ARTICLE III. MISSION AND ORGANIZATION OF THE CITIZEN ARMED FORCE.

SEC. 7. MISSION. - THE MISSION OF THE CITIZEN ARMED FORCE, ALTERNATELY REFERRED TO AS THE RESERVE FORCE, IS TO PROVIDE THE BASE FOR THE EXPANSION OF THE ARMED FORCES OF THE PHILIPPINES IN THE EVENT OF WAR, INVASION, OR REBELLION; TO ASSIST GOVERNMENT FORCES IN THE MAINTENANCE OF LOCAL SECURITY, LAW, AND ORDER; ASSIST IN RELIEF AND RESCUE OPERATIONS DURING DISASTERS OR CALAMITIES; ASSIST IN SOCIO-ECONOMIC DEVELOPMENT; AND ASSIST IN THE OPERATION AND MAINTENANCE OF ESSENTIAL GOVERNMENT OR PRIVATE UTILITIES IN THE FURTHERANCE OF OVERALL MISSION.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. SEC. 8. - ORGANIZATION. - THE RESERVE FORCE SHALL BE ORGANIZED INTO FIVE COMPONENTS, NAMELY:

- (1) ARMY RESERVE COMPONENT
- (2) AIR FORCE RESERVE COMPONENT
- (3) NAVY RESERVE COMPONENT
- (4) AFP-WIDE TECHNICAL RESERVE COMPONENT
- (5) AFFILIATED RESERVES

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. SEC. 9. ORGANIZATION OF RESERVE COMPONENTS. - THE ORGANIZATION OF EACH COMPONENT OF THE RESERVE FORCE AND THE MANPOWER OBJECTIVE OF EACH COMPONENT SHALL BE AS PRESCRIBED BY THE NATIONAL SECURITY COUNCIL. THE ORGANIZATION, STRUCTURE, MANNING, AND EQUIPMENT OF RESERVE UNITS SHALL CONFORM TO THE ORGANIZATION OF THE REGULAR FORCE. RESERVE UNITS OF A BATTALION TYPE OR

EQUIVALENT SHALL BE ORGANIZED ON A PROVINCIAL BASIS, AND RESERVE UNITS OF A BRIGADE AND DIVISION TYPE OR EQUIVALENT ON A REGIONAL BASIS. THE ORGANIZATIONAL STRUCTURE AND MANNING OF THE AFFILIATED RESERVE UNITS WILL BE PRESCRIBED BY THE SECRETARY OF NATIONAL DEFENSE AND WILL AS MUCH AS POSSIBLE CONFORM TO THEIR EXISTING CIVILIAN ORGANIZATION.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. SEC. 10. AFFILIATED RESERVES. - AS THE PRESIDENT SHALL APPROVE UPON THE RECOMMENDATION OF THE SECRETARY OF NATIONAL DEFENSE, CERTAIN PRIVATE AND GOVERNMENT ENTITIES, CORPORATIONS, ESTABLISHMENTS AND ORGANIZATIONS AT THE NATIONAL, PROVINCIAL AND MUNICIPAL LEVELS WHICH PROVIDE ESSENTIAL PUBLIC SERVICES SUCH AS WATER, LIGHT, TRANSPORTATION, AND COMMUNICATION WHICH ARE NECESSARY TO SUPPORT THE PROSECUTION OF NATIONAL DEFENSE PLANS OR TO MEET AN EMERGENCY SHALL BE ORGANIZED AS AFFILIATED UNITS OF THE RESERVE FORCE. THESE AFFILIATED UNITS SHALL BE CONSTITUTED BY THE APPROPRIATE ORDERS TO BE ISSUED BY THE SECRETARY OF NATIONAL DEFENSE, GIVEN UNIT DESIGNATIONS AND ASSIGNED TO THE APPROPRIATE RESERVE COMPONENTS OF THE ARMED FORCES OF THE PHILIPPINES (AFP). THE ROSTER OF THE OFFICIALS AND EMPLOYEES OF THESE AFFILIATED UNITS SHALL BE INCLUDED IN THE ORDERS CONSTITUTING THE UNITS. THESE UNITS SHALL BE SO UTILIZED IN TIMES OF WAR OR EMERGENCY TO ENSURE THE CONTINUOUS AND UNINTERRUPTED PROVISION OF THE ESSENTIAL SERVICES THEY ARE RENDERING.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. The next proposed amendment, Mr. President:

3. On the same page, also between lines 3 and 4, place a caption, to read as ARTICLE IV. DEFINITION OF CITIZEN SOLDIERS.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. 4. On the same page, line 4, renumber "Sec. 2." to SEC. 11.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. 5. On the same page, line 8, after the word "soldiers" change the word "are" to the word INCLUDE.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. On the same page, lines 10 and 11, delete the words "Citizen Military Training (formerly the Reserve Officers Training Corps)" and in lieu thereof, insert the words RESERVE OFFICERS TRAINING CORPS (ROTC).

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. On the same page, line 15, delete the figure and the words "20-year old trainee instruction" and in lieu thereof, insert the phrase AUTHORIZED BASIC MILITARY TRAINING INSTRUCTIONS.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. On page 2, delete the whole paragraph starting with the figure "6" in line 5 up to the acronym "AFP" in line 8.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. On the same page, line 9, renumber "Article II" to ARTICLE V.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. On the same page, line 11, renumber "Sec. 3" to SEC. 12.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. On the same page, line 17, change the word "twenty" to EIGHTEEN and the figure "20" to "18".

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. On the same page, line 26, renumber "Sec. 4" to "SEC. 13" and after the word "of" delete the words "Citizen Soldiers" and in lieu thereof, insert the words RESERVE FORCE UNITS .

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. On the same page, lines 27 and 28, delete the phrase "three hereof, the citizen soldiers" and in lieu thereof, insert the figure and the phrase "12 ABOVE, THE RESERVE FORCE UNITS".

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. On the same page, line 30, after the word "Reserve" change the period to a comma and insert the following phrase: BASED ON THEIR OPERATIONAL READINESS FOR IMMEDIATE DEPLOYMENT/ UTILIZATION.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. On page 4, delete the phrase starting with the word "similar" in line 4 up to the word "force" in line 5, and in lieu thereof, insert the following phrase: "IN ACCORDANCE WITH EXISTING POLICIES OF THE AFP".

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. On the same page, line 5, after the word "until" delete the phrase "they shall have been".

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. On the same page, delete the phrase starting with the word "belonging" in line 8 up to the word "Reserve" in line 9.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. On the same page, line 10, change the word "Ready" to the word SAID.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. On the same page, line 19, change the words "have been" to the word ARE and the words "of a" to the word FOR; add S to the word "crime" and delete the semicolon after the word "turpitude" and in lieu thereof, insert the phrase AND HAVE DEROGATORY RECORDS.

The Presiding Officer [Senator Tañada]. Is there any objection?

Senator Saguisag. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Saguisag is recognized.

Senator Saguisag. Ano po ang ibig sabihin ng "DEROGATORY RECORDS"? Normally, in the case of conviction, there is no problem. But such an elastic criterion as having a derogatory record may be very hard to enforce.

Senator Guingona. Yes. Perhaps, this can be restricted. But this refers to official reports, for example, intelligence reports, concerning his background.

Senator Saguisag. The Gentleman and I, and the Presiding Officer and myself, on the basis of intelligence records, have derogatory ones. That is precisely my concern. Sabit po tayong lahat kung iyan ang pagbabatayan — intelligence records.

Nagkaroon na po ng report si General Canieso na kayo raw, Ginoong Tagapangulo, maging itong Tagapagtaguyod, at ang inyong Lingkod, ay masasamang tao.

Senator Guingona. We would yield to any strengthening, but there has to be a basis for admitting citizen soldiers.

Senator Saguisag. Sa palagay ba ninyo ay pag-aagawan ang paninilbihan dito? O baka naman magkaroon ng kani-kaniyang palusutan para huwag mapatawag upang makapagsilbi rito?

Senator Guingona. Tungkol po sa intelligence, kung mahusay naman ang intelligence at hindi magiging kasangkapan kagaya noong naganap sa panahon ni Marcos, siguro ay mapagkakatiwalaan natin iyan.

Senator Saguisag. Iyon nga po, if really, the basis would be intelligence reports, to which we have no access. That is why, normally, we are not even asked or allowed to ask in cross examination whether someone has been charged. Because anybody can charge anybody. Suspicion is even worse. So, the normally accepted standard is a conviction. But other than that, maybe, we can postpone consideration of that additional criterion, so we can move on. That is how probably we can tighten it.

Senator Guingona. Would the distinguished Gentleman be satisfied if we limit it to anti-government activities?

Senator Saguisag. That was what I was guilty of for many years, when before 1986, we were among the leaders in anti-government activities.

Senator Guingona. All right, we will defer this.

Senator Saguisag. Maybe, and hope to find some accommodation.

Senator Guingona. Yes, Mr. President.

Senator Saguisag. But in regard also to the stylistic formulation, I believe that this is really the standard style — those who have been convicted of. But we can check that with other people as to whether to say "those who are convicted for" is an improvement. I am not so sure. If probably it is not an improvement, then it may represent a deterioration in the usual formulation of that criterion. So, maybe we can check with our technical people if we can maintain the previous formulation or the new formulation. Siguro po ay i-suspend muna natin itong lines 19 to 20.

Senator Guingona. Yes, Mr. President, I so move.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the consideration of this amendment is suspended.

Senator Guingona. On the same page, page 4, between lines 20 and 21, insert a new subparagraph (e), to read as follows:

STUDENTS OF COLLEGES, UNIVERSITIES AND SIMILAR INSTITUTIONS WHO ARE UNDERGOING ROTC TRAINING DURING THE PENDENCY OF THEIR TRAINING RECOGNIZED BY THE MILITARY AUTHORITIES AS AMONG THOSE UNDERGOING TRAINING TO QUALIFY AS RESERVISTS.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. On the same page, insert a comma (,) between the words "Reserve" and "except".

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. On page 5, line 2, change the word "paper" to the word SPECIFIED.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. On the same page, between lines 26 and 27, insert the following Article to read as follows:

ARTICLE VI. MANPOWER DEVELOPMENT.

SEC. 14. *COMPULSORY MILITARY REGISTRATION AND TRAINING.* - ALL MALE CITIZENS BETWEEN THE AGES OF 18 AND 35 YEARS, WHO ARE NOT RESERVISTS SHALL BE REQUIRED TO REGISTER FOR MILITARY INSTRUCTION. REGISTRATION SHALL TAKE PLACE IN SUITABLE REGISTRATION PLACES TO BE PRESCRIBED BY THE CITY OR MUNICIPAL GOVERNMENT BETWEEN THE DATES OF APRIL FIRST AND SEVENTH COMMENCING ONE YEAR AFTER THE EFFECTIVITY OF THIS ACT. ANNUAL REGISTRATIONS SHALL BE HELD DURING THE SAME PERIOD IN SUCCEEDING YEARS.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Guingona. SEC. 15. *EXEMPTION FROM COMPULSORY MILITARY TRAINING.* - THE FOLLOWING ARE EXEMPTED:

(1) MEMBERS OF THE CLERGY OF ANY RELIGIOUS ORDER OR SECT;

(2) THOSE IN THE ACTIVE SERVICE OF THE ARMED FORCES OF THE PHILIPPINES AND POLICE MEMBERS OF THE INTEGRATED NATIONAL POLICE;

(3) SUPERINTENDENT AND UNIFORMED MEMBERS OF THE NATIONAL PENITENTIARY, CORRECTIVE INSTITUTIONS, AND INSANE ASYLUMS;

(4) LICENSED AIR AND MARITIME PILOTS, NAVIGATORS AND MERCHANT MARINE OFFICERS.

The Presiding Officer [Senator Tañada]. Is there any objection?

Senator Alvarez. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Alvarez is recognized.

Senator Alvarez. Among the enumerated exemptees or who are relieved from the burden of rendering military service, did I hear it right when the Gentleman said, those in the religious.

Senator Guingona. Yes. "MEMBERS OF THE CLERGY OF ANY RELIGIOUS ORDER."

Senator Alvarez. That is an offered amendment of the Committee, Mr. President.

Senator Guingona. Yes, Mr. President.

Senator Alvarez. They do serve in the armed services. Perhaps, we do not put them in front line battle positions, but they do serve, ministering to the spiritual needs of those who are in the armed services, and sometimes in the medical corps.

If the intention of the reserve is to train an army, and in that army will be ministers and members of religious sects, there is nothing abhorrent in allowing them to undertake the reservist training. So that, as reservists, they should not be exempt; they should be given an option to make a choice where to render service.

Taking them away entirely from the environment of military service will make them ineffective in discharging their spiritual or even their humanitarian duties, if they so choose to serve as spiritual leaders or chaplains or as personnel in the medical corps.

Senator Guingona. Yes, if they volunteer, certainly, they will be accepted. But to force them, to compel them to be within the reserve forces, we thought that the religious consideration should play a decisive factor as a basis for not compelling them.

Senator Alvarez. Is it possible to be in the reserve corps, and yet designated to belong to a particular branch of service, like the medical corps or the reserve chaplaincy?

Senator Guingona. Yes, it is possible, Mr. President.

Senator Alvarez. So that, they are not exempt from undertaking military service. What concerns me here is that, if and when, they should be called upon or they should volunteer if they have not been exposed to the military culture, then, they would not be effective participants. I do not insist that they participate in battle, that they become military tacticians. They should undertake the same training that you and I and everybody undertakes, and then if they are called to serve the colors as soldiers, they are a specific kind of soldiers or a particular kind of soldiers. They are religious leaders and office personnel.

Senator Guingona. That is our observation, that priests would be compelled to serve for six months, therefore, prejudicing their spiritual vocation. However, if the Gentleman insists, I will leave that to the Body.

Senator Alvarez. I do not know how extensively the Committee has deliberated on this.

Senator Guingona. Yes, the Committee feels that compelling them would do violence to their spiritual vocation. However, if they will volunteer, naturally, we will accept them.

Senator Alvarez. If the Committee is satisfied that it has explored these issues extensively — but I do feel that putting them in the reserve and not putting them as the frontline soldiers, but preparing them as fellow soldiers who will minister to the particular needs of the armed forces, enriches the quality of our armed services.

Senator Maceda. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Maceda is recognized.

Senator Maceda. May I just request the Sponsor at this point, to reconcile or explain page 6: "The following citizen soldiers may be exempted from rendering service with the said reserved units."

Then on page 8: "Exemption from compulsory military training."

Then on page 9: "Persons disqualified or exempted from registration."

Meaning to say, for example, on page 6, those who are physically and mentally unfit to serve their tour of duty may be exempted from rendering service with the said reserve units. The same with page 9, persons disqualified or exempted from registration, those who are mentally and physically unfit as certified by an AFP medical officer. But in Section 15, the same category is not exempted from compulsory military training.

Students of colleges and universities — on page 6 — they are not under Section 15, but they are under Section 17, and so on down the line.

I think that this is just trying to make heads or tails of these three different provisions.

SUSPENSION OF THE SESSION

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

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

It was 5:44 p.m.

RESUMPTION OF THE SESSION

At 5:48 p.m., the session was resumed.

The Presiding Officer [Senator Tañada]. The session is resumed.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 88

Senator Guingona. Mr. President, we will make some adjustments here, before we give the answer to the distinguished Gentleman's query. So, therefore, I ask for the suspension of the consideration of this measure.

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

SUSPENSION OF THE SESSION

Senator Guingona. I ask that we have our usual break.

The Presiding Officer [Senator Tañada]. The session is suspended for our usual break, if there is no objection. [There was none.]

It was 5:49 p.m.

RESUMPTION OF THE SESSION

At 6:19 p.m., the session was resumed with the President of the Senate presiding.

The President. The session is resumed.

BILL ON SECOND READING Senate Bill No. 88 — Citizens' Soldiers (Continuation)

Senator Guingona. Mr. President, may we resume briefly the consideration of this measure, Senate Bill No. 88. In response to the query of Senator Maceda and Senator Saguisag on the proposed amendments on page 6, Mr. President, we will remove the "DEROGATORY RECORDS" from line 28. From lines 29 to 31, and then on page 7, line 2, we will delete that, in response to the query of Senator Maceda.

On page 8, line 18, as far as the religious clergy is concerned, EXCEPT WHEN THEY VOLUNTEER will be added.

On page 9, it will be: THE FOLLOWING PERSONS ARE DISQUALIFIED FROM REGISTERING. We will delete line 14: "THOSE KNOWN IN THE COMMUNITY AS HAVING DEROGATORY RECORD OR OF DISREPUTABLE CONDUCT AND CHARACTER."

The President. So, on page 6, we will first delete lines 27 up to the....

Senator Guingona. Line 28, place a period after "turpitude" and delete "AND HAVE DEROGATORY RECORDS"; and delete lines 29 to 31 of page 6, and lines 1 and 2 of page 7.

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

Senator Guingona. And then on page 8, add the phrase EXCEPT WHEN THEY VOLUNTEER after "SECT" in line 18.

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

Senator Guingona. And then on page 9, lines 4 and 5, delete the phrase "OR EXEMPTED".

The President. So that it will read: THE FOLLOWING PERSONS ARE DISQUALIFIED FROM REGISTERING:.

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

Senator Guingona. And then, delete lines 14, 15 and 16, after the word "turpitude" period.

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

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 88

Senator Guingona. So, we will make the changes accordingly, Mr. President.

I ask that we suspend consideration of this measure.

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

BILL ON SECOND READING Senate Bill No. 1500 — Crime of Coup d'Etat

Senator Guingona. Mr. President, I move that we consider Committee Report No. 1046 on Senate Bill No. 1500.

The President. Consideration of Senate Bill No. 1500 is now in order.

With the permission of the Body, the Secretary will read only the title of the bill, without prejudice to inserting in the *Record* the whole text thereof.

The Secretary. Senate Bill No. 1500, entitled

AN ACT PUNISHING THE CRIME OF COUP D'ETAT BY AMENDING ARTICLES 134, 135 AND 136 OF CHAPTER ONE, TITLE THREE OF ACT 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AND FOR OTHER PURPOSES.

The following is the full text of Senate Bill No. 1500:

EXPLANATORY NOTE

The bloody December 1-7, 1989 coup d'etat launched by mutinous and rebellious elements of the Armed Forces of the Philippines, which was apparently backed and supported by civil government functionaries as well as by private persons, almost toppled the duly constituted government. In its wake, numerous lives were lost and hundreds were seriously injured. Millions of pesos worth of public and private properties were destroyed and damaged. The task of reconstruction was again set back.

Under present laws, there is no crime known as "coup d'etat." Persons leading or otherwise participating in a coup are prosecuted merely for rebellion or for the alleged complex crime of rebellion with murder, arson, et cetera. While coups constitute a form of rebellion, not all rebellions are coups.

Unlike an ordinary rebellion, which ordinarily begins in the countryside, a coup d'etat is directed at the central seat of government — the Palace itself.

In an ordinary rebellion, the central figures are not key elements within the government itself while in a coup d'etat, the key personalities are elements within the establishment itself. The leaders are usually military officials in conspiracy with civilian personalities or vice versa.