

RECORD OF THE SENATE

TUESDAY, NOVEMBER 17, 1992

RESUMPTION OF THE SESSION

At 10:14 a.m., the session was resumed with the Honorable Neptali A. Gonzales, Senate President, presiding.

The President: The session is hereby resumed.

The Majority Leader is recognized.

Senator Romulo: Mr. President, may I ask the Secretary to read the Second Additional Reference of Business.

The President: The Secretary is directed to do so.

SECOND ADDITIONAL REFERENCE OF BUSINESS

MESSAGES OF THE PRESIDENT OF THE PHILIPPINES

The Secretary:

10 November 1992

Honorable Neptali A. Gonzales
Senate President
Senate, Manila

Dear Senate President Gonzales:

I have the honor to endorse as an administration measure Senate Bill No. 827, entitled

AN ACT DEFINING KIDNAPING FOR RANSOM,
DECLARING THE SAME AS A HEINOUS
CRIME AND PRESCRIBING THE
PENALTIES THEREFOR.

My best regards.

Very truly yours,

(Sgd.) FIDEL V. RAMOS

The President: Referred to the Committee on Rules.

The Secretary:

13 November 1992

Honorable Neptali A. Gonzales
President
Senate of the Philippines
Old Congress Building
Manila

Sir:

I hereby endorse as a priority Administration Bill the attached Senate Bill entitled

AN ACT RESTORING THE TAX AND DUTY
EXEMPTION PRIVILEGES OF THE ARMED
FORCES OF THE PHILIPPINES
COMMISSARY AND EXCHANGE SERVICE.

Best regards.

Very truly yours,

(Sgd.) FIDEL V. RAMOS

The President: Referred to the Committees on Ways and Means; and National Defense and Security.

The Secretary:

November 6, 1992

The Honorable
The President of the Senate
Manila

Sir:

The Department of Foreign Affairs has recommended that the Republic of the Philippines accede to the Convention on Wetlands of International Importance Especially as Waterfowl Habitat, also known as the "Ramsar Convention," and that the said Convention be submitted to the Senate for its concurrence in accordance with Article VII, Section 21, of the Constitution.

The said Convention, which consists of 12 Articles, recognizes wetlands habitat (areas of marsh, fen, peatland and water) as part of the common heritage of mankind and provides for their protection and wise-use. It was adopted at the International Conference on the Convention of Wetlands and Waterfowl held in Ramsar, Iran on February 2, 1971, where the Philippines participated as an observer. The Convention entered into force in late 1975 and now has 57 contracting parties. Accession to the Convention by the Philippines is made possible pursuant to Article 9 thereof, which provides in part that the Convention shall be open for accession by States.

On the example cited by the Minority Leader, it is for the doctors to determine whether, in his example, the movie that was seen was the real cause of the personality disorder that manifested itself later. Because it may be that this person is already predisposed to having personality disorders, to begin with, and there are only a few trigger mechanisms that caused the deterioration of the mental state, and they may not be the hazing activity itself.

What I am trying to say is that, we leave it to the competent medical authorities to establish the causal relation, but it is important for us to make a statement that as a consequence of physical pain or mental torture, if one causes psychiatric disorder whether on the level of psychosis in its worse form, he will be held liable because the psychiatric disorder, I believe, is just as serious as physical pain inflicted.

Psychiatric disorders are very difficult to deal with and sometimes may take a lifetime to be able to cure.

Senator Guingona: That seems to be a problem for us, Mr. President, because in criminal law, we know that the basic principle is cause and effect. Unless we specify the acts that were the direct causal factors which resulted in the psychiatric disorder, it may be unfair to the public that we adopt a crime which cannot be pinpointed as the cause of the effect.

It is true that a medical team of experts may be able to establish this, but in reality, since all of us, I understand, suffer from some degree of mental psychiatric disorders in varying degrees, and there are 60 degrees of psychiatric disorders, we would not be able to pinpoint against the opinion of experts to another which was really the direct cause.

Senator Mercado: We agree, Mr. President. Senator Biazon, I believe wants to interject an amendment here. Earlier, he has intimated that he would be happy if a phrase AS A DIRECT CAUSE OF, referring to the hazing activity, be included. I think that would be the solution to the problem that has been articulated by the Minority Leader.

SUSPENSION OF THE SESSION

Senator Lina: Mr. President, may I again move for a one-minute suspension, in view of the manifestation by Senator Mercado.

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

It was 11:01 a.m.

RESUMPTION OF THE SESSION

At 11:21 a.m., the session was resumed.

The President: The session is resumed.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 176

Senator Romulo: Mr. President, while the authors and the other coauthors and cosponsors are working on a formula for certain amendments to Senate Bill No. 176, may I move that we suspend consideration of Senate Bill No. 176 until this afternoon.

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

BILL ON SECOND READING Senate Bill No. 252 - Book Publishing Industry (Continuation)

Senator Romulo: Mr. President, I ask that we now resume consideration of Senate Bill No. 252, as reported out under Committee Report No. 28.

The President: Resumption of the consideration of Senate Bill No. 252 is now in order.

Senator Romulo: Mr. President, we are still in the period of interpellations. I ask that the distinguished Senator from Aurora and Quezon, Senator Edgardo Angara, be recognized.

The President: Senator Angara, Chairman of the Committee on Education, Arts and Culture is recognized.

Senator Romulo: Mr. President, in the session yesterday, there were still two Senators who requested time to interpellate, Senator Rasul and Senator Coseteng.

SUSPENSION OF THE SESSION

Senator Angara: May we have a one-minute suspension, Mr. President?

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

It was 11:23 a.m.

RESUMPTION OF THE SESSION

At 11:24 a.m., the session was resumed.

The President: The session is resumed.

Senator Romulo: Mr. President, since there are no more interpellators, I move that we close the period of interpellations.

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

Senator Romulo: I move that we now consider the amendments: first, committee amendments, and then individual amendments.

Senator Angara: Mr. President, if I may.

The President: Committee amendments.

Senator Angara: Yes, there are committee amendments, Mr. President, but I would like to be given until this afternoon to collate the committee amendments. We would be ready to present them at the first hour of the resumption of the session this afternoon.

The President: All right, what does the Majority Leader say?

SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 252

Senator Romulo: Mr. President, I ask that we suspend consideration of Senate Bill No. 252 so that the Author and Sponsor can discuss the committee and individual amendments with the Senators.

The President: All right. Is there any objection to this motion? [Silence] There being none, the motion is approved.

BILL ON SECOND READING
Senate Bill No. 32--Increasing Fines and
Penalties for Tax Evasion
(Continuation)

Senator Romulo: Mr. President, may I ask that we now consider Senate Bill No. 32 as reported out under Committee Report No. 7.

The President: Resumption of consideration of Senate Bill No. 32 is now in order.

Senator Romulo: Mr. President, we are now in the period of interpellations. I ask that the distinguished Gentleman from Bohol, Cebu and Cebu City, the Chairman of the Committee on Ways and Means, Senator Ernesto Herrera be recognized.

The President: Senator Ernesto Herrera, Chairman of the Committee on Ways and Means, is hereby recognized.

Senator Herrera: The Senator from Cebu and Bohol in that order, Mr. President.

Mr. President, may I ask the Sponsor of the bill, Senator Romulo to answer questions during the period of interpellations. So, may I move that Senator Romulo, the Majority Leader, be recognized.

The President: All right. The Majority Leader is hereby recognized.

SUSPENSION OF THE SESSION

Senator Romulo: Mr. President, may I ask for a one-minute suspension.

The President: The session is suspended, if there is no objection. [There was none.]

It was 11:26 a.m.

RESUMPTION OF THE SESSION

At 11:28 a.m., the session was resumed.

The President: The session is resumed.

Senator Aquino: Mr. President.

The President: Senator Aquino is hereby recognized.

Senator Aquino: Mr. President, I would like to have the opinion of the Sponsor on this matter. On all the penalties that are being imposed, it is either an imprisonment or a fine. I would like to find out if the Sponsor is prepared to impose both imprisonment and fine. Because, Mr. President, I notice that for those who are wealthy, they do not mind paying big fines but they have a mortal fear of being imprisoned. For those who cannot afford it, they would rather go to prison because they do not have the funds to pay.

So I am proposing a minimum sentence so that everybody goes to prison. I think any violator should go to prison. That