

RECORD OF THE SENATE

THURSDAY, NOVEMBER 19, 1992

RESUMPTION OF THE SESSION

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

The President: The session is resumed.

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

BILLS ON FIRST READING

The Secretary: Senate Bill No. 946, entitled

AN ACT PENALIZING THE RECYCLING AND
RETTILING OF FILMS, AND FOR OTHER
PURPOSES.

Introduced by Senator Revilla.

The President: Referred to the Committee on Public Information and Mass Media.

The Secretary: Senate Bill No. 947, entitled

AN ACT AMENDING SECTION 17 (C) OF THE
LOCAL GOVERNMENT CODE SO AS TO
PROVIDE FOR THE DIRECT ALLOCATION
OF FUNDS TO THE LOCAL GOVERNMENT
UNIT CONCERNED FOR THE MAIN-
TENANCE, REHABILITATION OR REPAIR
OF THEIR RESPECTIVE ROADS OR
HIGHWAYS.

Introduced by Senator Coseteng.

The President: Referred to the Committee on Local Government.

The Secretary: Senate Bill No. 948, entitled

AN ACT INSTITUTING AN "OPEN SCHOOL"
SYSTEM ON A NATIONWIDE SCALE,
APPROPRIATING FUNDS THEREFOR, AND
FOR OTHER PURPOSES.

Introduced by Senator Coseteng.

The President: Referred to the Committees on Education, Arts and Culture; and Public Information and Mass Media.

The Secretary: Senate Bill No. 949, entitled

AN ACT REQUIRING THE TRANSFER TO THE
GENERAL FUND OF THE NATIONAL
TREASURY OF ALL INCOME ACCRUING
FROM THE OPERATIONS OF ALL
NATIONAL GOVERNMENT AGENCIES
INCLUDING ALL GOVERNMENT-OWNED
AND CONTROLLED CORPORATIONS AND
CHARTERED INSTITUTIONS, AND THE
REVIEW BY CONGRESS OF THEIR
ANNUAL INTERNAL OPERATING
BUDGETS, AND FOR OTHER PURPOSES.

Introduced by Senator Coseteng.

The President: Referred to the Committees on Finance; and Government Corporations and Public Enterprises.

The Secretary: Senate Bill No. 950, entitled

AN ACT REQUIRING THE TRANSFER TO THE
GENERAL FUND OF THE NATIONAL
TREASURY OF ALL INCOME ACCRUING
TO THE DEPARTMENT OF TOURISM AND
ITS SUBSIDIARIES AND OTHER
ATTACHED AGENCIES FROM THEIR
OPERATIONS.

Introduced by Senator Coseteng.

The President: Referred to the Committees on Finance; and Tourism.

The Secretary: Senate Bill No. 951, entitled

AN ACT TO FIX THE SCHOOL AGE AT SIX (6)
YEARS OLD IN THE ELEMENTARY
SCHOOL LEVEL, PROVIDING EXEMPTION
FOR PRECOCIOUS CHILDREN AND FOR
OTHER PURPOSES.

Introduced by Senator Coseteng.

The President: Referred to the Committee on Education, Arts and Culture.

The Secretary: Senate Bill No. 952, entitled

AN ACT AMENDING SECTION 31 OF PRESIDENTIAL DECREE NO. 1177, OTHERWISE KNOWN AS THE "AUTOMATIC APPROPRIATIONS PROVISION OF THE BUDGET REFORM DECREE OF 1977" AND FOR OTHER PURPOSES.

Introduced by Senator Coseteng.

The President: Referred to the Committee on Finance.

The Secretary: Senate Bill No. 953, entitled

AN ACT CREATING AND ESTABLISHING THE CENTER FOR STUDIES ON INDIGENOUS CULTURAL COMMUNITIES, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES.

Introduced by Senator Coseteng.

The President: Referred to the Committee on Cultural Communities.

The Secretary: Senate Bill No. 954, entitled

AN ACT AMENDING PRESIDENTIAL DECREE NO. 1508 SO AS TO INTRODUCE INTO THE EXISTING SYSTEM OF AMICABLY SETTTLING DISPUTES AT THE BARANGAY LEVEL, THE CULTURE, TRADITIONS AND INSTITUTIONS OF THE INDIGENOUS CULTURAL COMMUNITIES, AND FOR OTHER PURPOSES.

Introduced by Senator Coseteng.

The President: Referred to the Committees on Local Government; and Cultural Communities.

SUSPENSION OF THE SESSION

Senator Romulo: Mr. President, may I ask for just one minute suspension of the session.

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

It was 10:18 a.m.

RESUMPTION OF THE SESSION

At 10:23 a.m., the session was resumed.

The President: The session is resumed.

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

Senator Romulo: Mr. President, I move that we resume consideration of Senate Bill No. 252 as reported out under Committee Report No. 28. We have terminated or concluded the period of Committee amendments. We are now in the period of individual amendments. I ask that the distinguished Gentleman from Aurora and Quezon, Senator Edgardo Angara, be recognized.

The President: Senator Angara is recognized.

MANIFESTATION OF SENATOR ANGARA (Senators Tatad, Roco and Mercado as Coauthors of Senate Bill No. 252)

Senator Angara: Thank you, Mr. President.

We have a new printed copy incorporating the Committee amendments. I understand it has been distributed to all the Members of the Senate.

Before we go into individual amendments, may I just manifest, which we have already done so earlier, that Senators Tatad, Roco and Mercado are coauthors of this bill, and I would ask the Secretariat to reflect that change.

The President: The copy of Senate Bill No. 252, consisting of nine pages, had been furnished the Chair, and it bears the notation at the top "Amended as of November 18, 1992." Is this the bill that the distinguished Author is referring to?

Senator Angara: Yes, Mr. President. This is now the revised copy.

May I make an addendum? The staff of the committee just handed to me a note for additional Committee amendments, mostly stylistic changes to be introduced by the Committee.

ADDITIONAL COMMITTEE AMENDMENTS

On page 2, line 2, change the acronym "UNESCO" and write out what it means, which is UNITED NATIONS EDUCATIONAL SCIENTIFIC AND CULTURAL ORGANIZA-

TION (UNESCO).

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

Senator Angara: On page 7, lines 3 to 4, delete the words "undertake a gradual and systematic", just to make it consistent with earlier Committee amendments.

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

Senator Angara: On the same page, line 4, delete the word "of".

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

Senator Angara: No more Committee amendments, Mr. President.

The President: Are there any individual amendments?

Senator Guingona: Mr. President.

The President: The Minority Leader is recognized.

Senator Guingona: May we have a little time, Mr. President.

SUSPENSION OF THE SESSION

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

It was 10:27 a.m.

RESUMPTION OF THE SESSION

At 10:31 a.m., the session was resumed.

The President: The session is resumed.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 252

Senator Romulo: Mr. President, I move that we suspend consideration of Senate Bill No. 252 on the Book Publishing Act.

The President: Is there any objection? [Silence] There being none, consideration of Senate Bill No. 252 is hereby

suspended.

Senator Romulo: Mr. President, on a question of personal privilege, I ask that the distinguished Gentleman from Bohol, Cebu, and Cebu City, Senator Ernesto Herrera, be recognized.

The President: Senator Herrera is recognized.

QUESTION OF PRIVILEGE OF SENATOR HERRERA (Hearing on Drugs with Movie Industry)

Senator Herrera: Thank you, Mr. President. I shall be very brief in my remarks this morning.

My privilege speech has something to do with the editorial of the *Manila Chronicle*. There are certain issues that I think should be clarified.

Mr. President, first, I would like to clarify that we are not resurrecting the hearing of these drug problems in the movie industry because this will be the first time that we will be conducting a hearing.

What I mentioned two or three days ago regarding a meeting between the NARCOM, the movie producers, the Actors' Guild and this Representation, together with Senator Ople and Senator Sotto, was a meeting between the Citizens Drugwatch and the movie producers and actors where there were some agreements. One of the agreements between the NARCOM and the KAPP was that they will be given 90 days within which to implement the program of persuading the members of the movie industry to voluntarily undergo drug rehabilitation, and to give them a chance to cleanse their own ranks. The same is true with the movie producers who voluntarily agreed to include a morality clause in their contract.

That was a meeting not by the Ad Hoc Committee but by the Citizens Drugwatch of which I happen to be the Chairman. Senator Sotto, then Vice-Mayor of Quezon City was the Vice-Chairman.

That is the first thing that I would like to clarify, Mr. President, that the hearing tomorrow will be the first hearing. We are not resurrecting the hearing on this matter.

There was a hearing last year on the illegal raid conducted by the NARCOM in the residence of Mr. Rudy Fernandez. That was the only hearing where a movie personality was involved. Because this will be the first time that we shall have a hearing on this issue, we cannot be expected to have come out with a report on this matter last year or before the conclu-

**MOTION OF SENATOR ROMULO
(Referral of Senator Tatad's Speech to the Foreign Affairs
and Social Justice Committees)**

Senator Romulo: Mr. President, I move that the question of privilege of Senator Tatad be referred to the Committees on Foreign Affairs and Social Justice.

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

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

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

The Presiding Officer [Senator Mercado]: Resumption of consideration of Senate Bill No. 252 is now in order.

Senator Romulo: Mr. President, we are still in the period of individual amendments. I ask that Senator Angara be recognized.

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

Senator Angara: Mr. President, Senator Guingona has an individual amendment.

The Presiding Officer [Senator Mercado]: Can we go page by page? Can we inquire from the Minority Leader what page is being amended?

Senator Guingona: Page 6, Mr. President.

The Presiding Officer [Senator Mercado]: Are there any anterior amendments to the proposed amendment of Senator Guingona? [*Silence*] There are none, maybe, we can proceed.

Senator Guingona, please. We are using the amended copy as of November 18, 1992.

GUINGONA AMENDMENT

Senator Guingona: Mr. President, on page 6, line 2, after the word "distribution" semicolon, insert the words AS WELL AS AN INCENTIVE SCHEME FOR INDIVIDUAL AUTHORS AND WRITERS.

Senator Angara: It is accepted, Mr. President.

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

Is there any other additional amendment to this measure?

Senator Herrera is recognized.

Senator Herrera: Mr. President, I am sorry, I noticed that Section 9 has already been amended. This section was referred to the Committee on Ways and Means. Since it is already deleted, then I can already support this, and I feel that there is no need anymore to proceed with the hearing on this particular section.

Thank you, Mr. President.

Senator Angara: Mr. President, we are grateful to the Chairman of the Committee on Ways and Means. In fact, the substitute provision of Section 9 was suggested to us by the head of the Ways and Means Tax Research Bureau. Thus, this provision came from the Ways and Means Committee Chairman.

The Presiding Officer [Senator Mercado]: The Minority Leader is recognized.

Senator Guingona: May I just be clarified, Mr. President. The book publishing industry, which will include all bona fide publishers shall be considered under the preferred area of investment. But on page 8, there is a mandate to give them duty-free importation and access to government credit facilities. Are these in addition to the incentives under the preferred areas of investment?

Senator Angara: No, Mr. President. The words in capital letters on page 7, lines 29 to 34, is already the substitute provision. The words in bracket on page 8, from lines 1 to 9, are deleted.

Senator Guingona: I was using the old form. Thank you very much for that.

Senator Angara: Thank you, Mr. Minority Leader.

The Presiding Officer [Senator Mercado]: Is there any other amendment on page 8?

Senator Rasul: Mr. President.

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

Senator Rasul: Mr. President, before introducing my amendment, I want to have some clarifications. I requested time to be given the opportunity to interpellate, but I noted that the period of interpellations is over.

First of all I just want to be clarified on whether this bill will abolish the existing offices, such as the Textbook Council and also the Instructional Materials Corporation or IMC.

Senator Angara: This bill will phase out the Instructional Materials Corporation but will leave intact the Textbook Council, because the Textbook Council is a text agency that selects the textbooks.

Senator Rasul: Will this entity be autonomous? Or will it still be under the Department of Education, Culture and Sports?

Senator Angara: The consensus, Mr. President, during the debate and interpellation is that we place it not under the Office of the President, but attach it under the National Commission on Culture and Arts.

Senator Rasul: Mr. President, in view of the new amendments that were introduced, I have to prepare a different kind of amendment which I am not prepared to do at this moment.

May I request that I be allowed to submit my amendments later.

Senator Angara: On what portion? Maybe we can sit down quickly and formulate a suitable one.

Senator Rasul: Particularly the structure of this office and its relation to the Department of Education, Culture and Sports.

SUSPENSION OF THE SESSION

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

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

It was 11:29 a.m.

RESUMPTION OF THE SESSION

At 11:33 a.m., the session was resumed.

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

Senator Angara and Senator Rasul are recognized.

Senator Angara: Mr. President, Senator Rasul and I have come to an agreement, and she will now propose her amendment.

Senator Rasul: Mr. President.

The Presiding Officer [Senator Mercado]: Please proceed.

RASUL AMENDMENTS

Senator Rasul: On page 5, Mr. President, line 9, between the letter "a" and "National," I propose to insert the phrase AN INDEPENDENT, so that that line will now read: "There is hereby established AN INDEPENDENT National Book Development Board."

Senator Angara: Accepted, Mr. President.

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

Senator Rasul: On line 13, Mr. President, I propose to delete the phrase ATTACHED FOR BUDGET PURPOSES TO THE NATIONAL COMMISSION ON CULTURE AND ARTS.

Senator Angara: Accepted, Mr. President.

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

Senator Rasul: Thank you, Mr. President.

Senator Angara: Thank you, Senator Rasul.

Senator Maceda: Mr. President.

The Presiding Officer [Senator Mercado]: The Senate President Pro Tempore is recognized.

MACEDA AMENDMENTS

Senator Maceda: Mr. President, one or two amend-

ments. On the first page, line 14, after the word "adequate", insert the words AND AFFORDABLE.

Senator Angara: Accepted, Mr. President.

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

Senator Maceda: On page 3, line 1, put a comma after the word "adequate" and insert the word AFFORDABLE.

Senator Angara: Accepted, Mr. President.

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

Senator Maceda: Just one question, Mr. President, in connection with page 5, line 7. It states:

The designation of an appropriate government authority to ensure effective implementation of the plan which is the Book Development Plan. Is it not supposed to be the National Book Development Board?

Senator Angara: That is true, Mr. President. But part of the task we assign to the National Book Board is a coordinative type. Therefore, there may be aspects of the promotion of book development that the board itself may be unable to perform. It may designate, for instance, the National Commission on Culture and Arts to be the implementing arm for that aspect of the book development. So we wanted to give it authority to tap the services of other appropriate government authority.

Senator Maceda: But the way it is worded, when this body designates an appropriate government authority, that is a mandatory obligation. All they have to do is designate and the government agency concerned has to accept that as a statutory obligation.

Senator Angara: No, Mr. President. It is on a persuasive moral basis. I see now the point of the distinguished President Pro Tempore. Perhaps, we can rewrite this to say: THE BOARD MAY ASK THE APPROPRIATE GOVERNMENT AGENCY TO HELP ENSURE EFFECTIVE IMPLEMENTATION OF THE PLAN.

Senator Maceda: In which case, Mr. President, rather than it be number (7) under the section of National Book Development Plan, I guess it should be really one of the

functions and powers under Section 6 of the board. Maybe, subsection (7) is misplaced.

Senator Angara: Accepted, Mr. President. May we ask formally that subparagraph (7) on page 5, lines 6 to 7, as reworded, be transferred to page 6 between lines 14 and 15, to be number (6) and the present "(6)" be renumbered to (7).

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

Senator Maceda: Just for clarification in connection with the textbook program. The general thrust is clear. But for the record, may I clarify that with the passage of this law from the very beginning, the government shall have nothing to do with textbook programs in the private schools.

Senator Angara: No, Mr. President. We are not touching textbook writing for private schools. The selection of textbooks for private schools is going to be lodged with the Department of Education.

Senator Maceda: So that the concept of Section 7 is really more in the production, publication and distribution of textbook.

Senator Angara: That is correct, Mr. President.

Senator Maceda: With regard to the contents, acceptability and the like, whether private or public, that is outside the jurisdiction of the National Book Development Board.

Senator Angara: That is correct, Mr. President. That is still lodged with the educational authorities of the country.

Senator Maceda: On page 7, lines 11 to 16, it says: "WITHIN SAID PERIOD, shall continue..." I wonder whether this paragraph shall continue considering that the previous paragraph is a directive to undertake a gradual and systematic phaseout. With or without the second paragraph, lines 11 to 16 assume that within said period, the government shall continue what it is doing now.

Senator Angara: That is correct, Mr. President. Maybe, this is a surplusage. On that clear understanding, I think we can delete lines 11 to 16.

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

Senator Maceda: Just for the record, Mr. President. May I know what Section 8 actually adds to what the private publishers are now allowed to do?

Senator Angara: This will open up the textbook publishing monopoly to the participation of the private sector. Right now, the official policy is that it is a monopoly. It may happen that the government may farm out printing or even farm out distribution, though that is not as a result of official policy but almost a matter of generosity.

So what we are saying here is, no, this is not going to be an official policy anymore. We want the private sector to be officially welcome into the textbook publishing industry.

Senator Maceda: With that explanation, Mr. President, maybe, initially, some mention of this matter which is a major matter should be included in Section 2, the Declaration of Policy. I do not really see it in the Declaration of Policy-- "THAT IT IS THE POLICY TO ENCOURAGE OR TO ALLOW PRIVATE SECTOR PARTICIPATION IN THE PUBLICATION AND PUBLISHING OF PUBLIC SCHOOL TEXTBOOKS."

ANGARA AMENDMENT

Senator Angara: Yes, Mr. President. May I suggest that on page 1, line 19, we include the phrase AND THE ACTIVE PARTICIPATION OF THE PRIVATE SECTOR IN SAID DEVELOPMENT.

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

Senator Maceda: The bill is so well-prepared and sponsored as usual. I really find no necessity for any further comments on the same.

Senator Angara: I thank the Gentleman for his kind words, Mr. President.

The Presiding Officer [Senator Mercado]: Is there any other individual amendment to Senate Bill No. 252?

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

The Presiding Officer [Senator Mercado]: Is there any objection? [Silence] There being none, the period of individual amendments is closed.

APPROVAL OF SENATE BILL NO. 252 ON SECOND READING, AS AMENDED

Senator Romulo: Mr. President, I move that we vote on Senate Bill No. 252, as amended, on Second Reading.

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, as amended, will please say Aye. [Several Senators: Aye] As many as are against will please say Nay. [Silence] Senate Bill No. 252 is approved on Second Reading.

BILL ON SECOND READING Senate Bill No. 355 - Expanding the Concept of the Condominium Act (Continuation)

Senator Romulo: Mr. President, I move that we resume consideration of Senate Bill No. 355.

The Presiding Officer [Senator Mercado]: Resumption of consideration of Senate Bill No. 355 is now in order.

Senator Romulo: We are now in the period of *Turno en Contra*, Mr. President. I ask that we now recognize the distinguished Gentleman from Manila and Rizal, Senator Arturo Tolentino, for his speech *en contra*.

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

SPEECH EN CONTRA OF SENATOR TOLENTINO

Senator Tolentino: Mr. President, Senate Bill No. 355 seeks to amend the Condominium Law (RA No. 4726), so as to include in the concept of condominiums the following, and I quote from the bill:

...a separate interest in an industrial plant, warehouse, factory, industrial building, or other improvements of like or similar nature, each of which may be considered as a unit, the boundary of which shall be the lot boundary wherein such improvement is situated, and including an undivided interest in common, directly or indirectly, in the land on which it is situated and other common areas appurtenant thereto.

Mr. President, the concept of condominium arose because of the growing scarcity of land for the construction of buildings. There developed the idea of utilizing relatively small