

RECORD OF THE SENATE

MONDAY, OCTOBER 24, 1994

OPENING OF THE SESSION

At 4:54 p.m., the Honorable Edgardo J. Angara, President of the Senate, called the session to order.

The President: The 35th session of the Senate is called to order.

NATIONAL ANTHEM

Let us all stand for the singing of the Philippine National Anthem to be led by the Blessed Elena Academy Magnificat Choir, and another song, entitled *Pilipinas Kong Mahal*.

Afterwards, Senator Ople will lead us in prayer.

Everybody rose for the singing of the National Anthem.

After the singing, everybody remained standing for the opening prayer.

PRAYER

Senator Ople:

Ama naming makapangyarihan, alalayan Mo po ang aming mga kababayang sinalanta na naman ng mga bagong sakuna, tulad ng magkasunod na bagyong nagdaan dito sa Luzon, at lalo nang kalingain Mo po ang mga kababayan namin sa Gitnang Luzon na sa tuwina ay sinasalanta ng lahar na umuuho mula sa kabundukan patungo sa kapatagan. At ipahintulot Mo pong mailigtas ang mga bayan sa Pampanga, Tarlac, at Zambales na nasa daan ng rumaragasang lahar.

Maraming salamat po, Panginoon.

SUSPENSION OF THE SESSION

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

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

It was 4:59 p.m.

RESUMPTION OF THE SESSION

At 5:00 p.m., the session was resumed.

The President: The session is resumed.

ROLL CALL

The Secretary will please call the roll.

The Secretary:

Senator Heherson T. Alvarez	Present
Senator Agapito A. Aquino	Present
Senator Rodolfo G. Biazon	Present
Senator Anna Dominique M.L. Coseteng ..	Present
Senator Neptali A. Gonzales	Present
Senator Ernesto F. Herrera	Present
Senator Jose D. Lina, Jr.	Present
Senator Gloria Macapagal	Present**
Senator Ernesto M. Maceda	Present
Senator Orlando S. Mercado	Present
Senator Blas F. Ople	Present
Senator John H. Osmeña	Present
Senator Santanina T. Rasul	Present
Senator Ramon B. Revilla	Present
Senator Raul S. Roco	Present*
Senator Alberto G. Romulo	Present
Senator Leticia R. Shahani	Present
Senator Vicente C. Sotto	Present**
Senator Wigberto E. Tañada	Present
Senator Francisco S. Tatad	Present
Senator Arturo M. Tolentino	Present
Senator Freddie N. Webb	Present*
The President	Present

The President: With 19 Senators present, the Chair declares the presence of a quorum.

THE JOURNAL

Senator Romulo: Mr. President, I move that we dispense with the reading of the *Journal* of the previous session and consider the same as approved.

The President: Is there any objection? [*Silence*] There being none, the reading of the *Journal* of the previous session is dispensed with and the same is considered approved.

The Secretary will now read the Order of Business.

* Arrived after the roll call

** On official mission

Senator Romulo: Mr. President.

The President: The Majority Leader is recognized.

BILL ON SECOND READING
Senate Bill No. 1913 - Party-List System
(Continuation)

Senator Romulo: Mr. President, I move that we resume consideration of Senate Bill No. 1913 as reported out under Committee Report No. 583.

The President: Resumption of consideration of Senate Bill No. 1913 is now in order.

Senator Romulo: Mr. President, we are now in the period of Committee amendments. But, first, may I move that we close the period of interpellations and debate.

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

Senator Romulo: Before we proceed with the Committee amendments, may I ask, Mr. President, that the distinguished Chairman of the Committee on Electoral Reforms and People's Participation, Senator Arturo Tolentino, be recognized.

The President: Senator Tolentino is recognized.

COMMITTEE AMENDMENTS

Senator Tolentino: Thank you, Mr. President.

Mr. President, in the course of the interpellations, several points were raised from which the Committee decided to go along with, especially referring to clarifications of some provisions of the bill we have on hand.

It is in this light that we are proposing these Committee amendments to Senate Bill No. 1913.

On page 2, line 21, between the word "secretary," and the word "attaching", insert the words "STATING ITS DESIRE TO PARTICIPATE IN THE PARTY-LIST SYSTEM AS A NATIONAL POLITICAL PARTY OR COALITION, OR A REGIONAL POLITICAL PARTY, OR A SECTORAL ORGANIZATION."

This will clarify the position of the applicant for participation in the party-list system as to whether it is participating as a national political party or coalition, or as a regional political party, or as a sectoral organization.

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

The Secretary will please distribute the list of amendments.

Senator Tolentino: On the same page, page 2, line 24, place a comma (,) after the word "national", and after the comma (,) insert the word "REGIONAL." It is in the same light as the preceeding amendment, to show the category in which the applicant is participating in the election.

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

Senator Aquino: Mr. President.

The President: Senator Aquino is recognized.

Senator Aquino: Just a clarification. Is it possible to have a coalition in the regional level?

Senator Tolentino: I suppose so. Nothing will prevent two or three regional political parties to have a coalition.

Senator Aquino: Thank you, Mr. President.

Senator Gonzales: Mr. President.

The President: Senator Gonzales is recognized.

PARLIAMENTARY INQUIRY OF SENATOR GONZALES
(Approved Committee Amendments Subject to Individual Amendments)

Senator Gonzales: Parliamentary inquiry, Mr. President. Is it understood that after the period of Committee amendments, the Members of the Body will be furnished with a clean copy of the bill together with the Committee amendments and that all the provisions of this bill, including the approved Committee amendments, may be subject to individual amendments?

The President: I believe that is our procedure.

Senator Gonzales: That has been our procedure, but I am clarifying it because I think it will facilitate action on these Committee amendments because even if approved they can still be the subject of individual amendment. Not much debate will be engendered by these Committee amendments.

If that is the position of this Chamber, then I want that clarified, Mr. President.

The President: The Chair rules that we will follow the procedure that we have been following in the past. Clean copies of the bill, as amended by the Committee, will be distributed to each Member, and that even Committee amendments may be subject to individual amendments.

Please proceed, Senator Tolentino.

Senator Tolentino: The third proposed Committee amendment: On page 2, line 25, after the word "organizations", change the period (.) to a colon (;) and add the following: "PROVIDED, THAT THE SECTORS SHALL INCLUDE LABOR, PEASANT, URBAN POOR, INDIGENOUS CULTURAL COMMUNITIES, ELDERLY, HANDICAPPED, WOMEN, YOUTH, AND OVERSEAS WORKERS." Just a matter of transposing certain parts of the bill, Mr. President.

The President: Is there any objection?

Senator Maceda: Mr. President.

The President: Senator Maceda is recognized.

Senator Maceda: May I have some clarification, Mr. President. May I know the difference between the words "peasant," "farm worker," "farmers," or "agricultural workers"? Is the word "peasant" a more restrictive phrase, or is it a more expansive phrase?

Senator Tolentino: I think those words, as a general term, can be even considered as synonymous for purposes of this law.

Senator Maceda: I see. Is the word "peasant" used in the Constitution, Mr. President?

Senator Tolentino: I am not very sure of that, but this is a word suggested by the Comelec.

Senator Maceda: The word "peasant" has a very colonial sounding tone. It reminds us of peasants in the old Russia or the old Spanish...

Senator Tolentino: I think the Constitution uses the word "peasant" — labor, peasant, urban poor, et cetera.

Senator Maceda: It uses the word "peasant". Now, is there a difference between the words "handicapped" and "disabled"? Which is the narrower phrase and which is the more general term?

Senator Tolentino: The term "disabled", I think, is more limited than "handicapped". "Handicapped" is broader. In other

words, a person may be handicapped but not really disabled.

Senator Maceda: Because "handicapped" seems to imply any kind of deficiency, even financially handicapped. I was wondering whether the right word is really meant to apply to the narrower group of disabled persons who have more of physical or mental disabilities.

Senator Tolentino: A narrower or a limited word will perhaps be better than the word "HANDICAPPED". We will yield to any amendment on this in the period of individual amendments.

Senator Maceda: I read it somewhere and I thought that it was an interesting point. Since this is supposed to be a temporary phenomenon, as shown by the neighboring countries of Taiwan, Malaysia, even Thailand now, there is a question as to whether overseas workers are giving the labor sector a double representation because they are also part of labor, especially in the light of the fact that if we will have economic recovery by the year 2000, we will hardly have any overseas workers in due time.

Senator Tolentino: I think, Mr. President, that the term "overseas worker" is limited more to those who are working abroad. "Labor" is broader and could include the overseas workers. But if we want to give the overseas workers a representation in Congress, this may be a way of giving them representation. We must confess that our bill on absentee voting has generated many objections and we are not so sure that we will be able to pass that bill.

Senator Maceda: At any rate, we will reserve our individual amendments at the proper time. I thought it was enough that we clarify these points at this time. So subject to the reservations already made by Senator Gonzales, we shall terminate our interpellation.

Senator Tolentino: We will now proceed to the next amendment, Mr. President. On the same page 2, line 25, after the amendment we have just introduced, change the following sentence into a new paragraph. It is just a matter of form.

The President: Before that, Senator Tolentino, we will submit the third amendment to a vote.

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

Senator Tolentino: The next amendment, Mr. President, as I stated, is on the same page 2, line 25. After the amendment just approved, we change the following sentence into a new paragraph beginning with the words "The Commission". It is

just a matter of form.

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

Senator Tolentino: The next amendment is on page 4, lines 24 to 28. Delete the words "for at least one (1) year immediately preceding the day of the election, a *bona fide* member of the party or organization with a national, regional or sectoral constituency which he seeks to represent".

This will just be a transposition. We are deleting these words from these lines and transferring them in some other suitable place, Mr. President.

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

Senator Tolentino: On the same page, lines 28 to 29, delete the words "on the date of the election".

This will also be part of the matter of form that has been approved already, Mr. President.

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

Senator Tolentino: On the same page, line 29, delete the period "(.)" at the end of the line and add the following words: "ON THE DATE OF THE ELECTION, ABLE TO READ AND WRITE AND A BONA FIDE MEMBER OF THE PARTY OR ORGANIZATION WHICH HE SEEKS TO REPRESENT FOR AT LEAST ONE YEAR PRECEDING THE DAY OF THE ELECTION."

That is a transposition of what we have deleted earlier, Mr. President, and adding the other qualifications "ABLE TO READ AND WRITE" as required by the Constitution.

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

Senator Tolentino: On page 5, line 2, delete "eighteen (18)" and substitute it with "TWENTY-FIVE (25)"; delete also "twenty-one (21)" and substitute it with "TWENTY-EIGHT (28)".

Mr. President, the interpellation made by Senator Gonzales on this matter called the attention of the Committee that really, the Constitution makes no distinction with respect to the qualifications for suffrage. Since the Constitution itself does not make a distinct age below 25 for the youth, we should require

even the youth to be at least 25 years old. But we make the youth classification in the sense that we limit the term "youth" to only three years, from 25 to 28, as a qualification for this sector.

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

Senator Aquino: Mr. President.

The President: Senator Aquino is recognized.

Senator Aquino: Just a clarification, Mr. President. May we know the reason behind the upper limit of "28"?

Senator Tolentino: We are observing that the present concept of the youth is for three years only, from 18 to 21. We are simply adopting that span from 25 to 28.

Senator Aquino: Thank you, Mr. President.

Senator Tolentino: On the same page, line 4, delete the words "twenty-one" and substitute it with "TWENTY-EIGHT". This is a consequence of the previous amendment, Mr. President.

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

Senator Tolentino: On the same page, line 23, change the colon (:) after "organizations" to a period "(.)". Then delete the rest of the sentence to the end of line 28.

We have already transposed this part to an earlier amendment, Mr. President.

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

Senator Tolentino: On the same page, line 31, between the words "coalitions" and "on", insert the following: "IN EACH OF THE THREE CATEGORIES (NATIONAL, REGIONAL AND SECTORAL)" so that the sentence would be: "The Commission shall tally all the votes for the parties, organizations, or coalitions IN EACH OF THE THREE CATEGORIES (NATIONAL, REGIONAL AND SECTORAL)" emphasizing that they are separate categories.

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

Senator Tolentino: On page 6, lines 2 to 3, delete the phrase "as against the total number of registered voters nation-

wide".

We are deleting that because we are changing the basis for determining the proportion of seats that are to be given to the different categories, Mr. President.

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

Senator Tolentino: On the same page, line 5, between the words "obtained" and "until", insert the following phrase: "BY EACH ORGANIZATION AS AGAINST THE TOTAL NATIONWIDE VOTES CAST IN ITS CATEGORY."

In other words, instead of the national vote being used as the basis for determining the proportion, it will only be the total votes in the category so that there will be no mix-up in determining the proportion, Mr. President. The three categories are actually separated.

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

Senator Tolentino: On the same page, line 9, after the period (.) at the end of the line, add the following sentence: "THE EXCESS OF SEATS, IF ANY, SHALL BE PROPORTIONALLY ALLOTTED TO THE PARTICIPANTS ENTITLED TO A SMALLER NUMBER OF SEATS."

This is made, Mr. President, because we are limiting the number of seats to be allotted to a participant in a category. In the actual computation of proportion, that participant may have obtained a larger number of votes than corresponding to only five seats. Let us say, he is entitled to eight seats. Since the limit is only five, there will be an excess of three seats.

Now, this provision seeks to distribute the three excess seats to those who are lower in the rank proportionately.

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

Senator Tolentino: On the same page, between lines 9 and 10, following the paragraph that is ending with the sentence that we have just approved, insert a new paragraph to read as follows:

"IN THE ELECTION OF 1995, TWENTY-FIVE (25) PARTY-LIST REPRESENTATIVES SHALL BE ELECTED, AND IN 1998 FIFTY (50) SHALL BE ELECTED."

Although that is clear in the Constitution, we want to reiterate it in the law itself, Mr. President.

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

Senator Tolentino: On the same page, lines 29 to 30, delete the phrase "the President shall fill the vacancy by appointing a", and in lieu thereof, insert the phrase "THE VACANCY SHALL BE AUTOMATICALLY FILLED BY THE NEXT."

This in line with the interpellations made, Mr. President, that since there is already a ranking in the list of nominees submitted by the participant in the party-list election, if a vacancy should occur for any reason, then that vacancy must be automatically filled by raising the next in line.

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

Senator Tolentino: These are all the proposed amendments by the Committee, Mr. President.

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

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

Senator Romulo: Mr. President, as agreed upon with our Colleagues and the Chairman of the Committee on Electoral Reforms and People's Participation, clean copies of Senate Bill No. 1913, as amended with the Committee Amendments, will be submitted to each of our Colleagues. Thereafter, we shall take up the individual amendments.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1913

I move, Mr. President, that we, in the meantime, suspend consideration of Senate Bill No. 1913.

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

BILL ON SECOND READING Senate Bill No. 740 - Excluding Fishponds and Prawn Farms from CARL (Continuation)

Senator Romulo: Mr. President, I move that we resume consideration of Senate Bill No. 740 as reported out under Committee Report No. 406.

The President: Resumption of consideration of Senate Bill