

RECORD OF THE SENATE

TUESDAY, OCTOBER 25, 1994

RESUMPTION OF THE SESSION

At 10:52 a.m., the session was resumed with Honorable Jose D. Lina, Jr. presiding.

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

The Majority Leader is recognized.

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

The Presiding Officer [Senator Lina]: The Secretary is so directed.

ADDITIONAL REFERENCE OF BUSINESS

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Secretary:

October 18, 1994

Mr. President:

I have been directed to inform the Senate that the House of Representatives on October 17, 1994 passed House Bill No. 12128, entitled

AN ACT REQUIRING COMPULSORY IMMUNIZATION AGAINST HEPATITIS-B FOR INFANTS AND CHILDREN BELOW EIGHT (8) YEARS OLD, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 996, AND APPROPRIATING FUNDS THEREFOR,

to which it requests the concurrence of the Senate.

Very truly yours,

(Sgd.) CAMILO L. SABIO
Secretary General

The Honorable
EDGARDO J. ANGARA
President of the Senate
Manila

The Presiding Officer [Senator Lina]: Referred to the Committee on Rules.

The Secretary:

October 18, 1994

Mr. President:

I have been directed to inform the Senate that the House of Representatives on October 17, 1994 passed House Bill No. 5602, entitled

AN ACT CREATING THE BOHOLE ECONOMIC DEVELOPMENT AUTHORITY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES,

to which it requests the concurrence of the Senate.

Very truly yours,

(Sgd.) CAMILO L. SABIO
Secretary General

The Honorable
EDGARDO J. ANGARA
President of the Senate
Manila

The Presiding Officer [Senator Lina]: Referred to the Committees on Economic Affairs; Government Corporations and Public Enterprises; and Finance.

The Secretary:

October 18, 1994

Mr. President:

I have been directed to inform the Senate that the House of Representatives on October 17, 1994 passed House Bill No. 4622, entitled

AN ACT CONVERTING THE BICOL REGIONAL TRAINING AND TEACHING HOSPITAL INTO BICOL MEDICAL CENTER, DEFINING ITS FUNCTIONS, RESPONSIBILITIES, POWERS AND AUTHORITY AND APPROPRIATING FUNDS THEREFOR,

organizations, then we cannot allow a coalition of sectoral organizations anymore.

Senator Tolentino: Mr. President, I will withdraw, in the meantime, our acceptance of the amendment of the Gentleman from Parañaque and give way to what Senator Osmeña is now saying, if he wants to amend the amendment.

SUSPENSION OF THE SESSION

The President Pro Tempore: Shall we suspend the session for a few minutes so that we can combine all of those suggestions.

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

It was 5:26 p.m.

RESUMPTION OF THE SESSION

At 5:56 p.m., the session was resumed.

The President Pro Tempore: The session is resumed.

Senator Romulo: Madam President.

The President Pro Tempore: The Majority Leader is recognized.

Senator Romulo: Madam President, after consulting the Chairman and Sponsor of the bill and our other Colleagues, I sense that we need more time than this afternoon to consider the discussions on the points raised.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1913

Therefore, I have their permission to ask that we, in the meantime, suspend consideration of Senate Bill No. 1913, the Party-List Bill.

The President Pro Tempore: Are there any objections? [*Silence*] Hearing none, we therefore suspend further discussions of Senate Bill No. 1913.

SUSPENSION OF THE SESSION

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

The President Pro Tempore: The session is suspended, if

there is no objection. [*There was none.*]

It was 5:57 p.m.

RESUMPTION OF THE SESSION

At 6:03 p.m., the session was resumed.

The President Pro Tempore: The session is resumed.

BILL ON SECOND READING House Bill No. 1248 - Repatriation of Filipino Women (Continuation)

Senator Romulo: Madam President, I move that we resume consideration of House Bill No. 1240, as reported out under Committee Report No. 563.

The President Pro Tempore: Resumption of consideration of House Bill No. 1240 is now in order.

Senator Romulo: We are in the period of interpellations, Madam President. I ask that the distinguished Sponsor of the bill and Chairman of the Committee on Justice and Human Rights, Sen. Raul Roco, be recognized.

The President Pro Tempore: Senator Roco is recognized.

Senator Roco: Thank you, Madam President.

We terminated our brief Sponsorship Speech yesterday and we will be pleased to answer or try to answer questions from our Colleagues.

SUSPENSION OF THE SESSION

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

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

It was 6:04 p.m.

RESUMPTION OF THE SESSION

At 6:06 p.m., the session was resumed.

The President Pro Tempore: The session is resumed.

Senator Romulo: Madam President, for the first interpellation, I ask that our distinguished Colleague from

Mandaluyong, Senator Gonzales, be recognized.

The President Pro Tempore: Senator Gonzales is recognized.

Senator Gonzales: Thank you, Madam President.

Will the distinguished Sponsor of this bill yield for some questions?

Senator Roco: Very gladly, Madam President.

Senator Gonzales: This bill providing for repatriation of Philippine citizenship on the part of former Filipino citizens who, for one reason or another, have lost Philippine citizenship, in my view, is not only important but timely.

Now, Mr. President, this bill provides for a manner of repatriation not only of Filipino women but also of former Filipino citizens who have lost their citizenship.

Senator Roco: That is correct, Madam President.

Senator Gonzales: As far as my own recollection goes, there are now two existing laws governing repatriation. One is Commonwealth Act No. 63, as amended, which, I understand, has not yet been repealed and, therefore, is still part of our statutes.

The second is by a Presidential Decree or Letter of Instructions issued by former President Marcos allowing the repatriation of former natural born citizens of the Philippines who have lost their Philippine citizenship for any reason; and for Filipino women who lost their Philippine citizenship by reason of marriage, to repatriate themselves by filing a petition for repatriation with the Special Committee created under LOI No. 270. Is this information still correct?

Senator Roco: That is correct, Madam President. The first one is covered by Commonwealth Act No. 63 which provides for ways by which Philippine citizenship may be lost or reacquired.

The other one was introduced — correctly — under Martial Law by a Presidential Decree or by LOI No. 725. My impression is that, since that was a political decree or law, its implementation was no longer carried out after Martial Law was lifted.

Senator Gonzales: I would want to be sure whether or not these two systems of repatriation are still applicable.

Senator Roco: Commonwealth Act No. 63, to my understanding, is still applicable. However, it is a complicated

procedure.

Senator Gonzales: I recall, Madam President, that when I was a member of the Cabinet as Secretary of Justice of former President Aquino, we recommended the constitution or organization of the special committee created under this Letter of Instruction in order to act upon some pending 9000 or 11,000 applications.

In view of the alleged irregularities committed during the regime of this special committee, President Aquino refused to constitute it. That is why it did not operate, not because the corresponding LOI had already been repealed, but because that special committee had not been constituted to act not only upon applications or petitions for naturalization by decree but also on applications for repatriation.

Senator Roco: If we are referring to the same thing, Madam President, our records show that President Aquino rendered a special committee operating under LOI No. 270 inoperative initially upon her assumption to office. Then she reactivated the same committee...

Senator Gonzales: Is there any special Executive issuances — Presidential issuances — on that matter?

Senator Roco: Yes, there was. On March 26, 1990, Memorandum Circular No. 112 reactivated the committee. But in that committee, repatriation was not covered. The committee was limited to processing pending petitions for naturalization of alien wives and minor children of persons naturalized by decree. The aspect of women, who before the 1973 and the 1987 Constitution, lost their citizenship through marriage, was neglected in the circular. That is the vacuum that the bill now tries to cure, among others.

Senator Gonzales: But the proceedings under Commonwealth Act No. 63, as amended, is a judicial proceeding. Is it not?

Senator Roco: That is correct, Madam President.

Senator Gonzales: While the proceeding before the Special Committee under this LOI mentioned earlier is an administrative one, is that not also correct?

Senator Roco: That is correct, Madam President.

Senator Gonzales: Apparently, the sense of this Body on matters like this, especially the reacquisition of lost of Philippine citizenship, is to provide a system which is administrative; a proceeding which is, more or less, summary, inexpensive and

prompt. In the bill that the distinguished Gentleman himself had sponsored earlier and is still undergoing consideration of this Body, he had provided for an administrative scheme for the legalization of the stay of aliens who are illegally staying in our country. Is it not?

Senator Roco: That is correct, Madam President.

Senator Gonzales: Which, to me, is a far more serious matter than the case of repatriation of Philippine citizenship. Does the Sponsor not think so?

Senator Roco: Yes, Madam President. Because in the case of repatriation, the person involved was, at the very least, a Filipino citizen. When they lost the Filipino citizenship because of marriage, it was not exactly a sin. It is not exactly a crime to get married, but by operation of the Constitution of 1973, that was the result

In other instances, in the case of the veterans, when they sought Filipino citizenship to enjoy some of the benefits, again, the act was not illegal; the act was not something that we should frown against. So, the act of loss is either by operation of law or because the Filipino wanted to get benefits to which he or she may have been entitled under the law — whether it was Philippine law or American law.

But in the case of the residents, the entrance here was illegal although *mala prohibita* in character because the violations would have been no passport, no visa, or lack of papers altogether. So, at the inception, there was a violation of law. Here, in the loss of Filipino citizenship, there is none.

Senator Gonzales: More so when there has been a change in the citizenship policy under the new Constitution, wherein a Filipino woman does not lose Philippine citizenship on account of her marriage to a foreigner, unless by her own acts she has repudiated or renounced Philippine citizenship.

Senator Roco: Yes, Madam President.

Senator Gonzales: Moreover, does the Sponsor not consider that repatriation is less serious than the grant of citizenship?

Senator Roco: That is also correct, Madam President. In fact, as pointed out, if the 1973 or the 1987 Constitution had put a provision, if loss of citizenship had been criminal, with the passage of the 1973 or 1987 Constitution, the criminal act would have been extinguished. It would have cured and all benefits of citizenship would have gone back to the person who lost the citizenship.

It so happens that this being a political act, it cannot be cured by just an amendment of the Constitution. That is why it necessitates, pursuant to the Constitution, a definition by law on how the lost citizenship could now be reacquired.

Senator Gonzales: The purpose of this line of questioning is to inquire why the Committee chaired by the Sponsor has deviated from the sense of this Body in having this matter settled administratively and now returns or falls back to judicial proceedings.

Senator Roco: No, Madam President. Maybe I did not explain it well enough. In fact, my concern precisely was, it might be too simple.

In Section 2, it says: "Repatriation shall be effected by taking the necessary oath of allegiance to the Republic of the Philippines and registration in the proper civil registry and in the Bureau of Immigration. The Bureau of Immigration shall thereupon cancel the pertinent alien certificate of registration and issue the certificate of identification as Filipino citizen to the repatriated citizen.

Senator Gonzales: Yes, Madam President. In fact, I see a conflict with Section 1, which says: "Filipino women who have lost their Philippine citizenship by marriage to aliens and natural-born Filipinos who have lost their Philippine citizenship, including their minor children, on account of political or economic necessity, may reacquire Philippine citizenship through repatriation in the manner provided in Section 4 of Commonwealth Act No. 63, as amended", provided that she does not suffer from any of the disqualifications provided for therein. It is a judicial proceeding.

Senator Roco: Section 2, Madam President, states that repatriation shall be effected by merely taking the necessary oath of allegiance to the Commonwealth of the Philippines and registration in the proper civil registry. So, the specific section referred to of Section 4 is really a reiteration of Section 2.

We focused purely on the act of taking the necessary oath of allegiance and the registration in the proper Civil Registry.

But the point of our eminent friend, Madam President, is well-taken and the Committee is open to, in fact, even further simplifying or making the procedure even simpler than what has been approved in the House.

Senator Gonzales: Yes, Madam President. Section 4 is probably the final step in the repatriation. I think there is even a requirement of publication in such cases.

Senator Roco: Maybe, the Committee had a certain lack in adopting and recommending the House bill, but it was an effort to simplify the lawmaking process.

In the House bill, Madam President, the reference to Section 4 was an attempt to say that that is the only thing that should happen. So, the previous steps to be taken need not be taken, and therefore, this strengthened Section 1 in reference to Section 4 of Commonwealth Act No. 63.

Senator Gonzales: To make the law clear, Madam President, and in accordance with the proven sense of this Body, can we remove "Section 4 of Commonwealth Act No. 63, as amended," as mentioned in Section 1 and incorporate Section 2 by merely saying that, "MAY BE REPATRIATED BY TAKING THE OATH OF ALLEGIANCE TO THE REPUBLIC OF THE PHILIPPINES", et cetera?

Senator Roco: The Committee is open to such a suggestion, Madam President.

Senator Gonzales: At the proper time, Madam President, I will introduce that amendment and hopefully, it will find acceptance by the distinguished Sponsor.

Senator Roco: In fact, even before the period of individual amendments, if the Gentleman so desires, and an appropriate wording is suggested to the Committee, we may even introduce it—with the consent of the author—as an accepted Committee amendment already.

Senator Gonzales: I feel that we can also simplify the process, that the taking of the oath of allegiance should be accompanied by a sworn statement or affidavit wherein the applicant for repatriation will state that she has none of the disqualifications herein provided.

Senator Roco: Which will now be in parallel with the recommended procedure of the legalization of residence. That will again be also acceptable.

The only possible exception—as I was examining this provision, Madam President—is, if the laws of citizenship was occasioned by joining an army that was at war with the Philippines which is effectively an act of treason. But I could not formulate how to put that in. Maybe, by just declaring under oath that she did not also lose her citizenship or he did not lose his citizenship by joining an army at war or has declared war with the Philippines, and she or he does not possess any of the disqualifications. Maybe, that will also cure the problem.

Senator Gonzales: Yes. Therefore, except for these

particular matters which, to me, are really matters of detail, the distinguished Senator agrees substantially with the procedure as indicated or suggested in my interpellations.

Senator Roco: That is correct, Madam President.

In fact, the phraseology as recommended by the House bill based on records and my own understanding is exactly trying to transmit the same meaning.

But certainly, the Chamber can and has always tried to improve on what we have received from our brothers in the House.

Senator Gonzales: I, therefore, terminate my interpellations. I thank the distinguished Senator for his time.

Thank you, Madam President.

Senator Roco: It is our pleasure, Madam President.

The President Pro Tempore: The Majority Leader is recognized.

SUSPENSION OF THE SESSION

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

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

It was 6:25 p.m.

RESUMPTION OF THE SESSION

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

The President Pro Tempore: The session is resumed.

Senator Romulo: Madam President, after consultation with the Sponsor and Chairman of the bill, particularly with the Minority Leader and our Colleagues, I move that we close the period of interpellations.

The President Pro Tempore: Is there any objection to close the period of interpellations? [*Silence*] Hearing none, the motion is approved.

Senator Roco: We are now in the period of Committee amendments, Madam President. With the permission of the Body, we ask for time so that we can consult with the Gentleman

from Mandaluyong and Rizal. And if we can phrase the amendments, they can be introduced as Committee amendments, and we can already adopt the recommendations.

Senator Romulo: We support that, Madam President. Therefore, based on the consensus, I move that we consider the Committee amendments later this week.

SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 1248

In the meantime, I move that we suspend consideration of Committee Report No. 563 on House Bill No. 1248 on the Repatriation of Filipino Women.

The President Pro Tempore: Is there any objection? [Silence] Hearing none, consideration of Committee Report No. 563 on House Bill No. 1248 is suspended.

Senator Roco: Thank you, Madam President.

THE JOURNAL

Senator Romulo: Madam President, I asked earlier that we defer consideration of the *Journal* until later in the session this afternoon.

Since the *Journal* has been distributed an hour ago, I move that we dispense with the reading of the *Journal* of the previous session and consider the same as approved.

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

Senator Romulo: Madam President, before we suspend the session, may I remind our Colleagues that we shall continue with the agenda that we have announced:

Senate Bill No. 740, Excluding Prawns and Fishponds from CARL; we are in the period of interpellations. House Bill No. 10844, Granting Permanent Status to Aliens; we are in the period of interpellations. Senate Bill No. 1311 and House Bill No. 9288, the High Value Crops Bill; we are in the period of amendments. Senate Bill No. 1898, the Granting of Permanent Resident Status to Filipino Veterans.

We shall also consider for Second Reading and sponsorship tomorrow, Senate Bill No. 1933, Continuing Registration of Voters.

SUSPENSION OF THE SESSION

With that, I move that we suspend this evening's session until ten o'clock tomorrow, Wednesday morning.

The President Pro Tempore: I thank the Majority Leader for informing us about tomorrow's agenda.

The session is suspended until ten o'clock tomorrow morning, if there is no objection. [There was none.]

It was 6:29 p.m.